



**Luther Towers and Luther Village  
(LTLV)**

***Tenant Selection Plan***



*"Providing a Home for Seniors"*

**430 Kings Highway, Dover, DE 19901 - (302) 674-1408 - Fax: (302)  
674-2292** TTY/TDD COMMUNICATIONS BY DELAWARE RELAY SERVICE 1-800-  
232-5460





# Tenant Selection Plan

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The "Tenant Selection Plan" summarizes the procedures followed by the staff of Luther Towers/Luther Village of Dover for accepting applications, screening potential tenants, and filling vacant units. All units at Luther Towers/Luther Village of Dover are filled either through internal moves or with people on the waiting list. Consequently, the first step to moving onto the Luther Towers or Luther Village campus is to fill out an application. This tenant selection plan describes who is eligible to submit an application. This plan also describes how the staff processes these applications and maintains the waiting list. This plan is consistent with guidelines established by the U.S. Department of Housing and Urban Development (HUD) as found in HUD Handbook 4350.3 Rev 1 Change 2, the Delaware Landlord/Tenant Code, and Delaware State Housing Authority (DSHA).

## ***I. PROJECT ELIGIBILITY REQUIREMENTS:***

Applicants of Luther Towers/Luther Village must meet the following requirements to be eligible for occupancy and receive housing assistance. A household (one or two persons) is eligible to apply for an apartment at Luther Towers/Luther Village of Dover if:

- 1) the "head of household" is 62 years of age or older, or the applicant is handicapped, (An applicant shall be considered handicapped if he or she has a developmental disability as defined by the Developmental Disabilities Assistance and Bill of Rights Act (42 USC 6001(7)). Handicapped applicants under the age of 62, only qualify for Luther Towers I & II,
- 2) annual income is below U.S. Department of Housing and Urban Development (HUD) maximum program limits,
- 3) applicants disclose social security numbers for all family members listed on the application,
- 4) all adults in each applicant family agree to sign a "Consent to the Release of Information" form prior to receiving assistance and annually thereafter,
- 5) the unit for which the family is applying will be the family's only residence, and
- 6) applicants are U.S. citizens or eligible non-citizens.

## ***2. INCOME LIMITS:***

The U. S. Department of Housing and Urban Development establishes income limits and revises them annually to ensure that federal rental assistance is provided only to low-income families. Occupancy of units at Luther Towers/Luther Village is subject to the following HUD limits. Luther Towers I may house no more than 37 households having "low income" as defined by HUD, which is an annual

income of between 50% and 80% of the median income of Kent County, Delaware. All remaining units of Luther Towers I, II, III, IV, and Luther Village, are restricted to households having “very low” or “extremely low” income, again as defined by HUD, which is an annual income of less than 50% of the Kent County median. These limits are subject to change. The following limits are current as of March 2015:

	<u>1 Occupant</u>	<u>2 Occupants</u>	<u>Applies to</u>
<b>Extremely-low income limit</b>	<b>\$13,200</b>	<b>\$16,020</b>	<b>(LT I, LT II, LT III, LT IV, LV I, LV II)</b>
<b>Very-low income limit</b>	<b>\$22,050</b>	<b>\$25,200</b>	<b>(LT I, LT II, LT III, LT IV, LV I, LV II)</b>
<b>Low income limit</b>	<b>\$35,250</b>	<b>\$40,250</b>	<b>(LT I only)</b>

### ***3. PROCEDURES FOR ACCEPTING APPLICATIONS AND SELECTING FROM THE WAITING LIST:***

#### **a. PROCEDURES FOR ACCEPTING APPLICATIONS:**

Applications are accepted when the waiting lists are open. Applications will receive a cursory review when first received. For applicants who meet the eligibility criteria stated above, their applications will be recorded and given a sequence number. Applications will be maintained in sequential order. Subsequent to the initial cursory review, if an applicant is deemed ineligible, Luther Towers/Luther Village staff will return a copy of the application to the applicant along with a written description as to why the applicant was deemed ineligible. Also in the letter, will be the instructions to follow should a rejected applicant disagree with the decision.

#### **b. PREFERENCE BASED ON INCOME:**

U.S. Department of Housing and Urban Development (HUD) has established specific quotas which apply only to Luther Towers I and II. In each fiscal year, at least 40% of all new residents must have “extremely low” annual income. The objective is to stay as close as possible to the 40% quota without going below this limit. In order to meet these quotas, at the start of each fiscal year the staff selects the first extremely low- income applicant on the waiting list (which may mean “skipping over” some applicants with higher incomes) to fill the first available unit. For the next available unit, the staff will select the next eligible applicant currently at the top of the waiting list regardless of income level, but subject to restriction limiting applicants with “low” annual income. As subsequent units become available, tenant selection continues to alternate between the next extremely low-income applicant and the eligible applicant at the top of the waiting list to ensure the quota is always met. This quota is tracked separately for each of the Luther Towers I and II projects. This quota does not apply to Luther Towers III, IV, or Luther Village. (Ref: HUD Handbook 4350.3, Chapter 3)

**c. PREFERENCE BASED ON AGE:**

Luther Towers has adopted a policy that gives elderly applicants preference over handicapped or disabled applicants under 62 years of age. This policy limits the number of units that can be occupied by non-elderly handicapped or disabled residents to no more than 7 apartments in Luther Towers I and 5 apartments in Luther Towers II. As long as the number of apartments occupied by non-elderly handicapped or disabled residents are equal to or exceeds both of these limits, seniors will have priority for entry onto the Luther Towers campus. A non-elderly, handicapped applicant will be offered a unit when the occupancy of non-elderly handicapped or disabled residents falls below either established limit or the non-elderly handicapped applicant is at the top of the waiting list. (For more information, see the Federal Register: "Preference for Elderly Families," on file with the Executive Director.)

**d. OTHER:**

Applicants on the waiting list will be offered an apartment in the sequence of their application number. Should the unit offered, be an efficiency and the applicant refuses that unit, the applicant will be by-passed and the unit will be offered to the next person on the list. In this case, the applicant who refuses the efficiency will not lose their position on the waiting list. If an applicant rises to the top of the waiting list and is not ready to move into Luther Towers or Luther Village because of extenuating circumstances, their application will be put on hold. Applicants placed on hold will be offered the next available unit in chronological order according to their application date. The staff will keep an application on hold for no more than six months. At the end of six months, if the applicant has not initiated steps to move onto Luther Towers or Luther Village campus, the applicant will be removed from the waiting list.

**e. APPLICANT SCREENING CRITERIA:**

Final screening is initiated when an applicant is within approximately three months of lease signing. The purpose of this final screening is to verify the applicant still meets the eligibility criteria as outlined in Section 1, and to obtain reasonable assurance the applicant, by moving onto the Luther Towers or Luther Village campus, will not adversely affect the health, safety, or right to peaceful enjoyment of the premises by other residents.

**1) Income verification:**

Applicants will be asked to sign verification consent forms, allowing Luther Towers/Luther Village staff to receive income data directly from all sources providing income to the applicant. Potential income sources may include, but are not limited to, Social Security Administration, banks, insurance companies paying annuities, and former employers providing pensions. In addition, at the time of certification the applicant will be required to give proof of medical expenses for the 12 month period prior to the certification date. These medical expenses will be used in determining the tenant's monthly rent. The staff will utilize the Enterprise Income Verification system to determine whether

the applicant is currently receiving rental assistance at another property. Information about this program is contained in the "EIV and You" Brochure which is attached to this plan. If you have any questions about the program the staff will answer your questions.

**2) Credit check:**

The applicant will be asked to sign a release allowing the staff of Luther Towers/Luther Village to obtain a credit history.

**3) Character reference:**

The applicant will be asked to provide two personal references. At least one of these references will be contacted and asked if they are aware of any information that would make the applicant an unsuitable resident in an apartment complex housing senior citizens and a few disabled residents under the age of 62.

**4) Landlord reference:**

The Luther Towers/Luther Village staff will make an attempt to contact a previous landlord. The purpose of this contact is to determine how reliably the tenant paid their rent and to assess the applicants housekeeping habits.

**5) Criminal background check:**

The Luther Towers/Luther Village staff will obtain a police/criminal history of the applicant(s).

**6) Lifetime registration under sex offender registration programs:**

The Luther Towers/Luther Village staff will screen state databases for the State of Delaware and for any other state where applicants are known to have resided.

**7) Notice and Consent for Release of Information ( form HUD 9887; and applicant's/Tenant's Consent to the Release of Information, form HUD-9887-A);**

Applicants are required to sign both the Notice and Consent for Release of Information forms. For Luther Towers I and Luther Towers II only, income-eligible families must also have a need rental assistance. The possibility exists in Luther Towers I that otherwise eligible applicants with low-income may not require rental assistance for the following reason. Gross rent for Luther Towers I is limited to the contract rent established by DSHA. If the applicant's tenant rent contribution, which is based on annual income and medical expenses, exceeds the contract rent established by DSHA, the applicant would not require rental assistance. Therefore, the applicant would not be eligible to move into Luther Towers I. This could occur if an applicant has annual income close to the low-income limit, as shown in Paragraph 2, and has very low medical expenses. There currently is no likely scenario where an otherwise qualified applicant for Luther Towers II would not require rental assistance. The need for assistance does not apply to Luther Towers III and IV or Luther Village.

Luther Towers/Luther Village Staff will use the ongoing expenses the family paid in the 12 months preceding the certification/recertification to estimate anticipated medical expenses.

**f. CRITERIA FOR DENYING ADMISSION:**

Admission will be denied to:

- 1) any household ineligible based on the criteria in Section I,
- 2) any household unable to disclose and document all Social Security numbers or execute a certification when numbers have not been assigned,
- 3) any household that fails to sign and submit verification consents including verification of income and credit checks, or provides false income data that is confirmed with the EIV system and validated through third party verification.
- 4) any household containing a member who was evicted in the last three years from federally assisted housing for drug-related criminal activity.
- 5) any household in which any member is currently engaged in illegal use of drugs or if the staff has reasonable cause to believe that a member's illegal use or pattern of illegal use of a drug may interfere with the health, safety, and right to peaceful enjoyment of the property by other residents,
- 6) any household member who is subject to a state sex offender lifetime registration requirement, or
- 7) any household member if there is reasonable cause to believe that member's behavior, including abuse or pattern of abuse of alcohol, may interfere with the health, safety, and right to peaceful enjoyment of the premises by other residents.
- 8) any household member if there is reasonable cause that a bad credit report associated with failure to pay rent combined with a bad landlord reference.

Also, admission would be denied into Luther Towers I or II should the applicant not require rental assistance. (See Paragraph III. E. 7. above for further explanation.)

**g. PROCEDURES FOR APPEALING A REJECTED APPLICATION:**

If an applicant is deemed ineligible, Luther Towers/Luther Village staff will return a copy of the application to the applicant along with a written description as to why the applicant was deemed ineligible. Those instructions will state the applicant has 14 days in which to appeal the decision. The letter will also state that the applicant has the right to respond in writing or request a meeting. Within 30 days of receipt of an appeal, the Chairman of the Resident Relations Committee will hold a meeting with the Resident Relations Committee to consider the appeal. To ensure fairness, the Chairman must not have been involved in the initial decision to deny admission. If requested, the applicant must be permitted to attend the meeting. Decision of the committee is final. Management will notify the applicant of the final decision within five days of the hearing.

#### **4. OCCUPANCY STANDARDS:**

Of the 291 units at the Luther Towers campus, 258 are one-bedroom units and 33 units are efficiencies. All 100 units at the Luther Village campus are one bedroom units. The one-bedroom units are limited to at most two occupants, and no more than one person can live in any of the efficiencies. Efficiencies consist of a bathroom, kitchen and a multi-purpose living room.

#### **5. UNIT TRANSFER POLICIES:**

Current residents are sometimes transferred to vacant units in lieu of filling the vacant unit with applicants from the waiting list. The following summarizes the Luther Towers/Luther Village policy.

- 1) The Luther Towers/Luther Village campus' consist of six separate federally subsidized projects. Only under certain circumstances can current residents relocate to vacant units in another building. HUD's Occupancy Handbook, 4350.3, REV-1, Chapter 2, paragraph 2-40 allows the owner/management agent the latitude to make an exception, change, or adjustment to a rule, policy, practice, service, or physical structure if persons with a disability make a request for reasonable accommodation. (See Section VII). Further, Chapter 2, Section 2-32, Paragraph C(1)(a), on page 2-28 provides the owner the option when a current tenant needs an accessible unit and one is not located in their current development, to transfer that tenant to another development that is under their common control. Therefore, the owner can transfer current residents from one development to another on a case-by-case basis based only on a reasonable accommodation request from the resident. Such a move as described above has priority over all applicants on the waiting list.
- 2) Four units on the Luther Towers campus and ten on the Luther Village campus are fully accessible per the American Disabilities Act:

#1011 located in Luther Towers III

#4102, #4115, #4116 located in Luther Towers IV

#1112, #1113, #1114, #1115, #1116, #1117, #1118 located in Luther Village

#2108, #2113, #2114 located in Luther Village II.

Should any of these fourteen units become available, they will first be offered to any current resident who requires the accessibility features already existing in these units. For additional information, see "Luther Towers/Luther Village of Dover Transition Plan" and HUD Notice H 01-02, "Compliance with Section 504 of the Rehabilitation Act of 1973 and the Disability/Accessibility Provisions of the Fair Housing Act of 1988," both on file in the Executive Director's office.

- 3) For residents currently living in efficiency units, if they have been in their efficiency for at least 30 months and they request a transfer to a one-bedroom unit, the staff will offer to the

current resident the next one-bedroom unit that becomes available within the building in which the resident lives. This in-house transfer has priority over all applicants on the waiting list with the exception of a current resident that requires a transfer to meet a reasonable accommodation.

**6. *POLICIES TO COMPLY WITH SECTION 504 OF THE REHABILITATION ACT OF 1973 AND THE FAIR HOUSING ACT AND OTHER RELEVANT CIVIL RIGHTS LAWS AND STATUTES:***

In accordance with Section 504 of the Rehabilitation Act of 1973, Luther Towers/Luther Village of Dover does not discriminate on the basis of disability. Section 504 defines person with a disability to include individuals with a physical or mental impairment that substantially limits one or more major life activities. The term “physical or mental impairment” may include, but is not limited to, conditions such as visual or hearing impairment, mobility impairment, HIV infection, mental retardation, drug addiction (except current illegal use of or addiction to drugs), or mental illness. The term “major life activity” means a function such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. Section 504 also protects persons who have a record of such impairment, or are regarded as having such impairment. In accordance with the Fair Housing Act, Luther Towers/Luther Village does not discriminate based on race, color, religion, sex, national origin, disability and familial status. In accordance with Title VI of the Civil Rights Act of 1964, Luther Towers/Luther Village does not discriminate on the basis of race, color or national origin.

**7. *REASONABLE ACCOMMODATIONS [24 CFR 8.4, 8.24 AND 8.33]:***

A “reasonable accommodation” is a change, adaptation or modification to a policy, program, service, building, dwelling unit or workplace which will allow a qualified person with a disability to participate fully in a program, take advantage of a service, live in a dwelling or perform a job. Reasonable accommodations may include, for example, those which are necessary for a person with a disability to use and enjoy a dwelling. When a family member requires an accessible feature(s), policy modification or other reasonable accommodation to accommodate a disability, recipients must provide the requested accommodation unless doing so would result in a fundamental alteration in the nature of its program or an undue financial and administrative burden.

Reasonable accommodation starts with a request. The need for accommodation can be documented on the application and must be supported by a physician recommendation.

## **8. POLICY FOR OPENING AND CLOSING AND MAINTAINING THE WAITING**

### **LIST:**

- 1) The waiting list may be closed when the average wait exceeds one year. In order to close a list, the staff must advise potential applicants that the waiting list is closed and refuse to take additional applications. Consistent with the Affirmative Fair Housing Marketing Plan, it is sufficient to publish a notice in the Thursday edition of the Delaware State News and the Wednesday Dover Post. The notice must state the reasons for refusing to accept additional applications. Furthermore, as long as the waiting list is closed, a notice must be displayed on a bulletin board in the lobby of each building.
- 2) To open a waiting list, the staff must advertise in a manner consistent with the outreach activities described in the Affirmative Fair Housing Marketing Plan. The advertisement should include the rules for applying and include a description of the order in which applications will be processed.
- 3) The waiting list will be updated at least once per year. The purpose is to confirm contact information and verify that each applicant is still interested in moving onto the Luther Towers/Luther Village campus. To update the list, the staff will mail a brief survey to all applicants usually in January. If an applicant fails to respond within 30 days to this survey, a second attempt will be made to contact that applicant. An applicant will be removed from the list:
  - a) if mail sent to the address of record is returned as undeliverable,
  - b) if no response is heard from the applicant after two written attempts to confirm contact information.

## **9. ELIGIBILITY OF STUDENTS TO RECEIVE SECTION 8 ASSISTANCE:**

Under certain conditions, students may be eligible for rental assistance through the Section 8 program. However, for the Luther Towers projects, student status alone does not satisfy the project eligibility requirements. An applicant claiming student status must also meet project eligibility requirements as stated on Page 3, Section 1 of this Tenant Selection Plan.

## **10. NOTICE TO APPLICANTS OF CHANGES TO THIS PLAN:**

All applicants will be notified in writing if DSHA or HUD approves changes to this plan. The notice will briefly summarize what provisions have changed and state that any applicant may obtain a copy of the entire plan by making a written request to Director of Admissions, c/o Luther Towers of Dover, 430 Kings Highway, Dover DE 19901.

***11. PLAN RESPONSIBILITY AND AUTHORITY:***

This plan is the responsibility of the Board of Directors. Administration of this plan is the responsibility of the Executive Director of Luther Towers/Luther Village of Dover. Any changes must be approved by the Board of Directors and accepted by DSHA.