



TENANT SELECTION PLAN FOR Washington Square (337) and 334 Properties

**OWNED AND MANAGED BY THE
AKRON METROPOLITAN HOUSING AUTHORITY**

This document is also available in accessible format from the Americans with Disabilities Act (ADA) Coordinator upon fourteen (14) days of advance notice.

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Tenant Selection Policy for Washington Square (337) and 334 Properties

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Tenant Selection Policy for Washington Square (337) and 334 Properties

PURPOSE OF THE POLICY

This policy establishes guidelines for Akron Metropolitan Housing Authority (AMHA) staff to follow in determining eligibility for admission and continued occupancy.

The AMHA Board of Trustees must approve the original policy and any changes.

Due to the changing nature of federal guidelines and regulations, the policies and procedures prescribed in this document are subject to revision at any time. Every effort to reasonably inform applicants and residents at the time of those changes will be made if they materially impact the rights and responsibilities of the applicants and residents or the services provided.

HOUSING AUTHORITY MISSION STATEMENT

The Akron Metropolitan Housing Authority provides quality, affordable housing as a platform to develop people, property and community.

FAIR HOUSING POLICY

It is the policy of AMHA to comply fully with all Federal, State, and local non-discrimination laws and with rules and regulations governing Fair Housing and Equal Opportunity in housing and employment. AMHA will comply with all laws relating to Civil Rights, including:

- Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern)
- Title VI of the Civil Rights Act of 1964
- Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988)
- Section 504 of the Rehabilitation Act of 1973
- The Age Discrimination Act of 1975
- Any applicable State laws or local ordinances and any legislation protecting individual rights of tenants, applicant or staff that may subsequently be enacted

AMHA shall not discriminate because of race, color, sex, religion, sexual orientation, gender identity, familial status, disability, national origin, or marital status in the leasing, rental, or other disposition of housing or related facilities. Posters and housing information are displayed in the office and common areas in such a manner as to be easily readable from a wheelchair.

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AMHA's application office for these properties is located at 100 W. Cedar Street, Akron, OH and is accessible to persons with disabilities.

Accessibility for the hearing impaired is provided by Ohio Relay: 1 (800) 750-0750.

AMHA shall not, on account of race, color, sex, sexual orientation, gender identity, religion, familial status, disability, national origin or marital status:

- Deny to any family the opportunity to apply for housing, nor deny to any qualified applicant the opportunity to lease housing suitable to its need;
- Provide housing that is different from that provided to others;
- Subject a person to segregation or disparate treatment; even if by floor or wing;
- Restrict a person's access to any benefit enjoyed by others in connection with the housing program;
- Treat a person differently in determining eligibility or other requirements for admission; in the use of the housing amenities, facilities or programs, or in the terms and conditions of the lease;
- Deny a person access to the same level of services;
- Deny anyone the opportunity to participate in a planning or advisory group that is an integral part of the housing program;
- Publish or cause to be published an advertisement or notice indicating the availability of housing that prefers or excludes persons;
- Discriminate in the provision of brokerage services or in residential real estate transactions;
- Discriminate against someone because of that person's relation to or association with another individual: or;
- Retaliate against, threaten, or act in any manner to intimidate someone because he or she has exercised rights under the Fair Housing Act.

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FEDERAL AMERICANS WITH DISABILITIES ACT OF 1990

With respect to an individual, the term “disability” by the 1990 Act means:

A physical or mental impairment that substantially limits one or more of the major life activities of an individual;

A record of such impairment; or

Being regarded as having such impairment.

REQUESTS FOR REASONABLE ACCOMMODATION

Requests for reasonable accommodation from persons with disabilities will be granted upon verification that they meet the need presented by the disability and they do not create an “undue financial and administrative burden” for AMHA, meaning an action requiring “significant difficulty or expense.”

In determining whether the accommodation would create an undue hardship, the following guidelines will apply:

The nature and cost of the accommodation needed;

The overall current financial resources of the facility or facilities involved in the provision of the reasonable accommodation; and

The number of persons currently employed at such facility, the number of families likely currently to need such accommodation, the effect on expenses and resources, or the likely impact on the operation of the facility as a result of the accommodation.

A. Verification of a Request for Accommodation

All requests for accommodation or modification of a unit will be verified with a reliable, knowledgeable professional.

Requests for reasonable accommodations from persons with disabilities will be granted upon verification that the accommodation will meet the need presented by the disability.

B. Other Accommodations

The Housing Authority utilizes organizations which provide assistance for hearing and sight impaired persons when needed.

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AMHA will refer families who have persons with disabilities, upon their request, to agencies in the community that offer services to persons with disabilities.

C. Language Assistance

The Owner and Management will take every step necessary to ensure meaningful access to the housing and services available at the Development by people of limited English-speaking proficiency, in compliance with Title VI of the 1964 Civil Rights Act, HUD Guidance, and other applicable laws.

The Owner and Management will provide interpreter services for all Limited English Proficient (LEP) individuals who need access to language assistance to apply or communicate with AMHA employees. These interpreters may be in person or by telephone. Where possible, Owner and Management will utilize translated documents to assist LEP individuals with applying for services and to communicate appointments and other items regarding a LEP individual's application for housing or LEP tenant's housing. These interpreter or translation services will be provided at no cost to the applicant or tenant.

D. Posting of Information

The Management office for Washington Square (337) and 334 units will maintain a bulletin board in a conspicuous place which will contain:

- Tenant Selection Plan
- Information on taking applications
- Income limits for admission
- Current schedule of maintenance charges
- Copy of the Lease
- Fair Housing Poster
- Equal Opportunity in Employment Poster
- Current approved Affirmative Fair Housing Marketing Plan
- Current Residents Notices
- Office Hours
- After Hours Emergency Telephone Numbers

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THE WAITING LIST

A. Method of Selection and Assignment

As vacancies occur, AMHA shall offer the units to active applicants as outlined below.

If an applicant refuses an offer of a unit and states that the reason for refusal is lack of interest in the area or development, the applicant will be removed from the waiting list for the development. The PHA will send a letter to the applicant confirming withdrawal from the waiting list.

One-Offer Plan – The applicant is offered a suitable unit based on family composition criteria. If the applicant refuses it, the applicant's name goes to the bottom of the waiting list. **NOTE:** Putting an applicant's name at the bottom of the waiting list will be accomplished by changing the application date to the date the applicant rejected the last offer of housing.

Should an applicant be willing to accept an offer but is unable to move and presents, to the satisfaction of AMHA clear evidence that acceptance of the offer would result in undue hardship, not related to consideration of race, color, sex, sexual orientation, gender identity, national origin, language, or marital status such as, inaccessibility to employment or children's day care, refusal of the offer shall not require the applicant's name to be put at the bottom of the waiting list.

Refer to the Applicants Unable To Take Occupancy Section on Page 10.

B. Introduction

AMHA will maintain a separate wait lists for Washington Square and Market Rate.all properties by bedroom size.

Each applicant shall be assigned an appropriate place on the waiting list. Applicants will be listed in sequence based upon the date and time the application is received, the size and type of unit they require. In filling an actual or expected vacancy, AMHA will offer the dwelling unit to an applicant in the appropriate sequence and will offer the unit until it is accepted.

C. Management of the Waiting List

AMHA will administer its waiting list as required by the HUD 24 CFR. The waiting list will be maintained with the following guidelines:

The application will be a permanent file.

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All applicants will be maintained in by date and sequence.

All applicants must meet the applicable income eligibility requirements as established by HUD. (If applicable)

The electronic waiting list will be backed up to AMHA'S network daily.

The waiting list will be updated at least on an annual basis.

D. Opening and Closing the Waiting List

AMHA may restrict application intake, suspend application intake, and close the waiting lists in whole or in part. AMHA may open or close the list by local preference category.

The decision to close the waiting list will be based on the number of applications available for a particular size or unit, the number of applicants who qualify for a local preference and the ability of AMHA to house an applicant in an appropriate unit within a reasonable period of time.

When AMHA opens the waiting list, AMHA will advertise through public notice in at least one of the following newspapers, minority publications and media entities, location and programs for which applications are being accepted in the local paper of record, "minority" newspapers and other media such as:

The Akron Beacon Journal, The Akron Reporter, The Barberton Herald, community newspapers, other AMHA sites, Department of Human Services, Urban League, International Institute.

To reach persons with disabilities AMHA will provide separate notice to local organizations representing the interests and needs of the disabled. These notices will be made in an accessible format if requested. They will provide potential applicants with information that includes AMHA'S address and telephone number, how to submit an application, information on eligibility requirements and availability of local preferences.

Upon request from a person with a disability, additional time will be given as an accommodation for submission of an application after the closing deadline.

E. When Application Taking is Suspended

The waiting list may not be closed if it would have a discriminatory effect inconsistent with applicable civil laws.

During the period when the waiting list is closed, AMHA will not maintain a list of individuals who wish to be notified when the waiting list is open.

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Suspension of application taking is announced in the same way as opening the waiting list.

The open period shall be long enough to achieve a waiting list adequate to cover projected turnover for the next 12 (twelve) months. AMHA will give at least 15 (fifteen) days' notice prior to closing the list. When the period for accepting applications is over, AMHA will add the new applicants to the list by:

Unit size, date and time of the application receipt.

AMHA will update the waiting list approximately annually by removing the names of those families who are no longer interested, no longer qualify or cannot be reached by mail, , or electronically. At the time of initial intake, AMHA will advise families of their responsibility to notify AMHA when their mailing address, telephone number, or email changes.

F. Reopening the List

If the waiting list is closed and AMHA decides to open it, AMHA will publicly announce the opening.

Any reopening of this list will be done in accordance with HUD requirements.

G. Applicants Unable to Take Occupancy

If an applicant is willing to accept the unit offered, but is unable to take occupancy at the time of the offer for “*good cause*,” the applicant will not be placed at the bottom of the waiting list.

Examples of “*good cause*” reasons for the refusal to take occupancy of a housing unit include, but are not limited to:

An elderly or disabled family makes the decision not to occupy or accept occupancy in designated housing. [24 CFR 945.303(d)]

Inaccessibility to source of employment or children's day care such that an adult household member must quit a job, drop out of an educational institution or a job training program;

The family demonstrates to AMHA's satisfaction that accepting the offer will result in a situation where a family member's life, health or safety will be placed in jeopardy. The family must offer specific and compelling documentation such as restraining orders, other court orders, or risk assessments related to witness protection from a law enforcement agency. The reasons offered must be specific to

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the family. Refusals due to the location of the unit alone are not considered to be good cause.

A qualified, knowledgeable, health professional verifies the temporary hospitalization or recovery from illness of the principal household member, other household members, or a live-in aide necessary to care for the principal household member.

The unit is inappropriate for the applicant's disabilities.

ELIGIBILITY FOR ADMISSION

The AMHA staff is required to determine whether applicants are eligible. Eligibility is determined by federal statute and HUD regulations. (If applicable)

ELIGIBILITY REQUIREMENTS

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

- The family's annual income must not exceed the program income limits. 50% of area median income requirement for Washington Square (337). There are no maximum income restrictions for 334 properties.
- The family income must not be below the minimum income requirement, as determined by the PHA. Minimum income requirements may be waived with an approved current Housing Choice Voucher.
- Applicant must disclose social security numbers for all family members and provide proof of the numbers reported.
- Applicants must disclose all income.
- The unit for which the family is applying must be the family's only residence.
- Applicant must agree to pay the rent required.
- All information reported by the family is subject to verification.
- Criminal History screening.
- Landlord History may be verified.
- Applicant cannot have an outstanding balance to the Housing Authority.

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INFORMATION REQUIRED FOR ADMISSION

In order to determine eligibility, the following information must be provided for ALL family members:

- Birth Certificates
- Social Security Cards or verification of Social Security Number
- Photo Identification for all adult Household members
- Statement of Income (Wages, Public Assistance, SS, Pension, ETC.)
- Value of Assets (Savings, Checking, CD's, Property, ETC.)

APPLICATION PROCESS

AMHA will process applications in accordance with the following procedure:

- Individuals or Families interested in assisted housing may complete an application online at www.akronhousing.org, OR,
- Individuals or Families interested in assisted housing that require assistance completing an online application may come to the Office located at 100 W. Cedar St, Akron, Ohio 44307 to sign up for housing.
- Reasonable accommodation will be made for persons with a disability who require an advocate. A designee will be allowed to provide some information, but only with permission of the person with the disability

NOTIFICATION OF APPLICANT

At the conclusion of the preliminary screening process, the applicant will be informed of their status; eligible or not eligible. This determination shall be based solely on statements made on the application regarding income eligibility.

The verification process of income for an applicant who passes the preliminary screening will begin once their name nears the top of the applicable wait list(s).

ELIGIBLE — Applicants who have been determined eligible shall be informed of their eligibility and, if possible, how long of a wait they may reasonably expect to have on the wait list before getting to the top of the list.

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INELIGIBLE — Applicants who have been determined ineligible shall be informed of the basis for such determination in writing. The notice shall advise the applicants of their right to meet with a member of AMHA’S ~~management~~ staff. Applicants have 10 days to respond in writing. Persons with disabilities have the right to request reasonable accommodations in order to meet with management

If the applicant chooses to meet with ~~AMHA staff~~ ~~management~~, they will be informed of the final decision in writing. ~~within 5 business days.~~

The basis for ineligibility may include but is not limited to:

- **Over Income** – The applicant’s total family income is in excess of the admissions limits.
- **Below Minimum Income** – The applicant’s total family income is below the minimum income requirement and the applicant does not hold a current Housing Choice Voucher.
- **False Information** – The applicant family gave false or misleading information on the application for housing.
- **Other** – The applicant does not meet other State or Federal Regulation or future AMHA policy set forth at the time of application.
- **Screening** – The applicant or family member did not meet the screening criteria.

If the applicant file has been withdrawn for misrepresentation on any of the applicant information, the applicant must wait a minimum of six (6) months (from the date the application was withdrawn) to reapply for housing.

FRAUD STATEMENT

Section 1091 of Title 18 U.S. Code makes it a criminal offense to make a willful false statement or misrepresentation to any Department or Agency of the U.S. as to any matter within its jurisdiction. The Ohio Revised Code makes it a crime of theft by deception to make a willful false statement to obtain housing.

CLASSIFYING APPLICATIONS

Applications shall be assigned one of the following classifications:

~~A. **PRELIMINARY** — Applicants deemed preliminary will have passed the criminal screening as well having a satisfactory previous Landlord reference(s).~~

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- BA.** **ACTIVE** – Applications deemed eligible, with all data verified, shall be classified as Active for a period of 120 days from the date of the Application Interview or from the date of the most recent update of the application.
- CB.** **WITHDRAWN** – Applications will be withdrawn after AMHA has made reasonable efforts to contact the applicant to obtain information necessary to process the application and the applicant has failed to respond.

When the applicant fails to respond to AMHA concerning information that is necessary to process the application, AMHA will notify the applicant, in writing, or other accessible format, that he/she has fourteen (14) business days within which to provide the needed information.

If the applicant fails to respond within that period, the application will be withdrawn from the waiting list. The applicant has a right to meet with a member of AMHA management staff regarding the withdrawn application. The applicant must request this meeting within fourteen (14) business days of the date of the withdrawn application.

UPDATING APPLICATIONS

Applicants are required to inform AMHA's Housing Placement Department, in writing, of all changes in family composition, income and address, as well as any changes in their preference status.

Applicants are also required to respond to all requests from AMHA's Housing Placement Department to update information on their application, or to determine their continued interest in assistance. Failure to do so will result in the applicant family being withdrawn from applicable Wait Lists.

PRE-PLACEMENT REVIEW – DETERMINATION OF SUITABILITY FOR ADMISSION

All applicants shall be subject to a review prior to admission. Such review may include police records, credit reports and previous Landlord background checks. Families shall be denied housing if such admission would reasonably be expected to be detrimental to the development, residents, themselves, or AMHA staff.

FBI and Law Enforcement Records

The AMHA will check criminal history for all adults in the household to determine whether any member of the family has engaged in violent or drug-related criminal activity. The AMHA will check criminal history **for all adult members of the household** to determine whether any member of the family is subject to a lifetime sex offender registration requirement, **using the Dru Sjodin National Sex Offender Website.**

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Verification of any past activity will be done prior to final eligibility and will include a check of conviction record. The AMHA has contracted with the State of Ohio, Highway Patrol, Bureau of Criminal Investigation, an FBI approved channeling agent, to process and funnel requests in order to obtain National Crime Information Center (NCIC) data for the purpose of accessing FBI criminal records.

If the channeling agency indicates to the AMHA that there is a criminal history record indexed in the Interstate Identification Index, which might belong to the applicant, the AMHA must submit an applicant fingerprint card to the FBI through the appropriate channel in order to verify whether the criminal record is in fact the applicant's. Should the applicant instead elect to withdraw their application, no further action will be necessary.

Families will be evaluated on the criteria set forth in this section. This evaluation may not necessarily result in the entire family being denied placement. Each review will be considered on a case-by-case basis.

Relevant information as to habits and practices of the family and/or individual members of the family to be considered may include but is not limited to:

- A. DRUG ABUSE** – Evidence of illegal drug activity by any member of the family such as a record of conviction for possession and sale or use of any controlled substance, or reports from a probation officer, social service agency, or from the family itself to the effect that any family member is engaged in any illegal drug activity.
- B. DISRUPTIVE OR DANGEROUS BEHAVIOR, DESTRUCTION OF PROPERTY-**
Behaviors or verbal threats which endanger or threaten the life, safety, property, morals, or welfare of others by physical violence, negligence or irresponsibility. This includes but is not limited to: judicial termination of tenancy in previous housing on the grounds of nuisance or objectionable conduct, frequent loud parties which have resulted in serious disturbances to neighbors, criminal behavior or activity, (NOTE: repeated complaints which have not resulted in conviction may also be considered) reports of fires where the Fire Department records indicate that the applicant or applicant's family was responsible.
- C. ABANDONMENT OF AN AMHA UNIT** – A record that the head of household vacated an AMHA unit without providing notice to AMHA management staff so that the unit could be properly secured from vandalism.
- D. PREVIOUS EVICTION/TERMINATION FROM HOUSING PROGRAM** – Families that have been evicted from housing or terminated from an assisted housing program for any serious lease violation will be deemed unsuitable for AMHA housing for a period of three (3) years.

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CRITERIA HOUSING APPLICANTS AND HOUSEHOLD MEMBERS WITH CRIMINAL CONVICTIONS

A. Drug Conviction:

Not eligible for housing for three (3) years after completion of sentence.

B. Violent Criminal Activity Convictions:

Not eligible for housing for three (3) years after completion of sentence.

However, the household may be admitted if, after considering the individual circumstances of the household, Management determines that:

The convicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by Management.

C. Permanent Denial of Admission

AMHA will permanently deny admission to persons convicted of manufacturing or producing methamphetamine on the premises of a federally assisted housing project in violation of any Federal or State law. "Premises" is defined as the building or complex in which the dwelling unit is located, including common areas and grounds. AMHA will not waive this requirement.

D. Prohibition on Persons Subject to Lifetime Sex Offender Registration Requirement

1. AMHA will deny admission to any family in which a family member is subject to a lifetime sex offender registration requirement. This provision will not be waived.
2. Persons who have been found to be a sexual offender or a habitual sex offender are not eligible for housing until the time period for registration expires.

AMHA shall perform necessary criminal history background checks in the State where the housing is located and in any other States where household members are known to have resided.

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E. HUD Definitions

“Drug related criminal activity” is the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S. C. 802)).

Drug related criminal activity means *on or off the* premises, *not just on or near the* premises.

“Covered person” means a tenant, any member of the tenant’s household, a guest, or another person under the tenant’s control.

“Criminal activity” includes any criminal activity that threatens the health, safety or right to peaceful enjoyment of the resident’s public housing premises by other residents or employees of AMHA.

“Drug” means a controlled substance as defined in Section 102 of the Controlled Substances Act (21 U.S. C. 802).

“Guest” means a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf on the tenant.

“Household” means the family and AMHA approved live-in aide.

“Other person under the tenant’s control,” for the purposes of the definition of “covered person”, means that the person, although not staying as a guest (as defined above) in the unit is, or was at the time of the activity in question, on the premises (as defined in this section) because of an invitation from the tenant or other member of the household who has expressed or implied authority to so consent on behalf of the tenant.

“Premises” means the building or complex or development in which the dwelling unit is located, including common area and grounds.

“Violent criminal activity” means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

NOTE FOR ALL OF THE ABOVE CATEGORIES

In the event of the receipt of unfavorable information with respect to an applicant, consideration shall be given to the time, nature and extent of the applicant’s conduct and to factors which might indicate a reasonable probability of favorable future conduct.

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Evidence of effort to become an active member of the community will be mitigating circumstance in determining admission.

NOTIFICATION OF UNSUITABILITY

If an applicant is deemed unsuitable for as a result of the pre-placement review, the applicant will be informed of this, in writing. The notification will advise the applicant of the reason for the determination and of the right to meet with AMHA management staff. Applicant has fourteen (14) business days to respond in writing.

INCOME LIMITS

HUD establishes income limits and revises them annually to ensure that federal rental assistance is provided only to low-income families. This paragraph defines income limits and describes how AMHA must use them to determine applicant eligibility.

A. Income Eligibility Limits

In order for an applicant to be eligible for occupancy with Washington Square, the applicant family's income must not exceed the applicable income limit. This limit is 50% of the area median income as defined below.

B. Establishing Income Limits

1. HUD establishes and publishes income limits for each county or Metropolitan Statistical Area (MSA) in the country. The income limits are based on the median income of the geographic area for which the limit is established. AMHA follows income limits for Akron, Ohio.
2. Income limits are published annually and are available from the local HUD office or on-line at www.huduser.org.
3. Income limits are based on family size and the annual income the family receives.

C. Minimum Income Requirement

In order for an applicant to be eligible for occupancy with Washington Square (337) or the 334 properties, the applicant family's income must meet or exceed the applicable minimum income limit. The minimum income amount is based on the monthly required rent and an estimation of the monthly utilities paid by the tenant for that unit. The minimum rent requirement is to ensure the applicant is able to afford the unit.

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An approved current Housing Choice Voucher may waive the minimum income requirement.

D. Timing of Income Eligibility Determinations

1. AMHA determines income eligibility prior to approving applicants for tenancy. AMHA compares the family's annual income to the appropriate income limit prior to placing an applicant on the waiting list. However, AMHA may wait until a unit is available to verify the applicant's income eligibility.

Visitors

Any adult not included on the Lease who has been in the unit more than 15 (fifteen) consecutive days, or a total of 60 (sixty) days in a year will be considered to be living in the unit as an unauthorized household member.

Absence of evidence of any other address will be considered verification that the visitor is an unauthorized household member.

Statements from neighbors and/or management staff will be considered in making the determination.

The AMHA will consider:

- A. Statements from neighbors and/or management staff
- B. Vehicle license plate verification
- C. Post Office records
- D. Driver's license verification
- E. Law enforcement reports
- F. Credit reports

Use of the unit address as the visitor's current residence for any purpose that is not explicitly temporary shall be construed as permanent residence.

The burden of proof that the individual is a visitor rests on the family. In the absence of such proof, the individual will be considered an unauthorized member of the family and the AMHA will terminate the family's lease since prior approval was not requested for the addition.

Minors and college students who were part of the family but who now live away from home during the school year and are not considered members of the household may visit for up to 120 (one hundred twenty) days per year without being considered a member of the household.

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In a joint custody arrangement, if the minor is in the household less than 180 (one hundred eighty) days per year, the minor will be considered to be an eligible visitor and not a family member. If both parents reside in Public Housing, only one parent would be able to claim the child for deductions and for determination for the occupancy standards.

Absence of Entire Family

These policy guidelines address situations when the family is absent from the unit, but has not moved out of the unit. In cases where the family has moved out of the unit, the AMHA will terminate tenancy in accordance with the appropriate lease termination procedures contained in this Policy.

Families are required to notify the AMHA before they move out of a unit in accordance with the lease and to give the AMHA information about any family absence from the unit.

Families must notify the AMHA if they are going to be absent from the unit for more than seven (7) consecutive days. Residents must provide a means for Management to contact the resident in an emergency. Failure to advise Management of an extended absence is grounds for termination of the lease. A person with a disability may request an extension of time as an accommodation.

“Absence” means that no family member is residing in the unit.

In order to determine if the family is absent from the unit, the AMHA may:

- Conduct a home visit
- Write letters to the family at the unit
- Post letters on exterior door
- Telephone the family at the unit
- Interview neighbors
- Verify if utilities are in service
- Check with Post Office for forwarding address
- Contact emergency contact
- If the entire family is absent from the unit, without AMHA permission, for more than 60 (sixty) consecutive days, the unit will be considered to be vacant and abandoned the AMHA will terminate tenancy.
- As a reasonable accommodation for a person with a disability, the AMHA may approve an extension. (See Absence Due to Medical Reasons for other reasons to approve an extension.) During the period of absence, the rent and other charges must remain current.
- If the absence, which resulted in termination of tenancy, was due to a person's disability, and the AMHA can verify that the person was unable to notify the AMHA in accordance with the lease provisions regarding absences, and if a suitable unit is available, the AMHA may reinstate the family as an accommodation if requested by the family.

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VIOLENCE AGAINST WOMEN ACT (VAWA)

Criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of assistance, tenancy or occupancy rights, if the tenant or an immediate family member of the tenant's family is the victim or threatened victim of that domestic violence, dating violence, sexual assault, or stalking.

AMHA may terminate the assistance to remove a lawful occupant or tenant who engages in criminal acts or threatened acts of violence or stalking to family members or others without terminating the assistance or evicting victimized lawful occupants.

AMHA may honor court orders regarding the rights of access or control of the property, including Emergency Protection Orders (EPO), Domestic Violence Orders (DVO), and other orders issued to protect the victim and issued to address the distribution or possession or property among household members where the family "breaks up."

There is no limitation on the ability of AMHA to terminate assistance for other good cause unrelated to the incident or incidents of domestic violence, dating violence, sexual assault, or stalking, other than the victim may not be subject to a "more demanding standard" than non-victims.

There is no prohibition on AMHA terminating assistance if it "can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant's (victim's) assistance is not terminated."

Any protections provided by law which give greater protection to the victim are not superseded by these provisions.

Domestic violence incidents will be evaluated on a case by case basis. The AMHA may require certification by the individual of their victim status. When appropriate, the AMHA may accept medical and/or police records in lieu of certification. When required, certification shall be submitted on AMHA and/or HUD approved forms. The individual shall provide such certification within 15 business days after the AMHA requests such certification.

If the certification is not received within the 15-day deadline, assistance may be terminated. The 15-day deadline may be extended at the discretion of the AMHA. If an emergency transfer is requested, the name of perpetrator will be requested and he/she will be added to the AMHA Ban List.

LEASE TERMINATIONS

TERMINATIONS DUE TO DOMESTIC VIOLENCE IN ACCORDANCE WITH

Tenant Selection Policy for Washington Square (337) and 334 Properties

THE VIOLENCE AGAINST WOMEN ACT (VAWA).

Criminal activity directly relating to domestic violence, dating violence, sexual assault or stalking, engaged in by a member of a resident's household or any guest or other person under the resident's control, shall not be cause for termination of assistance, tenancy or occupancy

rights, if the resident or an affiliated individual of the resident's family is the victim or threatened victim of that domestic violence, dating violence, sexual assault or stalking.

The PHA may terminate the assistance to remove a lawful occupant or resident who engages in criminal acts or threatened acts of violence or stalking to family members or others without terminating the assistance or evicting victimized lawful occupants.

The PHA may honor court orders regarding the rights of access or control of the property, including Emergency Protection Orders (EPO), Domestic Violence Orders (DVO), and other orders issued to protect the victim and issued to address the distribution or possession of property among household members where the family "breaks up."

There is no limitation on the ability of the PHA to terminate assistance for other good cause unrelated to the incident or incidents of domestic violence, dating violence, sexual assault, or stalking, other than the victim may not be subject to a "more demanding standard" than nonvictims.

There is no prohibition on PHA terminating assistance if it "can demonstrate an actual and imminent threat to other residents or those employed at or providing service to the property if that resident's (victim's) assistance is not terminated."

NON-SMOKING POLICY

INTRODUCTION

Due to the increased risk of fire, increased maintenance costs and the known health effects of secondhand smoke, smoking is prohibited in any areas of the property, both private and common, whether enclosed or outdoors. This policy applies to all owners, tenants, guests and service persons.

A. SMOKE-FREE DEVELOPMENTS

Effective August 1, 2018 all properties will be smoke free in compliance with the mandatory federal regulation set forth in HUD-Notice 2017-3.

Prohibited tobacco products are defined as items that involve the ignition and burning of tobacco leaves, such as: cigarettes, cigars, pipes and water pipes (also known as hookahs).

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While electronic cigarettes are permitted in the Resident's private dwelling, they are prohibited, just as those items listed above, in all common areas.

Interior common areas include but are not limited to: hallways, rental and administrative offices, community centers, day care centers, laundry centers, and similar structures.

B. NON-SMOKING REQUIREMENTS

Resident agrees and acknowledges that the premises to be occupied by Resident and members of Resident's household have been designated as a smoke-free living environment. Resident and members of Resident's household shall not smoke anywhere in the unit rented by Resident, or the building where the Resident's dwellings located or in any of the common areas or adjoining grounds of such buildings that are within 25 feet from public housing and administrative office buildings or other parts of the rental community, nor shall Resident permit any guests or visitors under the control of Resident to do so.

Resident shall inform Resident's guests of the non-smoking policy. Further, Resident shall promptly give Landlord a written statement of any incident where tobacco smoke is migrating into the Resident's unit from sources outside of the Resident's apartment unit.

Resident acknowledge that AMHA's adoption of a smoke-free living environment, and the efforts to designate the rental development as smoke-free does not make the AMHA or any of its managing agents the guarantor of Resident's health or of the smoking-free condition of the Resident's unit and the common areas. However, AMHA shall take reasonable steps to enforce the smoke-free terms of its leases and to make the development smoke-free. AMHA is not required to take steps in response to smoking unless Landlord knows of said smoking or has been given written notice of said smoking.

Resident agrees that the other residents at the development are the third-party beneficiaries of Resident's smoke-free agreement with AMHA. A Resident may sue another Resident for an injunction to prohibit smoking or for damages, but does not have the right to evict another Resident. Any suit between Residents herein shall not create a presumption that the AMHA breached this agreement.

Resident acknowledges that AMHA's adoption of a smoke-free living environment, and the efforts to designate the rental development as smoke-free, does not in any way change the standard of care that the AMHA or managing agent would have to the Resident household to render buildings and premises designated as smoke-free any safer, more habitable, or improved in terms of air quality standards than any other rental premises. AMHA specifically disclaims any implied or expressed warranties that the building, common areas, or Resident's premises will be free from secondhand

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smoke. Resident acknowledges that AMHA's ability to police, monitor, or enforce the agreements of this agreement is dependent in significant part on voluntary compliance by Resident and Resident's guest. Residents with respiratory ailments, allergies, or any other physical or mental condition relating to smoke are put on notice that AMHA does not assume any higher duty of care to enforce this agreement than any other AMHA Lease obligation.