

Florin Gardens Cooperative East #1

Tenant Selection Plan

March 28th 2025

SECTION I: GENERAL INFORMATION

Property Description

Florin Gardens is a multi-family affordable housing property located in Sacramento, California. The property consists of 112 units of varying sizes designed to accommodate diverse household compositions. The property includes:

- Studios
- 1-bedroom units
- 2-bedroom units
- 3-bedroom units
- 4-bedroom units

The property offers standard amenities including on-site laundry facilities, community room, and playground area. Select units have features designed to accommodate persons with mobility impairments and persons with hearing/vision impairments in accordance with Section 504 requirements.

Management Contact Information

Property Management Company: Berkley Management, Josh Berkley - President

Site Manager: Jessica Williams

Address: 2471 57th Ave., Sacramento, CA 95822

Phone: 916-391-7880

Email: fge1@berkleymanagement.com

Office Hours: Monday - Friday, 9:00 AM - 5:00 PM

HUD Compliance Statement

Florin Gardens strictly adheres to all requirements outlined in HUD Handbook 4350.3 REV-1 and all relevant HUD Notices including Notice 2023-10. The management complies with all

federal, state, and local fair housing and civil rights laws, as well as all equal opportunity requirements. The property will not discriminate against any person because of Race, Color, Ancestry, National origin, Citizenship, Immigration status, Primary language, Religion, Disability (mental or physical), Sex and gender, Sexual orientation, Gender Identity, Gender Expression, Genetic information, Marital status, Familial status (families with children under 18 or people who are pregnant), Source of income (including the use of government rental assistance such as a Section 8 Housing Choice voucher), Military or veteran status or Age.

Membership Fees and Occupancy Terms

Florin Gardens Cooperative East #1 operates as a limited-equity housing cooperative. Each household must purchase a membership certificate prior to occupancy. This membership fee is a one-time payment that secures the right to occupy a specific dwelling unit within the cooperative, subject to Board approval and compliance with all governing documents.

All prospective members are required to attend an interview with the Board of Directors or its designated admissions committee prior to being admitted to the Corporation. This interview ensures applicants understand the cooperative model and are prepared to participate in community life.

Occupancy is not guaranteed by payment alone. It is contingent upon successful completion of the interview process, execution of an Occupancy Agreement, and full compliance with the Cooperative's Bylaws, Occupancy Agreement and community rules. Members are expected to remain in good standing by meeting their financial obligations and respecting the rights and responsibilities of cooperative living.

The current membership fee schedule is as follows:

Unit Type	Membership Fee
Studio	\$2,500
1 Bedroom	\$2,800
2 Bedroom	\$3,000
3 Bedroom	\$3,800
4 Bedroom	\$4,300

These fees help fund long-term capital needs and reflect the relative size and value of each unit type. Membership fees are collected by the cooperative from each new incoming member. Membership fees are reviewed periodically and may be updated by the Board of Directors in accordance with the Cooperative's Bylaws.

Applicable Programs - Project-Based Section 8

Florin Gardens operates under the Project-Based Section 8 program, which provides rental assistance to eligible households. Under this program, residents typically pay approximately 30% of their adjusted monthly income toward rent, with the Department of Housing and Urban Development (HUD) subsidizing the remainder of the contract rent.

All new members must be income-qualified and are required to participate in the Section 8 program as a condition of admission. If a resident member becomes ineligible for Section 8 assistance after move-in, due to changes in income, documentation, or failure to comply with program requirements, they will be responsible for paying the full HUD-approved contract rent for their unit. These rates are subject to change, but as of the date of publication, the contract rent schedule is as follows:

Bedroom Size	Contract Rent
Studio	\$1,075
1 Bedroom	\$1,300
2 Bedroom	\$1,735
3 Bedroom	\$1,915
4 Bedroom	\$2,270

Residents are encouraged to maintain eligibility for rental assistance to avoid paying the full contract rent amount out of pocket. All contract rents are subject to HUD's annual adjustment and review.

Annual Recertification of Income:

Residents of Florin Gardens participating in the Project-Based Section 8 Program are required by HUD regulations to complete an annual recertification process. Each year, residents will be contacted by property management to provide updated household income and asset information. This annual recertification ensures continued eligibility, proper calculation of rental assistance, and adjustment of rent payments to accurately reflect 30% of the household's adjusted monthly income. Management will provide clear instructions and assistance throughout the recertification process.

Accessibility Statement

Florin Gardens is committed to providing equal housing opportunities to all qualified individuals, including those with disabilities. Accommodations in the application process will be made for individuals with disabilities upon request. The property management office is

accessible to persons with physical disabilities. Accessible units are available for residents who require specific features. If you require assistance or accommodation during the application process, please contact the management office.

The owner/agent will make reasonable accommodations to the rules, policies, practices, or services, when such accommodations may be necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling unit, including public and common use areas. The owner/agent will make reasonable modifications to the existing premises, at the expense of the disabled person, if the modifications may be necessary to afford the full enjoyment of the premises.

Privacy Policy

It is the policy of Florin Gardens Cooperative East #1 to respect and protect the privacy of all applicants, residents, and members. The property follows the protections afforded under the Federal Privacy Act of 1974 and complies with applicable California privacy laws, including the California Civil Code and relevant provisions of the California Consumer Privacy Act (CCPA), to the extent they apply.

Personal information collected during the application, qualification, or tenancy process—including, but not limited to, income, Social Security numbers, immigration or citizenship documentation, and contact information—will be used solely to determine eligibility for tenancy, calculate rent, and ensure compliance with federal housing programs.

This information will not be disclosed to any outside party unless required by federal, state, or local law, or unless the individual to whom the information pertains has provided written consent. Florin Gardens does not sell, share, or disclose personal data for marketing purposes. The cooperative maintains appropriate safeguards to ensure the security and confidentiality of all personally identifiable information.

This policy does not restrict the property's ability to collect or verify information necessary to determine program eligibility, enforce the terms of the Occupancy Agreement, or evaluate an applicant's suitability for membership.

Fair Housing & Anti-Discrimination Policy

Florin Gardens is committed to the principle that housing is a basic human right and firmly adheres to all federal and California state fair housing and civil rights laws. Consistent with this commitment, **Florin Gardens strictly prohibits discrimination, harassment, or unequal treatment of any applicant, resident, or visitor on the basis of Race, Color, Ancestry, National origin, Citizenship, Immigration status, Primary**

language, Religion, Disability (mental or physical), Sex and gender, Sexual orientation, Gender Identity, Gender Expression, Genetic information, Marital status, Familial status (families with children under 18 or people who are pregnant), Source of income (including the use of government rental assistance such as a Section 8 Housing Choice voucher), Military or veteran status or Age.

Florin Gardens explicitly affirms adherence to protections afforded under California's Fair Employment and Housing Act (FEHA), the Unruh Civil Rights Act, federal Fair Housing Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act (ADA).

Prohibited Practices:

It is expressly unlawful and against Florin Gardens' policies for any owner, employee, agent, contractor, or representative to:

- Refuse to rent, lease, or otherwise deny housing to any qualified person based on a protected characteristic listed above.
- Treat any applicant or resident differently or less favorably in terms, conditions, or privileges of housing.
- Harass, threaten, intimidate, coerce, or otherwise interfere with any person's enjoyment of their housing rights.

Reasonable Accommodations & Modifications:

Florin Gardens is dedicated to providing reasonable accommodations in rules, policies, practices, or services, and allowing reasonable physical modifications necessary to afford equal housing opportunities for individuals with disabilities.

Accessibility Statement and Section 504 Compliance

Florin Gardens is committed to ensuring equal access and opportunity in housing for persons with disabilities, in strict compliance with Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA), and California Fair Employment and Housing Act (FEHA).

Accessible Units and Features:

Florin Gardens includes specifically designed accessible apartments to accommodate persons with mobility and sensory impairments. These units meet or exceed the applicable federal accessibility standards. Applicants requiring an accessible unit may request priority placement on the waiting list for accessible apartments.

Reasonable Accommodations and Modifications:

Florin Gardens actively provides reasonable accommodations in rules, policies, practices, or services, as well as reasonable physical modifications of the property, to enable equal housing opportunities. Accommodations and modifications will be provided at no cost to the resident or applicant, upon verification of the disability-related need.

Dedicated Accessibility Coordinator:

Florin Gardens designates a Section 504 Coordinator responsible for receiving and promptly processing requests for accommodations and modifications, as well as addressing questions and grievances related to accessibility. To request an accommodation or modification, contact:

Section 504 Accessibility Coordinator

Josh Berkley - 916-444-9300 - josh@berkleymanagement.com

Notice of Rights and Grievance Procedure:

Florin Gardens will prominently display notices regarding the right to request reasonable accommodations and modifications in common areas and management offices. Residents or applicants with concerns regarding accessibility compliance or the handling of requests may utilize our established grievance procedures or contact HUD's Office of Fair Housing and Equal Opportunity directly.

Ongoing Accessibility Assessments and Staff Training:

Management regularly reviews accessibility practices, provides ongoing training for all property staff on Section 504 and fair housing obligations, and promptly addresses accessibility-related concerns raised by applicants or residents.

Florin Gardens prioritizes proactive accessibility compliance and is fully committed to creating a housing environment that respects and supports the dignity and independence of all persons with disabilities.

Reporting & Enforcement:

If you believe you have been subjected to discrimination, harassment, or unfair treatment, please promptly contact Florin Gardens management to have your concerns addressed directly. Additionally, complaints may be filed without fear of retaliation with the following enforcement agencies:

- **California Civil Rights Department (CRD)**
(800) 884-1684 or online at calcivilrights.ca.gov

- **U.S. Department of Housing and Urban Development (HUD) Fair Housing Hotline:**
(800) 669-9777 | TTY: (800) 877-8339 | hud.gov/fairhousing

Florin Gardens pledges full compliance with fair housing and civil rights laws to ensure equal opportunity and dignity for all persons.

SECTION II: ELIGIBILITY REQUIREMENTS

Project-Specific Requirements

Population Served

Florin Gardens serves families, elderly persons, and persons with disabilities. The property does not have age restrictions and is open to all eligible applicants who meet the program requirements.

Bedroom Size Requirements

The property offers studio, 1, 2, 3 and 4-bedroom units. Occupancy standards ensure units are neither over-utilized nor under-utilized:

Unit Size	Minimum Persons	Maximum Persons
Studio	1	2
1 Bedroom	1	3
2 Bedroom	2	5
3 Bedroom	3	7
4 Bedroom	4	9

These standards comply with local codes and HUD requirements. The owner/agent will consider reasonable accommodations that may affect unit size requirements.

Income Limits

Income Categories

Florin Gardens follows HUD-published income limits for Sacramento County. Applicants must have incomes at or below the following limits (2024 figures):

Project-Based Section 8 Units:

	Persons in Family							
	1	2	3	4	5	6	7	8
50% Very Low Income	41,300	47,150	53,050	58,950	63,650	68,400	73,100	77,850
30% Extremely Low	24,750	28,300	31,850	35,350	38,200	41,960	47,340	52,720

Income limits are adjusted annually by HUD. Current income limits will be used at the time of application processing.

Income Targeting

To meet the income targeting requirement for Section 8 units, the property will monitor admissions throughout the year and may need to select applicants with extremely low incomes ahead of other applicants to ensure compliance with this requirement.

For Section 8 Project-Based units, the property must comply with income-targeting requirements, which require that at least 40% of new admissions each year have incomes at or below the extremely low-income limit.

Citizenship/Immigration Status

Verification Procedures

For Section 8 Project-Based units, applicants must be U.S. citizens, non-citizens with eligible immigration status, or mixed families with at least one eligible member. All family members, regardless of age, must declare their citizenship or immigration status using the required forms.

Implementation Timeline

Documentation of citizenship/eligible immigration status must be submitted at the time of application or when eligibility is determined. Applicants will be given a reasonable time to provide documentation.

Mixed Households

If some household members are citizens or have eligible immigration status and others do not, the household may be eligible for prorated assistance.

Declaration Requirements

All household members, regardless of age, must declare citizenship or immigration status. For non-citizens claiming eligible status, acceptable documentation includes:

- Form I-551, Permanent Resident Card
- Form I-94, Arrival-Departure Record with appropriate annotations
- Other DHS-approved documentation

Prorated Assistance

For mixed families, housing assistance will be prorated based on the percentage of eligible family members.

Social Security Number Disclosure

Documentation Requirements

All household members applying for Section 8 assistance must disclose and provide verification of their Social Security Numbers (SSNs). Acceptable documentation includes:

- Original Social Security card
- Original document issued by a federal or state government agency with SSN
- Original document issued by a federal, state, or local government agency which contains the name and SSN of the individual

Timeframes

SSN documentation must be provided at the time of application for all household members. For new household additions, documentation must be provided before the person moves in.

Exceptions

Exceptions to the SSN disclosure requirements apply to:

- Individuals age 62 or older as of January 31, 2010, whose initial determination of eligibility began before January 31, 2010

- Individuals who do not contend eligible immigration status
- Children under the age of 6 added to the household within 6 months prior to move-in

Extension Provisions

Children under 6 added to an applicant household within 6 months of move-in may be given a 90-day extension to provide SSN documentation. An additional 90-day extension may be granted if the failure to provide documentation is due to circumstances beyond the tenant's control.

Rejection Policy

If required SSN documentation is not provided within the allotted timeframe, the household's application may be rejected or assistance may be terminated.

Student Eligibility Requirements

Full Definition

For Section 8 Project-Based units, if a student enrolled at an institution of higher education is under 24 years of age, is not a veteran, is not married, does not have a dependent child, is not a person with disabilities receiving Section 8 assistance as of November 30, 2005, and is not living with his/her parents receiving Section 8 assistance, the student's eligibility must be examined.

Student Eligibility Criteria (HUD-Required Exceptions Clarified):

Households composed entirely of full-time students generally are not eligible for Section 8 Project-Based assistance unless they meet one or more HUD-specified exceptions:

- At least one household member is age 24 or older.
- At least one household member is married or eligible to file a joint tax return.
- At least one household member is a veteran of the United States military.
- The household includes dependent children who receive more than half of their support from the household member.
- At least one household member is independent of parents or legal guardians and has established a household separate from parents or guardians for at least one year prior

to applying.

- At least one household member is an individual with disabilities receiving assistance as of November 30, 2005.

Documentation supporting these exceptions must be provided and verified by Florin Gardens Management according to HUD guidelines.

Verification Methods

Student status will be verified through:

- Written verification from the educational institution
- Financial aid documents
- Tax returns showing student status
- Self-certification of independent student status

Timing of Verification

Student eligibility will be verified:

- At move-in
- At annual recertification
- When there's a reported change in student status

Independent Student Criteria

A student must meet at least one of the following criteria to be considered independent:

- Be at least 24 years old by December 31 of the award year
- Be an orphan or ward of the court through age 18
- Be a veteran of the U.S. Armed Forces
- Have legal dependents other than a spouse
- Be a graduate or professional student
- Be married
- Be verified as an unaccompanied youth who is homeless or at risk of homelessness
- Be emancipated or in legal guardianship

Parental Income Verification

For students not meeting the independent student criteria, both the student and the parents must be income-eligible for the student to qualify for Section 8 assistance.

Asset Limitations (HOTMA)

Net Asset Threshold

For Section 8 units, applicants with net family assets exceeding \$100,000 (adjusted annually for inflation) are ineligible for admission.

Real Property Ownership

Applicants who have a present ownership interest in, a legal right to reside in, and the effective legal authority to sell real property suitable for occupancy by the family as a residence are ineligible for admission to Section 8 units.

Verification Methods

Assets will be verified through:

- Recent bank statements
- Property tax statements
- Investment account statements
- Self-certification for assets under \$50,000

Implementation Timing

Asset verification occurs during the eligibility determination process, prior to admission.

Exceptions

Exceptions to the real property ownership restriction include:

- The property is not suitable for the family (e.g., property fails to meet disability accessibility needs)
- The family is making a good faith effort to sell the property
- The property is owned by a victim of domestic violence as a result of divorce, etc.

Asset Limitations (Clarification of Asset Income Calculation per HOTMA):

Florin Gardens calculates asset income according to HUD Notice 2023-10 (HOTMA) as follows:

- **Real Asset Income:**

Actual income generated by an asset (e.g., interest earned, dividends, or rental income).

- **Imputed Asset Income:**

If the household's total combined net assets exceed \$50,000, the imputed income from assets is calculated using the current HUD-established passbook savings rate multiplied by the total net asset amount.

Residents or applicants must disclose all assets, and Florin Gardens will verify this information annually or as required through HUD-compliant verification methods.

Single Subsidy Restriction

Verification Process

Applicants must disclose if they're currently receiving housing assistance. The owner/agent will use HUD's EIV system (Existing Tenant Search) to verify that applicants are not receiving subsidies elsewhere.

Timing of Search

The search will be conducted prior to move-in to confirm eligibility.

Resolution Procedures

If an applicant is found to be receiving assistance elsewhere, they must relinquish that assistance before receiving Section 8 assistance at Florin Gardens. Special consideration applies to:

- Minor children where two assisted families share custody
- Recipients of assistance who are moving to establish a new household when other family members will remain in the original unit

Single Subsidy Restriction (EIV Verification & Conflict Resolution Policy):

Florin Gardens adheres strictly to HUD's single subsidy restriction, meaning no household may receive HUD subsidy simultaneously at multiple locations or from multiple programs.

- **Enterprise Income Verification (EIV) System:**

Management utilizes HUD's EIV system to verify the accuracy of reported information and detect any simultaneous housing subsidy at application and during annual recertifications.

- **Conflict Resolution:**

If EIV reports indicate that a household or applicant is receiving subsidy elsewhere, Florin Gardens management will:

1. Notify the household in writing of the EIV discrepancy.
2. Provide an opportunity for the household to clarify or dispute the information by submitting evidence or documentation.
3. Promptly investigate and resolve discrepancies according to HUD guidelines.
4. Take corrective actions, which may include denial of assistance or adjustment of subsidy amounts, as required by HUD regulations.

Management maintains confidentiality of EIV data and follows HUD's security requirements for the handling of sensitive personal information.

SECTION III: APPLICATION PROCEDURES

Application Methods

Submission Options

Applications for Florin Gardens can be submitted through the following methods:

- **In-person:** Applications can be submitted at the property management office during regular office hours.
- **Mail:** Completed applications can be mailed to the property management office.
- **Electronic:** Applications may be submitted via email or other electronic methods if arranged in advance with management.
- **Fax:** Applications may be submitted via fax to the property management office.

Accessibility Accommodations

Florin Gardens is committed to ensuring that the application process is accessible to all individuals:

- Application materials are available in alternative formats (large print, Braille, audio) upon request.
- Staff assistance is available to help complete applications for those who need it.
- Reasonable accommodations will be made for persons with disabilities throughout the application process.
- Home visits to complete applications may be arranged for applicants with mobility impairments.

Language Access (Limited English Proficiency - LEP)

Florin Gardens is committed to ensuring meaningful and equal access to housing programs and services for individuals with limited English proficiency (LEP), in accordance with HUD guidance and Fair Housing regulations. Florin Gardens strives to proactively reduce language barriers and ensure all LEP individuals have equitable access to the application process, housing programs, and property services, consistent with HUD guidelines (Federal Register Vol. 72, No. 13, HUD's LEP Guidance) and California's Fair Housing standards.

Accessibility and Language Assistance (Enhanced with Technology)

Florin Gardens is dedicated to ensuring meaningful access to our housing programs for individuals with Limited English Proficiency (LEP). To effectively meet these needs, Florin Gardens employs advanced language-assistance technologies:

- **Document Translation:**

Key application documents, informational materials, and notices are translated into multiple languages using **Google Translate** to support timely access for LEP applicants and residents.

- **Virtual Telephone Assistance (Voice AI):**

Florin Gardens utilizes Vapi.ai, an advanced AI-powered voice service, to deliver multilingual virtual telephone support. Vapi.ai enables applicants and residents who require language assistance to interact naturally and receive automated multilingual assistance over the phone, thereby improving access, responsiveness, and applicant satisfaction.

Applicants and residents may request language assistance or interpreter services at any time during interactions with management.

Electronic Security

For electronically submitted applications, the following security measures are in place:

- All electronic application data is password protected.
- Access to application information is limited to authorized staff.
- Electronic application data is backed up securely.
- Management follows all applicable data security and privacy requirements.

Pre-Application Process

Pre-Application Form

Pre-applications may be used to determine preliminary eligibility and to place applicants on the waiting list. The pre-application collects basic information including:

- Head of household name and contact information
- Household size and composition
- Estimated household income
- Unit size requested
- Need for accessible features or reasonable accommodations
- Qualification for preferences (if applicable)

Transition to Full Application

When an appropriate unit becomes available, applicants at the top of the waiting list will be contacted to complete a full application process:

- Applicants will be notified in writing when they reach the top of the waiting list.
- Applicants will be given 10 business days to respond and submit a full application.
- Failure to respond within the timeframe may result in removal from the waiting list.
- Extensions may be granted for documented extenuating circumstances.

HUD Form 92006

All applicants will be given the opportunity to complete HUD Form 92006 (Supplement to Application for Federally Assisted Housing) as part of the application process:

- This form allows applicants to identify an individual or organization that may be contacted regarding the application.
- Completion of this form is optional for the applicant.
- Applicants who choose not to provide the information will not be denied consideration.

Application Processing

Timeline

Applications will be processed in a timely manner:

- Initial review of applications will be completed within 10 business days of receipt.
- Applicants will be notified in writing regarding the status of their application.
- Full eligibility determinations will be completed within 30 days of receiving all required documentation.
- The anticipated wait time for an available unit will be communicated to all eligible applicants.

Incomplete Applications

The following procedures will be used for handling incomplete applications:

- Applicants will be notified in writing of any missing information or documentation.
- Applicants will have 10 business days to provide the requested information.
- One extension of 10 business days may be granted for documented extenuating circumstances.
- Applications remaining incomplete after the response period will be rejected, and the applicant will be notified in writing.

Communication Methods

The property management will communicate with applicants using the following methods:

- Written correspondence via first-class mail
- Telephone contact using the numbers provided on the application
- Email communication if provided by the applicant
- TTY/TDD or relay services for hearing-impaired applicants

Documentation Requirements

The following documentation will be required from all applicants:

- Completed and signed application forms
- Signed consent for release of information (HUD Forms 9887 and 9887-A for Section 8 units)
- Proof of identity (government-issued photo ID) for all adult household members
- Proof of age (birth certificate, passport, etc.) for all household members
- Social Security Number documentation for all household members (Section 8 units)
- Citizenship/immigration status documentation (Section 8 units)
- Income and asset verification for all household members
- Any other documentation needed to verify eligibility, preferences, or household composition

Verification Hierarchy

The following verification methods will be used in the order listed:

- **Upfront Income Verification (UIV):** HUD's Enterprise Income Verification (EIV) system (for existing tenants) and other UIV systems
- **Third-party written verification:** Documentation sent directly from third-party sources
- **Third-party oral verification:** Direct contact with the source via telephone or in-person visit
- **Review of documents:** Original documents provided by the applicant
- **Self-certification:** Applicant's written statement when other forms of verification are not available

Each file will be documented to show that the owner/agent attempted to obtain third-party verification before relying on less preferred forms of verification.

SECTION IV: WAITING LIST MANAGEMENT

Opening and Closing the Waiting List

Public Notice Methods

When opening or closing the waiting list, Florin Gardens will provide public notice using the following methods:

- Advertisements in local newspapers with general circulation in the area

- Notices to community service organizations serving low-income households, elderly, and persons with disabilities
- Postings on the property website and at the property management office
- Electronic notices to agencies that service populations least likely to apply
- Notices that comply with the property's Affirmative Fair Housing Marketing Plan

Content of Notices

Notices regarding the opening or closing of the waiting list will include:

- The date the waiting list will open or close
- Information about available unit sizes and types
- Basic eligibility requirements for the property
- Preferences or income-targeting requirements, if applicable
- Methods for submitting applications
- Reasonable accommodations for persons with disabilities
- Fair Housing logo and non-discrimination statement

Timeframes

- Waiting list openings will be advertised at least 30 days prior to the opening date
- Waiting list closings will be advertised at least 14 days prior to the closing date
- The waiting list may be closed for one or more unit sizes when the estimated wait time exceeds 12 months

Waiting List Maintenance

Purging Procedures

To ensure the waiting list remains current, Florin Gardens will purge the waiting list annually:

- All applicants on the waiting list will receive a letter asking them to confirm their continued interest
- Applicants must respond within 14 calendar days to remain on the waiting list
- If a letter is returned as undeliverable, the applicant will be removed from the waiting list
- Records of all purging activities will be maintained for three years

Update Requirements

Applicants are required to update their application information when significant changes occur:

- Contact information (address, phone number, email)
- Household composition (additions or removals from household)
- Income changes that may affect eligibility or preference status
- Need for accessible features or reasonable accommodations
- Changes must be submitted in writing within 30 days of the change

Removal Criteria

Applicants may be removed from the waiting list for the following reasons:

- The applicant requests removal in writing
- The applicant fails to respond to written notices, including purge letters
- The applicant fails to attend two scheduled interviews without notification
- The applicant rejects two offers of suitable units
- The applicant no longer meets eligibility requirements
- The applicant provides false or misleading information
- The waiting list is closed for the unit size needed by the applicant
- The applicant cannot be reached due to returned/undeliverable mail
- The applicant fails to complete the application process

Reinstatement Procedures

Applicants who are removed from the waiting list may be reinstated under the following circumstances:

- If removed due to failure to respond, the applicant may be reinstated if they contact the office within 90 days and provide documentation that the failure to respond was due to circumstances beyond their control (such as hospitalization, extended travel, mail error)
- If removed due to returned mail, the applicant may be reinstated if they provide updated contact information within 90 days
- Applicants with disabilities may request reinstatement as a reasonable accommodation
- Reinstatement will place the applicant in their original position on the waiting list

Record Keeping

The property will maintain the following records related to the waiting list:

- All original applications and related documentation

- Records of interviews and verification efforts
- Records of unit offers and rejections
- Correspondence with applicants
- Records of waiting list updates and purges
- All waiting list records will be maintained for three years after the applicant has been housed or rejected

Preferences

Preference Categories

Currently, Florin Gardens does not implement any owner-adopted preferences. All applicants are selected from the waiting list based on date and time of application, subject to income-targeting requirements for Section 8 units.

If preferences are implemented in the future, they would be subject to HUD approval and would be implemented in accordance with fair housing requirements.

Income Targeting

For the Section 8 units, federal law requires that at least 40% of new admissions each year have incomes at or below the extremely low-income limit. To meet this requirement, the owner/agent will monitor admissions throughout the fiscal year and may temporarily skip applicants with higher incomes in favor of extremely low-income households if necessary.

Accessible Units

Applicants requiring the features of an accessible unit will have priority for such units. If no applicants requiring accessible features are on the waiting list when an accessible unit becomes available, the unit will be offered to another eligible applicant with the understanding that they must transfer to a non-accessible unit if a person requiring the accessibility features applies and qualifies for housing.

SECTION V: APPLICANT SCREENING CRITERIA

General Screening Policy

Florin Gardens conducts screening to ensure that applicants can meet the financial and lease obligations and to promote a safe and peaceful community for all residents. All screening is performed in a manner that is:

- Reasonable and consistent
- Applied uniformly to all applicants
- Compliant with federal and California fair housing laws
- Free from discrimination based on Race, Color, Ancestry, National origin, Citizenship, Immigration status, Primary language, Religion, Disability (mental or physical), Sex and gender, Sexual orientation, Gender Identity, Gender Expression, Genetic information, Marital status, Familial status (families with children under 18 or people who are pregnant), Source of income (including the use of government rental assistance such as a Section 8 Housing Choice voucher), Military or veteran status or Age.

Rental History

Lookback Period

Rental history will be reviewed for up to the previous seven (7) years.

Evaluation Criteria

The following rental history factors will be considered:

- Payment record (timeliness of rent payments)
- Compliance with lease terms and community policies
- Care of the unit and property
- History of peaceful enjoyment of premises
- Proper notice given when vacating

Verification Methods

Rental history will be verified through:

- Written references from previous landlords
- Telephone interviews with previous landlords
- Review of public records where applicable

Minimum Requirements

The minimum acceptable rental history includes:

- No evictions for lease violations within the past seven years
- No pattern of late rental payments (more than two per year)
- No documented violations of lease terms that affected the health, safety, or peaceful enjoyment of others

No Rental History

Applicants with no rental history will not be rejected solely for this reason. Alternative verification may include:

- References from a person who is not related to the applicant who is a licensed business owner, accredited professional, or employee of an accredited education facility
- Evidence of timely payment of other financial obligations

Credit History

Lookback Period

Credit history will be reviewed for the previous three (3) years.

Evaluation Criteria

Credit screening will focus on:

- Pattern of timely payment on financial obligations
- Bankruptcy, foreclosure, or repossession history
- Collection accounts
- Outstanding judgments

Disqualifying Factors

The following credit issues may result in rejection:

- Open bankruptcy (not discharged)
- Outstanding judgments in excess of \$1,000 within the last three years
- Pattern of late payments on financial obligations
- Collection accounts related to rental debt
- Utility collections that would prevent the establishment of services

Medical and Student Debt Exclusion

The following types of debt will NOT be considered:

- Medical debt of any amount
- Student loan debt

No Credit History

Applicants with no credit history will not be rejected solely for this reason. Alternative verification may include:

- Proof of timely payment of rent and utilities
- References from unrelated professionals

Income and Financial Requirements

Income Requirements

Applicants must meet the income limits established by HUD for the Section 8 program. Current income limits are posted in the property management office.

Income Verification

All income will be verified using third-party verification including:

- Employment verification from employers
- Award letters from government agencies
- Bank statements
- Tax returns

Financial Ability

Applicants must demonstrate the ability to pay rent through verifiable income or assets.

Criminal Background Screening

Criminal background screening will be conducted in accordance with HUD guidance, the Fair Housing Act, and California fair housing laws, specifically following regulations pertaining to the use of criminal history in housing decisions.

When Criminal Background Checks Are Conducted

Criminal background screening will:

- Only be conducted after an applicant's financial and other qualifications have been verified
- Not be used as a first-level screening tool
- Only consider directly-related convictions that have specific bearing on legitimate business interests

Criminal Information Not Considered

The following information will NOT be sought, considered, or used in the screening process:

- Arrests that did not lead to conviction
- Information that an individual was questioned, apprehended, detained, or held for investigation
- Infractions
- Referral to or participation in diversion or deferred judgment programs (unless offered by the applicant as mitigating information)
- Sealed, dismissed, or expunged convictions (unless offered by the applicant as mitigating information)
- Juvenile records (unless pursuant to an applicable court order or offered by the applicant as mitigating information)

Directly-Related Convictions

A conviction must be "directly-related" to be considered in the screening process. This means:

- The criminal conduct has a direct and specific negative bearing on a legitimate business interest
- The conduct poses a demonstrable risk to the safety of residents, staff, or property
- There is a rational relationship between the criminal conduct and risk to the community

In determining whether a conviction is directly-related, the owner/agent will consider:

- The nature and severity of the crime
- The amount of time that has passed since the criminal conduct occurred
- The age of the individual at the time the crime was committed

Timeframes for Consideration

Convictions will only be considered within the following timeframes:

- Violent felonies: Seven (7) years from date of conviction or release from incarceration, whichever is later

- Non-violent felonies: Five (5) years from date of conviction or release from incarceration, whichever is later
- Misdemeanors: Three (3) years from date of conviction or release from incarceration, whichever is later

Individualized Assessment

For all criminal history (except those required by HUD regulations), an individualized assessment will be conducted that considers:

- The nature and severity of the crime
- The age of the applicant at the time of the offense
- Evidence of rehabilitation or good conduct since the offense
- Mitigating factors presented by the applicant

Opportunity to Present Mitigating Information

All applicants will be:

- Notified in writing of the opportunity to present mitigating information if the owner/agent is concerned about past criminal history
- Given the chance to present individualized information either in writing or in person
- Provided reasonable time to gather and present such information

Mitigating Information

Mitigating information that will be considered includes:

- The age of the individual when the criminal conduct occurred
- The amount of time that has passed since the date of conviction
- Whether the conduct arose as a result of a disability
- Whether the conduct arose from status as a survivor of domestic violence
- Whether the individual has maintained a good tenant history before and/or after the conviction
- Evidence of rehabilitation efforts, including satisfactory parole/probation completion
- Other conduct demonstrating rehabilitation, such as stable employment

HUD-Required Screening

In accordance with HUD requirements, the owner/agent must deny admission to:

- Persons convicted of producing methamphetamine in federally assisted housing

- Persons subject to a lifetime registration requirement under a state sex offender registration program
- Persons evicted from federally assisted housing for drug-related criminal activity in the past three years (unless the person has completed an approved rehabilitation program or the circumstances leading to the eviction no longer exist)
- Current illegal drug users
- Persons whose abuse of alcohol interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents

Other Screening Criteria

Housekeeping

When an applicant currently lives within 50 miles of the property, a home visit may be conducted to observe housekeeping habits. All applicants within this radius will receive this visit to ensure consistency.

EIV Existing Tenant Search (Section 8 Only)

For Section 8 applicants, an Existing Tenant Search in HUD's Enterprise Income Verification (EIV) system will be conducted to verify the applicant is not receiving subsidy at another location.

Violence Against Women Act (VAWA) Protections

The owner/agent acknowledges that being a victim of domestic violence, dating violence, sexual assault, or stalking is not an appropriate basis for denial of admission. The following protections apply:

- Applicants cannot be denied housing based on their status as victims
- Applicants who are or have been victims will not be denied assistance if they are otherwise qualified
- Applicants may request VAWA protections by completing the appropriate certification forms

SECTION VI: REJECTING APPLICANTS AND DENIAL OF RENTAL ASSISTANCE

Conditions under Which Applicants May Be Rejected

The owner/agent may reject an applicant for admission based on the following conditions:

Program-Specific Ineligibility

- The household does not meet the HUD-indicated eligibility requirements for the assistance program/property
- The unit available is not appropriate for the applicant's household size according to the property's occupancy standards
- Any non-exempt household member fails to provide a Social Security Number or adequate documentation to verify the SSN (for Section 8 only)
- Any member of the household fails to sign appropriate verification documents

Financial and Rental Factors

- The household is unable to pay the security deposit or first month's rent (TTP)
- There is evidence of an outstanding balance owed to a previous landlord or HUD
- There is a documented history of poor rental payment history (more than two late payments per year)
- There is a documented history of property damage beyond normal wear and tear
- There is a documented history of disturbing neighbors or violating lease terms

Communication and Responsiveness

- The owner/agent is unable to contact the applicant via mail or phone after reasonable attempts
- The applicant fails to respond to management's request for additional information
- The applicant fails to keep scheduled appointments without notification
- The applicant is unable to take possession of the unit within 30 days
- The applicant demonstrates blatant disrespect, harassment, or disruptive behavior toward management, staff, other residents, or guests while on the property or during the application process

Misrepresentation and Fraud

- The applicant has provided false, misleading, or incomplete information

Unit Offers

- The applicant refuses two offers of suitable units

Fair Housing Considerations

All rejection decisions will be made in compliance with federal and California fair housing laws. The owner/agent will not reject applicants based on Race, Color, Ancestry, National origin, Citizenship, Immigration status, Primary language, Religion, Disability (mental or physical), Sex and gender, Sexual orientation, Gender Identity, Gender Expression, Genetic information, Marital status, Familial status (families with children under 18 or people who are pregnant), Source of income (including the use of government rental assistance such as a Section 8 Housing Choice voucher), Military or veteran status or Age, Nor:

- Status as a victim of domestic violence, dating violence, sexual assault, or stalking
- Criminal history information that is not directly related to a legitimate business interest
- Medical conditions or disability that can be reasonably accommodated

Notification of Rejection

Written Notification Requirements

When an application is rejected, the owner/agent will:

- Promptly notify the applicant in writing
- Deliver the rejection notice via first-class mail to the applicant's last known address
- Include in the rejection notice:
 - The specifically stated reason(s) for the rejection
 - Reference to the specific eligibility criteria or screening criteria that was the basis for rejection
 - Notification of the applicant's right to respond to the owner/agent in writing or request a meeting within 14 days to dispute the rejection
 - Notification that persons with disabilities have the right to request reasonable accommodations to participate in the informal hearing process

Record Keeping Requirements

The owner/agent will maintain the following documentation related to rejected applications for at least three years:

- The original application
- The rejection letter
- Any documentation supporting the reason for rejection
- Any correspondence or documentation related to appeals
- The final decision correspondence

Appeal Process for Rejected Applicants

Request for Appeal

An applicant may appeal the rejection of their application by:

- Submitting a written request for an appeal within 14 calendar days from the date of the rejection notice
- Providing information that demonstrates why the rejection decision should be overturned
- Requesting an in-person meeting to discuss the rejection if desired

Reasonable Accommodations

The owner/agent will consider requests for reasonable accommodations during the appeal process for persons with disabilities. This may include:

- Alternative formats for communications
- Permission to submit appeal documents through a third party
- Additional time to gather information or documentation
- Assistance completing forms
- Meeting adjustments to accommodate disabilities

Appeal Meeting

If the applicant requests a meeting to discuss the rejection:

- The meeting will be conducted by a member of the management staff who was not involved in the initial decision to deny admission
- The applicant may bring a representative or advocate to the meeting
- The meeting will be scheduled at a mutually convenient time within 10 business days of the request
- If the applicant needs a reasonable accommodation to participate in the meeting, they should inform management when requesting the meeting

Consideration of Mitigating Circumstances

During the appeal process, the owner/agent will consider mitigating circumstances, such as:

- Evidence of rehabilitation
- Completion of educational or vocational training
- Participation in counseling programs

- Verification that incorrect or incomplete information led to the rejection
- Documentation of medical circumstances that may have contributed to the applicant's situation
- Evidence of domestic violence victimization that may have contributed to the applicant's situation

Final Decision

- The owner/agent will provide written notification of the final decision within 5 business days of the appeal meeting or receipt of the written appeal
- If the appeal is denied, the written notification will explain the specific reason(s) for the final decision
- If the appeal is granted, the owner/agent will proceed with processing the application
- If the application is denied after the appeal, the applicant must wait 12 months before reapplying unless there is a material change in circumstances

Documentation

The owner/agent will maintain complete documentation of the appeal process, including:

- The applicant's written appeal request
- Notes from any meetings or conversations
- Copies of any additional information provided by the applicant
- The written notification of the final decision

SECTION VII: OCCUPANCY STANDARDS AND UNIT TRANSFERS

A. Occupancy Standards

1. Minimum/Maximum Persons

Florin Gardens applies the occupancy standards mentioned on page 7 to determine the appropriate unit size for a household, ensuring units are neither over-utilized nor under-utilized.

These standards comply with HUD requirements, the Fair Housing Act, and applicable state and local regulations. The property's occupancy standards consider the size and configuration of units, as well as building limitations and local codes.

Live-in Aides

- A live-in aide approved by management to reside in the unit may be counted when determining unit size
- The live-in aide may be assigned a separate bedroom if the bedroom size permits
- Live-in aides have no rights to the unit as a remaining family member and must vacate if the tenant requiring assistance vacates
- Live-in aides will be subject to screening for suitability as a tenant related to criminal history but not for credit history

Pregnancy

- An unborn child is counted as a household member when determining unit size
- The household may be eligible for a unit transfer based on household composition changes due to birth
- Verification of pregnancy may be requested through self-certification or doctor's statement

State/Local Regulations

- In cases where state or local laws, building codes, or housing codes establish different requirements than these occupancy standards, the more stringent standard will apply
- Florin Gardens complies with all applicable state and local regulations regarding minimum space requirements and occupancy limitations

Transfer Policies

Eligibility Criteria

Existing residents may request a transfer to another unit based on one or more of the following conditions:

- Change in household size that causes overcrowding or under-utilization of the current unit
- Need for an accessible unit or features due to a disability
- Medical necessity documented by a healthcare provider
- Reasonable accommodation request
- VAWA emergency transfer request
- Change in household composition

To be eligible for a transfer, residents must:

- Be in good standing with no lease violations in the past 12 months
- Be current on all rent and fees
- Have no damage to the current unit beyond normal wear and tear
- Have not entered into a repayment agreement for failing to report income
- Have resided in the current unit for at least one year (except for reasonable accommodation, VAWA emergency transfers, or medical necessity)

Types of Transfers

Transfers are categorized as follows:

- **Mandatory Transfers:** Required by management due to occupancy standards, reasonable accommodations, rehabilitation of unit, or emergency
- **Optional Transfers:** Requested by resident for personal preference or convenience

Priority Order

Transfers will be prioritized in the following order:

1. Emergency transfers (uninhabitable unit conditions, VAWA emergency transfers)
2. Reasonable accommodation transfers for persons with disabilities
3. Medical necessity transfers
4. Transfers for households in an accessible unit who do not need accessibility features when another household needs the accessible unit
5. Transfers due to over/under-occupied units (unit too small/large for household size)
6. Standard transfers (all other approved transfers)

Costs

- For mandatory transfers initiated by management, the owner/agent will pay for the cost of the transfer
- For optional transfers requested by residents, the resident will be responsible for all transfer costs
- Reasonable accommodation transfer costs will be paid by the owner/agent

Security Deposits

- When a resident transfers to a new unit, a new security deposit will be required for the new unit
- The security deposit for the old unit will be refunded, less any charges for damages beyond normal wear and tear, within 30 days of move-out

- Any outstanding balances on the vacated unit may be deducted from the security deposit

Transfer Categories

Reasonable Accommodation

- Residents may request a unit transfer as a reasonable accommodation for a disability
- Verification of the need for the transfer may be requested from a qualified professional
- These transfers take priority over standard transfers
- The owner/agent will pay the costs associated with reasonable accommodation transfers

VAWA Emergency Transfers

In accordance with the Violence Against Women Act (VAWA), Florin Gardens has established an Emergency Transfer Plan for victims of domestic violence, dating violence, sexual assault, or stalking:

- **Eligibility:** A resident qualifies for an emergency transfer if:
 - The resident is a victim of domestic violence, dating violence, sexual assault, or stalking
 - The resident expressly requests the transfer
 - The resident reasonably believes there is a threat of imminent harm from further violence if the resident remains in the current unit OR the resident was a victim of sexual assault on the premises within 90 days before requesting the transfer
- **Documentation:** Residents may document their status as a VAWA victim by submitting:
 - HUD Form 5382 (Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking)
 - Documentation from a qualified third party (law enforcement, victim service provider, attorney, medical professional)
 - Self-certification in limited circumstances
- **Confidentiality:** Information regarding VAWA status will be kept confidential and only shared with staff who need the information to process the transfer
- **Transfer Process:**

- Internal transfers will be offered when a suitable unit is available
- If no suitable unit is available internally, management will assist the resident in identifying housing options at other properties
- The resident will retain their housing assistance if they transfer to another assisted unit

Overhoused/Underhoused

- Residents are considered overhoused when their household size decreases and they have more bedrooms than allowed under the occupancy standards
- Residents are considered underhoused when their household size increases and they have fewer bedrooms than required under the occupancy standards
- When a household becomes overhoused or underhoused, they will be required to transfer to an appropriate size unit when one becomes available
- Residents who refuse to transfer within 30 days of notification may face lease termination or be charged market rent

Medical Necessity

- Residents may request a transfer based on medical necessity
- The need must be documented by a healthcare provider
- Medical transfers may include requests for:
 - A unit on a lower floor due to mobility issues
 - A unit closer to an exit
 - A unit with specific features that address the medical condition
 - A unit away from specific environmental factors that exacerbate a medical condition

Accessible Units

- When an accessible unit becomes vacant, it will first be offered to current residents who need the accessibility features
- If no current residents need the accessible features, the unit will be offered to an applicant on the waiting list who needs the features
- If there are no residents or applicants requiring the accessibility features, the unit may be offered to a resident or applicant who does not need these features
- Residents without disabilities who accept an accessible unit must agree in writing to transfer to a non-accessible unit when one becomes available and a person with a disability needs the accessible unit

SECTION VIII: INCOME DETERMINATION & VERIFICATION

Income Definition

Included Sources

Annual income includes all amounts that are received by or on behalf of the head of household, spouse/co-head, or any other family member, or are anticipated to be received during the 12-month period following admission or annual recertification, unless specifically excluded. Income sources include, but are not limited to:

- Wages, salaries, tips, commissions, and other income from employment
- Business or self-employment income (net income after business expenses)
- Interest, dividends, and other income from assets
- Social Security and Supplemental Security Income (SSI)
- Pensions and retirement benefits
- Disability benefits
- Unemployment and severance pay
- Alimony and regular child support
- Regular contributions and gifts from persons not living in the unit
- Public assistance (TANF) payments
- Periodic allowances such as alimony or child support
- Pay and allowances for members of the Armed Forces (except hostile fire pay)
- Payments in lieu of earnings (unemployment, disability, worker's compensation)

Excluded Sources

Certain types of income are excluded from annual income calculations. These exclusions include, but are not limited to:

- Income from employment of children under 18 years of age
- Payments received for the care of foster children or foster adults
- Lump-sum additions to family assets (e.g., inheritances, insurance payments)
- Amounts received for medical expense reimbursement
- Income of a live-in aide
- Student financial assistance paid directly to the student or educational institution (for Section 8, exclusion applies only to students who are not the head, co-head, or spouse and meet eligibility requirements)

- Hostile fire pay to members of the Armed Forces
- Temporary, nonrecurring, or sporadic income
- Reparation payments paid by a foreign government
- Earnings in excess of \$480 for each full-time student 18 years or older (excluding head of household, co-head, or spouse)
- Adoption assistance payments in excess of \$480 per adopted child
- Deferred periodic payments of SSI or Social Security benefits
- Amounts received under training programs funded by HUD
- Amounts specifically excluded by any other federal statute

Temporary/Sporadic Income

Temporary, nonrecurring, or sporadic income is not counted as annual income. This includes:

- Income received for a brief period that is not expected to recur (e.g., one-time bonus)
- Income that cannot be reliably projected for the coming year (e.g., irregular gifts)
- Income received occasionally (e.g., casual or seasonal labor)

To determine if income is sporadic, the owner/agent will consider:

- Whether the income is typically received on a regular basis
- Whether the source of income is stable and likely to continue
- Historical pattern of employment or receipt of income

Seasonal Employment

Income from seasonal employment is counted as annual income if it is the family's regular source of income. When determining annual income for seasonal jobs, the owner/agent will:

- Annualize income by multiplying the average weekly or monthly income by the number of weeks or months the person works in a year
- Use historical data and verification from the employer to determine the period of employment and average income
- Consider seasonal work patterns and anticipated income during the next 12 months

Verification Procedures

Verification Hierarchy

The owner/agent will follow HUD's established hierarchy of verification methods when verifying income and assets. Verification methods, in order of acceptability, are:

Upfront Income Verification (UIV) using HUD's Enterprise Income Verification (EIV) system (mandatory for existing participants)

- EIV Income Reports
- EIV Income Discrepancy Reports

Upfront Income Verification (UIV) using non-HUD systems

- The Work Number
- State wage information collection agencies
- State welfare systems
- Financial institutions

Written Third-Party Verification

- Original or authentic documents provided by the applicant/tenant (pay stubs, W-2 forms, bank statements)
- Documents must be current, complete, and unaltered
- Documents must be dated within 120 days of the request date

Written Third-Party Verification Form

- Standardized form sent directly to the income source
- Must be returned directly to the owner/agent
- Not hand-carried by the applicant/tenant

Oral Third-Party Verification

- Direct contact with the income source via telephone or in-person
- Staff must document the name and title of the person contacted, date of conversation, and information provided

Tenant Declaration (Self-Certification)

- Used only as a last resort when other verification methods are unavailable
- Must be notarized, made in a format acceptable to the owner, or include a statement of the truth
- Documentation must include an explanation of why other verification methods were not available

Each file will be documented to show the owner/agent's attempt to obtain third-party verification before relying on less preferred forms of verification.

EIV Usage

For Section 8 residents, the owner/agent will use HUD's Enterprise Income Verification (EIV) system as follows:

- For annual recertifications, EIV will be the primary source of income verification
- EIV Income Reports will be reviewed during the annual recertification process
- EIV Income Discrepancy Reports will be reviewed monthly to identify potential underreported income
- The Existing Tenant Search will be used for applicants to confirm no double subsidy
- The Multiple Subsidy Report will be reviewed monthly to identify residents receiving multiple subsidies
- The Deceased Tenant Report will be reviewed monthly

The owner/agent will protect the confidentiality of EIV data in accordance with HUD requirements. EIV data will be kept in a separate, secure location with limited access.

Third-Party Verification

When third-party verification is required, the owner/agent will:

- Send verification forms directly to the third-party source
- Request the third-party source to return the form directly to the management office
- Allow ten (10) business days for return of the verification
- Attempt multiple methods of verification before moving to a lower level in the hierarchy
- Document all verification attempts in the resident file

Self-Certification

If other forms of verification are unavailable or unsuccessful after documented attempts, a self-certification may be accepted. Self-certifications must:

- Be signed with a penalty of perjury statement
- Indicate why other verification methods were not available
- Be documented in the resident file with an explanation
- Be confirmed with a higher form of verification when possible

Asset Verification

Self-Certification for Assets Under \$50,000

In accordance with HUD Notice 2023-10, Attachment F, the owner/agent will accept self-certification from applicants and residents when the total value of assets is \$50,000 or less. The self-certification must:

- List all assets and their values
- Be signed by all adult household members
- Include a certification that the information is accurate
- Be updated at each annual recertification

Documentation for Assets Over \$50,000

For households with assets exceeding \$50,000, the owner/agent will verify assets using the standard verification hierarchy. Documentation may include:

- Recent statements for checking and savings accounts (six months)
- Statements for investment accounts, retirement accounts, real estate holdings
- Property tax statements, appraisals, or broker's estimate of real estate value
- Life insurance policies showing cash surrender value
- Statements showing value of trusts, stocks, bonds, or other investment vehicles

Income Calculation

Income from assets will be calculated as follows:

- If total cash value of assets is \$5,000 or less, the actual income from assets will be used
- If total cash value of assets exceeds \$5,000, the greater of: (a) actual income from assets or (b) imputed income from assets will be used
- Imputed income is calculated by multiplying the total cash value of assets by the HUD-established passbook rate (currently 0.06%)

Disposed Assets

Assets disposed of for less than fair market value during the two years preceding certification or recertification will be counted as assets if the fair market value exceeds the gross amount received by more than \$1,000. The value counted as an asset is the difference between the cash value and the amount received.

Exceptions to this rule include:

- Assets disposed of due to foreclosure or bankruptcy
- Assets transferred as part of a divorce or separation agreement
- Assets given away to a qualifying organization

- Assets disposed of at market value

Interim Reexamination

Reporting Requirements

In accordance with HUD Notice 2023-10, Attachment I, residents must report changes in household composition and income as follows:

- **Household Composition Changes:** Must be reported within 30 days of the change
- **Income Decreases:** Must be reported promptly to request an interim recertification
- **Income Increases:** Must be reported within 30 days of the increase if it is 10% or more of monthly adjusted income

Income Decrease Threshold

The owner/agent will conduct an interim reexamination when a family reports a decrease in income that would result in a rent decrease of at least 10% of the family's adjusted monthly income.

The owner/agent does not establish a dollar figure threshold amount instead of a percentage threshold.

Income Increase Threshold

The owner/agent will conduct an interim reexamination when the family's adjusted monthly income has increased by 10% or more. However, increases in earned income will not be considered when estimating or calculating whether the family's adjusted income has increased, unless the family has previously received an interim reduction during the same reexamination cycle.

Implementation Timing

- For interim reexaminations that result in a **decrease** in the tenant rent, the change will be effective the first day of the month following the date of the reported change, provided the change was reported in a timely manner (within 30 days)
- For interim reexaminations that result in an **increase** in the tenant rent, the change will be effective the first day of the month following a 30-day notice

Retroactive rent decreases may be applied if the owner/agent determines that a delay in reporting was due to circumstances beyond the family's control. However, retroactive adjustments will not be applied prior to the later of:

- The first of the month following the date of the actual decrease in income; or
- The first of the month following the most recent previous income examination

Unreported Income

If a resident fails to report income increases when required, the owner/agent may:

- Implement a rent increase retroactively to the date the increase should have been implemented
- Pursue repayment of any resulting overpayment of subsidy
- Consider lease termination for repeated or significant instances of unreported income

De Minimis Error Policy

Error Definition

In accordance with HUD Notice 2023-10, Attachment B, a de minimis error in calculating family income is an error that results in a miscalculation of tenant rent of \$30 or less per month.

Threshold

The de minimis threshold is \$30 per month. Errors resulting in a tenant rent miscalculation of \$30 or less per month are considered de minimis errors.

Correction Process

When de minimis errors are discovered:

- Errors will be documented in the tenant file
- The owner/agent will not increase tenant rent payments retroactively for errors that resulted in underpayment of rent of \$30 or less per month
- The owner/agent will correct de minimis errors at the next annual recertification

Credit/Repayment

If an error resulted in a family being overcharged for rent, the owner/agent will:

- Credit families for overcharges due to de minimis errors
- Process corrections to reimburse families for overcharges

The owner/agent will not implement policies to require families to repay in instances resulting in a family being undercharged for rent where the error was de minimis.

SECTION IX: HARDSHIP EXEMPTIONS (HOTMA COMPLIANCE)

Medical Expense Deduction

Qualification Criteria

In accordance with HUD Notice 2023-10, Attachment C, and 24 CFR § 5.611(c)(2), the owner/agent will provide hardship relief to eligible families who demonstrate that their health and medical care expenses or reasonable attendant care and auxiliary apparatus expenses exceed 5 percent of the family's annual income.

To qualify for this hardship exemption, the family must:

- Have unreimbursed health and medical care expenses that meet the definition provided in 24 CFR 5.603(b) and/or reasonable attendant care and auxiliary apparatus expenses that meet the definition at 24 CFR 5.603(b)
- Demonstrate that these expenses exceed 5% of the family's annual income
- Submit a written request for hardship relief along with supporting documentation

Implementation Timeline

For families who received a deduction for unreimbursed health and medical care expenses and/or reasonable attendant care or auxiliary apparatus expenses based on their most recent income review prior to January 1, 2024, the owner/agent will implement a 24-month phased-in relief as follows:

- **First Twelve Months:** Eligible expenses will be deducted to the extent that they exceed 5% of annual income
- **Second Twelve Months:** Eligible expenses will be deducted to the extent that they exceed 7.5% of annual income
- **After 24 Months:** Eligible expenses will be deducted to the extent that they exceed 10% of annual income, unless the family qualifies for General Relief

Documentation

Families requesting hardship relief must provide documentation demonstrating their eligibility, including:

- Receipts for medical expenses paid in the previous 12 months
- Documentation of ongoing medical expenses
- Evidence that expenses are not reimbursed by insurance or other sources
- Verification from healthcare providers regarding necessary attendant care or auxiliary apparatus expenses
- Documentation showing these expenses exceed 5% of annual income

The owner/agent will verify the documentation provided by the family to determine eligibility for hardship relief.

Review Process

The hardship review process will proceed as follows:

- Upon receipt of a hardship request, the owner/agent will review the documentation within 10 business days
- The owner/agent will verify the expenses to determine if they exceed the 5% threshold
- The owner/agent will notify the family in writing of the determination
- If approved, the hardship relief will be implemented effective the first day of the month following the determination
- If denied, the notification will include the reason for denial and information on the appeal process

Duration

Hardship relief for medical expenses will remain in effect until:

- The next annual recertification, at which time eligibility will be reassessed
- The family reports a change in medical expenses that would affect eligibility
- The family requests termination of the hardship relief

The owner/agent may, at their discretion, extend the hardship relief for one or more 90-day intervals while the family's hardship condition exists.

Thresholds

In accordance with HOTMA requirements, the following thresholds apply:

- **General Relief:** Eligible expenses exceeding 5% of annual income
- **Phased-in Relief:** Transitioning from 5% to 7.5% to 10% over a 24-month period

- **Standard Threshold:** 10% after the phased-in period ends, unless qualifying for general relief

Once a family chooses to obtain general relief, they may no longer receive phased-in relief.

Childcare Expense Hardship

Qualification Criteria

The owner/agent has established the following criteria to define what constitutes a hardship for the purposes of the childcare expense hardship exemption under 24 CFR § 5.611(d):

A family qualifies for childcare expense hardship if:

- The family demonstrates that childcare expenses exceed 10% of the family's monthly income
- The family provides evidence that they are unable to pay rent due to the childcare expenses
- The family demonstrates that the childcare is necessary for a family member to work, seek employment, or further education
- The family is at risk of eviction due to the financial burden of childcare expenses

Documentation

Families must provide the following documentation to support a childcare expense hardship request:

- Receipts for childcare expenses for the previous three months
- Verification of employment, job search activities, or enrollment in educational programs
- Evidence of financial hardship (e.g., past-due notices, utility shut-off notices)
- Documentation showing that childcare is necessary for work, seeking employment, or education
- A written statement explaining the hardship situation

Verification Process

The owner/agent will:

- Obtain third-party verification of the family's inability to pay rent
- Document the reason if third-party verification is not available

- Attempt to obtain third-party verification prior to the end of the 90-day hardship period
- Verify that childcare expenses are reasonable based on local market rates
- Verify that the childcare provider is not a family member residing in the household

Implementation

Upon approval of a childcare expense hardship exemption:

- The owner/agent will adjust the family's rent calculation to provide temporary relief
- The family will receive a written notification of the approved hardship exemption
- The notification will include the amount of relief, the duration, and conditions for continuation
- The exemption will be effective the first day of the month following approval

Duration

The childcare expense hardship exemption will be granted for an initial period of 90 days.

- The owner/agent may extend the exemption for additional 90-day periods if the hardship continues
- The family must provide updated documentation to support any extension request
- The maximum duration for the exemption will be determined based on the family's circumstances and continued demonstration of need

Minimum Rent Hardship

Qualification Criteria

In accordance with HUD Handbook 4350.3 REV-1, Paragraph 5-26.D, families required to pay the minimum rent of \$25 may request a hardship exemption if they experience any of the following situations:

- Loss of eligibility for or awaiting an eligibility determination for a federal, state, or local assistance program
- Family would be evicted because of inability to pay the minimum rent
- Family income decreased due to a change in circumstances, including loss of employment
- Death occurred in the family
- Other qualifying circumstances as determined by the owner/agent and approved by HUD

Implementation

Upon receiving a request for a minimum rent hardship exemption:

- The owner/agent will suspend the minimum rent requirement beginning the month following the request
- The suspension will continue until the owner/agent determines if the hardship is temporary or long-term
- If the hardship is determined to be temporary (less than 90 days), minimum rent will be suspended for 90 days
- If the hardship is determined to be long-term (90 days or more), minimum rent will be suspended indefinitely

Verification

The owner/agent will verify the hardship claim by:

- Obtaining documentation of the hardship circumstances
- Reviewing income and expense information
- Verifying claims with third parties when possible
- Documenting all verification efforts in the tenant file

Duration

Hardship exemptions will be categorized as follows:

- **Temporary Hardship:** Lasting less than 90 days; minimum rent suspended for 90 days from the date of request, then reinstated
- **Long-term Hardship:** Lasting 90 days or more; minimum rent suspended until the hardship no longer exists

Repayment

- For temporary hardships, the resident must repay the suspended minimum rent amount
- Repayment will begin after the 90-day suspension period
- The owner/agent will offer a reasonable repayment agreement
- For long-term hardships, no repayment of suspended minimum rent is required

SECTION X: VIOLENCE AGAINST WOMEN ACT (VAWA) PROTECTIONS

VAWA Protections

Covered Individuals

In accordance with the Violence Against Women Act (VAWA), the following individuals are protected from discrimination based on their status as victims of domestic violence, dating violence, sexual assault, or stalking:

- Tenants and applicants of Section 8 Project-Based and other covered HUD programs
- Affiliated individuals of the victim (spouse, parent, brother, sister, child, or a person to whom the victim stands in place of a parent or guardian)
- All household members, regardless of sex, gender identity, or sexual orientation
- Victims cannot be discriminated against on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age

Covered Housing Programs

VAWA protections apply to the following housing programs at Florin Gardens:

- Section 8 Project-Based Voucher Program
- All other HUD programs assisted under the United States Housing Act of 1937

Prohibited Basis for Denial

The owner/agent will not deny admission to, deny assistance under, terminate from participation in, or evict an applicant or tenant on the basis of or as a direct result of the fact that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.

Specifically, the owner/agent will not:

- Deny or terminate assistance because an applicant or tenant has been the victim of domestic violence, dating violence, sexual assault, or stalking
- Consider criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking as grounds for terminating assistance or eviction if the tenant is the victim

- Consider an incident of actual or threatened domestic violence, dating violence, sexual assault, or stalking as a serious or repeated violation of the lease by the victim
- Consider such incidents as "good cause" for terminating the assistance or tenancy of the victim

Certification Forms

The owner/agent will provide all applicants and tenants with the following forms:

- **HUD-5380:** Notice of Occupancy Rights under the Violence Against Women Act
- **HUD-5382:** Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation

These forms will be provided:

- At the time an applicant is denied assistance or admission
- At the time an individual is admitted to the property
- With any notification of eviction or termination of assistance
- During the 12-month period following December 16, 2016, either during annual recertification or lease renewal, or if there is no recertification or lease renewal, through other means

Notification Requirements

The owner/agent will:

- Provide the HUD-5380 Notice of Occupancy Rights and HUD-5382 Certification Form to every applicant and tenant at the times specified above
- Make the HUD-5380 and HUD-5382 available upon request at the property management office
- Post the VAWA Notice of Occupancy Rights in public areas of the property
- Include VAWA protections in the House Rules and Tenant Selection Plan
- Include VAWA information in lease agreements and lease addenda

Emergency Transfer Plan

Qualification

A tenant qualifies for an emergency transfer under VAWA when:

- The tenant is a victim of domestic violence, dating violence, sexual assault, or stalking
- The tenant expressly requests the transfer

- The tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains in the current unit, OR
- In the case of sexual assault, the sexual assault occurred on the premises during the 90-day period preceding the transfer request

Internal Transfers

For internal emergency transfers (within the same property):

- Qualifying tenants will be given priority over other categories of transfers except for emergency transfers due to unit conditions
- If a suitable unit is available, the tenant will be offered the unit as quickly as possible
- The tenant will not be required to undergo additional eligibility determinations
- The tenant will retain their housing assistance and will not be subject to rescreening
- Moving costs will be the responsibility of the tenant unless otherwise determined

External Transfers

For external emergency transfers (to another property or housing program):

- The owner/agent will assist the tenant in identifying other housing providers who may have safe and available units
- The owner/agent will contact other affiliated properties to determine vacancy
- If the tenant is eligible for another HUD program, the owner/agent will make referrals
- All confidentiality measures will be followed in communications with other housing providers
- If the tenant must relocate out of the area, the owner/agent will connect them with the appropriate HUD field office or housing providers in the new location

Documentation

To request an emergency transfer, the tenant must:

- Submit a written request for a transfer using the property's Emergency Transfer Request form (HUD-5383)
- Submit documentation supporting the request, which may include:
 - HUD-5382 Certification Form completed by the tenant
 - A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency (police reports, protective orders, etc.)
 - Documentation signed by a victim service provider, attorney, medical professional, or mental health professional with whom the victim has consulted
 - Other documentation acceptable to the owner/agent

- Self-certification alone may be accepted at the discretion of the owner/agent

Confidentiality

The owner/agent will:

- Keep confidential any information provided by the tenant related to their VAWA status
- Store all VAWA documentation in a secure location separate from the tenant file
- Not allow access to VAWA information by staff or others without authorization
- Not enter VAWA information into any shared database
- Not disclose VAWA information to any other entity or individual unless:
 - The tenant gives written permission
 - The disclosure is required for use in an eviction proceeding or hearing
 - The disclosure is required by applicable law

Lease Bifurcation

Process

When a tenant is a victim of domestic violence, dating violence, sexual assault, or stalking, the owner/agent may bifurcate the lease to remove a household member who has engaged in such criminal activity while maintaining the victim's tenancy. The process will include:

- Evaluating each case individually based on the specific circumstances
- Following all applicable federal, state, and local laws when evicting or removing the perpetrator
- Providing written notice of lease bifurcation to all household members
- Processing the bifurcation as quickly as possible to ensure victim safety

Timing

The owner/agent will work to expedite the bifurcation process:

- Bifurcation will be executed as soon as the owner/agent reasonably determines it is appropriate
- The perpetrator will be given no more than 30 days' notice to vacate the unit
- The victim will be given written notice of their continued right to occupy the unit
- Bifurcation will not affect the victim's lease term, which will continue as established

Remaining Tenant Eligibility

If the removed tenant was the only household member eligible for housing assistance:

- The remaining household members will be given a period of 90 calendar days from the date of bifurcation to:
 - Establish eligibility for the same covered housing program
 - Establish eligibility for another covered housing program
 - Find alternative housing
- The owner/agent may grant an extension of 30 days at their discretion
- During this period, the remaining tenant(s) will pay no more than the tenant portion of rent they paid before bifurcation

Continued Assistance

If the remaining household members cannot establish eligibility:

- The owner/agent will provide the remaining household members with information on other available housing programs and resources in the community
- Referrals will be made to victim service providers, housing authorities, or other appropriate agencies
- The owner/agent will work with HUD and other housing providers to identify suitable housing options

Confidentiality

Information Protection

The owner/agent will take the following steps to protect VAWA-related information:

- All VAWA-related documentation will be kept in a separate, secure file away from the regular tenant file
- Documents will be kept in locked cabinets with restricted access
- Electronic VAWA information will be password-protected with limited access
- VAWA status will not be noted in visible areas of the tenant file
- Discussion of VAWA-related matters will occur only in private areas

Disclosure Limitations

Information related to an individual's VAWA status will not be disclosed to any other party, including other tenants, staff, or third parties, except:

- At the written request or consent of the individual

- When required for use in an eviction proceeding or termination of assistance
- When required by applicable law
- When requested by HUD for compliance or audit purposes

Record Keeping

The owner/agent will maintain records of all emergency transfer requests and outcomes for a period of three years:

- Records will be maintained in a secure location separate from tenant files
- Records will include requests, documentation provided, owner/agent responses, and transfer outcomes
- Information will be aggregated for annual reporting to HUD while maintaining confidentiality of individuals

Staff Training

All property staff will receive training on VAWA requirements, including:

- Initial training for new staff on VAWA protections and procedures
- Annual refresher training for all staff
- Specialized training for staff who handle VAWA-related matters
- Documentation of all staff training will be maintained
- Training will emphasize the importance of confidentiality and sensitivity when working with victims

SECTION XI: FAIR HOUSING AND EQUAL ACCESS

Fair Housing Compliance

Protected Classes

Florin Gardens is committed to complying with all federal, state, and local fair housing laws and will not discriminate against any person based on the following protected characteristics:

Federal Protected Classes (Fair Housing Act):

- Race

- Color
- National Origin
- Religion
- Sex
- Familial Status
- Disability

Additional California Protected Classes (Fair Employment and Housing Act):

- Ancestry
- Sexual Orientation
- Gender
- Gender Identity
- Gender Expression
- Source of Income (including housing subsidies)
- Marital Status
- Military/Veteran Status
- Genetic Information

Additional Protected Characteristics (Unruh Civil Rights Act):

- Age
- Citizenship
- Primary Language
- Immigration Status

No otherwise qualified applicant will be denied housing or otherwise discriminated against on the basis of any of these protected characteristics.

Accessibility Features

Florin Gardens provides the following accessibility features for persons with disabilities:

- Accessible routes to and through the development
- Accessible common areas and amenities
- Designated accessible units with features conforming to Uniform Federal Accessibility Standards (UFAS)
- Reasonable accommodations to rules, policies, practices, and procedures
- Reasonable modifications to physical structures
- Effective communication with persons with disabilities

The owner/agent maintains a list of accessible units and their features to facilitate matching applicants who need specific accessibility features with appropriate units.

Reasonable Accommodation

The owner/agent provides reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling unit, including public and common use areas.

Request Process:

- Requests for reasonable accommodations may be made orally or in writing
- No specific form is required for the initial request
- The owner/agent will respond to requests within 10 business days
- If additional information is needed, the owner/agent will specify what information is required
- Final decisions will be provided in writing within 30 days of receiving all needed information

Verification:

- The owner/agent may verify that the individual qualifies as a person with a disability and that the requested accommodation is necessary
- Verification may be obtained from a doctor or other medical professional, peer support group, non-medical service agency, or reliable third party
- The owner/agent will not inquire about the nature or extent of the disability

Approval/Denial:

- Accommodations will be approved unless they:
 - Create an undue financial and administrative burden
 - Result in a fundamental alteration in the nature of the program
 - Are not reasonable
- If an accommodation is denied, the owner/agent will engage in an interactive process to identify alternative accommodations

Modification Policy

The owner/agent permits reasonable modifications to the physical structure at the expense of the person with a disability.

Request Process:

- Requests for modifications must be made in writing
- The owner/agent will respond within 10 business days
- Approvals will be granted in writing
- Depending on the nature of the modification, the owner/agent may:
 - Require the resident to restore the interior of the premises to its original condition upon move-out
 - Require the resident to pay into an interest-bearing escrow account the amount necessary to restore the premises
 - Require the resident to obtain any necessary permits and have the work performed in a workmanlike manner

Common Area Modifications:

- The owner/agent is responsible for modifications to common areas and public spaces
- These modifications are not considered reasonable modifications but are required as program or architectural accessibility modifications

Discrimination and Harassment

Prohibited Actions

The following discriminatory actions are prohibited:

- Refusing to rent, sell, or negotiate housing
- Setting different terms, conditions, or privileges for rental
- Making housing unavailable or denying housing
- Providing different housing services or facilities
- Falsely denying that housing is available for inspection or rental
- For profit, persuading owners to sell or rent (blockbusting)
- Denying access to or membership in a facility or service related to the sale or rental of housing
- Retaliating against anyone exercising a fair housing right or assisting others in exercising their rights
- Harassment based on protected characteristics
- Quid pro quo sexual harassment (requests for sexual favors in exchange for housing benefits)
- Hostile environment harassment (unwelcome conduct that interferes with the use and enjoyment of housing)

Complaint Process

Residents and applicants who believe they have experienced discrimination may file a complaint through the following process:

Internal Process:

- Submit a written complaint to the property manager or designated fair housing coordinator
- The complaint will be investigated within 14 days
- A written response will be provided within 30 days
- Corrective action will be taken as appropriate

External Process: Residents and applicants may also file complaints with:

- HUD's Office of Fair Housing and Equal Opportunity (FHEO): 1-800-669-9777
- California Department of Civil Rights: 1-800-884-1684

Training Requirements

The owner/agent ensures that all staff receive fair housing training:

- New employees receive fair housing training within 60 days of hire
- All employees receive annual fair housing training
- Training covers federal, state, and local fair housing laws and regulations
- Training includes specific instruction on prohibited actions, reasonable accommodations, and handling fair housing complaints
- Documentation of all training is maintained for at least three years

4. Documentation

The owner/agent maintains documentation of fair housing compliance, including:

- Records of fair housing complaints and resolutions
- Training logs and materials
- Affirmative marketing efforts
- Reasonable accommodation and modification requests
- Unit accessibility features
- Tenant selection procedures
- Wait list management practices

Equal Access Rule

Implementation

In accordance with HUD Notice 2015-01 and HUD Notice 2015-06, the owner/agent implements the Equal Access Rule as follows:

- Housing is made available without regard to actual or perceived sexual orientation, gender identity, or marital status
- Equal access is provided to HUD programs administered by the property
- Inquiries about sexual orientation or gender identity are not permitted for determining eligibility or otherwise making housing available

Gender Identity

The owner/agent:

- Determines eligibility for housing regardless of gender identity
- Places individuals in accordance with their gender identity
- Does not ask for anatomical information, documentation, or physical characteristic evidence related to gender identity
- Addresses individuals by their preferred name and gender pronoun
- Ensures privacy and confidentiality of gender identity information

Marital Status

The owner/agent:

- Does not consider marital status in eligibility determinations
- Allows families to define their own family composition, regardless of marital status, sexual orientation, or gender identity
- Does not require documentation of marital relationships beyond what is required for all tenants
- Provides the same rights and benefits to all families regardless of marital status

Sexual Orientation

The owner/agent:

- Does not ask about or consider sexual orientation in eligibility determinations
- Ensures that same-sex couples have equal access to housing and programs
- Prohibits harassment or differential treatment based on sexual orientation
- Treats all individuals and couples with dignity and respect regardless of sexual orientation

SECTION XII: ADDITIONAL HUD REQUIRED POLICIES

Pet and Assistance Animal Policies

No Pet Policy

Florin Gardens maintains a No Pet Policy. Pets are not allowed in any units or on the property grounds. "Pets" are defined as domesticated animals commonly kept in households, such as dogs, cats, birds, fish, rodents, turtles, and other small animals.

The No Pet Policy does not apply to assistance animals that are necessary as a reasonable accommodation for persons with disabilities. Assistance animals are not considered pets.

Assistance Animal Verification

Assistance animals are animals that work, provide assistance, perform tasks for the benefit of a person with a disability, or provide emotional support that alleviates one or more identified symptoms or effects of a person's disability.

To verify the need for an assistance animal, the owner/agent may request reliable documentation when the disability or disability-related need is not readily apparent or known. Documentation may include:

- A signed statement from a health or social service professional indicating:
 - The person has a disability as defined by fair housing laws
 - The animal provides assistance, support, or performs tasks related to the disability, or provides emotional support that alleviates one or more identified symptoms or effects of the disability

The owner/agent:

- Will not charge pet deposits or fees for assistance animals
- May require the resident to maintain control of the animal and to clean up after the animal
- Will not ask about the nature or extent of the disability
- Will keep all information about the disability and need for the animal confidential

Assistance Animal Rules

While assistance animals are not subject to the No Pet Policy, residents with assistance animals must:

- Maintain control of the animal at all times
- Ensure the animal does not pose a direct threat to the health or safety of others
- Ensure the animal does not cause substantial physical damage to the property
- Keep the animal clean, well-groomed, and free of pests
- Clean up after the animal immediately
- Comply with state and local animal laws (licensing, inoculation, etc.)

The owner/agent may deny a request for an assistance animal only if:

- The specific animal poses a direct threat to the health or safety of others that cannot be reduced or eliminated by another reasonable accommodation
- The specific animal would cause substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation

Violation of No Pet Policy

Residents found in violation of the No Pet Policy will:

- Receive a written warning for the first violation
- Be required to remove the pet from the premises within 48 hours
- Be subject to lease violation notices for continued non-compliance
- Face possible termination of tenancy for repeated violations

Reporting Violations

Residents who observe violations of the No Pet Policy should report them to the management office. Reports will be kept confidential to the extent possible.

Smoking Policy

Designated Areas

Florin Gardens has established the following smoking policy:

- Smoking is prohibited in all indoor common areas
- Smoking is prohibited within 25 feet of building entrances, windows, and ventilation intakes
- Smoking is allowed in designated outdoor smoking areas, which are clearly marked

- Smoking is allowed in individual units and on private balconies/patios unless otherwise prohibited by local ordinances

"Smoking" is defined as inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form.

Enforcement

The smoking policy will be enforced as follows:

- First violation: Verbal warning and reminder of the policy
- Second violation: Written warning
- Third violation: Notice of lease violation
- Continued violations: May be grounds for termination of tenancy

All new residents will receive a copy of the smoking policy at move-in. Current residents have received notice of this policy, which became effective on [INSERT DATE].

Marijuana Prohibition

The use, possession, cultivation, or distribution of marijuana is prohibited on the property, regardless of state law permitting the use of medical or recreational marijuana. Marijuana remains illegal under federal law, and as a federally subsidized property, Florin Gardens must comply with federal law.

This prohibition applies to:

- Medical marijuana
- Recreational marijuana
- Marijuana in all forms (smoking, edibles, oils, etc.)
- Marijuana cultivation

Penalties

Penalties for violations of the smoking policy may include:

- Written warnings
- Lease violations
- Charges for damage caused by smoking
- Possible termination of tenancy for repeated violations
- Possible termination of housing assistance for repeated violations

Electronic Information Security

Storage Methods

The owner/agent protects applicant and resident electronic information through:

- Password-protected computer systems
- Encrypted electronic files containing sensitive information
- Secure, limited-access servers
- Secure cloud storage with appropriate encryption
- Regular data backups stored in secure locations
- Anti-virus and anti-malware software on all systems

Access Controls

Access to electronic resident information is controlled through:

- Individual user accounts for all staff
- Role-based access privileges (staff can only access information needed for their position)
- Unique, complex passwords that must be changed every 90 days
- Automatic log-off after periods of inactivity
- Monitoring and logging of system access
- Prohibition of shared login credentials
- Immediate revocation of access when staff employment terminates

Transmission Security

Electronic information is protected during transmission by:

- Encrypted email for sensitive information
- Secure file transfer protocols
- Encrypted resident portals for online payments and communications
- Prohibition of sending unencrypted sensitive information
- Use of secure electronic signature platforms
- Verification of recipient identity before transmitting information

Retention Policy

The owner/agent retains electronic records according to the following schedule:

- Applications: 3 years from the date of rejection or move-out

- Tenant files: 3 years from the date of move-out
- Verification documents: 3 years from the date of receipt
- Income certifications: 3 years from the date of move-out
- Waiting list documentation: 3 years from the end of participation in the program
- Reasonable accommodation requests: 3 years after the accommodation is no longer needed

Disposal Methods

When electronic information is no longer needed, the owner/agent uses the following disposal methods:

- Secure deletion software for electronic files
- Physical destruction of storage devices (e.g., shredding of CDs/DVDs)
- Reformatting and wiping of hard drives before disposal or repurposing
- Third-party certified destruction services for electronic media
- Documentation of all destroyed electronic records

Privacy Policy

Information Collection

The owner/agent collects the following categories of information:

- Personal identification information (name, address, phone number, etc.)
- Social Security Numbers (for Section 8 residents)
- Financial information (income, assets, expenses)
- Household composition information
- Background screening information
- Citizenship/immigration status (for Section 8 residents)
- Disability status (when relevant for program eligibility or accommodation)
- Health information (only when necessary for program eligibility)

This information is collected through:

- Application forms
- Verification forms
- Interviews
- Third-party verification sources

Use Limitations

Information collected is used solely for:

- Determining eligibility for housing and assistance
- Calculating rent
- Completing required HUD reporting
- Administering housing programs
- Verifying compliance with program requirements
- Responding to emergencies

Information will not be used for:

- Marketing unrelated services
- Selling to third parties
- Purposes outside the scope of housing program administration

Disclosure Restrictions

The owner/agent will not disclose personal information to any person or entity except:

- To HUD and the Contract Administrator in connection with audits or reviews
- To third parties for verification purposes with appropriate consent
- In response to subpoenas or court orders
- To address emergencies or threats to health and safety
- As otherwise required by law

Before sharing information with third parties, the owner/agent will:

- Obtain written consent from the resident/applicant (Form HUD-9887/9887-A)
- Disclose only the minimum necessary information
- Ensure the third party has safeguards to protect the information

Access Rights

Residents and applicants have the right to:

- Review information in their files upon request
- Obtain copies of documents they have submitted
- Request corrections to inaccurate information
- Submit statements disputing information they believe is inaccurate
- Be informed of the privacy policy at the time of application

Requests to access files must be made in writing, and access will be provided within a reasonable time, typically within 10 business days.

Consent Requirements

In accordance with the Privacy Act of 1974, Form HUD-9887/9887-A, and HUD Notice 2023-10, Attachment J, the owner/agent:

- Obtains written consent before collecting information from third parties
- Informs residents/applicants of required disclosures
- Obtains new consent forms at each annual recertification
- Honors revocations of consent, though such revocations may affect eligibility for assistance
- Notifies the local HUD office when an applicant or participant family member revokes their consent

SECTION XIII: HOTMA-SPECIFIC REQUIREMENTS (HUD NOTICE 2023-10)

Safe Harbor Income Determinations

Implementation Policy

In accordance with HUD Notice 2023-10, Attachment J, and 24 CFR §§ 5.609(c)(3); 891.105; 891.410(b)-(c) and (g); and 891.610(b)-(c) and (g), the owner/agent may determine a family's income prior to the application of any deductions based on income determinations made within the previous 12-month period for purposes of the following means-tested forms of Federal public assistance:

- The Supplemental Nutrition Assistance Program (SNAP)
- Temporary Assistance for Needy Families (TANF)
- Supplemental Security Income (SSI)
- Medicaid
- Federal Housing Assistance (from HUD or USDA)

The owner/agent will implement Safe Harbor income determinations at recertification only, not at admission. Safe Harbor determinations will only be used when the income determination from another means-tested benefit program was made within the past 12 months.

Eligible Programs

Safe Harbor income determinations may be used for applicants and residents participating in the following programs:

- Section 8 Project-Based Rental Assistance
- Section 202/8
- RAP
- Rent Supplement
- PAC
- PRAC

Timeframe Limitations

Safe Harbor income determinations are subject to the following timeframe limitations:

- The income determination from the means-tested program must have been made within the past 12 months
- Income will not be redetermined between annual recertifications based solely on changes in the Safe Harbor determination
- The family's income must be redetermined in accordance with traditional methods at least once every 3 years

Documentation

The owner/agent will maintain the following documentation for Safe Harbor income determinations:

- A copy of the income determination from the means-tested program
- The date of the determination
- Verification that the determination was made within the past 12 months
- Documentation showing which household members were included in the determination
- Verification of non-cash benefits and income sources not included in the Safe Harbor determination

Revocation of Consent Form (Form HUD-9887)

1. Revocation Process

In accordance with HUD Notice 2023-10, Attachment J, and 24 CFR §§ 5.230(c)(5)(iii); 24 CFR 5.232(c); 891.105; 891.410(g)(3)(ii); and 891.610(g)(3)(ii), the executed consent form (Form HUD-9887) will remain effective until:

- The family is denied assistance
- The assistance is terminated
- The family provides written notification to the owner/agent to revoke consent

Families have the right to revoke consent by notice to the owner/agent. The revocation must be:

- Submitted in writing
- Signed by the household member revoking consent
- Clearly state that consent for the release of information is being revoked

Notification Requirements

When an applicant or resident revokes consent, the owner/agent will:

- Notify the family in writing of the consequences of revoking consent
- Explain that revoking consent may result in termination of assistance or denial of admission
- Provide the family with the opportunity to reinstate consent
- Notify the local HUD office when a family member revokes their consent

Consequences

The owner/agent has established a policy that revocation of consent will result in termination of assistance or denial of admission because:

- Without consent forms, the owner/agent cannot process interim or annual recertifications
- Without completed recertifications, households cannot continue to receive housing assistance
- The owner/agent cannot determine income eligibility without proper verification

Continued Data Matching

When consent is revoked, data matches between HUD and other agencies will continue to automatically occur if the family is not terminated from the program. These data matches include:

- Income verification through the EIV system

- Multiple subsidy checks
- Deceased tenant matches
- Other automated data matching programs

Asset Limitation Enforcement Options

Enforcement Policy

In accordance with HUD Notice 2023-10, Attachment A, and 24 CFR § 5.618, the owner/agent will implement full enforcement of the asset limitation requirements. This means:

- Applicants will be denied admission if they have net family assets exceeding \$100,000 (adjusted annually for inflation) and/or ownership interest in property suitable for occupancy
- Current residents will be determined ineligible for continued assistance if they have net family assets exceeding the threshold and/or ownership interest in suitable real property

Exception Policy

The owner/agent will grant exceptions to the real property restriction in the following circumstances:

- The family is making a good faith effort to sell the property
- The property is not suitable for the family (e.g., property fails to meet disability accessibility needs)
- The property is owned as a result of divorce, separation, or death of a spouse
- The property is owned but the family does not have the right to reside in the property
- The property is jointly owned, but such ownership is not easily disposed of

Cure Period

When a family's assets exceed the applicable threshold:

- The family will be given 12 months to divest of assets exceeding the threshold
- During this period, the family may continue to receive assistance
- The family must provide documentation demonstrating good faith efforts to divest of the assets
- Failure to divest within the cure period will result in termination of assistance

Documentation

The owner/agent will maintain the following documentation related to asset limitation:

- Verification of all assets at admission and annual recertification
- Documentation of the good faith efforts to sell property
- Records of exceptions granted and the basis for such exceptions
- Notices to families regarding asset limitations
- Documentation of the cure period and family compliance

SECTION XIV: ANNUAL UPDATES AND RECORD KEEPING

Annual TSP Review Requirement

Review Timeline

The owner/agent will review the Tenant Selection Plan at least annually to ensure that it:

- Reflects current operating practices
- Complies with current HUD requirements
- Addresses changes in state and local laws
- Incorporates updated income limits and eligibility criteria
- Remains responsive to changing demographics and housing needs

The annual review will be conducted within 60 days of the anniversary date of the most recent TSP revision.

Review Process

The review process will include:

- Assessment of all TSP elements for compliance with current laws and regulations
- Review of any HUD notices or regulatory changes issued since the last revision
- Consultation with legal counsel as needed to address complex regulatory issues
- Documentation of the review even if no changes are made
- Consideration of staff input regarding the clarity and effectiveness of current procedures

Regulatory Updates

The owner/agent will monitor the following sources for regulatory updates:

- HUD User website for income limit updates
- HUD Handbooks and Federal Register notices
- HUD Multifamily Housing programs newsletters
- Industry association communications
- State and local housing agency updates
- Fair housing agency guidance

Documentation of Review

The owner/agent will maintain documentation of each annual review, including:

- Date of review
- Staff involved in the review
- Summary of any changes made
- Determination statement if no changes were needed
- Reference to HUD requirements or guidance that prompted changes

Public Availability of TSP

1. Access Methods

The Tenant Selection Plan will be made available to the public through the following methods:

- Hard copies available upon request at the property management office
- Electronic copies available upon request via email
- Posted in common areas of the property where notices are customarily placed
- References to the TSP in application materials

Translation Services

To ensure access for persons with limited English proficiency:

- The TSP will be available in languages identified as prevalent in the property's service area
- Translation services will be provided upon request for applicants with limited English proficiency
- A statement in multiple languages will be included with the English version indicating how to obtain translation assistance

Alternative Formats

The TSP will be made available in alternative formats for persons with disabilities, including:

- Large print (18-point font)
- Electronic version compatible with screen readers
- Braille upon request
- Oral reading of the plan upon request
- Other formats as needed to provide effective communication

TSP Summaries

The owner/agent will develop summaries of key TSP provisions to help applicants understand important aspects of the tenant selection process, including:

- Basic eligibility requirements
- Waiting list procedures
- Preference categories (if applicable)
- Screening criteria
- Appeal rights

Record Retention

Required Records

The owner/agent will maintain the following records related to tenant selection:

- All versions of the Tenant Selection Plan and revision dates
- Applications (active and rejected)
- Waiting list documentation
- Verification documents
- Screening results
- Rejection notices and appeals
- Preference verifications
- Reasonable accommodation requests and responses
- Fair housing complaints and resolutions

Retention Periods

Records will be maintained for the following periods:

- Tenant Selection Plan: Permanently (all versions)

- Active applications: Until the applicant is housed or removed from the waiting list
- Rejected applications: 3 years from the date of rejection
- Waiting list documentation: 3 years from the end of the participation in the program
- Resident files: 3 years from the date of move-out

Secure Storage

All records containing personally identifiable information will be stored securely:

- Paper records will be kept in locked file cabinets
- Electronic records will be password-protected and encrypted
- Access will be limited to authorized personnel
- Records will be organized to allow for efficient retrieval while maintaining confidentiality

Disposal Methods

When records have reached the end of their retention period, they will be disposed of securely:

- Paper records will be shredded
- Electronic records will be permanently deleted using secure deletion methods
- A log of disposed records will be maintained
- Third-party disposal services, if used, will provide certificates of destruction

Notification of TSP Changes

Notification Methods

When the Tenant Selection Plan undergoes significant changes, the owner/agent will notify:

- Current residents through notices distributed to each unit
- Applicants on the waiting list through mailed notices
- The public through postings in common areas
- HUD or Contract Administrator as required

Content of Notifications

Notifications regarding TSP changes will include:

- Summary of significant changes
- Effective date of changes

- How to access the complete revised TSP
- Impact on current applicants (if any)
- Contact information for questions

Timing of Notifications

Notifications will be provided:

- At least 30 days before implementation of significant changes
- Within 10 business days of minor administrative changes
- Immediately for changes required by HUD or other regulatory agencies

Opportunity for Feedback

For substantial changes, the owner/agent may:

- Provide opportunities for resident and applicant feedback
- Host informational sessions to explain changes
- Establish procedures to address questions and concerns
- Consider feedback before finalizing changes

HUD Review Process

Regular Review

While HUD does not approve Tenant Selection Plans (except when owners wish to adopt local or residency preferences), the owner/agent acknowledges that:

- HUD may review the TSP during management reviews
- HUD may require modifications if the TSP fails to comply with applicable requirements
- The TSP must be available for HUD review upon request

Compliance Monitoring

The owner/agent will:

- Maintain documentation of compliance with the TSP
- Track applicant selection outcomes to ensure compliance with income-targeting and other requirements
- Conduct periodic self-audits of tenant selection procedures
- Train staff regarding TSP policies and updates

Implementation Timeline

When HUD requires changes to the TSP, the owner/agent will:

- Implement required changes within the timeframe specified by HUD
- Document the date changes were implemented
- Notify applicants and residents as appropriate
- Update staff training to reflect changes

Response to Findings

If HUD identifies concerns or findings related to the TSP, the owner/agent will:

- Respond promptly to HUD concerns
- Develop a corrective action plan as needed
- Document actions taken to address findings
- Follow up to ensure continued compliance