



Quality of Life

Self-sufficiency

Community

TENANT SELECTION PLAN

(Revised September 2020)

Archuleta Housing Corporation, also referred to in this plan as Archuleta Housing or the Landlord, follows procedures in selection of residents that comply with Department of Housing and Urban Development (HUD) Handbook 4350.3, as amended, and all applicable federal statutes and regulations.

Archuleta Housing does not discriminate. Applicants' race, color, sex, familial status, religion, handicap, disability, sexual orientation, gender identity, marital status, or national origin are never considered adversely in selecting residents or in any aspect of the operations of Archuleta Housing.

All facilities operated by the Landlord are completely drug-free. Use of drugs of any kind prohibited by federal law, including marijuana, is not permitted in any unit or on any part of any of its buildings. There are no exceptions regardless of provisions of state or local laws.

Applicants for residences must meet eligibility requirements to be considered for occupancy of a residential unit. Archuleta Housing's facilities include 52 subsidized apartment units, which are designated, under agreement with HUD, to serve low-income families. "Section 8" project-based Housing Assistance Payments may be received to assist eligible, low income tenants meet rent requirements pursuant the authority of Section 524(a) or 524(b)(1) of Multifamily Assisted Housing Reform and Affordability Act of 1997 (the Subsidy Program).

Project Eligibility Requirements.

Households must meet eligibility criteria for the specific apartment community:

1. Family Apartment Communities do not restrict occupancy to families of traditional structure, but are for households of size appropriate to the space provided. These "Occupancy Standards" are discussed below.
2. Eligible Single Persons include those persons 18 years of age or older.
3. The Applicant and his or her household must satisfy income eligibility requirements, and the applicant must sign a lease and agree to pay the portion of rent required by the subsidy program under which the Applicant will be admitted. The Applicant must provide household income information.
4. The unit must be the Family's only residence.
5. At the time of admission, the Applicant may not be receiving assistance on another housing unit.

Citizenship/immigration status requirements.

Assistance in subsidized housing is restricted to the following:

- a. U.S. citizens or nationals; and
- b. Noncitizens that have eligible immigration status.

Members of the applicant's household must meet citizenship or immigration status requirements as follows:

- All applicant household members, regardless of age, must declare their citizenship or immigration status and submit evidence of citizenship or eligible immigration status at the time of application.
- U.S. citizens must sign a declaration of citizenship.
- Noncitizens less than 62 years of age must sign a Verification Consent Form and submit documentation of their lawful immigration status, or sign a declaration that they do not claim eligibility under the subsidy program.

We do not discriminate on the basis of disability status in the admission or access to, or treatment or employment in, our federally assisted programs and activities. If you are disabled and would like to request an accommodation or if you have difficulty understanding English, please request our assistance and we will ensure that you are provided with meaningful access based on your individual needs. Federal civil rights laws addressing fair housing prohibit discrimination against applicants or tenants based on one or more of the following classifications: race, color, national origin, sexual orientation, gender identification, disability, religion, and familial status.



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- Noncitizens age 62 and older must sign a declaration of eligible immigration status and provide proof of age document.
- A mixed family – meaning, a family with one or more members ineligible for assistance under the subsidy program, and one or more family members who are eligible – may receive prorated assistance, continued assistance or a temporary deferral of termination of assistance.
- If the status of a family member in a mixed family changes from ineligible to eligible, the family may request an interim recertification.
- Applicants who hold a noncitizen student visa are ineligible for assistance under the subsidy program, as are any noncitizen family members living with the student. Note: This prohibition applies to the noncitizen student’s noncitizen spouse and children. However, spouses and children who are citizens may receive assistance. For example, a family that includes a noncitizen student married to a U.S. citizen is a mixed family.

REQUIRED DOCUMENTATION OF CITIZENSHIP/IMMIGRATION STATUS

Archuleta Housing must obtain the following documentation for each family member regardless of age:

- a. From U.S. citizens, a signed declaration of citizenship, and a U.S. birth certificate or U.S. passport.
- b. From noncitizens under the age of 62 claiming eligible status:
 - i. A signed declaration of eligible immigration status
 - ii. A signed consent form; and
 - iii. One of the DHS-approved documents listed below:
 1. Form I-551, Permanent Resident Card
 2. Form 1-94, Arrival-Departure Record annotated with the following:
 - a. Admitted as a Refugee Pursuant to Section 207
 - b. Section 208 or Asylum
 - c. Section 243(h) or Deportation stayed by Attorney General
 - d. Paroled Pursuant to Section 212(d)(5) of the INA.
 - e. A final court decision granting asylum (but only if no appeal is taken)
 - iv. A receipt issued by the DHS indicating that an application for issuance of a replacement document in one of the above listed categories, and the entitlement to the document has been verified.
- c. Noncitizens not claiming eligible immigration status must sign a statement to acknowledge that they are ineligible for assistance.

TIMEFRAMES FOR SUBMITTING EVIDENCE OF CITIZENSHIP/IMMIGRATION STATUS

Applicants must submit required documentation of citizenship/immigration status no later than the date Archuleta Housing initiates the verification of other eligibility factors. Archuleta Housing verifies eligible immigration status in advance of other verifications efforts, to prohibit delaying assistance due to verification of citizenship/immigration status. If the applicant cannot supply the documentation when requested, Archuleta Housing will allow a 30-day extension, but only if the applicant certifies in writing that the documentation is temporarily unavailable and additional time is needed to collect and submit the required documentation.

VERIFICATION OF IMMIGRATION STATUS

Archuleta Housing must verify the validity of documents provided by applicants or tenants. Archuleta Housing conducts primary verification through the SAVE program, DHS’ automated system.

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Archuleta Housing will not delay the family's assistance if the family submitted its immigration documentation in a timely manner but the DHS verification of appeals process has not been completed.

NOTIFICATION OF ELIGIBILITY FOR ASSISTANCE

Archuleta Housing will notify families that they are eligible for assistance, or for partial assistance, as a mixed family.

Archuleta Housing will notify families in writing if they are found ineligible based on citizenship/immigration status in accordance with requirements described above. The applicant may appeal the owner's decision directly to DHS. The family must send a copy of the appeal to Archuleta Housing. The DHS should respond to the appeal within 30 days. If the DHS decision results in a negative determination, the family has 30 days to request a hearing with the owner.

Social security number requirements.

Each member of the household must have received a valid social security card (except non-citizens who do not claim to have eligible status). Applicants and household members must provide documentation of their Social Security Numbers. Adequate documentation means a social security card issued by the Social Security Administration (SSA) or other acceptable evidence of the SSN in the judgment of the landlord.

- i. A family that consists of a single household member (including a pregnant individual) who does not have eligible status is **not eligible** for housing assistance and cannot be housed.
- ii. A mixed family **is eligible** for prorated assistance in accordance with 24 CFR 5.520. Archuleta Housing Corporation may **not** deny assistance to mixed families due to nondisclosure of an SSN by an individual who does not contend to have eligible status.

Applicants must disclose social security numbers (SSNs) in order for the landlord to make a final eligibility determination. The head of household/spouse/co-head must disclose SSNs for all family members excluding those age 62 and older as of January 31, 2010, whose initial determination of eligibility was begun prior to January 31, 2010, and those individuals who do not contend eligible immigration status. If no SSN has been assigned to a particular family member, the applicant must sign a certification stating that no SSN has been assigned.

When an applicant or a household member has a SSN but does not have the required documentation, the applicant may submit the SSN and certify that the number is accurate but that acceptable documentation could not be provided. In that situation:

- The landlord will accept the certification and continue to process the individual's application.
- However, an applicant may not become a participant in the program unless the applicant submits the required SSN documentation to the landlord.
- An applicant unable to provide SSN documentation at the time of submitting the application to the landlord, may submit the documentation as soon as possible following submission of the application, but **must** provide SSN documentation to the landlord no later than 90 days from the date of first being offered an available unit. During the 90-day period following the offer, the applicant may continue to hold a place on the waiting list. However, after 90 days, if the applicant has been unable to supply the required SSN documentation, the applicant will be determined to be ineligible and be removed from the waiting list.
- In the case of a household member who is a child under the age of six (6) years and has not received a valid social security card, the landlord will allow the applicant 90 days in which to provide documentation of a valid SSN for the child. An additional 90-day period to provide the documentation will be granted by the landlord, if the applicant's failure to provide documentation is due to circumstances that are outside his or her control.

Income limits.

Qualifying economic income limits are Very-Low and Extremely-Low for all units available from Archuleta Housing, consistent with classifications published by HUD each year for Archuleta County. Classifications are based on household income as a percentage of

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Area Median Income for comparable households residing in the County. Applicants must provide truthful total household income information and verify its completeness and accuracy, in order that eligibility may be determined. 40% of units which become available for new tenants must be rented by the Landlord to applicants meeting Extremely-Low income standards.

Archuleta Housing Corporation Procedures for taking applications and selecting from the waiting list.

1. Taking applications. –

APPLICATION REQUIREMENTS: Anyone who wishes to secure housing must fully complete the application form provided by management. The applicant must provide truthful information that is sufficient for the landlord to determine:

- the income eligibility of the household; and
- the size of unit desired or needed; and also
- to screen applicant's prior residence history.

In addition, applicants will be required to authorize the landlord to secure credit and criminal background histories of household members, and supply the information needed to obtain all such histories.

2. Income Targeting. –

Under the Section 8 Rent Subsidy Program, Archuleta Housing Corporation must rent at least 40% of its units which become newly available to applicants with extremely low-income households. Failure to comply with this requirement will jeopardize continuing participation in the Subsidy Program. Accordingly, to ensure that the requirement is always met and to protect its ability to offer rent subsidies to tenants, Archuleta Housing Corporation leases newly available units pursuant to an income targeting plan. Under its plan, new tenants qualifying at the extremely low-income level can never be fewer than two out of the most recent five tenants to receive Archuleta Housing units. Specific details of how the plan works are supplied below.

Adherence to the plan means that it may be necessary to pass over otherwise eligible applicants with the highest waiting list seniority in order to provide a unit to an eligible applicant with a lower seniority but qualifying at the extremely low household income level. Applicants who must be passed over under this circumstance will retain their senior position on the waiting list, and will be offered a newly available unit appropriate to the household size as soon as one becomes available for occupancy based on waiting list seniority and without violation of the income targeting plan.

The details of the Archuleta Housing income targeting plan are as follows:

Archuleta Housing will admit only extremely low-income families until the 40% target is met. In chronological order, the Landlord will select eligible applicants from the waiting list whose incomes are at or below the extremely-low income limit to fill the first 40% of expected vacancies in the property per unit size. Once the target has been reached, the Landlord will admit applicants in waiting list order.

3. Preferences. –

Management will observe the preferences listed below (prioritized in sequence as listed) in the process of selection among eligible applicants, whenever relevant:

1. Emergency Transfers for Existing Tenants requesting Victim and Witness Assistance (VAWA) protections in accordance with state or federal law: Approved requests made for emergency unit transfers in accordance with VAWA protections in cases of domestic violence, dating violence, sexual assault or stalking. Such transfers will take priority over all efforts to provide reasonable accommodation for existing tenants, and all waiting list applicants.
2. Reasonable Accommodation for Existing Residents: Requests by existing residents for unit transfers to provide reasonable accommodation appropriate to facilitate their continuing residency, made due to a handicap or disability verified by medical evidence, will take priority over all waiting list Applicants.
3. Waiting List Preference Applicable to Units Specifically Designed for Disabled or Handicapped Persons: Preference will be granted to disabled or handicapped applicants on the waiting list (who otherwise qualify)

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for occupancy of units designed for Handicapped or Disabled Persons. In Elderly apartment communities, the management shall give first preference for a unit specifically designed for Disabled or Handicapped Persons to otherwise qualified Families who have a household member who is Handicapped or Disabled. In Family apartment communities, households with Disabled or Handicapped members (who otherwise qualify) receive preference for units designed for Handicapped or Disabled Persons over other Households having no Handicapped or Disabled members. For units designed for accessibility to individuals with mobility, hearing or vision impairments, preference shall be given to Applicants requiring such units. This preference will be granted upon proper notification by Applicant of handicapped/disabled status, and provision of medical verification of need to the Landlord.

Note Regarding Unit Transfers for Existing Tenants: No waiting list preference shall be granted to households seeking transfers for tenant convenience (personal reasons other than reasonable accommodation and VAWA) from the unit presently occupied to a different Archuleta Housing Corporation unit believed by the tenant to be more suitable. Households seeking such transfers must submit an application, and will receive only chronological status on the waiting list.

DISABILITY OR HANDICAP

Applicants who desire reasonable accommodations or special access of a nature that may not be available in a typical residential facility, for a household member with a disability or handicap, should indicate the need and the reason at the time of submitting an application. If found to be qualified for occupancy, the applicant may need to submit medical verification of the disability or handicap prior to receiving a unit.

CHANGES IN INCOME FOR WAITING LIST APPLICANTS

An applicant who has been added to the landlord's waiting list and has a change in household income from the amount stated in his or her application, must truthfully report the change to the landlord. If the change is an increase to an amount which is no longer eligible under the limitations of the Section 8 subsidy program applicable to Archuleta Housing Corporation properties, written notice will be given to the applicant by the landlord that: (1) he or she is not presently eligible for assistance under the subsidy program, and (2) the Applicant could become eligible in the future if the household income decreases, the number of household members changes, the Income Limit changes, or HUD grants an exception to the Income Limits. The landlord will also give the applicant the choice to remain on the waiting list, if desired because future eligibility is anticipated. However, the applicant will not be offered the opportunity to rent a unit as long as his or her household income is beyond eligibility limits.

Application Processing Steps.

- All persons wishing to be admitted to the development or placed on the waiting list must complete an application. Applications may be picked up at the Archuleta Housing Corporation office at 703 San Juan Street, Suite 205 Pagosa Springs, CO or can be obtained on our website www.archuletahousing.com.
- The applications may be completed at the corporation office, or completed elsewhere and returned to the office. Applicant may also choose to receive and/or return the application via U.S. Postal Service, if desired. The mailing address for Archuleta Housing Corporation is P.O. Box 355, Pagosa Springs, CO 81147. The Archuleta Housing office hours are Monday through Friday from 9:00 a.m. through 4:00 p.m. The office phone number is (970) 398-1860.
- Prospective tenants submitting incomplete applications and/or failing to provide required supporting information will not be considered for occupancy.
- When fully completed and all necessary supporting information has been submitted, the application shall be received and the time and date of receipt will be recorded. The landlord will maintain in the office a chronological waiting list of all

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Applicants (categorized on a bedroom size requirement). The waiting list shall be updated every three months and may be closed for one or more-unit sizes when the average wait for admission is more than 1 year.

- Applicants shall be offered housing (after meeting all selection criteria requirements including the verification process), placed on the waiting list, or declined.
- Potentially eligible Applicants who may be qualified, but for whom a unit of the appropriate size is not available, will be placed on the waiting list and informed in writing that they will be contacted when an appropriate unit becomes available. To remain on the waiting list, the Applicant must contact the Landlord every 6 months to confirm continuing interest.
- Units will be rented and occupancy maintained generally on a first-come, first-served basis determined by waiting list seniority. However, persons with preferences and extremely low household income may have priority in assignment to available units ahead of eligible applicants having senior waiting list status, based on established preferences or the extremely low-income targeting plan, both of which are explained in the tenant selection plan.
- Applicants with unacceptable credit or prior renting history, or whose household members have unacceptable criminal backgrounds, will be removed from the waiting list, and will be notified of the removal. For more information, see the discussion of Applicant Screening Criteria, below.
- When a unit is available, the waiting list for units of that size shall be reviewed to identify the Applicant who meets preference criteria and/or whose name is chronologically at the top of the list. This applicant will receive a telephone call or a letter via the U.S. Postal Service from the landlord advising of the available apartment unit (Notice of Availability). The Applicant will be allowed one week to respond to the Notice of Availability.
- The Applicant shall be informed that a final decision on eligibility cannot be made until all verifications are complete and current income has been verified. Applicants, whose position on the waiting list enables application processing, will receive only two consecutive notices of housing availability. If the Applicant does not respond to the Notice of Availability, is unable to complete the application process, or decides not to proceed with the application, he or she shall be removed from the waiting list after the second notice. Any removed applicant would need to reapply to be subsequently considered for residency.
- The Landlord will interview the Applicant following receipt of his or her response to the Notice of Availability, confirm and update all information provided on the application, obtain current information of income, expense and Family composition as applicable and necessary to certify eligibility, and compute the resident's share of the rent. (All rents are based on market value; the share to be paid by the tenant is computed based on the income standards of the Section 8 Subsidy Program).
- Existing Tenant Search: At the time of processing an applicant for admission, Archuleta Housing Corporation will request an Existing Tenant Search of HUD files for each member of the household, to determine whether any of them are receiving assistance through the Section 8 Subsidy Program at another location. No person is permitted to receive assistance for multiple dwelling units. The results of the search will be discussed with the applicant if receipt of assistance at another Multifamily or PIH property is disclosed. The Landlord will then follow up with respective PHA or O/A to confirm the individual's program participation status before admission and coordinate move-in/out dates with PHA or O/A as needed.
- All tenants must sign a lease committing to pay rent when due in the amount required, as may be adjusted to meet future income-level standards, to submit annual household income information and report future income changes as needed for periodic recertification of subsidy entitlement, to comply with tenant responsibilities and House Rules, and to cooperate with required Landlord inspections, and also must pay the required security deposit, before move-in. *NOTE: Archuleta Housing's House Rules, governing Tenant responsibilities, are incorporated in every lease. The Rules may be reviewed and amended by the Landlord as needed, with notice provided to tenants. House Rules are available to the public, and a copy will be provided to any applicant upon request.*

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Applicant screening criteria.

In connection with any application, the Landlord will require consent of all adult household members for verification of references and permission to seek credit, rental and criminal background history.

As stated in the discussion of application Processing Steps, above, Applicants with unacceptable credit or prior renting history, or whose household members have unacceptable criminal backgrounds, will not be offered units and will be removed from the waiting list.

SCREENING CRITERIA: The following factors shall be considered in screening Applicants for occupancy:

- Personal financial and rental history as disclosed by credit histories and other required applicant information.
 - Demonstrated ability to meet normal resident financial obligations and to pay rent and other costs of occupancy including utilities on time.
 - Adverse history for failure to comply with "good resident" responsibilities, including without limitation meeting lease requirements, maintaining respect for the rights of neighbors and the good condition of the home and common areas, fulfilling cleanliness and sanitation standards, and acting cooperatively with others; inability to meet all obligations of tenancy stated in leases and Archuleta Housing Corporation House Rules.
 - Prior eviction of any household member from assisted housing as a result of Drug-Related Criminal Activity, Violence or Destruction of Property
 - NOTE: Archuleta Housing Corporation follows all rules and regulations related to the Violence Against Women and Justice Department Reauthorization Act of 2013.
- Criminal history and substance abuse by household members.
 - History of using illegal drugs or history of abusing alcohol in a way that may interfere with the health, safety or right to peaceful enjoyment of others.
 - History of felony convictions by any household member.
 - Other history of criminal convictions by any household member, involving crimes of physical violence against persons or property and any other criminal activity including Drug-Related Criminal Activity.
 - Registered sex offender status.

Additional information concerning Screening Criteria.

- **Credit History:** Credit reports will be ordered for each adult Applicant. The credit report will be reviewed to determine the Applicant's history of meeting financial obligations including payments for rent, utilities, loans, revolving credit cards, and other obligations. A history of missed or tardy rent payment has particular importance. The applicant's credit history must be acceptable to Archuleta Housing Corporation before he or she will be approved to occupy a unit. The credit report will be reviewed to:
 1. confirm current address;
 2. confirm credit sources included on the application;
 3. confirm current and past employment listed on the application; and
 4. to determine whether the Applicant has an acceptable credit history.
 - a. Applicants whose credit histories are unacceptable will be declined and removed from the waiting list.
 - b. An unacceptable credit history is one that reflects consistent, past-due payments of more than 90 days; a history of repeated insufficient fund checks; derogatory credit (repossessions, foreclosures, judgments,

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collections, charge-offs, liens, bankruptcy not yet discharged, etc.); delinquent or charge-off debt due other apartment communities; or unpaid utility company collections which would prohibit applicant from obtaining services or the likelihood of future difficulty in maintaining services.

- c. The lack of any credit history, or disclosure in a credit history of past due payments or other derogatory information relating specifically to medical expenses or student loans WILL NOT BE CONSIDERED as grounds for declining an Applicant.
- d. Consideration will be granted when current credit history demonstrates a pattern of ongoing improvement, or the applicant can demonstrate circumstances beyond his or her control causing any adverse credit information. Applicants may also wish to provide an explanation that evidences efforts to correct credit deficiencies through payment plans or other work-out solutions. If such explanation is potentially acceptable to the Landlord, further screening may be conducted for verification and written confirmation of payment plans may be required from the creditor(s).
- e. In the event of declination of an applicant based upon credit, the applicant has 14 days to provide any mitigating information and request further consideration. The Landlord will provide a copy of applicant's credit report upon request. It is the applicant's responsibility to contact the credit reporting agency to resolve any items that have been incorrectly reported.
- **Criminal Activity Reports:** Criminal activity reports will be ordered. If the applicant or any household member has a history that includes conviction of felonious crimes, Drug-Related crimes, violent crimes or sexual crimes will be declined and removed from the waiting list. Reports will be obtained from local and/or state records. Consideration may be granted to Applicants with prior nonviolent criminal records occurring two or more years in the past with no further criminal record. If the Applicant has resided in a state other than Colorado and has a past felony conviction, a report will be required from that state or the federal government. Applicants will be required to certify that they or members of their household are not Registered Sex Offenders. Registered Sex Offenders will not be admitted to the apartment community. Public sex-offender registries will be checked.
- History of abuse of controlled substances or alcohol interfering with the health, safety and well-being of others. While this is an important factor due to Archuleta Housing's responsibility to provide housing that will permit its residents safe and peaceful enjoyment of their homes, potential declination of an application under this requirement may be waived if the applicant fully demonstrates that such activity is no longer occurring, and produces evidence of the relevant household member's participation in, or completion of, a supervised rehabilitation program.

Procedures for rejecting applicants.

Applicants may be declined if any one of the following apply:

1. Unacceptability of the applicant and/or any household member under one or more of the screening criteria previously explained.
2. Failure to provide verification of Social Security Numbers for all household members.
3. Failure to provide information required by the application and for income verification process and the credit and criminal history reports.
4. Refusal to sign and submit HUD-9887 & HUD 9887-A.
5. Failure to declare Citizenship status.
6. Failure to respond to written requests for information.
7. Declaration by Applicant that they are no longer interested in housing.
8. Income exceeds the appropriate Household Very Low-Income Limit as determined by Federal program requirements.

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9. Applicant is single and under 18 years of age.
10. Family size is too large for available units, and serious overcrowding would occur in a smaller unit.
11. Applicant or a household member has engaged in or threatened abusive or violent behavior against any resident or employee of any housing provider.
12. Application is incomplete or is found to contain false information.

DECLINATION PROCEDURE:

If an Applicant is declined, Archuleta Housing Corporation shall promptly supply a notification of applicant rejection:

- The rejection notice will be in writing, sent by U.S. Mail to the address provided by applicant.
- The written rejection notice will include:
 - The specific reason(s) for the rejection;
 - Notification of the applicant's right to respond to the Landlord in writing or request a meeting to dispute the rejection within 14 days, and
 - A statement that persons with disabilities have the right to request reasonable accommodations to participate in the informal hearing process.

If the declined applicant requests a meeting with the Landlord, the meeting will be held at a time of mutual convenience within 14 days, and will be conducted with a representative of the Landlord who was not involved in the initial decision to deny admission or assistance.

The Landlord will advise the applicant in writing of the final decision on the application within 5 business days of the meeting or receipt of the written dispute of the rejection.

Occupancy standards.

Archuleta Housing Corporation management must balance the need to avoid overcrowding with the need to make the best use of available space and to avoid unnecessary subsidy. Accordingly, the size and makeup of an applicant's household is important in determining occupancy. All Archuleta Housing units are classified by size based on number of bedrooms. Generally, a two-person-per-bedroom standard will be applied (although Archuleta Housing Corporation will not make social judgments on personal sleeping arrangements). Household composition will be considered when applying this general rule.

As previously indicated, the waiting list is maintained by unit size categories. However, the determination of the appropriate unit size for a household will be finalized before assignment of an applicant to a specific unit and the household move-in. It is possible to remain on two separate waiting lists for two different unit sizes, for those households where this makes sense.

The Occupancy Standards followed by the landlord in making the final determination of appropriate unit size for a household include: the number of persons in the family; the age, sex and relationship of family members; the family's need for a larger unit as a reasonable accommodation; and balancing the need to avoid overcrowding with the need to avoid underutilization of the space and unnecessary subsidy.

The number of full-time members of the household may include the following:

1. Anticipated children:
 - a. children who are away at school but are members of the household during school recesses;
 - b. children who are subject to a joint custody agreement but live in the unit at least 50% of the time;
 - c. an unborn child or children who are in the process of being adopted or whose custody is expected to be obtained by an adult family member; and

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- d. foster children who reside in the unit or children who are temporarily absent due to placement in a foster home.
2. live-in attendants.
3. Family members who are temporality in a correctional facility, if stay is under 6 months.

LIMITATIONS ON HOUSEHOLDS: Archuleta Housing Corporation will not provide bedroom space for persons who, even though close-relations, are not full-time members of the household. This includes: adult children on active military duty, persons who are permanently institutionalized, and visitors.

Unit transfers policies.

CURRENT TENANTS

Archuleta Housing may allow a unit transfer for current tenants who need to transfer to a different unit for the reasons listed below. In such cases, current tenants will be selected to transfer to an appropriately sized unit before applicants on the waiting list.

- a. A unit transfer because of family size;
- b. A new unit because of changes in family composition;
- c. A unit transfer for a medical reason certified by a doctor; or
- d. A unit transfer based on the need for an accessible unit.

In addition, if a unit becomes overcrowded or under-used after move-in because of changes in household composition, the Landlord may (a) require the household to move to an appropriately sized unit when one becomes available or (b) require the tenant pay the HUD-approved market rent for the unit occupied based on size, if choosing to remain in the same, under-used unit.

APPLICANTS ON THE WAITING LIST

Units which are smaller or larger than needed by the Applicant's household, may be assigned if the assignment will not cause serious overcrowding and no units of appropriate size are available. (The general overcrowding requirement is 150 square feet for the first household member and an additional 100 square feet per additional household member.) In such cases, the applicant must agree to move his or her household to the correct sized unit, at the household's expense, when the correct sized unit becomes available.

Policy for opening and closing the waiting list.

Methods for advertising used to announce opening and closing of waiting lists.

1. Closing waiting lists.

- a. The waiting list may be closed for one or more-unit sizes when the average wait is excessive (e.g., one year or more).
- b. When the Landlord closes the list, it will advise potential applicants that the waiting list is closed, and also decline to accept additional applications until the list is reopened.
- c. When the Landlord closes the waiting list and declines additional applications, it will publish a notice to that effect in a publication likely to be read by potential applicants. The notice will state the reasons that the Landlord will currently refuse additional applications.

2. Opening waiting lists.

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- a. When the Landlord reopens the waiting list after the end of the circumstances dictating its closure, notice of reopening and resumption of accepting new applications will be announced in a publication likely to be read by potential applicants, in the same manner as the closing of the waiting list.
- b. Advertisements will include notification of where and when to apply, and will meet the advertising and outreach standards set in HUD's Affirmative Fair Housing Marketing Plan.

Eligibility of students.

Requirements for determining eligibility of students enrolled in a program of higher education.

1. Section 8 assistance will be provided to any individual who:
 - a. Is enrolled as either a part-time or full-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential; and
 - b. Is under the age of 24; or
 - c. Is not married; or
 - d. Is not a veteran of the United States Military, or
 - e. Does not have a dependent child; or
 - f. Is not a person with disabilities, as such term is defined in 3(b)(3)(E) of the United States Housing Act of 1937 and was not receiving Section 8 assistance as of November 30, 2005; or
 - g. Is not living with his or her parents who are receiving Section 8 assistance; and
 - h. Is not individually eligible to receive Section 8 assistance or has parents who are not income eligible to receive Section 8 assistance.

NOTE: Unless the student can demonstrate his or her independence from parents, the student must be eligible to receive Section 8 assistance and the parents (individually or jointly) must be eligible to receive Section 8 assistance in order for the tenant to receive Section 8 assistance.

2. For a student to be eligible for residence with assistance the Section 8 Subsidy Program, independent of his or her parents and without consideration of the parent's income in application of low-income standards, the student must demonstrate his or her independence from the parents under the following criteria. The student must:

- a. Be of legal contract age under state law;
- b. Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy, or, meet the U.S. Department of Education's definition of an independent student;
- c. Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and
- d. Obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support. This certification is required even if no assistance will be provided.

3. With regard to an applicant who is a student, or is a member of an applicant's household, any financial assistance a student receives (1) under the Higher Education Act of 1965, (2) from private sources, or (3) from an institution of higher education, which is in excess of amounts received for tuition, must be included in the student's annual income, except if the student is over the age of 23 with dependent children or if the student is living with his or her parents who are receiving Section 8 assistance.

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4. If an ineligible student is a member of an existing household receiving Section 8 assistance, the assistance for the household will not be prorated but will be terminated in accordance with the guidance in paragraph 8-6 A.

NOTE: An owner cannot evict or require an ineligible student to move from a unit as long as the student is in compliance with the terms of the lease.

Violence Against Women Act (VAWA) protections. Archuleta Housing's policies support or assist victims of domestic violence, dating violence or stalking and protect victims, as well as members of their family, from being denied housing or from losing their HUD assisted housing as a consequence of domestic violence, dating violence or stalking.

- a. Archuleta Housing will provide notice to Section 8 tenants of their rights and obligations under VAWA.
- b. Certification of Domestic Violence, Dating Violence or Stalking.
 - i. Archuleta Housing will provide tenants the option to complete the Certification of Domestic Violence, Dating Violence, Stalking form HUD-5382. The certification form will be provided to all tenants at the time of acceptance for residency, and in the event a lease termination notice is sent to a tenant or an eviction for cause proceeding is commenced, the certification may be enclosed with the appropriate notice, inviting the tenant to complete, sign and return the form if relevant within fourteen (14) business days. This period may be extended if deemed to be appropriate in Archuleta Housing's sole discretion.
 - ii. Alternatively, in lieu of the certification form or in addition to it, Archuleta Housing Corp accepts:
 1. A federal, state, tribal, territorial, or local police record or court record, or
 2. Documentation signed by an employee, agent, volunteer of a victim service provider, an attorney, or medical professional from whom the victim has sought assistance in addressing domestic violence, dating violence or stalking or, the effects of the abuse in which the professional attests under penalty of perjury under 28 U.S.C 1746 to the professional's belief that the incident of abuse, and the victim of domestic violence, dating violence or stalking has signed or attested to the documentation.

Additional Protections under the Violence Against Women's Act (VAWA)

All tenants and applicants have the right to VAWA protections. The Landlord will not deny or terminate applicant/tenant assistance or tenancy on the basis, or as a direct result, of the applicant/tenant currently being, or having been, a victim of domestic violence, dating violence, sexual assault or stalking, if the applicant or tenant otherwise qualifies for admission, assistance, participation or occupancy as defined in this policy. The Landlord will provide each tenant and applicant with the Certification of Domestic Violence Form and the Notice of Occupancy rights under VAWA. Any applicant who is declined will receive the documents with the decline letter. All applicants who are accepted will be supplied the documents along with the Emergency Transfer Plan and Emergency Transfer Request Form at move-in.

Additional Protections for Persons with Disabilities

It is the policy of Archuleta Housing, pursuant to Section 504 of the Rehabilitation Act (if applicable) and the Federal Fair Housing Act to provide reasonable accommodations and modifications upon request to all applicants, residents, and employees with disabilities.

Although the Fair Housing Act generally requires applicants to be given equal treatment and prohibits discrimination against anyone with respect to the prohibited bases, there are certain limited circumstances when the Act requires a housing provider to

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treat persons with disabilities differently to enable them to have equal access to, or enjoyment of, housing and other housing-related programs. Specifically, the Fair Housing Act requires housing providers to provide “reasonable accommodations” to persons with disabilities. This means that an owner may have to modify rules, policies, practices, procedures and/or services to afford a person with a disability an equal opportunity to use and enjoy the housing.

Persons with Limited English Proficiency

Archuleta Housing will do its due diligence to identify and eliminate situations or procedures which create a barrier to equal housing opportunity for all. In accordance with Section 504, and will make reasonable accommodations for individuals with handicaps or disabilities as well as for individuals with limited English proficiency (applicants or residents).

The Landlord complies with Executive Order 13166 in its efforts to improve access to all of its programs and activities for persons who, as a result of national origin, are limited in their English proficiency. A Language Access Plan, which outlines the specific language assistance that is provided for persons who are limited in their English proficiency, can be developed upon request.

Prohibition of Discrimination

Archuleta Housing fully complies with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights act of 1968, Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, Fair Housing Act Amendments of 1988, E.O. 13166, HUD's Equal Access Rule, and with any additional legislation protecting the individual rights of applicants, residents, or staff which may subsequently be enacted.

The property shall not discriminate because of race, color, sex, familial status, religion, handicap, disability, sexual orientation, gender identity, marital status, or national origin in the leasing, rental, or other disposition of housing in any of the following ways:

- a. Deny to any household the opportunity to apply for housing, nor deny to any eligible applicant the opportunity to lease housing suitable to its needs,
- b. Provide housing which is different than that provided others,
- c. Subject a person to segregation or disparate treatment,
- d. Restrict a person's access to any benefit enjoyed by others in connection with the housing program,
- e. Treat a person differently in determining eligibility or other requirements for admission,
- f. Deny a person access to the same level or services, or
- g. Deny a person the opportunity to participate in a planning or advisory group which is an integral part of the housing program.

QUESTIONS AND INQUIRIES

Questions and inquiries regarding applicant treatment relative to Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, E.O. 13166 or the Fair Housing Act Amendments of 1988 should be addressed by mail to the following person, responsible for related policies: Father Kenny Udumka, Board President, P.O. Box 355 Pagosa Springs, CO 81147, 970-731-5744. This person is not directly involved in the day-to-day decision-making process involving admitting applicants to the property.

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DEFINITIONS:

APPLICANT includes all adult members of the Family or household.

DISABLED PERSON is a person with a disability as defined by Section 223 of the Social Security Act or as generally defined in 42 USC Section 6001(7) as a severe, chronic disability which:

1. is attributable to a mental/or physical impairment or combination of mental and physical impairments;
 2. was manifested before age 22;
 3. is likely to continue indefinitely;
 4. results in substantial limitations in three (3) or more of the following areas of major life activities: self care, receptive and responsive language, learning mobility, self direction, capacity for independent living, and economic Self Sufficiency; and
 5. reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or the other services which are of lifelong, or extended duration and are individually planned and coordinated. DRUG RELATED CRIMINAL ACTIVITY Drug Related Activity means the illegal manufacture, sale, distribution or use of a drug or the possession with the intent to manufacture, sell or distribute a controlled substance. Drug Related Criminal Activity does not include the use or possession, if the household member can demonstrate that they:
 1. have an addiction to a controlled substance, has a record of such an impairment, or is regarded as having such an impairment;
- and**
2. have recovered from such addictions and do not currently use or possess controlled substances. The household member must submit evidence of participation in, or successful completion of, a treatment program as a condition to being allowed to reside in the unit.

ELDERLY PERSON is a person who is at least 62 years old.

ELDERLY HOUSEHOLD is a household whose head or spouse is elderly, handicapped or disabled. The household may be two or more Elderly, Handicapped or Disabled Persons who are not related, or one or more such persons living with a live-in aide(s) essential to their care or well being. A household may NOT designate a Family member as head of household solely to qualify the Family as an Elderly Household.

EXTREMELY LOW-INCOME FAMILY is a Family whose income does not exceed thirty percent (30%) of the area median income as determined by HUD.

FAMILY is one or more persons in a household whose income and resources are available to meet the Family's needs.

HANDICAPPED PERSON is a person with a physical or mental impairment that:

1. is expected to be of long, continued and indefinite duration;

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2. substantially impedes the person's ability to live independently;
3. is such that the person's ability to live independently could be improved by more suitable housing conditions;
4. and a person with a developmental disability.

INCOME LIMITS are defined as those income limitations published by organizations regulating the development.

LIVE-IN AIDE/ATTENDANT is a person who lives with an Elderly, Disabled or Handicapped individual(s), is essential to that individual's care and well being, is not obligated for the support of the person, and would not be living in the unit except to provide the support services. While a relative may be considered to be a Live-in Aide/Attendant, the relative can reside in the unit as a Live-in Aide/Attendant only if the tenant requires special care. The Live-in Aide qualifies for occupancy only as long as the tenant requires supportive services and may not qualify for continued occupancy as a Remaining Family Member.

NONCITIZEN STUDENT is a resident of another country to which the individual intends to return; a bona fide student pursuing a course of study in the United States, and a person admitted to the United States solely for the purpose of study as indicated on an F-1 or M-1 student visa.

REMAINING MEMBER HOUSEHOLD is a person who remains in a unit following a decrease in Family composition.

SINGLE PERSON is a person who intends to live alone who is 18 years of age or older.

VERY LOW-INCOME FAMILY is a Family whose income does not exceed fifty per cent (50%) of the area median income as determined by HUD.

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