



2244 NW Bucklin Hill Road  
Silverdale, WA 98383

Phone: (360) 535-6100  
Fax: (360) 535-6169

[www.HousingKitsap.org](http://www.HousingKitsap.org)

## TENANT SELECTION PLAN

### Rhododendron Apartments

235 High School Road NW  
Bainbridge Island, WA 98110  
Phone: (206) 842-8144 Fax: (206) 842-1226  
[www.HousingKitsap.org](http://www.HousingKitsap.org)

#### PROJECT ELIGIBILITY REQUIREMENTS

Rhododendron Apartments is a 50-unit US Department of Agriculture Rural Development (USDA-RD) property which has 45 units with rental assistance for persons aged at least 18 years old or emancipated minors. This property is located on Bainbridge Island, WA. The property is owned and managed by Housing Kitsap (HK); a Public Housing Authority authorized to provide affordable housing in Kitsap County.

Apartment Size	Number of Units
One Bedroom	38
Two Bedroom	12

Any household that wishes to reside at Rhododendron Apartments must apply for admission to the program through a wait list application. When the wait list is open, wait list applications are available at the community's management office, through an email or a mailed application request, or by applying online by visiting [www.HousingKitsap.org](http://www.HousingKitsap.org).

#### ELIGIBILITY REQUIREMENTS

Households applying for residency must meet the following criteria:

- The head of household, co-head, or spouse must be 18 years of age or older, or an emancipated minor at the time of application. Applicants must meet this requirement in order to be placed on the wait list.
- The household must meet USDA Rural Development (USDA-RD) financial criteria for housing.
- The household must have verified income of at least two and a half times the amount of rent for the apartment for which they are applying unless the household is applying for a rental assistance apartment or had another form of rental assistance.



This institution is an equal opportunity provider and employer.

Housing Kitsap welcomes qualified tenants without regard to race, color, national origin, creed, religion, sex, marital status, familial status, disability or due to ownership of a service animal. Housing Kitsap provides reasonable accommodations to persons with disabilities. If you need this document in an alternate format, please contact Housing Kitsap Section 504 Coordinator, Freddy Linares at (360) 535-6128 or 2244 NW Bucklin Hill Road, Silverdale, WA 98383.



- The apartment must be the household’s only residence.
- The household must disclose and provide verification of the Social Security numbers of all household members. Refer to the DISCLOSURE AND VERIFICATION OF SOCIAL SECURITY NUMBERS section for additional information.
- All adult household members must sign an Authorization to Release Confidential Information prior to tenancy and annually thereafter.
- Household members must provide consent to verify all information reported by the household.
- The household must be of an appropriate size for the available apartment. Refer to the OCCUPANCY STANDARDS section for additional information.

### **OCCUPANCY STANDARDS**

Management reserves the right to limit the number of individuals residing within a single apartment. Consideration is given to overcrowding and underutilization factors as well as compliance with federal, state, and local laws. Generally, the acceptable number of persons per apartment, depending on household composition, will be:

Apartment Size	Minimum Occupancy	Maximum Occupancy
One Bedroom	1	3
Two Bedroom	2	5

Any household wishing to add a member must have the proposed new member of the household complete all application materials and must receive management approval prior to adding the member to the household or moving into the apartment.

### **DISCLOSURE AND VERIFICATION OF SOCIAL SECURITY NUMBERS**

Prospective tenants must provide Housing Kitsap with Social Security numbers for every household member. Housing Kitsap may use Social Security numbers to verify income information that is provided. Social Security numbers must be verified only once for each resident.

Documentation of the Social Security number will be provided with a valid Social Security card or other evidence of the Social Security number, such as a passport. If the documentation is sent by mail, the applicant may submit a clear photocopy. If the applicant does not have the documentation, the applicant must submit a signed certification stating their Social Security number. The applicant then has 60 days to submit acceptable documentation of the Social Security number. This 60-day period can be extended for another 60 days for elderly applicants.

### **INCOME LIMITS**

Three different income limits are used to establish eligibility for USDA-RD Housing programs. The USDA-RD National Office determines the income limits and updates the limits whenever they are revised. Adjusted income should be compared with the below-listed income limits to determine the category in which each household falls:

- The very low-income limit is established at 50 percent of the median income for the area, adjusted for household size;



- The low-income limit is established at 80 percent of the median income for the area, adjusted for household size; and
- The moderate-income limit is established by adding \$5,500 to the low-income limit for each household size.

United State Department of Agriculture, Rural Development (USDA-RD) establishes and publishes income limits annually. Income limits are based on the Area Median Income (AMI) as determined each year by the United State Department of Agriculture, Rural Development (USDA-RD). Income Limits are published by USDA-RD at <https://www.rd.usda.gov/files/RD-MFHLimitMap.pdf> and are subject to change without notice. Applicants can call the property manager at the number above to inquire about current income limits.

### **WAIT LIST ORDER AND MAINTENANCE**

The wait list is open at all times unless the wait list exceeds a manageable number, in which case management may exercise their discretion to close the wait list until further notice. A list of closed wait lists can be found on the HK website at: <https://www.housingkitsap.org/future-residents>

Applicants must notify management if any of the following changes occur:

- Address or phone number
- Income changes
- Household composition
- Criminal History

Once each year, all applicants will be sent a letter asking the household to confirm its continued interest in remaining on the wait list for the property.

To update the wait list, HK will send an update request via first class mail to each household on the wait list to determine whether the household continues to be interested in, and to qualify for, the program. This update request will be sent to the last address that HK has on record for the household. The update request will provide a deadline by which the household must respond and will state that failure to respond will result in the applicant's name being removed from the wait list and be sent a Notice of Adverse Action.

The household's response must be in writing and postmarked or received by the community management office listed above. Response can be submitted in person, by email, mail, or fax. Responses should be postmarked no later than 10 calendar days from the date of HK update request letter.

If the household fails to respond within 10 calendar days, the household will be removed from the wait list and be sent a Notice of Adverse Action.

If the notice is returned by the post office with no forwarding address, the applicant will be removed from the wait list.



If the notice is returned by the post office with a forwarding address, the notice will be re-sent to the address indicated. The household will have 10 calendar days to respond from the date the update request letter was re-sent. If the household fails to respond within this time frame, the household will be removed from the wait list and be sent a Notice of Adverse Action.

If a household is removed from the wait list for failure to respond to the update request letter, HK may reinstate the household if the lack of response was due to HK error, or an applicant may be reinstated if they can provide documentation of a “hardship”. A “hardship” is defined as, but may not be limited to, a medical emergency, financial hardship burdens, and VAWA (Violence Against Women Act). Verification of Hardship must be supplied in order to be reinstated to the wait list.

Additionally, applications will be removed from the wait list if:

- The household is offered and rejects one unit on the property. See PROCEDURES FOR SELECTING FROM THE WAIT LIST section for further details.
- Changes in household size put the applicant household outside of the minimum or maximum occupancy standards.

Once an applicant has submitted a complete application, selection from the wait list will be made according to date and time in the following order:

- Very low-income applicants;
- Low-income applicants; and
- Moderate-income applicants.

Priority over all other applicants regardless of income will be made based on the following criteria:

- Persons who require special design features of an accessible unit
- Applicant with a Letter of Priority Entitlement (LOPE)
- Displaced from RD-financed housing with LOPE
- Displaced in a Federally declared disaster area

Within 10 calendar days of receipt of a complete application, the property manager will notify the applicant in writing that they have been selected for immediate occupancy, placed on a wait list, or rejected.

## **PROCEDURES FOR ACCEPTING WAIT LIST APPLICATIONS**

### **Initial application**

- Applications are taken only when the wait list is open for the unit type being requested. This property does not use pre-applications. All prospective residents, 18 years or older or an emancipated minor, must fill out the application in full. An incomplete application will be returned to the applicant named and will not be placed on the wait list. All persons intending to reside in the apartment must be named, and those not listed on the application may not live in the unit.



- The application information allows tentative determination of the applicant’s eligibility (household size, estimated anticipated annual income, assets currently owned). Disability status is required only if the applicant is requesting a unit with accessible features or a special accommodation.
- When applying online using [www.housingkitsap.org](http://www.housingkitsap.org), the application will be automatically placed on the minimum bedroom size wait list as determined by household size and occupancy standards of the community.
- Paper applications are available outside of the management office, through an email, USPS or by applying online at [www.HousingKitsap.org](http://www.HousingKitsap.org). For assistance in completing a wait list application, please contact the community at the above phone number.

### Placing on the Waitlist

- The wait list is kept chronologically within the property management software, which states the date and time of the application, Head of Household name, unit size, income level (ie: very-low income, low income, or moderate low income) and preference.
- Applicants must meet the defined occupancy standards of the community; if the applicant selects a unit size that the household does not qualify for, Housing Kitsap will place the applicants on the appropriate unit size wait list.

## **PROCEDURES FOR SELECTING FROM THE WAIT LIST**

### Pre-qualifying Eligibility

The three applicants at the top of the wait list per unit size are considered active prospects even if a unit is not yet available. Steps are taken to qualify the applicants so that when a unit becomes available the pre-screening, including verifications, is already completed. Verifications are kept current within a 120-day period. If the top applicant is found to be ineligible, the next party on the wait list becomes the lead applicant.

### Interview

An interview is held to determine final qualifications of the applicant to be placed in the next available unit. Application information is updated, the applicant is advised of the penalty for false information, current income and asset data are checked, and additional verification forms are signed, if needed. Social Security information or certifications are provided. Potential accommodation for disabled applicants is considered. Final occupancy determination is not made until certification procedures are completed.

### Applicant Refusal

Applicants who are offered occupancy and refuse the offer will be removed from the wait list. Applicants who are removed from the wait list are eligible to request an informal hearing to reinstate their placement on the wait list. An applicant may be reinstated if they can provide documentation of a “hardship”. A “hardship” is defined as, but may not be limited to, undue financial burden, such as a lease holding, or responsible party in a current lease term. Financial hardship burdens will require the applicant to provide verification of the burden.



### **Accessible Unit Refusal without Good Cause Exception**

There is one exception to this policy. An applicant who requires a unit designed for mobility access, or a unit with auditory/visual accessibility features may be offered apartments without those features and may turn down those apartments without losing their place on the wait list.

### **Accessible Units**

When an accessible unit becomes vacant, before offering such units to a non-disabled applicant, HK will offer units in the following order:

- First, to a current resident of the same community who has a disability that requires the special features of the vacant unit and is occupying a unit without those features; or if no such occupant exists, then
- Second, to an eligible qualified applicant on the wait list having a disability that requires the special features of the vacant unit.

If an applicant turns down an offer of an accessible unit that meets the applicant's stated requirements, the applicant will be removed from the wait list and must reapply to restart the application process. Families requiring an accessible unit may be over-housed in such a unit if there are no resident or applicant families of the appropriate size who also require the accessible features of the unit.

When there are no resident or applicant families requiring the accessible features of the unit, including families who would be over-housed, HK will offer the unit to a non-disabled applicant. When offering an accessible unit to a non-disabled applicant, HK will require the applicant to agree to move to an available non-accessible unit within 30 calendar days of when either a current resident or an applicant needs the features of the unit and there is another unit available for the non-disabled household. This requirement will be a provision of the lease agreement.

### Process Starts

When the applicant's name nears the top of the wait list, the detailed verifications process begins. Eligibility determination can be done in person, or remotely via mail/email. All information provided to determine eligibility, admission, and continued occupancy of an applicant household must be verified in accordance with Federal program regulations. Verifications will be used to determine if all the information contained on the income and asset statement, is true and correct. Information to be verified may include, but is not limited to:

- Family composition
- Assets
- Income from all sources
- Allowances
- Rental history
- Credit History
- Criminal records



### Documents

All “permanent” documents (photo identification, driver licenses, birth certificates, social security cards, etc.) are photocopied and placed in the applicant/resident file, at the time of application.

### Independent Verification

Third parties are used as a primary source for information.

### Release Consent

All applicants and residents (over the age of 18 or emancipated minor) are required to sign Consent to the Release of Information at admission, annual recertification, interim recertification, and initial certification. Failure to do so is grounds for rejection or termination of your housing assistance.

## **APPLICANT SCREENING CRITERIA**

The following are the things management will consider when approving applicants for residency:

### Keeps Agreements

Demonstrated ability and willingness to keep lease agreements, including paying rent on time, maintain the unit in good condition, respond to recertification requirements, cooperative occupancy habits (noise, trash, etc.), and no family member(s) using illegal drugs. This information is obtained from prior landlords, personal and credit references.

### References

Has favorable (or no unfavorable) comments from prior landlords, personal and credit references. Mitigating circumstances will be considered.

Note: Applicants with no verifiable rental or credit history will be given due consideration using personal references from three reliable sources other than relatives or close friends (e.g., clergyman, teachers, employers, etc.)

### Credit

Passes review by credit agency and/or by direct contact with banks and other financial sources. Lack of credit history does not justify rejection. Past credit problems may be explained by the applicant so that credit judgment is made on current information.

### Required Drug Related or Criminal Activity Criteria

A criminal background check that includes a sex offender check will be run on all applicants 18 years and over.

## **LIVE-IN AIDES/ATTENDANTS**

Live-In Aides/Attendants must pass all screening criteria except the criterion regarding rental history or regarding the ability to make timely rental payments, as they are not responsible for rental payments. Live-In Aides/Attendants will be required to provide identification and proof of Social Security number to conduct the screening. Upon acceptance of a unit by the head of household, Live-In Aides/Attendants must complete a Caregiver/Live-In Aide Residential Lease Addendum.





## **PROCEDURES FOR REJECTING INELIGIBLE APPLICANTS**

Housing Kitsap is required to establish standards that prohibit admission of an applicant household into a housing program if they have engaged in certain criminal activity or if HK has reasonable cause to believe that a household member's current use or pattern of use of illegal drugs, or current abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents. HK is authorized to obtain criminal conviction records from law enforcement agencies to screen applicants for admission to the housing programs. This in compliance with USDA-RD requirements and policies to deny admission to applicants who are engaging in or have engaged in certain criminal activities. To obtain access to the records HK must require every adult applicant or emancipated minor to submit a signed consent form.

The following are reasons why applicants will be rejected:

### USDA-RD Criteria

The applicant does not meet USDA-RD's occupancy requirements, including unit size, unit type, income limits, etc.

### Lack of Information

The applicant refuses to or cannot provide all required application information including Social Security numbers or certifications. Refusing to sign required documents (i.e., Verification Authorization forms, Consent to Release of Information, etc.) will be grounds for rejection. Applicants will receive a letter from management staff stating the required documentation that is outstanding. Applicants must provide the required documentation within five (5) business days. Incomplete applications will be rejected, and the application will be removed from the wait list.

### Negative Landlord History or References

The past seven (7) years of rental history will be verified. If landlord(s) of the past seven (7) years provide negative reports regarding keeping of lease terms, payment of rent and other occupancy obligations, housekeeping habits, engaging in illegal activity, abuse or pattern of abuse of alcohol that interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents, eviction within the last seven (7) years, for verified drug related criminal activity, or a history of disruptive behavior, the application will be denied. Any applicant breaking a lease term with their current landlord will be required to provide documentation from their current landlord that any outstanding debt has been paid prior to lease signing as part of a Conditional Approval. Current Housing Kitsap residents must pass a unit inspection to determine if the unit has been maintained and housekeeping standards are being met when moving between units or different communities; this requirement does not apply to Reasonable Accommodations or VAWA transfers. These reports are verified as much as possible, and the applicant is given a fair opportunity to overcome negative reports by explaining mitigating circumstances. These explanations must be verified. Mitigating circumstances can include disability-related problems when there is the potential to overcome those problems through reasonable accommodation.





Clarification for current or former Housing Kitsap residents, occupants, and lease holders; Housing Kitsap will review internal resident records to complement any third-party screening verifications which may include but are not limited to the following:

- Review of any current or past debt owed to Housing Kitsap
- Review of current or past lease violations or notices of non-compliance
- Ability to pass a housekeeping inspection within two weeks of the move to another Housing Kitsap community
- No unauthorized occupants or pets in the current household
- No unpaid tenant-caused damages

### Credit

All available credit references are checked without charge to the applicant. Rejection is possible if credit reports contain substantial negative information. (If other criteria are satisfactory, the applicant is given an opportunity to respond to negative credit reports.) Examples of poor credit history include civil judgments against the applicant not yet resolved; owing money to a previous landlord; prior eviction within the past seven (7) years; utility accounts in collection status; any closed bankruptcy within the last seven (7) years for reasons other than medical emergency, divorce or death of spouse. Any applicant with a closed bankruptcy within the past seven (7) years will be required to provide documentation the bankruptcy was due to medical emergency, divorce, or death of spouse prior to lease signing as part of a Conditional Approval. Circumstances will be reviewed, and applicant responses considered. Applicants who have been previously evicted within the past seven (7) years or are currently under eviction will be rejected.

### **Required Denial of Admission**

Housing Kitsap will automatically deny admittance to the community in the following cases:

- Housing Kitsap may admit an otherwise-eligible family who was evicted from federally-assisted housing within the past seven (7) years for drug-related criminal activity, if verification the household member who engaged in the criminal activity has completed a supervised drug rehabilitation program or proof of the current residence of the person who was involved in the drug-related criminal activity is no longer living in the household is provided during the informal hearing. Informal hearings are scheduled after the denial of an applicant household.
- Housing Kitsap determines that any household member is currently engaged in the use of illegal drugs. “Drug” means a controlled substance as defined in section 102 of the Controlled Substances Act [21 U.S.C. 802]. “Currently engaged in” is defined as any use of illegal drugs during the previous twelve months.

Please Note: Marijuana is a federally-controlled substance and Housing Kitsap prohibits admission to its housing programs for any household with a member who the Housing Kitsap determines is illegally using a controlled substance. Housing Kitsap has the option to deny assistance or terminate the specific marijuana users tenancy rather than the entire household for both applicant and existing tenants when appropriate.

- Housing Kitsap will consider all credible evidence, including but not limited to, any record of convictions, arrests, or evictions of household members related to the use of illegal drugs or the



abuse of alcohol that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents. A conviction will be given more weight than an arrest. Housing Kitsap will also consider evidence from treatment providers or community-based organizations providing services to household members. Documentation from treatment providers or community-based organization will be required during the informal hearing. Informal hearings are scheduled after the denial of an applicant household.

- Housing Kitsap will deny assistance to any household that has ever been convicted of drug-related activity for the production or manufacture of methamphetamine.
- Housing Kitsap will deny assistance to any household that has a household member who is subject to a registration requirement under any state sex offender registration program. Housing Kitsap can utilize the Dru Sjodin National Sex Offender Database.

### Criminal Activity

Housing Kitsap will deny admission if any household member is currently engaged in or has engaged in any of the following criminal activities, within the past seven (7) years.

- Drug-related criminal activity, defined as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute, or use the drug.
- Violent criminal activity, defined as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.
- Criminal activity that may threaten the health, safety, or welfare of other tenants.
- Criminal activity that may threaten the health or safety of PHA staff, contractors, subcontractors, or agents.
- Criminal sexual conduct, including but not limited to sexual assault, incest, open and gross lewdness, or child abuse.
- Evidence of criminal activity includes, but is not limited to, any record of convictions, arrests, or evictions for suspected drug-related or violent criminal activity of household members within the past seven (7) years. A conviction for such activity will be given more weight than an arrest or an eviction.

Housing Kitsap reserves the right to deny assistance to households who have committed serious crimes more than seven (7) years ago. Examples of serious crimes include but are not limited to:

- Homicide
- Pattern of criminal activity
- Felony assault
- Arson, or
- Any other crimes that could threaten the health, safety or right to peaceful enjoyment of other persons in the immediate vicinity.

In making its decision to deny assistance, Housing Kitsap will consider the factors discussed in later sections detailing denial and termination. Upon consideration of such factors, Housing Kitsap may, on a case-by-case basis, decide not to deny assistance.



### **Other Reasons for Denial**

Housing Kitsap will deny admission to an applicant family if Housing Kitsap determines that the family:

- Has a pattern of unsuitable past performance in meeting financial obligations, including rent within the past seven (7) years.
- Has a pattern of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences which may adversely affect the health, safety, or welfare of other tenants within the past seven (7) years.
- Misrepresented or does not provide complete information related to eligibility, including criminal or rental history, income, award of preferences for admission, expenses, family composition or rent.
- Has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program; or
- Has engaged in or threatened violent or abusive behavior toward Housing Kitsap personnel or anyone acting on behalf of the housing authority.

“Abusive or violent behavior” includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.

“Threatening” refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

### **Screening for Eligibility**

Housing Kitsap will use an external screening company to perform background checks for credit, criminal and rental history. Housing Kitsap will perform criminal background checks necessary to determine whether any household member is subject to a registration requirement under a state sex offender program in the state where the housing is located, as well as in any other state where a household member is known to have resided.

If Housing Kitsap proposes to deny admission based on a criminal record or on lifetime sex offender registration information, Housing Kitsap will notify the household of the proposed action and will provide the subject of the record and the applicant a copy of the record and an opportunity to dispute the accuracy and relevance of the information prior to a denial of admission.

Housing Kitsap will not pass along to the applicant the costs of a criminal records check.

### **Criteria for Deciding to Deny Admission**



## Evidence

Housing Kitsap will use the concept of the preponderance of the evidence as the standard for making all admission decisions.

*“Preponderance of the evidence”* is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole show that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

## **NOTICE OF ELIGIBILITY OR DENIAL**

Housing Kitsap will mail the applicant household a notice informing the household of the approval of their eligibility determination or the denial of the eligibility determination.

An approval letter will provide the details of initial occupancy including current rent amount, security deposit requirement and the date of the scheduled move in. Upon receiving the approval notification, the applicant household will be required to contact the property management office to confirm the scheduled move in date to the community. An apartment will be held for a maximum of 14 calendar days for an applicant. Hardships can be considered for extending a hold on a unit.

A denial letter will include information on obtaining the reports and information used as the basis of a denial, including how to obtain a copy of the record, with an opportunity for the applicant to dispute the accuracy and relevance of the information and an offer of an informal hearing.

The family will be given 10 calendar days to dispute the accuracy and relevance of the information. If the family does not contact Housing Kitsap to dispute the information within that 10 calendar days, Housing Kitsap will proceed with issuing the notice of denial of admission. A family that does not exercise their right to dispute the accuracy of the information prior to issuance of the official denial letter will still be given the opportunity to do so as part of the informal hearing process. The denial notices will include the required notices related to denying admission to applicants who may be victims of domestic violence, dating violence, or stalking.

Households denied for eligibility of their application will be automatically removed from the wait list of the community.

## **APPLICANT GRIEVANCE PROCEDURE**

When HK makes a decision that has a negative impact on an applicant, the household is often entitled to appeal the decision. An informal review by the HK Hearing Officer is intended to provide a means for an applicant to provide evidence to refute the ground for ineligibility/denial for admission to a property. HK follows the below procedure:

### Notification

HK will send a Notification of Adverse Action within two (2) business days of the recommendation of the denial of admittance or the recommendation of increased deposit resulting in the adverse action.



### Request for an Informal Review

The process must begin with a request for an informal review after receiving a Notification of Adverse Action. A request for a review can be made in person at the property management office listed above, or in writing and delivered to the HK main office either in person or by first class mail by the close of the business day, no later than ten (10) calendar days from the date of HK's notification of denial of admission.

The request must contain the following information:

- The reason for the grievance or contest of HK's proposed action;
- The action relief sought;
- Supporting documents/evidence on behalf of the applicant/tenant; and
- Any additional information to be reviewed by the HK hearing officer

If the tenant or prospective tenant's request for an informal review is not received within ten (10) business days of HK's notification of denial, HK's decision will become final. Additionally, if supporting documents are not submitted alongside the written request, the applicant must submit the documents within five (5) business days of the request for informal review, otherwise HK's decision will become final.

The HK hearing officer will send an acknowledgement notice within five (5) calendar days of the household's request for an informal review. The written and dated notice will state that the review will be completed within ten (10) business days and a final decision with explanation will be mailed to the household.

### Conducting an Informal Review

The HK hearing officer will not be the person, nor a subordinate of the person who made or approved the original denial of admission to the property or the increase in security deposit. The hearing officer will perform a full file review based on the provided information. Refer to **Consideration of Circumstances and Informal Review Decision** sections for more information on the process. The hearing officer will make the final written decision whether admission should be granted or denied.

### Consideration of Circumstances

Housing Kitsap will consider all relevant circumstances when deciding whether to deny admission based on a family's past history except in the situations for which denial of admission is mandated.

In the event Housing Kitsap receives unfavorable information with respect to an applicant, consideration must be given to the time, nature, and extent of the applicant's conduct (including the seriousness of the offense). In a manner consistent with its policies, Housing Kitsap will give consideration to factors which might indicate a reasonable probability of favorable future conduct.

Housing Kitsap will consider the following factors prior to making its decision:

- The seriousness of the case, especially with respect to how it would affect other residents.
- The effects that denial of admission may have on other members of the family who were not



involved in the action or failure.

- The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities, or a victim of domestic violence, dating violence, or stalking.
- The length of time since the violation occurred, the family's recent history and the likelihood of favorable conduct in the future.
- Evidence of the applicant family's participation in or willingness to participate in social service or other appropriate counseling service programs.

#### Informal Review Decision

HK will notify the applicant of its final decision, including a brief statement of the reasons for the final decision. In rendering a decision, HK will evaluate the following matters:

- The validity of grounds for denial of admission.
- The validity of the evidence. The hearing officer will evaluate based solely and exclusively upon the supporting documents and evidence provided to prove the grounds for denial of admission.
- If the facts prove that there are grounds for denial, the decision to deny admission will be upheld.
- If the facts prove the grounds for denial, and the denial is discretionary, the HK hearing officer may recruit guidance from another HK hearing officer when making the final decision in approval or denial of admission.
- HK will notify the applicant of the final decision, including a statement explaining the reason(s) for the decision. The notice will be mailed, with return receipt requested, within 10 calendar days of the informal review, to the applicant and his or her representative, if any.
- If the informal review decision overturns the denial, processing for admission will resume.
- If the household fails to provide proper documentation or evidence for review, the denial of admission will stand, and the household will be so notified.

#### **UNIT TRANSFER POLICY**

Transfers between apartments with the same number of bedrooms are facilitated only as a Reasonable Accommodation, and only based upon the verified need for specific features in the unit. Transfers based on an approved Reasonable Accommodation take priority over new applications.

For accessible apartments, when there is neither a qualified applicant nor a current tenant with disabilities requiring the accessibility features of the apartment, management may offer the apartment to another household, providing that the household enter into an agreement that they will transfer to a non-accessible apartment within the same project community within 30 days if another household requires the features of the accessible apartment.

Transfers to appropriately sized smaller units are required if the household no longer meets the minimum household members required for the unit and if the household meets eligibility and qualification requirements for unit per program regulations.



Requests to transfer to an appropriately sized larger units will be considered after the first full year of residency, and only if household composition changes (increases). The household must be in good standing with no late/past-due rent notices or lease violation notices within the past 12 months. The household must meet eligibility and qualification requirements for the new apartment, including requirements of the individual programs.

### **VIOLENCE AGAINST WOMEN ACT (VAWA)**

Implementation of the Violence Against Women and Justice Department Reauthorization Act of 2005 families applying for housing at a USDA-RD property cannot be denied admission because they have been a victim of domestic violence, dating violence, sexual assault, or stalking. An applicant or tenant cannot be denied rental assistance because s/he has been a victim of domestic violence, dating violence, sexual assault, or stalking. Domestic violence, dating violence, sexual assault, or stalking is not good cause for the eviction of the victim of that violence. An incident of actual or threatened domestic violence, dating violence, sexual assault, or stalking does not qualify as a serious or repeated violation of the lease nor does it constitute good cause for terminating the assistance, tenancy, or occupancy rights of the victim.

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, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under 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.

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.

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.

Immediate Family Member means, with respect to a person: (A) a spouse, parent, brother or sister, or child of the person, or an individual to whom that person stands in loco parentis (in place of a parent); or (B) any other person living in the household of that person and related to that person by blood or marriage.





Criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking is not grounds for terminating the victim’s tenancy. The lease contains an addendum that makes it clear that domestic violence, dating violence, sexual assault, or stalking is not good cause for evicting the victim of that violence.

Applicants and residents who are or have been victims of domestic violence, dating violence, sexual assault, or stalking are encouraged to complete the HUD form HUD-5382 Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternative Documentation.

Leases can be divided so that offending residents can be evicted or removed while the remaining family member’s lease and occupancy rights are allowed to remain intact.

Victims of domestic violence, dating violence, sexual assault, or stalking can be evicted if the victim poses an actual and imminent threat to other residents or those employed at Rhododendron Apartments. Victims of domestic violence, dating violence, sexual assault, or stalking may also be evicted for failing to comply with all other terms and conditions of the lease.

#### **Emergency Transfer Timing and Availability**

HK cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. HK will, however, act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. HK may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If HK has no safe and available units for which a tenant who needs an emergency is eligible, HK will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant’s request, HK will also assist tenants in contacting local organizations that offer assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

#### **FAIR HOUSING AND EQUAL OPPORTUNITY**

Housing Kitsap, the owners and management of Rhododendron Apartments comply with all federal, state, and local housing and civil rights laws. Federal law prohibits discrimination based on race, color, religion, sex, national origin, familial status, or disability. All the above requirements apply to the acceptance and processing of applications, selection of tenants from among eligible applicants on the wait list, assignment of units, and the certification and recertification of eligibility for housing assistance.

#### **MARKETING**



The property is marketed via the Housing Kitsap website, [www.aptfinder.org](http://www.aptfinder.org) website, flyers placed in the surrounding community, and sent to community organizations in accordance with the approved Affirmative Fair Housing Marketing Plan. Advertising targets individuals whose annual income is at the extremely low-income level for the area. Management maintains contact with community groups and organizations that work with persons who are least likely to apply.

#### **SECTION 504 AND GRIEVANCE PROCEDURE FOR DISABILITY DISCRIMINATION**

Rhododendron Apartments does not discriminate on the basis of disability status in the admission, or access to, or treatment or employment in its federally assisted programs and activities. According to Section 504 of the Rehabilitation Act of 1973, “no otherwise qualified individual with disabilities in the United States shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance...”

If at any point during the application process an applicant feels they have experienced discrimination based on disability, they may file a grievance. The person named below has been designated to coordinate compliance with the nondiscrimination requirements contained in the Department of Housing and Urban Development’s regulations implementing Section 504 (24 CFR, part 8 dated June 2, 1988). Please contact Housing Kitsap’s 504 Coordinator in writing\* to file your grievance. Please direct your correspondence to:

Freddy Linares, Director of Compliance  
Housing Kitsap  
2244 NW Bucklin Hill Rd  
Silverdale, WA 98383  
Office: (360) 535-6128  
Email: [LinaresF@HousingKitsap.org](mailto:LinaresF@HousingKitsap.org)

A response will be sent to you within 10 calendar days from the date of the grievance.

If you would like an additional review of your grievance and the response from the Section 504 Coordinator, please contact Housing Kitsap’s Executive Director of Management in writing\* at the address listed above.

At any time during this process, you have the right to file a Fair Housing Complaint with the Rural Development Civil Rights Staff at 800-787-8821.

\*Persons with a disability may request a reasonable accommodation in order to meet this requirement.