EAH HOUSING

FLORAL GARDENS
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FL-MANAGEMENT@EAHHOUSING.ORG

RESIDENT SELECTION PLAN

Floral Gardens Apartments is a 56 unit apartment community in Fresno, Ca that provides housing for very low income households, without regard to race, color, sex, creed, religion, national origin, physical or mental disability status, familial status, age, ancestry, marital status, source of income, actual or perceived sexual orientation, gender identity or any other arbitrary personal characteristics.

SECTION 504 AND FAIR HOUSING ACT COMPLIANCE

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance from HUD. The Fair Housing Act prohibits discrimination in housing and housing related transactions based on race, color, religion, sex, national origin, disability and familial status. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color or national origin in any program or activity receiving federal financial assistance from HUD.

Floral Gardens is an Equal Opportunity Housing Facility, admitting people in accordance with Local, State and Federal Fair Housing laws, HUD Section 236 and Section 8 Program Regulations and the Affirmative Fair Housing and Marketing Plan (AFHMP) HUD Form 935.2. All marketing, tenant selection and residential management policies and procedures shall be conducted in accordance with these laws.

Management staff operates and administers the property to enable persons with disabilities to have equal access to participate in the program. Floral Gardens will ensure effective communications with applicants, residents, and the public to ensure that policies regarding how the property is operated do not adversely affect applicants, residents and the public.

When a family member requires an accessible feature(s), policy modification, or other reasonable accommodation to accommodate a disability, Floral Gardens will provide the requested accommodation unless doing so would result in a fundamental alteration in the nature of the program or an undue financial and administrative burden.

A reasonable accommodation is a change, exception, or adjustment to a program, service, building or dwelling unit that will allow a qualified person with a disability to:

1. Participate fully in a program;
2. Take advantage of a service; or
3. Live in a dwelling.

To show that a requested accommodation may be necessary, there must be an identifiable relationship, or nexus, between the requested accommodation and the individual's disability.

The requirement to provide a reasonable accommodation is present at all times throughout the tenancy of a person with disabilities, including during lease enforcement. Reasonable Accommodation Request forms are available upon request from management.

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).

Catina Wilson, Compliance Director
22 Pelican Way
San Rafael, CA 94901
Telephone 415-258-1800 ext. 8839
TDD 800-735-2929

PRIVACY POLICY

It is the policy of Floral Gardens to guard the privacy of individuals conferred by the Federal Privacy Act of 1974, and ensure the protection of such individuals' records maintained by Floral Gardens.

Therefore, neither Floral Gardens nor its agents shall disclose any personal information contained in its records to any person or agency unless the individual about whom information is requested shall give written consent to such disclosure.

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

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

INCOME LIMITS

To qualify for a **Section 236** unit at move-in:

1. a household's gross income may not exceed the maximum income limit per household size for the Low Income limit (80% AMI) as published annually by HUD;

2. 30% of adjusted monthly income may not equal or exceed market rent;

3. and may not be lower than the income minimum per household size.

4. Foster members are included in the member count when determining if the household meets the income limit requirements.

The income limits are attached and will be posted in the Community's Office.

APPLICATION PROCEDURES

Applications will only be distributed when the Waiting List is open. Applications will not be distributed when the Waiting List is closed.

Applications will be available in the office during normal business hours or by requesting an application by telephone. Each applicant must complete an application and be willing to submit to a credit history, rental history, and criminal background inquiry, as well as income and asset verifications.

All application entries are to be made in ink or typed. Corrections or changes are to be made by lining through the original entry and entering the correct data. Such changes must be dated and initialed by the person making the change.

Signed and dated applications will be processed on a first-come, first-served basis. The application must be completed and signed by the head of household and all household members over 18 before an applicant can be placed on the waiting list. If an application is not completely answered, the date of it being fully completed will be the date that the application is considered accepted for rental purposes.

When a completed application is received, the application will then be logged by date and time received and placed on the waiting list. When a vacancy at the property exists, or is expected within the next one hundred and twenty (120) days, the verification-selection process will begin immediately for the next applicant on the waiting

list in regard to income, assets, and eligible program allowances for certification and Floral Gardens' references for selection or rejection.

Notices will be mailed to the first three (3) to five (5) applicants on the list for the particular size unit to be available advising them that if they are still interested in a unit, they should contact the manager within fourteen (14) days from the date of the letter. For those contacted who respond on time, the manager shall arrange a meeting for the interested applicant highest on the waiting list to begin the selection and verification process. If they do not respond to telephone calls and/or letters in that fourteen (14) day period, their name shall be removed from the waiting list.

PREFERENCES

It is the policy of the Property that a preference does not guarantee admission. Every applicant must still meet the Property's Resident Selection Plan standards for acceptance as a resident.

For units accessible to or adaptable for persons with mobility, visual or hearing impairments, households containing at least one person with such impairment will have first priority. These units will be offered first to current residents, and then to applicants, who have noted the need for such features on their application, based upon their chronological order on the waiting list.

Persons displaced by government action or a presidentially declared disaster will be given a preference on the waitlist.

For accessible units and units not designated as accessible, the preference order is as follows:

1) Persons displaced by government action or a presidentially declared disaster.
2) Applicants who are in the extremely-low income limit category. (See Extremely Low Preference section below).
3) Applicants by earliest application date.

Extremely Low Preference

Forty percent (40%) of Floral Gardens Section 8 subsidized vacancies each year must be set-aside for households whose income does not exceed 30% of the area median income ("extremely low-income") as published by HUD. Therefore, persons lower on the waiting list could be offered an apartment first to satisfy this 40% regulation. Extremely low-income is defined as very low income families whose income does not exceed the higher of 30 percent of the area median income or the federal poverty level.

To implement this preference we will select the first extremely low-income applicant on the waiting list (which may mean "skipping over" some applicants with higher incomes) for the available unit, and then select the next eligible applicant currently at the top of the waiting list (regardless of income level) for the next available unit. As subsequent units become available, Resident selection continues to alternate between the next extremely low-income applicant and the eligible applicant at the top of the waiting list until the 40% target is reached.

UNIT TRANSFER POLICY

A Unit Transfer List is maintained and processed in the following priority order for those residents who have been approved for transfer to another unit:

- A victim of domestic violence, dating violence, sexual assault, or stalking;
- To accommodate a disability (a medical reason certified by a third party professional or need for an accessible unit).
- To address over-or-under-utilization of a unit (a change in household size or household composition);
- a deeper subsidy (Section 8);

Floral Gardens cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. Floral Gardens 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. Transfers for these reasons will take priority over all other transfer requests including those made to accommodate a disability and to address over- or under- utilization of a unit.

Section 8 ONLY: *If a determination is made by management that a transfer is required, the resident will be given the option to remain in the unit and pay the HUD-approved market rent; or must move within 30 days after written notification that a unit of the required size is available within the property. Depending upon the circumstances of the transfer, a resident may be obligated to pay all costs associated with the move. However, if a resident is transferred as a reasonable accommodation to a household's disability, then management must pay the costs associated with the transfer, unless doing so would be an undue financial and administrative burden.*

OCCUPANCY STANDARDS

Occupancy standards are the criterion established for matching a household with the most appropriate size and type of apartment. "Two plus one" occupancy guidelines will be followed to avoid under or over utilization of the units as follows:

Bedroom	Household Minimum	Household Maximum
1	1	3
2	2	5
3	3	7

To determine the proper bedroom size for which a household may qualify, the following household members are to be included:

1. All full-time members of the household, and;
2. Foster children; Unborn children; Children in the process of being adopted; Children whose custody is being obtained by an adult family member; Children in joint custody arrangements who are present in the household 50% or more of the time.
3. Live-in attendants. NOTE: Live-in attendants are subject to the criminal and landlord provisions of this plan with the exception of criteria that determines ability to pay rent.

Exceptions to these Occupancy Standards may be made when required as a reasonable accommodation for a disabled household member.

DISCLOSURE OF SOCIAL SECURITY NUMBERS

All applicants for assistance and program participants must disclose the social security numbers (SSNs) assigned to themselves and all members of their household (including live in aides and foster members). Exemptions are provided for:

- Non-citizens who do not contend eligible immigration status. Assistance to these household members will be prorated.
- Current participants who are 62 years of age or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010.
    - Qualifying seniors are exempt from the SSN disclosure mandate for all future examinations, even if the senior moves to a new HUD-assisted property.

Documents required in order to verify the SSNs include:

- A valid SSN card issued by the Social Security Administration;
- An original document issued by a federal or state government agency, which contains the name, SSN, and other identifying information of the individual; or,
- Other acceptable documents that are listed in Appendix 3 of the HUD handbook 4350.3.

New household members under the age of 6 who already have a SSN are subject to the same disclosure and verification requirements as new household members who are at least 6 years of age. For new members who have not been assigned a SSN, a 90 day period for verification is allowed. If the household does not provide the SSN and verification within 90 days due to unforeseen circumstances outside the resident's control, Floral Gardens will grant an extension of one additional 90-day period.

If a child under the age of 6 years is added to the household within the 6-month period prior to the household's date of move in, the assistance applicant may become a resident, so long as the SSN documentation is provided to Floral Gardens within 90 calendar days from the date of admission. Floral Gardens will grant an extension of one additional 90-day period if it is determined that failure to comply was due to circumstances that could not reasonably have been foreseen and were outside the control of the assistance applicant. If the applicant family fails to produce the SSN documentation within the required time period, **the entire household WILL lose its tenancy or assistance even if only one member of the household does not comply with the SSN disclosure requirements.**

The owner/agent must deny and/or terminate HUD assistance, in accordance with the provisions governing the program, if the assistance applicant does not meet the applicable SSN disclosure, documentation, and verification requirements.

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

RESTRICTION ON ASSISTANCE TO NON-CITIZENS

By law, only US citizens and eligible non-citizens are eligible for rental assistance. All family members, including foster members regardless of age, must declare their citizenship or immigration status. The following documents are required:

1. Family Summary Sheet and Owner Summary Sheet (lists all household members who will reside in the assisted unit)
2. Citizenship Declaration (Each household member listed including foster members must complete. Parents will complete and sign for household members under 18)
3. Forms and/or evidence of citizenship/immigration status.

Applicants that are U.S. Citizens must sign a declaration of citizenship and provide acceptable documents such as birth certificate, U.S. passport, certificate of citizenship or naturalization certificate.

Applicants that are Non-citizens claiming eligible status must sign a declaration of eligible immigration status, consent form and provide a DHS-approved document. Acceptable documents as proof of eligible immigration status include Form I-551 - Permanent Resident Card, Form I-94 – Arrival – Departure Record, a receipt issued by the INS indicating that an application for issuance of a replacement in one of the above-listed categories has been made and the applicant's entitlement to the document has been verified or other acceptable evidence if the documents are determined by the DHS to constitute acceptable evidence of eligible immigration status (announced by notice published in the Federal Register).

Non-citizens not claiming eligible immigration status must sign a declaration that they are not claiming eligible immigration status.

The manager is required to verify the validity of documents submitted by the applicant with the Department of Homeland Security (DHS) through their automated verification system. An applicant that provides documentation but is later determined by the DHS to be invalid documentation will have the assistance removed for that household member. Non-citizens age 62 and older must provide proof of age and sign a declaration that they have eligible immigration status.

Mixed families, a family that contains both eligible and non-eligible members may receive prorated assistance. Applicants who hold non-citizen student visas and non-citizens living with the student are considered ineligible for assistance.

Applicants who cannot provide documentation of eligible immigration status at the time of the applicant interview will be given a 14 day period to provide this documentation, if they provide a certification that the documentation is temporarily unavailable. Provided that at least one family member has provided documentation, the family may move in with prorated assistance provided they are otherwise eligible. Families that are found to be ineligible have the right to appeal the decision. The notice of ineligibility will describe the applicants' options.

DEFINITION OF AN INDEPENDENT STUDENT:

Owners must use, and the student must meet, the following criteria to be eligible for Section 8 assistance as an independent student. The student must:

1. be 24 years of age or older by December 31 of the award year;
2. 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;
3. 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 individuals State of legal residence;
4. is a veteran of the Armed Forces of the United States or is currently service on active duty in the Armed Forces for other than training purposes;
5. is a graduate or professional student;
6. is a married individual;
7. has legal dependents other than a spouse;
8. 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 or as unaccompanied, at risk of homelessness and self-supporting;
9. is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.

Owners must verify the student's independence from his or her parents. To determine that the students parents income is not relevant in determining the student's eligibility for assistance by doing all of the following:

1. Review and verify previous address information to determine evidence of a separate household verifying the student meets the U.S. Department of Education's definition of independent student;
2. Review a student's prior year income tax returns to verify the student is independent or verifying the student meets the Department of Education's definition of independent student;
3. Verify income provided by parent by requiring written certification from an individual providing the support. Financial assistance that is provided by persons not living in the unit is part of the annual income.
4. Certification is also required if the parent is providing NO support to the student.

The rule does not apply to students residing with their parents in a section 8 assisted unit or who reside with parents who are applying to receive section 8 assistance.

GROUNDS FOR DENIAL

1. Total family income exceeds the applicable income limits published by HUD.
2. Household cannot pay the full security deposit at move-in.
3. Household refuses to accept the second offer of a unit.
4. Household fails to respond to interview letters or otherwise fails to cooperate with the certification process. Failure to sign consent forms.

5. ANY adult household member fails to attend eligibility interview.

6. Blatant disrespect or disruptive behavior toward management, the property or other residents exhibited by an applicant or family member any time prior to move-in (or a demonstrable history of such behavior).

7. Applicant failed to provide adequate verification of income or we are unable to adequately verify income and/or income sources.

8. Providing or submitting false or untrue information on your application or failure to cooperate in any way with the verification process.

9. Unit assignment will NOT be the family's sole place of residency. **Qualification for a unit includes occupying the unit on a continuous basis and as a primary residence. Residents may not be absent from the unit for more than 60 consecutive days, or for longer than 180 continuous days for medical reasons.**

10. Family members failed to provide proof of a social security number. See "Disclosure of SSN" section of this plan.

LANDLORD REFERENCE

11. Negative landlord references that indicate lease violation, disturbing the peace, harassment, poor housekeeping, improper conduct or other negative references against the household.

12. Evictions reported in the last 5 years.

13. History of late payment of rent that demonstrates more than 2 late payments of rent in a six-month period for the past two years. More than 1 NSF in a one-year period.

14. Any evidence of illegal activity including drugs, gang, etc.

15. Inappropriate household size for the unit available (see Occupancy Standards).

CREDIT

Please see attached credit criteria.

CRIMINAL

Please see attached criminal background criteria.

VIOLENCE AGAINST WOMEN ACT OF 2013

The Violence Against Women Act of 2013 (VAWA) applies to project-based Section 8 units (Floral Gardens) and offers the **following protections against eviction or denial of housing based on domestic violence, dating violence, sexual assault and stalking:**

1. An applicant's or program participant's status as a victim of domestic violence, dating violence, sexual assault and stalking is not a basis for denial of rental assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission.

2. This must support or assist victims of domestic violence, dating violence, sexual assault and stalking. It must protect victims, as well as members of their family, from being denied housing or from losing their HUD assisted housing.

3. An incident or incidents of actual or threatened domestic violence, dating violence, sexual assault and stalking will not

be construed as serious or repeated violations of the lease or other "good cause" for terminating the assistance, tenancy, or occupancy rights of a victim of abuse.

4. Criminal activity directly related to domestic violence, dating violence, sexual assault and stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of assistance, tenancy, or occupancy rights of the victim of the criminal acts.

5. Assistance may be terminated or a lease "bifurcated" in order to remove an offending household member from the home. Whether or not the individual is a signatory to the lease and lawful tenant, if he/she engages in a criminal act of physical violence against family members or others, he/she stands to be evicted, removed, or have his/her occupancy rights terminated. This action is taken while allowing the victim, who is a tenant or a lawful occupant, to remain.

6. The provisions protecting victims of domestic violence, dating violence, sexual assault and stalking engaged in by a member of the household, may not be construed to limit Floral Gardens, when notified, from honoring various court orders issued to either protect the victim or address the distribution of property in case a family breaks up.

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

The VAWA protections shall not supersede any provision of any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault and stalking. The laws offering greater protection are applied in instances of domestic violence, dating violence, sexual assault and stalking.

Attached to this Resident Selection Plan is the VAWA Notice of Occupancy Rights and Certification form for review. The Notice of Occupancy Rights and Certification form will be provided to applicants when assistance is being denied or at the time of move-in.

This notice explains your rights under VAWA. A HUD-approved certification form is attached to the notice. You can fill out this form to show that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, and that you wish to use your rights under VAWA.

GRIEVANCE/APPEAL PROCESS

Failure to meet one or more of the foregoing screening criteria may be grounds for denial, however, each application is considered as a whole and the above-factors are considered as part of a weighted formula. Should the applicants fail to meet the screening criteria, they will receive a notice in writing indicating that they have the right to appeal the decision. This notice must indicate that the applicant has 14 days to dispute the decision.

An appeal meeting with the Property Supervisor or the Compliance staff will be held within 10 business days of receipt of the applicant's request.

Within five days of the appeal meeting, the property will advise the applicant in writing of the final decision regarding eligibility. Apartments will not be held for those applicants in the appeal process.

ADMINISTRATION OF WAITING LIST

The property is required to maintain a Waiting List of all eligible applicants. Applicants must be placed on the Waiting List and selected from the Waiting List even in situations where there are vacancies and the application is processed upon receipt. This procedure is necessary to assure the complete and accurate processing of all documentation for all applicants.

The property has one Waiting List that is established and maintained in chronological order based on the date and time of receipt of the Preliminary Application. The Waiting List contains the following information for each applicant:

1. Applicant Name
2. Address and/or Contact Information
3. Phone Number(s)
4. Unit Type/Size
5. Household Composition
6. Preference/Accessibility requirements
7. Income level
8. Date/ Time of Application

Applicants must report changes in writing to any of the information immediately.

Applicants will have the opportunity to decline the first apartment offered and retain their place on the waiting list. Should the applicant decline the offer of the next available unit, they will be removed from the waiting list.

PURGING THE WAITING LIST

The Waiting List will be purged **annually** to ensure that the applicant information is current and that any names that should no longer be on the list are removed.

Each applicant will receive a letter from the property, which will request updated information and ask about their continued interest. This letter must be returned within the specified time or their application will be removed from the Waiting List.

It is the responsibility of the applicant to maintain a current address with the office in order to receive waitlist correspondence. Any correspondence returned undeliverable will result in application being removed from the waitlist.

OPENING/CLOSING OF WAITING LIST

Floral Gardens will monitor the vacancies and waiting lists regularly to ensure that there are enough applicants to fill the vacancies. Furthermore, Floral Gardens will monitor the waiting list to make sure that they do not become so long that the wait for a unit becomes excessive.

The waiting list may be closed for one or more unit sizes when the average wait is excessive. When the waiting list is closed, Floral Gardens will advise potential applicants that the waiting list is closed and refuse to take additional applications. Floral Gardens will publish a notice stating that the waiting list is closed in a publication likely to be read by potential applicants. The notice will state the reasons for Floral Gardens' refusal to accept additional applications.

When Floral Gardens agrees to accept applications again, the notice of this action will be announced in a publication likely to be read by potential applicants in the same manner as the notification that the waiting list was closed.

Advertisements will include where and when to apply and will conform to the advertising and outreach activities described in the Affirmative Fair Housing Marketing Plan for Floral Gardens.

AVAILABILITY OF RESIDENT SELECTION PLAN

The Resident Selection Plan shall be posted in a conspicuous and public area at the site. Changes to the Plan will be sent via U.S. mail

to all persons on the active Waiting List. When the Waiting List opens, the Resident Selection Plan will be distributed with applications and are available by request from management.

If the Resident Selection Plan or House Rules is revised or updated, applicants will receive a copy of the updated plan and current residents will receive a copy of the updated House Rules.

ANNUAL/INTERIM RECERTIFICATION REQUIREMENTS

All residents must be re-certified annually. Residents are also required to report all interim changes to management that occur between annually scheduled re-certifications.

Enterprise Income Verification (EIV)

In an effort to ensure the right assistance is provided to the right people, The Department of Housing and Urban Development (HUD) has provided property managers with access to a verification database called the Enterprise Income Verification System (EIV).
Floral Gardens utilizes EIV during the certification process for applicants and residents. All adult applicants, co-heads (even those under 18 years of age) and residents must give consent to the release of this information by signing HUD Forms 9887 and 9887A.

LIMITED ENGLISH PROFICIENCY (LEP) SERVICES

Floral Gardens will determine, as part of its obligation to take reasonable steps to ensure meaningful access to the Development and its programs by persons with Limited English Proficiency (LEP), those Oral Language Services (i.e. Interpretation) and HUD provided written translated documents (i.e. Translation) that may be required in connection with the implementation of this Plan.

PETS

No pets of any description are allowed on the property. SERVICE or ASSISTANCE animals are not considered pets. ASSISTANCE animals are animals that provide disability-related assistance, support, or provide service to persons with disabilities and are exempt from the pet policy and from the refundable pet deposit. Please notify Management if you require a Service or Assistance animal.

UNIT INSPECTION REQUIREMENT

Before signing the lease, Floral Gardens and the resident must jointly inspect the unit. The resident has five days to report any additional deficiencies to Floral Gardens to be noted on the move-in inspection form.

Annual unit inspections are performed by Floral Gardens. Agencies providing funding have the right to inspect the unit to ensure the property is physically well maintained and that the residents are provided with decent, safe and sanitary housing.

Residents will receive prior written notification for all unit inspections.

When a resident moves out, a final inspection will be completed. Residents are encouraged to attend the move-out inspection. However, if the resident does not wish to participate in the final inspection, Floral Gardens management may conduct the inspection alone.

EQUAL HOUSING OPPORTUNITY

Floral Gardens 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.

EAH HOUSING
A NON-PROFIT HOUSING CORPORATION

Expanding the range of opportunities for all by developing, managing and promoting quality affordable housing and diverse communities since 1968.
Floral Garden is an equal opportunity housing provider.

Floral Gardens
Violence, Dating Violence, Sexual Assault, or Stalking
Emergency Transfers

Floral Gardens is concerned about the safety of its tenants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking.

In accordance with the Violence Against Women Act (VAWA), Floral Gardens allows residents who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.[1] The ability of Floral Gardens to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether Floral Gardens has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

This plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees Floral Gardens subsidy programs to ensure they are in compliance with VAWA.

Eligibility for Emergency Transfers

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L is eligible for an emergency transfer, if:

1. The tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit.
2. If the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

Emergency Transfer Request Documentation

To request an emergency transfer, the tenant shall notify Floral Gardens management office and submit a written request for a transfer to **Floral Gardens, 2375 Floral Avenue, Selma, CA 93662** and include documentation of the occurrence of domestic violence, dating violence, sexual assault or stalking if tenant has not previously provided such documentation of the occurrence. Floral Gardens will provide reasonable accommodations to this policy for individuals with disabilities.

The tenant's written request for an emergency transfer should include either:

1. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under Floral Gardens program; or
2. A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant's request for an emergency transfer.

Acceptable documentation of the occurrence of domestic violence, dating violence, sexual assault or stalking must be provided if tenant has not provided such documentation. Acceptable documentation includes any one of the following forms of verification:

1. A complete HUD-approved certification Form 5-382;
2. A document:
   a. Signed by the resident and an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, "professional") from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse;

b. That specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under this subpart, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking under 24 C.F.R. § 5.2003;
3. A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
4. At the discretion of Floral Gardens, a statement or other evidence provided by the resident.

If Floral Gardens receives conflicting evidence that an incident of domestic violence, dating violence, sexual assault, or stalking has been committed (such as certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the abuser or perpetrator), Floral Gardens has the right to request that you provide third-party documentation within thirty (30) calendar days in order to resolve the conflict. If you fail or refuse to provide third-party documentation where there is conflicting evidence, Floral Gardens does not have to provide you with the protections in this notice.

Confidentiality

Floral Gardens will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives Floral Gardens written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the tenant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant. See the Notice of Occupancy Rights under the Violence Against Women Act For All Tenants for more information about Floral Gardens responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

Internal Emergency Transfer Timing and Availability

Internal emergency transfers refer to an emergency relocation of a resident to another unit where the resident would not be categorized as a new applicant. The resident may reside in the new unit without having to undergo an application process. Internal emergency transfers generally are only available within the community in which the tenant is residing.

Floral Gardens cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. Floral Gardens 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. Transfers for these reasons will take priority over all other transfer requests including those made to accommodate a disability and to address over- or under- utilization 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. Floral Gardens may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

External Emergency Transfers

External emergency transfers refer to an emergency relocation of a resident to another unit where the tenant would be categorized as a new applicant. The tenant must undergo an application process in order to reside in the new unit.

While EAH Housing may manage other communities within the area, each are (1) owned by different entities which are the actual housing providers at those communities for whom EAH Housing is acting as agent, (2) has its own wait lists and (3) is subject to its own regulatory agreements. As such, except in rare circumstances where the Owner also owns another community, EAH Housing must process transfers to other communities, even those managed by Floral Gardens, as external transfers. In most circumstances, Floral Gardens is unable to give priority for such external transfers even if Floral Gardens manages the property or EAH Housing manages the property for the other Owner. As such, external transfers generally will require the transferring tenant to go on any pending waitlist

in the same position as any other new applicant at the other property.

Additional Assistance

If Floral Gardens has no safe and available units for which a tenant who needs an emergency is eligible, Floral Gardens 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, Floral Gardens will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

Safety and Security of Tenants

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe.

Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Tenants who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE, or visit the online hotline at https://ohl.rainn.org/online.

Tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at https://www.victimsofcrime.org/our-programs/stalking-resource-center.

Attachment: Local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.