

# DUVAL PARK

## TENANT SELECTION PLAN



Project Number 2013-111C  
5025 Duval Park Circle  
St. Petersburg, FL 33714  
727-522-1400  
FL Relay TTY: 1-800-955-8771

Duval Park is an 87-unit apartment community located in St. Petersburg, Florida. Financed through the Low Income Housing Tax Credit Program (LIHTC), the property consists of one-, two-, three-, and four-bedroom units and is designed to provide permanent, supportive housing to U.S. Military Veterans and families. Occupancy is restricted to households whose annual income does not exceed the program income limits established by Florida Housing Finance Corporation annually. Additionally, the property offers 44 Section 8 vouchers for rental assistance through the Pinellas County Housing Authority to qualifying households.

The purpose of this Tenant Selection Plan is to establish uniform application, waiting list and tenant selection policies, practices and procedures to be used in the administration of Duval Park and to ensure compliance with LIHTC requirements, established management policies, and all Federal, State and local fair housing and civil rights laws.

### ***PROJECT and PROGRAM ELIGIBILITY REQUIREMENTS***

- ❖ **Duval Park** is designed to provide permanent, affordable housing to U.S. Military Veterans and families. The community consists of 87 apartments with a demographic commitment to Veterans (40%), Special Needs Veterans (40%) and families (20%).
- ❖ **Veteran** is a person who served in the active U.S. military, naval or air service and who was discharged or released therefrom under conditions other than dishonorable or who served in the National Guard or reserve and is determined by the U.S. Veterans Administration to meet the specific requirements to be a Veteran.
- ❖ **“Veteran with Special Needs”** means a person who meets both the definition of a Veteran *and* the definition of a Person with Special Needs.
- ❖ **“Person with Special Needs”** means an adult person requiring independent living services in order to maintain housing or develop independent living skills and who has a disabling condition; a young adult formerly in foster care who is eligible for services under Section 409.1451(5), Fla. Stat.; a survivor of domestic violence as defined in Section 741.28, Fla. Stat.; or a person receiving benefits under the Social Security Disability Insurance (SSDI) program or the Supplemental Security Income (SSI) program or from veterans’ disability benefits.
- ❖ The major focus of Duval Park shall be veterans with significant service-connected Disabling Conditions who have been determined eligible and choose to transition from nursing, rehabilitation or domiciliary care facilities within a designated VA Hospital and/or Medical Center to permanent supportive housing.

- ❖ Applicant’s annual income must not exceed program income limits established by Florida Housing Finance Corporation (FHFC) and HUD annually. Income limits for this property are listed below:

25% of units (22 apartments) at 40% of FHFC Area Median Income (AMI)

75% of units (43 apartments) at 60% of FHFC Area Median Income

Only applicants whose income is at or below the 60% income limit are eligible for occupancy. Applicant(s) must submit income and asset information for verification.

- ❖ There are 44 project-based Section 8 vouchers allocated to the property through the Pinellas County Housing Authority to provide rental assistance to eligible households. The vouchers are restricted for use by households whose income does not exceed 50% of AMI, as defined by HUD.
- ❖ Assistance in subsidized housing is restricted to U.S. citizens or nationals and non-citizens who have eligible immigration status as determined by HUD. All family members, regardless of age, must declare their citizenship or immigration status.
- ❖ Applicants must disclose and provide documentation of Social Security Numbers (SSN) for all family members. Applicants cannot become participants in the program unless they submit the required SSN documentation. Applicants have 90 days from date they are offered a unit to disclose and/or provide documentation to verify all non-exempt household members’ SSNs. Applicants may retain their position on the Waiting List during this time. After 90 days, if SSN has not been disclosed and verified, the applicant should be determined ineligible and removed from the Waiting List.
- ❖ The apartment unit must be the family’s sole residence and under no circumstances may any tenant benefit from more than one subsidy.

## ***APPLICATION and WAITING LIST; SECTION 8 VOUCHERS***

- ❖ Application requests can be made in person, by mail or by email:
  - Phone: 727-522-1400
  - FL Relay TTY: 1-800-955-8771
  - Email: [duvalpark@carteretmgmt.com](mailto:duvalpark@carteretmgmt.com)
- ❖ Applications completed in full and properly signed will be placed on a “Waiting List” in the order they are received, unless the applicant qualifies for an admission preference. (See discussion below regarding “Preferences.”)
- ❖ The waiting list will be updated periodically. Applicants will be contacted in writing to verify their continued interest in the property. Failure to respond within fourteen (14) days will result in their removal from the waiting list.
- ❖ It is the policy of Duval Park that the waiting list always remains open; the waiting list is never closed to applicants.
- ❖ As an applicant’s name approaches the top of the Waiting List, the top list applicant(s) will be notified ***in writing*** to set up an application interview. At that time, all items on the application will be discussed and confirmed, and verification forms will be signed by the applicant authorizing Management to verify all of these issues/items. The applicant must also pay an application fee of \$25 per adult applicant. Management must make an attempt to verify all factors with “third party” written verification, per applicable program regulations and procedures. *Eligibility for housing can be confirmed only after all items of income, assets, household composition, etc. are verified.*
- ❖ In the event an applicant does not respond to the letter, Management will make one attempt to contact the applicant by telephone. If the applicant fails to respond within 24 hours, the application shall be removed from the waiting list.

- ❖ Applicant(s) will be allowed to refuse the first offer of a unit for any reason but will be advised that if he/she refuses a second offer, the applicant’s name shall be removed from the waiting list. If the second refusal is due to a disability or an extenuating circumstance, however, then another offer will be made as a reasonable accommodation. Applicants who refuse a unit a second time shall be advised that they can reapply, but that their application will be treated as a new application for waiting list priorities.
- ❖ Management will document all of its attempts at contacting the applicant, including attaching copies of any letters and the time, date, and result of any telephone contact to each application.
- ❖ The property has 44 project-based vouchers for use by families whose household income qualifies them for this program. When a voucher is available, it will be offered to households currently residing in the community based on the following priority:
  - Households transferring for a reasonable accommodation who need a voucher to accomplish this transfer.
  - Households transferring due to under- or over-housed occupancy standards who need a voucher to accomplish this transfer.
  - Households who have requested rental assistance, in order of move-in date.

If no eligible household is residing in the community, the voucher will be offered to the first eligible household on the waitlist. In order to utilize the voucher, the household must be certified by the Pinellas County Housing Authority, which also conducts a physical inspection of the apartment. To maintain the voucher, the household must observe all Housing Authority regulations regarding income reporting, recertification, and other requirements. Management will alert the Housing Authority when there is a vacant unit and an available voucher. The Housing Authority may proffer the unit to an applicant from their internal waitlist should Duval Park not have an eligible applicant waiting for the voucher.

## **PREFERENCES**

- ❖ It is the policy of the Property that a preference does not guarantee admission. Every applicant must still meet the Property’s Tenant Selection Plan standards for acceptance as a resident.
- ❖ Duval Park shall give preference in rental of units to veterans. Forty percent (40%) of all units – 35 units – are reserved for occupancy by veterans and 40% – 36 units – are reserved for veterans with special needs; i.e., veterans whose disability has been determined by the Veteran’s Administration to be service-connected. For units designed as accessible for veterans with special needs, whose disability has been determined by the Veteran’s Administration to be service-connected, households containing at least one person with such impairment will have first priority for these units. Depending upon that response, the units will be made available to other disabled veterans.
- ❖ Twenty-five percent (25%) of Duval Park’s vacancies each year must be set-aside for households whose income does not exceed 40% of the area median income (“extremely low-income”) as published by Florida Housing Finance Corporation. Therefore, persons lower on the waiting list could be offered an apartment first to satisfy this 25% regulation.
- ❖ To implement this preference, Duval Park will select the first extremely low-income applicant on the waiting list (which may mean “skipping over” some applicants with higher incomes) for the available unit, and then select the next eligible applicant currently at the top of the waiting list (regardless of income level) for the next available unit. As subsequent units become available, Resident selection continues to alternate between the next extremely low-income applicant and the eligible applicant at the top of the waiting list until the 25% target is reached.

- ❖ Management will give priority for accessible units to applicants with disabilities who require the accessible features of the unit over applicants without disabilities who do not require such accessibility features.
- ❖ Preference will be given to a household already in occupancy that requires a transfer as a reasonable accommodation for a disability, or because of a change in household size or composition that results in the unit being over occupied or under occupied based on the occupancy standards set forth in this TSP. If applicable, an existing household that requires a different unit size or type will have a priority over other households on the Waiting List for the unit that has become vacant, and will be provided an opportunity to transfer to the vacant unit in the following order of preference:
  - A household requiring a unit transfer as a reasonable accommodation for a disability;
  - A household requiring a unit transfer because of a change in household size or composition that results in the unit being over occupied or under occupied based on the occupancy standards set forth in this TSP or occupancy standards as mandated by the Housing Authority that provides rental assistance to the household.
- ❖ Where preferences apply, applicants with a verified preference will be moved to the top of the waiting list above persons without a preference.

## ***APPLICANT SCREENING CRITERIA***

Strict tenant selection standards are vital in order to continue our high standards of living conditions at Duval Park and to protect the value of the property. The following screening standards and methods will be applied to all applicant(s) and will be employed fairly and consistently in order to determine suitability for this community.

- ❖ **Credit History:** The purpose of reviewing an applicant's credit history is to determine how well applicants meet their financial obligations.
  1. Applicants must have sufficient income to ensure that they are able to pay the rent. Combined gross income must equal 2.5 times the amount of rent. Acceptable income verification includes: Six (6) weeks of consecutive paystubs, a notarized letter from current employer indicating salary and hours worked; previous year W-2 and/or profit and loss statement if self-employed; or proof of assets equal to six months' worth of rental payments for the stated rent. Applicants with housing choice vouchers or other rental assistance are not required to meet minimum income requirements.
  2. Applicant must demonstrate through previous tenancies and other credit activity that they are disposed to paying rent and other bills in a timely manner. Negative reports on the applicant's credit are grounds for denial. Examples of negative standing are credit or installment delinquencies, credit accounts that are currently in collection or previous charge-offs (includes open accounts from a utility, telephone service or cable company), public record collections and judgments, bad credit status, federal or state tax liens within the past three (3) years, etc. Outstanding balances owing to a prior management company or housing complex can be grounds for denial.
  3. A lack of credit history, as opposed to poor credit history, is not sufficient justification for rejecting an application.

4. Management may consider extenuating circumstances regarding credit history problems; for example, credit problems due to unforeseen medical bills.
- ❖ **Rental History:** References from present and previous landlords for a minimum of three (3) years prior to application will be obtained. The absence of a landlord reference shall not adversely affect the applicant. An applicant may be rejected if this report documents one or more of the following:
1. Outstanding monies owed to previous landlord(s) (e.g., rent, damages, other);
  2. A history of non-payment of rent or making habitually late payments;
  3. Eviction from federally funded and/or non-federally funded housing within at least the last three years;
  4. Violation of lease and/or house rules, such as, poor housekeeping practices, a history of disruptive behaviors, a history of property damage or abuse beyond normal wear, failure to cooperate with applicable recertification procedures, termination of assistance for fraud.
- ❖ **Criminal History:** All applicants, as well as all members of the household who will reside in the apartment (including Live-in Aides), shall be subject at move-in to a criminal background check including, but not limited to, a mandatory screening review of the lifetime registration list under a state's sex offender registration program. This screening shall be conducted in the State of Florida and in any other state where the applicant and members of the applicant's household are known to have resided. The sex offender background check shall be completed at move-in and at annual recertification. The following situations will constitute grounds for rejection:
1. Any conviction or adjudication other than an acquittal of a felony within the past five (5) years. An exception to this provision would be an applicant whose only felony is for possession or use of illegal drugs and who has successfully completed an approved, supervised drug rehabilitation program.
  2. Applicant(s) with a felony conviction or adjudication prior to five years from the time of application may be considered for occupancy if, in management's sole judgment, the facts suggest that future criminal activity is unlikely. Some examples of this provision include:
    - The offense was not a crime against persons or property; or
    - The circumstances leading to the crime, including pattern of behavior, have changed to suggest that the person has been rehabilitated.
  3. Felony or misdemeanor history relating to other criminal activity that would threaten the health, safety, or right to peaceful enjoyment of the premises by other residents, or of the site's employees, contractors, or agents.
  4. Any household member being subject to lifetime registration requirement under the sex offender registration program.
  5. Any household member appearing on the list of known terrorists and wanted fugitives as provided by the Office of Foreign Asset Control (OFAC), federal agencies to include the FBI or other state and local law enforcement agencies.

6. Any household containing a member(s) who was evicted in at least the last three years from Federally-assisted housing for drug-related criminal activity. Two exceptions apply:
  - The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program; or
  - The circumstances leading to the eviction no longer exist (e.g., the household member no longer resides with the applicant household).
7. Any household member currently engaging in illegal drug use, or there is reasonable cause to believe that a household member's illegal use (or a pattern of illegal use) of a drug or abuse of alcohol may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. (Screening standards must be based on behavior, not the condition of alcoholism.)
8. Unlawfully obtaining government assistance.

## ***STUDENT STATUS ELIGIBILITY FOR LOW INCOME HOUSING TAX CREDIT (LIHTC) PROGRAMS***

The LIHTC program *prohibits* the rental of set-aside units to entirely full-time student households unless the household meets one of the following exceptions:

- ❖ The students are married and eligible to file a joint federal income tax return; or
- ❖ Applicant/Head of Household student is a single parent residing with his/her minor children, and such parent is not a dependent of another individual, and the children are not dependents of another individual other than the non-resident parent; or
- ❖ Applicant/Head of Household is a student receiving assistance under Title IV of the Social Security Act, also known as Temporary Assistance to Needy Families (TANF); or
- ❖ Applicant/Head of Household is a student enrolled in a job training program receiving assistance under the Workforce Investment Act (formerly known as the Job Training Partnership Act) or under other similar federal, state, or local program.; or
- ❖ Applicant/Head of Household was previously under the care and placement responsibility of the State agency responsible for administering a plan under title IV of the Social Security Act (i.e., Foster Care).

## ***NOTIFICATION OF APPLICANT REJECTION***

- ❖ If an applicant is denied admission to the property, he/she will receive a written notice stating the reason(s) for the rejection. The applicant has the right to respond in writing or request a meeting to dispute the rejection within 14 days of the notice. Persons with disabilities have the right to request reasonable accommodations to participate in the informal hearing process.
- ❖ If the applicant(s) requests a meeting to discuss the applicant's rejection, it will be conducted by a member of the Management's staff who was not involved in the initial decision to deny admission or assistance. Within five (5) business days of the owner response or meeting, the owner will advise the applicant(s) in writing of the final decision on eligibility.

## **UNIT ASSIGNMENT/OCCUPANCY STANDARDS**

- ❖ Occupancy standards must comply with federal, state and local occupancy standards, and/or laws in connection with occupancy requirements, fair housing and civil rights laws, as well as landlord-tenant laws and zoning restrictions. The occupancy standards for this property are:

1 Bedroom	up to 3 persons
2 Bedroom	up to 5 persons
3 Bedroom	up to 7 persons
4 Bedroom	up to 9 persons

- ❖ Applicants shall be given an opportunity to select from vacant units based upon their priority classification. In other words, applicants shall choose units on a first come, first served basis.

## **UNIT TRANSFER POLICY**

- ❖ An in-house waitlist will be maintained for residents seeking unit transfers. Transfers will be completed in the following order:
  - Those seeking transfer for reasonable accommodation.
  - A household requiring a unit transfer because of a change in household size or composition that results in the units being over occupied or under occupied.
  - All other requests will occur in chronological order by the date the request was made.
- ❖ Residents who wish to transfer to a different unit must complete a “Unit Transfer Request” form. Their name will be added to the waiting list for the type of apartment they want. In order to transfer, residents must have completed a one-year lease in their current apartment prior to requesting a transfer within the community and must be in good standing in the Duval Park community. For example, if an applicant has received a letter regarding issues such as cleanliness of apartment, behavior with the community or violation of any rules that warranted a written letter in the applicant’s file, the resident may not be eligible for transfer. Resident’s current apartment must be clean, free of trash, garbage, waste and alterations. For any resident utilizing a Section 8 voucher, the transfer will be contingent upon approval of and coordination with the Pinellas County Housing Authority. In addition to the above-mentioned eligibility, there is a \$300 non-refundable transfer fee, which helps defray some of the costs associated with making the unit ready for occupancy by a new household.
- ❖ **Transfer for Reasonable Accommodation:** Residents who seek a transfer as reasonable accommodation for a disability will be transferred at the expense of Duval Park, provided that the transfer is an accommodation to a verified disability or medical reason. The resident must provide written documentation from a licensed physician, psychologist, clinical social worker or other licensed health care professional stating that such an accommodation is necessary for the resident’s verified disability or medical reason. Transfer for reasonable accommodation **does not** include factors of view, noise, or apartment location when these factors are not related to the disability.

- ❖ To facilitate transfers for reasonable accommodation, over-/under-housing, or housing vouchers, the \$300 non-refundable transfer fee will be waived.
- ❖ Except in the case of a reasonable accommodation or when the transfer is due to un-inhabitability through no fault of the resident, the resident will pay all moving costs related to the transfer.

## ***VIOLENCE AGAINST WOMEN ACT (VAWA)***

The Violence Against Women and Justice Department Reauthorization Act of 2005, as amended, protects residents who are victims of domestic violence, dating violence, sexual assault or stalking from being evicted or terminated from housing assistance based on acts of such violence against them. Management understands that, regardless of whether state or local laws protect victims of domestic violence, dating violence, sexual assault or stalking, people who have been victims of violence have certain rights under the Violence Against Women Act (VAWA). If any resident wishes to exercise the protections provided in the VAWA, he/she should contact Management immediately. The owner/agent is committed to ensuring that the Privacy Act is enforced in this and all other situations.

Some key points provided in the Act include:

- ❖ An applicant's or program participant's status as a victim of domestic violence, dating violence, sexual assault or stalking is not a basis for denial of rental assistance OR admission if the applicant otherwise qualifies for assistance or admission.
- ❖ An incident or incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking will not be construed as serious or repeated violations of a lease or other "good cause" for terminating assistance, tenancy or occupancy rights of a victim of abuse.
- ❖ Criminal activity related to domestic violence, dating violence, sexual assault or stalking by a member of a tenant's household or guest/person under the control of tenant shall NOT be cause for termination of assistance, tenancy or occupancy rights of the victim of the criminal acts.
- ❖ Assistance may be terminated or a lease "bifurcated" in order to remove an offending household member from the home. Whether or not the individual is a signatory to the lease and lawful tenant, if he/she engages in a criminal act of physical violence against family members or others, he/she stands to be evicted, removed, or have his/her occupancy rights terminated. This action is taken while allowing the victim, who is a tenant or a lawful occupant, to remain.
- ❖ Notwithstanding VAWA, Management may terminate tenant's tenancy under the lease if it can demonstrate an "actual or imminent threat" to other tenants or those employed at or providing service to the property if the tenant's tenancy is not terminated.
- ❖ Residents in assisted housing who face violence may be allowed early lease termination for a matter of safety.

Duval Park will not assume that any act is a result of abuse covered under VAWA. In order to receive the protections outlined in VAWA, the applicant/resident must specify that he/she wishes to exercise these protections.



When Management responds to a claim of protected status under VAWA, it will request, in writing if appropriate, that an individual document the occurrence of the domestic violence, dating violence, sexual assault or stalking. The individual claiming rights under VAWA must submit documentation of the abuse to verify his/her status as a victim of domestic violence. The resident will have fourteen (14) calendar days to submit the form or provide another form of documentation. If the resident fails to provide the information requested, none of the protections afforded to the victim of domestic violence, dating violence, sexual assault or stalking by VAWA will apply. Management would therefore be free to evict, or to terminate assistance, in the circumstances authorized by otherwise applicable law and lease provisions, without regard to the provisions made by VAWA. Duval Park, at its discretion, may provide assistance to an individual based solely upon the individual's statement or other corroborating evidence.

## **PET POLICY**

- ❖ Pets are allowed at Duval Park. However, a non-refundable pet fee of \$300 is required. For more detail regarding the pet policy, consult the Pet Lease Addendum.

## **SECTION 504 & FAIR HOUSING COMPLIANCE**

- ❖ The property adheres to the Fair Housing Act and Federal Civil Rights Laws. Owner will not discriminate against any person because of Race, Color, Religion, Sex, Disability, Familial Status, National Origin, Sexual Orientation, Gender Identity or Marital Status. In compliance with Section 504 regulations, the Owner will make reasonable accommodations in policies or reasonable modification of common or unit premises for all applicants/residents with special needs – including those who are physically challenged, hearing or visually-impaired, or with limited English proficiency – who require such changes to have equal access to any aspect of the application process or to the housing community and its programs and services.
- ❖ ***Appointments for an application or for reasonable accommodations, including materials in alternate formats, may be made by contacting the site office.***

## **UPDATING THE TENANT SELECTION PLAN**

- ❖ Duval Park reserves the right to amend this Tenant Selection Plan from time to time when it is reasonably necessary to ensure that it accurately reflects current operating practices, program priorities, and HUD/Florida Housing Finance Corporation requirements.