



Resident Selection Criteria: The Landing Apartments

Revised November 2020

Professionally Managed by:

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AN EQUAL HOUSING OPPORTUNITY



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Section 504 Equal Access Statement

For mobility impaired persons –

This document is kept at 105 East 1st Street, Chaska, MN 55318. This document may be examined from Monday through Friday between the hours of 9 AM and 6 PM. You must phone in to make arrangements to examine this document. Please call 952-229-4294.

For hearing impaired persons –

The Landing Apartments will provide assistance to hearing impaired persons in reviewing this document. Assistance may include provision of a qualified interpreter at a time convenient to both the person providing assistance and the individual with disabilities.

You may dial 7-1-1 and be connected to Minnesota Relay. Once connected to the relay service, tell the CA the type of relay call you wish to make (i.e. TTY, HCO, VCO, STS, Spanish, etc.).

For vision impaired persons –

The Landing Apartments will provide a staff person to assist a vision-impaired person in reviewing this document.

Assistance may include: describing the contents of the document, reading the document or sections of the document or providing such other assistance, as may be needed to permit the contents of the document to be communicated to the person with vision impairments.

Assistance to ensure equal access to this document will be available in alternate formats and provided in a confidential manner and setting. An individual with disabilities is responsible for providing his/her own transportation to and from the location where this document is kept by advocacy groups, social workers, family members or personal friends. The applicant should inform the The Landing Apartments Site Manager if additional assistance is needed to complete forms or understanding program requirements, procedures, house rules, etc.

Assistance may be provided by advocacy groups, social workers, family members or personal friends. If an individual with disabilities is involved, all hearings or meetings required by this document will be conducted at an accessible location with appropriate assistance provided.

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

The person named below has been designated to coordinate the compliance with the nondiscrimination requirements contained in the Department of Housing and Urban Development's regulations implementing Section 504 (24 CFR, part 8 dated June 2, 1988).

Executive Vice President of Property Operations
Aeon Management LLC
901 North 3rd Street, Suite 150
Minneapolis, MN 55401
Phone: 612-341-3148

If you are disabled and would like to request a reasonable accommodation or if you have difficulty understanding English, please request our assistance and we will ensure you are provided with meaningful access based on your individual needs.

Haddii aad tahay qof naafo ah oo aad dooneyso in aad codsato in si gaar ah lagu qaabbilo ama haddii aad dhib ku qabto in aad fahamto afka Ingiriiska, fadlan na weydiiso caawimaad si aan kuugu xaqiijinno in aad si hufan u hesho waxyaabaha shakhsi ahaan gaarka kuu ah ee aad u baahan tahay.

Si usted está discapacitado y quisiera solicitar acomodación razonable o si tiene dificultad para entender inglés, por favor solicite nuestro servicio y nosotros nos aseguraremos de proveerle un acceso significativo basado en sus necesidades individuales.

Если вы инвалид и хотите подать запрос о дополнительных услугах или если у вас есть трудности с пониманием английского языка, пожалуйста просите нас о помощи, и мы предоставим вам полноценные услуги, основанные на ваших индивидуальных потребностях.

I.

FAIR HOUSING AND EQUAL OPPORTUNITY REQUIREMENTS STATEMENTS OF NON-DISCRIMINATION

It is the policy of The Landing Apartments to comply fully with Title VI of the Civil Rights Act of 1964, The Federal Fair Housing Act, Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Title II of the Americans with Disabilities Act, the Minnesota Human Rights Act, and any legislation protecting the individual rights of residents, applicants or staff which may subsequently be enacted.

Under Federal Law, it is illegal to discriminate against any person or group of persons because of race, color, religion, sex, disability, familial status or national origin.

The Minnesota Human Rights Act prohibits discrimination because of race, color, creed, religion, national origin, sex, age, disability, and marital status, status with regard to public assistance, sexual orientation, or familial status. In addition, owners must comply with local fair housing and civil rights laws.

The Landing Apartments shall not:

- Deny to any family the opportunity to apply for housing, nor deny to any eligible applicant the opportunity to lease housing suitable to its needs;
- Subject a person to segregation or unequal or different treatment
- Restrict a person's access to any benefit enjoyed by others in connection with the housing program;
- Treat a person differently in determining eligibility or other requirements for admission;
- Deny a person access to the same level of services; or
- Deny a person the opportunity to participate in any planning or advisory group which is an integral part of the housing program.

The Landing Apartments will not automatically deny admission to a particular group or category of otherwise eligible applicants, i.e., single head of households with children, elderly pet owners, or families whose head or spouse is a student. Each applicant in a particular group or category will be treated on an individual basis in the normal processing routine.

In accordance with Section 504, Aeon Management LLC, as Managing Agent for The Landing Apartments, will seek to identify and eliminate, when and where possible, situations or procedures, which create a barrier to equal housing opportunity for all.

Aeon Management LLC, as Managing Agent for The Landing Apartments, will attempt to make, where feasible, physical or procedural changes to permit individuals with disabilities to have full advantage of the housing program. Such accommodations may include changes in the method of administering policies, procedures, or services.

In addition, Aeon Management LLC, as Managing Agent for The Landing Apartments, may, if feasible, perform structural modifications to housing and non-housing facilities where such modifications would be necessary to afford full access to the housing program for qualified individuals with disabilities.

In reaching a reasonable accommodation with, or performing structural modifications for, otherwise qualified individuals with disabilities, Aeon Management LLC, as Managing Agent for The Landing Apartments, is not required to:

- Make structural alterations that require the removal or altering of a load-bearing structural member;
- Provide an elevator in any multi-family housing development solely for the purpose of locating accessible units above or below the grade level;
- Provide support services that are not already part of its housing programs;
- Take any action that would result in a fundamental alteration in the nature of the program or service; or
- Take any action that would result in an undue financial and administrative burden on The Landing Apartments.

See Exhibit A of this document for further details on this policy.

II. PRIVACY POLICY

It is the policy of The Landing Apartments to protect the privacy of individuals covered by the Federal Privacy Act of 1974, and to ensure the protection of such individuals and verification records maintained by the property.

This information may be released to appropriate federal, state and local agencies, when relevant, and to civil, criminal or regulatory investigators and prosecutors. However, the information will not be otherwise disclosed or released unless the individual gives written authorization to do so.

This privacy policy in no way limits The Landing Apartments ability to collect such information as it may need to determine eligibility, compute rent, or determine an applicant's suitability for tenancy.

Consistent with the intent of Section 504 of the Rehabilitation Act of 1973, any information obtained on a disability will be treated in a confidential manner.

**III.
GENERAL OCCUPANCY STANDARDS**

Bedroom Size	Minimum Household Size	Maximum Household Size
1 Bedroom Units	1 Person	2 Persons

- One household in each dwelling unit.
- Residents in a dwelling unit must live together as a family unit, meaning sharing financial resources for the benefit of the family.
- When adding residents to the household, they need to income qualify and meet the occupancy standards.

The Landing Apartments must comply with all reasonable state and local health and safety restrictions regarding the maximum number of persons permitted to occupy a unit.

**IV.
INCOME LIMITS**

The Landing Apartments will utilize the very-low income limits as published on <http://www.huduser.org>.

**V.
QUALIFYING FOR ADMISSION**

It is The Landing Apartments policy to accept and process applications in accordance with applicable HUD regulations.

Every application must be completed in its entirety, with or without assistance, and signed and dated by the head of the household and co-head(s), and all household members 18 years and older, if applicable. All members of the household shall be listed on the application form. Staff will assist any applicant who might have trouble completing the application form. This assistance might take the form of answering questions about the application, helping applicants who might have literacy, vision or language problems and, in general, making it possible for interested parties to apply for housing. Applications that are incomplete and/or have not been signed and dated as required will not be processed.

Whenever possible, communications with applicants will be by first class mail. Failure to respond to letters may result in withdrawal of an application from further processing. Management may make exceptions to the procedures described herein to take into account circumstances beyond the applicant's control; i.e., medical emergencies or extreme weather conditions. If failure to respond is due to disability, management will make reasonable accommodation(s).

The following items will be verified by The Landing Apartments to determine eligibility and suitability for admission to the development:

- Eligibility Information
- Annual Income
- Assets and Asset Income
- Student Status
- Allowance Information
- Social Security Number documentation for all persons in the household
- Information used in Tenant screening, i.e., credit, previous landlord and criminal reports. The Landing Apartments reserves the right to deny any applicant based on findings received from any or all of these reports

Aeon Management LLC as Managing Agent for The Landing Apartments will be the final judge of what constitutes adequate and credible documentation. If there is any doubt about the truthfulness or reliability of information received, alternative methods will be pursued until Aeon Management LLC is satisfied that the documentation obtained is the best available.

**VI.
ADMINISTRATION OF THE WAITING LIST**

It is the policy of The Landing Apartments to administer its waiting lists as required by HUD handbooks and regulations. Accepting an applicant from a lower waiting list position before one in a higher position violates policy and may be regarded as being discriminatory, unless necessary to reach income targets, preferences, or if there is an applicant who requires the features of the unit with accessible features.

The waiting list shall be maintained by unit size. Each applicant will be assigned his/her appropriate place on the waiting list based on the date and time the application is received for a requested type and/or size of unit.

Opening and Closing Waiting Lists

In order to maintain a balanced application pool, The Landing Apartments may, at its discretion, restrict application taking, suspend application taking, and close waiting lists in whole or in part. The Landing Apartments will also update the waiting list by removing the names of those that are no longer interested in or no longer qualify for housing.

Decisions about closing the waiting list will be based on the number of applications available for a particular size and type of unit, and the ability of The Landing Apartments to house an applicant in an appropriate unit within a reasonable period of time.

Generally, if the length of the waiting list is such that an applicant would not likely be admitted for the next 12 months, The Landing Apartments may advise the applicant that no additional applications are being accepted for that reason.

Closing the waiting lists, restricting intake or opening the waiting lists will be publicly announced in the same or similar manner in which The Landing Apartments advertises for rental. During the period when the waiting list is closed, The Landing Apartments **will not** maintain a list of individuals who wish to be notified when the waiting list is reopened.

Removal of Applicants

The Landing Apartments will not remove an applicant's name from the waiting list unless:

- The applicant requests that the name be removed;
- The Landing Apartments made a reasonable effort to contact the applicant to determine if there is continued interest in housing but has been unsuccessful;
- The Landing Apartments has notified the applicant of its intention to remove the applicant's name because the applicant no longer qualifies for assisted housing.

Selecting Applicants from the Waiting List

As soon as a notice to vacate is received, staff will immediately contact the first five applicants on the waiting list. The applicant will be contacted by mail stating the availability of the unit. If the applicant does not respond within seven days of the date of the letter, the offer will be canceled, and the unit will be offered to the next applicant on the waiting list. Applications will still be evaluated with regard to the applicant's position on the waiting list.

Applicants who can show a good reason for failing to contact within a reasonable time beyond the time originally given (an additional 30 days) will be allowed to retain their position on the waiting list; i.e., applicant in the hospital, being on vacation, etc.

Applicants who fail to respond in a timely manner for reasons that are related to a disability, and not the fault of the applicant, will also be reinstated.

An applicant shall be offered no more than one suitably sized vacancy before being taken off the waiting list. The reasonableness of the denial will be determined by the owner and will so be documented with the applicant's application for housing. For disabled applicants, reasonable accommodation needs shall be reviewed and made available to the fullest extent allowed.

Applicants who can show that their application was denied for reasons that were related to a disability and not the fault of the applicant shall remain on the waiting list and their application will retain its original date.

Updating the Waiting List

The owner shall update the waiting list at least annually to determine if applicants are still interested and eligible to remain on the waiting list. The owner shall, at the time of each update, obtain current applicant information on at least the following:

- Household characteristics; i.e., number of family members and composition;
- Income and assets.

The updated information shall be obtained from the applicant in writing and certified by the tenant's dated signature that the information provided is true and correct. The owner will notify each applicant by mail requesting the above information and confirmation of its interest in remaining on the waiting list. The owner must specify a reasonable time frame in which the applicant is to respond; i.e., 15 days. If no reply is received within the specified time frame the applicant's name will be removed from the waiting list.

Applying Preferences to the Waiting List

There are no preferences applied to the waiting list at The Landing Apartments.

VII. SCREENING CRITERIA

The Landing Apartments will not employ criteria that are unrelated to an applicant's ability to meet essential lease requirements. It is unlawful to make an inquiry to determine whether an applicant, a person intending to reside in the unit after it is rented or made available, or any persons associated with that person, has a disability, or to make inquiry as to the nature or severity of a disability of such a person.

In addition to income and household qualifications, the applicants must show through his/her conduct in present and prior living situations, as well through present attitude that he/she will be a positive resident.

Living History

1. Applicants will be denied if they owe money to utility companies. If household is not required to pay utilities for the unit being applied for (owner pays all utilities), management will not consider money owed to utility companies when reviewing living history.
2. Applicants will be denied if they owe money for damages or other non-rent charges to previous landlords.
3. Applicants will be denied if they have evictions/UDs within the past two years from the application date.
4. Applicants with negative rental history (not including evictions/UDs) within the past two years may be accepted with Portfolio Director approval. Examples of negative rental history include, but are not limited to, lease violations, police calls and damages.

Note: A lack of living history is viewed as neutral; applicants can begin establishing their living history with Aeon.

Background History

1. Any applicant who has a current or past relationship with Aeon (for example, resident, guest, vendor, employee, etc) will have their history with Aeon reviewed and considered as part of the application process.
2. Applicants must show a willingness to sign a one-year lease.

Criminal History

See the chart on page 12 of the Selection Criteria document for a detailed list of criminal criteria.

Criminal Criteria – HUD (Revised March 2020)

Type of Conviction	Description of Conviction	Level of Conviction Minimum number of years since date of charge (which resulted in a conviction) to the date of rental application		
		FELONY	MISDEMEANOR (and Gross Misdemeanor)	PETTY MISDEMEANOR*
Animal Related Crimes	Description			
High	Items such as animal bite or attack, dog fighting.	5 Years	2 Years	Pass
Medium	Items such as abandonment or neglect of animal, animal abuse, possess wildlife illegally.	5 Years	2 Years	Pass
Low	Items such as animal not under restraint, animals at large, barking dog, fishing/hunting without a license, no license, no pet vaccination.	Pass	Pass	Pass
Drug Related Crimes	Description			
Very High	Manufacturing meth.	Lifetime Ban	Lifetime Ban	Lifetime Ban
High**	Attempt to manufacture (except for meth), sell and/or distribute cocaine, heroin, or any other controlled substance except for marijuana (for manufacturing meth see Very High; for marijuana sales/distribution see Low).	5 Years **Multiple = 10 Years	2 Years **Multiple = 7 Years	Pass
Medium	Attempt to purchase, maintaining a place for drug use, and possession of cocaine, meth, heroin, or any other controlled substance, except for marijuana (for marijuana see Low/Very Low).	5 Years	2 Years	Pass
Low	Attempt to sell and/or distribute marijuana or the manufacture or cultivation of marijuana.	Pass	Pass	Pass
Very Low	Possession of marijuana and related paraphernalia.	Pass	Pass	Pass
Family Relations Related Crimes	Description			
High**	Items such as abandonment, abuse, domestic violence, endangering a child, injury to child.	5 Years **Multiple = 10 Years	2 Years **Multiple = 7 Years	Pass
Medium	Items such as contributing to the delinquency, harboring a runaway child.	2 Years	2 Years	Pass
Low	Items such as non-support, truancy, minor consumption, minor using tobacco, minor curfew violations.	Pass	Pass	Pass
Property Related Crimes	Description			
Very High	Arson.	Lifetime Ban	15 Years	Pass
Medium	Items such as breaking and entering, burglary, criminal damage, grand larceny, malicious injury to property.	5 Years	2 Years	Pass
Low	Items such as theft, aid and abet theft.	Pass	Pass	Pass
Sex Related Crimes	Description			
Very High	Items such as: first to third degree sexual assault, child pornography, rape, <u>current</u> sex offender registrant under any jurisdiction's sex offender registration program or the national sex offender registration system – Sex Offender Registration and Notification Act (SORNA).	Lifetime Ban	Lifetime Ban	Lifetime Ban
High	Items such as: fourth and fifth degree sexual assault, stalking, rape, failure to register as sex offender, sex abuse, stalking, sex exploitation of minor.	15 Years	10 Years	Pass
High**	Promotion of prostitution. Items such as a "pimp"/"madam" who solicits, induces, promotes or traffics a person for money.	5 Years **Multiple = 10 Years	2 Years **Multiple = 7 Years	Pass
Low	Items such as prostitution.	Pass	Pass	Pass
Very Low	Items such as indecent exposure, peeping, voyeurism, exhibitionism, public lewdness	Pass	Pass	Pass
Violence Related Crimes	Description			
Very High	Items such as murder, manslaughter.	Lifetime Ban	Lifetime Ban	Lifetime Ban
High	Items such as kidnapping, false imprisonment, unlawful restraint.	15 Years	10 Years	Pass
High**	Items such as assault, battery, deadly conduct, injury to child or elderly, robbery, threats of harm, terroristic threats.	5 Years **Multiple = 10 Years	2 Years **Multiple = 7 Years	Pass
Low	Items such as affray (fighting in a public place that disturbs the peace), menacing, reckless endangerment.	Pass	Pass	Pass

* A petty misdemeanor means a petty offense which is prohibited by statute, which does not constitute a crime (2016 MN Statutes). ** In some categories, Aeon has implemented a multiple convictions distinction; in these cases, a higher lookback period will trump a lower lookback period. Landlord will not deny applicants who are the subjects of open charges, unless any one of the open charges is for a crime that would result in a rejection of an application according to the criteria listed above. In this case, the application would be rejected. Applicants may re-apply upon resolution of open charges, at which time the now-closed charge will be considered under this policy. If the open charge was dismissed, the application will not be denied on the basis of that charge. If the open charge resulted in a conviction, it will be evaluated under these criteria to determine whether the conviction requires rejection of the application.

Applicants may be **denied** if they are unable to meet the criteria stated in this Section of the Selection Plan in addition to HUD regulatory items as listed below:

1. They have income in excess of 50% of median;
2. Household does not meet HUD Definition C – Elderly Person. [24 CFR 891.205] “An elderly person is a household composed of one or more persons at least one of whom is 62 years of age or more at the time of initial occupancy;”
3. Households do not meet the occupancy standards as listed in Section III of this document;
4. Do not meet 202 PRAC requirements regarding student households as described in Section X of this document;
5. Failure to disclose and document all Social Security Numbers, including those of newborns and applicants wishing to be added to the household after a household has been approved and moved into a unit as described by Section IX of this document;
6. Falsification, misrepresentation or withholding of information or submission of inaccurate and/or incomplete information on any application or during the interview related to eligibility, award of preference for admission, allowance, family composition or rental history;
7. Applicants where any member of the household is currently engaged in illegal use of drugs or for which the owner/agent has reasonable cause to believe that a member’s illegal use or pattern of illegal use of a drug may interfere with the health, safety, and right to peaceful enjoyment of the property by other residents;
8. If there is a reasonable cause to believe that a household member’s behavior, from abuse or pattern of abuse of alcohol, may interfere with the health, safety, and right to peaceful enjoyment by other residents. This pattern must be identified by the *behavior* of the applicant and is not based on the presence of the condition of alcoholism or alcohol abuse;
9. A household contains a member(s) who have been evicted in the last three years from federally assisted housing for drug related activity and/or are subject to a state sex offender lifetime registration requirement will be automatically denied.

Application Process

1. To begin the process, the prospective household must complete an application.
2. As an applicant’s name comes to the top of the waiting list they will be notified to come in and update their application.
3. Applications will be investigated to ensure that applicants will fulfill his/her obligations as renters. Part of the screening will be done by a private application investigation service. This screening will include a rental history background check, a credit report and a criminal background check.
4. Applicants will be asked to provide an account of all household income and assets and to formally certify that information.
5. After an application has been screened and the income of the applicant has been reviewed, site staff will do an Existing Persons Search in the Enterprise Income Verification (EIV) system to be sure no member of the household (including live-in aides) are receiving subsidy elsewhere. If the household is receiving subsidy, the notice to vacate their current assisted unit must be verified and policy described in Section XI of this document will be followed.
6. Applicants will be notified of their acceptance or notified and given a reason for the

denial of their application by the management agent. All notifications will be provided in writing and sent by first-class US Mail to the most recent address supplied on the application. The appeal process for denied applicants is described in Section XIII of this document.

VIII. AGE VERIFICATION

All household members must provide proof of age documentation. These documents include:

- Birth Certificate;
- Baptismal Certificate;
- Military Discharge papers;
- Valid passport;
- Census document showing age;
- Naturalization certification;
- Social Security Administration Benefits printout.

IX. SOCIAL SECURITY NUMBER DOCUMENTATION

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

- Original Social Security card
- Driver's license with SSN
- Identification card issued by a federal, State, or local agency, a medical insurance provider, or an employer trade union
- Earnings statement on payroll stubs
- Form 1099
- Benefit award letter
- Retirement benefit letter
- Life insurance policy
- Court records

For eligibility purposes, applicants do not need to disclose or provide verification of a Social Security Number for household members to be placed on the waiting list. However, applicants must disclose a Social Security Number and provide adequate documentation to verify each Social Security Number for all non-exempt household members before they 1) can be screened, 2) can participate in the eligibility interview, or 3) can be housed.

There are three exceptions to the Social Security requirements. The requirements do not apply to:

- Individuals who do not contend eligible immigration status, as supported by the Citizenship Declaration on file; and

- Individuals age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010. This eligibility is based on the initial effective date of the form HUD-50059 or form HUD-50058, whichever is applicable and the documentation of the applicant's exemption must be obtained from the owner of the property where the initial determination of eligibility was met prior to January 31, 2010. An applicant certification of eligibility cannot be accepted.
- A child under the age of 6 years added to the applicant household within the 6-month period prior to the household's date of admission. The household will have a maximum of 90-days after the date of admission to provide the Social Security Number and adequate documentation that the Social Security Number is valid. An additional 90 days may be granted under certain circumstances. If the household does not provide the Social Security Number and adequate documentation to verify the Social Security Number within the prescribed timeframe, HUD requires that the owner/agent terminate tenancy.

If all non-exempt household members have not disclosed and/or provided verification of their Social Security Numbers at the time a unit becomes available, the next eligible applicant must be offered the available unit.

- The applicant who has not provided required Social Security Number information for all non-exempt household members has 90 days from the date they are first offered an available unit to disclose/verify the Social Security Numbers.
- During this 90-day period, the applicant may retain his/her place on the waiting list.
- After 90 days, if the applicant is unable to disclose/verify the Social Security Numbers of all non-exempt household members, the applicant should be determined ineligible and removed from the waiting list.

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

X. STUDENT STATUS CRITERIA

The Landing Apartments must determine the eligibility of students enrolled in institutions of higher education to receive 202 PRAC assistance. Eligibility must be determined at move-in, annual recertification, initial certification, and interim certifications.

202 PRAC assistance cannot be provided to any individual student who is enrolled as either part-time or full-time student at an institution of higher education for the purposes of obtaining a degree, certificate, or other program leading to a recognized educational credential, when the student:

- Is under the age of 24;
- Is not married;
- Is not a veteran of the United States Military;

- Does not have a dependent child;
- Is not a person with disabilities, as such term is defined in 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437 a(b)(3)(E)) and was not receiving Section 8 assistance as of November 30, 2005;
- Is not classified as Vulnerable Youth; a student meets HUD’s definition of a vulnerable youth when:
 - 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 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 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;
- Is not living with his or her parents who are receiving Section 8 assistance; and
- Is not individually eligible to receive Section 8 assistance **and** has parents (the parents individually or jointly) who are not income eligible to receive Section 8 assistance.

For a student to be eligible independent of his or her parents (where the income of the parent is not relevant), the student must demonstrate the absence of, or his or her independence from, parents. While owners may use additional criteria for determining the student’s independence from parents, owners must use, and the student must meet, at minimum **all** of the following criteria to be eligible for 202 PRAC assistance. The student must:

1. Be of legal contract age under state law;
2. Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy, **or** Meet the U.S. Department of Education’s definition of an independent student;
3. Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and
4. Obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support. This certification is required even if no assistance will be provided.

HUD uses the US Department of Education’s definition of “independent student”, which is defined as follows:

1. The individual is 24 years of age or older by December 31 of the award year;
2. The individual is an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older;
3. 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;
4. The individual is a veteran of the Armed Forces of the United States (as defined in subsection (c)(1) of HEA) or is currently serving on active duty in the Armed Forces for other than training purposes;
5. The individual is a graduate or professional student;
6. The individual is a married individual;
7. The individual has legal dependents other than a spouse;
8. 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. A local educational agency homeless liaison, designated pursuant to section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act;
 - b. The director of a program funded under the Runaway and Homeless Youth Act or a designee of the director;
 - c. 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
 - d. A financial aid administrator; or
9. The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.

If an ineligible student is a member of an applicant household or an existing household receiving 202 PRAC assistance, the assistance for the household will not be prorated but will be terminated in accordance with HUD guidelines. A student who is living with his/her parents or guardian (guardian may be an extended family member, elder sibling, or any person on whom the student has a financial dependence or is otherwise caring for/looking after the student) is considered eligible.

XI.

CURRENT RECEIPT OF HUD ASSISTANCE

All applicants must disclose if they are currently receiving HUD housing assistance. The owner/agent will not knowingly assist applicants who will maintain a residence in addition to the HUD-assisted unit.

HUD provides the owner/agent with information about an applicant's current status as a HUD housing assistance recipient. The owner/agent will use the Enterprise Income Verification System (EIV) to determine if the applicant or any member of the applicant's household is currently receiving HUD assistance.

Nothing prohibits a HUD housing assistance recipient from applying to this property. However, the applicant must move out of the current property and/or forfeit any voucher before HUD assistance on this property will begin. Special considerations apply to 1) minor children where both parents share 50% custody; and 2) recipients of HUD assistance in another unit who are moving to establish a new household when other household members will remain in the original unit.

If the applicant or any member of the applicant household fails to fully and accurately disclose rental history, the application may be denied based on the applicant's "misrepresentation" of information. Furthermore, if any household member receives or attempts to receive assistance in another HUD assisted unit while receiving assistance on this property, the household member will be required to reimburse HUD for assistance paid in error. It will be considered a material lease violation and may result in penalties up to and including eviction and pursuit of fraud charges.

XII. INELIGIBLE APPLICANTS

An applicant for 202 PRAC units are considered **ineligible** if:

- The household's annual gross income is greater than the applicable income limit established by HUD.
- The amount the household would be required to pay using the applicable HUD rent formula equals or exceeds the gross rent for the unit.
- Management determines that the applicant and/or household member(s) do not meet the tenant selection criteria or the criteria under which the property was developed.
- Any household containing a member(s) who was evicted in the last three years from federally assisted housing for drug-related criminal activity; is currently engaged in illegal use of drugs; subject to a state sex offender lifetime registration requirement; and if there is reason to believe that a member's behavior from abuse or pattern of abuse of alcohol, may interfere with the health, safety, and right to peaceful enjoyment by other residents.

Actions that The Landing Apartments must take before admitting ineligible applicants:

- Admit all available eligible applicants, unless there is good cause for denying them assistance.
- Take all reasonable steps to attract eligible applicants, including using affirmative marketing efforts likely to attract eligible applicants.
- Obtain **prior** written approval from HUD to all housing of the ineligible applicant(s).
- Place in the files of any ineligible tenants who are admitted a written certification that the steps required above have been completed.

XIII. APPEALS

Applicants may appeal the denial of the application. The appeal form may be requested from site staff at the property. Applicants must put together a completed appeal packet. A completed appeal packet includes (1) a signed appeal form, (2) a copy of the original denial letter, and (3) supporting documentation. Applicants have fourteen (14) days to submit an appeal packet.

Applicants must submit a completed appeal packet via email (applicationappeals@aeon.org) or via US mail to the Aeon Central office. The mailing address of the Central Office is:

Aeon
Attention: Denial Appeal
901 North 3rd Street, Suite 150
Minneapolis, MN 55401

Completed appeal packets will be date-stamped by Aeon once received. A written or emailed confirmation will be provided to the applicant. Incomplete packets will be returned to the denied applicant, who may resubmit when all materials are complete. Incomplete packets will not be accepted.

The applicant will be notified of the result of their appeals within five (5) days of Aeon receiving the completed appeal packet unless extenuating circumstances require additional time.

If the applicant is an individual with a disability, the applicant may inform Aeon of this fact and may request Aeon to make reasonable accommodations in the policies or practices to enable the applicant equal opportunity.

If Aeon proposes to deny an applicant housing based on a criminal background check which indicates the applicant provided false information on the application, Aeon will notify the applicant of the proposed denial and provide a copy of the report the action is based upon. The applicant will have ten days to dispute the accuracy and/or relevance of the information. If the applicant does not respond to the proposed denial prior to the expiration of the 10-day period, the denial letter will be sent in the normal manner.

Mitigating Circumstances

Aeon will hold a second interview at the written request of any applicant with a verified disability that cannot meet one or more of the tenant screening criteria. The purpose of this interview is to determine whether it is possible to admit the applicant through consideration of mitigating circumstances or by applying reasonable accommodation. Mitigating circumstances would be facts (that can be verified) that would overcome or outweigh information gathered in the tenant screening process.

Aeon shall also have the right to request further information reasonably needed to verify a mitigating circumstance, even if such information is of a medically confidential nature. If the applicant refuses to provide or give access to such further information, Aeon will give no further consideration to the mitigating circumstance.

XIV. UNIT TRANSFER POLICY

If a current household requests to transfer to a different unit within the building, they must apply to be on the waiting list and all waiting list policies apply. Unit transfers will be granted in the case of an approved reasonable accommodation request, accessibility needs of a resident or VAWA. In any of the cases, unit transfers in those circumstances will take precedence over the waiting list. Refer to Aeon's Emergency Transfer Plan under VAWA for more details.

EXHIBIT A: REASONABLE ACCOMMODATION-MODIFICATION POLICY

If an individual with a disability requests an accommodation or modification, The Landing Apartments is committed to fulfilling these requests, unless doing so would result in a fundamental alteration in the nature of the program or create an undue financial and administrative burden. In such a case, if possible, The Landing Apartments will offer an alternative solution that would not result in a financial or administrative burden.

The Landing Apartments informs all applicants/residents that, at any time, the resident/applicant or a person acting on behalf of the resident/applicant may make a request for reasonable accommodation or modification for an individual with a disability.

Residents and applicants may contact the site office for information about requests. The Landing Apartments will reply to requests as quickly as possible. The response may include but is not limited to an approval, denial, or request for additional information or verification of need.

If a reasonable accommodation or modification is denied, the requestor has the right to appeal the decision within ten business days of the date of the written notification of denial. The appeal meeting will be conducted by a person who was not originally involved in the decision to deny the request.

In the event an applicant discloses their need for a unit with features for the hearing-impaired, they will be given priority on the waiting list above applicants who do not need the features. Additionally, if a comparable unit becomes available and there is a resident in the unit with features for the hearing-impaired who does not require the features, that resident may be asked to transfer to the comparable unit so the features may be utilized by the applicant requiring them.

The person named below has been designated as the Section 504 Coordinator to review compliance with the nondiscrimination requirements and can be contacted to discuss any provisions of the Reasonable Accommodation-Modification Policy:

Executive Vice President of Property Operations
901 South 3rd Street, Ste 150
Minneapolis, MN 55401
612-341-3148

EXHIBIT B: HOUSE RULES/TENANT HANDBOOK

The House Rules are a separate document available to all prospective applicants. A copy is signed and put in the resident's file at the time of move-in. The resident is also given a copy.

In the event the House Rules are modified, any resident on a year lease will be given the new House Rules with their First Notice to Recertify and given the opportunity to review and sign the new rules as of their anniversary date. Residents on month-to-month leases will be given the new rules thirty days in advance of the date in which they are to take effect.

EXHIBIT C: LIVE-IN AIDE POLICY

A Live-in Aide is a person or persons who:

- reside(s) with an elderly or disabled person or person(s);
- who is determined to be essential to the care and well-being of the tenant;
- is not obligated for the support of the tenant; and
- would not be living in the unit except to provide the necessary supportive services.

The policy for Live-in Aides should stipulate that:

- Prior to a live-in aide moving into a unit, a third-party verification must be obtained indicating the need for such care and the fact that the person cared for will be able to comply with the lease terms as the result of such care;
- Move-in of a live-in aide will not result in overcrowding;
- The live-in aide is not listed on the lease and has no right to the unit as a remaining member of the tenant's household, and will be denied continued occupancy after the tenant, for whatever reason, is no longer living in the unit. Relatives who meet the definition and qualify as a live-in aide must understand that all rights to the unit are relinquished as the remaining member of the tenant's household;
- The income of a live-in aide is not used in determining the household's income or calculating the tenant's rent and/or housing assistance payments;
- With the exception of income, the live-in aide will be subject to the same background check as other applicants applying for housing; and,
- A live-in aide who violates the house rules can be evicted for not complying with the property's policies and may jeopardize the resident's housing.

EXHIBIT D: MOVE-IN PROCEDURES

At the specified date and time of move-in, the following steps will be followed:

- The Site Manager will jointly inspect the unit with the applicant prior to move –in. The inspection form must be signed and dated by both parties certifying that the unit is in a decent, safe and sanitary condition. If cleaning or repair is required, the owner must indicate on the inspection form the day by which the work will be completed. This date must be no more than 30 days after the effective date of the lease.
- All household members age 18 years and older sign the lease and related documents. The Site Manager will go through the lease and addenda to ensure new residents understand their responsibilities.
- Collect the security deposit.
- Collect the rent for the first month or partial month of occupancy, as set forth in the lease.
- Provide the applicant with a copy of the lease, the move-in unit inspection form and house rules/tenant handbook.
- Issue keys.
- Payment of the security deposit(s) and first month's rent must be money order or check.

Failure to Move in on Time

If a household fails to move in on the agreed date, the application will be declined, and the unit will be offered to the next household on the waiting list but not before making an attempt to contact the household scheduled to move in.

EXHIBIT E: VIOLENCE AGAINST WOMEN ACT (VAWA) POLICY

The Violence Against Women Act, or VAWA, provides legal protections to victims of domestic violence, dating violence, sexual assault, or stalking. These protections prohibit The Landing Apartments from denying assistance and from evicting or terminating assistance from individuals and their affiliates if the asserted grounds for such actions are an instance of domestic violence, dating, violence, sexual assault, or stalking.

Admission to the program at The Landing Apartments shall not be denied on the basis that the applicant and/or affiliates is or has been a victim of domestic violence, dating violence, sexual assault, or stalking in the event the applicant otherwise qualifies for admission. All applicants and/or affiliates admitted to The Landing Apartments sign form HUD-91067, the VAWA Lease Addendum, which informs residents of their protections under this act. In addition, all applicants and/or affiliates will be provided with the Notification of Occupancy Rights, form HUD-5380 and Certification form HUD-5382 upon acceptance or denial for housing and residents will be given form HUD-5380 and Certification form HUD-5382 upon notification of termination of tenancy or assistance or eviction.

If an applicant or resident requests protection provided under VAWA, The Landing Apartments will provide the applicant or resident/affiliates with the HUD-approved certification form, Form HUD-5382, where the request for protection shall be certified. The Landing Apartments shall be mindful that the delivery of the certification form to the resident or applicant via mail may place the victim at risk, and therefore will work with the applicant or resident for an acceptable delivery arrangement.

In lieu of the certification form or in addition to it, The Landing Apartments may accept a federal, state, tribal, territorial, or local police record or court record or documentation signed and attested to by a professional (employee, agent, or volunteer of a victim service provider, an attorney, medical personnel, etc.) from which the victim has sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking or the effects of the abuse.

All documents relating to an individual's domestic violence, dating violence, sexual assault or stalking will be retained in a separate, secure location apart from other resident files. In addition, the identity of the victim and all information relating to the incident(s) of domestic violence shall be retained in confidence, except to the extent that the disclosure is:

- a. Requested or consented to by the individual in writing;
- b. Required for use in an eviction proceeding or termination of assistance; or otherwise required by applicable law. The HUD-approved certification form provides notice to the resident of the confidentiality of the form and the limit.