

**East Bay Community
Development Corporation**

Bristol, RI

TENANT SELECTION PLAN

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1. INTRODUCTION

The objective of this Tenant Selection Plan is to consolidate policies and procedures for tenant selections in the subsidized housing portfolio of East Bay Community Development Corporation (East Bay CDC). A guiding concept will be the provision of housing for a culturally diverse and varied income mix in accordance with the Department of Housing and Urban Development (HUD) and/or all other funding organizations.

This Plan will set out a procedure for application-taking, selection and processing of applicants including priorities, occupancy standards, rejection standards, and the appeal process if applicable. East Bay CDC will not discriminate on the basis of race, color, national origin, sex, age, disability, religion and familial status.

The Plan applies to all subsidized housing properties managed by East Bay Community Development Corporation.

2. NONDISCRIMINATION & COMPLIANCE WITH RELEVANT LAWS AND STATUTES

East Bay CDC does not discriminate against applicants or residents on the basis of race, color, creed, religion, sex, sexual orientation, gender identity & expression, national origin, age, familial status, handicap or socio-economic class. In addition, East Bay CDC will make reasonable accommodations to units and/or common areas that are needed by applicants and residents with disabilities, unless these modifications would change the fundamental nature of the project or would result in undue financial and administrative burdens.

East Bay CDC will apply all policies and rules in compliance with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, Section 504 of the Rehabilitation Act of 1973, and the U.S. Department of Housing and will not knowingly violate such laws. Any complaint related to violation of any part of any of these laws should be reported immediately to East Bay CDC headquarters at 150 Franklin St., Bristol, RI 02809 – Telephone 401-253-2080

3. PROJECT ELIGIBILITY REQUIREMENTS

East Bay CDC manages the following type of properties:

- Subsidized multi-family apartments (RIHMFC) – East Bay CDC scattered Sites
- Subsidized elderly housing (HUD Section 202) – Franklin Court Independent Living AKA Franklin Court East and West AKA Elder Care One and Two.
- Market rate and/or subsidized - Franklin Court Assisted Living

For subsidized housing programs, East Bay CDC is required to determine whether applicants are eligible to occupy a subsidized property and receive housing assistance according to rules established for each type of subsidy. Eligibility is determined by state and federal statute as well as the U.S. Dept. of Housing (HUD) regulation. Applicants for housing not subject to subsidy do not have to meet income guidelines discussed in Section 5 below.

4. KEY PROGRAM ELIGIBILITY REQUIREMENTS

Applicants and tenants must meet the following requirements to be eligible for occupancy and housing assistance. Subsequent paragraphs provide more detailed information about income limits, social security numbers and consent forms.

- A. Annual income must not exceed program limits where applicable (see below).
- B. Applicants must disclose social security numbers for all household members and provide proof of the numbers reported.
- C. All adults in each applicant household must sign an Authorization for Release of Information prior to receiving assistance and annually thereafter.
- D. The unit for which the household is applying must be the household's only residence.
- E. An applicant must agree to pay the rent required by the program under which the applicant will receive assistance.
- F. Only U.S citizens or eligible non-citizens may receive assistance (see below).
- G. All information reported by the household is subject to verification.
- H. Households may also be subject to requirements that may be specific to the property(s) they are applying to.

5. INCOME LIMITS (NOT APPLICABLE TO MARKET RATE UNITS)

Applicants must meet established income limits to be eligible for occupancy and housing assistance. A household's eligibility for assistance is based on the income limit applicable to the type of housing assistance the household is to receive. A household may be income-eligible for one program but have too high an income for another program.

Based upon household size, East Bay CDC will inform applicants of the income limit appropriate for each type of property. Income-eligible households must have annual income that is less than or equal to the income limit for the household size.

East Bay CDC abides by the income limits established annually by the U.S. Dept. of Housing, usually changing in February.

6. APPLICATIONS AND PRE-APPLICATIONS

Applications and pre-applications may be taken in person at the rental office or mailed to the office. They must be completed in their entirety before they are logged into the waiting list system. Once completed the application will be date/time stamped as received. The application or pre-application should contain enough information to enable management to:

- A. tentatively determine the household's eligibility and establish the date of the application;
- B. determine the unit size for which the applicant is eligible;
- C. screen applicant for rental history, credit history, participation in fraudulent activities;
- D. determine the need for reasonable accommodation.

The rental agent will offer assistance to the applicant in completing the application and explain the specific program for which the applicant is applying and the selection process. Placement on the waiting list does not guarantee the applicant will be eligible or acceptable for occupancy in an East Bay CDC property.

No person shall be refused the right to apply unless application-taking is closed for the particular unit size or type for which he or she is applying.

7. NOTIFICATION REQUIREMENTS FOLLOWING INITIAL APPLICATION

Each applicant assigned to the waiting list will be mailed a notice of receipt of application and of placement on the waiting list. The receipt notice will confirm the date the application was received in completion and will explain that waiting list placement is determined by date of application without priority. The notice will also advise the applicant of his or her responsibility to report changes in address and phone number.

8. WAITING LIST MAINTENANCE

East Bay CDC will maintain Waiting List applications in a manner that tracks the movement of an applicant through the waiting list process from application to occupancy or removal. To ensure the privacy of all applicants, confidential information will be appropriately secured. All applications including those rejected or withdrawn shall be retained by East Bay Community Development Corporation for at least three years. This includes all documentation pertaining to rejection of an applicant and any related conferences.

9. UPDATING THE WAITING LIST AND APPLICANT NOTIFICATION

The Waiting List will be updated at least once a year as needed. Updating will be as follows:

Annually, a letter will be sent to each person on the waiting list requesting written confirmation of interest in remaining on the waiting list, current address and phone number. The applicant will be given 30 days from the date of the letter in which to respond and will be notified that if no response is received the application will be placed in the inactive file. A copy of the letter will be retained in the applicant's file for at least three (3) years.

In the event there is no response after 30 days, a certified letter will be sent to the applicant giving him/her 21 days to respond. If no response is received, the application will be placed in the inactive file.

10. APPLICANT OPPORTUNITY TO SUPPLEMENT/CORRECT INFORMATION

Applicants are responsible to inform management of any changes in address and telephone numbers in a timely fashion. Should applicants at any time wish to provide supplemental information to their application or to correct information presented therein, they may do so at any time by contacting the office where their application is on file.

11. NOTIFICATION OF CHANGES IN TENANT SELECTION PLAN

The Tenant Selection Plan will be reviewed by management periodically. In the event that changes are made to the existing Tenant Selection Plan, all applicants currently on a waiting list will be sent a letter notifying them that changes have been made – only if those changes affect them in any way. Applicants will be offered the opportunity to request a copy of the new policy, which will be sent to them at no cost. Copies of the Tenant Selection Plan will be made available to any member of the public upon request.

12. PROCESSING WAITING LIST APPLICANTS

When a unit becomes available, the owner or agent will attempt to make contact with the next in line applicant by telephone. If contact cannot be made by telephone within three days, a letter will be sent to the applicant by common mail. The letter will notify the applicant that they have ten business days to respond or they will be automatically moved to the bottom of the waitlist. It will also say that they must bring their application information up to date or risk permanent removal from the waitlist at a future time.

13. PROCEDURE FOR SELECTING APPLICANTS FOR AN APARTMENT

When a vacancy occurs, residents on any in-house transfer lists will have initial consideration in accordance with their position on the Reasonable Accommodation list. Thereafter, applicants will be selected from the waiting list in the order in which their applications were received. East Bay CDC has no established preferences for new applicants.

14. POLICY FOR AN APPLICANT'S REFUSAL OF A UNIT

An applicant on the Franklin Court East (Elder Care Two) and/or West (Elder Care One) Waiting List has the right to be offered two (2) apartments but after the second refusal will automatically go to the bottom of the waitlist. That is, an applicant may be offered two (2) different apartments at two (2) different times but must accept one of them or will go to the bottom of the list and will be newly ranked according to the date of the second apartment refusal. Should this take place, a letter will be sent out by common mail to the applicant informing him/her of the new ranking.

*Exception to this ruling is Franklin Court Assisted Living which allows for three (3) separate apartments to be offered and refused before the applicant goes to the bottom of the list.

When an interview is scheduled but the applicant fails to attend, the owner or agent may consider this one refusal. A letter will be sent to the applicant informing him/her of the refusal and that the applicant is entitled to request a conference. Copies of all documents shall be retained in the applicant's file for at least three years.

15. PREFERENCES

East Bay CDC has established no preferences for applicants to be placed on the waiting list or to be offered apartments. That is, applicants will be placed on the waiting list and/or offered apartments on a "first come, first served" basis (assuming eligibility). An applicant's place on the waiting list is determined solely by the date of the completed application.

16. DETERMINATION OF CITIZENSHIP STATUS

Assistance in subsidized housing is restricted to U.S. citizens or nationals and non U.S. citizens who have eligible immigration status as determined by HUD.

At the time of application, East Bay CDC will notify each applicant of the requirement to either submit evidence of citizenship or eligible immigration status.

Housing will not be denied to applicants who submit immigration documentation in a timely manner, but for whom the Department of Human Services (DHS) verification of appeals process has not been completed. Housing will be denied if DHS does not declare the applicant to have U.S. citizenship or eligible immigration status.

*Individuals age 62 and older and individuals who were receiving assistance prior to September 30, 1996, are exempted from providing documentation.

17. APPLICANT SCREENING AND PROCESSING CRITERIA

Applicants will be screened using criteria specified under the applicable federal or state subsidy program and the Housing Finance Agency (if applicable) with regard to

income and household characteristics as well as suitability of the applicant's family composition for the size units available (see below) and capability of the applicant to meet the basic requirements of the lease.

Investigations of an applicant's history, based on written third party verification where possible, may include the following information:

- A. Landlords within the past five years or, if only one, the previous landlord prior to that period may be contacted to determine not only the applicant record of rental payments, but also whether the applicant conducted himself in a manner so as not to intentionally damage property, cause disturbances to neighbors and otherwise jeopardize the health, security and welfare of neighbors of himself.
- B. Credit references furnished by the applicant on the application or obtained through a credit bureau to evaluate the credit history of the applicant. Information to be considered will be limited to the applicant credit record established within the five (5) years prior to the date of application.
- C. Criminal background will be obtained through a credit bureau to evaluate the criminal history of the applicant(s). Information to be considered will include any record established prior to the date of application.
- D. Information from the U.S. Dept of Immigration and Naturalization Services verifying eligible immigration status of non U.S. citizens. *Under age 62
- E. Personal references furnished on the application may be contacted.
- F. Income may be verified by the present employer, appropriate agency, financial institution, broker, pension provider or other party as may be deemed appropriate and allowable under HUD or Finance Agency regulations.
- G. The existence of a disability must be verified by a physician or other professional with knowledge of the disability (such as a physical therapist or social worker) if the applicant is applying for eligibility as a disabled person. It is the responsibility of the applicant's family who requires a service or accommodation to be able to care for the unit.
- H. Management may check court records or other information available to the public. Management is obligated to ensure that none of the information is collected in violation of the law.

13. LIVE-IN AIDES

A live-in aide is a person who resides with one or more elderly persons, near-elderly persons, or persons with disabilities and who 1) is determined to be essential to the care and well-being of the person(s); 2) is not obligated for the support of the person(s); and 3) would not be living in the unit except to provide the necessary supportive services.

The live-in aide (even if it is a relative) qualifies for occupancy only as long as the individual needing supporting services requires the aide's services and remains a

tenant. The live-in aide may not qualify for continued occupancy as a remaining family member.

Live-in aides will be screened for drug abuse and other criminal activity but will not be screened for ability to pay rent on time (credit history) because they are not responsible for rental payments.

19. PROCEDURE FOR REJECTING INELIGIBLE APPLICANTS

An applicant is deemed acceptable for occupancy unless specific information or facts indicate one or more of the following:

- A. Applicant does not meet the basic income and/or age requirements or other guidelines of the unit for which he/she is applying.
- B. Applicant has a previous eviction or criminal record. (Refer to page 8)
- C. Reasonable risk that the applicant may be unable or unwilling to pay the rent as agreed.
- D. Reasonable risk that the applicant or those under the applicant's control may interfere with the health, safety, security or right to peaceful enjoyment of the resident community.
- E. Reasonable risk of intentional damage or destruction to the apartment unit and surrounding premises by the applicant or those under the applicant's control.
- F. Intentional or material falsification of information supplied on the application.
- G. Applicant unable to disclose and document all Social Security numbers or execute a certification.

In determining whether or not an applicant is to be rejected under one or more of the above standards, the following points are to be considered:

- A. In the evaluation of the information that is gathered from the permitted sources, the possible biases, attitudes, and motives of the sources will be considered.
- B. Information relating to behavior not relevant to the above standards will not be considered.
- C. In evaluating information, the timeliness of the information and the possibility of mitigating factors will be considered.
- D. It is unlawful to discriminate against any individual who is a recipient of federal state or local public assistance because the individual is such a recipient.

In the event an application is received which, upon initial review, indicates the applicant is not eligible for the waiting list, the applicant will be mailed a notice of receipt and stating a reason why the application is being rejected and informing the applicant that he or she is entitled to respond in writing or to request a conference within 14 days of the date of the letter.

The conference will be conducted by a member of East Bay CDC's staff who was not involved in the initial decision to deny admission or assistance. East Bay CDC will give the applicant a written decision within five (5) days. This decision will be final.

For at least three (3) years, East Bay CDC will keep written documentation of the factors that it considered in determining that an applicant be rejected for housing. Files to be kept include the application, records of all interviews and verified information and the rejection notice.

Drug or Criminal Activity History

Applicants engaged in drug-related or criminal activity will be rejected. Specifically admission will be prohibited for the following reasons:

- A. Any household containing a member(s) who was ever evicted from housing for drug-related criminal activity. There are two exceptions to this provision.
 - i. The evicted household member has successfully completed approved, supervised drug rehabilitation program (appropriate documentation will be required); or
 - ii. The circumstances leading to the eviction no longer exist (e.g. the household member no longer resides with the applicant household).
- B. Any household in which any member is currently engaged in illegal use of drugs or for which the owner 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;
- C. Any household member who is subject to a state sex offender lifetime registration requirement;
- D. Any household member convicted of a violent criminal act, felony or other consistent criminal activity.

Credit and Rental History

East Bay CDC may reject an applicant for poor credit history within the past five (5) years. East Bay CDC may reject an applicant with poor credit or rental history, but may not reject an applicant for lack of a credit or rental history.

If management rejects an application based upon the credit report, the applicant will be provided with the name of the credit bureau that performed the credit check. This information will be provided at the time of the rejection notice. Applicants will also be given the opportunity to have corrections made to the credit report.

20. OCCUPANCY STANDARDS

Occupancy standards are established to eliminate the possibility of a type of discrimination when engaged in tenant selection. The standards must balance the need to avoid overcrowding with the need to make the best use of apartments.

When determining household size for establishing income eligibility, East Bay CDC will include all persons living in the unit except the following:

- A. Live-in aides (see above)
- B. Foster children or foster adults
- C. Guests

East Bay CDC will apply the following **General Standards** in selecting a unit size:

- A. No more than two persons per bedroom, i.e.
 - i. 1 bedroom2 occupants
 - ii. 2 bedroom4 occupants
 - iii. 3 bedroom6 occupants
 - iv. 4 bedroom8 occupants
- B. Unrelated adults and persons of the opposite sex (other than spouses) will not be required to share a bedroom.
- C. Accommodation may be made to families that require a larger size than is immediately apparent because of a physical or mental handicap of a household member.

21. REASONABLE ACCOMMODATION

Upon written request, East Bay CDC will make every effort to provide any reasonable accommodation that may be necessary to afford a person with disabilities equal opportunity to use and enjoy a dwelling unit as well as the public and common areas.

A reasonable accommodation may also be made to rules, policies, practices and procedures to enable a resident or applicant with a disability to have equal opportunity to enjoy the facility.

In cases where such accommodation will cause undue financial and administrative burden to the property or result in fundamental alteration in the nature of the program, the property shall provide any other reasonable action that would not result in an undue burden.

Specific units in East Bay CDC properties have been designed to be more accessible (barrier free) to applicants and/or residents with certain physical disabilities. To qualify for such a unit, applicants/residents must submit a "Reasonable Accommodation Request Form" to the Property Manager along with documentation from an appropriate professional attesting to the need for such a unit for the applicant/resident.

22. WHEN AN ACCESSIBLE UNIT BECOMES AVAILABLE

When an accessible unit becomes available it will be offered to:

1. A current occupant in another unit at the site who is in need of a barrier free unit but is not currently living in one.
2. If no such occupant exists, then it will be offered to an eligible, qualified applicant on the waiting list requiring a barrier free unit.
3. If no such applicant exists, then East Bay CDC will offer it to the next person on the waitlist who does not require a barrier free unit. The applicant must agree to move to a non-accessible unit when one becomes available and another applicant is in need of a barrier free unit. Costs of moving to the second unit are to be borne by the resident.

23. RESIDENT TRANSFER POLICY

It is the policy of East Bay CDC that residents are not permitted to move from one apartment to another unless there is a documented medical reason for doing so or if the resident reports a change in household composition or a significant change in their financial situation.

Medical Need

Residents requesting to move for a disability will be required to complete a "Reasonable Accommodation Request Form" and to provide documentation from a medical professional that the resident has a medical need to transfer.

Once verification information is received from the doctor, a decision will be made regarding whether the resident will be authorized to move. In the event that a move is authorized, residents will be added to the internal transfer list and will be offered transfer opportunities as appropriate units become available.

Residents on any internal transfer list (must meet program requirements) will have preference over new applicants when an apartment becomes available. When all residents on the transfer list have been accommodated or have declined an apartment, then applicants on the waiting list will be contacted in the order in which they applied.

Transferring residents will not be required to pay costs associated with the preparation of the new apartment, but must bear the cost of moving their personal items and any damages relating to their vacated apartment.

Unit Size

If a resident is occupying a unit that is larger than needed (see Occupancy Standards above), then a transfer to an appropriately sized unit may be required. If a unit of appropriate size is not available then the tenant may be moved to the most

appropriately sized unit. If the resident has given written notice to vacate the premises, East Bay CDC will not require the resident to transfer.

Residents will be notified in writing of transfer decisions and will have the opportunity to request a conference within 14 days. All correspondence will be kept on file for three (3) years.

A resident transferring due to a change in family composition will be obligated to pay all costs associated with the move.

**24. OPENING AND CLOSING OF WAITING LISTS
(FRANKLIN COURT INDEPENDENT LIVING ONLY)**

East Bay CDC will continue to maintain waiting lists for a property unless the expected wait on such a list is longer than four (4) years. Should East Bay CDC determine to close a waiting list it will publish a notice to that effect in a publication likely to be read by potential applicants. Notice will also be given to all regulatory agencies. Upon the reopening of the waiting list, notices will be handled in the same manner. In the event the waiting list is closed East Bay CDC will post a notice indicating the right of an individual to call the regulatory agency to verify waiting list closure.

25. CHARGES FOR FACILITIES AND SERVICES – CHARGES LISTED BELOW ARE ONLY SOME OF THE CHARGES THAT MAY VARY ACCORDING TO PROPERTY.

Application and screening fees – There is no fee for application or screening for any Franklin Court Independent Living apartment. East Bay CDC & Franklin Court Assisted Living may charge a fee for applications to other properties.

Use of facilities – With the exception of laundry, there is no charge to residents for the use of common facilities at any East Bay CDC property. Laundry machines are coin operated and costs are the responsibility of the resident. *Franklin Court Assisted Living has no charge laundry facilities.

Late payment of rent – Rent is due on the first day of each month. Multi-Family units charge a late rent fee of \$10 a month for any rent not received by the 15th of the month. *Does not apply to Franklin Court Independent Living *Late fees apply to Franklin Court Assisted Living.

Return of check fee – Applicants and residents will be charged a \$20.00 fee for checks returned for insufficient funds. This fee will be charged each time the check is not honored for payment. After two (2) violations, money orders only will be accepted going forward. *Franklin Court Independent Living does not charge returned check fees however it does follow the two (2) violation rule.

Damages – Residents will be charged for damage to property caused by carelessness, misuse, or neglect on the part of the tenant, household member, or visitor. The tenant is obligated to reimburse management for damages within 30 days after the tenant received a bill from management.

Lock-outs and lost keys – A resident will not be charged for a lock-out during normal business hours unless it becomes habitual which will result in an automatic \$30 charge. Any lock-out calls after 5pm will be charged at the rate of \$40. If the lock-out call is after 12:00 AM the fee is \$75. The fee for replacement of a lost non-duplicable key is \$25; replacement for any other key is \$5. *Replacement of a P.O. Box key is determined by the Post Office fee.

26. SECURITY DEPOSIT REQUIREMENTS

All residents will be charged a one-time security deposit equal to the first month's rent. This deposit is refunded within 21 days after the resident has moved out, assuming there is no damage greater than normal wear and tear to the vacated unit. Charges for damages may be deducted from the security deposit. *Franklin Court Independent Living security deposits are refunded with interest earned. *Franklin Court Assisted Living charges a flat security deposit of \$450.

27. UNIT INSPECTIONS

Upon move-in, new residents will inspect the apartment together with the Property Manager and make note of any deficiencies in the unit. This form will be used again upon move-out and the resident will be charged for any damages beyond normal wear and tear with the exception of items noted at move-in.

All resident's units are inspected a minimum of once a year for housekeeping, damage and general repair. Residents will be notified at least 48 hours in advance of an inspection. In addition, residents must submit (upon 48-hour notification) to inspection by government and/or program officials.

28. ANNUAL RECERTIFICATION REQUIREMENTS

Residents are required to recertify once a year on the anniversary of their move-in date. East Bay CDC properties will verify household composition and income in order to recertify that the resident household is appropriately housed according to the program in which it is enrolled and that the household still qualifies for the program. East Bay CDC properties will send notifications up to four months in advance of required recertification dates. Residents who do not comply with recertification requirements may be subject to a rent increase, charged market rate rent and/or evicted.

29. INTERIM RECERTIFICATION REPORTING POLICIES

Residents must at all times keep East Bay CDC properties informed about any changes in their family composition or income. East Bay CDC management must be

notified when a family moves out, a family member proposes to move in, someone unemployed becomes employed (or vice versa), or if the family's income increases. *Franklin Court Assisted Living should be notified of any change in income of **more than \$50/month** only.

Residents of Franklin Court Independent Living should also contact management if their medical expenses increase dramatically.

30. IMPLEMENTATION OF HOUSE RULE CHANGES

House rules are considered part of a resident's lease. Should house rules change, residents will be notified of the new rules at least 30 days before they are asked to sign a new lease at recertification.

31. RESIDENT HANDBOOKS

At the time of signing the lease, new residents will be provided with a resident handbook that will answer many questions about general rules and procedures, resident and building safety, and apartment care. Residents are expected to abide by these guidelines and to ask for clarification when necessary.

32. EIV

As of June 1, 2010 Franklin Court Independent Living will use EIV to access information on a tenant's income information and employment history. All tenants will be informed of the use of EIV and provided with an information sheet.

33. VAWA – VIOLENCE AGAINST WOMEN ACT

The Landlord may not consider incidents of domestic violence, dating violence or stalking as serious or repeated violations of the lease or other "good cause" for termination of assistance, tenancy or occupancy rights of the victim of abuse.

The Landlord may not consider criminal activity directly relating to abuse, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant's family is the victim or threatened victim of that abuse.

The Landlord may request in writing that the victim, or a family member on the victim's behalf, certify that the individual is a victim of abuse and that the Certification of Domestic Violence, Dating Violence or Stalking, Form HUD-91066, or other documentation as noted on the certification form, be completed and submitted within 14 days, or an agreed upon extension date, to receive protection under the VAWA.

34. SMOKING AND MARIJUANA POLICY

East Bay CDC are non-smoking housing facilities and many are federally funded which also prohibits cannabis use on housing grounds. Please see lease addendum for details.