



**NEICAC HOUSING
TENANT SELECTION PLAN
LOW INCOME HOUSING TAX CREDIT & HOME**



Welcome to NEICAC Housing!

Northeast Iowa Community Action Corporation (NEICAC) owns and manages several rental properties across our seven-county service area. NEICAC's Housing Program objective is to provide safe and affordable housing for independent seniors, individuals with disabilities, and families with limited resources. The following information has been compiled to familiarize NEICAC Housing Applicants with NEICAC Housing's Tenant Selection Criteria, processes, policies, and required compliance as defined by HOME and LIHTC programs. If questions arise applicants should reach out to the Housing Program Coordinator (HPC) who serves as the applicant's primary contact to assist with the application process. In the event the HPC is unavailable the Operations & Development Director serves as a secondary contact to assist applicants.

HOUSING PROGRAM COORDINATOR

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NEICAC HOUSING

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Office hours by appointment.

MAILING ADDRESS

NEICAC HOUSING

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Decorah, IA 52101



FAIR HOUSING AND EQUAL OPPORTUNITY STATEMENTS OF NONDISCRIMINATION

It is NEICAC Housing's Policy to comply fully with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, Fair Housing Amendments Act of 1988, and any legislation protecting the individual rights of tenants, applicants, or staff which may subsequently be enacted.

NEICAC Housing does not discriminate on the basis of race, color, sex, familial status, religion, handicap, disability, national origin, age, creed, sexual orientation, or gender identify in the admission or access to housing program. NEICAC Housing will seek to identify and eliminate situations or procedures which create a barrier to equal housing opportunity for all. In accordance with Section 504, NEICAC Housing will provide reasonable accommodation for applicants or tenants with handicaps or disabilities. A reasonable accommodation is a change, exception, or adjustment to a program, service, building, dwelling unit, to allow a qualified person with a disability to participate fully in a program; take advantage of a service; or live in a dwelling.

Such accommodations may include changes in the method of administering policies, procedures, or services. In reaching a reasonable accommodation with or performing structural modification for an otherwise qualified individual with disabilities, NEICAC Housing is not required to:

- Make structural alterations that require the removal or altering of a load-bearing structure,
- Provide support services that are not already part of the housing program,
- Take any action that would result in a fundamental alteration in the nature of the program, or
- Take any action that would result in an undue financial and administrative burden on NEICAC Housing, including structural impracticality as defined in the Uniform Federal Accessibility Standards (UFAS).

REASONABLE ACCOMMODATION/MODIFICATION POLICY

NEICAC Housing is an equal housing opportunity provider and does not discriminate on the basis of disability. It is NEICAC Housing's policy to provide reasonable accommodations and/or modifications to applicants or tenants who have a disability and because of that disability need a change or exception to our usual rules or policies or a structural modification to be able to fully use and enjoy the apartment and apartment community. To demonstrate a Reasonable Accommodation or Modification is necessary, there must be an identifiable relationship between the requested Reasonable Accommodation or Modification and the individual's disability. The disability status, the need for the Reasonable Accommodation or Modification and the relationship between the disability and the Reasonable Accommodation or Modification must be verified. NEICAC Housing will not require a health care professional to use a specific form, provide notarized statements, make statements under penalty of perjury, or provide an individual's diagnosis or other detailed information about a person's physical or mental impairments. NEICAC Housing may, however, request an applicant or tenant to provide documentation from a health care professional regarding the need for Reasonable Accommodation or Modification. Reasonable Accommodation & Modification Request form can be requested from NEICAC Housing's Program Coordinator.

LIMITED ENGLISH PROFICIENCY

NEICAC Housing will make reasonable efforts to provide language assistance to ensure meaningful access for those whose primary language is not English, who are also referred to as Limited English Proficient (LEP) persons. NEICAC Housing may utilize such resources as oral interpretation services, bilingual staff, phone interpreter, or written translation. NEICAC Housing will not impose less favorable terms or conditions on those of a certain national origin by taking advantage of their limited ability to read, write, speak, or understand English.

PRIVACY POLICY

It is the policy of NEICAC Housing to guard the privacy of individuals conferred by the Federal Privacy Act of 1974 and to ensure the protection of such individuals' records maintained by NEICAC Housing. Therefore, neither NEICAC Housing nor its agents shall disclose any personal information contained in its records to any person or agency unless the individual about whom the information is requested shall give written consent to such disclosure.

The Privacy Policy in no way limits NEICAC Housing's ability to collect such information as it may need to determine eligibility, compute rent, or determine a family's suitability for residency. Consistent with the intent of Section 504

of the Rehabilitation Act of 1973, any information obtained on handicap or disability will be treated in a confidential manner.

VIOLENCE AGAINST WOMEN ACT (VAWA) PROTECTIONS

NEICAC Housing supports victims of domestic violence, dating violence or stalking and protects victims, as well as household members from being denied housing or losing housing as a consequence of domestic violence, dating violence or stalking.

- NEICAC Housing provides all tenants with notice of their rights and obligations under VAWA.
- NEICAC Housing provides tenants with the option to complete the Certification of Domestic Violence, Dating Violence or Stalking, form HUD-91066. The certification form is available to all tenants upon their acceptance as a tenant.

NEICAC PROGRAM GRIEVANCE PROCEDURE

The information in which the Applicant(s) has provided NEICAC Housing, along with specific program requirements, is the basis upon which the decision concerning the Applicant's eligibility to participate in NEICAC's Housing program is reached.

The Applicant(s) should follow the procedure below to issue a complaint regarding a decision made by NEICAC Housing:

1. Contact the Operations & Development Director, Karli Schmelzer, by email to kschmelzer@neicac.org or mail to PO Box 487 Decorah, IA 52101 **within 7 days** of the incident.
2. If the Applicant feels concerns were not adequately addressed after discussing with the Operations & Development Director, the Applicant must contact the agency CFO, Chriselle Stravers, in writing by email to cstravers@neicac.org or mail to PO BOX 487 Decorah, IA 52101 **within 7 days** of contact with the Operations & Development Director. The CFO will respond with resolution, in writing, **within 10 days**.
3. At any point in the grievance procedure, the Applicant has the right to be represented by an attorney or other person of the Applicant's choice. Should the Applicant use an attorney, Northeast Iowa Community Action Corporation shall in no way be responsible for such attorney fees.
4. If the Applicant remains dissatisfied with the decision made by the CFO, a further appeal may be made to the appropriate contracting entity for the program/service upon which the grievance was made, whether local, state, or federal agency. NEICAC will provide appropriate contact information to the Applicant upon request.
5. This policy supersedes any Grievance Procedure previously adopted by individual programs sponsored by Northeast Iowa Community Action Corporation.

NEICAC is an equal opportunity employer, and this Equal Employment Opportunity applies to NEICAC Housing services. No person shall, on the basis of race, color, age, creed, national origin, sex, gender identity, sexual orientation, religion, disability, an individual's Vietnam era veteran status or any other legally protected class, be excluded from participation in, be denied benefits of or be subjected to discrimination under any program or activity funded with any NEICAC program funds. The agency Human Resources Director can address questions or concerns regarding equal opportunity.

SECTION 504 GRIEVANCE PROCEDURE

It is the policy of NEICAC not to discriminate on the basis of disability. NEICAC has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794). Section 504 prohibits discrimination on the basis of disability in any program or activity receiving Federal financial assistance.

The Law and Regulations may be examined in the office of a responsible employee who has been designated below to coordinate the efforts of NEICAC to comply with Section 504: Human Resources Director & Section 504 Coordinator, Courtney Adam, (563) 387-4913, cadam@neicac.org.

Any Applicant who believes they have been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for NEICAC to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

Procedure:

- Grievances must be submitted to the Section 504 Coordinator **within 7 days** of the date the person filing the grievance becomes aware of the alleged discriminatory action.
- A complaint must be in writing, containing the name and address of the person filing it. The complaint must state the problem or action alleged to be discriminatory and the remedy or relief sought.
- The Section 504 Coordinator (or designee) shall investigate the complaint. This investigation may be informal, but it must be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint. The Section 504 Coordinator will maintain the files and records of NEICAC relating to such grievances. The Section 504 Coordinator will issue a written decision on the grievance no later than **30 days** after its filing.
- The person filing the grievance may appeal the decision of the Section 504 Coordinator by writing to the **Chief Executive Officer**, Trisha Wilkins by email to twilkins@neicac.org or mail to PO BOX 487 Decorah, IA 52101 **within 15 days** of receiving the Section 504 Coordinator's decision. The Chief Executive Officer shall issue a written decision in response to the appeal no later than **30 days** after its filing.
- The availability and use of this grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the U. S. Department of Housing and Urban Development, Office for Civil Rights.

NEICAC will make appropriate arrangements to ensure that disabled persons are provided other accommodations, if needed, to participate in this grievance process. Such arrangements may include, but are not limited to, providing interpreters for the deaf, providing taped cassettes of material for the blind, or assuring a barrier-free location for the proceedings. The Section 504 Coordinator will be responsible for such arrangements.

A. APPLICATION PROCEDURE

Anyone who wishes to apply for NEICAC Housing are referred to as the "applicant(s)". Applicants must provide a completed application for each adult member of the household and relevant consent forms to determine eligibility.

1. NEICAC Housing will tentatively determine the household's eligibility:
 - Household size and composition, *(including names of all persons who will be residing in the unit, dates of birth, social security numbers, and relationship to head of household)*
 - Anticipated annual income.
 - Assets currently owned and assets disposed of for less than fair market value within the past two years.
 - Student status.
 - The applicant(s) must possess the legal capacity to enter into a lease agreement. The head of household must be at least eighteen (18) years of age OR an emancipated minor.
2. NEICAC Housing will determine specific program eligibility such as applicant(s) age and income limits.
 - A driver's license, photo identification, or copies of birth certificates must be provided to determine age eligibility.
3. NEICAC Housing will screen the applicant(s) criminal history.

B. SCREENING PROCEDURE

Upon receipt of a completed application, NEICAC Housing will secure background information on the applicant(s) considering the following factors:

1. **No Indebtedness to NEICAC Housing.** Applicant(s) will be denied if the applicant(s) owes any monies to NEICAC Housing.
2. **Criminal Background.** A criminal background check will be conducted on the applicant(s) in the state of which the housing unit is located (Iowa) and other relevant states where the applicant(s) have previously resided. The criminal background check will include a 5-year felony search, findings are taken into consideration on a case-by-case basis by reviewing credible evidence, including but not limited to any conviction(s) of the applicant(s) or adult household member(s) related to criminal activity and any eviction or notice to evict based on drug-related or violent criminal activity. Any such criminal history finding may result in the denial of the applicant(s) or household member.

Illegal Drug Crimes. The use of illegal drugs is not permitted on any NEICAC Housing property. Applicant(s) with a history of drug usage, conviction, incarceration, possession of illegal substance or paraphernalia, manufacturing, or distribution will be reviewed on a case-by-case basis which may result in the denial of the application or household member.

Sexual Crimes. Applicant(s) who are subject to the state sex offender registration or have a sexual charge or conviction in the applicant(s) lifetime will be denied housing.

C. ELIGIBILITY

Applicant(s) must meet all the eligibility criteria listed below in order to be admitted for occupancy.

1. **Income.** The household's gross annual income cannot exceed the current income limits for the household size and property. These income limits are adjusted periodically, the applicant(s) may request a copy of current HOME and LIHTC income limits from NEICAC Housing.

The chart below outlines the Area Median Income (AMI) requirement for each property's initial household occupancy.

Property	Initial AMI Income Limit	Additional Eligibility Requirement
Washington Court	At or below 60% AMI	All household members aged 62 or over.
Stoneman Court	At or below 60% AMI	All members aged 62 or over AND/OR all members disabled regardless of age.
Ridgewood Duplex	At or below 60% AMI	All household members are disabled.
Woolen Mill	At or below 60% AMI	
Maynard Duplex	At or below 60% AMI	
Strawberry Point SFR	At or below 60% AMI	
Oelwein Duplex	At or below 80% AMI	
Calmar Apartments	At or below 80% AMI	

2. **Affordability Consideration.** It is recommended the applicant(s) have a minimum gross income to afford monthly rent. Generally, the rule of thumb is a rent to income ratio of approximately 30% of gross monthly income to afford monthly rent and utilities. However, if the applicant(s) hold a Choice Rental/ Section 8 voucher, the affordability consideration is irrelevant.

Rent to Income ratio (RTI): \$ Monthly Rent / \$ Monthly Gross Income = ____ x 100 = ____%

Take the monthly rent amount divided by the monthly gross income and multiply by 100 to achieve percentage.

Example: Monthly rent charge is \$425, and monthly gross income is \$1200.

$$\text{RTI: } \$425/\$1200 = 0.354 \times 100 = 35\%$$

3. **Senior Household.** A senior/elderly household is a household composed of all members at least 62 years of age at the time of initial occupancy as required for tenancy at Washington Court and Stoneman Court Apartments.
4. **Disabled Household.** A disabled household is a household whose head, spouse, or sole member is a person with disabilities. It may include two (2) or more people with disabilities living together, or one (1) or more persons with disabilities living with one (1) or more live-in aides.
5. **Persons with Disabilities.**
Means a person who:
- a) Has a disability, as defined in 42 U.S.C. 423; "inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death OR which as lasted or can be expected to last for a continuous period of not less than 12 months."
 - b) Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:
 - Is expected to be of long-continued and indefinite duration;
 - Substantially impedes his or her ability to live independently, and
 - Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or
 - c) Has developmental disability as defined in 42 U.S.C. 6001: The term "developmental disability" means a severe, chronic disability of an individual that is attributable to a mental or physical impairment or combination of mental and physical impairments manifested before the individual attains age 22 and is likely to continue indefinitely. Developmental disability results in substantial functional limitations in 3 or more of the following areas of major life activity:
 - Self-care.
 - Receptive and expressive language.
 - Learning.
 - Mobility.
 - Self-direction.
 - Capacity for independent living.
 - Economic self-sufficiency and reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.
 - d) Disability does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent (infectious substance) for acquired immunodeficiency

syndrome.

- e) Disability for purposes of qualifying for affordable housing, does not include a person whose disability is based solely on any drug or alcohol dependence.
- f) The term "individual with handicaps", as defined in 24 CFR 8.3 "Persons with a disability to include individuals with a physical or mental impairment that substantially limits one or more major life activities." For purposes of reasonable accommodation and program accessibility for persons with disabilities.
- g) If applying for an accessible unit or requesting a reasonable accommodation for a disability, the disability will be verified at this time by a medical provider to ensure the need of the features of the accessible unit. NEICAC Housing will never make an inquiry into the nature or severity of a disability.

6. **Student Status –HOME Properties:** To be eligible for occupancy in a HOME unit, ANY household member who attends an institute of higher learning (full-time OR part-time) must meet at least one of the following qualifiers.

They must be:

- A dependent of the household living with a parent
- Over age 23
- A veteran
- Married
- A parent with a dependent child
- A disabled individual who was receiving Section 8 assistance prior to November 30, 2005

If they do not meet one of the above, the student must be either:

- Independent from parents OR
- Have parents who are income-eligible Student status eligibility will be verified at Move-in (MI), Annual Recertification (AR), Interim (IR) and Initial certification (IC).

7. **Student Status –LIHTC Properties:** The IRS Code prohibits tax credit units being used as dormitories. Generally, households made up entirely of full-time students do not qualify.

A full-time student is defined as any individual of any age who:

- Attends a school with facilities and regular student body (including online-based learning).
- Attends all or parts of any 5 months out of the calendar year (not necessarily consecutively).
- Is considered full-time by the school that they attend, based on that school's definition of a full-time workload.

There are five exceptions to the student rule prohibiting households made up entirely of full-time students. Full-time student households must meet one of the exceptions continually to live in an LIHTC property for the period of time that everyone is a full-time student.

- 1) All adults are married and entitled to file a joint tax return.
- 2) An adult member is a single parent with a minor child in the unit, the adult is not a tax dependent of any third party, and the children are not claimed as a tax dependent by anyone other than one of their parents (even if the other parent is not in the unit).
- 3) The household includes a member who receives welfare assistance in the form of Temporary Assistance to Needy Families (TANF).

- 4) The household includes a member who formerly received foster care assistance (that means they were a foster child or adult).
 - 5) The household contains a member who gets assistance from the Job Training Partnership Act (JTPA) or similar programs. (NOTE: The “Workforce Investment Act” has replaced JTPA).
8. **Student Status –Mixed LIHTC and HOME properties:** For households applying for a unit that is both a LIHTC and HOME unit, both student status standards must be applied separately, and the household member must qualify under both programs.

D. OCCUPANCY GUIDELINES

Occupancy guidelines were developed to protect residents from unsafe and unhealthy conditions, to avoid overcrowding, to protect government subsidies, and to protect physical assets. Generally, the occupancy limit is defined as two heartbeats per sleeping area.

Number of Bedrooms	Maximum Number of Occupants
1	2
2	4
3	6
4	8

E. WAITING LIST

If the applicant(s) are determined to be eligible and are otherwise acceptable, a unit is available, and no previously approved applicant(s) are on the project waiting list, the applicant(s) will be assigned to the available unit. Once the applicant(s) has been approved, acceptance must be immediate. Failure to respond to attempted contacts such as phone contact, e-mail, and/or U.S. Postal mailings notifying the applicant(s) that housing is now available will result in the loss of the housing opportunity and the next approved applicant(s) will fill the position on the waiting list. The lost opportunity application will then go to the bottom of the waiting list.

The applicant(s) will be contacted periodically to confirm their continued interest in NEICAC Housing. Applicant(s) must notify NEICAC Housing of any change with the applicant(s) contact information such as: mailing address, phone number, or e-mail address.

F. ACCEPTANCE FOR AVAILABLE UNIT

When a unit becomes available, the next applicant on the waiting list will be contacted.

The applicant(s) will be required to re-interview with NEICAC Housing at this point to:

- Confirm and update all information on application to confirm eligibility.
- Review financial information on application and specifically confirm types and sources of income and assets.
- Request head of household, spouse, and all household members aged eighteen (18) and older to sign verification forms authorizing release of all income, asset, and student status information to NEICAC Housing for purposes of verification.
- Require head of household and spouse to verify whether or not they disposed of any assets for less than fair market value during the two (2) years preceding the date of the certification.

At this time, NEICAC Housing will:

- Explain program requirements, verification procedures, and penalties for false information.
- Advise the applicant that a final determination of their eligibility cannot be made until all verifications are returned and completed.

G. INELIGIBLE APPLICANTS AND REJECTIONS

The applicant(s) is considered ineligible if:

- The household's gross annual income is greater than the applicable income limit.
- The household does not meet senior/elderly status if applying for a senior/elderly program property.
- The household does not meet disability status if applying for a disability required program property.
- The household does not meet student status requirements.

Applicant(s) may be rejected if:

- The applicant(s) are ineligible.
- Applicant(s) does not meet NEICAC Housing's tenant selection criteria.

If the application is not placed on the waiting list or immediately processed for admission, the applicant(s) will be notified in writing of the rejection along with an explanation as follows:

- Of the reasons for the rejection, and
- Applicant(s) will be advised of their right to respond to the rejection within seven (7) days of the notice for such reasons as but not limited to: application error, opportunity to provide additional information, or acts of discrimination based upon race, color, religion, sex, national origin, disability, sexual orientation, gender identity, marital status, or familial status, by following NEICAC's Grievance Policy as listed on page four (4) and outlined on the notice of rejection.

H. OTHER REASONS FOR NON-ACCEPTANCE

Non-selection may occur due to an applicant(s) inability to fulfill the obligations of the lease agreement. This includes, but is not limited to, the following:

- A record of disruptive behavior.
- A record of destruction of property or poor housekeeping habits.
- A history of criminal activity involving crimes of physical violence to persons or property or a record or other criminal acts which may endanger the health, safety, or welfare of other residents.
- Failure to provide sufficient or complete information on the application, reference statement, or questionnaire.

I. ACCESSIBLE UNITS

If the waiting list does not contain a household who requires an accessible unit, the unit will be filled with a household who does not require an accessible unit. If a tenant is housed in an accessible unit and no member of that household requires the accessible features of the unit, they will be required to sign a lease addendum at the time of move-in. This lease addendum will indicate that if there is an available unit of comparable size and a new applicant/current resident has been verified they have a need for the accessible feature(s) of that unit, then the household in the accessible unit will be required to move to the other unit which is available, so the new applicant

or current tenant needing the accessible features can move into the accessible unit.

J. MEDICAL REASON CERTIFIED BY A DOCTOR AND/OR NEED FOR AN ACCESSIBLE UNIT

NEICAC Housing may require that the need for an accessible unit is verified by a medical provider for both current tenants and applicants. Once verification is received and a unit with accessible features becomes available, then the current tenant will have first right to the unit over an applicant. If the accessible unit needed is not available, the current tenant will be placed at the top of the waiting list for the next available accessible unit ahead of an applicant.

K. UNIT TRANSFER POLICY

Existing Tenants have priority over applicants for available units within the occupying property. However, if the Tenant resides in a designated “handicapped-accessible unit,” and no occupying household members require the accessibility features of the unit, the Tenant is obligated to transfer to an available unit of the same size within the property. The Tenant should provide a written transfer request to be submitted to the Landlord (NEICAC Housing) and placed on a waiting list. The NEICAC Housing reserves the right to deny a unit transfer request if the Tenant is not in compliance with the Lease. In the event the Tenant transfers from one unit to another for whatever reason must leave the current unit in an acceptable condition to align with move out expectations of leaving the unit in good and clean condition. All costs associated with the unit transfer are the responsibility of the Tenant.

L. OCCUPANCY CHANGES POLICY

All changes to occupancy must be reported as follows:

1. ADDING OCCUPANT

The Tenant may not permit other individuals to take-up residency at the unit without first obtaining prior approval from the Landlord (NEICAC Housing). The potential occupant must complete an application and follow the income verification and eligibility process. If approved, the Landlord will produce a Lease Addendum to the Tenant to include the new occupant and may reflect a change to rent, based on increased income and household size. Note, unapproved changes to the household’s occupying members may result in termination of tenancy and/or eviction.

2. REMOVING OCCUPANT

In the case of removing an occupying household member from the Lease, the Tenant must provide written notice to the Landlord (NEICAC Housing) indicating the name of the vacating occupant and date of occupant’s vacancy. Once received, the Landlord will issue a lease addendum to the Tenant removing the vacating member from the household and may reflect a change to rent based on loss of income and/or change in household size.

If two members of the household are indicated as Lease holder, the vacating Lease holder must participate with the removal of their name from the Lease by providing a written statement to the Landlord indicating the date in which when they will no longer reside at the unit along with a forwarding address. Failure to do so may result in splitting of the Lease by eviction. A lease addendum will be submitted to the remaining Tenant removing the vacating Tenant from the household and may reflect a change to rent based on loss of income and/or change in household size.