



GARDEN PLACE APTS

120 Tyler Lane

Irvin, KY 40336

CONSISTING OF

30 of unit 1BR APARTMENTS

TENANT SELECTION PLAN

(Updated 12/01/2025)

- Applicants should be made aware of the contents in the plan before proceeding with the application process.
- Site Staff will ask the applicant if there is an accommodation needed to assist them in the application process.

Modification of Plan

- The corporate office will review this Tenant Selection Plan at least once annually or when there is a change in HUD regulations to ensure that it reflects current operating practices, program priorities, and HUD requirements. If the Property's HUD's Contract Administrator feels the plan needs to be modified in any way, a notice of such modification will be provided by mail to applicants on the waiting list. For this reason the current Tenant Selection Plan in place will always be dated.

NON-DISCRIMINATION REQUIREMENTS

The Property adheres to the Federal Civil Rights, Fair Housing Act laws. We will not discriminate against applicants or residents on the basis of race, color, age, religion, sex, national origin, familial status, disability, sexual orientation, gender identity, or marital status. The Property adheres to the HUD's Equal Access Rule; housing shall be made available without regard to actual or perceived sexual orientation, gender identity, or marital status.

SECTION 504 & FAIR HOUSING COMPLIANCE

The Property adheres in compliance with Section 504 regulations, the property does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its federally assisted programs and activities. Section 504 of the Rehabilitation Act of 1973 and the Fair Housing Act prohibit discrimination based upon disability. We will take reasonable steps to ensure access to housing for all applicants and residents regardless of the presence of a disability. We will consider extenuating circumstances in the screening process for applicants with disabilities, where required as a matter of reasonable accommodation.



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We will adhere to the following obligations of these acts relative to accessibility requirements.

1. Making and paying for reasonable structural modifications to units and/or common areas that are needed by applicants and tenants with disabilities, unless these modifications alter the fundamental nature of the project or result in undue financial and administrative burdens.
2. Operating housing that is not segregated based upon disability, unless authorized by federal statute or executive order.
3. Providing auxiliary aids and services necessary for effective communication with persons with disabilities.
4. Developing a transition plan to ensure that structural changes are properly implemented to meet program accessibility requirements.
5. Performing a self-evaluation of the policies and procedures to ensure that they do not discriminate based on disability
6. Operating all programs in the most integrated setting appropriate to the needs of qualified individuals with disabilities.

PROJECT-SPECIFIC REQUIREMENTS

Gardens Place Apts is a 202/PRAC property which consists of 30 Bedroom Units.

Eligible applicants must meet HUD's Elderly Person Definition which is as follows:

Elderly Person: 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.

Determining the Eligibility of a Remaining Member of a Tenant Family

Periodically, family composition changes after initial occupancy. If the qualifying person leaves the unit, a determination must be made as to whether the remaining member of the household will be eligible to receive assistance. Eligibility depends upon the type of project occupied and other issues.

For a remaining person to be eligible the following must be met for a person to qualify as a remaining member of a household.

1. The individual must be a party to the lease when the family member leaves the unit.
2. The individual must be of legal contract age under state law.
3. A remaining family member is defined in Section 202 and Section 811 regulations as the surviving member of an elderly family or family with disability that was a party to the lease and living in the assisted unit with the now deceased member of the family at the time of his or her death.

The remaining family member, based on the death of the family member, is eligible to remain in the unit but must pay rent based on income. In the case, eligibility of the remaining family member, as defined by the death of the family member, is not reviewed.

If the individual who establishes eligibility for the project leaves the unit for any reason other than death, the owner must determine if the individual(s) still residing in the unit meet eligibility requirements for the project, income and age or disability. If the individuals are not eligible for the project, he/she may not receive rental assistance and depending upon the type of project, he or she may or may not be allowed to remain in the unit.

IRS Section 42 Tax Credit PROJECT REQUIREMENTS

This property also follows IRS Section 42 Tax Credit Rules and Regulations Income Limits, Rents, and Student Eligibility.

INCOME TARGETING

Current Income limits are posted in the complex office or community bulletin board. Based on the annual turnover history, management will analyze the waiting list semi-annually by income category for those applicants who are likely to be offered units who are at the federal poverty Level or 30% of area median income limit on the waiting list and who meet the (Very low Area Median Income Limit).

INCOME LIMITS AND FAMILY SIZE

When determining family size for establishing income eligibility, management must include the following individuals who are not living in the unit:



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- Children temporarily absent** due to placement in a foster home
- Children in joint custody arrangements** who are present in the household 50% or more of the time.
- Children who are away at school** but who live with the family during school recesses.
- Unborn children** of pregnant women.
- Children who are in the process** of being adopted.
- Temporarily absent family members** such as a family member who is working in another state on assignment, a family member who is in the hospital or rehabilitation facility for a limited or fixed duration, or a family member who is currently permanently confined in a nursing home.
- Family members in the hospital or rehabilitation facility** for periods of limited or fixed duration. These persons are temporarily absent as defined above.
- Persons permanently confined to a hospital or nursing home.** The family will decide if such persons are to be included when determining family size for income limits. If such persons are included, they must not be listed as the head, co-head, or spouse on the lease or in the data submitted on the HAP but may be listed as other adult family members. This is true even when the confined person is the spouse of the person who is or will become the head. If the family chooses to include the permanently confined person as a member of the household, management must include income received by these persons when calculating family income (HUD Handbook 4350.3 Rev. 3 paragraph 5-6.D).

LIVE-IN AIDES

When determining family size for establishing income eligibility, management **must not** include a Live-In Aide. A Live-In Aide is a person who resides with one or more elderly persons, near-elderly persons, or persons with disabilities, and who

1. Is determined to be essential to the care and well-being of the person(s)
2. Is not obligated for the support of the person(s) and
3. Would not be living in the unit except to provide the necessary supportive services.

While a relative may be considered to be a live-in aide/attendant, they must meet the above requirements, especially (3). The Tenant and Live-In Aide at the time of leasing should sign a certification stating that they understand the Live-In Aide is not a member of the household and will be denied occupancy of the unit after the tenant, for whatever reason, is no longer living in the unit. **Live-in-Aides are required to provide documentation of their social security number.** Since a Live-In Aide is not a member of the household, only a criminal check for prior felonies will be processed by management. Further screening is not necessary.

FOSTER CHILDREN/ADULTS

When determining family size for establishing income eligibility, Foster Children/Adults **are** included. A foster adult is usually an adult with a disability who is unrelated to the tenant family and who is unable to live alone. Foster children are legally in the custody of the state, county, etc., yet are cared for by foster parents under some kind of short-term foster care agreement with the custodial agency. These children will generally remain in foster care until they are reunited with their parents.

OTHER ELIGIBILITY REQUIREMENTS

Management must arrange to provide any notices or forms in a language that is understood by the applicant if the applicant is not proficient in English.

The applicant who has not disclosed and/or provided verification of SSNs for all non-exempt household members has 90 days from the date they are first offered an available unit to disclose and/or verify the SSNs. During this 90-day period, the applicant may, at its discretion, retain its place on the waiting list. After 90 days, if the applicant is unable to disclose and/or verify the SSNs of all non-exempt household members, the applicant should be determined to be ineligible and removed from the waiting list.

The Social Security Number requirements do not apply to:

1. Individuals age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010.
2. Individuals who do not contend eligible immigration status.
3. 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 time frame, HUD requires that the owner/agent terminate tenancy.

Consent and verification forms protect the rights and privacy of tenants and applicants by allowing them to have control over any information collected about them. All adults in each applicant family must sign consent forms and, as necessary, verification documents, so management can verify sources of family income and family size. Management must consider a family **ineligible** if the adult members refuse to sign applicable consent and verification forms.

Management must comply with the provisions of the federal Privacy Act as well as any state or local laws relating to confidentiality.

1. All members of an applicant or tenant family who are at least 18 years of age and each family head and spouse regardless of age must sign the HUD required consent forms *HUD-9887 Notice and Consent for the Release of Information to HUD* and form *HUD-9887-A Applicant's/Tenant's Consent to Release of Information Verification by Owners of Information Supplied by Individuals Who Apply for Housing Assistance*. Each family member aged 18 and older must sign form *HUD-9887* and form *HUD-9887-A*. All adults regardless of whether they report income must sign these forms.
2. All adult members of an applicant or tenant family must sign individual verification forms authorizing the owner to verify family income and other applicable eligibility factors (e.g., disability status).

If the applicant or tenant, or any adult member of the applicant or tenant's family, fails or refuses to sign required consent forms in 24 CFR 5.230, the following statements apply:

1. Management must deny assistance and admission to the applicant; or
2. Management must terminate assistance, and tenancy to the resident.
3. All information reported by an applicant or tenant family is subject to verification.

The unit for which the family is applying must be the family's only residence. Management MUST NOT provide assistance to applicants who will maintain a residence in addition to the HUD-assisted unit.

An applicant must agree to pay the rent required by the program under which the applicant will receive assistance.

VIOLENCE AGAINST WOMEN ACT (VAWA)

Violence Against Women Reauthorization Act of 2013 (VAWA), is a continuation of core protections against domestic violence, dating violence, or stalking finalized in 2013. Domestic violence, dating violence, sexual assault or stalking are collectively called "VAWA Crimes." VAWA protections apply not only to women but are available equally to all individuals regardless of sex, gender, identity, or sexual orientation.

VAWA does not replace any Federal, State, or local law that provides greater protections for victims of a VAWA Crime. You may be entitled to additional housing protections for victims of a VAWA crime under other Federal, State, or local laws.

Property Managers must provide notice of VAWA Occupancy Rights (5380) and VAWA Certifications (5382) at appropriate times in process at application, when application is rejected, at the time of admission, at notice of termination or eviction. Property Manager must provide HUD VAWA Lease Addendum 91067 at time of move in, and any time the resident is occupying a new unit.

If the applicant/resident does not request assistance but the applicant/resident informs the property manager about being a victim of a VAWA Crime, the property manager may ask if the victim wants to file a VAWA Claim, and offer resident VAWA Occupancy Rights and/or VAWA Certification. If the resident wishes to not file a claim, the property manager should note specifics as outlined in the property VAWA Standard Operating Process (SOP).

Management may request that an individual submit within 14 calendar days of notification supporting documentation from the date of their claim to certify that he/she is a victim of domestic violence, dating violence, sexual assault and stalking and that the incidence(s) of threatened or actual abuse are bona fide incidences of such actual or threatened abuse. Additional time may be provided only if applicant/resident request due to extraordinary circumstances. Acceptable documentation is any court document or police records such as an EPO or current police report. Documentation must be directly related to the victim's claim. If documentation is not available or cannot be safely provided the applicant/resident may complete the VAWA Certification (5382).



VAWA protections are provided to affiliated individuals that are in the unit this includes any of the following: (spouse, parent, sibling, child, of the victim, or a person to whom the victim stands in the place of a parent or guardian). VAWA protections are not provided to guests, unauthorized residents or service providers (including live-in aides) hired by the resident.

Upon review of applicants/residents request property managers must discuss any claims with their property supervisor who will approve all requests with assistance from the property asset manager. The property manager will not make any determination or assist in any way without discussion with the property supervisor.

VAWA victims are not selected from the property waiting list above others on the waiting list. Property managers must offer units to households who meet program/project requirements, preferences, or specific set asides that the project has in place currently. VAWA victims on the waiting list will be offered units above others if there are no individuals on the waiting list that meet the program/project requirements, preferences, or specific set aside. No units will be set aside or held for VAWA victims.

Safe unit refers to a unit that the victim of domestic violence, dating violence, sexual assault, or stalking deems safe.

APPLICANTS

An application must have been submitted by the applicant to the project before property staff can assist. Applicants must still qualify for the program; this includes income limits, project specific requirements, student regulations, and set aside (if applicable).

VAWA Emergency Transfer plan will also be known as the (VET Plan).

VET Plan will be in place for any individual residing in assisted housing who are

- a. actual or imminent victim of domestic violence
- b. Tenant reasonably believes that he/she is threatened with imminent harm from future violence if they remain within the same dwelling; and
- c. victim of sexual assault that occurred on the premises during the within 90 day period preceding the request for transfer

Prior to the VET Plan being completed the resident must complete an interview with the property manager. Then if it is decided that the resident has requested an emergency transfer the resident will then complete the VAWA Emergency Request form. Property managers must follow specifics outlined in the property VAWA Standard Operations Process for supervisor approval for VET plan.

Victims will have reasonable time to establish eligibility for assistance under VAWA-covered program where an assisted household has to be divided as a result of domestic violence

PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING

The law offers the following protections against being denied assistance, tenancy, or occupancy rights based on domestic violence, dating violence, sexual assault and stalking:

An applicant, resident or program participant's status as a victim of domestic violence, dating violence, sexual assault and stalking is not a basis for being denied assistance, tenancy, or occupancy rights if the applicant, resident, or program participant otherwise qualifies for assistance or admission.

Applicant/Resident claiming VAWA Crimes have the right to request the following:

- a. Waive Tenant Selection Criteria
- b. Reconsider rejection
- c. Modify Lease Term
- d. Reconsider a Lease Violation
- e. Reconsider eviction or termination or assistance
- f. Evict a household member
- g. Emergency transfer
- h. Other specific request made by the victim



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All such requests will be reviewed by property supervisor and asset manager, approval will follow the property VAWA Standard Operations Procedure.

The authority to evict or terminate assistance is not limited with respect to a victim that commits unrelated criminal activity. Furthermore, if a management agent can show an actual and imminent threat to other residents or those employed at or providing service to the property if an unlawful occupant residency is not terminated, then evicting a victim is an option, the VAWA notwithstanding. Ultimately, management may not subject victims to more demanding standards than other tenants.

Criminal activity, incidents, serious or repeated violations of the lease directly relating to domestic violence, dating violence, sexual assault and stalking, engaged in by a member of a residents household or any guest or other person under the residents' control, shall not be "good cause" for termination of assistance, tenancy, or occupancy rights if the resident or an immediate family member of the tenant is the victim.

Bifurcation of lease and opportunity to establish eligibility for remaining residents. Bifurcation will be allowed for "criminal acts of physical violence against family members or others" becomes ("criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual), and mandates that if such bifurcation occurs, and the removed tenant or lawful occupant was the sole tenant eligible to receive assistance under a covered housing program, management shall provide any remaining tenant the opportunity to establish eligibility for the housing program.

CONFIDENTIALITY OF INFORMATION

Information submitted to management by an applicant or resident including the fact the individual is a victim of domestic violence, dating violence, sexual assault, or stalking, shall be maintained in confidence by management and may not be entered into any shared database or disclosed to any other entity or any other individual, extent that the disclosure is:

1. Requested or consented to by the individual in writing,
2. Required for use in an eviction proceeding involving VAWA protections, or
3. Otherwise required by applicable law.
 - a. Applicable law includes any additional procedures that may be provided under the regulations of the applicable covered program, or as required by other Federal, State, or local law.

The property manager/supervisor will establish a location where VAWA files are to be kept. This location must be separate from all other tenant files and must be kept under lock and key with limited access. Only management staff should be able to access the VAWA files.

Any Manager(s) assisting at a complex where they typically do not manage will not discuss or review any VAWA file documentation without approval from the property supervisor first.

RETENTION OF INFORMATION

Property must retain all documentation relating to an individual's domestic violence, dating violence, sexual assault or stalking including outcomes of such request.

Property must retain records for a period of three years, or for a period of time as specified in program regulations. Report requests and outcomes of such will be submitted to HUD semi-annually or annually however HUD requests.

DEFINITIONS

The following definitions are provided as assistance in understanding and implementing the VAWA protections. The definitions for domestic violence, dating violence, sexual assault, and stalking have been incorporated into the United States Housing Act.

Domestic Violence includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, intimate partner, by a person who is cohabiting with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.



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Dating Violence means violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim, and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

Sexual Assault Any non consensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

Stalking means (A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or (ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and (B) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (i) that person; (ii) a member of the immediate family of that person; or (iii) the spouse or intimate partner of that person.

Affiliated individual-means, with respect to a person: includes any person living with the survivor (a) a spouse, parent, brother or sister, or child, or any person to whom the survivor stands in loco parentis; or (B) any individual, or an individual to whom that individual, resident, or lawful occupancy living in the household of that individual.

Bifurcate means to divide a lease as a matter of law so that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.

APPLICATIONS AND SCREENING PROCEDURES

Applications will be taken during regular office hours. All applicants are required to complete an application and consent form HUD 9887a to the release of information necessary to verify all income, expenses, assets, household characteristics, and circumstances that affect eligibility or the calculation of rent. Applicants who cannot comply with the owner's preferred application/screening process due to a disability will be accommodated on a case by case basis according to their needs. If the applicant is a person with disabilities, the owner will consider extenuating circumstances where this would be required as a matter of reasonable accommodation. This information will be independently verified by management in compliance with regulations contained in the HUD Handbook 4350.3 REV-1. Upon receipt of an application and all required documents such as Social Security cards, birth certificates, verification of income, etc., management will place the applicant on the appropriate waiting list as to the required unit size and must indicate the date and time management received the application. Management will collect information regarding the preferences as stated in this plan for which the applicant qualifies so that applicants will be selected from the waiting list in accordance with these preferences established for the project. Eligibility determination will be made at the time a unit becomes available.

Management will update all waiting lists semi-annually to ensure that applicant information is current and that any names that should no longer be on the list are removed. If household composition changes, management will update the waiting list information and decide whether the household needs the same or a different unit size. An applicant may be assigned to wait for a different unit size but will retain the original application date. Management must document removal of any names from the waiting list with the time and date of the removal.

An applicant's name will be removed from the waiting list if

1. the applicant no longer meets eligibility requirements for the property or program
2. the applicant fails to respond to a written notice for an eligibility interview
3. the applicant is offered and rejects three units in the property
4. mail sent to the applicant's address is returned as undeliverable (an applicant should notify management immediately if his address or phone number changes) or
5. The unit that is needed (using family size as the basis) changes and no appropriate size unit exists in the property.

If management should subsequently determine an error was made in removing an applicant from the waiting list, the applicant will be reinstated at the original place on the waiting list.



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The applicant who has not disclosed and/or provided verification of SSNs for all non-exempt household members has 90 days from the date they are first offered an available unit to disclose and/or verify the SSNs. During this 90-day period, the applicant may, at its discretion, retain its place on the waiting list. After 90 days, if the applicant is unable to disclose and/or verify the SSNs of all non-exempt household members, the applicant should be determined to be ineligible and removed from the waiting list.

Management must retain current applications as long as their status on the waiting list is active. Once the applicant is taken off the waiting list, management must retain the application, initial rejection notice, applicant reply, copy of management's final response, and all documentation supporting the reason for removal from the list for three years. When an applicant moves in and begins to receive assistance, the application must be maintained in the tenant file for the duration of the tenancy and for three years after the tenant moves out of the property. All tenant/applicant files must be kept secure so that personal information remains confidential. Management must keep records and submit reports and information as required by HUD to enable these agencies to ascertain whether management has complied or is complying with nondiscrimination requirements.

Applicants on the waiting list are responsible for reporting any change of address, phone number, household composition, or income to management. Applicants must contact management once every six months to reaffirm their interest in an apartment and retain their position on the waiting list. This contact with management may be in person or in writing. Failure to reconfirm interest with management every six months could result in the deletion of the applicant from the waiting list.

Shortly before an apartment becomes available, management will make two attempts to contact the applicant. If unsuccessful, management may move to the next applicant on the waiting list. If an applicant rejects the first and second unit offered, he/she will lose their position on the waiting list and be placed at the bottom of such list. If the applicant rejects the third unit offered, he will be removed from the waiting list and it will be necessary for him/her to reapply.

Management reserves the right to close the waiting list in the event there are more than one hundred (100) applicants on the list. Notice of closure and reopening of the waiting list will be posted in the rental office and in a classified display advertisement in the local newspaper.

All applicants must provide at least the following information to management:

1. Management must be provided with an original Social Security card or verifiable documents for each household member. Photocopies of Social Security cards are unacceptable. Management will make copies of the original card or proper documents such as birth certificates, divorce action, driver's license, employer records, income tax returns, marriage certificates, school record, social security administration records, social services agency records, support payment records, utility bills and veterans administration (VA) records and attach it to the application.
2. Birth certificates, marriage licenses, separation/divorce documents, custody agreements, etc.
3. Landlord references when applicant has a prior rental history and/or three (rather than two) personal references not related to the applicant.
4. Information pertaining to any police record, when requested.
5. Information concerning income and assets of all family members.

All applications will be reviewed by management and applicants will be placed on a waiting list in the order of the date and time that the application is received by management and also according to unit size and program requirements. Federal poverty Level or 30% of area median income limit applicants and applicants who have been displaced because of government action or presidential declared disaster will receive priority and be placed before other applicants on the waiting list. Written verification of displacement due to government action or a presidentially declared disaster must be provided to management before the applicant will receive priority on the waiting list.

Management will perform screening procedures consistently to ensure that all applicants are treated fairly. Standard verification forms will be used for all applicants. Informal information or gossip about an applicant will not be



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included as screening criteria since this type of information is not gathered on all applicants. Management will review the credit report for outstanding utilities to the utility company that is related to the property. Utilities with balance must be in a repayment plan or paid in full, applicants must be able to show utilities can be placed in their name prior to moving in. Management may apply an extenuating circumstance when it is determined that an applicant had a poor history of paying rent on time at a previous residence.

EIV (Enterprise Income Verification) will be used by the property manager as part of the screening process for "Existing Tenant Search" to avoid dual subsidy.

The property manager has been specifically trained and is an authorized user of this system, which authenticates the applicant's subsidy status and resident incomes through Social Security.

All applicants will be provided a copy of the brochure EIV and You.

Current and former landlords will be contacted to obtain information as to whether or not the applicant paid rent on time, if he/she took good care of the rental property, or if there was a history of the applicant having disturbed neighbors or being involved in the use/sale of controlled substances or illegal drugs. If an applicant owes another Winterwood Property payment must be paid in full or proof of a payment agreement has been set up.

The screening of live-in aides must include screening of criminal activity that would affect the health, safety and the right to peaceful enjoyment of the premises by other residents. Management must not screen a live-in aide regarding the ability to pay rent on time because live-in aides are not responsible for rental payments.

Initial screening will be performed by company database, this will include a criminal and lifetime sex offender search against all states for all adults on the waiting list 18 years of age and older. Admission will also be prohibited to applicants registered as lifetime sex offenders. Screening for the lifetime sex-offender registration program (and a criminal history if applicable project specific) will also be performed at every annual recertification by property site search through NSOPW.gov against all states. If, during the recertification process, we discover anyone who has been placed on the lifetime sex offender registry, (and/or convicted of a crime which does not meet this Tenant Selection Plan) eviction proceedings will take place. Occupancy admission will also be prohibited for those whose abuse or pattern of abuse of alcohol has proven to interfere with the health, safety, or right to peaceful enjoyment of neighbors at a previous address (screening standards will be based on behavior and not the condition of alcoholism or alcohol abuse). To ensure the safety of all residents, management, and property, and the right to peaceful enjoyment of all tenants, admission may also be prohibited based upon the following:

1. Two misdemeanor pending or convictions during the past twelve months that do not affect the health, safety, or welfare of others will be considered a basis for rejection. NOTE: Applicants with theft by deception charges that fall in this category will be allowed admission provided they agree to pay their rent and related charges by money order only.
2. Felony convictions for crimes which affect the health, safety or welfare of others will be considered a basis for rejection from 10 years of the disposition or release date whichever is most recent providing no other conviction of the same charge and/or evidence of rehabilitation/counseling has been completed.
3. Felony convictions for crimes, which do not affect the health, safety or welfare of others, will be considered a basis for rejection for Two years of the disposition or release date whichever is most recent providing no other conviction of the same charge and/or evidence of rehabilitation/counseling has been completed.
4. Domestic Violence convictions will be a basis for rejection from 10 years of the disposition or release date whichever is most recent providing no other conviction of the same charge and/or evidence of rehabilitation/counseling has been completed.
5. Pending criminal charges will cause an applicant to be passed over pending final conviction or acquittal of the charges, this includes pre-trial diversion.
6. Felony Drug convictions of manufacturing will be rejected indefinitely.
7. Misdemeanor convictions of manufacturing will be considered a basis for rejection for two years.
8. Felony and Misdemeanor Drug convictions of trafficking, or possession will be considered a basis for rejection for Two years from the date of disposition or release date whichever is most recent providing no other conviction of the same charge and/or evidence of rehabilitation has been completed.
9. Any household containing a member(s) who was evicted in the last three years from federally assisted housing or any other type of housing for drug related criminal activity.

VERIFICATION PROCEDURES

Management must verify all income, expenses, assets, family composition/characteristics, and circumstances that



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affect family eligibility, order of applicant selection, or level of assistance in one of the following three methods:

1. Third-party verification (written or oral)
2. Review of copying documents provided by the applicant or
3. Self-certification.

When written verification is requested from third-party sources, the property site manager will enclose a copy of the HUD-9887-A Consent to release form. Management must verify disability to determine whether a family or person meets the definition of disability used to determine eligibility, preferences, an allowance, or to identify applicant needs for reasonable accommodations or an accessible unit. Management may not specifically ask for or verify the nature and extent of the disability. A third-party verification form must be sent by management 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 Management must not make any judgments about whether a condition is considered a disability and will not have prohibited information. Verification of an applicant's receipt of Social Security disability payments is adequate verification of an individual's disability status. Receipt of a veteran's disability benefits does not automatically qualify a person as disabled because the Veteran's Administration and Social Security Administration define 'disabled' differently.

Management must verify the age of applicants in order to determine whether a person is old enough to sign a legally binding contract. Management also needs to verify age to determine whether a family is entitled to certain allowances based upon the age of the head, spouse, cohead, or minor.

Some applicants or residents may require the use of assistance animals as a reasonable accommodation for a disability. Management must verify that the applicant or resident has a disability and that there is a disability-related need for the requested accommodation. The applicant or resident must provide documentation of the disability and the need for the animal from an appropriate third party such as a medical provider, mental health provider, or other professional in a position to provide this verification. A pet application must be completed and signed by the applicant or resident. A tenant may not bring an assistance animal on the project premises until all required verification forms and inoculation documents have been provided to management, and a pet permit has been issued and signed by the tenant and site manager. Management must implement its policy related to inquiries consistently for all applicants/tenants requesting permission to keep assistance animals. However, an applicant/tenant should not be required to provide documentation of the disability or the disability-related need for the assistance animal if the disability is or the need is readily apparent or already known to the provider. For example, a blind tenant should not be required to provide documentation of his or her disability and the need for a guide dog. The tenant must abide by the property's pet policy which has been established in accordance with state and local health and safety laws. The tenant shall be responsible for the care and maintenance of the animal, including proper disposal of the animal's waste.

Management must verify the departure of family members reported to have moved out by reviewing the lease signed by the departing member for a new residence, or by viewing a new driver's license or utility bill showing the departed member's name and new address.

REJECTION OF APPLICANTS

Applicants may be rejected for tenancy for any of the following reasons:

- The household's annual income*** is greater than the income limits posted in the complex office;
- The applicant is unable or unwilling to provide*** management with required Social Security numbers for all household members age 6 or older;
- Adult household members (18 and older) refuse*** to sign consent or verification forms;
- Family size is not appropriate*** for the unit size available;
- The applicant does not meet*** management's resident selection criteria, including screening;
- The applicant falsifies*** his/her application;
- The applicant refusal to sign*** consent forms or the Authorization for Release of Information (forms HUD-9887 and HUD-9887-A);
- The applicant has a bad landlord reference including the following:***
 - History of disruptive behavior; and/or
 - Poor housekeeping practices; and/or
 - Previous evictions for lease violations; and/or
 - Termination of assistance for fraud; and/or
 - has a balance owed to another subsidized housing including Winterwood Inc; and/or
 - Evicted in the past three years from federally assisted housing or any other type of housing for drug related criminal charges;



If an applicant is not eligible or rejected for an apartment, management will notify the applicant in writing of the specific reason for his/her rejection or ineligibility. Management will allow fourteen (14) days for the applicant to respond in writing and request a meeting with management regarding his/her rejection or ineligibility. HUD requires that any meeting with the applicant must be conducted by someone who did not participate in the initial decision to reject the applicant. The owner or agent has five business days after the meeting to advise the applicant in writing of the final decision on eligibility.

OCCUPANCY STANDARDS

In order to avoid overcrowding and make the best use of available space and subsidy designated unit size standards as follows:

0-Bedroom Unit	1 to 2 Occupants
1-Bedroom Unit	1 to 2 Occupants
2-Bedroom Unit	2 to 4 Occupants
3-Bedroom Unit	3 to 6 Occupants
4-Bedroom Unit	4 to 8 Occupants

If a family, based on the number of members, qualifies for more than one unit size, management must allow the family to choose which unit size they prefer. If a family is eligible for a 3-bedroom unit and chooses to be placed on the 2-bedroom waiting list because there are more 2-bedroom units available for occupancy, the head of household must sign a document at the time of leasing that states he will not request a transfer to a 3-bedroom unit for at least 12 months.

In order to determine the size of a unit that would be appropriate for a particular family, management must count all full-time members of the family. All **anticipated children** must also be counted. Anticipated children include the following:

1. Children expected to be born to a pregnant woman;
2. Children in the process of being adopted by an adult family member;
3. Children whose custody is being obtained by an adult family member;
4. Foster children who will reside in the unit;
5. Children who are temporarily in a foster home who will return to the family;
6. Children in joint custody arrangements who are present in the household 50% or more of the time.

Management may also count children who are away at school and who live at home during recesses. Management must count live-in aides for purposes of determining appropriate unit size. Management must count foster adults living in the unit. Management **must not** count adult children on active military duty, permanently institutionalized family members, or visitors. Management may count a teenage son/daughter who will return to the family in 6 months from a detention center but **must not** count an adult family member who will return to the family following incarceration.

EXCEPTION TO UNIT SIZE STANDARDS

If management has no applications for a certain size unit, and if advertising efforts in the local newspaper, radio station, phone contact with spouse abuse/homeless shelters, local churches, etc. are not successful, management may request a waiver from Kentucky Housing Corporation. This waiver will allow an applicant from a different size unit waiting list to be placed in the unit until such time eligible persons can be admitted. All persons admitted under this waiver **must** be transferred to the appropriate size unit when applicants are forthcoming and become eligible for that size unit.

A single person is eligible only for a 1-bedroom unit except when a person with a disability needs the larger unit as a reasonable accommodation, a displaced person when no appropriately sized unit is available, an elderly person has a verifiable need for a larger unit, or a remaining family member of a resident family when no appropriate sized unit is available.

Management may not admit an applicant with a voucher unless the applicant agrees to give up the voucher prior to occupancy. Before admitting such applicants, management must inform voucher holders that:

1. The family will be placed on the project waiting list and must give up the voucher when the family moves into the project, and



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2. If the family later moves out of the project, the project subsidy will not move with the family as it does with a voucher, and
3. The family will need to reapply to the PHA to receive another voucher.

UNIT TRANSFERS

After a family moves into a unit, the unit may become overcrowded or under-utilized due to a change in family composition. Management should use this plan's occupancy standards to determine whether the unit is overcrowded or underutilized. Management may require the family to move to a unit of appropriate size. If a unit of appropriate size is not available, management **must not** evict the family and **must not** increase the family's rent to the market rent. If an appropriate size unit is available and if a family refuses to move to the correct size unit, the family may stay in the current unit and pay the market rent. Management **must not** evict the tenant for refusing to move but **may evict** the family if it fails to pay the market rent in accordance with the lease.

Management is obligated to transfer tenants to a downstairs unit as a reasonable accommodation to a household member's disability. Once management has verified the disability with a third-party, this type of transfer should be made on a priority basis. In-house transfers will have priority over applicants on the waiting list. If a tenant household is being moved to a different unit as a reasonable accommodation due to a household member's disability, then the owner must pay for the move unless doing so would constitute an undue financial and administrative burden.

If a tenant is occupying a unit that is larger than needed and there is no demand for that larger unit, management does not have to require the tenant to move from the larger unit until there is a demand for that size of unit. If a tenant has given a written notice to vacate, there is no need to require the tenant to transfer.

Residents will be put on a Transfer Waiting List in accordance to need. Residents will allow the manager to conduct a unit inspection of the present unit. Damages that are not normal wear and tear will be deducted from the security deposit plus any overage above and beyond what has been paid. Residents will be required to pay a new security deposit on a new unit.

ELIGIBILITY OF REMAINING MEMBER OF A TENANT FAMILY

Family composition may change after initial occupancy. If the qualifying person leaves the unit, a determination must be made by management as to whether the remaining member of the household will be eligible to receive assistance. The following are basic requirements for a person to qualify as a remaining member of a household:

1. The individual must be a party to the lease when the family member vacates, and
2. The individual must be of legal contract age under state law (18-years old), and
3. The individual must have been previously screened and declared eligible to be a member of the household.

ELIGIBILITY OF STUDENTS

Student eligibility requirements apply to applicants enrolled at an institution of higher education.

If the applicant is legal contract age and is not claimed as a dependent on their parent(s) or guardian(s) latest tax return or meets the criteria from at least one of the following questions, they qualify:

- a. Will you be at least 24 years old by December 31 of the current year?
- b. Have you established a household separate from parents or legal guardians for at least one year prior to application for occupancy?
- c. Were you an orphan or a ward of the court through the age of 18?
- d. Are you a veteran of the U.S. Armed Forces?
- e. Do you have legal dependents other than a spouse?
- f. Are you a graduate or professional student?
- g. Are you married?
- h. The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances;

Is a person with disabilities, as defined in section 3(b)(3)(F) of the United States Housing Act of 1937 (42 USC 1437a (b3E)) that was receiving Section 8 assistance as of November 30, 2005 qualify.



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- i. 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; or

Any financial assistance a student receives (1) under the Higher Education Act of 1965, (2) from private sources, or (3) from an institution of higher education that is in excess of amounts received for tuition and other fees is included in annual income, except:

- 1. If the student is over the age of 23 with dependent children or
- 2. If the student is living with his or her parents who are receiving section 8 assistance

Site will verify a student's independence from his or her parents to determine that the student's parents' income is not relevant for determining the student's eligibility for assistance by doing all of the following:

- 1. Reviewing and verifying previous address information to determine evidence of a separate household or verifying the student meets the U.S. Department of Education's definition of "independent student";
- 2. Reviewing a student's prior year income tax returns to verify the student is independent or verifying the student meets the U.S. Department of Education's definition of "independent student"; and
- 3. Verifying income provided by a parent by requiring a written certification from the individual providing the support. Certification is also required if the parent is providing no support to the student.

Verification of a Student's Independence is not required if the student meets the definition of vulnerable youth.

This property also follows IRS Section 42 - LIHTC Rules and Regulations which includes Student Eligibility.
 Tax Credit as applicable (note that students include those attending public or private elementary schools, middle or junior high schools, senior high schools, colleges, universities, technical, trade, or technical schools, but does not include those attending-on-the-job training courses):

- A. Household contains at least one occupant who is not a student, has not been a student, and will not be a student for five or more months during the current and/or upcoming calendar year (months need not be consecutive). If this item is checked, no further information is needed.
- B. Household contains all students, but is qualified because the following occupant(s) is/are a part-time student(s). Documentation of part time student status is required for at least one member of the household.
- C. Household contains all full-time students for five or more months during the current and/or upcoming calendar year (months need not be consecutive). If this item is checked, one of the below exceptions must be met.

The household qualifies because the individual student (select one and verify):

- Is receiving assistance under title IV of the Social Security Act
- Was previously under the care and placement responsibility of the state agency responsible for administering foster care
- Is enrolled in a job training program receiving assistance under the Job Training Partnership Act or under other similar federal, state or local laws



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The household qualifies because the student household (select one and verify):

- The household is a single parent household and their children and such parent is not a dependent of another person and such children are not dependents of another individual other than a parent of such children
- The household is a married couple who file or intend to file a joint return

Households composed entirely of full-time students that are income eligible and satisfy one or more of the above conditions are considered eligible

TENANT ORIENTATION

When a unit becomes vacant, management must select the next applicant from the waiting list based on the unit size available, preferences established, income targeting policy and requirements, and screening policies established herein. Before leasing the unit to an applicant, the site manager must confirm and update all information provided on the application. Program requirements, verification procedures and penalties for false information should be explained to the applicant. Financial information on the application should be reviewed with the applicant, and the site manager should specifically ask the applicant whether any member of the household receives any types of income listed in Chapter 5, Section 1 of the HUD 4350.3 Handbook. The applicant should also be asked again if he/she or any member of the household have any assets. (See paragraph 5-7 of HUD 4350.3 Handbook for a description of assets.) Management must require the head of household, spouse, or cohead to give a written certification as to whether any family member did/did not dispose of any assets for less than fair market value during the two years preceding the effective date of the certification.

The head of household, spouse, or cohead, and household members age 18 and over must sign the release of information consent portion of the Authorization for Release of Information (Forms HUD-9887 and 9887-A) and any other necessary verification requests. Management must provide each tenant with a copy of the appropriate HUD fact sheet which describes how the tenant's rent is calculated.

The site manager must hold a meeting with new tenants prior to their occupancy to make sure they understand the terms of the lease. This meeting will give tenants an opportunity to ask questions and discuss the information being presented by the site manager. The following topics will be discussed prior to the resident occupying the unit:

1. Lease and Rules and Regulations
2. Payment of Rent: rents can be paid by check or money order. Upon receipt of one non-sufficient fund check, the site manager will require the tenant to pay rent in the form of money order, cashier's check or bank check.
3. Security Deposits: Project Specific
4. Lease Attachments: The site manager will review the move-in inspection form, the house rules, live-in aide addendum, and pet rules (if applicable).
5. Maintenance/damages: The site manager will review the tenant's responsibilities regarding maintenance and possible tenant related damages and applicable charges.
6. Miscellaneous: The site manager will also review such items as penalties for fraud, termination of assistance, and termination of tenancy with the applicant prior to occupancy.

New tenants will receive the following documents:

1. Form 50059.
2. A copy of the executed lease.
3. A move-in inspection form.
4. Consent forms.
5. A copy of the house rules and regulations.
6. A copy of the pet rules (if applicable).
7. A copy of the live-in aide addendum (if applicable).
8. Resident's rights and responsibilities
9. Any other forms, notices, pamphlets, etc. applicable to the property.

ANNUAL RECERTIFICATIONS



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The site manager will conduct a recertification of family income and composition annually. The manager will utilize the Enterprise Income Verification (EIV) at annual recertification and interim recertification. The resident will be advised of a failed screening and/or discrepancies and given the opportunity to correct or dispute such a screening. O/As may only retain reports obtained from EIV, for a period of tenancy plus three years.

Tenant provided documentation, or other third party verification of income, received to supplement the NDNH data must continue to be retained in the tenant file for the term of tenancy plus three years after tenancy is terminated. The tenant's rent and assistance payment will then be recomputed based on the information gathered during the recertification/interim interview.

The tenant will be provided a copy of the HUD fact sheet describing how the tenant's rent is calculated at each recertification. The recertification anniversary date is the first day of the month in which the tenant moved into the property. The recertification anniversary date does not change if a tenant transfers from one unit to another unit at the same property. The tenant will receive an Initial Recertification Notice when he/she signs the lease. This notice will indicate when the tenant must report for their first annual recertification. The site manager will then provide the tenant with a reminder notice at least 120 days prior to the recertification anniversary date. The first reminder notice will propose an interview time and date, and the tenant will have the option to reschedule if the given time and date is not convenient. The notice will also list the information that a tenant should bring to the interview and will also give the date and time that management will perform the annual inspection of the unit. If the tenant fails to respond to the first reminder notice, a second reminder notice will be sent on the first day of the following month (90 days prior to the tenant's anniversary date). This second notice will propose an interview time and date with the option again for the tenant to call and reschedule if the given time and date is not convenient. If the tenant does not respond to the second reminder notice, a third and final reminder notice will be sent 60 days prior to the recertification anniversary date with a third and final time and date for the tenant to come to the office for the recertification interview. All three reminder notices will list the information that a tenant should bring to the interview, state the cutoff date by which the tenant must contact the site manager and provide the information and signatures necessary for him/her to process the recertification.

All notices will state that if the tenant responds to the site manager **after** the specified cutoff date (**10th** day of the **11th** month after the last annual recertification), the site manager will process the annual recertification but **will not** provide the tenant 30 days notice of any resulting rent increase. All notices will state that if the tenant fails to respond before the recertification anniversary date, the tenant will lose the assistance and will be responsible for paying the market rent or full contract rent. Before terminating a tenant's assistance, management will make every effort to contact the disabled and frail elderly to be sure the requirements of the recertification process are communicated in a manner that is comprehended by the tenant.

When a tenant fails to provide the required recertification information by the recertification anniversary date, the site manager must inquire whether extenuating circumstances prevented the tenant from responding prior to the anniversary date. Examples of extenuating circumstances include, but are not limited to:

1. Hospitalization of the tenant;
2. The tenant was out of town for a family emergency such as the death or severe illness of a close family member; or
3. The tenant was on military duty overseas.

When the tenant submits the required recertification information, the site manager must inquire whether extenuating circumstances prevented the tenant from submitting the information prior to the recertification anniversary date. If the tenant indicates that extenuating circumstances were present, the tenant must promptly provide the site manager with evidence of their presence. The site manager must then determine whether the information provided by the tenant shows that the circumstances meet the condition described above. The site manager must provide the tenant with a written notice of the decision. The notice must inform the tenant of his/her right to appeal management's decision if the site manager determines that extenuating circumstances were **not** present. If management denies extenuating circumstances, he or she must provide the tenant with an opportunity, within **10 days** of notification, to meet with management to appeal the decision to raise the tenant rent to market rent. Management must arrange for a person who was not part of the original determination to conduct the appeal meeting. The tenant may have representation at the meeting, may present information for consideration, and may respond to the information presented by others. If management determines that extenuating circumstances were not present, the tenant must begin paying contract rent on the recertification anniversary date. Assistance may **only** be reinstated if:

1. Assistance is available at the property,
2. The tenant submits the required information, and
3. Management determines that the tenant qualifies for assistance.



The new tenant rent and assistance payment will take effect the first day of the month following the date on which the tenant reported for the certification. The tenant must pay the market rent until this date. If the tenant fails to report for the recertification interview and fails to pay market rent, management will evict for non-payment. If the site manager completes the income certification processing during the month following the date on which the tenant reported for the certification, the new tenant rent and assistance payment will take effect on the first day of the month following the date on which the tenant reported for the certification. When the site manager processes the rent change and assistance payment, they will be retroactive to this effective date. Management may not evict the tenant for failure to pay market rent after the tenant reports for the interview and management is processing the certification.

Tenants may request an interim recertification due to any changes occurring since the last recertification that may affect the tenant's rent and assistance payment. Changes a tenant may report include the following:

1. Decreases in income including, but not limited to, loss of employment, reduction in number of hours worked by an employed family member, and loss or reduction of welfare income;
2. Increases in allowances including, but not limited to, increased medical expenses and higher child care costs; or
3. Other changes affect the calculation of a family's annual or adjusted income including, but not limited to, a family member turning 62 years old, becoming a full-time student, or becoming a person with a disability.

The tenant is not required to report when a family member turns 18 years of age between annual recertifications. The site manager must process an interim recertification if a tenant reports:

1. A change in family composition.
2. An increase in family income of more than \$200 per month.
3. An increase in allowances (e.g., number of dependents, a new disability assistance expense).
4. A decrease in income, however management may refuse to process an interim recertification when the tenant reports a decrease in income if the decrease was caused by a deliberate action of the tenant to avoid paying rent.
5. A change in citizenship or eligible immigration status of any family members.

Upon receiving a tenant's request for an interim recertification, the site manager must process a recertification of family income and composition within a reasonable time; generally, this should not exceed 4 weeks. If the reason for interim recertification is a proposed change in family composition, management must screen the proposed additional person(s), including live-in aides, for drug abuse and other criminal activity. Management will apply the same screening criteria for new persons as for applicants except for the criteria to pay rent on time. Reasons for management delaying an interim recertification may be found on pages 7-21 of the HUD 4350.3 REV-1 Handbook.

UNIT INSPECTIONS

Before executing the lease, the site manager and tenant must jointly perform a move-in inspection of the unit. This move-in inspection is an opportunity to familiarize the tenant with the project and the unit and to document the unit's current condition. By performing this move-in inspection, management and tenants are assured that the unit is in livable condition and is free of damages. A move-in inspection also gives the site manager an opportunity to explain to the new tenant their responsibility for damages caused to the unit by family members and visitors, discuss the house rules, and familiarize tenants with the operation of appliances and equipment in the unit. After the site manager conducts the unit inspection, the inspection form must be completed and indicate the condition of the unit. The unit's condition must be decent, safe, sanitary, and in good repair. If cleaning or repair is required, the site manager must specify on the inspection form the date by which the work will be completed. The date must be no more than **30 days** after the effective date of the lease. The site manager and the tenant must sign and date the inspection form. The tenant has **5 days** to report any additional deficiencies to the site manager to be noted on the move-in inspection form. The move-in inspection form must be made part of the lease, as an attachment to the lease.

When a unit is vacated by a tenant, management will perform a move-out inspection to ensure there are no damages to the unit. The site manager must encourage tenants to accompany them on the move-out inspection. Management should list any damages on the move-out form and compare it with the move-in form to determine if the damage is reasonable wear or tear or excessive damage caused by the tenant's abuse or negligence. The tenant should be given prior notice of the move-out inspection and be allowed to accompany management if the tenant chooses. Ideally, the tenant should accompany management on the move-out inspection so that any discrepancies can be discussed and a



decision reached as to the extent of the damage and who is responsible for the cost associated with the damage. If a tenant does not wish to participate, management may do the inspection alone. If management determines that the unit is damaged as a result of tenant abuse or neglect, the site manager will use the security deposit to cover the repair costs. Copies of the inspection form and the adjustment slip itemizing any charges for cleaning or damages will be mailed to the tenant's forwarding address or current address on file along with a letter giving him/her an opportunity to meet with management and dispute any charges within **14 days**. If the tenant gave a 30-day notice of intent to vacate, any money due the tenant from the security deposit must be included with the adjustment slip and letter in the form of a check made out to the head of household. The site manager must complete these move-out adjustment slips and refunds within **30 days** after the tenant has vacated the unit.



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