

# Towns at Patuxent Overlook Rural Development Resident Selection Criteria

Revised November 4, 2024

Humphrey Management, LLC, the managing agent for this community, has established the following Resident Selection Criteria to explain the requirements and policies used to process and select applications for residency. Everyone who applies will have their application evaluated in a fair, equal, and consistent manner that complies with federal, state, and local fair housing requirements.

These criteria were implemented to improve housing opportunities by ensuring that quality housing is available to qualified families; and to create a welcoming, thriving community through effective Resident selection. All procedures were implemented in conjunction with Occupancy Requirements of subsidized Multifamily Housing Programs, as amended, the IRS Section 42 regulations, as amended, and other applicable federal statutes and regulations, including but not limited to the following:

- Federal Register Notices/Final Rules
- Code of Federal Regulations (CFR)
- The Fair Housing Act (Title VIII of the Civil Rights Act of 1968)
- Section 504 of the Rehabilitation Act of 1973
- Americans with Disabilities Act of 1990
- RD and HUD Requirements
- The Federal Fair Credit Report Act and state/local credit reporting laws
- Housing Opportunities Through Modernization Act of 2016

## Community Information

This is a multi-family community consisting of 17 two-bedroom townhomes and 19 three-bedroom townhomes serving qualified low- and moderate-income households.

All units at this community are governed by the rules of the USDA Rural Development 515, 26 units receive Rental Assistance and 12 units are not receiving Rental Assistance.

All units at this community are governed by the rules of the Housing Credit Program. Twenty-six (26) units at 30% AMI and 12 units at 40% AMI. In all cases where the guidelines of these two programs overlap and vary, the strictest rule prevails.

## Housing Credit Program

All units in this community are governed by the Housing Credit Program guidelines.

These units are not market-rate or conventional housing. Rents are restricted to be affordable for households whose income is below the community's applicable income limits. As part of the move-in certification process applicants will be asked to disclose, provide verification of, and certify personal information regarding income, assets, household composition, custody of minors and student status to determine program eligibility. Once a year residents must meet with management to complete the annual recertification process and will be required to disclose personal information in a manner similar to the move-in process.

During the first twelve months following initial occupancy residents are not permitted to add new adult members to the household. However, during the first twelve months following initial occupancy they may elect to apply as a new household for consideration of the addition of new adult members. Approval of the new household is subject to certification of eligibility for all funding programs governing the resident's unit.

In the event that all original qualifying household members move-out and there are remaining household members (members added after initial move-in) such household members must income qualify and meet any other eligibility criteria in order to remain in the unit.



## Housing Credit Program Eligibility

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The following requirements must be met for an applicant household to be eligible for admission to the Housing Credit program.

### Income Requirement

Occupancy is restricted to households with income at or below the targeted published area median income (AMI) layers as adjusted for family size at the time of move-in and for the initial 12 months of occupancy. The units within this community are reserved for households in the following income layers:

- 26 apartments are reserved for households with income at or below 30% AMI.
- 12 apartments are reserved for households with income at or below 40% AMI.

For the sake of determining the appropriate income limits based on household size management shall count all persons living in the unit except for live-in aides and guests, and shall count the following individuals who are not living in the unit: (a) children who are temporarily in a foster home who will return to the household; (b) children in joint custody arrangements who are present in the household 50% or more of the time; (c) children who are away at school, but who live with the family during school recesses; (d) unborn children of pregnant women; (e) children in the process of being adopted by an adult household member; (f) temporarily absent family members who are still considered household members; (g) family members in the hospital or rehabilitation facility for periods of limited or fixed duration; and (h) persons permanently confined to a hospital or nursing home\*.

\*An individual permanently confined to a nursing home or hospital may not be named as the household head, spouse, or co-head but may continue as a household member at the family's discretion. The family's decision on whether or not to include the permanently confined family member as a household member determines if that person's income will be counted.

- a. *Include* the individual as a household member and the income of the permanently confined individual is counted; or
- b. *Exclude* the individual as a household member and the income of the permanently confined individual is not counted.

### Minimum Income Requirement

- Rent should not exceed 40% of the applicant household's gross income; therefore, the minimum qualifying income will be at least 2 times the rent.
- Applicants who do not meet the above criteria but whose income is such that the rent will not exceed 50% may still be considered qualified if they provide proof of available assets equal to or greater than six (6) months' rent.
- In lieu of income, management will consider applicants who own available assets with a cash value of at least five times the rent to meet the income requirement.
- Applicants using assets to meet the minimum income requirement will need to provide proof of (1) ownership; (2) access to the asset; and (3) the cash value must be based on at least a six-month average balance or proof of a lump sum receipt within the last six months.
- Applicants may meet the minimum income requirement with total household contributions of up to \$350 per month, the applicant must provide proof of the contributor's income that is at least seven (7) times the contribution amount.

**This requirement does not apply to applicants receiving an acceptable form of rental assistance, project-based rental assistance, or rental assistance in which the owner has a contractual relationship with the rental assistance provider.**

### Vouchers

Housing Choice Vouchers and other types of rental assistance are accepted. No applicant will be denied on the basis they receive rental assistance. All applicants, including those receiving rental assistance, must meet all eligibility standards outlined in this document.

Participation in a rental assistance program will be verified as part of the eligibility process. The payment standard of the rental assistance must meet or exceed the current contract rent of the apartment for which the applicant is applying.

## Student Eligibility Requirement

Households made up entirely of full-time students are not eligible to live in units receiving housing credits. However, five exceptions to the full-time student restriction would make such households eligible. For additional information regarding Student exceptions, please contact the Community Manager.

### **Who is considered a full-time student:**

A full-time student is defined as any individual who (1) has been or will be a full-time student during any part of five calendar months during the current or upcoming calendar year, (2) at a regular educational institution with regular facilities, and (3) who also meets all the institution's requirements for full-time student status.

- Students enrolled in on-the-job training courses or pursuing their GED are **not** considered full-time students for the purpose of eligibility.
- Students attending elementary, middle, or high school **are** considered full-time students.
- Students attending college, university, technical, trade, mechanical or online school **are** considered full-time students **if** the school defines them as full-time students **and** they will be attending during any part of five (5) months out of the current or upcoming calendar year (months need not be full or consecutive).

Applicants are considered full-time students if the person had been a full-time student for 5 months of the calendar year, even if they had graduated prior to applying for an apartment.

### **What are the exceptions to the full-time student restriction:**

Full-time student households that are income eligible and satisfy one or more of the following conditions can be considered eligible residents:

- All adult household members are:
  - 1) Single parents who are not listed as dependents on the tax returns of another individual; their child(ren) may be claimed by the absent parent but cannot be listed as a dependent on the tax returns of any other individual; or
  - 2) Married and eligible to file a joint tax return; or
- At least one member of the household:
  - 3) Receives TANF/TCA benefits or other assistance under Title IV of the Social Security Act; or
  - 4) Was previously in foster care, such as Child Welfare Services, or a state foster care or state transitional independent living program; or
  - 5) Is enrolled in a job training program receiving assistance under the Job Training Partnership Act, or similar federal, state or local laws.

## RD Program Eligibility

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The following requirements must be met for an applicant household to be eligible for admission to the Rural Development Section 515 program.

### Income Requirement

Three different income limits are used to establish eligibility for Multi-Family Housing programs. The National Office determines the income limits and updates the limits whenever they are revised. Adjusted income is compared with the below-listed income limits to determine the category in which each household falls:

- The very low-income limit is established at approximately 50 percent of the median income for the area, adjusted for household size;
- The low-income limit is established at approximately 80 percent of the median income for the area, adjusted for household size; and
- The moderate-income limit is established by adding \$5,500 to the low-income limit for each household size.

For the sake of determining the appropriate income limits based on household size management shall count all persons living in the unit except for live-in aides and guests, and shall count the following individuals who are not living in the unit: (a) children who are temporarily in a foster home who will return to the household; (b) children in joint custody arrangements who are present in the household 50% or more of the time; (c) children who are away at school, but who live with the family during school recesses; (d) unborn children of pregnant women; (e) children in the process of being adopted by an adult household member; (f) temporarily absent family members who are still considered household members; (g) family

members in the hospital or rehabilitation facility for periods of limited or fixed duration; and (h) persons permanently confined to a hospital or nursing home\*.

\*An individual permanently confined to a nursing home or hospital may not be named as the household head, spouse, or co-head but may continue as a household member at the family's discretion. The family's decision on whether or not to include the permanently confined family member as a household member determines if that person's income will be counted.

- c. *Include* the individual as a household member and the income and allowable deductions related to the medical care of the permanently confined individual are counted; or
- d. *Exclude* the individual as a household member and the income and allowances based on the medical care of the permanently confined individual are not counted.

### **Social Security Number Requirement**

Disclosure and verification of the full social security numbers (SSN) is required for all household members.

#### **Timeframe for Providing Social Security Numbers:**

- a. Applicants currently on or applying to the waitlist: Applicants do not need to disclose or provide verification of a SSN for all non-exempt household members at the time of application and for placement on the waitlist. However, they must do so before they can be housed.
- b. Housing applicants from the waitlist: If all non-exempt household members have not disclosed and/or provided verification of their SSNs at the time a unit becomes available, the next eligible applicant must be offered the available unit.

The applicant who has not disclosed and/or provided verification of SSNs for all non-exempt household members has 60 days from the date they are first offered an available unit to disclose and/or verify the SSNs. During this 60-day period, the applicant may, at its discretion, retain its place on the waitlist. After 60 days, if the applicant is unable to disclose and/or verify the SSNs of all non-exempt household members, the applicant shall be determined ineligible and removed from the waitlist.

### **Sole Residency Requirement**

A household will only be eligible for assistance if the unit will be the family's only residence. Residents must not receive assistance for two units at the same time, known as dual subsidy.

This prohibition does not prevent a person who is currently receiving assistance from applying for an assisted unit at another community. The assisted residency in the unit being vacated must end the day before the subsidy begins in the new unit.

### **Student Eligibility Requirement**

Student eligibility for the Rural Development Section 515 program will be determined at move-in, annual recertification, initial certifications, and at the time of an unscheduled recertification if one of the changes reported is that a household member is enrolled as a student.

To be eligible for Rural Development (RD), any individual who attends an institute of higher education (full- or part-time) must be one of the following:

- A dependent of the household living with their parent/guardian
- Over the age of 23
- A veteran
- Married
- A parent with dependent child(ren)
- A disabled individual who was enrolled in the program prior to November 30, 2005
- Must either:
  - A. Be independent from parents/guardian; OR
  - B. Have parents, individually or jointly, who are income eligible.

\*Parents is defined as the biological or adoptive parents or guardians, such as grandparents, aunt or uncle, godparents, etc.

- A. To be eligible independent of his or her parents (where the income of the parents is not relevant), the student must meet the following criteria:
  1. Be of legal contract age under state law; AND

2. Obtain 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 by the parents/guardians; AND
3. Either:

- a. Meet the US Department of Education’s definition of an independent student; OR

An independent student is one who is at least one or more of the following criteria:

- At least 24 years old by December 31<sup>st</sup> of the year in which aid is sought
- An orphan or ward of the state through age 18
- Has a legal dependent other than a spouse (dependent child or parent)
- Is a graduate or professional student
- An emancipated minor
- Unaccompanied youth who is a homeless child or youth
- A student that is deemed independent by reason of other unusual circumstances by a financial aid administrator.

- b. Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy (not including dorms and other student housing); AND not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations.

- 1) If the student cannot demonstrate they meet the definition of an independent student then they must provide their parents or legal guardians’:
  - Address for verification; and
  - Income tax returns from the most recent prior year.

B. If the student is not “independent”, then the parents must be income eligible. The parents may sign a declaration and certification of income. They must be below the HUD low income limit for the county that the parents live in, unless they reside outside of the U.S., in which case the community’s low income limit will be used.

1. The student is not eligible if the parents refuse to provide:

- a. A declaration of their income, AND
- b. A certification of the amount of financial assistance provided by parents, signed by the individual providing the support. This certification is required even if no assistance will be provided by the parents/guardians.

Any financial assistance a student receives under the Higher Education Act of 1965, from private sources or from an institution of higher education that is in excess of amounts received for tuition and other required fees and charges is NOT included in annual income.

## Occupancy Standards

Number of Bedrooms	Number of Occupants	
	Minimum	Maximum
2	2	4
3	3	6

Management shall apply these occupancy standards before assigning the household to a unit, and when there is a change in household size to determine if the household needs to transfer to another unit.

## Application Process

Applicants must be at least 18 years old or be an emancipated minor to submit an application. Applicant households must submit a single application executed by all adults or emancipated minors in the household. Emancipated minors are considered adults in the application of our policies and procedures. All adult applicants, including those wanting to be added to existing households, are required to complete an application packet and consent to the release of information necessary to verify all income, assets, household characteristics and circumstances that affect eligibility. This information will be verified by management in compliance with regulations contained in the HUD Handbook 4350.3.

If basic eligibility is met (head of household over 18 or emancipated; household size meets the occupancy standards of a unit size available at the community with an open waitlist; and reported income under the maximum income limits) the

applicant(s) will either be placed on the appropriate waitlist or provided with the appropriate forms to begin the move-in certification process.

### **Required Documentation**

This documentation is not required to submit an application, however must be submitted before the applicant household can move into a unit. Management will not accept photocopies, or documents that appear fraudulent or altered. This documentation must be the original, which management will photocopy. Management will store the copies in the applicant's file.

#### **For Certification Purposes:**

- Social Security Cards for all household members.
- Birth Certificates for each household member. (To determine age, parent(s) and deductions).
- Verification of income from all sources: wages, social security, disability, workers compensation, unemployment, pensions, child support, public assistance, etc.
  - Contact information for employers, or other income sources; and/or eight current, consecutive paystubs; current benefit/award letters; etc.
- Verification of all household assets:
  - Financial Institution contact information; and/or bank/account statements; real estate records, etc.
- Verification of student status:
  - School contact information; and/or school records.
- Verification of custody\* of minor household members:
  - Birth Certificates; court order; tax returns; school, doctor's office, day care records; etc.
  - \*Please note legal custody is not required. Management is only verifying residency of intended household members.
- Verification of disability\*, and/or household expenses at the household's discretion.
  - Verification of receipt of social security disability payments is adequate verification of an individual's disability status; or contact information for a physician, psychologist, clinical social worker, other licensed health care professional or Veterans Administration representative.
  - \*Management only verifies that applicants meet the HUD definition of disability used to determine eligibility. Management will not verify the nature or extent of the disability, nor make judgments about whether a condition is considered a disability.
- Verification of any other information provided by the household relevant to the funding program certification.

#### **For Identification Purposes:**

- Driver's License or other forms of Photo ID for all adult household members.
- Verification of any other information provided by the household relevant to the screening criteria.

## **Selecting Applicants from the Waitlist**

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The following procedure will be utilized by management to determine the selection of applicants for available units.

Applications will be processed according to the date and time received, except under the circumstances described below.

- First priority is always to eligible very low-income tenants paying the highest percentage of their adjusted annual income in shelter costs.
- Second priority is to low-income applicants on the waiting list, considering the applicant's unit size and type needed.
- Third priority is to eligible moderate-income tenants.

Accessible units or units with accessibility features will be offered first to residents and then to applicants who have requested and are determined eligible for the specific type of accessible unit or features. Applicants may request an accessible unit or a unit with accessibility features on their application. It may be necessary for applicants to submit additional documentation for management to determine eligibility for an accessible unit. This policy does not apply in circumstances when the accessible unit that becomes available, does not have the type of features required by the resident/applicant.

This community does not utilize any Statutory, Federal, Local or Owner preferences.

## **Move-in Certification Process**

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All adult members must cooperate with the certification process. Applicants are obligated to report all income and assets, and to complete all applications, verifications and certifications completely and accurately. Management is required to verify all the following information if applicable to the household for determining eligibility:

- Income of all household members
- Assets of all household members
- Student status, financial aid and tuition of all adult household members
- Any other factors as they relate to the final determination of eligibility

Certifications are processed at the community then sent to the corporate office for approval before the unit is offered to the applicant. Management will not accept changes to the application once the file has been submitted for corporate review. We strive for the corporate review process to take no more than 24 to 48 hours; however, it may take longer when corrections are needed or due to circumstances beyond our control.

## **Annual Recertifications & Unscheduled Certifications Reporting Requirement**

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Residents enrolled in the Housing Credit program must complete the certification process annually.

Residents must complete the certification process annually and are required to report certain changes in factors which effect rent between regularly scheduled recertifications.

## **Applicant Screening Criteria**

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### **Disclosure & Verification Criteria**

As part of the screening process, any answers or documentation provided by an applicant as part of the application are subject to verification. Failure to disclose any information and/or answer all questions in the application or attachments to the application, fully and truthfully, may constitute grounds for denial or rejection of the application.

All income must be verifiable independent of the applicant. Self-employed applicants must provide acceptable proof of income (e.g. income tax returns or accountant letter). Income from assets will be calculated and used in the overall household income determination.

## Credit History Criteria

This community evaluates each person applying to live in its community for demonstrated ability to pay the rent and to have utilities in the name of the leaseholder(s) per requirements of the lease.

This data includes, but not limited to: (1) rental payment history and (2) utility payment history within the last two (2) years. Medical collections and student loans are excluded from eligibility consideration.

No credit or not enough credit will receive a further review.

Money due to any previous landlord or utility company necessary to have utilities in the name of the leaseholder(s) can result in an automatic rejection of the application if the applicant(s) cannot show the balances are resolved or can be resolved by lease signing.

If the application is denied based on the criteria, the applicant will be advised what factors adversely affected eligibility, and the applicant will be given the name, address, and telephone number of the consumer reporting agency that provided the information to the property. An applicant who is denied may initiate an investigation to correct any erroneous information in such reports. The consumer-reporting agency will advise the applicant of the actions they may take to do so. Available units will not be held open during any such investigation by the applicant. The absence of credit history by itself will not be a reason to deny an applicant's household.

## Residential History Criteria

An application may be rejected for one (1) of the following reported on any adult applicant:

1. One (1) eviction from a previous housing unit within the last three (3) years and unresolved balances still owed to a landlord.
2. Three (3) or more late payments of rent within the last six (6) month period.
3. Landlord references are verified for the previous three (3) years (36 months). If any Landlord reference is returned to us wherein the previous landlord has signed that the applicant exhibited the following behavior:
  - a. Housekeeping issues
  - b. Records of disturbance of neighbors, destruction of property, or other disruptive or dangerous behavior - include behavior or conduct which adversely affects the safety or welfare of other persons by physical violence, gross negligence, or irresponsibility which damages the equipment or premises in which the family resides which is disturbing or dangerous to neighbors or disrupts family and community life.
  - c. Non-compliance with Lease Agreements - includes but is not limited to evidence of any failure to comply with the terms of lease agreements on prior residences, such as providing shelter to unauthorized persons, failure to comply with recertification process, keeping of pets, or other acts in violation of rules and regulations, painting or decorating without permission of the owner, etc.
4. Consideration will be given to the applicant if it is proved (documentation may be required) that the aforementioned rental history was beyond the control of the applicant. Examples would be a reduction in the labor force, illness, extremely high medical bills, divorce, etc.

Every adult applicant is required to sign a consent form allowing all relevant criminal information to be released. Applications will be rejected for any history found that could affect the health or safety of any resident or if any of the following is reported:

1. Any household member(s) subject to a state sex offender lifetime registration requirement (if allowable by State).
2. Any household member(s) convicted of misdemeanor criminal activity, based on the severity of the crime, screened one to seven years.
  - Property related, animal related, computer / tele-communication related, public justice related, alcohol related, victimless related and other criminal activity unclassified (high).



- Family relations, drug related, organized crime, sex related (low and high).
3. Any household member(s) convicted of any felony violent related crime.
    - Assault, battery, deadly conduct, kidnapping, manslaughter, murder, and robbery.
  4. Any household member(s) convicted of any felony related criminal activity, screened one to seven years.
    - Property related, animal related, fraud related, computer / telecommunication related, family relations, public justice, public order, gambling related, weapons related, organized crime, drug related, sex related, alcohol related, victimless related and other criminal activity unclassified as felony crime.
  5. Any household member(s) has one conviction of a felony or misdemeanor against persons that have occurred in the past seven (7) years or in which the scheduled end of sentence occurred within the past seven (7) years.
  6. Destruction of property or any other offenses that pose a threat to the well-being and safety of our residents, employees, or community.

If the application is denied based on this criminal background search, the applicant will be given the name, address, and telephone number of the consumer-reporting agency that provided the criminal background report. An applicant who is denied based on a criminal background search may obtain a copy of the report and initiate an investigation to correct any erroneous information in the report. The consumer-reporting agency will advise the applicant of the actions that they may take in order to do so. Available units will not be held open during any such investigation by the applicant.

## Rejection of Applicants

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Applications may be rejected at the time of receipt or after the household has been placed on the waitlist(s) for the following reasons:

- The applicant no longer meets the eligibility requirements for the community or program;
- The applicant does not meet the community's applicant screening criteria;
- The applicant fails to respond to a written notice for an eligibility interview;
- Mail sent to the applicant's address is returned as undeliverable; or
- The unit that is needed – using household size as the basis – changes, and no appropriate size unit exists in the community.
- The applicant rejects or declines a unit offer, or any preceding action necessary to the move-in certification process on three occurrences.

Management will promptly notify the applicant in writing of their decision to reject the application. The notice will specify why management is rejecting the application and give the applicant **14** days to contact management in writing or to request an informal meeting to discuss the application denial. Any meeting with the applicant or review of the applicant's written response will be conducted by a representative of management who did not participate in the decision to reject the applicant. Applicants with a disability have the right to request reasonable accommodations to participate in the informal hearing process.

- A. If the applicant fails to respond to the notice of Application Rejection within **14** days the decision will be considered final and no further correspondence will be sent.
- B. If the applicant does respond, a notice of final determination regarding the application will be sent within five business days of receipt of the applicant's correspondence or the informal meeting.

If an applicant disputes the accuracy of any information provided to the management office by a screening service or credit reporting agency, the applicant may contact the screening company that supplied the information within 60 days of the denial to obtain a copy of the screening results. The name and address of the screening company and a reference number will be provided in the denial letter.

Management may consider extenuating circumstances including requests for reasonable accommodations during the screening process or, if applicable, before or during the meeting to discuss the rejection notice.

## Transfer Policy

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Current residents who need to transfer due to one of the following reasons would be given priority over new applicants on the community's waitlist. Transfers will be granted for the following reasons, and in the following order of priority.

**1. Uninhabitable Transfer:**

Management may initiate a unit transfer when a unit has been rendered uninhabitable due to fire, natural disaster or other circumstance if management determines that the circumstance giving rise to the unit being rendered uninhabitable was not caused by the negligence of the resident household members or their guests.

Management may initiate a unit transfer when a unit is in need of repairs to correct defects hazardous to life, health or safety or in need of repairs deemed necessary by management that cannot be performed with the Resident residing in the Unit.

**2. Reasonable Accommodation Transfer:**

A resident with a disability may request a unit transfer when an accessible unit or unit with some accessibility features is needed by the resident as a reasonable accommodation.

Management will provide reasonable accommodations to individuals with a disability to the maximum extent feasible. Management may modify the Resident’s existing unit or transfer the Resident to another unit with the features required, upon availability. If a transfer is required, management will be responsible for reasonable moving costs. No Resident shall be permitted to transfer into an accessible unit from a non-accessible unit unless he or she requires the features of that unit, except in an emergency, as determined by management.

For more information please refer to the ‘Disability and Reasonable Accommodation’ section below.

**3. Verifiable Medical Impairment Transfer:**

A resident with a serious medically determinable impairment which is expected to be of a duration of twelve (12) months or greater and who’s medical impairment could be substantially improved by relocation to another unit may request a transfer. The resident, or management on the resident’s behalf shall put the request in writing. In addition, the resident must provide medical certification of the necessity of the transfer.

**VAWA Transfer:**

The Violence Against Women Act (VAWA) provides protections to women or men who are the victims of domestic violence, dating violence, sexual assault and/or stalking – collectively referred to as VAWA crimes. Humphrey Management understands that, regardless of whether state or local laws protect victims of VAWA crimes, people who have been victims of violence have certain rights under federal fair housing regulation.

This policy is intended to support or assist victims of VAWA crimes and protect victims, as well as affiliated persons, from being denied housing or from losing their HUD assisted housing as a consequence of their status as a victim of VAWA crimes. Affiliated persons include: A spouse, parent, brother, sister, or child of the victim, or a person to whom the victim stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of the victim); or Any individual, resident/applicant, or lawful occupant living in the household of that individual.

VAWA ensures that victims are not denied housing and housing assistance solely because the person is a victim of a VAWA crime. However, being a victim of a VAWA crime is not reason to change the eligibility or applicant screening requirements set forth in the Resident Selection Criteria unless such requirements interfere with protections provided under the VAWA.

For example: Humphrey Management, LLC may waive the requirement to review landlord history for an applicant if the victim has provided necessary documentation to certify their status as a victim and if contacting a previous landlord would put the applicant’s location at risk of exposure to the accused perpetrator.

**Confidentiality**

The Notice of Occupancy Rights under the Violence Against Women Act provides notice to the resident/applicant of the confidentiality of information about a person seeking to exercise VAWA protections and the limits thereof. The identity of the victim and all information provided to TM Associates Management, Inc. relating to the incident(s) of abuse covered under the VAWA will be retained in confidence. Information will not be entered into any shared database nor provided to a related entity, except to the extent that the disclosure is:

- 1. Requested or consented to by the victim in writing; or

2. Required for use in an eviction proceeding or termination of assistance; or
3. Otherwise required by applicable law.

Humphrey Management, LLC will retain all documentation relating to an individual's domestic violence, dating violence, sexual assault and/or stalking in a separate file that is kept in a separate secure location from other applicant or resident files.

**4. Accessible Unit Transfer:**

Management shall require a resident to transfer when the unit is equipped with accessibility features that the occupying household does not need, and a resident or applicant has been identified who does need the accessibility features of the unit.

In the event of a management initiated or required transfer management will notify the resident in writing of the requirement & reason for transfer, the time frame for transfer, and consequences for failing to transfer.

Transfers for reasons other than those listed above will not be permitted. Other reasons include but are not limited to:

- Existing households who wish to separate into two or more households will not be considered for a transfer.

Existing households seeking to move to another unit in the community may only do so pursuant to the unit transfer policy, excepting an existing household who wishes to separate into multiple households in which event they may wait until the community waitlist is opened and apply to the community waitlist.

**Civil Rights Protections**

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It is the policy of Management to comply with current and future legislation protecting the rights of applicants, residents and staff, including but not limited to:

- Section 504 of the Rehabilitation Act of 1973
- Title IV of the Civil Rights Act of 1964
- Fair Housing Amendment Act of 1988

**Fair Housing**

Humphrey Management, LLC will follow and abide by the Fair Housing and Equal Opportunity Laws and any other Fair Housing and Civil Rights Laws in effect in the intake and processing of applications and selecting residents.

We will not discriminate against any person on the basis of the following protected classes:

Federal: Race, Color, National Origin, Religion, Sex, Disability, Familial Status

Maryland: Includes all federal protected classes listed above plus: Marital Status, Sexual Orientation, Gender Identity

**Disability & Reasonable Accommodations**

Management will utilize the Telecommunications Relay Services accessed by dialing 711 to communicate with persons with hearing or speech disability. Management will conduct in person interviews for any applicant or resident needing assistance with the application process.

Management will seek to identify and eliminate situations or procedures that create a barrier to equal housing opportunities for all. In accordance with Section 504, management will make reasonable accommodations for individuals with disabilities (applicants or residents). Such accommodations may include a change in the method of administering policies, procedures, or services.

In addition, management may perform modifications to the dwelling or common areas where such modifications would be necessary to afford full access for qualified individuals with disabilities.

A person with a disability may request a reasonable accommodation at any time during the application process or residency in writing, orally, or by any other equally effective means of communication. Requests for accommodations should be submitted to the Community Manager.

Upon receipt, management shall review the request, and if necessary, shall require the resident to provide additional documentation or meet with management to discuss the request. Provided the resident has submitted all necessary

documentation and complied with management requests, a final written determination shall be issued within thirty (30) days after receipt of the resident's initial request.

If an individual with a disability requires an accommodation or modification, Management will honor the request unless doing so would result in:

- (a) A violation of State and/or federal law;
- (b) A fundamental alteration in the nature of the program;
- (c) An undue financial and administrative burden on the Owner or Management Agent;
- (d) A structurally infeasible alteration; or
- (e) An alteration requiring the removal or alteration of a load-bearing structural member.

In such cases, Management will offer other suggestions that would not result in the circumstances described above.

### **Accessible Units (UFAS/HVI)**

This community shall reserve 2 Accessible Units for occupancy for people who need the accessibility features of the unit or have disabilities.

- One household member must be disabled.

Accessible units will be held for 60 days during lease-up after 80% of units in the community are leased, or 2 units are rented to eligible households with disability. Following the initial lease-up, a waitlist for households with disabilities shall be maintained. If at any time any Accessible Unit becomes available, and if fewer than 2 of the Project's units are occupied by households with disabilities, a vacant unit will be held until the earlier of 60 days following vacancy or 2 units are occupied by eligible households with disabilities.

### **VAWA Protections for Victims of Domestic Violence, Dating Violence, Stalking or Sexual Assault**

The Violence Against Women Act (VAWA) provides that criminal activity directly relating to domestic violence, dating violence, stalking or sexual assault engaged in by a member of a resident's household or any guest or other person under the resident's control, shall not be cause for being denied housing, termination of assistance, or occupancy rights if the resident or an immediate member of the resident's family is the victim or the threatened victim of that abuse. VAWA also provides that an incident(s) of actual or threatened domestic violence dating violence, stalking, or sexual assault will not be construed as serious or repeated violations of the lease by the victim (or threatened victim) and will not be "good cause" for the termination of the assistance, tenancy, or occupancy rights of a victim of such violence.

Management utilizes form *HUD-5382* to certify that a person is a victim of domestic violence, dating violence, stalking or sexual assault. In lieu of a certification, a resident may provide: A federal, State, tribal territorial, or local police record or court record; Documentation signed and attested to by an employee, agent or volunteer of a victim service provider, an attorney or a medical professional, from which the victim has sought assistance in addressing domestic violence, dating violence, stalking, sexual assault or the effects of abuse.

Management is mindful that the delivery of the certification form to the resident in response to an incident via mail may place the victim at risk. Therefore, management may require that the resident come into the office to pick up the certification form and will work with residents to make delivery arrangements that do not place the resident at risk.

If an individual does not provide the form *HUD-5382* or the information that may be provided in lieu of the certification by the 14th business day (or any approved extension), none of the VAWA protections afforded to the victim of domestic violence, dating violence, stalking or sexual assault will apply. However, in certain circumstances, at the discretion of Management, assistance may be provided to an individual based solely upon the individual's statement or other corroborating evidence.

NOTE: Any household containing a member with a demonstrated history of committing domestic violence, dating violence, stalking and/or sexual assault must exclude that member from the household to be considered for residency.

### **Limited English Proficiency**

Management utilizes Telelanguage Interpretation Services to provide access to services for those individuals with Limited English Proficiency.

## Modification of Resident Selection Criteria

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These criteria will be posted in the management office and made available for applicants to review. It will be updated periodically in accordance with changes implemented in federal and state guides. Any questions pertaining to these selection criteria should be directed to the Community Manager.

I have received a copy of the Resident Selection Criteria for Towns at Patuxent Overlook:

_____	_____	_____	_____
<i>Head of Household's Signature</i>	<i>Date</i>	<i>Other Adult Member's Signature</i>	<i>Date</i>
_____	_____	_____	_____
<i>Other Adult Member's Signature</i>	<i>Date</i>	<i>Other Adult Member's Signature</i>	<i>Date</i>



This community and its Owner Agent 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.

**We do business in accordance with the Federal Fair Housing Law  
(Fair Housing Amendments Act of 1988)**

