



Plano Community Homes Sponsored Properties (PCHSP)

202/PRAC

Plano Community Home Phase III, Inc.
Plano Community Home Phase IV, Inc.
Plano Community Home Phase V, Inc.
Pioneer Place Senior Housing, Inc.
Pioneer Place Senior Housing II, Inc.
Fairoaks of Denton, Inc.

www.planocommunityhome.org

TENANT SELECTION PLAN

This policy is to be used for the selection of Residents and shall be implemented in compliance with the Department of Housing & Urban Development (HUD) Owner's Handbook 4350.3, Rev-1, Chg-4, or current version, as amended and in addition to all other applicable federal statutes and regulations, including the Federal Register, Federal Fair Housing Laws, and Federal Fair Credit Reporting Act.

Fairoaks of Denton, Inc. is a non-profit corporation which owns and operates a total of 40 apartment units in Denton, Texas. The purpose of this equal opportunity housing facility is to provide affordable housing for very low and extremely low income elderly and disabled individuals with mobility impairment(s) and families through the

U.S. Department of Housing and Urban Development's (HUD) Section 202 Project Rental Assistance Contract (PRAC) program.

Plano Community Home Phase III, Inc., Plano Community Home Phase IV, Inc., and Plano Community Home Phase V, Inc. (West Campus) are individually non-profit corporations which own and operate a total of 167 apartment units in Plano, Texas. The purpose of this equal opportunity housing facility is to provide affordable housing for very low and extremely low income elderly and disabled individuals with mobility impairment(s) and families through the U.S. Department of Housing and Urban Development's (HUD) Section 202 Project Rental Assistance Contract (PRAC) program.

Pioneer Place Senior Housing, Inc. and Pioneer Place Senior Housing II, Inc. are non-profit corporations which own and operate a total of 134 apartment units in Plano, Texas. The purpose of this equal opportunity housing facility is to provide affordable housing for very low and extremely low income elderly and disabled individuals with mobility impairment(s) and families through the U.S. Department of Housing and Urban Development's (HUD) Section 202 Project Rental Assistance Contract (PRAC) program.

PCHSP reserves the right to alter its Tenant Selection Plan (TSP) at any time. In such an event, Management will post a notice and send correspondence to Applicants that a revised copy of the TSP is available to be read in the office.

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Section 1: General Information & Non Discrimination

- 1.1 Plano Community Home Phase III, Inc., Plano Community Home Phase IV, Inc., Plano Community Home Phase V, Inc., Pioneer Place Senior Housing, Inc., Pioneer Place Senior Housing II, Inc. and Fair Oaks of Denton, Inc. (PCHSP) are 202 projects for the elderly which serves:
 - 1.1.1 **Elderly Person** [24 CFR 891.205] An elderly person is a household composed of one or more persons at least one of whom is 62 years of age or more at the time of initial occupancy.
 - 1.1.2 Ten percent (10%) of our units have been designated for mobility impairment.
- 1.2 Residency is open to all qualified, eligible persons in accordance with the *Federal Fair Housing Act* and civil rights laws. Federal laws forbid Plano Community Homes Sponsored Properties (PCHSP) to discriminate based on race, color, creed, religion, sex, age, disability, familial status, or national origin. PCHSP does not discriminate based upon age for any reason, excluding HUD program/project requirements. Discrimination against a particular social or economic class is also prohibited. As well, PCHSP makes housing available for eligible persons without regard to sexual orientation, gender identity, or marital status.
- 1.3 This non-discrimination applies to all aspects of Tenant relations, including without limitation: accepting and processing applications, selecting Residents from among eligible Applicants on the *Waiting List*, assigning units, certifying and re-certifying eligibility for assistance and terminating tenancies.
- 1.4 A final rule published by the U.S. Department of Housing and Urban Development February 3, 2012, prohibits housing discrimination against lesbian, gay, bi-sexual or transgendered (LGBT) individuals in all HUD subsidized, insured and financing programs. The final rule also clarifies that all otherwise eligible families, regardless of marital status, sexual orientation, or gender identity, will have the opportunity to participate in HUD programs. PCHSP makes housing available without regard to the sexual orientation or gender identity of an Applicant for, or occupant of, the dwelling.
 - 1.4.1 The rule also prohibits owners and operators of HUD-assisted housing or housing insured by HUD from asking about an Applicant's or occupant's sexual orientation and gender identity for the purpose of determining eligibility or otherwise making housing available. HUD has clarified this final rule to state that this provision does not prohibit voluntary reporting of

sexual orientation or gender identity. There is an optional section on the application for any Applicant(s) who wishes to claim gender and/or marital status.

- 1.5 All potentially eligible, qualified Applicants will be considered in accordance with the marketing procedures of the HUD-Approved Affirmative Fair Housing Marketing Plan (HUD Form 935.2).
- 1.6 In order to be a Tenant at any Plano Community Homes Sponsored Property, a person must be capable of fulfilling the lease requirements. This means that the Applicant must be able to meet all of his/her personal needs and be able to fulfill the lease obligations with or without assistance.
 - 1.6.1 PCHSP does not provide, nor does it have the authority to provide, any care or supervision services. PCHSP does not accept or retain Tenants who demonstrate any level of need for care and supervision services that cannot be provided by the Tenant or caregiver supervised by the Tenant. PCHSP does not promise, nor make available in the future, any assistance with personal activities of daily living.
 - 1.6.2 PCHSP does not provide food services nor do anything that requires a medical licensure. Any Applicant nearing the top of the *Waiting List* who needs such assistance may be referred to a PCHSP Service Coordinator by the Director of Admissions or Executive Management Team for information about medical or other community resources.
 - 1.6.3 Once the Applicant becomes a tenant, if the head of the household or their spouse is unable to comply with any policies and rules including the *PCHSP Lease* and *PCHSP House Rules*, application for recertification may be denied on a case by case basis. With or without assistance, the Tenant must be able to meet all of his/her personal needs and be able to fulfill the lease obligations.
- 1.7 Since May 9, 2005, all properties under the sponsorship of Plano Community Homes Sponsored Properties (PCHSP) are smoke free. Smoking, including electronic cigarettes, vapors and other tobacco free apparatus, are prohibited anywhere in any building including Resident apartments.
 - 1.7.1 Smoking will only be permitted outside the buildings, at least 25 feet from all buildings, doors and windows. However, smoking under any awning, in any trash room, breezeway, gazebo or pergola, regardless of the weather, is not allowed, unless the area has been specifically designated as a smoking area by PCHSP.

- 1.7.2 The Smoke Free Policy applies to PCHSP Residents, staff, families, guests, Applicants, visitors and subcontractors. Applicant(s) will not be admitted without signing acknowledgement of this policy as part of the initial admission interview and House Rules prior to moving in.
- 1.7.3 Per HUD Memorandum from Helen R. Kanovsky dated January 20, 2011, regarding the *Medical Use of Marijuana and Reasonable Accommodations in Federal Public and Assisted Housing*, the federal and state nondiscrimination laws do not require PCHSP or any owner of federally assisted housing to accommodate requests by current or prospective resident with disabilities to use medical marijuana. (“Medical marijuana” refers to marijuana authorized by state medical marijuana laws, and the “use” of medical marijuana encompasses the use, unlawful possession, manufacture, and distribution of marijuana, as prohibited by the *Controlled Substances Act*.) In fact, PCHSP may not permit the use of medical marijuana as a reasonable accommodations because: 1) persons who are currently using illegal drugs, including medical marijuana, are categorically disqualified from protection under the disability definition provisions of *Section 504 of the Rehabilitation Act and the Americans with Disabilities Act*; and 2) such accommodations are not reasonable under the *Fair Housing Act* because they would constitute a fundamental alteration in the nature of PCHSP’s operations. Accordingly, PCHSP may not grant request by current or prospective residents to use medical marijuana as a reasonable accommodation for their disabilities, and the Office of Fair Housing and Equal Opportunity (FHEO) investigators should not issue determinations of reasonable cause to believe an owner has violated the Fair Housing Act based solely on the denial of a request to use medical marijuana as a reasonable accommodation.
- 1.8 Residents are required to complete an annual recertification process each year.
- 1.9 It is the policy of PCHSP to screen Applicants, Residents and household members for criminal history, and to reject Applicants, or terminate the leases of Residents, if it is determined that current or past criminal activity of an Applicant, Resident or household member may indicate a present threat to the health, safety, or right to peaceful enjoyment by other Residents, property Management staff or persons residing in the immediate vicinity of the facility.
- 1.10 No one other than the household members listed on the lease are allowed to live in a PCHSP apartment.

Section 2: Reasonable Accommodations

- 2.1 *Section 504 of Rehabilitation Act of 1973*, prohibits discrimination based upon disability in all programs or activities operated by recipients of federal financial assistance. A Reasonable Accommodation, as defined by the *Fair Housing Act*, is any accommodation by Management in rules, policies, and practices of services to give a person with a disability an equal opportunity to use and enjoy a dwelling unit or common space. PCHSP will make "reasonable accommodations" to individuals whose disabilities so require in accordance with HUD regulations, *Fair Housing Act* and Management policies.
- 2.1.1 It is the responsibility of the Applicant or Tenant to inform Management of any situation where a Reasonable Accommodation is needed.
- 2.1.2 Reasonable Accommodation requests should be submitted in writing using PCHSP provided forms. If unable to provide the request in writing, please notify Management. Reasonable structural modifications to units and/or common areas that are needed by Applicants and Tenants with disabilities may be approved and funded by the project, unless these modifications would change the fundamental nature of the project or result in undue financial and administrative burdens.
- 2.1.3 For more information please refer to the ***PCHSP Reasonable Accommodation Policy***.
- 2.2 **Assistive animals.** Some individuals with disabilities may require an assistive animal (e.g. guide dogs for persons with vision impairments, hearing dogs for persons with hearing impairments and "emotional support animals"). PCHSP has an established *Reasonable Accommodation Policy* which provides detailed instructions for Applicants and Residents on what the steps and necessary forms are needed for the reasonable accommodation process and how to go about applying for a reasonable accommodation for an assistive or companion animal. Applicants and/or Residents may ask for a copy of the *Reasonable Accommodation Policy* at any time.
- 2.3 **Additional assistance.** An Applicant with a handicap or disability, who presently may be unable to care for their apartment alone, may still qualify for the apartment if the Applicant secures assistance, home care, home maker services, a residential attendant, etc., enabling him/her to comply with the lease specifications. In the rare instance that a Live-in Aide is necessary to qualify, the eligibility to have a Live-in Aide will be processed through the PCHSP Reasonable Accommodation procedures and Service Coordinator program. In most instances, assistance can be

provided through in home support such as community resources and services rather than a Live-in Aide, and is strongly encouraged to be considered in making the decision to live at PCHSP with or without assistance. Assistance could be live-in, or it could be a friend, family member, or a service employee. Live-in Aide candidates are subject to criminal, lifetime sex offender registry and other screenings, and must disclose and provide verification of their social security number. Management will consider the approval of a Live-in Aide if needed as a *Reasonable Accommodation Policy* and must verify the need for a Live-in Aide. Verification that the Live-in Aide is needed to provide the necessary supportive services essential to the care and well-being of the person must be obtained from the person's physician or psychiatrist.

- 2.4 Reasonable Accommodations, including Live-in Aides, will be re-evaluated annually as part of the annual recertification.

Section 3: Eligibility for Rental Assistance

- 3.1 All Applicants must comply with any applicable admissions requirements in HUD Handbooks. The Head of Household, the spouse or co-head, and all other adults (age 18 and older) in the Applicant family must sign the HUD form 9887 and 9887A (Authorization for Release of Information) prior to being accepted for residency and annually thereafter. The Applicant(s) must agree to pay rent required by the program under which the Applicant(s) will be receiving assistance.
- 3.2 For an Elderly/Disabled Apartment Community, Applicants seeking rental assistance in these subsidized rental developments must meet the following eligibility factors as this community restricts occupancy to:
- 3.2.1 Elderly Households of two or more persons with at least one person who is 62 years of age or older;
 - 3.2.2 A Single Person who is 62 years of age or older;
- 3.3 The current fiscal year HUD median family income limits for the very low-income limit for the Dallas area apply to this project. Please refer to the application for current limits. Applicants must meet specific income restrictions to be eligible for housing.
- 3.4 **Current Income Limits:**
- 3.4.1 The household's annual income may not exceed the applicable Income Limit for the community, which is determined to be the 50% Area Median Income level (Very low Income),

- 3.4.1.1 The Applicant agrees to pay the portion of rent required by the subsidy program under which the Applicant will be admitted.
- 3.4.1.2 The unit must be the family's only residence.
- 3.4.1.3 At the time of admission, the Applicant may not be receiving Section 8 assistance on another housing unit.

3.5 Income and Asset Reporting Requirements:

3.5.1 Each household member must provide consent for verification of all sources of income, assets or other information relative to occupancy in the community.

3.5.1.1 Applicants and Residents are required to report **all income from all sources and all assets, located in the U.S.A. or in another country**, for PCHSP to determine eligibility and appropriate rent. This includes, but is not limited to, any sum of money no matter how great or small from employment, Social Security, supplement security income, disability compensation, Veterans Administration (V.A.) payments, company or government pension (from any government), unemployment compensation, income from rental property, interest from dividends on assets, annuities, mineral rights, regular monetary contributions from family or friends, including any Eligible Non-Citizen Sponsorship contributions agreed upon through U.S. Immigration Enforcement (such as the Affidavit of Support Under Section 213A under the Immigration and Nationality Act of the Department of Homeland Security/U.S. Citizenship and Immigration Services Sponsor's Contract), or ANY other sources of income you have.

3.5.1.1.1 If a Federal, State or local agency, or a private agency provides any covered means-tested public benefit to the person who becomes a permanent resident based on the Form I-864 that you signed, and their income falls within the guidelines set forth by the U.S. Department of Health and Human Services in the Poverty Guidelines, the agency may ask you to reimburse them for the amount of the benefits they provided. If you do not make the reimbursement, the agency may sue you for the amount that the agency believes you owe. If you are sued, and the court enters a judgment against you, the person or agency that sued you may use any legally permitted procedures for

enforcing or collecting the judgment. You may also be required to pay the costs of collection, including attorney fees. If you do not file a properly completed Form I-865 within 30 days of any change of address, USCIS may impose a civil fine for you failing to do so.

3.5.1.2 It is the responsibility of the Applicant to report **any and all assets or investments located inside the U.S.A. or in another country.** The Applicant must report all assets and investments such as cash located in banks, security deposit boxes, at home or stored anywhere else; all Bank Accounts including, but not limited to, checking, savings, money markets, C.D.'s, IRA's; Stocks/Bonds; Real Estate; Land; Homes, etc.

3.5.1.3 **Failure to report any income or asset is FRAUD. It is the policy of PCHSP to report Fraud to the appropriate Agency within the U.S. Government.**

3.6 **Citizenship Requirements:**

3.6.1 Assistance in subsidized housing is restricted to the following:

3.6.1.1 U.S. citizens or nationals; and

3.6.1.2 Noncitizens who have eligible immigration status as determined by HUD. Legal Immigration status may be verified through Homeland Security.

3.6.1.2.1 All family members and Applicants applying for housing, regardless of age, must declare their citizenship or immigration status. Noncitizens, (except those age 62 and older), must sign a *Verification Consent Form* and submit documentation of their status, or sign a declaration that they do not claim to have eligible status. Noncitizens, age 62 and older, must sign a declaration of eligible immigration status and provide a proof of age document. U.S. citizens must sign a declaration of citizenship.

3.6.2 PCHSP is required to verify with the Department of Homeland Security (DHS), the validity of documents provided by Applicants under the age of 62 and in some other instances. Applicants must submit required documentation of citizenship/immigration status no later than the date PCHSP initiates verification of other eligibility factors. Because of the prohibition against delaying assistance to obtain verification of

citizenship/immigration status, owners are advised to implement procedures to verify eligible immigration status in advance of other verification efforts.

- 3.6.3 A mixed family, family with one or more ineligible family members and one or more eligible family members, may receive either prorated assistance, continued assistance, or a temporary deferral of termination of assistance.
- 3.6.4 If the Applicant cannot supply the documentation within the specified time frame, Management may grant the Applicant an extension of not more than 30 days only if the Applicant certifies that the documentation is temporarily unavailable, and additional time is needed to collect and submit the required documentation. Although the extension period may not exceed 30 days, Management may establish a shorter extension period based on circumstances of the individual case.
- 3.6.5 Management must inform the Applicant in writing if an extension request is granted or denied. If the request is granted, Management will include the new deadline for submitting the documentation. If the request is denied, Management will state the reasons for the denial in the written response.
- 3.6.6 Currently assisted families that have no eligible members and those that qualify only for prorated assistance and choose not to accept the partial assistance, are eligible for temporary deferral of termination of assistance.

3.7 **Student Eligibility as a Member of an Eligible Household:**

- 3.7.1 Student eligibility is determined at move-in/initial certification and at each annual certification of the eligible household. If a student's status changes for an adult during residency, the resident must report the change in student status and eligibility will be determined to see if the household is eligible to receive assistance.
- 3.7.2 Each household member must provide verifiable information regarding their status as a student.
- 3.7.3 The student must meet all of the following criteria to be eligible. The student must:
 - 3.7.3.1.1 Be of legal contract age under state law;
 - 3.7.3.1.2 Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy;
 - 3.7.3.1.3 Meet the U.S. Department of Education's definition of an independent student;

- 3.7.3.1.3.1 To be classified as an independent student, a student must meet one or more of the following criteria:
 - 3.7.3.1.3.1.1 Be at least 24 years old by December 31 of the award year for which aid is sought;
 - 3.7.3.1.3.1.2 Be an orphan or ward of the court through the age of 18
 - 3.7.3.1.3.1.3 Be a veteran of the U.S. Armed Forces
 - 3.7.3.1.3.1.4 Have legal dependents other than a spouse (for example, dependent children or an elderly dependent parent);
 - 3.7.3.1.3.1.5 Be a graduate or professional student or;
 - 3.7.3.1.3.1.6 Be married
- 3.7.3.1.3.2 The individual must obtain a certification of the amount of financial assistance that will be provided by parents, guardians or others signed by the individual providing the support. The financial assistance provided by persons not living in the unit is part of annual income that must be verified to determine eligibility and at each subsequent certification.
- 3.7.3.1.4 Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and
- 3.7.3.1.5 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.
- 3.7.4 The full amount of financial assistance paid directly to the student or to the educational institution and the amounts of scholarships funded under title IV of the Higher Education Act of 1965, including awards under federal work study programs or under the Bureaus of Indian Affairs student assistance programs, are excluded from annual income for the following programs:

Rent Supplement, RAP, Section 221(d)(3) BMIR, Section 236, Section 202 PC, Section 202 PRAC or Section 811 PRAC programs.

3.7.5 Prohibition of Assistance to Noncitizen Students – Noncitizen students and their noncitizen families may not receive assistance. Noncitizen students are not eligible for continuation of assistance, prorated assistance, or temporary deferral of termination of assistance. A noncitizen is defined as an individual who is as follows:

3.7.5.1 A resident of another country to which the individual intends to return;

3.7.5.2 A bona fide student pursuing a course of study in the United States

3.7.5.3 A person admitted to the United States solely for the purpose of pursuing a course of study as indicated on an F-1 or M-1 student visa.

3.7.6 The 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.

3.8 **Proof of Social Security Numbers (SSN):**

3.8.1 Effective January 31, 2010, all household members receiving subsidy assistance or applying to receive subsidy assistance at PCHSP will be required to provide a Social Security Number (SSN) and adequate documentation necessary to verify that number. This rule applies to all household members including Live-in Aides, foster children and foster adults. Adequate documentation means a social security card issued by the Social Security Administration (SSA) or other acceptable evidence of the SSN.

3.8.2 There is no longer an age restriction on SSN disclosure. All household members receiving or applying for assistance, including those under the age of 6, must disclose and document their SSN.

3.8.3 For current households, any household member receiving assistance who has not previously disclosed their SSN, or disclosed a SSN that is inaccurate or has changed, must provide their SSN and acceptable verification of their SSN at the next recertification or reexamination of family composition and/or income.

- 3.8.4 This exemption applies as long as this household requests assistance including a transfer to another unit at the property or moving to another HUD assisted property or program.
- 3.8.5 Applicants who have not provided SSNs may remain on the *Waiting List*. However, Applicants must disclose a SSN and provide adequate documentation to verify each SSN for all non-exempt household members before they 1) can be screened, 2) can participate in the first interview to begin verifying eligibility or 3) can be housed.
 - 3.8.5.1 If all non-exempt household members have not disclosed and/or provided verification of their SSNs at the time their application is to be screened, or at the time a unit becomes available, the next eligible Applicant must be offered the first interview or available unit.
 - 3.8.5.2 The Applicant who has not provided required SSN information for all non-exempt household members has 30 days from the date they are notified of the time to begin the screening process which is a prerequisite to the first interview to provide SSN documentation.
 - 3.8.5.3 If requested in writing, a 60 day extension will be granted. During this 90 day period, the Applicant may retain its place on the *Waiting List*. After 90 days, if the Applicant is unable to disclose/verify the SSN of all non-exempt household members, the Applicant should be determined ineligible and removed from the *Waiting List*.
 - 3.8.5.4 The SSN requirements do not apply to household members who indicate that they are a non-eligible non-citizen. In these cases, the household is considered a “mixed” household and assistance is prorated based upon the number of eligible household members. However, the household members claiming eligibility must provide documentation of their SSN.
 - 3.8.5.5 If an assisted household member fails to disclose and document their SSN at the required time-frame, the entire household’s assistance must be terminated.
- 3.8.6 Individuals who have applied for legalization under the *Immigration and Reform Control Act of 1986* will be able to disclose the social security numbers, but unable to supply the cards for documentation. Social security numbers are assigned to these persons when they apply for amnesty. The cards go to the Department of Homeland Security (DHS) until the persons

are granted temporary lawful Resident status. Until that time, their acceptable documentation is a letter from the DHS indicating social security numbers have been assigned.

- 3.8.7 Management must 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 Management. The Applicant must provide SSN documentation to Management within 90 days from the date on which the Applicant certified that the documentation was not available.
- 3.8.8 If Management has determined that the Applicant is otherwise eligible for admission into the property, and the only outstanding verification is that of the SSN, the Applicant may retain his or her place on the *Waiting List* for the 90-day period during which the Applicant is trying to obtain documentation. After 90 days, if the Applicant has been unable to supply the required SSN documentation, the Applicant will be determined ineligible and removed from the *Waiting List*.
- 3.8.9 Management may extend the time period for an additional 60 days if the Applicant is at least 62 years old and unable to submit the required documentation within the first 90-day period.
- 3.8.10 Assignment of a New SSN. If a tenant or any member of a tenant's household is or has been assigned a new SSN, the SSN must be disclosed and verification provided to the owner at the time of receipt of the SSN, or no later than the next interim or regularly scheduled recertification.

3.9 **Exceptions to disclosure of Social Security Numbers (SSN):**

3.9.1 The Social Security Number requirements do not apply to:

3.9.1.1 Individuals who do not contend eligibility immigration status.

3.9.1.1.1 When Applicants and Residents are required to declare their citizenship status, the existing regulations pertaining to proration of assistance or screening for mixed families must continue to be followed. In these instances, the owner will have each Resident's *Citizenship Declaration* on file - whereby the individual did not contend eligible immigration status - to support exception to the requirements to disclose and provide verification of a Social Security Number.

3.9.2 Individuals age 62 years or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010.

3.9.2.1 The eligibility date is based on the initial effective date of the form HUD-50059 or form HUD-50058, whichever is applicable.

3.9.2.2 Documentation that verifies the Applicant's exemption status must be obtained from the owner of the property where the initial determination of eligibility was determined prior to January 31, 2010. This documentation must be retained in the Resident file. An owner/agent cannot accept a certification from the Applicant stating they qualify for the exemption.

3.9.2.3 The exception status for these individuals is retained if the individual moves to a new assisted unit under any HUD assisted program or if there is a break in his or her participation in a HUD assisted program.

3.10 **Secondary Verification of the Social Security Number (SSN):**

3.10.1 The Social Security Number provided will be compared to the information recorded in the Social Security Administration database, (through HUD's Enterprise Income Verification System), to ensure that the Social Security Number, birth date and last name match. If EIV returns an error that cannot be explained or resolved, assistance and/or tenancy may be terminated and any assistance paid in error must be returned to HUD. If the Applicant/Resident deliberately provides an inaccurate Social Security Number, the owner/agent and/or HUD may pursue additional penalties due to attempted fraud.

3.11 **Criminal or Drug-Related Activity:**

3.11.1 Upon move-in, Tenants sign leases requiring them to accept responsibility for the actions of individual household members, their guests, and/or other persons on the premises with their consent. No Tenant, no member of the Tenant's family or household, nor a guest or any other person visiting a Tenant shall, engage in criminal activity on or near the apartment complex, including drug-related criminal activity, or other criminal activity or drug and alcohol abuse that threatens the health and safety of the Tenants, staff, contractors, subcontractors, or agents of the owner or hinders the peaceful enjoyment of the housing premises. "Drug-related criminal activity" means the illegal manufacture, sale, distribution, possession or use of a controlled substance (as defined in Section 102 of the Controlled Substance Act).

- 3.11.2 No Tenant, nor member of the Tenant’s household or family, nor any guest or other person shall engage in any act intended to facilitate criminal activity, drug-related activity on or near the apartment complex.
- 3.11.3 No Tenant, nor members of the Tenant’s household or family, nor any guest or other person, will permit the dwelling unit to be used for, or to facilitate, criminal activity, including drug-related criminal activity, regardless of whether the individual engaging in such activity is a member of the household, family or a guest.
- 3.11.4 No Tenant, nor member of the Tenant’s household or family, nor any guest or other person, will engage in the manufacture, sale, possession, use or distribution of illegal drugs on or near the apartment complex or elsewhere.
- 3.11.5 No Tenant, nor shall any member of the Tenant’s household or family, guest or other person, engage in acts of violence, including, but not limited to, the unlawful discharge of firearms on or near the apartment complex.
- 3.11.6 Violation of the above provisions shall be a material noncompliance violation of the lease and good cause for termination of the lease. A single violation of any of these provisions shall be deemed a serious violation and material noncompliance with the lease. It is understood and agreed that a single violation shall be good cause for termination of the lease. Unless otherwise provided by law, proof of violation shall not require criminal conviction, but shall be by a preponderance of the evidence.

Section 4: Admissions

- 4.1 Applicants will be considered on a first-received, first-reviewed basis, based on the date and time that the **completed** and **signed** application is received by PCHSP Admission Department. Admission to a Plano Community Home Sponsored Properties is limited to those Applicants whose income meets the HUD median family income limits for the very low-income limit for this area.
- 4.2 **Income Limits** - The household’s annual income must be under the HUD established income limits for admission. HUD sets income limits for each county or metropolitan statistical area (MSA) by family size. These limits are updated annually.

4.2.1 An Applicant is considered ineligible if:

- 4.2.1.1 The household's gross annual income is greater than the applicable income limit.
- 4.2.1.2 The amount the household would be required to pay using the HUD rent formula equals or exceeds the Gross Rent for the unit.
- 4.2.1.3 The Applicant will continue to receive assistance on another unit at the time of admission.

4.3 **Procedures for Applying for Housing:**

4.3.1 All persons/families interested in applying for housing at Plano Community Homes must comply with the following requirements to be "considered for housing":

4.3.1.1 Applications for residency are available on the website www.planocommunityhome.org. Applications may be picked up at the East Campus location at 1612 Avenue L, Plano, TX 75074, or Fairoaks of Denton property, at 1150 Lattimore St., Denton, TX 76209. Applications may be requested to be mailed by phone during East Campus or Fairoaks of Denton normal business hours Monday through Friday. Management will mail applications upon request, but they are too lengthy to send by fax. Anyone who wishes to be placed on the *Waiting List* to be admitted to a PCHSP property, must complete an application. The application must include a signature from the Applicant certifying the accuracy and completeness of information provided. If the Applicant required translator assistance, the translator must sign the application as well.

4.3.1.2 Applicants may return the completed application in person during regular business hours or by mail. The document is too large to accept by fax.

4.3.1.2.1 If the completed application is for residency at a Plano property or all properties including Denton, the application should be returned to our East Campus Location at 1612 Avenue L, Plano, TX 75074.

4.3.1.2.2 To return an application for residency at our Fairoaks of Denton property **ONLY**, the application should be returned to 1950 Lattimore St., Denton, TX 76209.

4.3.1.2.3 The weekend, holiday, and evening part time staff are not trained in matters of occupancy or *Waiting List* procedures.

Therefore, part-time evening and weekend staff are prohibited from accepting any applications or answering questions regarding occupancy.

- 4.3.1.2.4 An Applicant must list all family members who will reside in the unit.
- 4.3.1.2.5 Applicant(s) must meet certain credit/criminal report standards. A credit/criminal report will be run on the Applicant(s) by Management or its representative. Credit and criminal background checks may be screened prior to an applicant(s) being added to the waiting list and again when processing the application for admission.
- 4.3.1.2.6 Show ability to meet financial obligations in a satisfactory manner and on time.
- 4.3.1.2.7 List monthly obligations, including current utilities.
- 4.3.1.2.8 Provide good/acceptable references from all landlords, both current and previous, listed on the application and in credit bureau files.
- 4.3.1.2.9 Show that the Applicant has the ability to fulfill all the lease requirements (with or without care or other assistance), where applicable.
- 4.3.1.2.10 Satisfactory housekeeping habits that will not jeopardize the health, security or welfare of themselves or other Residents.
- 4.3.1.2.11 Provide proof of citizenship for household members and proof of social security numbers is required.

4.3.1.3 Applicant must declare current status as a HUD recipient.

4.3.2 In addition to the application, Applicants are offered the opportunity to complete a SUPPLEMENT TO APPLICATION FOR FEDERALLY ASSISTED HOUSING HUD-92006. This form is attached to the application and gives Applicants the option to identify an individual or organization that may be contacted and the reason(s) the individual or organization may be contacted. The Applicants, if they choose to provide the additional contact information, must sign and date the form.

4.3.3 All of the information from the application will be verified in accordance with HUD Regulations and Requirements, as stated in HUD Handbook

4350.3 REV-1, Change 4 or current HUD Handbook revision at the time. Applicants will be required to sign appropriate forms authorizing Management to verify any and all factors that affect the Applicant's eligibility or the rent that the Applicant will pay. All of this information may be released by HUD to other Federal, State and Local Agencies.

- 4.3.4 An Applicant may only be placed on our *Waiting List* after submitting a fully completed application. This means all questions on all pages must be answered and the Applicant must sign all pages that require a signature. In the event the Applicant is personally unable to complete the form, the Applicant must provide the information to someone assisting in completing the form. The person assisting the Applicant must sign and date the application, indicating that it was completed at the direction of the named Applicant(s). The Applicant(s) signature is required even if it is only a witnessed "X" or mark. We will not accept an Applicant from, nor accept as a Resident, anyone who has had someone else sign on his or her behalf, except as noted above. Additions, deletions and updates to this application may be made by Applicant(s) when necessary in the future, as changes take place.
- 4.3.5 If the prospective Applicant(s) wishes to see an apartment, then he or she must make an appointment with the admissions office. A minimum of a 24 hours' notice is required in order to schedule an appointment with a current Resident to show their apartment. Tours are only given on campuses with an open *Waiting List*. Tours are given by appointment only and during normal business hours. Tours may be temporarily suspended from time to time.
- 4.3.6 PCHSP will be rented and occupancy maintained on a first-come, first-serve basis with priorities taken into consideration. All persons wishing to be admitted to the development or placed on the *Waiting List*, must complete an application. Prospective Tenants submitting incomplete applications will not be considered for occupancy.
- 4.3.7 Applicants who fail to provide acceptable landlord references, credit history, or who have a criminal background will be notified that they have been removed from the *Waiting List*.
- 4.3.8 When an appropriate unit is available, the *Waiting List* shall be reviewed to identify the Resident or Applicant who meets priority criteria or whose name is chronologically at the top of the *Waiting List*.

- 4.3.9 The Applicant(s) shall be informed that a final decision on eligibility cannot be made until all verifications are complete and current income has been verified. The *Waiting List* shall be updated every three months and may be closed for one or more unit sizes when the average wait is excessive.
- 4.3.10 If an Applicant's income changes to an amount which is no longer eligible under the limitations of the assistance program by the time the application reaches the top of the *Waiting List*, written notice will be given advising the Applicant that:
- 4.3.10.1 They are not presently eligible for assistance under the PRAC/202 program; and
 - 4.3.10.2 The Applicant could become eligible if the household income decreases, the number of household members changes, the Income Limit changes, or HUD grants an exception to the Income Limits.
 - 4.3.10.3 Applicants are responsible for notifying PCHSP of changes in contact information.
- 4.3.11 PCHSP is required by HUD to complete an Existing Tenant Search using the Enterprise Income Verification system (EIV) for Applicants prior to admission. This search will be conducted as part of the initial interview. Nothing prohibits a HUD housing assistance recipient from applying to a PCHSP property. However, the Applicant must move out of the current property and/or forfeit any voucher before HUD assistance on a PCHSP property can begin. Therefore, an otherwise eligible Applicant is responsible for paying the full contract rent from the move-in date until the date PCHSP is allowed to bill HUD for that household assistance.
- 4.3.12 Further, PCHSP is required to utilize the Enterprise Income Verification system (EIV) for each Resident yearly to run income verification and other reports regularly as required by HUD to identify and correct discrepancies in information provided by Residents. Discrepancies in reported income could result in changes to Tenant rent including pay back of any miscalculated rent owed. EIV income reports will also be conducted approximately 90 days following move in for each new Resident.

Section 5: Regular Waiting List

- 5.1 Any Applicant(s) who appears to qualify after PCHSP staff reviews the application, but before any information is formally verified, and for whom a unit is not currently

available, will be placed on the *Waiting List*. It is the Applicant's responsibility to report changes on the application information to the PCHSP Admission's Office in a timely fashion.

5.2 Any Applicant on the *Waiting List* is required to complete and return any and all update letters sent by Plano Community Home Sponsored Property. These letters are sent to Applicants on the *Waiting List* approximately every twelve (12) months to retrieve updated information and verify interest in living at PCHSP. The letter will list a return date and state that if the letter is not completed and received on or before the required response date, the Applicant will be dropped from the *Waiting List(s)* without further notice. If there is a question about when a mailed update letter was received by the Admission Department, the post mark on the envelope will be reviewed to see whether or not it was post marked no later than the return date. Any letter post marked after the due date will not be accepted.

5.2.1 Any Applicant on the *Waiting Lists* is required to complete, sign his or her name and return any and all update letters sent by Plano Community Homes. Update letters must not be signed on behalf of an applicant(s) or the response will be invalid. If an applicant uses a translator to read and complete the update letter, the translator must also sign the document for it to be considered valid.

5.3 When the number of names/families on the *Waiting List* for any particular size exceeds the annual apartment turn over for that size unit, the *Waiting List* may be closed. A notice will be prominently posted in the Management/Rental office or reception area stating that the *Waiting List* is closed and a copy placed in the local newspaper. When the *Waiting List* is to be reopened, notice of the reopening will be placed in the local newspaper and notifications will be sent to appropriate social service agencies, including but not limited to elderly and community service agencies. The notice will state the reopening and the times, the location, and the days applications will be accepted. This will be done in accordance with the AFHMP (HUD Form 935.2).

5.4 The *Waiting List* will be kept in accordance with the HUD Handbook 4350.3 REV-1, Change 4 or current HUD Handbook revision.

5.5 **Interviews & Orientation:**

5.5.1 Applicants on the *Waiting List* will be offered a First Interview & Orientation as they approach the top of the *Waiting List*. Unit offers will only be made to Applicants on the *Waiting List* after eligibility is verified through the interview process and a unit is, or is becoming, available.

Admission is limited to those Applicants whose income meets the HUD income limits for this area. Admission is limited to those Applicants who meet all eligibility requirements as outlined in the current Tenant Selection Plan.

- 5.5.2 Successful completion of the First Interview is a prerequisite to being offered an apartment. Once the Applicant's position on the *Waiting List* enables application processing, the household will only be sent two consecutive notices of the opportunity to begin the interview process.
- 5.5.3 When the Applicant completes the original application, it will be preliminarily reviewed. The initial review is to ensure the application is legible, is substantially completed and to make a preliminary eligibility determination, on the surface, if the Applicant appears to qualify for the PRAC/202 Program. Applicants are placed on the *Waiting List* by the date and the time the application was received and deemed complete. Placement on the *Waiting List* does not mean an Applicant qualifies or is eligible. Eligibility can be confirmed only after all items having any bearing on the rent the Applicant may pay or the subsidy he/she may receive are verified as part of the interview process. This verification includes, but is not limited to: income, assets, family composition, rental, credit & criminal history, etc. The Applicant(s) must be determined eligible to be offered housing.
- 5.5.4 When an appropriate unit becomes available the Admission's Department must conduct an interview and orientation with the Applicant regarding procedures, to obtain current information including asset and income information, to certify eligibility and compute the Tenant's share of the rent.
- 5.5.5 As an Applicant's name approaches the top of the *Waiting List*, or when an Applicant is being offered housing, a criminal background check and credit history check will be conducted prior to scheduling a formal interview. At this First Interview meeting time, the Applicant(s) is interviewed, all items on the application will be updated, discussed, confirmed, and verification forms will be signed by the Applicant(s) authorizing Management to verify all of these issues/items. Until all items are verified, eligibility cannot be determined, nor any housing offered. Management must make an attempt to verify all factors with "third party" written verification, per HUD Regulations and Procedures.
- 5.5.6 At the orientation PCHSP must:
 - 5.5.6.1 Confirm and update all information provided on the application,

such as determine eligibility, explain the program requirements, complete verification procedures, and explain penalties for the submission of false information. These penalties include eviction, loss of assistance, fines up to \$10,000 and imprisonment for up to five years. A final decision on eligibility cannot be made until all verifications are complete.

5.5.6.2 If applicable, PCHSP must explain the rules regarding pet ownership.

5.5.6.3 PCHSP will provide information regarding security deposit requirements, and Resident's responsibility for all fees and expenses, with the exception of water, sewer & trash removal.

5.6 After attempting third party verification, and no response being received, Management will use "Review of Documents" to verify items/issues in accordance with the HUD Handbook 4350.3 REV-1, change 4, or current HUD Handbook revision.

5.7 If completed verification forms or admission process paperwork are over 120 days old at the time a unit becomes available, the information must be resigned and reprocessed before eligibility can be confirmed for move in.

5.8 If the request to delay the offer for first interview or an apartment is due to a medical reason, verification will be required and an extension will be considered as follows: a 30-day extension from the 30-day deadline for first interviews and an extension from the offer date for an apartment allowing the Applicant to remain in place for 30 additional days or another apartment offer, whichever is longer.

5.8.1 If for any reason, other than medical, the Applicant, or any member of the household, is unable or decides not to begin or complete the application process, the Applicant shall be removed from the *Waiting List* and must reapply by completing a new application that will have to be processed for eligibility. **Going to the end of the list is no longer an option.**

5.8.1.1 If the Applicant wants to be on a *Waiting List* after being removed, he/she will be required to complete and turn in a new application. Applicants are only eligible to apply for a campus with an open *Waiting List*.

5.8.1.2 Applicants who are removed from the *Waiting List* will be required to wait one (1) year from the date his or her name is removed from the *Waiting List* by the Admissions staff before reapplying again.

5.8.1.3 If an Applicant reapplies and is removed from any PCHSP *Waiting List* a second time, that household will need to wait for a period of two (2) years to reapply, unless their situation has significantly changed.

- 5.9 Once all Applicants have been accommodated for an appropriate unit based on size and type, all eligible Applicants remaining on any PCHSP *Waiting List* who have requested a similar size or type of unit may be offered an opportunity to process their application in the same chronological order for a vacant unit prior to a *Waiting List* being opened.
- 5.10 When a unit becomes available, in-place Tenants requiring a different unit will be housed appropriately before we offer an apartment to an Applicant on the *Waiting List*. This allows Management to accommodate current Tenants having the greatest housing need prior to Applicants on the *Waiting List*. In this manner, we are able to avoid displacing, through any action, current Tenants whose housing needs have changed since admission. (See priority section below)

Section 6: Preferences, Priorities & Transfers

6.1 Plano Community Homes Sponsored Properties has permanently suspended Federal Preferences, in accordance with HUD directives. PCHSP currently has no Owner Adopted Preferences. However, in the event of a presidential declared disaster, PCHSP must follow procedures mandated by HUD which may include giving preference to individuals and families displaced by disaster or government action. Preferences affect only the order of Applicants on the *Waiting List*. They do not make anyone eligible who was not otherwise eligible, and they do not change Management's right to adopt and enforce Tenant screening criteria.

6.2 **Priorities & Accommodations**

6.2.1 **Management will observe priorities & accommodations listed below prioritized in the order of the list:**

- 6.2.1.1 **Accommodation for Existing Residents:** Requests for accommodation from existing Residents requiring unit transfers will take priority over all *Waiting List* Applicants. Accommodation results when a third-party-verified handicap or disability requires a change or repairs which make it easier for the existing Resident to reside in the community. This will be done in chronological order, based on the date of the notification to the site Management and once Management verifies the new "Need." All current, in-place Tenants whose needs have changed, will be

housed and/or transferred before anyone on the *Waiting List* is housed.

- 6.2.1.2 **Units Designed for Use by Handicapped/Disabled Residents:** Applicants requesting units with specifically designed features for handicapped/disabled individuals will be provided preference for units that have been set-aside for this use.
- 6.2.1.3 **Transfers for Existing Tenants:** Administrative transfers for households who are over or under housed shall be granted preference over other households on the *Waiting List*. Households requiring a transfer due to over or under-housed family size shall be required to accept a transfer within the same building in the development when a unit of the required bedroom size becomes available. Optional accommodations for the required bedroom size within the buildings of the property shall be offered to such residences other than their current residence, when and if the units of the required bedroom size become available. However, Management will not make such transfers mandatory due to the undue burden that could be associated with moving to another location unless the overcrowding violates local, state or federal occupancy regulations. All such transfers shall be granted preference over new Applicants.

6.3 **Unit Size Standards and guidelines:**

6.3.1 When assigning bedrooms:

- 6.3.1.1 A Minimum of one (1) person per bedroom; maximum of two (2) persons per bedroom. Efficiencies are limited to one (1) person.
- 6.3.1.2 Every family member listed on the application or 50059 is counted.
- 6.3.1.3 An unborn child and foster children are counted for occupancy and eligibility determination. Children who are in the process of being adopted or whose custody is being obtained by an adult.
- 6.3.1.4 Live in attendants are counted when determining bedroom size.
- 6.3.1.5 Anticipated children and children who live in the unit 50% of the time are counted.

6.3.1.6 Children away at school, who live with the family when school recesses, are counted.

6.3.2 PCHSP will accommodate the changing needs of the in-house Tenants because of increases in the number of family members or changes in the family composition, before going to the *Waiting List*. Any household placed in a unit differently sized than what is stated by occupancy standards agrees to transfer, at their own cost, to an appropriate sized unit when it becomes available in accordance with transfer policies.

Section 7: Accessible Units

- 7.1 Because 10% of the units at each building have been architecturally altered for accessibility (to some degree), someone in the family must qualify as "needing" the architecturally altered features to apply for or live in these units. This need will be verified with a medical practitioner. Units that have been altered in any way for a disabled person will be rented, whenever possible, to a family or individual needing that specific unit type, or the architectural features present in that unit. In all instances, "accessible" units shall be rented to a family or family with a member needing that type of unit.
- 7.2 If it is necessary for eligibility verification, and an Applicant is sent the *Mobility Impairment Verification Letter*, it must be returned to the Admission office within ten (10) days. Once Admission staff sends it to the doctor with the information provided by the Applicant, the doctor must return the form within 14 days. If it is not returned or is not correctly filled out, the application will be rejected and be given a 14 day opportunity to appeal in writing. A maximum of two letters will be sent to no more than two doctors requesting the form be completed. This helps to prevent "doctor shopping" and fraud.
- 7.3 In the unlikely event that no Applicant or family can be found that requires that unit type, a non-disabled elderly Applicant or family can be housed there, temporarily only after signing a statement that will become a lease amendment, stating they will move within 30 days, "at their own expense" when they are notified by Management, in writing, that a non-handicapped unit is available.

Section 8: Transfer Policy

- 8.1 Management will allow in-house transfers, in the following situations:

- 8.1.1 A Resident who has given indications that he/she will give PCHSP a move-out notice within the next few months need not be transferred.
- 8.1.2 Every effort will be made to accommodate an Applicant appropriately at initial move in. Transfers will be done primarily to meet a Resident's changing needs.
- 8.1.3 Transfers between buildings is prohibited by the Department of Housing and Urban Development. To move to another building with an open *Waiting List*, a **NEW** application must be completed and signed. This new application will be processed the same as any new application.
- 8.1.4 Transfers for a verifiable medical reason for a different unit, including the need for a reasonable accommodation, care attendant or an accessible/ altered unit.
- 8.1.5 Change in family composition and/or size.
- 8.1.6 Transfer from unit due to renovation of previous unit.
- 8.2 Requests for transfers that are based on a need for a reasonable accommodation will be given priority over other requests. Transfers will be provided to persons who have a medical or other verified need because of a disability in chronological order. All other transfers will be accommodated after requests for reasonable accommodations have been met and will occur in chronological order by the date the request was received by Management. Eligible Residents on the *In-house Waiting List* will be accommodated prior to Applicants on the *Waiting List*.
- 8.3 Transferring Residents or households must comply with the rules outlined in the *PCHSP Move-Out Procedures*.
- 8.4 A transfer request will not occur for the following:
 - 8.4.1 Any transfer requests prior to the first anniversary of move in, e.g. there will be no transfer requests entertained during the first year, unless the request is related to an approved reasonable accommodation request.
 - 8.4.2 New unit features, unless related to an approved reasonable accommodation request.
 - 8.4.3 New location for scenery or view, unless related to an approved reasonable accommodation request.
 - 8.4.4 Perceived convenience without any approved reasonable accommodation request.

Section 9: References, Credit, & Criminal Screening Criteria

The following factors shall be considered in screening Applicant for occupancy:

9.1 Rental Approval:

- 9.1.1 If a prior landlord reports the Applicant(s) damaged property or committed lease violations, the Applicant may be denied. This includes, but is not limited to, lease violations, disturbing the peace, harassment, poor housekeeping habits, improper conduct or other negative reference against the household.
- 9.1.2 Any rental activity involving evictions within the past three (3) years is automatically grounds for denial. This includes any household members who have been evicted from Federally-assisted housing within the last three (3) years for drug-related criminal activity. If the evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program or circumstances leading to the eviction no longer exist, Management will review on a case-by-case basis.
- 9.1.3 PCHSP may accept a rental history of no more than two (2) late payments of rent in a six (6) month period, with verification of all charges paid and no more than one (1) Non Sufficient Funds (NSF) check in a one (1) year period. Anything beyond this specification can be grounds for denial.
- 9.1.4 Any evidence of illegal activity including drugs, gangs, weaponry, violence, bullying, etc., will be grounds for denial.
- 9.1.5 Ability to maintain, or with assistance, would have the ability to maintain, the housing in a decent, safe and sanitary condition based on living or housekeeping habits and whether such habits adversely affect the health, safety or welfare of the household and other Residents in the community.
- 9.1.6 Any debt balance owed to a prior Management company or housing complex will need to be paid prior to move-in.
- 9.1.7 Inability to meet financial obligations and to pay rent on time.
- 9.1.8 Comments/references from current and former landlords (endorsement from at least two (2) is preferred); landlord comments/references may request the information regarding the following:
 - 9.1.8.1 Non-payment of rent - Credit checks may be useful when no rent payment history is available. However, lack of a credit history, as

opposed to poor credit history, is not sufficient justification to reject an Applicant.

9.1.8.2 Failure to cooperate with applicable recertification procedures

9.1.8.3 Violations of house rules (e.g. disturbance of neighbors)

9.1.8.4 Violations of lease (e.g. destruction of property)

9.1.8.5 History of disruptive behavior

9.1.8.6 History of disturbing neighbors or destroying property.

9.1.9 Lack of rental history is not grounds for denial.

9.1.9.1 Reference requirement: in cases where there is a total lack of rent and credit history, Applicants will be required to provide an acceptable Housing Provider Reference and at least two satisfactory professional reference letters from persons other than family members. A Home Visit may be used to confirm the information received in the Housing Provider Reference, but will not be a requirement.

9.1.10 An Applicant's or program participant's status as a victim of domestic violence, dating violence or stalking is not a basis for denial of rental assistance or for denial of admission, if the Applicant otherwise qualifies for assistance or admission. *(see Violence Against Women's Act (VAWA) pg.45-46)*

9.2 **Repayment Agreement:** Applicant must notify owner if they were ever required to enter into a repayment agreement with a landlord or HUD Subsidized Rental Subsidy or Loan. Failure to disclose this information, or any income and assets, are grounds for denial of the application.

9.2.1.1 If inadvertently, an Applicant is allowed tenancy but is found to have withheld disclosure of a repayment agreement, and has defaulted on the agreement with HUD, the owner will report the Tenant to the Attorney General's Office.

9.2.1.2 If at any time a Tenant is found to have withheld or falsely reported any information of household income or assets, they will be required to reimburse HUD subsidy through a repayment agreement. Tenant refusal to enter into the repayment agreement may lead to eviction and the owner will report the Tenant to the Attorney General's Office.

9.3 **Credit Approval:**

- 9.3.1 Applicants with less than \$20,000 debt or less than ten (10) negative accounts are given a thirty (30) day grace period to resolve credit issues that would otherwise lead to a rejection.
- 9.3.2 If the credit report reveals more than \$ 20,000 debt or more than ten (10) accounts in negative standing, the application is automatically rejected with an opportunity to appeal.
- 9.3.3 Applicants with two (2) or more accounts in negative standing within the past two (2) years will be denied. Examples of negative standing are late payments, collections, bad credit status, etc.
- 9.3.4 Public records such as collections and judgments are included as negative accounts.
 - 9.3.4.1 Each bankruptcy item or foreclosure proceeding within the last five years.
 - 9.3.4.2 A five (5) year period is grounds for denial, but an appeal to review his or her situation may be requested.
 - 9.3.4.3 Federal and State Tax liens within the past three (3) years are counted as a negative account. Prior to the three (3) year period, we may request proof of payment/release on any Lien over \$1000.00 that is still on the Applicant's credit history.
 - 9.3.4.4 Financial aide or school loans in negative standing are counted.
 - 9.3.4.5 Any amount showing owed to a prior Management company can be grounds for denial. PCHSP reserves the right to ask for proof of payment.
 - 9.3.4.6 Any other item(s) that appear on the credit report, which would reflect negatively on the Applicant, will be reviewed and a decision will be made based on the date, source, and amount of the action.
 - 9.3.4.7 Lack of credit history is not grounds for denial.

9.4 **Criminal Background Check:**

- 9.4.1 Any conviction and sentence completion within the past ten (10) years for illegal drug use, manufacture, possession, sale or distribution of a controlled illegal substance is grounds for denial.
- 9.4.2 Any conviction and sentence completion within the past twenty (20) years

for any crime of moral turpitude, violence, fraud, theft, or other crime which establishes that the Applicant's tenancy might constitute a direct threat to the health or safety of other individuals or result in the substantial physical damage to the property of others, is grounds for denial.

- 9.4.3 Any conviction and sentence completion for any activity concerning sexual abuse or assault is grounds for denial. This includes, but is not limited to, any member of the household who is subject to a registration requirement under a state sex offender registration program. Names will be verified through National Sex Offender websites.
- 9.4.4 Any conviction and sentence completion for any activity, including murder, is grounds for denial.
- 9.4.5 Any other felony conviction and sentence completion within the past twenty (20) years.
- 9.4.6 Any household members who are currently engaging in illegal drug use is grounds for denial. This can include a pattern of illegal drug use that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other Tenants.
- 9.4.7 Any household member who has a pattern of alcohol abuse that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other Tenants, is grounds for denial.
- 9.4.8 If the screening reveals that an Applicant is a lifetime registered sex offender, or if the Applicant withholds or falsifies information on the application, this information is grounds for denial.
- 9.4.9 PCHSP may deny admission to Applicants or terminate the lease of any Resident or household member who is or has been engaged in criminal activity that could reasonably indicate a present threat to the health, safety or welfare of others. All Applicants and Residents will be screened using Plano Community Homes' Criminal History Policy.
- 9.4.10 PCHSP requires Residents, annually during the recertification process, to answer the question of whether any member of the household is subject to a lifetime sex offender registration requirement of any state. Names will be verified annually through National Sex Offender websites. If a Resident is found to be a registered sex offender, PCHSP will pursue termination of tenancy or assistance, as appropriate, to the extent currently allowed by law.

- 9.4.10.1 If inadvertently, an Applicant is allowed tenancy but is found to be a registered sex offender, the owner will terminate tenancy immediately. If the registered sex offender is part of a couple, the owner must offer the family the opportunity to remove the ineligible family member. If the registered sex offender is unwilling to be removed from the household, the whole household will be evicted.

Section 10: Screening - Rejection Criteria

- 10.1 All Applicants 18 years of age or older in a household, will be screened for rental history, credit and criminal history, and general program eligibility prior to residency. This includes police officers, security personnel or employees living on-site. The screening of Live-in Aides at initial occupancy, and the screening of persons or Live-in Aides to be added to the Tenant household after initial occupancy involve similar screening activities. Both Live-in Aides and new additions to the Tenant household will be screened for drug abuse and other criminal activity, including being registered as a sex offender on any state sex offender registration program. Live in Aides will be screened for Landlord and Employment history for the past seven years.
- 10.2 An application may be rejected for any one of the following reasons:
- 10.2.1 The Applicant/family is not eligible based on program requirements such as age, income restrictions, student status, etc.
 - 10.2.2 Declaration by Applicant that they are no longer interested in housing or request their name be removed from the *Waiting List*.
 - 10.2.3 Failure to meet one or more of the screening criteria.
 - 10.2.4 Failure to respond to written requests for information or correspondence; **or mail sent to the applicant's address is returned as undeliverable.**
 - 10.2.5 An Applicant was clearly advised in writing of the requirement to inform Management of his/her continued interest by a stated, specific time, and failed to do so.
 - 10.2.6 Submission of false or untrue information on the application, or failure to cooperate in the verification process.
 - 10.2.7 The Applicant has a history of unacceptable or unsatisfactory credit or

criminal history as reported by a credit agency or other organization.
Please see Credit Criminal Screening Criteria for more information.

- 10.2.8 Negative reference from current or previous landlord or other reference, including but not limited to late rent, NSF (non-sufficient funds) checks, lease violations, evictions, etc.
- 10.2.9 History of unjustified and chronic non-payment of rent or financial obligations.
- 10.2.10 **Repayment Agreement:** Applicant must notify owner if they were ever required to enter into a repayment agreement with a landlord or HUD Subsidized Rental Subsidy or Loan.
- 10.2.11 Inability to appropriately maintain housing in a decent, safe and sanitary condition.
- 10.2.12 The household, including a Live-in Aide, size is not appropriate for this unit. *Please refer to Unit Size Standards & Guidelines.*
- 10.2.13 Failure to sign designated or required forms and/or documents upon request.
- 10.2.14 The Applicant cannot pay the appropriate security deposit at move-in. Management reserves the right to offer the Applicant a payment plan not to exceed two (2) months. This option is not available to an Applicant(s) whose rejection for credit issues was overturned on appeal.
- 10.2.15 A PCHSP apartment will not be the Applicant's only residence and he/she will pay an assisted rent.
- 10.2.16 The Applicant fails to disclose if they are currently receiving HUD subsidy or housing assistance.
- 10.2.17 The Applicant has been notified two (2) consecutive times of the offer to begin the interview process or a housing unit and, for other than a verified medical reason, he/she has refused.
- 10.2.18 The Applicant is not a Citizen, National or eligible non-Citizen, as defined by HUD.
- 10.2.19 The Applicant is not capable of fulfilling the lease agreement, with or without assistance.

- 10.2.20 A negative criminal history as defined in the *Criminal or Drug-Related Activity* section.
- 10.2.21 History of violence or harassment of others.
- 10.2.22 History of disturbing the quiet enjoyment of others.
- 10.2.23 Applicant or a household member is a Registered Sex Offender under any state sex offender registration program.
- 10.2.24 Applicant or any household member has engaged in or threatened abusive or violent behavior towards any staff member of Management or another neighbor or Resident.
- 10.2.25 By HUD formula, the Applicant cannot show a need for the subsidy assistance, where applicable, or the household income exceeds the HUD limits.
- 10.2.26 The Applicant was unable to provide proof of SSNs as required by HUD and Management policy.
- 10.2.27 A reasonable cause to believe that any household member's behavior, from abuse or pattern of abuse of alcohol, may interfere with the health, safety, and right to peaceful enjoyment by other Residents. These screening standards will be based on behavior, not the condition of alcoholism or alcohol abuse.
- 10.2.28 The Applicant or any member of the Applicant household fails to fully and accurately disclose rental history, the application may be denied based on the Applicant's "misrepresentation of information" or providing false information.
- 10.2.29 All members of an applicant or tenant family who are at least 18 years of age, and each family head, spouse or co-head, regardless of age, must sign and date the HUD-required consent forms (*HUD-9987 and HUD-9987A; Authorization for Release of Information*) at the initial certification, and each recertification. All adults regardless of whether they report income, must sign and date the above listed forms.

Section 11: Rejection Procedures

- 11.1 When an Applicant is rejected by Admission staff, the Applicant will be notified of this decision in writing. This written statement will include the reason(s) for the rejection, and state that the Applicant has the opportunity to request a meeting with the Management to discuss the rejection. The meeting request must be in writing and sent to Plano Community Homes within fourteen (14) days of the date of the rejection letter.
- 11.2 If Management receives a written request within fourteen (14) days, the requested meeting will be conducted by a staff member who was not involved in the initial decision to deny admission or assistance. Within five (5) business days of Management's response or meeting, Management must advise the Applicant in writing of the final decision on eligibility. All of this material (original application, rejection letter, Applicant's request for a meeting, summary of the meeting and the final decision) must be kept for three (3) years by PCHSP.
- 11.3 If an Applicant is rejected during any part of the admission process, or completed an appeal, and the final decision was to reject this application, the Applicant(s) is removed from all PCHSP *Waiting Lists* and must wait at least two (2) years to reapply.

Section 12: Enterprise Income Verification System (EIV)

- 12.1 As of January 2010, HUD has made the use of the Enterprise Income Verification (EIV) mandatory for all HUD assisted properties. This system is an online system that can be used to compare the income and personal information provided by Residents to information provided to several databases, including the National Directory of New Hires (NDNH) and Social Security (SSA). This information will be used to determine if there are any instances of fraud, misreported or under-reported income. Applicants and Residents will be given a copy of HUD's *EIV and You Brochure* at each certification, which will provide further detail on the uses and purposes of the EIV system.
 - 12.1.1 **Existing Tenant Search** - EIV will be accessed at admissions to determine if an Applicant is currently receiving assistance at another HUD project. This process in the Enterprise Income Verification System is done by using an "Existing Tenant Search" in the EIV system. If an Applicant or any member of the Applicant's household is receiving assistance at a Multifamily Housing or Public and Indian Housing location, it will be discussed with the Applicant, giving them

the opportunity to explain the circumstances. The Applicant is permitted to apply but is prohibited from receiving subsidy from two locations. Management would then follow up with the PHA or Management to confirm the Applicant's program participation, if necessary, depending on the outcome of the discussion with the Applicant.

12.1.2 **EIV Use at Recertification** - EIV will be accessed at annual recertification for all Residents to determine if the income reported matches the information stored in the EIV system. If there are discrepancies in EIV compared to the information reported by the Resident, Management will independently verify the information to determine if there is an error in reporting, including under-reported or non-reported income. If it is found that the Resident misreported income or under-reported income, the Resident may be asked to repay the difference in rent that occurred due to the misrepresentation or under-reporting.

12.1.3 **HUD 9887 and 9887A Privacy Act** - Residents of HUD assisted housing must sign form HUD 9887, Notice and Consent for Release of Information and 9887-A, Applicant's/Tenant's Consent to the release of information. All Residents will consent to Management obtaining information to verify employment and/or income for determining eligibility. Management accesses the Enterprise Income Verification system (EIV). EIV is a web-based computer system containing employment and income information on individuals participating in HUD's rental assistance programs.

12.1.4 All members of an applicant or tenant family who are at least 18 years of age, and each family head, spouse or co-head, regardless of age, must sign and date the HUD-required consent forms (*HUD-9987 and HUD-9987A*) at the initial certification, and each recertification. All adults regardless of whether they report income must sign and date these forms. (*Authorization for Release of Information*)

12.2 EIV reports used throughout the year as required by HUD:

12.2.1 **No Income Report** - This report is a tool for Management to identify households who have passed the identity test (e.g. the household's SSN and DOB matched other records in the SSA NDHA databases), but no employment or SSA/ Social Security Disability Income (SSDI) records were received from NDHA and SSA. Whenever available, this report will

be reviewed by Management to determine if further actions are required.

- 12.2.2 **New Hires Report** - This report identifies households who have started new jobs within the last six months; the information on these reports is updated monthly. Management will run this report quarterly to determine if any Tenants have started new employment in the last quarter and did not report the change to Management.
- 12.2.3 Because Tenants participating in one of Multifamily Housing's rental assistance programs are required to report changes in income when the household's income cumulatively increases by \$200 or more per month, Management will reach out to Tenants to report the income changes so that rent adjustments can be made in a timely manner, thus eliminating/reducing the amount of retroactive rent repayments.
- 12.2.4 **Multiple Subsidy Report** - This report identifies individuals who may be receiving multiple rental subsidies.
- 12.2.5 **Identity Verification Report** - There are two reports that can be accessed from the Identity Verification Report link. Management will use both of these reports monthly to clear up any invalid, discrepant or missing information in the TRACS database that was not identified and corrected at the time of recertification. There will not be any employment or income information in EIV for Tenants who fail either the EIV pre-screening or SSA identity test so it is essential that any discrepancies are corrected within thirty (30) days from the date of the reports. Management must conduct third party verifications to obtain employment and income data for these Tenants.
- 12.2.6 **Failed EIV Pre-Screening Report** - This report identifies Tenants who fail the EIV pre-screening test because of invalid or missing personal identifiers (SSN, last name or DOB). The Tenants on this list will not be sent to SSA from EIV for the SSA identity match until the personal identifier information is corrected in TRACS.
- 12.2.7 **Failed Verification Report (Failed the SSA Identity Test)** - This report identifies household members who failed the SSA identity test because their personal identifiers (SSN, last name or DOB) do not match SSA's records as well as identifies deceased household members.
- 12.2.8 **Deceased Tenants Report** - This report identifies Tenants who are participating in one of Multifamily Housing's rental assistance programs who are reported by SSA as being deceased.

Section 13: Violence Against Women Act (VAWA)

- 13.1 The Violence Against Women and Justice Department Reauthorization Act of 2005/2013, protects Residents who are victims of domestic violence, dating violence, or stalking from being evicted or terminated from housing assistance based on acts of such violence against them. In accordance with the Violence Against Women Act (VAWA), Management will not penalize victims of domestic violence, stalking, dating violence, rape or sexual assault as defined as any non- consensual sexual act proscribed by federal, tribal or state law, including when the victim lacks capacity to consent. Some key points provided in the act include:
- 13.1.1 A potential Resident has the option to certify they were the victim of domestic violence and may be allowed to be admitted even with poor credit and poor landlord evaluations if he/she can show those negative factors were caused by domestic violence.
 - 13.1.2 It assured that victims of domestic violence, sexual assault, etc., have access to the criminal justice system without facing eviction.
 - 13.1.3 Where someone is abusive to other members of the household, only the abuser may be evicted. Furthermore, the standards for eviction due to imminent threat have been strengthened.
 - 13.1.4 Residents in assisted housing who face violence may be allowed early lease termination for a matter of safety.
- 13.2 Management will carefully evaluate abuse claims as to avoid conducting an eviction based on false or unsubstantiated accusations. Nothing prevents a victim who has committed a crime or violated a lease from being denied, evicted or terminated.

Section 14: Limited English Proficiency

- 14.1 On August 11, 2000, the President signed Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency.” The Executive Order requires all owners and agents to identify any need for HUD subsidy housing assistance to those with limited English proficiency (LEP), and develop and implement a system to provide PRAC/202 housing assistance so LEP persons can have meaningful access.
- 14.2 Management will provide for such meaningful access consistent with, and without duly burdening, the fundamental mission of the property. We will work to ensure

that people who need housing assistance are provided meaningful access to the HUD PRAC/202 program.

- 14.3 The goal of the PCHSP *Limited English Proficiency Plan* is to offer translator services when possible including language lines, face to face translation and translation of important documents into any language that is represented by 5% or fifty (50) people residing in a PCHSP property or represented by our *Waiting List*.

Section 15: Notification of Changes to Tenant Selection Plan

- 15.1 When the Management for the community updates or changes the Resident selection plan, the following actions will be taken to notify both Residents and Applicants of the changes to the Resident selection plan.
- 15.1.1 The updated Resident Selection Plan will be posted in the lobby area or business offices.
- 15.1.2 A letter will be mailed to all Residents and Applicants notifying them of the change to the Resident selection plan and informing them that they can review the changes at the Management office, if they are so inclined.

Section 16: Security Deposits

- 16.1 Security Deposit Equals TTP or \$50 - The amount of the security deposit for households receiving PRAC/202 assistance as part of the community's project based assistance contract. The amount of the security deposit for the household shall be calculated to be the amount of the Total Tenant Payment, which is the amount of the Tenant rent plus the amount any utility allowance, or \$50.00, whichever is greater.
- 16.2 The security deposit amount does not change at any point during the tenancy. If a Resident transfers between units, the Resident's transfer shall not result in the charging of a new security deposit, unless their old security deposit must be used to pay for damages in their current unit. In this case, a Resident must pay the new security deposit amount listed on the 50059 upon the transfer to their new apartment. This is the only option if a Resident cannot pay in full for the damages.

Section 17: Definitions

- 17.1 **Definition C – Elderly Person. [24 CFR 891.205]** An elderly person is a household composed of one or more persons at least one of whom is 62 years of age or more at the time of initial occupancy.

17.2 **Live In Aide/Attendant - A person who resides with one or more elderly persons, near-elderly persons, or persons with disabilities, and who:**

- 17.2.1 Is determined to be essential to the care and well-being of the person(s);
- 17.2.2 Is not obligated for the support of the person(s); and
- 17.2.3 Would not be living in the unit except to provide the necessary supportive services.
- 17.2.4 A relative may be a Live-in Aide/Attendant but must meet all of the above requirements, and sign a statement to that effect. Plano Community Homes will verify this with a licensed physician. The sole purpose of a Live-in Aide/Attendant is to provide the Tenant with support services and will not qualify for continued occupancy in the event the Tenant vacates the unit. Plano Community Homes will re-verify the need for a Live-in Aide/Attendant at annual recertification and/or when necessary. A Live-in Aide/Attendant must go through all admission screening criteria, except ability to pay rent, prior to move-in. A Live-in Aide/Attendant is required to follow all applicable PCHSP policies including the *House Rules* and would be subject to eviction if such policies are violated.

17.3 **Independent Student - To be classified as an independent student for Title IV aid, a student must meet one or more of the following criteria:**

- 17.3.1 Be at least 24 years old by December 31 of the award year for which aid is sought;
- 17.3.2 Be an orphan or a ward of the court through the age of 18;
- 17.3.3 Be a veteran of the U.S. Armed Forces;
- 17.3.4 Have legal dependents other than a spouse (for example, dependent children or an elderly dependent parent);
- 17.3.5 Be a graduate or professional student; or
- 17.3.6 Be married.
- 17.3.7 **Act of 1937 (42 U.S.C. 1437f)** - No assistance shall be provided under Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who:
 - 17.3.7.1 Is enrolled as a student at an institution of higher education as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002);

- 17.3.7.2 Is under 24 years of age;
- 17.3.7.3 Is not a veteran;
- 17.3.7.4 Is unmarried;
- 17.3.7.5 Does not have a dependent child;
- 17.3.7.6 Is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).
- 17.3.7.7 Is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such Section 8 as of November 20, 2005.

NOTE: All Applicants in a household will be processed as one approval or denial for an apartment. If any one of the Applicants has a negative rental history, a negative credit history or a negative criminal history, all Applicants will be denied.

If an Applicant requests to add a spouse or other members to the household application, the Applicants will need to reapply as a complete household.

If an Applicant(s) is rejected during any part of the admissions process, or completed an appeal and the final decision was to reject, the Applicant(s) is removed from ALL PCHSP *Waiting Lists* and must wait for two (2) years to reapply.

Applicants may mail or submit applications in person. The remit to address is:

Plano Community Homes – Admissions Department
1612 Avenue L
Plano, TX 75074

If Fairoaks of Denton is the only location where you are applying that you may return the application to:

Fairoaks of Denton
1950 Lattimore Street
Denton, TX 76209

Plano Community Home Sponsored Properties does not discriminate on the basis of disability status in the admission or access to, or treatment or employment in, its federally assisted programs and activities. The person named below has been designated to coordinate compliance with the nondiscrimination requirements contained in the Department of Housing and Urban Development’s regulations implementing Section 504 (CFR, part 8 dated June 2, 1988).

*Lee Ann Hubanks, President
1612 Ave L
Plano, Texas
(972) 424-9800
TTY/Voice 800 735 2988
TTY only 800 735 2989*

Board approved 11/13/2006; revised 1/22/07; 11/5/08; 1/11/10; 6/10/10/10;12/6/10;
Board approved 2/21/11; finalized 3/14/11. 10/21/13; 1/29/13; 12/23/14