

revised: 5/31/24

Creative Living Tenant Selection Plan

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Purpose

Creative Living Inc. and Creative Living Housing (Owner) was established for the purpose of providing safe and affordable housing under HUD Section 236 and HUD Section 202 with Section 8 Assistance. This Tenant Selection Plan describes application procedures, screening procedures, and equal opportunity and nondiscrimination requirements for Creative Living. Creative Living accepts applications, admits applicants, and employs staff without regard to race, color, creed, national origin, disability status, familial status, religion, or sex. Tenants at Creative Living pay approximately 30% of their adjusted income, calculated in accordance with HUD regulations, for rent. Throughout this Tenant Selection Plan the words Tenant, Resident and Household are used interchangeably. This reflects the single occupancy restriction on available apartments through Creative Living.

Creative Living is located on the south edge of The Ohio State University campus. Our housing is best utilized by those who need a fully accessible housing environment while they pursue educational and career goals. Preference is given to 1) persons with a physical disability who use a wheelchair for mobility, and 2) persons who live and/or work in Franklin County. Creative Living provides equal housing opportunities and does not discriminate on the basis of race, color, religion, sex, national origin, familial status or disabilities.

The procedures used for selection of residents shall be implemented in compliance with the Department of Housing and Urban Development (HUD) Handbook 4350.3, Rev-1, Chg-3 as amended, and all other applicable federal statutes and regulations, including the following guides:

- The Federal Register
- Federal Fair Housing Laws
- State of Ohio Fair Housing Laws
- HUD 4350.3 Rev-1, Chg 4 Owner's Handbook
- The Federal Fair Credit Reporting Act and other state and local credit reporting laws

Non-Discrimination

Creative Living shall comply with all federal, state and local fair housing and civil rights laws and with all equal opportunity requirements as required by law, including without limitation HUD administrative procedures. Federal laws forbid discrimination based on race, color, religion, sex, age, disability, familial status, or national origin. In addition, State law also forbid discrimination based on military status. Discrimination against a particular social or economic class is also prohibited (for example: welfare recipients; single parent households, etc.)

Access to HUD programs is open to all eligible individuals and families regardless of actual or perceived sexual orientation, gender identity or marital status. These requirements apply to all aspects of tenant relations including without limitation: accepting and processing applications, selecting residents from among eligible Applicants on the waiting list, assigning units, certifying and re-certifying eligibility for assistance and terminating tenancies.



Eligibility Requirements

Eligibility for Rental Assistance:

An applicant of Creative Living must meet the following HUD eligibility requirements:

- Fall within a low, very low or extremely low HUD income limit category.
- Be at least 18 years of age
- Be disabled - defined as: A person having an impairment, which (a) is expected to be of long, continued and indefinite duration, (b) substantially impedes his/her ability to live independently and (c) is of such nature that such disability could be improved by more suitable housing conditions.

Preferences:

1. Preference will be given to persons with a physical disability who use a wheelchair for mobility.
2. Preference will be given to faculty, staff and students of The Ohio State University.
3. Preference will be given to persons who live or work in Franklin County.
 - Applicants who currently work in Franklin County
 - Applicants who have been hired to work in Franklin County
 - Applicants who are expected to live in the jurisdiction as a result of planned employment.
 - Creative Living treats graduates of, or active participants in, education and training programs located in Franklin Current Income Limits

Current Income Limits

The tenants' annual income may not exceed the applicable Income Limit for Creative Living, which is determined to be between the 80% Area Median Income level (low Income) 50% Area Median Income level (very low Income),

- The Applicant agrees to pay the portion of rent required by the subsidy program under which the Applicant will be admitted.
- The unit must be the Family's only residence.
- At the time of admission, the Applicant may not be receiving Section 8 assistance on another housing unit.
- Income limits are updated annually by HUD

Citizenship Requirement

Tenant must meet citizenship or immigration status requirements as follows:

- The applicant must meet the requirements regarding citizenship according to Section 214 of the Housing and Community Development Act of 1980. Citizenship information will be verified, as appropriate and required, through the Department of Homeland Security and the SAVE

- system.
- Applicants for assistance must be given notice of requirement to submit evidence of citizenship or eligible immigration status at time of application. All tenants, regardless of age, must declare their citizenship or immigration status.
 - Noncitizens (except those age 62 and older) must sign a Verification Consent Form and submit documentation of their status or sign a declaration that they do not claim to have eligible status. Noncitizens age 62 and older must sign a declaration of eligible immigration status and provide a proof of age document. U.S. citizens must sign a declaration of citizenship.

Income and Asset Reporting Requirement

Each tenant must provide consent for verification of all sources of income or other information relative to occupancy in the community.

Student Status Reporting Requirement

Each household member must provide verifiable information regarding their status as a student

Social Security Number Requirement

- Applicants must provide a valid social security card or evidence of application for the card. Applicants 62 years of age or older on January 31, 2010 **and** previous participants of HUD assisted housing on or before January 31, 2010, are exempt from disclosure of a social security card as described above. If the applicant meets the exception requirements for SSN disclosure and verification, documentation will be requested from the property where the initial determination of eligibility was determined. This information will be retained in the applicant's file.
- Applicants must disclose Social Security numbers (SSNs). Documentation must be provided, such as the original Social Security card. If after 90-days the tenant is unable to provide verification, owner must grant an additional 90-days if it is determined that the tenant's failure to disclose is due to circumstances beyond the tenant's control. If the outstanding verification of SSN is for a household member over the age of six, the applicant may retain his or her place on the waiting list for a period of 90-days during which the applicant is trying to obtain documentation of SSN. Applicants should be aware that available units will be offered to the other eligible households during this period of time; units will not be "held" for applicants while they await their documentation. After 90-days, if the applicant is unable to disclose their SSNs, the applicant will be determined ineligible and removed from the waiting list.
- If the Social Security Number cannot be verified by obtaining an original document issued by a federal or state government agency, self-certification of the SSN and one third-party document, such as a bank statement, utility or cell phone bill, benefit letter, etc. that contains the

- name of the individual will be accepted. The file will be documented why original verification could not be obtained. EIV (Enterprise Income Verification) is used by Creative Living to confirm accuracy of personal identifiers (name, DOB and SSN). If the SSN provided matches in EIV, no further verification is required. If the SSN does not match in EIV, this must be verified by obtaining an original document issued by a federal or state government agency. Termination of assistance will result if verification cannot be obtained. EIV (Enterprise Income Verification) is used by Creative Living to confirm accuracy of personal identifiers (name, DOB and SSN).
- When adding a child under age 6 to an applicant household within 6 months prior to move-in, the household can be moved into the property without proof of this child's social security number. However, verification of the child's SSN must be provided within 90 days of the effective move-in certification date. An additional 90-day period will be granted if the failure to provide documentation of the child's SSN is due to circumstances that are outside the control of the household.

Enterprise Income Verification System (EIV)

As of January 2010, HUD has made the use of the Enterprise Income Verification (EIV) mandatory for all HUD assisted properties. This system is an online system that can be used to compare the income and person information provided by residents to information provided to several databases (including the National Directory of New Hires and Social Security). This information will be used to determine if there are any instances of fraud, misreported or under-reported income. Applicants and Residents will be given a copy of HUD's EIV and You Brochure at each certification, which will provide further detail on the uses and purposes of the EIV system.

Existing Tenant Search

EIV will be accessed at admissions to determine if an applicant is currently receiving assistance at another HUD project. This process in the Enterprise Income Verification System is done by using an "Existing Tenant Search" in the EIV system. If an applicant or any member of the applicant's household is receiving assistance at a Multifamily Housing or Public and Indian Housing location, it will be discussed with the applicant, giving them the opportunity to explain the circumstances. The applicant is permitted to apply but is prohibited from receiving subsidy from two locations. Management would then follow up with the PHA or Management to confirm the applicant's program participation, if necessary, depending on the outcome of the discussion with the applicant.

EIV Use at Recertification

Creative Living also allows the use of Safe Harbor Verifications. Safe Harbor is determinations of income made by another means-tested form of Federal public assistance programs (TANF, Medicaid, SNAP, EITC, WIC, SSI, and Other). If the household is certified using Safe Harbor, EIV will not be run/utilized.

HUD 9887 and 9887A Privacy Act

Tenants must sign the HUD Consent to Release Information forms (HUD 9887 and HUD 9887a) at admissions. The release of information forms are in accordance with HUD requirements in the HUD 4350.3 for Section 8 programs. Current tenants will sign the form at their next interim or annual recertification.

A tenant has the right to revoke their consent by providing written notice. Applicants who choose to revoke their consent will not be admitted. Current tenants who revoke their consent will result in termination of assistance. Recertifications will not be conducted for households who revoke their consent.

Income Limits

The tenants' annual income must be under the HUD established income limits for admission. HUD sets income limits for each county or metropolitan statistical area (MSA) by family size. These limits are updated annually.

An applicant is considered ineligible if :

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

ADMITTING INELIGIBLE APPLICANTS - Any ineligible tenants admitted under the following limitations must pay contract rent. Admitting tenants who are not income eligible is only applicable if the HAP Agreement was signed before October 1, 1981. For these projects, owners may admit income ineligible families up to the maximum number of units specified in the HAP Contract.

Actions Owners must take before admitting ineligible:

1. Admit all available eligible applicants, unless there is good cause for denying them assistance.
2. Take all reasonable steps to attract eligible families, including using marketing efforts likely to attract eligible applicants.
3. Place in the files of any ineligible tenants who are admitted a written certification that the steps required in 1 and 2 above have been completed.

If the HAP Agreement was signed before October 1, 1981, owners MAY admit income ineligible applicants.

- Creative Living I (1531 Perry Street) was opened prior 10/1/1981, so it **is eligible** to admit households who are not income eligible.
- Creative Living II (150 W. 10th Ave.) was opened after 10/1/1981, so it **is not eligible** to admit households who are not income eligible.

Project Specific Requirements

- Creative Living I (1531 Perry Street) is governed as a HUD Section 8 Project, defined as the following in 24 CFR Part 5, **Subpart D— Definitions for Section 8 and Public Housing Assistance Under the United States Housing Act of 1937. Authority:** 42 U.S.C. 1437a and 3535(d). **Source:** 61 FR 5665, Feb. 13, 1996, unless otherwise noted. Please refer to the Definitions section of this resident selection plan for definitions under Section 8 as defined in 24 CFR Part 5, Subpart D.
- Creative Living II (150 W. 10th Ave.) is governed as a HUD Section 202 PRAC Project, defined in 24 CFR Part 891, “Chapter VIII--OFFICE OF THE ASSISTANT SECRETARY FOR HOUSING-FEDERAL HOUSING COMMISSIONER, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (SECTION 8 HOUSING ASSISTANCE PROGRAMS, SECTION 202 DIRECT LOAN PROGRAM, SECTION 202 SUPPORTIVE HOUSING FOR THE ELDERLY PROGRAM AND SECTION 811 SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES PROGRAM) PART 891-- SUPPORTIVE HOUSING FOR THE ELDERLY AND PERSONS WITH DISABILITIES

Safe Harbor Verification

Creative Living accepts Safe Harbor Verifications. This allows Creative Living to determine an applicant’s income eligibility by using an income determination made for the household within the previous 12-month period, from the following programs:

- TANF
- Medicaid
- SNAP
- Earned Income Tax Credit
- Low Income Housing Tax Credit
- WIC
- SSI
- Other programs administered by the Secretary
- Other means-tested forms of federal public assistance for which HUD has established a memorandum of understanding
- Other federal benefit determinations announced through a Federal Register notice

The above Safe Harbor Verifications are accepted at the time of move-in, Interim Recertification and at each annual recertification.

In order for the Safe Harbor Verification to be used, the following must apply:

- The income determination was made in the last 12 months. Documentation will be considered timely if any of the following dates are dated within 12 months of being received:

- Income determination effective date;
- Program administrator’s signature date;
- Family’s signature date;
- Report effective date; or
- Other report-specific dates that verify the income determination date.
- The income determination documentation must reflect the household size and must be for the entire household. Creative Living limits household size to one. Income determination documentation must reflect this same number of household members.
- The income determination must state the household/applicants’ gross annual income.
- The applicant must agree that the income declared on the income determination documentation accurately reflects the applicant’s income. In the event the applicants disputes the other program’s income determination, household income will be determined in accordance with HUD regulations and the Safe Harbor method will not be used.
- If the applicant will also be claiming childcare expense or disability assistance expenses, third party verification will be obtained in order to determine the maximum amount of the expense the household is eligible for.
- Applicants whose income is verified using this method must still report changes in income that occur after the effective date of the certification.
- In the event multiple Safe Harbor verifications are received, the most recent income determination that the applicant/tenant agrees is an accurate determination of household income will be used to document household income.

De Minimis Errors

A De Minimis error occurs when a household’s annual adjusted income is miscalculated by no more than \$360, resulting in the overcharging of rent to a household.

If an error is made, within 7 (seven) days of the error being discovered, the community will provide written notification by mail informing the tenant that an error was made in the calculation of their rent. The notification will state the amount of overpaid rent that is due to the tenant and the method that will be used to refund this overpaid rent to the tenant.

If the total amount due to the tenant is \$25 or less, a credit will be applied to the tenant’s ledger within 7 (seven) days of the error being discovered. If the amount due is \$26 or more, a refund will be issued in the form of a check payable to the head of household within 30 (thirty) days of the error being discovered.

Asset Limitation

Section 8 assistance will not be provided at move-in to any tenant, if:

- The applicant’s net assets exceed \$100,000, OR
- The applicant owns real property that is suitable for occupancy, that the



- applicant has a legal right to reside in, and the effective legal authority to sell. Real property would not be suitable for housing if:
- The property is commercial property that cannot be legally occupied as a residence by the property owner, such as a gas station or clothing store.
 - The property does not meet the disability-related needs for the applicant. Disability-related needs include:
 - Physical accessibility requirements
 - Disability-related need for additional bedrooms (e.g. personal care attendant)
 - Proximity to accessible transportation
 - The geographic location of the property creates a hardship for the applicant (i.e., excessive commutes to work or to school). Excessive commutes are defined as more than one and one half hours.
 - The property is not safe to reside in because of the physical condition of the property (i.e., the property's physical condition poses a risk to the applicant's health and safety and the condition of the property cannot be easily remedied) or
 - The real property is not a property that the applicant may reside in under the State or local laws of jurisdiction where the property is located.

For current tenants, Creative Living has chosen not to enforce the asset limitation at Annual or Interim Recertification. Net tenant assets will still be calculated when determining annual income at Annual and Interim Recertifications.

Medical & Disability Assistance Expenses – General Hardship Exemption

A tenant claiming medical or disability assistance expenses may only deduct as an expense the amount of the expense that exceeds 10% of the household's gross annual income. If a change in circumstances, such as a large medical bill or loss of income, results in a household's inability to pay rent, the tenant can request a general hardship exemption to allow the household to deduct as an expense that amount of the expense that exceeds 5% of the tenant's gross annual income. At the time of annual and interim recertification, tenants will be provided a form titled "Medical & Disability Assistance Expenses – Hardship Exemption Request Form". This form can be completed by the tenant to request this exemption. If granted, a hardship exemption would allow the household to deduct medical or disability assistance expenses in excess of 5% for a 90-day period. After the conclusion of the 90-day period, the household's income and rent will be recalculated and a 30-day notice of any rent increase will be provided.

A tenant may request a 90-day extensions of this waiver if the hardship continues. The tenant will be provided a form titled "Medical & Disability Assistance Expenses – Hardship Exemption Extension Request Form".

A hardship exemption will only be granted if the hardship results in the tenant's inability to pay rent. In order to be eligible for this exemption, a tenant must:

- Provide documentation that the household's total tenant payment, plus

- the expense amount, exceeds 45% of the household's adjusted income.
- Demonstrate that the household has experienced a hardship such as a loss of income, decrease in household size, large medical expense, etc.

A written notice to the household will be provided within 7 days of the request by mail notifying the household if the exemption is approved or denied, or if an extension is approved or denied. If approved, the notice will state the new rent, the date that the exemption begins and when it will expire. Households are required to report if the circumstances that made the household eligible for relief are no longer applicable. If it is determined that the household is not eligible for the exemption or the exemption extension, notification will be provided to the household stating the termination date. A 30-day notice of rent increase will be provided, if applicable.

Note that households who request this general hardship exemption would no longer be eligible for phased-in relief. Once the general hardship relief expires, the medical expense threshold will be increase to 10%.

Interim Recertifications – Change in Household Income

Interim Recertifications are conducted to account for changes to household income that occur between annual recertifications.

Income Increases:

All increases in income must be reported to management within fifteen days of the change. Interim recertifications will be conducted when a household's annual adjusted income has increased by 10% or more. Increases in earned income (wages, military pay, and self-employment) will not be taken into consideration when determining whether a household's adjusted income has increased by 10% or more.

If changes in income are not reported in a timely manner and such changes in income result in an increase in rent, the increase in rent will be applied retroactively to the first day of the month following the date of the increase. In such cases, the household will be responsible for paying the retroactive rent amounts owed.

Income Decreases:

All decreases in income must be reported to management within fifteen days of the change. Interim recertifications will be conducted when a household's annual adjusted income has decreased by 10% or more. If changes in income are not reported timely and such changes in income result in a decrease in rent, the decrease in rent will not be applied retroactively to the first day of the month following the date of the decrease in income and instead the decrease in rent will be effective the first day of the month following the date that the household reported the change.

Changes in Household Size:

All changes in household size must be reported to management within ten days of the change. If a permanent decrease in household size results in any decrease in rent an Interim Recertification will be conducted to reduce the rent regardless of the percentage decrease in annual adjusted income. If changes in household size are not reported timely and such changes in income result in an decrease in rent, the decrease in rent will not be applied retroactively to the first day of the month following the date of the household size change and instead the decrease in rent will be effective the first day of the month following the date that the household reported the change.

Self-Certification of Assets

When determining household eligibility, the amount of assets held by household members must be taken into consideration. At move-in or initial certification, all household assets must be verified regardless of the value. After initial verification, the household's self-certification that the combined net value of all household assets is less than \$50,000 will be accepted; however, third-party verification of assets is required every third year. If information is received indicating that a household has not fully disclosed all income or assets Creative Living reserves the right to require 3rd party verification of income and assets. Further, in certain circumstances, bank statements or other financial statements may be required to be provided in order to support other income source amounts.

Violence Against Women Act

The Violence Against Women and Justice Department Reauthorization Act of 2023 protects residents who are victims of domestic violence, sexual assault, dating violence, rape or stalking from being evicted or terminated from housing assistance based on acts of such violence against them. In accordance with the Violence Against Women Act (VAWA), Creative Living will not penalize victims of domestic violence, sexual assault, stalking, dating violence, or rape. Some key points provided in the Act include:

- A potential resident has the option to certify they were the victim of domestic violence and may be allowed to be admitted even with poor credit and poor landlord evaluations if he/she can show those negative factors were caused by domestic violence.
- It assured that victims of domestic violence, sexual assault, etc., have access to the criminal justice system without facing eviction.
- Where someone is abusive to other members of the household, only the abuser may be evicted. Furthermore, the standards for eviction due to imminent threat have been strengthened.
- Residents in assisted housing who face violence may be allowed early lease termination for a matter of safety.

Creative Living will carefully evaluate abuse claims to avoid conducting an eviction based on false or unsubstantiated accusations. Nothing prevents a victim who has committed a crime or violated a lease from being denied, evicted or terminated.

Limited English Proficiency

On August 11, 2000, the President signed Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency." The Executive Order requires all owners and agents to identify any need for Section 8 housing assistance to those with limited English proficiency (LEP) and develop and implement a system to provide Section 8 housing assistance so LEP persons can have meaningful access.

Creative Living will provide for such meaningful access consistent with, and without duly burdening, the fundamental mission of the property. We will work to ensure that people who need housing assistance are provided meaningful access to the HUD Section 8 program.

Policies to Comply with Section 504 of Rehabilitation Act of 1973

- Section 504 prohibits discrimination based upon disability in all programs or activities operated by recipients of federal financial assistance. A Reasonable Accommodation as defined by the Fair Housing Act is any accommodation by management in rules, policies (including acceptance of assistance animals as an exception to a "no pets" rule), and practices of services to give a person with a disability an equal opportunity to use and enjoy a dwelling unit or common space. It is your responsibility to inform management of any situation where a Reasonable Accommodation is needed.
- Reasonable Accommodations should be submitted in writing. If unable to provide the request in writing, please notify management. Reasonable structural modifications to units and/or common areas that are needed by applicants and tenants with disabilities may be approved and funded by the project, unless these modifications would change the fundamental nature of the project or result in undue financial and administrative burdens.
- Fair Housing Act Amendment of 1988 prohibits discrimination on the basis of race, color, religion, gender, national origin, disability or familial status. We do 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

Eligibility of Single Persons

Eligible Single Persons include those persons 18 years of age or older or a Single Person under 18 years of age who has been emancipated under state law.

Student Eligibility

Section 8 assistance shall not be provided to any individual who: is enrolled as either a part-time or full-time student at an institution of higher education for the purpose of obtaining a degree, certificate or other program leading to a recognized educational credential unless they meet the following definition of independent student:

- The individual is 24 years of age or older by December 31 of the award year;
- The individual is an orphan, in foster care, or a ward of the court or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older;
- The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's state of legal residence;
- The individual is a veteran of the Armed Forces of the United States (as defined in subsection (c)(l) of HEA) or is currently serving on active duty in the Armed Forces for other than training purposes;
- The individual is a graduate or professional student;
- The individual is a married individual;
- The individual has legal dependents other than a spouse;
- The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth (as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act) (42 U.S.C. 11431 et seq.), or as unaccompanied, at risk of homelessness and self-supporting, by-
 - a local educational agency homeless liaison, designated pursuant to section 722(g)(l)(J)(ii) of the McKinney-Vento Homeless Assistance Act;
 - the director of a program funded under the Runaway and Homeless Youth Act or a designee of the director;
 - the director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants) or a designee of the director; or
 - a financial aid administrator; or
 - the individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.

A student, under the age of 24, may still be income eligible for assistance in circumstances where the student can demonstrate independence from parents, where the student can demonstrate the absence of parents, or where an examination of the student's parent's income may not be relevant.

The student must demonstrate independence from the parents, including: (1) he or she is of legal contract age under state law; AND (2) the student has established a household separate from parents or legal guardians for at least one year prior to application for occupancy OR the student meets U.S. Department of Education's definition of an independent student; AND (3) the student is not claimed as a dependent by parents or legal guardians pursuant to IRS regulations; AND (4) the student obtains a certification of amount of financial assistance to be provided by parents, even if no assistance is provided.

Application Requirements



Anyone who wishes to reside at Creative Living must fully complete the Creative Living Residency Application form provided by management. The information provided must contain enough information for management to make an initial determination of the income eligibility of the applicant, the independent living skills of the applicant and sufficient information to screen the applicant's prior landlord history. Applicants must consent to management's requirement to secure a credit, references and criminal background history and must provide sufficient information to enable management to secure such reports. Applicants are notified of the requirement either to submit evidence of citizenship or eligible immigration status or to choose not to claim eligible status. In addition to the application, applicants are offered the opportunity to complete a SUPPLEMENT TO APPLICATION FOR FEDERALLY ASSISTED HOUSING HUD-92006. This form gives applicants the option to identify an individual or organization that may be contacted and the reason(s) the individual or organization may be contacted. The applicants, if they choose to provide the additional contact information, must sign and date the form.

Notification of Changes to Resident Selection Plan

When the management at Creative Living updates or changes the resident selection plan, the following actions will be taken to notify both residents and applicants of the changes to the resident selection plan.

- The updated Resident Selection Plan will be posted in the management office lobby
- A letter will be mailed to all residents and applicants notifying them of the change to the resident selection plan and informing them that they can review the changes at the management office if they are so inclined.

Changes in Information for Applicants

- **Income Changes:** If an Applicant's income changes to an amount which is no longer eligible under the limitations of the assistance program by the time the application reaches the top of the waiting list, written notice will be given advising the Applicant that: (1) they are not presently eligible for assistance under the Section 8 program; (2) the Applicant could become eligible if the household income decreases, the number of household members changes, the Income Limit changes, or HUD grants an exception to the Income Limits, and (3) asks whether or not the Applicant wishes to remain on the waiting list.
- **Preference Eligibility:** occasionally households on the waitlist who did not qualify for a preference when they applied will experience a change in circumstances that makes them eligible for a preference after the initial date of their application. In such cases, it is the responsibility of the applicant to inform management so that their change in status may be verified and the waitlist can be updated accordingly. To the extent that the verification process determines that the household **does** now qualify for a preference, the waitlist will be updated to reflect this.

Unit Transfer Policy

If a Head of Household and/or family at time of occupancy is knowingly placed with a unit specifically for:

- A Resident may transfer units when:
 1. the transfer is necessary to make housing available to another household in need
 2. The transfer is necessary due to a disability and this necessity is verified by a medical professional
 3. the transfer is necessary due to household composition changes (reference HUD Handbook 4350.3, Section 7-16, A and B guidelines)
 4. An emergency exists, including those related to VAWA.
- A transfer request **will not** occur for the following:
 1. Any transfer requests prior to the first anniversary of move in, e.g. there will be no transfer requests entertained during the first year, unless said request is related to an approved reasonable accommodation request or emergency.
 2. new unit features (unless related to an approved reasonable accommodation request)
 3. new location for scenery or view (unless related to an approved reasonable accommodation request)
 4. Perceived convenience without any approved reasonable accommodation request.

Move Requests

The HUD handbook states the reason for a unit transfer must meet one of the following criteria: Changes in household size or composition, need for a deeper subsidy covered by another unit, medical reason certified by a doctor, or the need for an accessible unit. Due to the expense of a unit transfer these requests must have a valid reason for making the request. Since all units are for the disabled and are first floor and single occupancy, a health or safety reason as a reasonable accommodation will be considered but a management decision. Depending upon the circumstances of the transfer, a tenant may be obligated to pay all costs associated with the move. However, if a tenant is transferred as a reasonable accommodation due to a household member's disability, then Creative Living will pay the costs associated with the transfer, unless doing so would be an undue financial and administrative burden.

Processing Steps

Creative Living apartments shall be rented and occupancy maintained on a first-come, first-served basis with preferences taken into consideration. All persons wishing to be admitted to Creative Living or placed on the waiting list must complete an application. Prospective tenants submitting incomplete applications will not be considered for occupancy. The initial application shall be timed and dated when received, and management shall maintain at the Creative Living office a chronological list of all applicants. Preference households and existing residents requiring unit transfers because of accommodation will move ahead of chronological status applicants. Applicants shall be offered housing (after meeting

all selection criteria requirements including the verification process), placed on the waiting list, or declined. Applicants who fail to provide acceptable landlord references, credit history or who have a criminal background will be notified that they have been removed from the waiting list.

When an appropriate unit is available, the waiting list shall be reviewed to identify the applicant who meets preference criteria or whose name is chronologically at the top of the list. Creative Living management shall interview the applicant; confirm and update all information provided on the application; update credit reports older than one year; obtain current information of income, expense and Family composition as applicable and necessary to certify eligibility and compute the resident's share of the rent. Each applicant will be required to evidence citizenship and comply with the Social Security Disclosure Regulations which means applicants must supply their Social Security number and verification of the same. The applicant shall be informed that a final decision on eligibility cannot be made until all verifications are complete and current income has been verified. Applicants whose position on the waiting list enables application processing, will receive only two consecutive notices of housing availability. If the applicant is unable or decides not to complete the application process, the applicant shall be removed from the waiting list upon receiving the second notice and must reapply for eligibility.

Applications will be received by mail as well as at the Creative Living management office located at: 150 W. 10th Avenue, Columbus, Ohio 43201.

Screening Criteria

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

- a. Demonstrated ability to meet financial obligations and to pay rent on time.
- b. Comments/referenced from current and former landlords (endorsement from at least two is preferred); landlord comments/references may request the information regarding the following:
 - i. Non-payment of rent - Credit checks may be useful when no rent payment history is available. However, lack of a credit history, as opposed to poor credit history, is not sufficient justification to reject an applicant.
 - ii. failure to cooperate with applicable recertification procedures
 - iii. violations of house rules (e.g. disturbance of neighbors)
 - iv. violations of lease (e.g. destruction of property)
 - v. history of disruptive behavior
 - vi. History of disturbing neighbors or destroying property.
- c. Applicant's credit history.
 - i. Reference requirement: in cases where there is a total lack of rent and credit history, applicants will be required to provide an acceptable Housing Provider Reference and at least two satisfactory professional reference letters from persons other



than family members.

- d. Ability to maintain (or with assistance would have the ability to maintain) the housing in a decent and safe condition based on living or housekeeping habits and whether such habits adversely affect the health, safety or welfare of the household and other residents in the community.
- e. Ability to meet all obligations of tenancy.
- f. History of using illegal drugs or history of abusing alcohol in a way that may interfere with the health, safety or right to peaceful enjoyment of others.
- g. History of felony or misdemeanor convictions by any household member involving crimes of physical violence against persons or property and any other criminal activity including Drug-Related Criminal Activity.
- h. A conviction or convictions for any felony, or any misdemeanor involving assault, intimidation, prostitution, drug-related activity, or weapons charges, obscenity and related violations (ORS 167.060 through 167.100), within the last 5 years shall be
- i. grounds for denial of your application. A conviction, guilty plea or no contest plea to any misdemeanor not mentioned above in the last year will be cause for denial of your application. Any conviction or convictions for any sex crimes and/or child sex
- j. crimes within the last 7 years (or longer if found in court records) shall be grounds for denial of your application.
- k. Any household member has been evicted from assisted housing within three years as a result of Drug-Related Criminal Activity.
- l. Registered sex offender status.
- m. Income Limit qualification.
- n. Household's Status of part-time or full-time students, eligibility of household members as full or part time students shall be affected if the household would be unsuitable according to HUD's ruling on students.
- o. Household's citizenship status will be reviewed for all members of the household and may affect eligibility

References, Criminal, and Credit History

Creative Living will require consent of all applicants for verification of references and permission to seek credit and criminal background history.

- **Landlord References:** Landlord references will be required for up to five (5) years, including the present landlord. Applicants, who have been previous homeowners, must be able to demonstrate that they have made mortgage payments in a timely manner. Applicants who have had no previous rental or homeownership history, must provide personal references. Unfavorable landlord or personal references may result in removal from the waiting list.
- **Credit History:** Credit reports will be ordered for each Applicant. The



credit report will be reviewed to determine the Applicant's history of meeting financial obligations including payments for rent, utilities, loans, revolving credit cards, and other obligations. Applicant's credit history must be acceptable to management before they will be approved to occupy a unit. The credit report will be reviewed to:

- confirm current address.
- confirm credit sources included on the application.
- confirm current and past employment listed on the application; and to determine whether the Applicant has an acceptable credit history.

Applicants whose credit histories are unacceptable will be declined and removed from the waiting list. An unacceptable credit history is one that reflects consistent, past-due payments of more than 90 days; a history of repeated insufficient fund checks; derogatory credit (repossessions, foreclosures, judgments, collections, charge-offs, liens, bankruptcy not yet discharged, etc); delinquent or charge off debt due other apartment communities; or unpaid utility company collections which would prohibit applicant from obtaining services. The lack of credit history or past due payments or derogatory credit relating to medical expenses or student loans will not be considered as grounds for declining an Applicant. Consideration will be granted when current credit history demonstrates a pattern of improvement; history of rent payment overshadows other debt issues or Applicant can demonstrate acceptable reasons for credit history. Applicants may wish to provide an explanation that evidence efforts to correct credit deficiencies through payment plans or other work out solutions. If such an explanation is acceptable to management, further screening may be conducted, and written confirmation of payment plans may be required from the creditor(s). In the event of decline based upon credit, the Applicant has 14 days to provide an explanation and request further consideration. Management will provide a copy of the Applicant's credit report upon request. It is the Applicant's responsibility to contact the credit reporting agency to resolve any items that have been incorrectly reported.

- **Conviction of Crime:** A criminal activity report will be ordered for each Applicant, and an Applicant with a history that includes felonious crimes, Drug-Related crimes violent crimes or sexual crimes will be declined and removed from the waiting list. Reports will be obtained from local and/or state records. Consideration may be granted to Applicants with past nonviolent criminal records occurring five or more years in the past with no further criminal convictions, If the Applicant has resided in a state other than Ohio and has a past felony conviction, a report will be required from that state or federal organization. Applicants will be required to certify that they or members of their household are not Lifetime Registered Sex Offenders. Lifetime Registered Sex Offenders will not be admitted to the apartment community.



Rejecting Applicants

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

- Applicant requests that their name be removed from the waitlist
- Applicant was clearly advised in writing of the requirement to inform Property Management of his/her continued interest by a stated, specific time, failed to do so
- Failure to meet one or more of the screening criteria.
- Information required by the application and income verification process is not provided.
- Failure to respond to written requests for information.
- Declaration by Applicant that they are no longer interested in housing.
- Unacceptable credit history.
- Income exceeds the appropriate Very Low-Income Family Income Limit when dictated by Federal programmatic requirements.
- Inability to appropriately maintain housing in a decent safe and sanitary condition.
- Applicant is single, under 18 years of age and has never been emancipated under Ohio law.
- History of unjustified and chronic non-payment of rent and financial obligations.
- History of disturbing the quiet enjoyment of others.
- A risk of intentional damage or destruction to the unit or surrounding premises by the Applicant or those under the Applicant's control.
- History of violence and harassment of others.
- History of violations of the terms of previous rental agreements such as destruction of a unit or failure to maintain a unit in a decent, safe, and sanitary condition.
- Criminal history includes a felony conviction for Drug Related Activity, violent crime, sexual crime, or a misdemeanor (excepting traffic violations).
- Eviction for drug related criminal activity: if the applicant or any household member has been evicted from any previous housing in the last five years for drug related criminal activity, the application will be rejected
- Illegal drug use: if the applicant or any household member is currently engaged in illegal use of drugs or shows a pattern of illegal use that may interfere with the health, safety, or right to peaceful enjoyment by other residents, the application will be rejected.
- Illegally using a controlled substance or abusing alcohol in a way that may interfere with the health, safety and well being of other residents. Waiver of this requirement is subject to Applicant demonstrating they are no longer engaging in such activity and producing evidence of participation in or completion of a supervised rehabilitation program.
- Applicant or a member of the household is a Registered Sex Offender under any state sex offender registration program.
- Applicant or a household member has engaged in or threatened abusive



or violent behavior towards any staff member of management or another resident.

- Applicant or a member of household was evicted from housing within three years as a result of Drug-Related Criminal Activity.
- Application is incomplete, or is found to contain false information.
- Applicants status as student does not meet the criteria set forth in the HUD 4350.3 handbook, Rev-1, Chg.-3.
- Citizenship status that does not meet HUD Requirements

The following factors MUST NOT be used when screening an applicant:

- Physical examinations: owners may not routinely require physical examinations as a condition of admission
- Meals and other services outside of the Creative Living Resident Assistant Program: owners may not require tenants to participate in a meals program or establish other mandatory charges for services without the prior consent of HUD.
- Donations or contributions: owners must not require a donation, contribution, or membership fee as a condition of admission.
- Handicap status: owner is prohibited from inquiring as to the nature or severity of a handicap of an applicant or any persons associated with the applicant.

If an Applicant is declined, the resident manager shall promptly notify the Applicant in writing and explain in the notice the reasons for the decline. The Applicant will be notified that they have 14 days to respond in writing or to request a meeting to discuss the decline. All declined applications and supportive documentation shall be maintained at the management agent's home office in a manner that assures confidentiality.

Household Occupancy Standards

Creative Living solely provide single occupancy one bedroom apartments. Due to the universal design construction for tenants that require use of a mobility device household sizes larger than one are not accepted.

Determining Security Deposit Amounts

HUD Section 8 New Construction HAP before 11/5/1979, Substantial Rehab HAP before 2/20/1980, State Agency HAP before 2/29/1980 Security Deposit Equals TTP – (The amount of the security deposit for households receiving Section 8 assistance as part of the community's project based assistance contract). The amount of the security deposit for the household shall be calculated to be the amount of the Total Tenant Payment, which is the amount of the tenant rent. The security deposit amount cannot be changed at any point during the tenancy and transfers between units shall not result in the charging of a new security deposit.

Opening and Closing Waitlist

Given the unique eligibility of applicants and inconsistent nature of turnover to Creative Living the waiting list has never been closed. A waiting list is kept for

applicants to Creative Living; the waiting list will be updated quarterly by the management teams of the organization. Applicants on the waiting list will be notified quarterly of their position within the waitlist. During this notification, applicants will be asked if they wish to remain on the waitlist or remove their application. Applicants are placed on the waiting list by date and time the application was received.

Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking Statement

By the provisions of the Violence Against Women and Justice Department Reauthorization Act of 2005 the Landlord may not consider incidents of domestic violence, dating violence or stalking as serious or repeated violations of the lease or other "good cause" for termination of assistance, tenancy or occupancy rights of the victim of abuse. The Landlord may not consider criminal activity directly relating to abuse, engaged in by a member of a tenant's household or any guest or other person under tenant's control, cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant's family is the victim or threatened victim of that abuse. The Landlord may request in writing that the victim, or a family member on the victim's behalf, certify that the individual is a victim of abuse and the Certification of Domestic Violence, Dating Violence or Stalking, Form HUD 5382, or other documentation as noted on the certification form, be completed and submitted within 14 business days, or an agreed upon extension date, to receive protection under VAWA. Failure to provide the certification or other supporting documentation within the specified timeframe may result in eviction.

Confidentiality of Information - The identity of the victim and all information provided to owners relating to the incident(s) of domestic violence, dating violence or stalking must be retained in confidence by the owner and must not be entered into any shared database or provided to a related entity, except to the extent that the disclosure is:

- Requested or consented to by the individual in writing
- Required for use in an eviction proceeding; or
- Otherwise required by applicable law.

The HUD-approved certification form provides notice to the tenant of the confidentiality of the form and the limits thereof.

Creative Living has an emergency transfer plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking.

Statement on Inclusion of Supporting Individuals/Entities

Section 644 of the Housing and Community Development Act of 1992 (Public Law 102-550, approved October 28, 1992) requires Creative Living to notify you that you have the right by law to include as a part of your application for housing, the name, address, telephone number and other relevant information of a family member, friend, or social, health, advocacy, or other organization. This information is gathered during the application process utilizing the form titled "Supplement to Application for Federally



Assisted Housing (HUD FORM 92006)." The contact information in this form is for the purpose of identifying a person or organization that may be able to help in resolving any issues that may arise during your tenancy or to assist in providing any special care or service you may require. You may update, remove, or change the information you provide on this format at any time. You are not required to provide this contact information but must check the box titled "Check this box if you choose not to provide the contact information" and sign and date this form. The information provided on this form is confidential and will not be disclosed to anyone except as permitted by the applicant or applicable law.

