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Owners and Agents must comply with requirements to help ensure that all households have fair and equal access to affordable housing under the LIHTC program. The Owner/Agent (O/A) is responsible for establishing tenant selection procedures. These procedures describe the methods and procedures for taking applications and screening tenants at the property.

OHCS requires the owner to have a written Tenant Selection Plan (TSP) that clearly specifies how households will be selected from the waiting list by describing eligibility requirements and the screening policies implemented by the O/A. The TSP must comply with all program requirements, and affirmative marketing requirements established by the Affirmative Fair Housing Marketing Plan (AFHMP).



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### Why do you need a TSP?

- OHCS mandates the use of Tenant Selection Plan(TSP) for all sites
- The TSP helps to ensure that tenants are selected for occupancy in accordance with program specific requirements and established management policies. OHCS recommends that the plan specify and include a number of procedures and policies.
- Supports Fair Housing practices



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## Objective...



- Understand the purpose of the Tenant Selection Plan
- Consolidate policies and procedures affecting tenant selection, promoting fairness and uniformity on the tenant selection process
- HOTMA significant changes
- Program vs Property/Owner



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## Tenant Selection Plan (TSP)

What is a TSP?  
Why do you need a TSP?



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## TSP: What is it?

The Blueprint



- The Tenant Selection Plan (TSP) is a site-specific plan describing the applicant screening and selection process. **Foundational**
- Each property will follow the property-specific program(s) and the agency regulatory requirements. **Good bones**
- The TSP is available for public viewing. **Polished finish**



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### Why is the TSP important?

- Owners must develop and make public written tenant selection policies and procedures that include descriptions of the eligibility requirements and income limits for admission
- The Tenant Selection Plan must include whether or not there is a program specific and/or an owner restriction or preference in the admission of tenants. The restriction or preference must cite the supporting documentation to ensure nondiscrimination in the selection of tenants.
- The contents of the plan also must be consistent with the purpose of improving housing opportunities and be reasonably related to program eligibility and an applicant's ability to perform the obligations of the lease.



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### TSP - Purpose

- Selecting eligible tenants for a property is vital for program compliance and to ensure eligible households will reside at the property.
- A TSP is written guidance created by owners/agents to help management select the appropriate applicants for occupancy based on eligibility factors for the property and its program.
- The TSP assists management to establish policies and procedures to promote fair and consistent housing to each person that applies at the property. This, in the long run, could help keep the owner/agent from violating fair housing.
- Applicant use the TSP to self-screen to help determine their eligibility for housing



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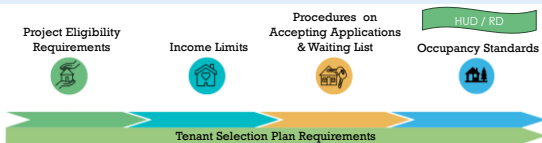
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### TSP Required Topics



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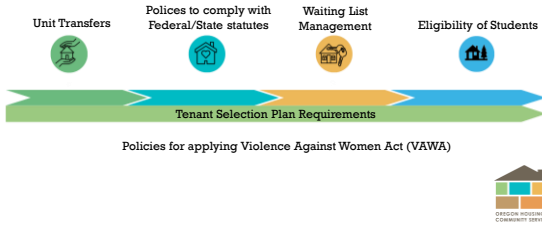
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### Additional TSP Requirements



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### Project Eligibility Requirements

Fair Housing	Program	Property / Owner	Multiple Programs
<ul style="list-style-type: none"> <li>• Waiting List</li> <li>• VAWA</li> </ul>	<ul style="list-style-type: none"> <li>• Income</li> <li>• Students</li> <li>• Rent</li> <li>• Criminal</li> </ul>	<ul style="list-style-type: none"> <li>• Occupancy</li> <li>• Pets</li> <li>• Credit/Criminal</li> </ul>	<ul style="list-style-type: none"> <li>• Preferences</li> <li>• Students</li> <li>• Transfers</li> </ul>

Presentation Title, Date



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### TSP Requirements: Program vs Project/Owner

- OHCS requires that project owners and property management staff comply with all applicable fair housing laws prohibiting discrimination and requiring equal access to housing for persons with disabilities.
- When conducting onsite compliance monitoring, OHCS staff inspects all properties for conformance with Internal Revenue Code Section 42 (IRC Section 42) ... other programs. If a project receives fair housing complaints, OHCS staff will refer these to U.S. Housing and Urban Development (HUD) or Bureau of Labor Industries (?)(BOLI)???
- The Tenant Selection Plan (TSP) should ensure that both program eligibility and project eligibility are described and applied toward the review of all applicants and tenants when determining eligibility to reside at a specific property.



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### 1. Project Eligibility Requirements

Program eligibility determines whether applicants are eligible for admission and/or for assistance and establishes applicants are eligible to reside in the specific project to which they have applied.

- Project / Program specific requirements
- Citizenship requirements
- Social security number requirements (if applicable)



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### 2. Income Limits

The income limit schedule used for the property must be identified

- Project / Program specific requirements
- Citizenship requirements
- Social security number requirements (if applicable)

However, the specific maximum annual income limit amounts do not need to be included.

The income limit that applies to a household will be based on the number of household members that will reside in the unit and the annual income that the household receives.



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### 3. Procedures for Accepting Applications and Selecting from the Waiting List

- Accepting applications and pre-applications (if applicable)
- Procedures for applying preferences
- Income targeting requirements
- Applicant screening criteria
- EIV Existing Tenant Search
- Procedures for rejecting ineligible applicants



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### 4. Occupancy Standards

Program eligibility determines whether applicants are eligible for admission and/or for assistance and establishes applicants are eligible to reside in the specific project to which they have applied.

- Project / Program specific requirements
- Citizenship requirements
- Social security number requirements (if applicable)



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### 5. Unit Transfer Policies

The TSP should include procedures to fill vacant units from utilizing applicants on the waiting list or from current residents who need:

- To transfer units because of family size;
- A new unit because of changes in family composition;
- A deeper subsidy;
- A unit transfer for a medical reason certified by a doctor; or
- A unit transfer based on the need for an accessible unit



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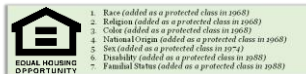
### 6. Policies to comply with the 504 Rehabilitation Act of 1973 & Fair Housing Act

#### Section 504 of the Rehabilitation Act of 1973 Program eligibility

Prohibits discrimination based on a disability in any program or activity receiving federal financial assistance from HUD. Project / Program specific requirements

#### The Fair Housing Act

Prohibits discrimination in housing and housing-related transactions based on the seven federally protected classes



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### 7. Policy for Opening and Closing the Waiting List

The advertising methods used to announce the opening, and the closing of the waiting list should be described in the Tenant Selection Plan.



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### 8. Eligibility of Students

Low-income Housing Tax Credit (LIHTC)

- The Tenant Selection Plan must include the requirements for determining the eligibility of students.
- Household comprised of all full-time students
  - Kindergarten\_through college



Note: All household members must be determined student status eligible at move-in to establish program eligibility.



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### 8. Eligibility of Students

Housing and Urban Development (HUD) – HOME and Rural Development

- The Tenant Selection Plan must include the requirements for determining the eligibility of students enrolled at an institution of higher education.
- The Higher Education Act of 1965 in the 20 U.S.C. § 1001 and § 1002 defines higher education for management purposes of determining eligibility and student assistance programs.



Note: All household members must be determined student status eligible at move-in to establish program eligibility.



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## 9. Policies for Applying Violence Against Women Act (VAWA) Protections

The Tenant Selection Plan (TSP), as well as any House Rules (Occupancy Rules), where applicable, must include policies and procedures covering the VAWA protections.

Owner policies must support or assist victims of VAWA covered crimes and members of their family from being denied housing or losing their HUD-assisted housing as a consequence of the VAWA Covered crimes.



The VAWA covered crimes include

- Domestic Violence
- Dating Violence
- Sexual Assault
- Stalking



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## Recommended Topics

1. Applicant notification and opportunity to supplement information already provided
2. Procedures for identifying applicant needs for features of accessible units or reasonable accommodations / modifications
3. Updating the waiting list
4. Policy for notifying applicants and potential applicants of changes in the tenant selection plan (TSP)
5. Procedures for assigning units with originally constructed design features for persons with physical disabilities
6. Charges for facilities and services
7. Security deposit



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## Recommended Topics, continued

8. Unit inspections
9. Annual recertification requirements
10. Interim recertification reporting policies (HUD/RD)
11. Implementation of house rule changes



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### Procedures for Accepting Applications and Selecting from the Waiting List

- Date and Time Stamp
- Preferences
- Income Targeting (HUD Section 8 & RD per income level)
- Accessible Units



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### HOTMA Changes – HUD requirements

#### De Minimis Errors in Income Determinations

- o Owner's Discretionary Policies: Owners must include in the TSP how they will repay or credit a family the amount that the family was overcharged retroactive to the effective date of the action for which the error was made, regardless of the dollar amount associated with the error.

#### Self-Certification of Net Family Assets Equal to or less than current published asset limitation

- o Owners must include in their TSPs whether they will accept a family's self-certification of assets of **\$52,740** or less at admission (only for new admissions effective on or after 1/1/24) and/or at reexamination.



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### HOTMA Changes – HUD requirements

#### Hardship Exemptions

- o Owners must develop written policies in their TSPs defining the changes in circumstances that are required for a family to qualify for a hardship exemption.

#### Interim Reexaminations – Decreases / Increases in Adjusted Income

- o Owners must describe these policies in their TSPs.

#### Interim Reexaminations – Reporting Changes and Effective Date

- o Owners must describe these policies in their TSPs.
- o Owners must describe these policies in their TSPs.



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### In General...

Possible interactions:

1. Where programs adjust by design
2. No corresponding provision
3. Corresponding provisions
  - a. Different provisions
  - b. Most restrictive
4. Actual conflict



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### Questions?



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Thank you!



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