

Tenant Selection Criteria

Community Housing Management

Application Status for Determining Eligibility

All persons desiring to apply for occupancy, whether as the initial applicant household or as a person(s) later joining an existing tenant household, will be provided the opportunity to submit a complete application. The rental agent will provide prospective tenants with a written list of all information required for a complete application. (Attachment 1)

- a) When the application is complete and occupancy by the applicant is expected within 90 days of completing the application, eligibility will be determined according to HUD Handbook, Chapter 5; otherwise, verification of applicant verification will be initially satisfied upon sufficient review of the information to determine whether the applicant is clearly eligible or not eligible.
- b) Applicants will always be added to the waiting list regardless of whether they are offered immediate occupancy or the project has no vacancies.

Fair Housing Restrictions and Provisions

- a) It shall be unlawful for a person to make an inquiry to determine whether an applicant for a housing unit, or anyone associated with that applicant, has a handicap or disability or to make inquiry as to the nature or severity of a handicap or disability of such a person.
- b) However, the following inquiries are not prohibited, provided these inquiries are made of all applicants, whether or not they have handicaps or disabilities.
 - 1) Inquiry into an applicant's ability to meet the requirements of tenancy (i.e., eligibility, history of meeting financial obligations) without being a direct threat to the health and safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.
 - 2) Inquiry to determine whether an applicant is qualified for a housing unit or adjustment to income available only to persons with handicaps or disabilities or to persons with a particular type of handicap or disability.
 - 3) Inquiry to determine whether an applicant for a housing unit is qualified for a priority available to persons with handicaps or disabilities or to persons with a particular type of handicap.
 - 4) Inquiring whether an applicant for a dwelling is a current illegal user of a controlled substance or has a previous conviction of the same.
 - 5) Inquiring whether an applicant has been convicted of the illegal manufacture or distribution of a controlled substance.
 - 6) Inquiry to determine whether or not a live-in attendant has a criminal background of any type.

Notification to Applicant

The applicant who has submitted a complete application will be notified in writing in accordance with the time frames that he or she has been selected for immediate occupancy, placed on a waiting list or rejected.

Applicants Determined Ineligible

After due consideration of mitigating circumstances, applicants determined ineligible will be notified in writing of the specific reasons for the rejection. The letter will include the following statement: **“The Fair Housing Act prohibits discrimination in the sale, rental or financing of housing on the basis of race, color, religion, sex, handicap, familial status, or national origin. Federal law also prohibits discrimination on the basis of age. Complaints of discrimination may be forwarded to the Office of Fair Housing & Equal Opportunity Department of Housing and Urban Development, Room 5204, 451 Seventh St. SW Washington, DC 20410-2000”** This statement can be placed on all material and correspondence done by the borrower, owner, or Management Company.

- a) The rejection letter must also outline the applicant’s rights to appeal the rejection and be sent or hand-delivered except for those clearly not eligible for occupancy according to HUD or MHDC regulations.
- b) When the rejection is based on information from a credit bureau, the source of the credit bureau report must be revealed to the applicant in accordance with the Fair Credit Reporting Act.
- c) Any applicant household may be rejected due to:
 - 1) A history of unjustified and/or chronic nonpayment of rent and/or financial obligations.
 - 2) A history of living or housekeeping habits that would pose a direct threat to the health and safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.
 - 3) A history of disturbance of neighbors.
 - 4) A history of violations of the terms of previous rental agreements, especially those resulting in eviction from housing or termination from residential programs.
 - 5) A 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.
 - 6) Any household member who is subject to a lifetime registration requirement under a state sex offender registration program. In accordance with Federal Law, Owner’s shall establish standards that prohibit admission to any Federally-assisted property to sex offenders subject to a lifetime registration requirement under a state sex offender registration program. During the admission screening process, the Owner must perform the necessary criminal history background checks in the state where the housing is located and in other states where the household members are known to have resided.

- 7) Any household member if there is reasonable cause to believe that member's behavior, from abuse or pattern of abuse of alcohol, may interfere with the health, safety, and right to peaceful enjoyment by other residents.
- 8) A history of violent criminal activity (i.e., assault, domestic disturbance, property damage, and murder).
- 9) Any household member has been evicted from Federally-assisted housing for drug-related criminal activity for three years from the date of eviction. If the evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program or circumstances leading to the eviction no longer exist, the Owner may, but is not required to admit the household.
- 10) Any household member who has a felony.
- 11) Fails to meet the age requirements to legally sign documents.
- 12) Family size exceeds the standard set for a certain bedroom size.
- 13) Household income exceeds the income level set. If a property receives tax credits, the tax credit income level is to be used. These income limits are based on current income or appropriate income levels as of the date of move-in.
- 14) Failure to obtain information to complete the application or verification.
- 15) Household income falls below the minimum requirement set by the management company. This would apply to household not receiving rental assistance. A household should have two times the income as the basic rent.
- 16) Full time student household status unless the following criteria are met:
(Tax credit properties only).
 - ✓ The applicant is married and files a joint tax return
 - ✓ The applicant currently receives assistance under Title IV of the Social Security Act (this includes TANF and AFDC)
 - ✓ The applicant currently participates in the Job Training Partnership Act (JTPA) or other similar federal, state, or local programs
 - ✓ The applicant is a single parent with minor children and neither the parent nor the minor children are claimed as a dependent on another person's tax return.
 - ✓ A student member of this household has previously received foster care and placement assistance by the state agency plan under Title IV, part B or E of the Social Security Act.
(HR, 3221; effective 7/30/2008)

Rejection of Applicant On An Arbitrary Basis Is Prohibited

Examples of such arbitrary rejections are: race, religion, sex, disability, familial status, national origin, elderly, marital status, moral issues, political views, class memberships or organizational membership.

Note: Exceptions are in those properties designated for elderly, disabled, and/or handicapped, where occupancy by non-elderly or non-disabled can be prohibited.

Tenant Selection

- a) An eligible applicant will be selected from a waiting list(s) identifying the category on basis of the applicant's unit size needed, income level (very low, low, moderate-income, or ineligible) or from a priority waiting list when the available size unit meets the applicant's need. The eligible applicant will further be selected on a first-come, first-served basis from the selected category or priority waiting list in the following order:
 - 1) Very low-income
 - 2) Low-income, up to 60 percent of median income (in "tax credit" projects)
 - 3) Low-income
 - 4) Moderate-income
 - 5) Ineligible
- b) When rental assistance is available:
 - 1) Very low-income applicants eligible for rental assistance have a priority over all other applicants on each type of waiting list.
 - 2) Low-income applicants may be selected provided no very low-income applicants remain on the waiting list.
 - 3) Moderate-income applicants may not be selected for occupancy when the number of unassigned rental assistance unit equals or exceeds the number of vacant units.
- c) Selections are to be made from the waiting list or category maintained for the particular unit size and/or unit type in which a vacancy exists. If the applicant cannot accept the unit at that time, the reasons for not accepting the living unit will be documented in the project records. The applicant's name will then be removed from the waiting list, unless the rental agent determines that hardship exists for reasons such as documented health problems or project rent exceeds 30 percent of adjusted monthly income without rental assistance in which case the applicant's name will remain on the list in chronological order. An applicant whose name has been removed from the waiting list may reapply.
- d) Selection of unit by apartment size shall determine the number of persons eligible to occupy each unit by the following standard:

Studio	1-2 persons
1 bedroom	1-2 persons
2 bedroom	2-4 persons
3 bedroom	3-6 person

In determining the appropriate bedroom size, count all members of the household, foster children and resident assistants. **DO** consider an unborn child as a household member for the purpose of determining household size.

Properties Using a Screening Service

- a) Each applicant will be required to pay a determined non-refundable "fee" directly to the screening company, in which Community Housing Management has no rights or control over. The screening company will investigate each applicant's past rental history, credit history, and criminal record. This process is achieved in 5-10 business days and a final determination is made based on the information provided. Questions about the

information will be directed to the screening company upon request. No fee is required when applying at a HUD assisted property.

Application Requirements

The following is a minimum list of information required on a rental application in order to be considered complete:

- 1) Name, address and telephone number
- 2) Social Security number
- 3) Date of birth
- 4) Household income including assets
- 5) Age and number of household members
- 6) Present landlord's name, address and phone number
- 7) Previous address and landlord's name, phone number and address
- 8) Applicant's employer
- 9) Applicant's spouse's employer
- 10) Sources of income if unemployed
- 11) A minimum of two credit references
- 12) Signature of applicant and date of application

Adopted December 2003

Revised March 2011

Tenant Selection Criteria

Attachment #1 For MHDC & HUD-Subsidized Programs

Additional Project Eligibility Requirement

- 1) Only U.S. citizens or eligible non-citizens may receive assistance under Section 8, Section 236, Rent Supplement, Rental Assistance Payment (RAP), and Section 202/8 programs. All family members must declare their citizenship or immigration status. Non-citizens (except those age 62 and older) must sign a Verification Consent Form and submit documentation of their status or sign a declaration that they do not claim to have eligible status.
- 2) Applicants must disclose social security numbers (SSN) for all family members at least 6 years of age and older and provide proof of the numbers reported. If no SSN has been assigned to a particular family member, the applicant must sign a certification stating that no SSN has been assigned.

Additional Procedures for Accepting Applications, Income Restrictions & Selection From Waiting List:

- 1) Eligible applicants will be placed on a waiting list and categorized according to their income in the following categories: 1) very low income; 2) low income; 3) low income, and 4) moderate-income based on the HUD published income limits for that county. Applicants will be selected from the very-low income category first, even if someone on the low or moderate income list applied at an earlier date. If no one on this list is eligible, then selection will then go to the low income (up to 60%) list and so on.
- 2) Outreach efforts will be made to local organizations serving the extremely low-income population and will meet compliance with the Affirmative Fair Housing Marketing Plan.
- 3) HUD applicants will not be charged a background screening fee.

Unit Transfer Policies

- 1) If we determine that a tenant's unit is smaller or larger than appropriate as a result of a change in their family composition, a transfer to another unit MAY occur.
- 2) Assistance payments associated with the original unit cannot be reduced or terminated until the family has been offered a transfer and has been given at least 30 days to move to the new unit.
- 3) Upon request of a tenant to transfer to another unit. Management will determine what size unit is appropriate for the family in accordance with the complex occupancy standards.
- 4) Depending upon circumstances of the transfer, a tenant may be obligated to pay all costs associated with the move.
- 5) Upon request of a tenant to transfer to another unit, their name will be placed on a Unit Transfer Waiting List until the appropriate size unit is available.

- 6) Transfers which are needed as a reasonable accommodation will be made on a priority basis.
- 7) Unit transfer fees will not be charged or assessed.

Policies to Comply With Section 504 of the Rehabilitation Act of 1973 and the Fair Housing Act:

- a) Under Section 504, we must operate the complex so that when viewed in its entirety, it is readily accessible to and usable by persons with disabilities. This may include:
 - 1) Making modifications to policies & practices so they do not discriminate against persons with disabilities.
 - 2) Take appropriate steps to ensure effective communication with tenants, applicants and the general public.
 - 3) Take steps to meet the 5% threshold for units fully accessible to persons with mobility impairments.
 - 4) Making common areas accessible, provided that the changes do not result in an undue financial burden or require fundamental alterations in the nature of their program.
 - 5) Responding to reasonable accommodation requests from tenants or applicants with disabilities.

Policy for Opening and Closing the Waiting List

- 1) Management will accept applications and maintain an open waiting list at all times.
- 2) Advertisements will include when and where to apply and will conform to the Affirmative Fair Housing Marketing Plan.
- 3) It is not currently the policy of management to closing the waiting list at any complex.

Screening for Drug Abuse & Other Criminal Activity

- 1) Page 2, C. 5 and 9 of the Community Housing Management Tenant Selection Criteria sets out the standards that prohibit admission of drug-related criminal activity.
- 2) Page 2 C. 6 of the Community Housing Management Tenant Selection Criteria sets out the standards prohibiting admission of sex offenders.
- 3) Page 2, C. of the Community Housing Management Tenant Selection Criteria sets out the standards for prohibiting admission for other criminal activity specifically at paragraphs 3, 7, 8, 9 and 10 of this section.

Eligibility of Students for Section 8 Assistance

- 1) The owner will determine a student's eligibility for Section 8 assistance at move-in. Annual recertification, initial certification (when an in-place tenant begins receiving Section 8), and at the time of an interim recertification if one of the family composition changes reported is that a household member is enrolled as a student.
- 2) Section 8 assistance shall not be provided to any individual who:
 - a) Is enrolled as either a part time or full time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential;

- b) Is under the age of 24;
 - c) Is not married;
 - d) Is not a veteran of the United State Military;
 - e) Does not have a dependent child;
 - f) Is not a person with disabilities, as such term is defined in 3(b)(3)(E) and was not receiving Section 8 assistance as of November 30, 2006;
 - g) Is not living with his or her parents who are receiving Section 8 assistance; and
 - h) Is not individually eligible to receive Section 8 assistance and has parents (the parents individually or jointly) who are not income eligible to receive Section 8 assistance.
- 3) For a student to be eligible independent of his or her parents, (where the income of the parents is not relevant), the student must demonstrate the absence of, or his or her independence from parents. The student must meet, at a minimum **all** of the following criteria to be eligible for Section 8 assistance. The student must:
- a) Be of legal contract age under state law.
 - b) Have established a household separate from parents or legal guardians for at least one prior to application for occupancy, **or** meet the U.S. Department of Education's definition of an independent student.
 - c) Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations. And
 - d) Obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support. This certification is required even if no assistance will be provided.
- 4) Any financial assistance received (1) under the Higher Education Act of 1965, (2) from private sources, or (3) from an institution of higher education that is in excess of amounts received for tuition is included in annual income, except if the student is over the age of 23 with dependent children or if the student is living with his or her parents who are receiving Section 8 assistance.
- 5) If an eligible student is a member of an applicant household or an existing household receiving Section 8 assistance, the assistance for the household will not be prorated but will be terminated in accordance with HUD regulations.

Violence Against Women Act (VAWA)

- **Domestic Violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
- **Dating Violence** means violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim, and (B) where the existence of such a relationship shall be determined based on a

consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

- **Stalking** means (A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or (ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and (B) in the course of, or as a result of, such following, pursuit, surveillance or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (i) that person, (ii) a member of the immediate family of that person; or (iii) the spouse or intimate partner of that person.
- **Immediate Family Member** means, with respect to a person: (A) a spouse, parent, brother or sister, or child of the person, or an individual to whom that person stands in loco parentis (in place of a parent); or (B) any other person living in the household of that person and related to that person by blood or marriage.

The VAWA protections apply to families applying for or receiving rental assistance payments under the project-based Section 8 program. An applicant cannot be denied admission because she/he has been a victim of domestic violence, dating violence or stalking. An applicant or tenant cannot be denied rental assistance because she/he has been a victim of domestic violence, dating violence or stalking. Domestic violence, dating violence or stalking is not good cause for the eviction of the victim of that violence. An incident of actual or threatened domestic violence, dating violence, or stalking does not qualify as a serious or repeated violation of the lease nor does it constitute good cause for terminating the assistance, tenancy or occupancy rights of the victim. Furthermore, criminal activity directly relating to domestic violence, dating violence or stalking is not grounds for terminating the victim's tenancy. Our lease contains an addendum that makes it clear that domestic violence, dating violence or stalking is not good cause for evicting the victim of that violence.

Applicants and tenants who are or have been victims of domestic violence, dating violence, or stalking are encouraged to complete the HUD approved Certification of Domestic Violence, Dating Violence, or Stalking (Form HUD 91066). The Lessor may bifurcate or divide the lease as family member's lease and occupancy rights are allowed to remain intact. The Lessor may evict the victim of domestic violence, dating violence or stalking if the victim poses "an actual and imminent threat to other tenants or those employed at the Lessor." Victims of domestic violence, dating violence or stalking may also be evicted for failing to comply with all other terms and conditions of the lease.

EIV System

Each applicant will be given a brochure at move-in explaining the EIV system. Also, before move-in paperwork is completed, the EIV existing Tenant Report will be checked for each adult (age 18 or older) in the household. This report will check for double subsidy in Multi-Family programs and/or Public Housing Programs.

TENANT SELECTION CRITERIA

I have received a copy of the Tenant Selection Criteria and have read and acknowledged the policies.

Applicant Signature _____

Date _____

Co-Applicant Signature _____

Date _____