

TENANT SELECTION PLAN

LINDEN PLAZA

1. PROJECT ELIGIBILITY REQUIREMENTS:

- Project-Specific Requirements;

The units at Linden Plaza are available for rental to those households meeting

- The eligibility requirements for the Section 236 program,; and
- The screening standards outlined in this Tenant Selection Plan applied consistently to all applicants for occupancy at the property.

The Owner complies with all Federal, state and local fair housing laws and statutes ensuring fair and legal treatment for all applicants and residents for housing and employment at Linden Plaza.

- Social Security Numbers

Applicants must disclose social security numbers for the Owner to make an eligibility determination. If an applicant has a social security number but does not have the required documentation, the applicant may submit the social security number and certify that the number is accurate but that acceptable documentation could not be provided. The Owners accepts the certification and continues to process the application. An applicant cannot be approved for occupancy unless s/he provides the required documentation. An applicant has 90 days from the date of the certification to provide documentation of the social security number. If the applicant does not provide acceptable documentation within 90 days, the applicant is rejected and removed from the waiting list. Management will provide applicants with extenuating circumstances an additional 90 days.

The Owner considers the following acceptable documentation for a social security number:

- Social security card or benefits award letter;
- Medicare card;
- Employment documents;
- Insurance or banking documents;
- Welfare documents;
- Unemployment documents;
- Drivers license or state identification card;
- Union membership card;
- IRS Form 1099; and
- Court records.

Current residents who have not previously provided documentation of their social security numbers must do so at their next annual or interim

recertification. If everyone in a household does not provide acceptable documentation of their social security number, Linden Plaza will pursue action to terminate their tenancy or require them to pay the approved market rent as required by HUD.

The following persons are exempt from the requirement to provide documentation of their social security numbers:

- Existing residents who are 62 years old and were living at Linden Preservation and paying less than the HUD-approved market rent on January 31, 2010; and
- Persons who do not contend to have eligible immigration status. A person who does not contend to have eligible status may live at Linden Plaza but their required rental payment will be prorated as required by HUD rules.

When a resident adds a child under 6 years old to their household, they must provide the management with the documentation of the child's social security number within 90 days.

- Requirements for Citizens and Eligible Noncitizens
 - All applicants must complete a certification and provide the documentation required to demonstrate their status as a citizen or eligible noncitizen of the United States. Management provides all applicants the HUD supplied notices describing their rights and responsibilities to provide the following information.
 - Household members claiming to be citizens or nationals of the United States must sign the declaration form claiming their status as a citizen or a national. No other documentation is required beyond that necessary to document their social security number as discussed above.
 - Household members claiming to be eligible noncitizens of the United States and 62 years of age must sign the declaration form claiming eligible noncitizen status and provide proof of their age.
 - Household members claiming to be eligible noncitizens of the United States not yet 62 years of age must sign the declaration form claiming eligible noncitizen status and provide their immigration document, commonly referred to as a green card, demonstrating Department of Homeland Security (DHS) approval of their residency in the United States. These household members must sign a release form approving Management contact the DHS to verify the validity of their immigration document.
 - Household members electing not to contend their eligibility for assistance or admitting their presence in the United States without DHS approval sign the declaration form indicating their status as an ineligible noncitizen.

Any household members claiming eligible immigration status not approved by the Department of Homeland Security is notified of and granted their full rights to appeal the DHS determination per HUD requirements.

Only those household members approved as citizens/nationals or eligible noncitizens may occupy Linden Plaza and pay less than the HUD-approved market rent. The household pays a prorated rental payment when management establishes that only some of the household members are either citizens/nationals or eligible noncitizens of the United States.

The owner requires a resident to start paying the market rent when they have been paying less than the market rent, but the owner is unable to establish citizenship or eligible immigration status for any family member and determines that the tenant does not meet the citizenship requirement.

2. ANNUAL INCOME LIMIT

The income limit for the Section 236 Program is the low income limit which HUD calculates at 80 percent of the New York City area median income. To be approved for occupancy, an applicant's income may not exceed 80 percent of the median income for their household size in the New York City metropolitan area. An applicant's household size is established per the requirements found in Chapter 3 of the HUD 4350.3 Handbook.

Income-eligible families must also need the assistance. The amount the family would be required to pay using the applicable HUD rent formula must be less than the HUD-approved market rent for the unit size.

3. PROCEDURES FOR ACCEPTING APPLICATIONS AND SELECTING APPLICATIONS FROM THE WAITING LIST

- Procedures for Accepting Applications and Pre-Applications

The Owner provides a standard application form to all households applying for occupancy at Linden Plaza. No person requesting an application is denied the right to complete an application unless the Vice President of RY Management has approved closing the waiting list.

The Owner does not charge an application fee nor any fees associated with processing applications for occupancy and rental assistance.

The Owner charges a security deposit equal to the one month's tenant rent when an approved applicant signs the lease and establishes occupancy at the property.

As an accommodation for persons with disabilities, the staff mails applications, upon request, to persons applying to Linden Plaza.

Upon receipt of a completed application, the staff dates and time stamps the application to ensure proper placement on the waiting list. Applications are

placed on the waiting list in chronological order by date and time received in the office except for those applicants claiming a preference described later in this Tenant Selection Plan.

Because Linden Plaza normally maintains a lengthy list of applicants waiting for a unit to become available, the staff provides new applicants a short application form to complete to be placed on the waiting list. Applicants complete the long application along with all required forms for the release of relevant information when the staff is ready to process their application for occupancy.

The management staff notifies all applicants in writing of their placement on the waiting list and the length of time management estimates will pass before a unit will be available for them at Linden Plaza. The staff provides all applicants a list of information to be provided when notified by the staff of their selection from the waiting list and the need to complete the RY Management long application form.

The staff makes all accommodations possible to ensure persons with disabilities are able to complete applications for occupancy and rental assistance. These accommodations include but are not limited to:

- Mailing applications and accepting completed applications by mail;
 - Working with family members assisting disabled persons completing applications;
 - Working with case workers assisting disabled persons completing applications; and
 - Assisting disabled persons completing applications.
-
- Applicant Screening Criteria including Required Screening for Drug Related Criminal Activity and Other Allowable Screening Activities

In addition to the eligibility factors discussed in this Tenant Selection Plan, RY Management utilizes the following regimen in screening applicants for occupancy at Linden Plaza.

CREDIT HISTORY

Linden Plaza utilizes the services of an area firm to acquire credit histories on applicant household members signing as head of the household, co-head or spouse. Linden Plaza will reject for occupancy applicants with the following in their credit histories.

- An applicant that has filed for bankruptcy during the previous 24 months;
- An applicant with monthly debt obligations that bring an applicant's gross debt (excluding rent)to income ratio above 25% (30% if the obligation include scheduled repayments for incurred medical bills or student loan debt)at the time of processing.
- An applicant with open/unsatisfied money judgments or liens, if such judgments or liens exceed \$3,000.00 and the applicant can't document participation in a credit repair or financial recovery program

The Owner does not reject an applicant for lack of a credit history.

LANDLORD HISTORY

RY Management utilizes the services of an area firm to develop a history of an applicant's relationship with former landlords. The firm investigates the relationship of the head, co-head and spouse with their two most recent landlords. RY Management will reject for occupancy applicants found to have

- A prior for-cause eviction, provided that a warrant of eviction was executed upon within the last 48 months and the tenant never restored to possession.
- An unpaid judgment due a former landlord;
- A History of multiple landlord-tenant actions within the last 48 months, provided that the actions were commenced by the landlord and resulted in a judgment of possession.
- A rent delinquencies for which there is not an acceptable mitigating justification, if the delinquencies are (a) currently open or (b) if there is a history or pattern of rent delinquencies being a repetitive chronic issue.
- A history of violent or criminal behavior, including drug related criminal activity, causing hazards and harmful conditions for persons and property.

The Owner does not reject an applicant for lack of a landlord history.

CRIMINAL HISTORY

RY Management utilizes the services of an area firm to acquire histories of criminal behavior on applicant household members signing as head of the household, co-head or spouse and all other adult household members. The firm performs the necessary criminal background checks in New York and in other states where the household members are known to have resided. RY Management rejects for occupancy applicants found to have

- A prior conviction of fraud in connection to any governmental housing program.
- Been evicted from federally assisted housing for drug related criminal activity during the previous 3 years.
- A household member currently engaged in the use of drugs for which there is reasonable cause to believe the behavior may interfere with the health, safety and right to peaceful enjoyment of by other residents.
- A household member subject to a state sex offender lifetime registration requirement.
- A household member currently engaging in the excessive use of alcohol with reason to believe the behavior may interfere with the health, safety and right to peaceful enjoyment of their units by other Residents.

When rejecting an application for use of illegal drugs or excessive use of alcohol, RY Management will admit the household if the household member in question has successfully completed an approved, supervised rehabilitation program. Management requires verification directly from the organization running the rehabilitation program that the applicant successfully completed the program prior to approving the household for occupancy. Management also requires the applicant sign the required form, with a notarized signature, certifying the

applicant has not engaged in the behavior since completing the rehabilitation program.

RY Management continues to ensure all standards used for screening applicants for drug related or other criminal activity comply with New York State and New York City law.

- **Procedures for Rejecting ineligible Applicants**

An applicant is rejected if they fail to meet the HUD eligibility requirements, fail to meet the Owner's screening standards or fail to provide the necessary documentation and certifications necessary to process their application.

The Owner also rejects an applicant for:

Refusing to occupy a unit in accordance with the occupancy standards established in this Tenant Selection Plan;

Refusing to pay rent calculated using HUD's rules;

Intending to maintain another residence after taking occupancy at Linden Plaza Apartments.

- **Appeals**

The Owner notifies a family in writing of the reason for rejecting their application and advises them of their right to appeal in writing within 14 days of the date on their notice of being rejected for occupancy. The appeal will be conducted by someone other than the person making the original decision to reject the application. After the meeting with the applicant, the Owner advises the applicant in writing within 5 days of the meeting of the final determination. The rejection letter and the appeal rejection letter will contain information for the applicant on how to contact the Supervising Agency in the event that the applicant wants to appeal with them.

Applicants with discrepancy on their credit report will be allowed to clear it up to our satisfaction within reasonable time (up to 60 days) based on each individual case. The applicant will be made aware that the application will be placed on hold during those 60 days and that the Owner will not hold the apartment.

The Owner keeps the following materials on file for at least three years: Application, initial rejection notice; any applicant reply; owner's final response; and all interview notes and verified information on which the Owner based the rejection. If the Owner rejects an application because the applicant failed to qualify for assistance as a citizen or eligible noncitizen of the United States, the Owner keeps the records documenting the application and rejection process for at least five years.

4. OCCUPANCY PREFERENCE:

The Owner of Linden Plaza Apartments opts not to implement any preferences beyond those required by HPD regulations.

OCCUPANCY PRIORITIES:

FIRST PRIORITY: Tenant currently residing in a development whose household composition renders them eligible for a larger or smaller apartment shall be given first priority for an internal transfer. First preference shall be given to tenant show are moving to a smaller apartment.

SECOND PRIORITY: Pursuant to § 31(7) of the Private Housing Finance Law, preference in admission to a project with an open waiting list, as determined by HPD, shall be given to persons who are veterans as such term is defined pursuant to § 85 of the Civil Service Law or their surviving spouses. The inclusion of a veteran or surviving spouse as a member of the household shall not entitle any other applicant of record to this preference in admission.

THIRD PRIORITY: Persons listed on the external waiting list by apartment size in strict chronological order by date of receipt of application.

OCCUPANCY STANDARDS

- **Efficiency apartments (no bedrooms):** One (1) or two (2) persons.
- **One (1) bedroom apartments:** Two (2) or three (3) persons shall occupy a one-bedroom apartment. A single person may occupy a one-bedroom apartment if the development has less than ten percent (10%) efficiency (no bedrooms) apartments.
- **Two (2) bedroom apartments:** No fewer than three persons, a brother and sister who are both adults, or a parent or guardian with at least one child.
- **Three (3) bedroom apartments:** No fewer than (A) five (5) persons, (B) parent(s) or guardian(s) with two children of the opposite sex, (C) a household of three adults with one child where at least one adult is the parent or guardian of such child, or (D) a household of one parent or guardian and his or her three children shall occupy a three-bedroom apartment.
- An applicant may be approved for a unit larger than allowed under these occupancy standards as an accommodation for a person with a disability as required under Section 504 of the Housing Rehabilitation Act of 1973.

5. UNIT TRANSFER POLICIES

Residents may request a transfer to another unit. Residents must provide the reason for transfer and must submit a written request for a transfer to the Management Office. The Owner approves transfers for the following reasons:

- Changes in household composition so the household violates the occupancy standards for Linden Plaza Apartments; or
- Disability or medical condition of a family member certified by a family health care provider.

The Owner maintains a list of households approved for transfers. When a unit becomes available, Management offers the unit first to the current tenant at the top of the transfer waiting list waiting for the available unit type.

An applicant may refuse one unit offered by Management without losing their place on the waiting list. The Owner removes from the waiting list an applicant who refuses the second unit offered to them.

6. POLICY FOR OPENING AND CLOSING THE WAITING LIST

The Owner carries out all marketing activities in accordance with HPD and HDC rules and regulations. The Owner does not discriminate on the basis of disability in accepting or approving applicants for housing or employment at Linden Plaza.

When the estimated wait for an available unit exceeds four (4) years, the owner stops taking preliminary applications and closes the waiting list. The Owner advertises the closing of the waiting list.

When the estimated wait for an available unit is less than two (2) years, the Owner opens the waiting list. The Owner advertises the opening of the waiting list by advertising with the approval of HPD.

The Owner maintains a manual waiting list as a permanent record in a format approved by HPD.

7. STUDENT HOUSEHOLDS

The student must meet **all** of the following criteria to be eligible. The student must:

Be of legal contract age under state law;

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;

Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and

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.

The full amount of financial assistance paid directly to the student or to the educational institution on their behalf is excluded from their annual income except when the household is receiving some form of Section 8 rental assistance.

8. POLICIES TO COMPLY WITH SECTION 504 OF THE REHABILITATION ACT OF 1973 AND THE FAIR HOUSING ACT AND OTHER RELEVANT CIVIL RIGHTS LAWS AND STATUTES

Linden Plaza does not discriminate on the basis of race, color, creed, religion, national origin, age, familial status, disability or socio-economic class. The Owner and Management comply with all Federal, state and local civil rights laws and regulations including:

- **24 CFR, part 1 Title VI of the Civil Rights Act of 1964**
- **24 CFR, part 8 Section 504 of the Rehabilitation Act of 1973**
- **24 CFR, part 100 et seq Fair Housing Act**
- **24 CFR, part 146 Age Discrimination Act of 1975**
- **24 CFR 200.600 Affirmative Fair Marketing Regulations**
- **SECITON 504 ACCOMMODATIONS**

An applicant or tenant with a disability may request an accommodation or modification to a unit or common area or change in the house rules that would enable a disabled person to experience full enjoyment of their unit or the common areas at Linden Plaza Apartments. The procedure for submitting, verifying and evaluating reasonable accommodation requests is found below.

OBJECTIVE: To establish the procedure and instructions to process Section 504 requests in accordance with HUD regulations and RY Management policies.

PROCEDURE:

General

Section 504 requests for reasonable accommodations may be differentiated into several general categories. For example, there are requests from applicants for minor accommodations, requests from residents for minor accommodations, and requests from residents for substantial or material accommodations.

RY Management has developed the following instructions to guide the staff at Linden Plaza Apartments in processing various requests for accommodations granted under Section 504.

APPLICANT REQUESTS FOR REASONABLE ACCOMMODATIONS

Many of the requests for accommodations submitted by applicants involve minor changes in office procedure. Examples include; Conducting an applicant interview outside the Management office for an individual with a mobility impairment; reading

forms and leases for an individual with a sight impairment and mailing an application to a disabled applicant.

The Management Staff at Linden Plaza Apartments make these accommodations on an ongoing basis in the daily performance of their duties. Granting these accommodations does not require verifying an applicant's status as a disabled person with a third party. If an applicant requests an accommodation beyond the minor accommodations discussed in this paragraph, contact the Section 504 Coordinator for specific instructions.

However, all requests for accommodations are recorded on a **Section 504 Accommodation Log Sheet (Attachment 1)** and in the **Section 504 Accommodations Request Log (Attachment 2)**.

RESIDENT REQUESTS FOR REASONABLE ACCOMMODATION STANDARD

Linden Plaza may authorize staff members to complete minor accommodations for residents. Examples of these accommodations include: Conducting a recertification interview in a resident's unit; reading notices to a resident; careful scheduling of unit inspections to accommodate a resident's medical condition or disability.

The Management Staff at Linden Plaza make these accommodations on an ongoing basis in the daily performance of their duties. Granting these accommodations does not require verifying a tenant's status as a disabled person with a third party. If a tenant requests an accommodation beyond the minor accommodations discussed in this paragraph, contact the Section 504 Coordinator for specific instructions. If the resident submits a written request for an accommodation, the staff staples the request to a **Section 504 Request for Reasonable Accommodation** (Attachment 3) and makes all required entries in the Section 504 logs.

RESIDENT REQUESTS FOR REASONABLE ACCOMMODATION OTHER

For all other Section 504 requests, RY Management provides the following instructions for staff members to follow.

Step 1: Upon receipt of a Section 504 request from an applicant or resident, provide the individual with a **Request for a Reasonable Accommodation** and ask him/her to complete and sign the form. This form asks the individual to identify the member of the household who has the disability, to identify the accommodation requested, as well as to describe how this specific accommodation would meet his/her needs. Explain that this request form is required to be completed in order to more effectively assess their needs.

If this individual is unable to complete the form due to a disability, staff should accommodate the individual. For example, a blind resident may not be able to read the form. Staff could accommodate the individual by reading the document aloud and recording his/her responses).

Complete a **Section 504 Request Log Sheet** and record it in the **Section 504 Accommodation Request Log**.

Step 2:(Skip Step 2 if disability status has been verified).

Ask the applicant/resident to help you in the preparation of the Section 504 Accommodation Verification (Attachment 4), a third party verification form. Staff may need to inform individuals that HUD permits all housing providers to verify that the individual or household requesting a Section 504 accommodation is eligible for such a benefit under law.

- Ask the applicant/resident for the name, address and telephone number of a verification source. The verification source may be any healthcare provider who is currently providing professional services to the individual with disabilities. Examples include and are not limited to: physicians, licensed therapists and clinicians (e.g. physical therapists, psychologists, etc.) qualified staff members of a government or private healthcare facility (e.g. admissions directors, facility administrators, program directors, etc.)
- Ask them to authorize the release of information by signing the form
- Attach a copy of the applicant/resident request for accommodation and forward it to the verifier.
- Maintain copies of these documents in the applicant/resident file and record all appropriate actions and notes on an interview record sheet

Step 3: Upon receiving the verification from the healthcare provider, forward a copy of the entire package of documents to the RY Management Section 504 Coordinator.

Step 4: The 504 Coordinator makes a decision to:

- Approve the request; or
- Deny request; or
- Consider alternate accommodations if the request does not appear reasonable or effective

Step 5: Ensure the log sheet and request log are updated to record the disposition of all requests and forward a copy of these documents to the 504 Coordinator.

Only the 504 Coordinator Teresa Tota of RY Management can make the decision to deny any request for a reasonable accommodation.

We are committed to complying with all regulations as well as avoiding any discriminatory practices and actions.

REMEMBER –

- Every request for a reasonable accommodation must be handled with a sincere effort to understand the need and to determine the validity and appropriateness under Section 504.
- Proper and accurate documentation of Section 504 Reasonable Accommodations including receipt of requests, verifications or eligibility, approval determinations, records of accommodations actions are vital.

- Not every request for a reasonable accommodation will be granted but only the 504 Coordinator can deny a request.
- Reasonable Accommodations must be granted to provide each qualified person an equal opportunity to use and enjoy the services and facilities others use. A qualified person is one who meets the definitions of a person with disabilities under Section 504 as verified by an appropriate third party, and whose ability prohibits him/her from using the services and facilities.
- Equal Opportunity is not always identical opportunity. Allowing installation of equipment is the Owner's accommodation since it changes the site's rules and regulations. In order to afford the individual with disabilities equal opportunity to use and enjoy the services and the facility, purchasing the equipment is the residents responsibility and is at his/her expense.'
- There will be times we will suggest an alternative to the accommodation request but the person making a request must be reasonably satisfied with the alternate accommodation and we must assure that it meets the needs of that person with the disability.
- Even though an individuals request for an accommodation might appear unreasonable or might signal the potential that many more requests for the same accommodation could not be received, thus potentially taxing the site staff, that request must be considered and reviewed like any other request.
- We cannot deny a request for reasonable accommodation to avoid future similar requests.
- **IT IS NOT JUST THE RIGHT THING TO DO, IT IS THE LAW.**

Attachment 1

SECTION 504 ACCOMMODATION REQUEST LOG SHEET

REQUEST#: _____ **DATE OF REQUEST** _____

SITE NAME: _____ **SITE #** _____

DESCRIPTION OF REQUEST

APPROVED

BY: _____ DATE: _____

ACTION: Requested Accommodation () Alternate Accommodation ()

DENIED

BY: _____ DATE: _____

REASON: _____

NOTICE

The person named below has been designated to coordinate compliance with the non-discrimination requirements contained in the Department of Housing and Urban Development's regulations implementing Section 504 (24CFR Part 8)

NAME: **Teresa Tota**

ADDRESS **1619 Third Avenue
New York, New York 10128**

PHONE NO: **(212) 534 7771**

RY Management does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its federally assisted programs and activities.

Attachment 2

SECTION 504 ACCOMMODATION REQUEST LOG

SITE: _____

REQUEST #	NAME	APT #/APPI.#	DATE OF	DATE APPROVED/DENIED	APPROVED/DENIED BY

Attachment 3

REQUEST FOR A REASONABLE ACCOMMODATION

SITE NAME: _____
UNIT #: _____ **APT #** _____

The following member of my household has a disability:

Please provide this reasonable accommodation:

I need this accommodation because:

Tell us how the accommodation will:

_____ **Help you live in the housing, or take part in our program;**

_____ **Meet the least requirements of our program:**

_____ **Meet other requirements of our program:**

_____ **Help you during the application process.**

We do not need medical information about your disability. You do not need to tell us the name of your disability or the extent of your disability. Information is requested only to determine your need for accommodation under Section 504 of the Rehabilitation Act of 1973 and will be held in strict confidence.

Date: _____

Name: _____

Address: _____

Telephone: _____

Attachment 4

SECTION 504 ACCOMMODATION VERIFICATION

DATE: _____

TO: _____

FROM: _____

SUBJECT: Verification of Section 504 Request

Name: _____
Address: _____

This person has applied for an accommodation under Section 504 of the Rehabilitation Act of 1973, which requires owners/managers of this site to make reasonable accommodations in rules, policies, practices, or services so as to afford an individual with disabilities equal opportunity to use and enjoy a dwelling unit and common area.

We ask your cooperation in providing the following information and returning it in the enclosed self-addressed envelope. Your prompt return of this information will help assure timely processing of the application for reasonable accommodation. The applicant/tenant has consented to this release of information as shown below>

RELEASE:

I HEREBY AUTHORIZE THE RELEASE OF THE REQUESTED INFORMATION.

Name: _____

Signature: _____

Date: _____

INFORMATION BEING REQUESTED

Attachment 4

Individuals with disabilities: Defined by Section 504 as any person who (1) has a physical or mental impairment that substantially limits one or more major life activities; (2) has a record of such impairment; or (3) is regarded as having such impairment.

() **I CONSIDER** that the individual meets the above definition as an individual with disabilities.

() **I DO NOT KNOW** that the individual meets the above definition as an individual with disabilities.

REASONABLE ACCOMMODATIONS:

Health care provider: **check the appropriate box:**

() **I CONSIDER** the requested accommodation necessary to afford this individual with disabilities equal opportunity to use and enjoy a dwelling unit, including common areas.

() **I DO NOT CONSIDER** the requested accommodation necessary to afford this individual with disabilities equal opportunity to use and enjoy a dwelling unit, including common areas.

.....

Name of person supplying information: _____

Title/Agency: _____

Signature: _____

Date: _____

