

## Resident Selection Plan

# York Town Apartments

**This is a smoke free facility — there is no smoking within 25 feet of any structure.**

Anyone who wishes to rent an apartment must complete an application and authorize Boyd Management, Inc. to verify all information pertinent to eligibility. Applications will be accepted during regular office hours. An application fee of \$25 will be charged to cover the cost of screening and must be a certified check or money order. This fee is non-refundable, except in instances where the applicant moves into the apartment community in which they applied. The fee will be applied toward the first month's rent. Note that cash is not accepted.

**This property is subject to regulations (HB 2-3560) as pertains to USDA, Rural Development (RD), 515 Program.**

**RD Property Designation:** "Family" - *No age restrictions*  
**Section 42 IRS Code LIHTC:** Applies

### Restrictions:

1. Income Limitations: In all cases the RD Adjusted Income limits apply.

### RD Adjusted Income Limits:

	1 person	2 person	3 person	4 person	5 person	6 person	7 person	8 person
Very Low	29,250	33,400	37,600	41,750	45,100	48,450	51,800	55,150
Low	46,750	53,450	60,100	66,800	72,150	77,500	82,850	88,200
Moderate	52,250	58,950	65,600	72,300	77,650	83,000	88,350	93,700

2. When the property is also subject to LIHTC (Tax Credit), the HUD Income Limits also apply.

### HUD Income Limits:

	1 person	2 person	3 person	4 person	5 person	6 person	7 person	8 person
50%	29,250	33,400	37,600	41,750	45,100	48,450	51,800	55,150
60%	35,100	40,080	45,120	50,100	54,120	58,140	62,160	66,180

3. In cases of multiple program layering, the most stringent income limits will apply.

**Screening:** Each applicant will be screened as follows:

1. Program eligibility pertaining to household size, gross annual income, and student status (LIHTC)
2. Previous tenant history
3. Credit history
4. Compliance with local, state, and federal law, including National Sex Offender Registry screening for all adult household members. National Sex Offender Registry screening to be performed at initial move-in and at all annual recertifications thereafter.
5. Sufficient income available to pay rent and utilities

**Fair Housing and Equal Housing Opportunity:**

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All advertising will be completed as outlined in the Affirmative Fair Housing Marketing Plan, copy of which is posted on the office bulletin board. This property complies with the provisions of Section 504 of the Rehabilitation Act of 1973, Fair Housing Acts, Violence Against Women Act (VAWA), the Americans with Disabilities Act (ADA), and Limited English Proficiency (LEP) guidelines.

**Processing Applications:** When the Manager receives the application, they will note on the application the date and time the application is received. The application may be delivered in person or received via mail, fax, or email.

All applications are placed on the waiting list upon receipt of the application and the \$25 application fee.

The On-site Manager will begin screening for tenant selection criteria, as applicable, i.e., prior rental history, credit reports/references, criminal convictions, and other references. Verification of income, assets and any allowable expenses will be completed by the On-site Manager. When necessary, the applicant will be contacted to set up a personal interview for completion of required verification forms. If screening indicates an unfavorable rental, credit, criminal history, or reference check, the applicant will be notified accordingly.

If the application is incomplete, the needed information will be requested and a Notification to Applicant Letter (NTA) will be mailed to the applicant. The applicant will have ten (10) calendar days to respond, and then the Manager will complete the application process within ten (10) calendar days upon receipt of all required information to confirm eligibility. The applicant will then be sent a NTA and notified in writing of eligibility determination. Reasons for any adverse action will be given, and applicant advised of appeal and hearing rights. The applicant may withdraw his/her application at any time.

NOTE: Once an applicant is deemed ineligible, the applicant may have to wait 90 days before reapplying.

Applications may be rejected if:

1. They are ineligible under RD HB 2-3560 or LIHTC program criteria, as applicable.
2. They are unable to meet occupancy guidelines for the size of the requested vacant unit.
3. They are unable to meet the owner's screening criteria. The use of credit reports, police reports and/or previous landlord references may be used in making this decision.
4. They do not provide sufficient information needed to determine eligibility.
5. They falsify information on the application.

When a unit becomes available for occupancy, the eligible applicant is notified with a Notification to Applicant Letter advising the unit is available and they are allowed ten (10) calendar days from the date of the letter to respond. Failure to respond could result in the application being rejected. If an applicant on the waiting list refuses an apartment (the first time it is offered), and the reason is not disability related, then the applicant will remain on the waiting list, but will be put at the bottom. If an applicant on the waiting list refuses the available apartment twice, and the reason is not disability related, then the applicant's name is removed from the waiting list and they must reapply. Applicants that remain on the waiting list for a period that exceeds 120 days must have updated screening and eligibility information upon notification that the desired apartment is available for occupancy. Should a previously approved applicant be now deemed ineligible, the applicant will be advised of their appeal and hearing rights.

## Screening:

**Credit History:** Credit reports will be obtained for all applicant household members who are 18 years of age or older. The credit report must demonstrate that the applicant has paid financial obligations as agreed. Monies owed for medical related expenses will be disregarded.

A third-party screening company retrieves credit records and independently assesses an applicant's credit performance, assigning greater weight to activity reported over the most recent 24-month period. An applicant may be rejected if the report demonstrates a history of poor credit with little or no effort made to address the outstanding debts.

An applicant will be denied if the credit report shows:

- Unpaid balance(s) owed to current or previous landlord(s).
- Outstanding debt to a utility company that would prohibit the applicant from establishing utility service in his/her name prior to move-in. Applicants may be re-considered if they provide evidence the debt has been paid and the utility company will provide service.
- A bankruptcy that has not been discharged.

Should the applicant be rejected based on credit, the Landlord will provide the applicant with the name and contact information of the credit reporting agency. All applicants may appeal the rejection and if disabled, may request a reasonable accommodation to assist in said appeal.

**Landlord Reference:** Applicants may not be rejected for lack of rental history, but may be rejected for unsatisfactory rental history. Any applicant who has been evicted for nonpayment of rent, damages, or material noncompliance will not be accepted. Any applicant who owes past due funds to a previous landlord will be rejected until all funds that are past due have been paid in full.

Should the applicant be rejected based on a negative landlord reference, the applicant may appeal the rejection and if disabled, may request a reasonable accommodation to assist in said appeal.

**Criminal History:** All applicants and adult household members will be screened for criminal history prior to move-in. The criminal screening requirements are attached.

Upon being notified that his/her application has been rejected due to the criminal history policy, the applicant can request an appeal of the denial of the application at an informal hearing and if disabled, may request a reasonable accommodation to assist in said appeal. During the informal appeal hearing the applicant can provide any information and management will consider all relevant mitigating circumstances to determine whether to uphold the rejection of the application.

**Appeal Procedures:** When the applicant is rejected, a written notification will be sent to applicant by certified mail informing them of the adverse action. The notice will inform the applicant of the specific reason for the proposed action and advise them of their right to request an informal/formal hearing. Such request must be submitted in writing to the management office at the site within fourteen (14) calendar days after receipt of notice of the adverse decision. Rejection due to program ineligibility has no appeal rights.

When a meeting or review is requested by the applicant, the meeting or review will be conducted in compliance with RD Instruction 3560, Tenant Grievance procedure. Copy of this appeal procedure can be obtained from the on-site staff.

**Selection:** Applicants will be selected from eligible applicants on the waiting list on a first come, first serve basis in adjusted income category of Very Low, Low and Moderate. Eligible applicants in each income category will be selected prior to moving to the next income category.

Where project-based rental assistance is not available, State or federal housing vouchers will be accepted for eligible applicants, provided the voucher plus the tenant-paid portion of rent meets the current rent charged for the unit.

Applicants needing specially designed accessible units will have priority for these units and will be listed on the regular waiting list and on the Accessible Unit waiting list. Households not needing the special designed features of the accessible units will occupy these units only when marketing has been completed and there are no eligible applicants on the Accessible Unit waiting list. A clause will be inserted in the lease when a nondisabled applicant who does not need the features of an accessible unit is selected for such units requiring them to transfer to an appropriately sized regular unit, with a 30-day notice, if an applicant is placed on this special waiting list or if an existing resident requests a transfer to an accessible unit.

Persons with Letters of Priority Entitlement as issued by USDA, RD will have priority over applicants on all waiting lists except the accessible waiting list; and must meet the screening criteria required by all applicants. Available units must be offered even though the household may be ineligible under the Occupancy Plan. The ineligible clause to the lease will be completed and resident may be required to transfer to an eligible unit later.

### **Student Status:**

A student who is enrolled in an institution of higher education, under the age of 24, is not a veteran of the United States military; is unmarried; does not have a dependent child, and is otherwise individually not eligible, or has parents who, individually or jointly, are not eligible on the basis of income to receive assistance, shall not receive assistance under Section 8 of the 1937 Act, unless he/she was a disabled student and who was receiving Section 8 assistance as of November 30, 2005. Further, if a disabled student who was receiving Section 8 assistance on November 30, 2005 wishes to move to another project and receive Section 8 assistance, he/she will continue to be exempt from the student restrictions.

### Additional Student Restrictions (for properties subject to LIHTC only):

Households where *all members* are full-time students must meet certain conditions for eligibility in accordance with the Section 42 Low Income Housing Tax Credit Program. In general, households made up of full-time students of any age do not qualify. The five exceptions to this general rule follow:

- The members of the household are married and entitled to file a joint tax return.
- The head of household is a single parent with minor children where the parent is not the dependent of anyone else for tax purposes, and none of the children are claimed as dependents by someone other than a parent.
- At least one member of the household receives Temporary Assistance to Needy Families (TANF).
- At least one member of the household is currently enrolled in a job training program that receives assistance under the Job Training Partnership Act, the Workforce Investment Act, or other similar Federal, State, or local agency.
- At least one household member was previously in Foster Care.

**Special Targeting:** Any Special Targeting Program(s) in which this property participates are described below. Otherwise, this property does not participate in any Special Targeting programs at this time.

**Transfers:** Unit transfers may occur for the following reasons:

- Changes in family size or composition (over- or under-housed families);
- A medical reason certified by a doctor;
- As a reasonable accommodation to a disability; or
- The need for an accessible unit.
- Emergency transfer as provided by the Violence Against Women Act (VAWA) final rule. A copy of the property's Emergency Transfer Plan is available from the on-site manager.

When management determines the need for a unit transfer, the household will be informed in writing that they have been added to the transfer list. Households requesting a transfer must submit their request in writing for approval by the Compliance Director. A transfer maintenance fee of \$600 may be assessed in instances other

than approved reasonable accommodations. Existing residents approved for a unit transfer are given priority over applicants when an appropriate unit becomes available. In order to be approved for a transfer, the household must meet program eligibility requirements, as applicable.

**Reasonable Accommodations:**

Applicants/residents may request reasonable accommodations or modifications when necessary. This request must be verified by a third party if the need for the accommodation is not readily apparent, and will be submitted to the site manager for approval by a higher level of management. Such requests will be processed in a timely manner and a response will be provided to the applicant or resident within 30 days of the request. If unable to make a final determination within 30 days, the site manager will explain the reason for the delay.

If the reasonable accommodation request involves a specific unit or unit type, that unit will be held until management decides to approve or deny the request. The applicant will then be afforded 3 business days to appeal the decision, during which time the available unit will not be rented to another qualified applicant. Appeal rights as noted above will apply in cases of denial.

**Pets:**

- For RD designated “Family” properties, pets are not allowed.
- For RD designated “Elderly” properties (in which the tenant or co-tenant must be age 62 or older or disabled at any age), a pet may be approved under certain conditions and a pet deposit will apply. A copy of the pet policy is available from the site office.
- For both “Family” and “Elderly. designated properties, assist animals may be requested and approved as a reasonable accommodation for disabled applicants/tenants with proper documentation. For approved assist animals, a pet deposit may not be charged.

**Miscellaneous Information:**

The apartments leased by the household must be their only residence. Transient units are not available.

Management's Compliance Administrator must approve adding additional members to the household in writing. Adult member/members wishing to be added to the household must complete an application and meet the same screening criteria required of other residents. Adding adult members to the household will not be considered during the first six months of the initial lease term.

A security deposit of \$200 is required prior to move-in. Only in rare cases will this deposit be broken down into three (3) consecutive monthly payments, with \$70 due at move in, with no exception.

A live-in aide (no more than one) may reside with a disabled resident when it is determined essential to the care and well-being of the resident. The live-in aide is not obligated for the financial support of the resident and would not be living in the apartment except to provide for their necessary health and welfare benefits. The live-in aide may not be dependent of the household for tax purposes, nor can he/she be a spouse of the resident. The live in aide may not have additional persons living with them in the apartment and they will not be allowed a pet.

(Where applicable): Foster children/adults are counted for determining bedroom size and income limitations. An unborn child is counted for determining household size and income limitations. Children of parents with joint custody may be counted for household size and income limitations if they are members of the household, meaning they actually reside in the apartment at least 50% of the time. Permanently institutionalized family members may choose, or not, to be counted as members of the household, and if counted, their income is considered as part of the gross annual income.

(Where applicable): Children away at school who live with the family during school recess may be counted as part of the household. Persons on active military duty who are head or co-head of household will be counted in considering bedroom size and income limitations.

All rent and utility changes must be prior approved by USDA, RD. Posting will be in compliance with RD HB 2 - 3560. Where Rental Assistance (RA) applies, rents are based on income and may change as resident's income increases or decreases and will not exceed Note Rate Rent. Rents for where RA does not apply, are based on income and may change as resident's income increases or decreases but will fall between the Basic Rent and the Note Rate Rent for that unit.

Residents must report changes in income that affect their monthly income by \$100 or more (up or down). This change will require a new re-certification action. Residents who have monthly income changes \$50 or more (up or down) may request a re-certification process. If a resident's intentional unreported income would have resulted in program ineligibility, the resident will receive a 30-day lease termination and notice to vacate.

Residents who do not report income changes within a 30-day period following the change may be cited for failure to report the change in a timely manner and may be required to repay the unauthorized assistance, if applicable.

Initial certification is required for all households prior to move-in. Annual re-certification is required thereafter, or as household composition or income changes. Failure to complete the annual re-certification will result in termination of occupancy as in compliance with RD 3560 HB-2 Section 7.5.

Leases are executed for a term of one year. Addenda to the lease may extend the term for another full year at time of re-certification actions.

If you are absent from your apartment for a period exceeding sixty (60) days, for reasons other than medical, you become ineligible to continue receiving USDA, RD Interest Credit and your rent will be Note Rate Rent.

Residents are permitted to have a guest(s) visit their household. However, the Landlord reserves the right to request a recorded declaration of domicile or proof of domicile if it is suspected that the guest is an unauthorized household occupant. Such suspicion may arise whenever an adult person(s) is making reoccurring visits or one continuous visit of 7 days and/or nights without prior notification to the Landlord. Should the Resident or person in question not provide the requested information needed to confirm other domicile, or should the facts be sufficient to evidence domicile in the Apartment, then the Landlord may consider such person(s) an unauthorized occupant and terminate the Lease for material non-compliance.

### **Violence Against Women Act:**

This property will not refuse to admit an applicant or rent to an applicant based on acts or threats of violence committed against the applicant. Also, criminal acts directly related to the domestic violence, dating violence, sexual assault, or stalking that are caused by a member of a resident's household or guest cannot be the reason for evicting the victim or terminating assistance. Applicants or residents who believe their landlord history or resident status should include consideration of VAWA rights should notify the property manager who will process the request according to federal regulations.

### **Smoke Free Housing:**

This property has been designated as a Smoke-Free Facility, with no smoking allowed within 25 feet of any structure. The Lease outlines the definition of smoking, the smoking area restrictions, as well as the landlord rights and responsibilities.

Attachments: Occupancy Policy  
Criminal History Policy  
Credit Report Standards



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**Occupancy Policy**  
(RD515 & RD/LIHTC)

In developing the Occupancy Policy the following was considered:

- Compliance with State and Local laws regarding health and safety restrictions.
- Resident may choose a larger or smaller apartment based on his/her household needs such as persons of opposite sex not wishing to share bedrooms, etc.
- Provisions of Title VI of the Civil Rights Act of 1964 and all Fair Housing Laws.

<b>Guidelines Number of Bedrooms</b>	<b>Minimum Occupants</b>	<b>Ideal Density</b>	<b>Maximum Density</b>
<b>1</b>	<b>1</b>	<b>2</b>	<b>3</b>
<b>2</b>	<b>2</b>	<b>4</b>	<b>5</b>
<b>3</b>	<b>3</b>	<b>6</b>	<b>7</b>
<b>4</b>	<b>4</b>	<b>8</b>	<b>9</b>

Compliance Administrator must approve exceptions to minimum number of occupants in a unit in writing prior to move-in.

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Units designed for disabled residents may be occupied by households not needing such specially designed features as long as the household agrees to transfer to an appropriate unit, within a 30-day period after notification, if the accessible unit is needed for a disabled household needing the special designed features.

**Household:** One or more persons who maintain or will maintain residency in one rental unit, but not including a resident assistant.

**Resident Assistant:** A person residing in a housing unit who is essential to the well-being and care of the persons who are elderly or have handicaps or disabilities residing in the unit, but is not obligated for the person's financial support and would not be living in unit except to provide the needed support services.

**Foster Children:** Eligible families may include foster children, as long as the children do not cause overcrowding. Foster children are considered for the purposes of determining household size to compare with income limits.

Only full-time members of the household: dependent minors who are away at school but live with the family during school recess, dependent minors who are subject to a joint custody agreement but live in the unit at least 50 percent of the time, a child in the process of being adopted by or granted custody of an adult and certain other “temporarily absent” household members who are still considered family members are listed as the household composition on the lease.

A foster child residing in the unit, a household child temporarily residing elsewhere in foster care, an unborn child, or a resident assistant are not listed on the lease but may be included in order to determine the appropriate size unit the family needs.

## Occupancy Policy, Page 2

After move-in, the resident must immediately report to the site office all changes in the household composition; new members of a household must be approved prior to occupancy. Adding adult members to the household will not be considered during the first six months of the initial lease term. The members of the household must use their unit as their primary place of residence. Remaining family members of resident families are family members who stay in a unit after other members of the household leave; those members will be re-evaluated for eligibility in accordance with the RD HB 3560. Agency regulations may require remaining tenants to move to a unit of appropriate size or be required to vacate the unit. Re-housing remaining family members may have priority over selection of eligible households from the waiting list.

A resident who is disabled will not be considered over-housed if the resident requests an additional room for a live-in aide or an apparatus related to the resident's disability.

The Resident is permitted to have a guest(s) visit their household; however, the Landlord reserves the right to request a recorded declaration of domicile or proof of domicile if it is suspected that the guest is an unauthorized household occupant. Such suspicion may arise whenever an adult person(s) is making reoccurring visits or one continuous visit of 7 days and/or nights without prior notification to the Landlord. Should the Resident or person in question not provide the requested information needed to confirm other domicile, or should the facts be sufficient to evidence domicile in the Apartment, then the Landlord may consider such person(s) an unauthorized occupant and terminate the Lease for material non-compliance.

**Other Information - Smoke Free Housing:** This property has been designated as a Smoke- Free Facility, with no smoking allowed within 25 feet of any structure. All residents are required to execute the Smoke Free Housing Lease Addendum at move in, or if an existing resident at the time of implementation, at lease renewal. The Lease Addendum outlines the definition of smoking, the smoking area restrictions, as well as the landlord rights and responsibilities.



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## Criminal History Policy

All applicants and adult household members will be screened for criminal history prior to move-in. A history of convictions for any of the following offenses is cause for rejection of an application for housing (Notification to Applicant Letter will give the applicant the appeal procedures and explain their right to an informal/formal hearing to provide mitigating circumstances):

1. Any conviction or adjudication other than an acquittal of:
  - Homicide
  - Sex offenses, including but not limited to forcible rape, child molestation, and aggravated sexual battery
  - Arson and crimes involving explosives.
2. Within ten (10) years from the date of application any conviction or adjudication other than acquittal of:
  - Felony involving bodily harm to a person or property
  - Manslaughter
  - Armed robbery
  - Any crime of violence that may establish that the applicant constitutes a direct threat to the health or safety of other individuals.
  - Felony or misdemeanor for sale or manufacture of a controlled substance
3. Within five (5) years from the date of application any conviction or adjudication other than acquittal of a felony or misdemeanor for:
  - Buying, receiving, or possession of stolen property
  - Burglary or theft
  - Auto theft
  - Embezzlement
  - Prostitution
  - Aggravated assault
  - Stalking
  - Weapon offenses
  - Crime involving the illegal use of a controlled substance (other than the sale or manufacturing of such) with no evidence reflecting completion of a related recovery program.
4. Within three (3) years from the date of application any conviction or adjudication other than acquittal of a felony or misdemeanor for:
  - Illegal gambling
  - Commercialize vice
  - A crime involving the illegal use of a controlled substance (other than the sale or manufacturing of such) where proof can verify current enrollment in a substance abuse program.
5. Convictions of repeated offenses of unrelated crimes during the past ten (10) years that indicate the applicant could pose a risk to the health and safety of residents or the property.
6. Applications by applicants whose criminal history is not otherwise covered above will not be considered until at least three (3) years after exiting incarceration.
7. Cases which are considered to be in process, held for court, or otherwise without a clear disposition will be considered to be "pending cases." If the unresolved charge would result in the applicant being deemed ineligible based upon the criminal history policy described above, then the application is to be considered pending until the applicant can provide documentation of the outcome or resolution of the charge.

### Appeal and Individualized Assessment

8. After the property notifies an applicant that it plans to deny admission to a household based on a criminal conviction or pending criminal charge, the applicant has 14 days to request the housing provider to conduct an *individualized assessment* of the criminal record and its impact on the household's suitability for admission. This assessment will include consideration of the following factors: (1) the seriousness of the criminal offense; (2) the relationship between the criminal offense and the safety and security of residents, staff, or property; (3) the length of time since the offense, with particular weight being given to significant periods of good behavior; (4) the age of the household member at the time of offense; (5) the number and nature of any other criminal convictions; and (6) evidence of rehabilitation.



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## Credit Report Standards

A Credit Report will be obtained on each adult applicant. Applicants must have a satisfactory history of meeting financial obligations. All items listed on the credit report will be evaluated and documented proof of a concerted effort by an applicant to resolve outstanding credit issues will be considered as mitigating circumstances when analyzing a credit history.

Reasonable accommodation will be provided to persons who can provide verification of a direct link between a period of poor credit history and a medical and/or disability related situation.

If an applicant is disapproved based on information in a credit report the applicant will be provided with the name, address and telephone number of the credit bureau, which provided the credit report information. It is the responsibility of the applicant to have any untrue information on the credit report corrected.

Medical related accounts are exempt from consideration.

Examples for rejection of an application due to unsatisfactory credit history:

1. Repossession has occurred within the past two (2) years of application.
2. Bankruptcy has been filed within the past two (2) years of application and documentation is not provided to prove the bankruptcy has been discharged or dismissed.
3. Any credit score below 500 would result in a fail.
4. No credit with outstanding or past due balances (excluding medical) would result in fail. (No credit score with no outstanding or past due balances would result in a pass)
5. Unsatisfactory history of meeting financial obligations - history of nonpayment to a previous Landlord or utility company (power, gas, or water) when there is no documented proof of a concerted effort by the applicant to resolve outstanding balances.

Any other items appearing on the credit report reflecting negatively on the applicant will be reviewed, and a credit-worthiness decision will result based on the date, source, and amount of the action.

### Appeal Procedures

Notification to Applicant Letter will give the applicant the appeal procedures and explain their right to an informal/formal hearing.



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