

# **TENANT SELECTION PLAN**

## **McCleary Hill Phase I & II**

**January 1, 2025**



## MCLEARY HILL PHASE I & II

### Affirmative Fair Housing Marketing and Tenant Selection Plan

#### Introduction

The objective of this Tenant Selection Plan (the “**Plan**”) is to consolidate relevant policies and procedures affecting tenant selection pursuant to applicable federal and Maryland law. The Plan sets out a procedure for processing and selecting applicants including the establishment of preferences and priorities, occupancy standards, rejection standards, reviews and appeals of rejection decisions, and notice requirements, for the one hundred thirty-one (131) residential units (the “**Units**”) within the development known as McCleary Hill I & II (the “**Development**”). All one hundred thirty-one (131) Units are low-income housing tax credit units (the “**LIHTC Units**”) and receive assistance pursuant to a Section 8 Project-Based Voucher Program Housing Assistance Payments Contract (the “**RAD Units**”). The Development has sixteen (16) RAD/LIHTC Units designed for the mobility-impaired, and four (4) RAD/LIHTC Units designed for hearing or sight impaired, in accordance with the requirements of 24 CFR 5.22 and Section 504 of the Rehabilitation Act of 1973.

The Plan is designed to promote fairness and uniformity in tenant selection. It is also designed to promote efficiencies in the process by which applications are processed. One of the principle elements of this Plan is that it allows management agents to make a preliminary determination of eligibility based on the applicant’s self-certification of income and priority status. Initial acceptance of applicant self-certification generally allows the management agent to focus on other administrative duties rather than investing significant staff time in verifying such information at initial application and once again when the applicant is accepted from the waiting list. This election for preliminary determination of eligibility by the management agent should only be exercised if the anticipated waiting period for a unit offer exceeds ninety days. In most cases, the waiting period exceeds ninety days, and therefore warrants the effort to save staff time by making a preliminary determination of eligibility.

#### Elements of the Tenant Selection Plan

##### A. Right to apply

No person may be refused the right to apply for housing. *For further information on closing of waiting list, see Waiting List section herein.*

##### B. Statement of Non-discrimination

It is the policy of the Housing Authority of the City of Hagerstown (the “**Agent**”) or



**“Management”**) to promote equal opportunity and non-discrimination in compliance with, but not limited to, the federal and state constitutions and legislative enactments addressing discrimination in housing. The owner of the Development is McCleary Hill Associates I, L.P. & II, L.P., Maryland limited partnerships (the **“Owner”**). The Owner and Agent are pledged to the letter and spirit of U.S. policy for the achievement of equal housing opportunity throughout the nation. The Owner and Agent encourage and support an affirmative advertising and marketing program in which there are no barriers to obtaining housing because of race, color, religion, sex, disability, familial status, national origin and regardless of sexual orientation, gender identity or marital status of applicants and residents. The Development shall be operated at all times in accordance with the requirements of the following, as the same may be amended from time to time: (a) Fair Housing Act, 42 U.S.C. 3601-19, and regulations issued thereunder, 24 CFR Part 100; (b) Executive Order 11063 (Equal Opportunity in Housing) and regulations issued thereunder, 24 CFR Part 107; (c) fair housing poster regulations, 24 CFR Part 110, and advertising guidelines, 24 CFR Part 109; (d) Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, and regulations issued thereunder relating to nondiscrimination in housing, 24 CFR Part 1; (e) Age Discrimination Act of 1975, 42 U.S.C. 6101-07, and regulations issued thereunder, 24 CFR Part 146; (f) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, and regulations issued thereunder, 24 CFR Part 8; (g) Americans with Disabilities Act, 42 U.S.C. 12181-89, and regulations issued thereunder, 28 CFR Part 36; (h) Section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u, and its implementing regulations of 24 CFR Part 135; (g) Section 3 of the Housing and Community Development Act of 1968, as amended; and (h) any Maryland law protecting the individual rights of tenants, applicants or staff that may subsequently be enacted.

In furtherance of this policy:

- i. In carrying out this Plan, the Agent will not discriminate on the basis of race, color, religion, sex, disability, familial status, national origin and regardless of sexual orientation, gender identity or marital status or other basis prohibited by local, state or federal law in any aspect of tenant selection or matters related to continued occupancy.
- ii. The Affirmative Fair Marketing Plan and Contract establish the minimum minority occupancy goal for the development based on the percentage of minorities in the area. The Agent will also affirmatively market to persons with disabilities, as specified in its Affirmative Fair Marketing Plan and Contract.

**Applicants with Disabilities and Reasonable Accommodations**

Section 504 prohibits discrimination based upon disability in all programs or activities operated by recipients of federal financial assistance.



Management will make reasonable accommodations in policies or of common or unit premises for all applicants with disabilities, as defined in listed Fair Housing Acts referenced previously in this document or any subsequent legislation. Disabled customers who require such changes in order to receive equal access to any aspect of the application process or to the property, its programs, and services are eligible to request a reasonable accommodation.

A reasonable accommodation as defined by the Fair Housing Act is any accommodation by management in rules, policies, and practices of services to give a person with a disability an equal opportunity to use and enjoy a dwelling unit or common space. This includes acceptance of assistance animals as an exception to a property's "no pet" policy.

While not a requirement, Management requests that all reasonable accommodation requests are submitted in writing to the extent feasible. If unable to provide the request in writing, the applicant or resident may contact management to make alternative arrangements. Reasonable accommodation requests for structural modifications to units and/or common areas that are needed by applicants and tenants with disabilities may be approved, unless these modifications would change the fundamental nature of the project or result in undue financial and administrative burdens to Management.

Management will consider accommodation requests from customers and determine whether the request is reasonable from a financial and administrative perspective. If the precise accommodation is not deemed reasonable, Management will participate in the interactive process with the customer to provide an alternative accommodation, which meets their disability-related needs.

Responses to requests for reasonable accommodations are provided within 45 days, unless there are delays in receiving required health verification information or a longer time is agreed upon. If the request is denied, the reason is explained to the customer. All questions or grievances concerning reasonable accommodations requests or denials are directed to the Agent's 504 Coordinator (or similar position).

***To request a reasonable accommodations, including materials in alternate formats, may be made at the office below prior to or after completion of the Development's rehabilitation:***

***35 W. Baltimore Street  
Hagerstown, MD 21740***



**PHONE (301) 733-6911**  
**TTY users call via Maryland Relay- Dial 711**  
**EMAIL info@hagerstownha.com**

**C. Selection Criteria**

Ineligible applicants may not be admitted to reside in the Development. To be considered for selection, applicants must submit a completed application and relevant consent forms. To determine threshold eligibility, the application may be accepted as a self-certifying statement. No third-party verification will be required until final screening for occupancy. Information needed to determine an applicant's eligibility shall be verified within 120 days of formal acceptance for occupancy.

*Note: Eligibility does not constitute acceptance and further screening is required to determine an applicant's ability to maintain a successful tenancy.*

Eligibility will be determined on the following basis:

1. Confirmation of Elderly status
2. Maximum Income – Household annual income must not exceed current income limits for the program to which application is made. Annual income may be below program limits but not so low as to make payment of basic rent obligations impractical. Minimum rent obligations are not applicable to participants in low rent programs, such as Section 8.
3. Other Eligibility Criteria Pursuant to Program Characteristics – Household characteristics, such as the number of family members or their age, must be appropriate to the size of the Unit and pursuant to the subsidy program guidelines.
4. Selection Criteria for all RAD/LIHTC Units – Tenants for the RAD/LIHTC Units will be selected from the Agent's waiting lists in accordance with the requirements of the Agent's Housing Choice Voucher (HCV) Administrative Plan, as amended from time to time. The Agent shall maintain a site-based waiting list for the RAD/LIHTC Units electronically and the Development may refer applicants to the Agent's waiting list.

Without limiting the foregoing, the RAD Units are subject to, and shall be operated and maintained in accordance with, all legal requirements applicable to the Public Housing program including, without limitation, the U.S. Housing Act of 1937, HUD regulations thereunder (and to the extent applicable, any HUD-approved waivers of regulatory requirements); any other federal laws, regulations, notices, and Executive Orders pertaining to the the HCV project-based voucher program; the Commission's HCV



Administrative Plan; and the PBV HCV Housing Assistance Payments Contract (collectively, the “**RAD Requirements**”).

The RAD Units are subject to the “**RAD Requirements**” which include the Consolidated and Further Continuing Appropriations Act of 2012, including but not limited to (1) all applicable statutes and any regulations issued by HUD for the Rental Assistance Demonstration Program (“**RAD Program**”) as they become effective, except that changes subject to notice and comment rulemaking shall become effective only upon completion of the rulemaking process, and (2) all current requirements in HUD handbooks and guides, notices (including but not limited to, Notice PIH 2012-32 (HA) H-2017-03, REV-3 (January 12, 2017), as it may be amended from time to time), and mortgagee letters (if any) for the RAD Program, and all future updates, changes and amendments thereto, as they become effective, except that changes subject to notice and comment rulemaking shall become effective only upon completion of the rulemaking process, and provided that such future updates, changes and amendments shall be applicable to the Project only to the extent that they interpret, clarify and implement terms in the applicable closing document rather than add or delete provisions from such document; and (3) the RAD Use Agreement and the RAD Housing Assistance Payment Contract.

The LIHTC Units will be operated and maintained as qualified low-income units under Section 42 of the Internal Revenue Code of 1986, as amended (“**Section 42**”), for a period of not less than the Tax Credit Compliance Period (as such term is defined in Section 42) and any applicable extended use period.

5. Selection Criteria Based on the General Requirements of Tenancy - This Plan sets forth the essential requirements of tenancy and the grounds on which tenants will be rejected for failing to meet such requirements. Rejection of an applicant is appropriate where the Agent has a reasonable basis to believe that the tenant cannot meet these essential requirements, which may be summarized as follows:
  - a.) to pay rent and other charges under the lease in a timely manner;
  - b.) to care for and avoid damaging the unit and common areas, to use facilities and equipment in a reasonable way, and to create no health or safety hazards;
  - c.) not to interfere with the rights and enjoyment of others and not to damage the property of others;
  - d.) not to engage in any activity that threatens the health, safety or right to peaceful enjoyment of other residents or staff, and not to engage in activity on or near the premises that involves illegal use of controlled substances or weapons; and any criminal activity on or off the premises that would be



detrimental to the housing should it occur on the premises, and

- e.) to comply with necessary and reasonable rules and program requirements of the housing provider.

This Plan provides for the consideration of mitigating factors that rebut the presumption that an applicant will be unable to meet the requirements of tenancy. Mitigating factors may include a showing of rehabilitation or rehabilitating efforts. Mitigating factors must be balanced against the potentially disqualifying behavior or circumstances. In considering both the disqualifying behavior and mitigating factors, the Agent will determine if there is a reasonable risk that the applicant will be unable to meet the essential requirements of tenancy. Among the factors that should be considered are:

- a.) the severity of the potentially disqualifying conduct;
- b.) the amount of time that has elapsed since the occurrence of such conduct; the degree of danger, if any, to the health, safety and security of others or to the security of the personal property of others or to the physical conditions of the housing development and its common areas if the conduct recurred;
- c.) the disruption, inconvenience, or financial impact that recurrence would cause the housing provider; and
- d.) the likelihood that the applicant's behavior in the future will be substantially improved.

In general, the greater degree of danger, if any, to the health, safety and security of others or to the security of property of others or the physical condition of the housing, the greater the showing must be that a recurrence of behavior (which led to an initial determination that the applicant would not be able to meet the essential requirements of tenancy) will not occur in the future.

- 6. Screening Procedures: To obtain information about an applicant's ability to meet the essential requirements of tenancy under the Screening Criteria, the Agent may secure background information as follows:
  - a.) Record of Prior Criminal History. After a satisfactory credit and rental history screening, the applicant's criminal screening is conducted. In gathering such record of prior criminal history, the Agent or its agent(s) may conduct an Individual Background Check as defined by the Maryland Department of Public Safety and Correctional Services as part of the tenant selection process, but access and use of these reports are subject to applicable state and federal law. The Agent or its agent(s) should ensure that none of the information obtained is collected or disseminated in violation of state or federal law. In compliance with the Renter's Rights



and Stabilization Act of 2024, Management will not charge a separate fee to conduct a criminal background check.

Management will conduct an individualized assessment of the criminal record and its impact on the household's suitability. SEE ATTACHMENT ONE FOR A COPY OF THE INDIVIDUALIZED ASSESSMENT WORKSHEET.

The following may not be considered in the determination of whether to accept or deny an applicant household:

- Juvenile records, or any expunged, vacated, pardones, or sealed records;
- Convictions for crimes that are no longer illegal in the state of Maryland; and
- Charges that are pending for eligible crimes at the time of screening may be considered, subject to the individualized assessment. If a member of an applicant household has been convicted of a felony offense or violent misdemeanor offense during the applicable "further review period" (dated from the day of conviction), the housing provider may choose to consider that record in determining whether to accept or deny an applicant household based on an individual assessment.

The notice of denial due to criminal record will include the name, address, and telephone number of the agency that composed the criminal record report and inform the applicant of his or her right to dispute the accuracy of the criminal record report as well as his or her right to a free copy of the criminal record report.

***\*Note: Any applicant or tenant denied or terminated for criminal activity reserves the right to appeal prior to a final decision and present relevant information. Management will conduct a review and analysis of the circumstances of the criminal activity prior to making a final determination.***

- b.) Sex Offender Registration Status. The Agent or its agent(s) shall obtain information necessary to determine if the applicant or any household member is subject to registration with the Maryland Sex Offender Registry, or a lifetime registration requirement under any state sex offender registration program. The Agent or its agent(s) may verify the information provided by the applicant by searching the Dru Sjodin National Sex Offender Database (located at <http://www.nsopw.gov>) as recommended and in the manner set forth in HUD Notice H 2009-11.





Note: In completing background checks for (a) and (b) above for units receiving ACC assistance, the Agent may obtain such information in the manner contemplated by 24 CFR Part 5, Subpart J and HUD Handbook 4350.3 REV-1, Section 4-27.E.

- c.) Intentionally omitted
- d.) References from landlords in the last five years or from the last two successive tenancies, whichever is more inclusive.
- e.) Credit references furnished by a credit bureau. Information to be considered should not be more than five years old.
- f.) Personal references provided by the applicant.
- h.) Verification of income either from a present employer, appropriate agency, financial institution or other appropriate party.
- i.) Verification of a disability to determine whether a family or person meets the definition of disability used to determine eligibility for occupancy at the Development or for preferences, or to identify applicant needs for features of accessible units or reasonable accommodations such as assistance animals. The Agent may not specifically ask for or verify the nature and extent of the disability. There are ways to verify disability status without obtaining detailed information or information that must not be collected.

Verification of disability may be obtained through a third-party verification form sent by the Agent to an appropriate source of information, including but not limited to the individual's physician, care worker of the elderly, social worker, psychiatrist, or the Veterans Administration. If a third-party form is used, it must be signed by the Applicant authorizing the release of such information to the Agent. The form should provide the definitions of disability used to determine eligibility and rent, and should request that the source completing the form identify whether the Applicant meets the definition. In this way the Agent is not required to make any judgments about whether a condition is considered a disability, and shall not have prohibited information. For examples and further guidance, see Appendix 15 to HUD Handbook 4350.3 REV-1.



If an applicant claims past tenancy-related problems were the result of a disability and some condition has changed making such behavior unlikely to recur, the Agent shall consider evidence supporting such claims. All applicants are responsible for providing verification for such claims. In instances where the applicant claims some services or treatment shall be available to enable the applicant to correct the problem behavior, the Agent shall require verification that such services are available and that the applicant is likely to continue to use such services or treatment.

6. **Mitigating Circumstances.** Mitigating circumstances shall be verified. The individual performing the verification must corroborate the reason given by the applicant for unacceptable tenancy-related behavior and indicate the good prospect for lease compliance in the future because the reason for the unacceptable behavior is either no longer in effect or is otherwise controlled.
- a. **Alcohol or Substance Abuse.** Where an applicant claims that prior unacceptable tenancy-related behavior resulted from alcohol abuse or use of illegal drugs, acceptable verification of mitigating circumstances would have to establish that:
    - (As applicable) There is no current illegal use, which includes activity within the last year, of controlled substances. If such use is documented, applicant must present evidence that such use has stopped and is unlikely to recur.
    - (As applicable) There is no current abuse of alcohol, which includes abuse within the last year, and abuse is unlikely to recur.
    - During the period for which the applicant has claimed no current use, the applicant's behavior as a tenant must have been acceptable.

In any case of confirmed, continued, unacceptable tenancy-related behavior, despite the cessation of drugs or alcohol use, an applicant may be rejected.

- b. **Credit.** The Agent will perform a credit history review using a qualified third-party vendor. Credit information is obtained by the vendor from a recognized credit bureau. The absence of a credit file will not adversely affect the applicant. Each applicant's report is reviewed to determine the history of their payment practices including utilities, outstanding loans, judgments, repossessions, foreclosures, and other similar actions.

The Agent uses ScreeningWorks Pro via Yardi Voyager software.



If the applicant's denial is based upon a credit report, the applicant is advised of the source of the credit report in accordance with applicable laws. The Agent is obligated to tell an applicant who is refused housing for credit reasons the name and address of the credit reporting firm. The credit report is not shown to the applicant nor will specific information in the report be revealed. This information will come directly from the third-party screening vendor listed above.

The Agent shall have the right to request information reasonably needed to verify the remedy of the above circumstances, even if such information is of a confidential nature (e.g. verifications from medical professionals that provide confidential information.). If the applicant refuses to provide or give access to such further information the Agent may choose not to give further consideration to the mitigating circumstance.

7. **Prohibited Screening Criteria.** The Agent may not screen applicants for eligibility on the basis of the following:
- (a) **Physical Examinations.** The Agent shall not require physical examinations or medical testing as a condition of admission.
  - (b) **Meals and Other Services.**
  - (c) **Donations or Contributions.** The Agent shall not require a donation, contribution or membership fee as a condition of admission, except that cooperative housing projects may charge a membership fee. Owners may not require any payments not provided in the lease.
  - (d) **Disability Status.** Except as provided in section C.4(i) above, it is unlawful to make an inquiry to determine if an applicant for a dwelling unit, a person intending to reside in that dwelling unit after it is rented or made available, or any persons associated with the applicant, has a disability or handicap, or to make inquiry as to the nature or severity of an identified disability or handicap.

#### **D. Application to Housing**

1. **Application** – Electronic applications will be accepted via the RentCafe Portal, accessible through the Agent's website: [www.hagerstownha.com](http://www.hagerstownha.com). Reasonable Accommodation requests for a paper application can be made to the Agent's Administration building at 35 W. Baltimore Street, Hagerstown, MD 21740; by call 301-733-6911, or TTY user call via Maryland Relay- Dial 711



The application:

- a.) solicits all the necessary information to determine threshold program eligibility,
- b.) provides the opportunity to state the need or desire for an accessible unit,
- c.) provides notice of the right to a reasonable accommodation of a disability,
- d.) includes the Equal Opportunity logo and slogan, as well as the Accessibility logo, if required,
- e.) includes the non-discrimination statement,
- f.) provides the opportunity to indicate eligibility for a preference,
- g.) and includes a notice that the Agent will communicate with the applicant in the manner or format requested by the applicant if necessary because of a disability.

In addition to the application form, the Agent shall also require an Applicant's Consent for Release of Information. This form is necessary to allow the Agent to obtain third-party verifications or references.

Failure to respond within 14 days to the Agent's requests for documentation or information to process the application may result in withdrawal of an application from further processing. The Agent may make exceptions to the procedures described herein to take into account circumstances beyond the applicant's control, including medical problems or extreme weather conditions.

The Agent will offer aid to the applicant in completing the application, explain the tenant selection process, define preferences, and explain the verification process with respect to preferences.

Every application must be completed and signed by the head of the household. Household members 18 years or older, including any live-in aide must sign a release to conduct criminal, credit, and landlord history references, provided that credit information for personal care attendant is not necessary because their income is not included in the household income calculation. Live-in Aides are defined as a person who resides with a household member with a disability and who (a) provides necessary assistance in activities of daily living to such household member insofar as he or she requires such assistance on account of his or her disability; (b) is not obligated for support of the household member; (c) is paid for the fair value of such assistance; and (d) would not be residing in the unit except to provide such necessary assistance to the household member. All members of the household must be listed on the application form.

It is the policy of the Agent to guard the privacy of individuals in accordance with the Federal Privacy Act of 1974 and to ensure the protection of records maintained by the property concerning the applicants or tenants.

The Agent shall not disclose any personal information contained in its records to any persons or agencies other than authorized government agencies unless the individual about whom



information is requested has given written consent to such disclosure, or unless disclosure is otherwise in accordance with provisions in the state or federal privacy acts.

This privacy policy in no way limits the Agent's ability to collect such information as it may need to determine eligibility, compute rent, or determine an applicant's suitability for tenancy or to gather information to process reasonable accommodations requests under Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, the Fair Housing Act and applicable state law.

The above policies in no way limit the right or duty of the Agent to make abuse, neglect or other protective service or emergency reports. Additionally, such policies do not forbid management from sharing information in the public domain with relevant service or government agencies.

2. **Notification of Decision on Application** - The Agent will send a written response to each applicant advising such applicant of the status of the application. Alternate formats for responding to an applicant with a disability will be provided upon applicant's request. If the
3. **Provisions Relating to Rejection of an Application** - If the applicant is not accepted, or is not placed on the waiting list for admission, the Agent shall follow the procedures outlined in section 2 above, but shall include the following in its written response to the applicant:
  - a.) the reason(s) for the rejection,
  - b.) notice that the applicant has fourteen business days to respond in writing or to request a informal review with the Agent to contest the rejection, and
  - c.) notice that the applicant has the right to request a reasonable accommodation if the applicant believes that, with such an accommodation, the applicant would be eligible for admission and that the applicant was rejected for a reason arising from the applicant's disability.
  - d.) rejection provision – if an applicant is rejected due to screening, the applicant will be notified of this decision by the Agent and will be provided with their Grievance Procedure. Afterward, should the Agent then determine the applicant is eligible, the applicant will remain in their original position on the waiting list.

The Agent has consulted with counsel and established a policy for maintaining records relating to rejection of applications for housing. That policy requires that the records shall be maintained for a period of not less than five years, and will be made available for DHCD's review for compliance monitoring, within three (3) business days of the date of request. "Records", as used herein, include:

- a.) all original applications,
- b.) the Agent's eligibility determination (acceptance and rejection notices), and



- c.) any materials relating to such decisions
- d.) or appeals by the applicants

In general, applications will be processed in accordance with the following steps:

- **Review for Completeness** - Applications will first be reviewed for completeness. Incomplete applications will be rejected, returned to the applicant and will not be evaluated until all of the required information has been provided.
- **Preliminary Determination of Program Ineligibility** - Completed applications will be reviewed for income eligibility and compliance with any categorical eligibility requirements such as age or disability, if applicable. Applications determined ineligible, pursuant to program guidelines, will be rejected in accordance with procedures outlined above.
- **Preliminary Determination of Program Eligibility** - When there are more applicants on the waiting list than units currently available, the Agent will make a preliminary determination of eligibility, based on the applicant's self-certified statement as to his or her income, assets, age, disability status, and preference or priority status. Applicant will be notified of the status of his/her application in accordance with procedures outlined above.
- **Waiting List Placement** - Once a fully completed application is determined to meet income eligibility requirements and the household composition is determined appropriate for a unit at the development, the applicant will be placed on the appropriate waiting list(s). Applicants eligible for handicapped accessible units may choose to be on lists for accessible and standard units. Assignment to a position on the waiting list will be based on this preliminary determination and will be formally verified as the applicant's name advances on the waiting list. The applicant will be placed on the waiting list, by date and time of receipt, within the correct preference category, where applicable.
- **Formal Verification** – If, subsequent to the preliminary determination of eligibility, the Agent determines that the formal verification of income, assets, or claimed priority status differs from the applicant's self certification, the applicant may be reassigned to another waiting list, i.e., smaller or larger bedroom size, reassigned to a different preference status; or determined ineligible.

## **F. Waiting Lists**

The Agent will administer its Site Based Waiting List in accordance with the following policies.



- Waiting lists will be maintained on the Agent's property management software system. A printed copy of the waiting list will be prepared, prior to the annual update, and maintained for three years.
- Waiting lists will be organized by type of unit, (type of subsidy, physically adapted unit, etc). A separate list is required for every type of unit. "Type of unit" is defined in several ways, including:
  - 1.) The number of bedrooms.
  - 2.) The physical characteristics of the unit, such as accessible features.
  - 3.) The type of subsidy attached to the unit, such as project-based subsidy.
- Each applicant must be placed on the appropriate waiting list(s) chronologically according to the date and time of the completed application within the applicable preference categories. Non-preference applicants shall be placed on the waiting list per the date of the completed application.
- If an applicant is eligible for tenancy, but no appropriately sized unit is available, the Agent will place the family on a waiting list for the Development. Households that are eligible for more than one size of unit (by bedroom size) may choose to be placed on multiple waiting lists as appropriate and the Agent will respect the bedroom size option chosen by the applicant unless such choice violates the state sanitary code, other applicable laws, or the Development's Occupancy Policy. Persons using a wheelchair or requiring similar accommodations may apply for a standard unit, as well as an accessible unit, in their discretion.
- The Agent's records will indicate the date the applicant is placed on the waiting list. All records, including the application, must be retained for a period of three (5) years.
- Agent may require applicants to contact the Development every six months to remain on the waiting list. Upon failure to respond to the Agent's notice to contact the Development, the applicant may be removed from the waiting list.
- The waiting list may be closed for a specific unit size or type if the projected turnover rate indicates that an applicant would be unable to obtain a unit within one year.
- When an applicant pool is no longer adequate due to the closure of the waiting list, the list shall be re-opened. Public notice shall be placed in area publications, and as otherwise required by the Development's Affirmative Fair Marketing Plan and Contract.
- Waiting lists will be updated every six to twelve months.

Preference for units accessible to or adaptable for occupancy by physically disabled persons in conformance with applicable law shall be given to physically disabled persons.



Note: When an applicant's name is removed from the waiting list, the Agent will send written notice of the action, or notice in requested alternate format, to the Applicant, at the Applicant's e-mail/address of record.

Income Tiers and Units Set Aside:

Seventy-three (73) Units: Must be leased to households whose income do not exceed thirty percent (30%) of area median income.

Fifty (50) Units: Must be leased to households whose income do not exceed forty percent (40%) of area median income.

Eight (8) Units: Must be leased to households whose income do not exceed fifty percent (50%) of area median income.

Periodic Maintenance of the Waiting List: Once all of the Units are initially rented, the waiting list will be maintained and periodically revised to reflect changes in applicant status or eligibility. An annual update letter will be sent to all names on the waiting list to verify an applicant's status and continued eligibility. Those not responding to the update letter will be removed from the waiting list. Names will also be removed as people refuse units, can not be reached, are found to be ineligible or are rejected.

**G. Additional Policies Regarding Special Use Units** - If there are no applicants who need the features of an accessible unit, the Agent shall notify the Registry of the vacancy. If an accessible unit must be offered to someone who does not need the accessibility features, the policy shall include a clause requiring the tenant to relocate to the first available comparable unit if a tenant or eligible applicant requires the unit's accessible features.

**H. Modification of Tenant Selection Regulations** – The Agent acknowledges that the Commission and HUD may, from time to time, modify the requirements of their respective tenant selection regulation, or policies. The Agent agrees that, upon reasonable notice, they will amend this plan to satisfy such changes.

**I. Limited English Proficiency (LEP) Services** - The Agent shall determine, as part of its obligation to take reasonable steps to ensure meaningful access to the Development and its programs by persons with Limited English Proficiency (LEP), those Oral Language Services (i.e. Interpretation) and Written Language Services (i.e. Translation) that may be required in connection with the implementation of this Plan. Should LEP populations be encountered by the Development either during lease up or during operation, we will engage translation services.

**J. Conflict of Interest** - As specified in 24 CFR §92.356, no employee, agent, consultant, officer, or elected official or appointed official of the Owner or Agent (in the event that they are





exercising functions or responsibilities with respect to activities assisted with HOME funds) may obtain a financial interest or benefit from a HOME-assisted activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter.

**K.. No Smoking Policy** - Applicants will be informed that, in order to protect the health and safety of all residents, smoking is prohibited (including inside of Units) other than in designated smoking areas. For these purposes, smoking includes: inhaling or carrying any lighted cigar, cigarette, or other tobacco product or similar product, including marijuana. This policy applies to all members of tenant households as well as any guests or invitees. Tenants agree to notify all members of their households and any guests or invitees of the no-smoking policy. Repeated violations of this policy will result in appropriate disciplinary action, which in combination with other infractions may include termination of their lease.

**L. Protection for Victims of Domestic Violence** - Based on the provisions of the Violence against Women Act (“VAWA”), Reauthorization Act of 2005, Reauthorization Act of 2013, and HUD’s Final Rule (December 16, 2016), Reauthorization Act of 2022, and regulations issued thereunder, Management protects applicants, tenants, and family members of tenants who are victims of domestic violence, dating violence, sexual assault, stalking, and/or trafficking from being denied, evicted, or terminated from housing assistance based on acts of such violence against them. At lease signing Management will require tenants to execute the VAWA Lease Addendum (HUD form 91067).

When responding to an incident or incidents of actual or threatened domestic violence, dating violence, sexual assault, stalking, and/or trafficking that may affect a current tenant's participation, Management will ask that an individual complete, sign and submit, within 14 business days of the request, a Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, whereby the individual certifies that he/she is a victim of domestic violence, dating violence, sexual assault, stalking, and/or trafficking and that the incident or incidences in question are bona fide incidences of such actual or threatened abuse, along with any available documentation of the abuse.

If an applicant family otherwise qualifies for housing under Management’s criteria, the applicant family cannot be denied admission or denied assistance because they are or have been a victim of domestic violence, dating violence, sexual assault, or stalking. This provision is intended to protect victims from denial or eviction as a result of their status as a victim. It does not provide a waitlist preference for VAWA victims and does not result in victims being housed before other eligible applicants on the waitlist.

Management’s full VAWA Policy is located at website: [www.hagerstownha.com](http://www.hagerstownha.com).



## **CONCLUSION**

The Agent acknowledges that this Plan may not address every activity relating to selection. Questions concerning this Plan, and any of its applications, should be directed to the Agent.



## **Attachment 1**

### **Worksheet for Applying Maryland's Tenant Selection Policies When Assessing Applicants for Housing Who Have Criminal Convictions**

Reviewer's Name and Contact Information: \_\_\_\_\_

\_\_\_\_\_  
Applicant's Name:

\_\_\_\_\_  
Project Name and Address:

\_\_\_\_\_  
Date: \_\_\_\_\_

#### **Instructions**

Please use this worksheet as a guide when determining admission for people with a history of criminal convictions. As a reminder:

- Juvenile records, or any expunged, vacated, pardoned, or sealed records may not be considered.
- Convictions for crimes that are no longer illegal in the state of Maryland may not be considered.
- You may not deny any applicants without the opportunity for an individualized review of the circumstances surrounding their criminal convictions and their rehabilitation.

#### **Section 1 - Nature of Justice-Involvement**

1. Is the applicant legally required to register on the lifetime sex offender registry under a state sex offender registration program?
2. Was the applicant convicted of producing methamphetamines in federally subsidized housing?

If you answered **YES** to any of the above questions and **the application is for a federally subsidized property or program**, you must deny the applicant. If the application is NOT for a federally subsidized property or program, please move on to **Section 2: Individualized Assessment and Evidence of Rehabilitation**. If NO, continue to **question 3**.

3. Are the incidents of youthful offender adjudications?

If **YES**, please **STOP**: You may not inquire about these incidences and the applicant may not be rejected based on these incidences. If **NO**, continue to the following questions.

4. Have these incidents been expunged, vacated, or sealed?

If **YES**, please **STOP**: You may not inquire about these incidences and the applicant may not be rejected based on these incidences. If **NO**, continue to the following questions.

5. Are these incidents crimes that are no longer illegal in the state of Maryland?

If **YES**, please **STOP**: You may not inquire about these incidences and the applicant may not be rejected based on these incidences. If **NO**, continue to the following questions.

## Section 2 - Individualized Assessment and Evidence of Rehabilitation

What are the mitigating factors surrounding the applicant's criminal justice involvement, and has the applicant shown evidence of rehabilitation?

1. Did the crime[s] for which the applicant was convicted have a direct and specific negative impact on the safety of other individuals or property?

Explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. Did the offense occur at or was it connected to a rental property that was leased or rented by the applicant?

Explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

1. How much time has passed since the applicant's conviction?

---

2. How old was the applicant at the time of the offense?

---

3. How many convictions has the applicant had?

---

4. What is the seriousness of the applicant's offense?

---

---

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5. Has the applicant shown evidence of rehabilitation and good conduct?  
Circle "Yes" for all of the following factors showing rehabilitation if they are applicable to the applicant and "No" if they are not. In either case, please provide an explanation for your choice.

|  |   |  |
|--|---|--|
| A. Has the applicant participated in drug or alcohol rehab? (If rehab or treatment was not necessary, write N.A.). | YES<br><br><hr/><br><hr/><br><hr/><br><hr/> | NO<br><br><hr/><br><hr/><br><hr/><br><hr/> |
|--|---|--|

|  |   |  |
|--|---|--|
| B. Has the applicant participated in and completed other types of rehabilitative programming? What type? | YES<br><br><hr/><br><hr/><br><hr/><br><hr/> | NO<br><br><hr/><br><hr/><br><hr/><br><hr/> |
|--|---|--|

|   |       |       |
|---|-------|-------|
| C. Has the applicant sought and maintained employment after their conviction or release from incarceration? | YES   | NO    |
|   | _____ | _____ |
|   | _____ | _____ |
|   | _____ | _____ |
|   | _____ | _____ |

|  |       |       |
|--|-------|-------|
| D. Has the applicant participated in and/or completed a job readiness course or program? | YES   | NO    |
|  | _____ | _____ |
|  | _____ | _____ |
|  | _____ | _____ |
|  | _____ | _____ |

|   |       |       |
|---|-------|-------|
| E. If the applicant has had difficulty finding employment, have they been productively spending their time? (If so, include examples, including any community engagement or volunteer work) | YES   | NO    |
|   | _____ | _____ |
|   | _____ | _____ |
|   | _____ | _____ |
|   | _____ | _____ |
|   | _____ | _____ |

|  |       |       |
|--|-------|-------|
| F. Has the applicant's parole officer or a member of law enforcement shared a statement on whether the applicant is rehabilitated? | YES   | NO    |
|  | _____ | _____ |
|  | _____ | _____ |
|  | _____ | _____ |
|  | _____ | _____ |
|  | _____ | _____ |

