



Tenant Selection Policy For ACCT Owned and/or Managed Apartments Updated June 17th 2021

EQUAL OPPORTUNITY & NONDISCRIMINATION POLICY STATEMENT

Addison County Community Trust (ACCT) strongly supports the goals of equal access to housing and will comply with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, Fair Housing Amendments Act of 1988, the Americans with Disabilities Act of 1990, and with the laws of the State of Vermont prohibiting discrimination in public accommodations, and with all related rules, regulations and requirements. Applications will be provided in alternative format upon request.

ACCT strives to develop affordable housing for households in Addison County. ACCT will not deny any family or individual the opportunity to apply for residency, nor the opportunity to lease or rent a suitable dwelling, if such unit is available, on account of age, race, color, religious creed, familial status, marital status, national origin, sex, sexual orientation, gender identity, military/veteran status, disability, abuse, sexual assault or stalking or because a person is a recipient of public assistance.

If you have questions regarding your rights if you are a disabled applicant, you can contact the Vermont Human Rights Commission at 800-416-2010/802-828-2480 (voice & TTY); Vermont Legal Aid at 800-889-2047; Fair Housing Project of CVOEO at 800-287-7971/802-864-3334 or the Vermont Center For Independent Living at 800-639-1522/802-229-0501 (voice & TTY).

Free interpreter services are available. Please tell us if you need an interpreter or other accommodation.

Interpretive Services

AALV Inc.

Physical Address: Allen Street, 3rd Floor, Burlington, Vermont 0540

Website: <https://www.aalv-vt.org>

Phone: (802) 985-3106

Email: info@aalv-vt.org

Fax: 802 881 0521



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French

Des services d'interprétation gratuits sont disponibles pour nos programmes. Vous êtes prié de nous faire savoir si vous avez besoin d'un interprète ou d'une assistance quelconque.

Russian

Для наших программ предлагаются бесплатные услуги переводчика. Пожалуйста, сообщите нам, если Вам требуется переводчик или другая помощь.

Serbo-Croatian

Za sve naše programe na raspolaganju su vam besplatne prevodilačke usluge. Molimo vas da nam javite ukoliko vam je potreban prevodilac ili bilo koja druga vrsta usluge.

Spanish

Hay servicios gratis de interpretación disponibles para nuestros programas. Por favor, avísenos si necesita un intérprete u otra acomodación.

Swahili

Huduma ya Utafsiri inapatikana bure. Tafadhali tueleze kama unahitaji mfasiri au huduma nyinginezo.

Vietnamese

Hiện có các dịch vụ thông dịch miễn phí cho các chương trình của chúng tôi. Xin cho chúng tôi biết nếu quý vị cần một thông dịch viên hay các thích nghi khác.

1. APPLICATIONS

Applications may be picked up at the main office located at 272 Main St. Vergennes, VT. Applications can also be accessed from the Addison County Community Trust Website <https://www.addisontrust.org/rental-apartment-application-process.html> Additionally, applications can be mailed to you by calling Addison County Community Trust's office (802) 877-2626, ext. 100, or by e-mailing info@addisontrust.org and requesting an application.

In order to be considered for an Addison County Community Trust rental apartment, a household must complete the Common Rental Application for Housing in Vermont and submit it to ACCT for processing.

Applicants may submit a cover sheet and application the following ways:

By Mail: PO Box 156 Vergennes, VT 05491

E-Mail: info@addisontrust.org

Physical Drop Off: dropped off in person at 272 Main St. Vergennes, VT 05491 (there is mail slot on the front door if the office is closed).

ACCT will not accept faxed applications.

The application must be filled out completely and signed by all adult members of the household over the age of 18 before it will be processed. Answer all yes/no questions, otherwise if a section of the application does not apply, write "N/A" in the appropriate area.



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Incomplete applications will be returned to the applicant. Applicants will have 14 calendar days from the date on the incomplete letter to return a completed application. Failure to return a completed application within 14 calendar days from the date on the incomplete letter will result in a denial. Incomplete applications will not be considered for current or future vacancies.

Any applicant denied for submitting an incomplete application will be exempt from the 6-month minimum wait period before another submitted application will be accepted. (section 10, subsection i).

2. ELIGIBILITY:

Applicants will be determined eligible if they submit a completed application and meet the requirements described in the tenant selection criteria.

Applicants for Low Income Housing Tax Credit (LIHTC), HOME, USDA Rural Development, Housing and Urban Development (HUD) Section 8, Section 236, Rent Supplement, RAP, and Section 202/811 programs, Vermont Housing and Conservation Board must satisfy the applicable income standards, program restrictions and household size restrictions relative to the size of the apartment.

Applicants for “market units”, must satisfy applicable income standards and program restrictions (if any).

Armory Lane Housing Limited Partnership
50 Armory Lane
Vergennes, VT

Armory Lane Housing Limited Partnership is an elderly property. Eight (8) units at the property have rental assistance through the HUD Section 202 Program. Residents and applicants are eligible to receive assistance through the section 202 program if the household is composed of one or more persons at least one of whom is 62 years of age or more at the time of initial occupancy. Income limits apply. All other residents of the property must be age 55 or older. Income limits apply. Household members must be age 50 or older to be placed on the waitlist.

Mountain View Apartments
123 Rt 125
Hancock, VT

Mountain View Apartments is a family, section 8 project-based property. The property is therefore subject to income targeting as described in the HUD Occupancy Handbook 4350.3.

“For each project assisted under a contract for project-based Section 8 assistance, the owner must lease not less than 40% of the dwelling units (assisted under the contract) that become available for occupancy in any project fiscal year to extremely low-income families.” (Chapter 4, section 2, paragraph 4-5)



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First, ACCT shall review the waiting quarterly to determine the percentage or extremely low income applicants on the waiting list. If less than 50% of the applicants on the waiting list are not below the extremely low income limit, as set by HUD for the current year, ACCT will aggressively market the property in accordance with the approved Affirmative Fair Housing Marketing Plan to attract applicants who are below the extremely low income limit.

In order to stay in compliance with requirements of the HUD 4350.3 Handbook income targeting rules, ACCT has elected to use "Method 2" in the HUD Occupancy Handbook 4350.3.

Method 2 – Alternate between the first extremely low-income applicant on the waiting list and the applicant at the top of the waiting list. To implement this method, owners 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, tenant 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.

NOTE: It is possible that:

- Selection of the "next extremely low-income applicant" may result in selecting the applicant at the top of the waiting list; or
- Selection of the "eligible applicant at the top of the waiting list" may result in the selection of an extremely low-income family. (Chapter 4, section 2, paragraph 4-5, subsection B)

Only U.S. citizens or eligible noncitizens may receive assistance under Section 8, Section 236, Rent Supplement, RAP, and Section 202/811 programs. The applicant/or all household members must certify (by signing the Applicant Declaration Format) whether he/she is a United States Citizen or a Non-Citizen with Eligible Immigration Status as described in Section 214 of the Housing and Community Development Act of 1980. Selection Criteria will be based upon that in the H95-55, Handbook 4350.3 concerning Eligible Citizens and Eligible Non-Citizens.

In order to determine eligibility, offer a unit for and receive assistance under Section 8, Section 236, Rent Supplement, RAP, and Section 202/811 programs, HUD requires all household members, including live-in aides, foster children and foster adults to have a Social Security Number (SSN). In addition, the applicant family must provide (for management to copy) a valid Social Security card issued by the Social Security Administration for each household member.

If the household member cannot produce his/her Social Security card, at least one of the following alternative documents must be provided as documentation:

- a. And original document issued by a federal or state government agency which shows the person's name and SSN along with other identifying information (i.e. SSA benefit award letter)
- b. Drivers license that shows the Social Security Number
- c. Earning Statement on payroll stubs



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- d. Bank statement or Form 1099
- e. Retirement benefit letter
- f. Life insurance policy or court records
- g. Other evidence that HUD designates as acceptable

3. WAITING LISTS

ACCT maintains waitlists for all properties. All applications are date and time stamped when they are received in ACCT's office 272 Main St. Vergennes, VT. Previously incomplete and re-submitted applications will receive a new date and time stamp.

Selecting Applicants from the Waiting List

Applicants are placed on the waitlist for which bedroom size they are eligible in the date order a completed and accepted application is received. Once there is an available apartment, applicants are contacted in the order they are listed on the waitlist with the following exceptions:

- Violence Against Women's Act (VAWA)
- Reasonable Accommodation
- Homeless preference
- Tenants that are receiving a subsidy that are over housed or under housed and are required to move per program rules.
- Filling accessible units

Applicants must meet all eligibility requirements for the property and unit as described below in section 4 through 15 and the Violence Against Women ACT (VAWA). Applicants are notified of the vacancy and have the right to accept or refuse the available unit.

If the decision is to accept the unit, the application will be reviewed and updated. Current income must be within the eligibility guidelines that are current at the time of the vacancy. Household members will be reviewed for any changes in income, rental history, criminal activity, and registration on the sex offender registry.

Policy for Opening and Closing Waiting Lists for Properties

ACCT may elect to close current waitlist(s) by following applicable program guidelines, for one or more bedroom size when the average wait is one year or more. In the event a waitlist is closed, it is published on the ACCT website (<https://www.addisontrust.org>) and ACCT's office.

In the event a previously closed waitlist is reopened, ACCT will publish that on the ACCT website and post it at ACCT's main office.

Removal of Names from Waiting Lists

Addison County Community Trust will remove names from the waiting lists for the following reasons.

1. The applicant no longer meets the eligibility requirements for the property or program
2. The applicant fails to respond to a phone call or written notice for an upcoming or current vacancy.



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3. Applicant fails to respond to a letter asking if the applicant would like to remain on a specific waiting list
3. The applicant is offered and rejects a one (1) unit on the property without meeting an “exception to the rule” per ACCT’s Waitlist and Filling Vacancy Policy.
4. The applicant fails to provide SSNs for all household members.
5. Mail sent to the applicant's address is returned as undeliverable.
6. The unit that is needed using family size as the basis changes, and no appropriate size unit exists in the property.

Reinstating Names on the Waiting List

ACCT will reinstate applicants to the waiting list if an applicant is removed from the waiting list, and subsequently ACCT determines that an error was made in removing the applicant (e.g., the incorrect address was used in sending mail to the applicant, the applicant did not respond to information or updates because of a disability), the applicant must be reinstated at the original place on the waiting list.

4. OCCUPANCY STANDARDS

To determine the number of bedrooms a family may be eligible for, ACCT will:

- a. Count all full-time members of the household and unborn children.
- b. Count all household members anticipated to reside in the apartment 50% or more as determined by Tax Credit, VSHA, HUD or Rural Development regulations as applicable.
- c. Count household members who are away at school but reside in the unit during school recesses, household members who are temporarily absent due to placement in foster care, or household members who are subject to joint custody agreement but who will live in the unit at least 50% of the time.
- d. Count adults who are temporarily away (for example, due to military service) but are expected to rejoin the family within six months.
- e. Count live-in attendants.

To avoid overcrowding apartments will be leased in accordance with the occupancy guidelines set forth below, except as noted above:

Number of Bedrooms	Minimum # of Occupants	Max Number of Occupants
0	1	1
1	1	3
2	2	5
3	3	7
4	4	9

5. INCOME LIMITS

All of these income limits are based on the median income for a metropolitan statistical area (MSA). This table shows the four income limits as a percentage of median income in an MSA.



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INCOME LIMIT	MEDIAN INCOME FOR THE AREA
Low-income limit	80% of median income
60% Limit	60% of median income
Very low-income limit	50% of median income
Extremely low-income limit	30% of median income

INCOME LIMIT BY PROGRAM

SUBSIDY	TYPE OF INCOME LIMIT
Section 8 (pre Oct. 1 st 1981)	Low, very low, and extremely low-income limit
Section 8 (post Oct. 1 st 1981)	Very low and extremely low-income limit
Section 202/811 PRACs, except those funded in FY 1995	Very low-income limit
Section 202/811 PRACs funded in FY 1995	Low-income limit

6. ACCESSIBLE APARTMENTS

ACCT's intent has been to increase the number of apartments in Addison County that are accessible to persons with disabilities. To this end, every effort will be made to find eligible applicants for the accessible and adaptable apartments. If after one (1) month an applicant who requires the features of an accessible unit is not found, then the apartment may be rented to a household who does not need the accessible features. However, any residents leased up in a USDA Rural Development or HUD subsidized unit with accessible features who are not in need of those accessibility features will be given an addendum to the lease that states if another ACCT-managed non-accessible unit in the same housing entity becomes available, and there is an applicant who needs an accessible unit, the residents will be required to move to said available unit.

7. RENT SUBSIDIES

When considering applicants for units receiving rental assistance, whether through Rural Development or HUD, there cannot be fewer occupants than the number of bedrooms in the unit. Applications with a household total that is less than the number of bedrooms in an available unit will not be considered for that unit, unless the applicant has a disability and there is a direct nexus or relationship between the disability and the need for the additional bedroom.

Enterprise Income Verification: For HUD Units ONLY: Section 8, Section 236, Rent Supplement, RAP, and Section 202/811 programs

Per HUD's requirement, management uses HUD's Enterprise Income Verification (EIV) system. EIV is an internet based computer data system containing employment, income, and subsidy information on individual participating in HUD's rental assistance programs. In accordance with EIV security requirements, only authorized personnel shall have access to EIV information, and then only after proper training and certification of non-disclosure.

Before an applicant is selected from the waiting list, management will request an Existing Tenant Search report using the EIV system. ACCT will use the EIV System to determine if the applicant or any member of the applicant



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household is currently receiving HUD assistance. Nothing prohibits a HUD housing assistance recipient from applying to this property. However, the applicant must move out of the current property and/or forfeit any voucher before HUD assistance on this property will begin. Special consideration applies to some dependents where members of two households share 50% custody. If the information received from the EIV system is inconsistent with information the applicant has provided, ACCT will contact the applicant.

If there is a conflict between the EIV report and the tenant reported income, management will contact the tenant and use the written third-party verification when necessary. Where a discrepancy is found between EIV and tenant reported household information, management will use the written third-party verification.

Income Reports	Used at each recertification both annual and interim
Existing Tenant Report	At the time of processing an applicant for admission
Multiple Subsidy Report	At least quarterly
Identity Verifications Report	At least quarterly
Deceased Tenants Report	At least quarterly
New Hires Report	At least quarterly
Income discrepancy report	Used at each recertification both annual and interim

Full Time Students and Section 8

A student enrolled in an Institute of Higher Education must meet at least one of the following requirements in order to be eligible for Section 8 assistance:

- 1) living with parents/guardian or
- 2) 24 or older or
- 3) a veteran of the United States armed services or
- 4) married or
- 5) has a dependent child or
- 6) can prove independence of parents including
 - i) The parents did not claim the student on the most recent tax return and
 - ii) The student has lived independent of the parents for at least one year or meets the Department of Education's definition of an independent student and
 - iii) Can legally sign a lease
- 7) is disabled and was receiving assistance as of November 30, 2005 or
- 8) has parents who are income eligible for the Section 8 program or
- 9) were ever a foster child

8. UNIT TRANSFERS

Any conflict that exists between this Tenant Selection Plan and the VAWA Emergency Transfer Policy (VAWA Policy) of the Agent shall be ruled by the VAWA Policy.



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Due to the financial and administrative burden, and additional time constraints placed on ACCT, transfers will not be considered for any reasons except for those listed below. If any current resident wishes to relocate to another property or unit managed by ACCT, that resident may complete an application and apply for an available unit, as applicable. The following criteria will apply:

- a. Tenant will be subject to all tenant selection criteria; and
- b. Tenant must be a tenant in good standing and current on rent for the previous six months.

A Tenant Unit Transfer May be Deemed Appropriate for One for One or More of the Following Reasons:

- c. The household is under-housed.
- d. The household is over-housed.
- e. The household lives in a designated project based unit and is no longer eligible for the program
- f. The household becomes eligible for a project based voucher and must move to a designated project based unit.
- g. The household is in a designated handicapped accessible unit and does not need the features and there is family in need of the accessibility features of the unit.
- h. The household requires a reasonable accommodation.

Tenant Unit Transfer Requirements

All transfer requests must be made in writing and approved in advance by the Director of Property Management. Tenants with an approved transfer request will be given priority over people on the waiting list.

9. REASONABLE ACCOMMODATIONS AND MODIFICATIONS

It is ACCT's policy to provide reasonable accommodation in housing for applicants and residents with disabilities and/or to permit applicants or residents with disabilities to make reasonable modifications where reasonable accommodation and/or modification is necessary to provide those individuals with an equal opportunity to use and enjoy ACCT housing.

A resident or an applicant makes a reasonable accommodation or modification request whenever he/she make it clear to ACCT staff that he/she is (i) requesting an exception, change, or adjustment to a rule, policy, practice, or service because of his/her disability; or (ii) requesting a structural modification to his/her apartment or to a common area because of his/her disability.

ACCT shall make available to all persons applying for an apartment with ACCT and to all current ACCT residents, notice of the option to request a reasonable accommodation or modification and a form for requesting a reasonable accommodation or modification.

10. TENANT SELECTION CRITERIA

All applicants in the household 18 and older must:



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- a. Have six months of positive credit history. (Insufficient credit history is not a factor for applicants applying for HUD housing.)
- b. Demonstrate satisfactory past performance in meeting financial obligations, including but not limited to rent payment and payment of utility bills.
- c. Provide five (5) years of verifiable Landlord References or housing history.
- d. Have no record of destruction of property or housekeeping habits that may adversely affect the safety, health, or welfare of other tenants, vendors and staff. Have no record of habitual lease violations or disturbance of neighbors. Or have been a homeowner for the entirety of the past five years.
- e. Drug Related or Criminal Activity Criteria. For the below stated seven (7) and ten (10) year periods relating to criminal activity/background, the time begins running as to whichever date occurs latest:

Date of Record; or

Date of Conviction; or

Date of release from incarceration

No household member shall have:

Within the last seven (7) seven years a record of

- acts of fraud
- other misdemeanor criminal acts which may adversely affect the health, safety, welfare, or quiet enjoyment of other tenants, employees, vendors or agents of the Owner nor negatively impact the reputation of the property to which they have applied

Within the last ten (10) years, a record of

- violent criminal activity
- drug-related criminal activity
- sexual criminal activity
- other felony criminal acts which may adversely affect the health, safety, welfare, or quiet enjoyment of other tenants, employees, vendors or agents of the Owner nor negatively impact the reputation of the property to which they have applied

Within their lifetime, a record of

- eviction from a housing unit for drug-related criminal activity
- current engagement in illegal use of drugs for which there is reasonable cause to believe that a household member's illegal use or pattern of use of a drug, including alcohol, may adversely affect the health, safety, welfare, or quiet enjoyment of other tenants, employees, vendors or agents of the Owner nor negatively impact the reputation of the property to which they have applied
- other criminal acts in which there was (or attempted to be) death or substantial property damage
- subject to a lifetime registration requirement under a state sex offender registration program



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- a history of abuse or pattern of abuse of drugs in which there is reasonable cause to believe that a household member's illegal use or pattern of use of a drug, including alcohol, may adversely affect the health, safety, welfare, or quiet enjoyment of other tenants, employees, vendors or agents of the Owner nor negatively impact the reputation of the property to which they have applied
- f. Demonstrate ability to meet current and projected financial obligations. The applicant's projected rent and utility payments must be under 50% of their gross income to be considered affordable.
 - g. In addition, any other criteria may be grounds for an application denial if ACCT determines it might be reasonably expected to affect the applicant's ability to successfully fulfill the responsibilities of the lease.
 - h. Any applicant determined to have willfully made false statements on their application, or at any point during the application or screening process will be denied.
 - i. Any applicant who is denied will have a 6-month minimum wait period before another application will be considered, regardless of any changes on a newly submitted applications. The six month waiting period begins from the date the denial letter sent to the applicant. Any applicant denied for submitting an incomplete application will be exempt from the 6-month minimum wait period.

11. EVIDENCE OF IMPROVEMENT

If unfavorable information about an applicant has been received, consideration shall be given to the time, nature, and extent of the applicant's conduct, and to the factors which indicate a reasonable probability of better future conduct or financial responsibility, such as length of time with no unfavorable incidents or participation in social service programs or other appropriate counseling.

12. TENANT SCREENING STANDARDS FOR HOMELESS PREFERENCE

ACCT may establish homeless preferences at properties with local service providers. Applicants will be selected based the memorandum of understanding that is in place between ACCT and the local service provider.

All applicants applying for the homeless preference must meet the following:

- a. Meet the HUD definition of homeless, and
- b. Meet the requirements in the Tenant Selection Plan sections 4 through 15 and VAWA, or
- c. Have Individual Service Plan at move-in with a participating service provider that addresses any barriers to housing

13. NEED TO REVIEW THE HUD HANDBOOK 4350.3 TO SEE REQUIREMENTS OF FOR TSP. Examples include the below pic.

14. APPLICANT BEHAVIOR

ACCT may deny tenancy to an applicant household if ACCT determines that any member of the household has engaged in repeated harassing behavior or has threatened any violence towards ACCT agents or staff.



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Abusive or violent behavior towards ACCT agents or staff includes, but is not limited to verbal as well as physical abuse or violence, use of racial epithets, or other harsh, threatening or discriminatory language, whether written or oral through any and all means/forms of communication, that customarily used to intimidate may be considered abusive threatening or violent behavior.

Threatening refers to oral or written threats of physical gestures that communicate intent to abuse, harm or commit violence.

Harassing Behavior refers to the act of repeatedly disturbing, alarming or threatening someone, to the extent that such conduct either causes harm or results in the person complaining of harassment to reasonably fear the harm may be caused to them. Harassing behavior may also include the electronic dissemination to third party of embarrassing or inaccurate information about agent/staff. It also includes using the legal system to harass ACCT agent/staff (litigation abuse) by continuously filing retaliatory and frivolous complaints with outside, third party government entities whether criminal or civil in nature against ACCT and/ or its staff/agents

15. RELOCATION

For Households being displaced by Addison County Community Trust development activities they will be given priority on the waiting list.

16. FAIR CREDIT REPORTING ACT

We are hereby informing you of certain information pursuant to the Fair Credit Reporting Act, 15 U.S.C. 1681 et seq., as amended by the Consumer Credit Reporting Reform Act of 1996 (Public Law 104-208, the Omnibus Consolidated Appropriations Act for the Fiscal Year 1997, Title II, subtitle D, Chapter 1).

- a. We have denied your application based on information contained in a consumer credit report obtained from the following consumer credit reporting agency:

Amrent

Attn: Consumer Relations

PO Box 3027

Pittsburgh, PA 15230-3027

(888)898-6196

- b. Pursuant to section 615 of the Fair Credit Reporting Act, we are notifying you that the above-noted agency only provided information about your credit history. It took no part in making the decision to reject your rental application, nor can it explain why the decision was made.
- c. You have certain rights under federal law, as explained in more detail in paragraphs d and e below. Pursuant to the Fair Credit Reporting Act, you have a right to obtain a copy of your credit report, dispute its accuracy, and provide a consumer statement describing your position if you dispute the credit report. If you believe your report is inaccurate or incomplete, you may call the consumer credit reporting agency at the number listed above or write to credit reporting agency at the listed address.
- d. Pursuant to section 612 of the Fair Credit Reporting Act, you have the right to obtain a free copy of your consumer report from the consumer credit reporting agency whose name is listed. You must request the copy within 60 Days of the date you receive this letter.



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- e. Pursuant to Section 611 of the Fair Credit Reporting Act, if you dispute any of the information in your report, you have the right to put into your report a consumer statement of up to 100 words explaining your position of the item under dispute. Trained personnel are available at the Consumer Credit Reporting Agency to help prepare consumer statements.

To request a copy of a credit report or to send in a statement or Dispute:

Amrent
Attn: Consumer Relations
PO Box 3027
Pittsburgh, PA 15230-3027
(888) 898-6196

17. APPEAL PROCESS

Addison County Community Trust will mail written notice to any denied applicant specifying the reason for denial. A denied applicant has six months from the date the denial letter is sent to request an appeal.

Requests for an appeal MUST be submitted in writing. Request for an appeal can be

Mailed to:

Addison County Community Trust
PO Box 156
Vergennes, VT
05491

Hand Delivered to:

ACCT Main Office
272 Main St.
Vergennes, VT
05491

There is a secure mail slot on the front door.

Email the ACCT staff member hearing appeals as indicated on the denial letter.

If written documentation is provided, each reason for the denial of the application must be addressed and explained in detail. No apartment will be held during this period.

18. PRIVACY POLICY

ACCT will comply with the Federal Privacy Act Statement and will use the requested information to determine maximum income eligibility, recommended unit size, and/or amount of the individual rent contribution by resident(s). Information obtained will not be disclosed outside of ACCT and the property owners except as required and permitted by law. Applicants/Residents may refuse to provide this information; however, such refusal may result in the delay or rejection of eligibility approval. ACCT is authorized to request this information



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under the U.S. Housing Act of 1937, as amended, 42 U.S.C., 1437 et.seq., the Housing and Community Development Act of 1981, Public 97-35, 85 Stat., 348, 408. Applicants applying for federally funded programs will be required to sign a Federal Privacy Act Statement as part of the application process.

NOTICE OF OCCUPANCY RIGHTS UNDER
THE VIOLENCE AGAINST WOMEN ACT

U.S. Department of Housing and Urban Development
OMB Approval No. 2577-0286
Expires 06/30/2017



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Notice of Occupancy Rights under the Violence Against Women Act¹

To all Tenants and Applicants

The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, or stalking. VAWA protections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation.² The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees that HUD/RD is in compliance with VAWA. This notice explains your rights under VAWA. A HUD-approved certification form is attached to this 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.”

Protections for Applicants

If you otherwise qualify for assistance under HUD/RD, you cannot be denied admission or denied assistance because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Protections for Tenants

If you are receiving assistance under HUD/RD, you may not be denied assistance, terminated from participation, or be evicted from your rental housing because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Also, if you or an affiliated individual of yours is or has been the victim of domestic violence, dating violence, sexual assault, or stalking by a member of your household or any guest, you may not be denied rental assistance or occupancy rights under HUD/RD solely on the basis of criminal activity directly relating to that domestic violence, dating violence, sexual assault, or stalking.

Affiliated individual means your spouse, parent, brother, sister, or child, or a person to whom you stand in the place of a parent or guardian (for example, the affiliated individual is in your care, custody, or control); or any individual, tenant, or lawful occupant living in your household.

Removing the Abuser or Perpetrator from the Household

¹ Despite the name of this law, VAWA protection is available regardless of sex, gender identity, or sexual orientation.

² Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.



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Addison County Community Trust may divide (bifurcate) your lease in order to evict the individual or terminate the assistance of the individual who has engaged in criminal activity (the abuser or perpetrator) directly relating to domestic violence, dating violence, sexual assault, or stalking.

If Addison County Community Trust chooses to remove the abuser or perpetrator, Addison County Community Trust may not take away the rights of eligible tenants to the unit or otherwise punish the remaining tenants. If the evicted abuser or perpetrator was the sole tenant to have established eligibility for assistance under the program, the Addison County Community Trust must allow the tenant who is or has been a victim and other household members to remain in the unit for a period of time, in order to establish eligibility under the program or under another HUD housing program covered by VAWA, or, find alternative housing.

In removing the abuser or perpetrator from the household, Addison County Community Trust must follow Federal, State, and local eviction procedures. In order to divide a lease, the Addison County Community Trust may, but is not required to, ask you for documentation or certification of the incidences of domestic violence, dating violence, sexual assault, or stalking.

Moving to Another Unit

Upon your request, Addison County Community Trust may permit you to move to another unit, subject to the availability of other units, and still keep your assistance. In order to approve a request, Addison County Community Trust may ask you to provide documentation that you are requesting to move because of an incidence of domestic violence, dating violence, sexual assault, or stalking. If the request is a request for emergency transfer, the housing provider may ask you to submit a written request or fill out a form where you certify that you meet the criteria for an emergency transfer under VAWA. The criteria are:

- (1) You are a victim of domestic violence, dating violence, sexual assault, or stalking. If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation, as described in the documentation section below.
- (2) You expressly request the emergency transfer. Your housing provider may choose to require that you submit a form, or may accept another written or oral request.
- (3) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit. This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

OR

You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer. If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault



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occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you expressly request the transfer.

Addison County Community Trust will keep confidential requests for emergency transfers by victims of domestic violence, dating violence, sexual assault, or stalking, and the location of any move by such victims and their families.

Addison County Community Trust's emergency transfer plan provides further information on emergency transfers, and the Addison County Community Trust must make a copy of its emergency transfer plan available to you if you ask to see it.

Documenting You Are or Have Been a Victim of Domestic Violence, Dating Violence, Sexual Assault or Stalking

Addison County Community Trust can, but is not required to, ask you to provide documentation to "certify" that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking. Such request from The Addison County Community Trust must be in writing, and The Addison County Community Trust must give you at least 14 business days (Saturdays, Sundays, and Federal holidays do not count) from the day you receive the request to provide the documentation. The Addison County Community Trust may, but does not have to, extend the deadline for the submission of documentation upon your request.

You can provide one of the following to The Addison County Community Trust as documentation. It is your choice which of the following to submit if The Addison County Community Trust asks you to provide documentation that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

- A complete HUD-approved certification form given to you by The Addison County Community Trust with this notice, that documents an incident of domestic violence, dating violence, sexual assault, or stalking. The form will ask for your name, the date, time, and location of the incident of domestic violence, dating violence, sexual assault, or stalking, and a description of the incident. The certification form provides for including the name of the abuser or perpetrator if the name of the abuser or perpetrator is known and is safe to provide.
- A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking. Examples of such records include police reports, protective orders, and restraining orders, among others.
- A statement, which you must sign, along with the signature of an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional or a mental health professional (collectively, "professional") from whom you sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, and with the professional selected by you attesting under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for protection.
- Any other statement or evidence that The Addison County Community Trust has agreed to accept.

If you fail or refuse to provide one of these documents within the 14 business days, The Addison County Community Trust does not have to provide you with the protections contained in this notice.



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If Addison County Community Trust 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), The Addison County Community Trust 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, The Addison County Community Trust does not have to provide you with the protections contained in this notice.

Confidentiality

Addison County Community Trust must keep confidential any information you provide related to the exercise of your rights under VAWA, including the fact that you are exercising your rights under VAWA.

Addison County Community Trust must not allow any individual administering assistance or other services on behalf of The Addison County Community Trust (for example, employees and contractors) to have access to confidential information unless for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law.

Addison County Community Trust must not enter your information into any shared database or disclose your information to any other entity or individual. Housing Provider, however, may disclose the information provided if:

- You give written permission to The Addison County Community Trust to release the information on a time limited basis.
- The Addison County Community Trust needs to use the information in an eviction or termination proceeding, such as to evict your abuser or perpetrator or terminate your abuser or perpetrator from assistance under this program.
- A law requires The Addison County Community Trust or your landlord to release the information.

VAWA does not limit The Addison County Community Trust's duty to honor court orders about access to or control of the property. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.

Reasons a Tenant Eligible for Occupancy Rights under VAWA May Be Evicted or Assistance May Be Terminated

You can be evicted and your assistance can be terminated for serious or repeated lease violations that are not related to domestic violence, dating violence, sexual assault, or stalking committed against you. However, The Addison County Community Trust cannot hold tenants who have been victims of domestic violence, dating violence, sexual assault, or stalking to a more demanding set of rules than it applies to tenants who have not been victims of domestic violence, dating violence, sexual assault, or stalking.

The protections described in this notice might not apply, and you could be evicted and your assistance terminated, if The Addison County Community Trust can demonstrate that not evicting you or terminating your assistance would present a real physical danger that:



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- 1) Would occur within an immediate time frame, and
- 2) Could result in death or serious bodily harm to other tenants or those who work on the property.

If Addison County Community Trust can demonstrate the above, Addison County Community Trust should only terminate your assistance or evict you if there are no other actions that could be taken to reduce or eliminate the threat.

Other Laws

VAWA does not replace any Federal, State, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking. You may be entitled to additional housing protections for victims of domestic violence, dating violence, sexual assault, or stalking under other Federal laws, as well as under State and local laws.

Non-Compliance with The Requirements of This Notice

You may report a covered housing provider's violations of these rights and seek additional assistance, if needed, by contacting or filing a complaint with the Vermont State Housing Authority.

For Additional Information

You may view a copy of HUD's final VAWA rule at: <https://www.federalregister.gov/documents/2016/11/16/2016-25888/violence-against-women-reauthorization-act-of-2013-implementation-in-hud-housing-programs>.

Additionally, Addison County Community Trust must make a copy of HUD's VAWA regulations available to you if you ask to see them.

For questions regarding VAWA, please contact the Vermont State Housing Authority at (802) 828-3295.

For help regarding an abusive relationship, you may call the National Domestic Violence Hotline at 1-800-799-7233 or, for persons with hearing impairments, 1-800-787-3224 (TTY). You may also contact: See Attached.

For 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>.

For help regarding sexual assault, you may contact: See Attached.

Victims of stalking seeking help may contact: See Attached.

Attachment: Certification form HUD-5382



KEEP FOR YOUR RECORDS

**CERTIFICATION OF
DOMESTIC VIOLENCE,
DATING VIOLENCE,
SEXUAL ASSAULT, OR STALKING,
AND ALTERNATE DOCUMENTATION**

**U.S. Department of Housing
and Urban Development**

OMB Approval No. 2577-0286
Exp. 06/30/2017

Purpose of Form: The Violence Against Women Act (“VAWA”) protects applicants, tenants, and program participants in certain HUD programs from being evicted, denied housing assistance, or terminated from housing assistance based on acts of domestic violence, dating violence, sexual assault, or stalking against them. Despite the name of this law, VAWA protection is available to victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

Use of This Optional Form: If you are seeking VAWA protections from your housing provider, your housing provider may give you a written request that asks you to submit documentation about the incident or incidents of domestic violence, dating violence, sexual assault, or stalking.

In response to this request, you or someone on your behalf may complete this optional form and submit it to your housing provider, or you may submit one of the following types of third-party documentation

- (1) A document signed by you 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 you have sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse. The document must specify, under penalty of perjury, that the professional believes the incident or incidents of domestic violence, dating violence, sexual assault, or stalking occurred and meet the definition of “domestic violence,” “dating violence,” “sexual assault,” or “stalking” in HUD’s regulations at 24 CFR 5.2003.
- (2) A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
- (3) At the discretion of the housing provider, a statement or other evidence provided by the applicant or tenant.

Submission of Documentation: The time period to submit documentation is 14 business days from the date that you receive a written request from your housing provider asking that you provide documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking. Your housing provider may, but is not required to, extend the time period to submit the documentation if you request an extension of the time period. If the requested information is not received within 14 business days of when you received the request for the documentation, or any extension of the date provided by your housing provider, your housing provider does not need to grant you any of the VAWA protections. Distribution or issuance of this form does not serve as a written request for certification.

Confidentiality: All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking shall be kept confidential and such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections to you, and such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.



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TO BE COMPLETED BY OR ON BEHALF OF THE VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

1. Date the written request is received by victim: _____
2. Name of victim: _____
3. Your name (if different from victim's): _____
4. Name(s) of other family member(s) listed on the lease: _____

5. Residence of victim: _____
6. Name of the accused perpetrator (if known and can be safely disclosed): _____

7. Relationship of the accused perpetrator to the victim: _____
8. Date(s) and times(s) of incident(s) (if known): _____

10. Location of incident(s): _____

In your own words, briefly describe the incident(s):

This is to certify that the information provided on this form is true and correct to the best of my knowledge and recollection, and that the individual named above in Item 2 is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature _____ Signed on (Date) _____

Public Reporting Burden: The public reporting burden for this collection of information is estimated to average 1 hour per response. This includes the time for collecting, reviewing, and reporting the data. The information provided is to be used by the housing provider to request certification that the applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking. The information is subject to the confidentiality requirements of VAWA. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget control number.

Form HUD-5382
(12/2016)

