

# Resident Selection Criteria

for

## Mutual Housing at Spring Lake Phase I and Phase II

### **A. MARKETING & EQUAL OPPORTUNITY**

It is anticipated that additional marketing efforts will be necessary to maintain a sufficient waiting list. The resident manager will maintain contact with local agencies and community groups to make certain that all members of the community are aware of the project and are encouraged to apply. All persons requesting an application are given one. Particular attention in Marketing will be paid to the specific Affirmative Fair Housing Marketing Plan for this community and any other Income Targeting requirements. The Affirmative Fair Housing Marketing Plan delineates the method for informing the public, owners and potential residents of the community about Federal fair housing laws and affirmative marketing policy through the use of the fair housing logo and equal opportunity language in all its marketing materials. All applications provide a space to indicate where the applicant heard about our community. At the end of each calendar year, the manager will count the number of applicants per referral source and report the count to their Regional Supervisor, the Compliance Department, senior management, as well as the owner, for the purpose of evaluating the effectiveness of the Affirmative Fair Housing Marketing Plan. The totals should include whether or not the applicant received an assisted unit or not.

We are an Equal Housing Opportunity Provider. We provide rental housing without discrimination on the basis of race, color, creed, national origin, gender, marital status, sexual orientation, and source of income, disability, age or any other protected class as defined by the laws of the Federal or State Government, either now in place or put in place at a later date.

In addition to ensuring that projects are operated in a manner that protects against discrimination and promotes accessibility for persons with disabilities to enable them to participate fully in community programs, services and resident activities, Mutual Housing Management also assures physical accessibility of properties by providing accessible routes to and throughout the property. Each Mutual Housing Management community makes common use facilities, or parts of facilities, and public spaces accessible to persons with disabilities, as long as such improvements do not result in an undue financial and administrative burden. We do everything feasible to make these areas accessible up to the point at which any further modifications or improvements would result in an undue financial and administrative burden.

Reasonable Accommodation Requests are readily available to applicants, as well as to existing residents at the time of initial application for residency, at the time of re-certification and at any such time a resident deems it necessary to make a special request for accommodation.

Mutual Housing Management complies with Section 504 of the Rehabilitation Act of 1973 and The Fair Housing Act Amendments of 1988.

- a. Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance from HUD.
- b. The Fair Housing Act prohibits discrimination in housing and housing related transactions based on race, color, religion, sex, national origin, disability and familial status. It applies to housing, regardless of the presence of federal financial assistance.



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- c. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color or national origin in any program or activity receiving federal financial assistance from HUD.

The requirements and practices of the Affirmative Fair Housing Marketing Plan will be reviewed on an annual basis at the time of the annual budget in order to evaluate the effectiveness of reaching persons in the housing market area that are not likely to apply for the housing without special outreach. A date and comment regarding each outreach source/contact will be documented in an Affirmative Fair Housing Marketing Plan file for this purpose. This annual assessment will include a review of who the community is serving and whether or not we are reaching members of protected classes and whether or not the plan should be revised in order to do so.

### **B. OCCUPANCY STANDARDS**

In order to be eligible for occupancy, an applicant must meet the following initial requirements:

1. **Income:** See Income Limits for this particular property attached. Income limits varies by county and family size.
2. **Household Size:** An appropriate size unit must be available. Occupancy standards are set by the owner after reviewing the Agency Guidelines and Fair Housing requirements, but in some cases there are situations where the manager and applicant must make a decision on the size unit to assign to a particular household. The following standards will be used in determining the correct number of occupants:

#### **NUMBER OF OCCUPANTS**

<b><u>Bedroom Size</u></b>	<b><u>Minimum Persons</u></b>	<b><u>Maximum Persons</u></b>
<b>1 Bedroom</b>	<b>1</b>	<b>3</b>
<b>2 Bedrooms</b>	<b>2</b>	<b>5</b>
<b>3 Bedrooms</b>	<b>3</b>	<b>7</b>
<b>4 Bedrooms</b>	<b>4</b>	<b>9</b>

#### **MHP / HOME UNITS - NUMBER OF OCCUPANTS**

<b><u>Bedroom Size</u></b>	<b><u>Minimum Persons</u></b>	<b><u>Maximum Persons</u></b>
<b>1 Bedroom</b>	<b>1</b>	<b>3</b>
<b>2 Bedrooms</b>	<b>2</b>	<b>5</b>
<b>3 Bedrooms</b>	<b>4</b>	<b>7</b>
<b>4 Bedrooms</b>	<b>6</b>	<b>9</b>



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There will not be exception to the minimum and maximum number of occupants listed herein except as:

1. To accommodate a Live-in Attendant
2. Result of a Reasonable Accommodation
3. Foster Care

With the exception of the studio size units, which have no bedroom, the maximum no. of persons is determined as 2 per bedroom plus 1, taking into consideration the living room as potential living space.

**In order to maximize the unit, each bedroom must have at least 1 household member utilizing the space, for the purpose in which it was intended. Failure to meet minimum occupancy will be cause for application to be denied.**

### **3. Student Eligibility for Head or Co-Head of Household:**

- A. The individual must be of legal contract age under state law.
- B. The individual must have established a household separate from parents or legal guardians for, at least, one year prior to application for occupancy or the individual meets the U. S. Department of Education's definition of an independent student which is defined as:
  1. Be at least 24 years old by December 31 of the award year for which aid is sought; or
  2. Be an orphan or a ward of the court through the age of 18; or
  3. Be a veteran of the U.S. Armed Forces; or
  4. Have legal dependents other than a spouse (for example, dependent children or an elderly dependent parent); or
  5. Be a graduate or professional student; or
  6. Be married.
- C. The individual must not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations.
- D. The individual must obtain a certification of the amount of financial assistance that will be provided by parents, guardians or others signed by the individual providing the support. This certification is required even if no assistance will be provided. The financial assistance provided by persons not living in the unit is part of annual income that must be verified to determine eligibility and at annual recertification to determine rent.



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### C. CITIZENSHIP

#### HUD PROPERTIES ONLY

By law, only U.S. citizens and eligible non-citizens may benefit from federal rental assistance. Compliance with these rules ensures that only eligible families receive subsidy. These requirements apply to families making application to the property, families on the waiting list, and tenants. This paragraph describes the procedures owners must use to determine applicant eligibility based on citizenship/immigration status.

#### Key Requirements

1. Assistance in subsidized housing is restricted to the following:
  - a. U.S. citizens or nationals; and
  - b. Non-citizens who have eligible immigration status.
2. All applicants for assistance must be given notice of the requirement to submit evidence of citizenship or eligible immigration status at the time of application.
3. All family members, regardless of age, must declare their citizenship or immigration status.
4. Non-citizens (except those ages 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. Non-citizens age 62 and older must sign a declaration of eligible immigration status and provide a proof of age document. U.S. citizens must sign a declaration of citizenship.
5. A mixed family—a family with one or more ineligible family members and one or more eligible family members—may receive prorated assistance, continued assistance, or a temporary deferral of termination of assistance. If a family is eligible for prorated assistance and is not receiving continued assistance, and if the termination of the family's assistance is not temporarily deferred, the amount of assistance the family receives is adjusted based on the number of family members who are eligible compared with the total number of family members. The prorated assistance is calculated by multiplying a family's full assistance by a fraction.
6. Applicants who hold a non-citizen student visa are ineligible for assistance, as are any non-citizen family members living with the student. For non-citizen students with a citizen spouse or citizen children, this family may receive prorated assistance. For example, a family that includes a non-citizen student married to a U.S. citizen is a mixed family.
7. **Assistance may be denied or terminated if ALL family members are determined to be ineligible for assistance.**

#### NON HUD PROPERTIES



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1. **USDA Section 514-516:** The Farm Labor tenant(s) that is/are qualifying the family under Section 514- 516 is/are required to be a U. S. citizen(s) or eligible non-citizen(s).
2. **USDA Section 515:** No citizenship requirements. (NOTE: see social Security Number Requirements)
3. **TCAC Properties:** No citizenship requirements. (NOTE: see social Security Number Requirements)
4. **Other Properties:** No citizenship requirements. (NOTE: see social Security Number Requirements)

**Where a property is both HUD and Non HUD, the HUD requirements will be in effect.**

### **D. SOCIAL SECURITY NUMBER REQUIREMENTS**

#### HUD PROPERTIES ONLY

1. Applicants must disclose social security numbers (SSNs) for all family members at least 6 years of age and older, or, if no SSN has been assigned, the member must complete a certification that no SSN has been assigned.
2. The documentation necessary to verify the SSN of an individual who is required to disclose his or her SSN is a valid SSN card issued by the Social Security Administration or a Self-Declaration certifying that one of the following documents attached to the declaration is complete and accurate:
  - a. Driver's License with SSN
  - b. Identification Card issued by a federal, State, or local agency, a medical insurance provider, or an employer or trade union.
  - c. Earnings statements on payroll stubs
  - d. Bank Statement
  - e. Form 1099
  - f. Benefit Award Letter
  - g. Life Insurance policy
  - h. Court Records
3. In the event an individual has applied for legalization under the Immigration and Reform Control Act of 1986, the individual will be able to disclose the social security numbers, but unable to supply the cards for documentation. Social security numbers are assigned to these persons when they apply for amnesty. The cards go to the Department of Homeland Security (DHS) until the persons are granted temporary lawful resident status. Until that time, their acceptable documentation is a letter from the DHS indicating social security numbers have been assigned.
4. Although we may accept an application with the above self-declaration and documentation, the application will not be processed until the required SSN documentation is provided for all adult



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applicants. If all adult applicants are unable to provide such documentation within 60-days of the initial acceptance of the application, they will be removed from the waiting list.

5. We will extend the time period for an additional 60 days if the applicant is at least 62 years old and unable to submit the required documentation within the first 60-day period.

### NON HUD PROPERTIES

1. **USDA Section 514-516:** The Farm Labor tenant that is qualifying the family under Section 514-516 must have a social security number in order to allow us to check both the credit status and criminal background of the tenant.
2. **USDA Section 515:** At least one (1) of the adult Tenants must have a social security number in order to allow us to check both the credit status and criminal background of the tenant.
3. **TCAC Properties:** At least one (1) of the adult Tenants must have a social security number in order to allow us to check both the credit status and criminal background of the tenant.
4. **Other Properties:** At least one (1) of the adult Tenants must have a social security number in order to allow us to check both the credit status and criminal background of the tenant.

### E. INITIAL APPLICATIONS

Applications are processed on a first come - first serve basis, except for projects which require Regulatory Preferences or Income Targeting. The application is designed to give the resident manager basic information about the applicant so that he/she can determine if there are factors of income or household size which would effectively eliminate the applicant from consideration. At the time a completed application is received by the manager, the date and time is noted on the application. No incomplete application can be accepted, all questions must be answered or the application will be returned to the applicant for completion. Applicants must be able to provide proof of identity.

At the time the completed application (including Social Security numbers) is received, it is reviewed for initial eligibility only, i.e., the household size and qualifying income. The applicant will then be notified within 10 days by mail of one of the following:

1. If an appropriate unit is available, the application can be processed immediately.
2. The application has been placed on a waiting list and the approximate length of time it is anticipated before the application can be processed, or;



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3. A letter of rejection stating clearly:
  - a. That the applicant is not eligible for occupancy and the reason why.
  - b. The applicant's right to request a hearing (if applicable) in accordance with all grievance and appeals procedures (see Handbook for correct letter based on program requirements) and that they have:

HUD PROPERTIES: 14 days to appeal our decision.

NON HUD PROPERTIES: 10 days to appeal our decision

### F. WAIT LIST

All completed applications determined to be initially eligible are placed on a master waiting list. Separate lists will also be kept by bedroom size for each different size unit in the complex. If an applicant qualifies for more than one size unit and has no preference, they will be placed on both lists as well as the master list. The wait list form and instructions can be found in the forms section. The master wait list will be updated at least semi-annually by sending a letter to each applicant on the master list who has not updated his or her interest in remaining on the wait list (See Forms Section for letter).

When a unit(s) will not be available for a new applicant for at least a year you may be allowed to close your waiting list with the **approval of your supervisor**. The closing process is different depending on your property:

**HUD Properties:** Upon closure, you must advise potential applicants that the waiting list is closed and refuse to take additional applications. Also, at this time you must publish a notice in a publication likely to be read by potential applicants that the waiting list is closed due to excessive wait times for available units. Upon opening the waiting list, an announcement notice in the same (or same type) of publication mentioned above must be made notifying potential applicants that you are once again accepting applications. Make sure that you state the rules for applying, where and when to apply, and the order in which applications will be processed.

**USDA Properties:** USDA has no regulations regarding Opening and Closing of Waiting Lists. However, you should consider “purging” your waiting list of applicants upon **approval of your supervisor**. This involves a specific set of mailings, via First Class Mail, and documentation. Please contact your supervisor for this procedure.

**OTHER Properties:** You should consider “purging” your waiting list of applicants **upon approval of your supervisor**. This involves a specific set of mailings, via First Class Mail, and documentation. Please contact your supervisor for this procedure.



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### **G. PROCESSING APPLICATIONS**

The first one or two applications on the wait list for each size unit should be processed so that a tenant will be ready to move in should there be an unexpected vacancy. Income verification is valid for up to 90-days. The steps for processing an application are:

1. Re-verify that the application indicates that all requirements are met for occupancy as to household size, household composition and income. If not, then a rejection letter will be sent immediately notifying the rejected applicant that they have:

NON HUD PROPERTIES: 10 days to respond to our decision

2. Call the applicant to verify that they are still interested, and if so they must come in to update the information on their original application. If the original application is over 60 days old, you must have the applicant complete the Application Update and Revision form or complete a new application in order to be sure the information is current. At the same time, have the applicant and all household members over 18 years of age sign one set of all necessary employment income; bank, asset, rental history and any other necessary verification release forms so that you can send out all of the verifications necessary to complete the process. Once you have updated the application and have all of the necessary release forms signed, you can start the employment, legal status and income verification procedures by mailing the set of verifications.
3. **Run a Credit Report and Criminal Background Check** on all applicants over the age of 18 concurrent (at the same time) with mailing out the verifications and rental history. A minimum Credit Score of is required to live on this property. Credit scores between and will be accepted “with conditions”. Those conditions may include 1) Requiring that the applicant show that they are making payments on past debts, 2) If no debts, requiring 3 letters of recommendation of their character. The credit score is determined by using a resident screening program called Yardi that uses a mathematical formula to determine the risk to the community for renting to a particular tenant. Yardi uses the income from the applicant, the rent amount, the credit history and rental history of the applicant and determines a score. For applicants who have no credit at all or Accept with Conditions must supply (3) letters of recommendation as to their character. Any applicant rejected because of a bad credit report may request a meeting with management to explain errors or corrections that would change the status of the applicant. If an applicant is rejected because of credit the rejection letter must give the name and address of the reporting agency so the rejected applicant can get a copy of the report. The rejected applicant also has:

NON HUD PROPERTIES: 10 days to respond to our decision

4. **Criminal Background Checks** are to be run for **all adult household members** at initial move-in **for all properties**. Run the criminal background check **after** you have run the credit report and received an “accept”. Obtain a report from each county listed on the application where the applicant(s) was/were a resident. Applicants are ineligible for tenancy for the following reasons:



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- a. Any household containing a member(s) who was evicted in the last seven years from federally assisted housing for drug-related criminal activity; there are two exceptions to this provision:
  - i. The evicted household member has successfully completed an approved, supervised drug rehabilitation program; or
  - ii. The circumstances leading to the eviction no longer exist (e.g., the household member no longer resides with the applicant household).
- b. 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;

“Reasonable cause to believe” means some measure between mere suspicion and a preponderance of the evidence

- c. 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. The screening standards must be based on behavior, not the condition of alcoholism or alcohol abuse;

“Reasonable cause to believe” means some measure between mere suspicion and a preponderance of the evidence

- d. Any household member who has been convicted of a felony for any reason in the last 7 years; and
- e. Any household member who is subject to a state sex offender lifetime registration requirement.

With respect to verifications keep in mind the following:

- a. All verifications must be third party unless approved in advance by the Supervisor. Immediately mail one set of income verifications to all income or asset sources shown on the updated application, enclose a properly stamped, self-addressed envelope in each mailing. **Do not give** the verification(s) to the applicant to deliver to their employer. Send verifications only to sources shown on the application or update form. For example, might send a verification form to the Welfare Department if the applicant does not show any anticipated income from AFDC or TANF on their application or update form; or to the EDD if the applicant does not show any anticipated income from unemployment during the coming year.
- b. All verifications and other signed documents must be in the English Language. The Spanish version is **only to assist an applicant, who negotiated the lease in Spanish, understand what they are signing.** Any subsequent document that substantially changes the parties, rights and obligations must be sent to tenant in both languages and a copy of both will be kept in the file.



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- c. If you have not received the completed income verification within ten-days, call the reference on the phone to verify that they received the first verification request and ask them to expedite the return of the document. If they indicate that they did not receive the verification form, ask them if you have the correct address and mail or fax them the second verification that you had the applicant sign. At this time, you must contact the applicant and advise them that their application is in jeopardy because we are unable to verify their income or assets; this will perhaps encourage the applicant to assist the source in speeding up the process.

If the second verification is not returned within ten-days try a third attempt then and only then call the employer and try to get a phone verification. If this fails, with your Supervisor's prior permission, use a second party verification for certain kinds of income. If you are unable to verify income and assets, we must reject the applicant because we are unable to verify the information shown on the application.

**It is mandatory that you keep a copy of all verifications that you mail in order to prove when and where they were sent.**

- d. In rare instances, you may have an applicant who claims to be self-employed never on a farm labor property). In these cases, you will advise the applicant that they must provide a certified profit and loss statement for the business from an independent accountant for the past two years together with copies of the applicant's Federal and State Income Tax returns for the same periods. In addition, they must sign an affidavit that declares under penalty of perjury that the information given is true and correct. Always contact your supervisor before approving a self-employed applicant.
- e. There are many adult applicants or household members who will claim that they are unemployed and have zero income. These applicants must provide a signed, notarized Zero Income Verification and an affidavit stating that they do not qualify for any type of assistance or unemployment compensation, and explain why. **If an entire household is claiming zero income, the property manager will be required to complete a Zero Income verification checklist with the applicant/tenant household during the interview process and thereafter on a quarterly basis as long as the tenant continues to be a zero income household (never on a farm labor Property. If we have compelling evidence of income, we will send negative verifications to selected agencies (always on a Farm labor Property we send Prior employment).**
- f. After you have collected all of the verifications required to compute the gross household income, you will then do the Tenant Certification. In doing any certification, you must remember one very important rule: **All Certifications and Re-certifications must reflect income for 52 weeks for all adult household members** unless they can verify conclusively that they will have no income for part of the year (always on Farm labor property we should have a full year). The burden of proof is on the applicant to verify in writing that they will have no income or a reduced income for any part of the year. You will have applicants who work at several different jobs during the year, which does not add up to 52 weeks; in these cases you will add up the income from the



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Employment Verifications and to that total add unemployment income for the number of weeks during which they have no income verification. The only departure from this procedure will be in cases where an applicant can prove that they will not be eligible for income from any source.

5. Check with current and prior landlords far enough back to get 5-years of history. You must mail a Rental History Form to request the information in writing to each prior Landlord for the past 5-years. Only after 3 attempts with no response you may use a telephone verification, fill out the form and enter the information and the name and phone number of the person giving the reference as per #7 below in this section. Applicants evicted for any lease violation (cause) will be rejected and advised of their right to request a hearing (if applicable) and the applicant will have:

HUD/HCD/ MHP PROPERTIES      14 days to respond to our decision.

NON HUD PROPERTIES: 10 days to respond to our decision

6. An interview must be held with each eligible applicant and, if available, members of the household. At this interview, the nature of the program and their responsibilities as tenants is explained. If the household cannot come for disability reasons, then a home visit may be in order. For convenience, if the wait list is very short and it appears that a unit may be available within 60 days, you may conduct the interview and obtain necessary verifications forms at the time the application is submitted.
7. All verbal information obtained regarding an applicant **must be documented in writing**. Information from individuals, references from landlords, etc., will be noted as to who gave the information, the date and signature of the management personnel receiving the information. Details of subsequent contacts with applicants must also be dated and initialed. **All information must be written on the contact log or separate paper and placed in the file!**
8. If an applicant refuses a unit when offered, they will be informed that their name is being withdrawn from the wait list and they are welcome to reapply. The exception to this is a reason beyond the applicant's control such as health or disability. Should we be unable to reach an applicant, a 10-day letter will be sent asking them to contact us and advising them that their application may be withdrawn should they fail to respond. The next person on the wait list will then be contacted.

### **H. CONFIDENTIALITY**

All information received by or about any applicant must be treated as highly confidential. Under no circumstances will you reveal any information without prior consent of your Supervisor. If a Police Officer presents you with what appears to be a legal document, immediately call the Compliance Department at Hyder Property Management Professionals.

All Tenant and Applicant files, both current and former, must be filed in locked cabinets with limited access by the Property Manager and office staff only.



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Any tenant and/or application information that is not needed *MUST BE SHREDED...DO NOT DISCARD INTO THE TRASH WITHOUT SHREDDING IT.*

### **I. APPLICANT SCREENING AND TENANT SELECTION**

The process of screening applicants and selecting future residents is a crucial one. Time and care must be exercised to screen applicants and to select applicants who will be responsible residents and meet eligibility requirements. Careless selections can result in vandalism, high repair costs, costly evictions, and increased vacancies. Each housing program has its own requirements and the manager must be totally familiar with the qualifying criteria of his/her project program, bearing in mind that you must comply with all Regulatory Requirements as well as all Federal, State, and Local fair housing laws and with all equal opportunity requirements.

Guidelines, which we use to determine eligible applicants, are as follows:

#### **1. The Applicant's Willingness to Pay Rent in a Timely Manner**

The applicant's willingness to pay rent in a timely manner can be judged by the applicant's current and past history of rent payments. This information will be obtained from the current and prior Rental History. The applicant's credit review will indicate their attitude toward financial obligations. Occasionally an applicant has no credit history or rental history (e.g. young people renting their first apartment). It will be necessary in these cases to check their Credit References to make a determination as to the applicants understanding and appreciation of the importance of timely rent payments.

An in-depth applicant interview will aid in this determination. Poor credit is unacceptable unless applicant can satisfy a complete scrutiny at a hearing and explain that all reasons have been removed.

Where there is a deep rent subsidy available (Rental Assistance, HUD Section 8, or HUD rent supplement) the tenant's rent is based on a percentage of income; therefore, ability to pay rent is significantly improved, since there is no minimum income requirement for admission at these properties.

An applicant's ability to pay rent can be determined by reviewing the applicant's income and the percentage of income the applicant will be paying in rent. **Applicant should not pay more than 40% of their income to rent.** This is a reasonable guideline for income requirements for each size unit where no deep subsidy is available. In this case the applicant will be placed on waitlist until additional income is obtained or a lower rent units becomes available.

#### **2. The Applicant's Ability and Willingness to Care for the Unit**

The question of ability to care for the unit may be a factor. The best source for this information is past and present landlords and the household interview.



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### 3. The Applicant's Ability and Willingness to Abide by the Lease

While this is very general language, it is a critical area of applicant evaluation. It covers such broad subjects as interfering with the rights and enjoyments of other tenants or keeping a pet or allowing illegal acts to be performed on the premises. The main source of this information will be prior landlords. Another source of information on the applicant (or household member) may be police officers, the credit review or the references provided by the applicant. Applicants who have been evicted for a lease violation or receive a poor rental history report are unacceptable.

### 4. The Applicant must be of Legal Age

In the case of a married couple only one must be of legal age. The person of legal age must sign all documents. If a minor applicant claims to be "emancipated", contact your supervisor so that they may help you confirm this before proceeding further. A person under the age of 18 years is an emancipated minor if any of the following conditions is satisfied:

- a. The person has entered into a valid marriage, whether or not the marriage has been dissolved.
- b. The person is on active duty with the armed forces of the United States.
- c. The person has received a declaration of emancipation pursuant to section 7122.

### 5. The Applicant Interview

This is a very important part of the selection process. Sometimes there is very little verifiable information on the applicant so this interview will be a key factor in determining the applicant's eligibility. You must require all household members to be present for this interview. It is at this interview that the program will be explained to the applicant and their responsibilities as a tenant. Sometimes an applicant will decide at this time they cannot abide by the regulations of the program and voluntarily withdraw their application.

## J. UNIT TRANSFERS

There are two acceptable types of unit transfers within the same project.

- A. MANDATORY TRANSFER
- B. TENANT REQUESTED TRANSFER

**MANDATORY TRANSFER – Always initiated by the manager for changes in household composition or income ineligibility from the unit restricted program. (For ineligible due to restrictive program).** This transfer requires that the security deposit be transferred from the old unit to the new unit and any differences be collected or refunded to the tenant.



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**REQUESTED TRANSFER** – Must be initiated by tenant in writing. Reasons for transfer can only be:

1. Need for deeper subsidy covered by another unit
2. Medical reason certified by a doctor
3. Need for an accessible unit.
4. Need for a different size unit that the household qualifies for.

Upon determination that the transfer is approved you will place the tenant's name on the top of the transfer wait list. The list will be taken in chronological order (oldest on the list gets first apartment). This will be done before ANY non-tenant is accepted. No Non-Resident applicant takes precedence over either type of transfer. If a tenant under notice of an occupancy violation refuses to move, their lease may be terminated with a 30-Day Notice and the next tenant on the transfer list will be notified. If you have no names on the transfer list, you will select the top name on the regular wait list.

**FOR HUD PROPERTIES ONLY:** When it is determined that a transfer is required, the tenant:

- a. May remain in the unit and pay the HUD-approved market rent; or
- b. Must move within 30 days after the tenant is notified that a unit of the required size is available within the property.

It is unacceptable to request a transfer because of “bad relations with neighbors” or “poor view” or “accessibility to laundry”, etc.

**FOR HCD PROPERTIES ONLY:** When it is determined that a transfer is required due to determination that the household has become ineligible for program such as RHCP/MHP ( non floating designation), the tenant:

### **SECURITY DEPOSIT AMOUNT:**

**MANDATORY TRANSFERS-** Maintain the old Security Deposit amount and transfer to new unit. We will not charge the tenant for any additional security deposit or refund any differences.

**TENANT REQUESTED TRANSFERS-** Collect the difference in the security deposit from the old to the new unit.

In both cases, charge damages to the new unit. If necessary, you may set up a payment plan.

Complete the “Immediate Notice of Move Out or Transfer” form on the date of the move-out from the old unit. (NOTE: RD properties must not use the 1st of any month as the move out date). The date of the move in will be the following date... **a tenant cannot move out and move in on the same date.**

Transfer the tenant's old file to the new unit file.

For all transfers, conduct a pre-transfer meeting with the tenant and explain what is going to happen. When a vacant unit becomes available, make arrangements with the tenant to conduct a pre-move out physical inspection of the old unit for damages beyond normal wear and tear and cleaning. Don't' forget that other



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problems may show up that you cannot know about until the unit is completely vacant. If charges are major, tenant cannot transfer without all problems resolved.

The tenant has 2 days to complete the transfer.

Day 1: move-out date from old unit. Rent on old unit is paid through move-out date.

Day 2: move-in date to new unit. Rent on new unit begins with move-in date.

Treat the paperwork as you would a brand new move-in:

1. Tenant Certification
2. Lease and Amendments
3. House Rules
4. Move-in inspection
5. Collect Rent
6. Collect Security Deposit (as prescribed for the type of transfer)
7. Turn over keys
8. Mail all appropriate documents: "Immediate Notice of Move Out or Transfer", CAM security deposit disposition, vacate report, Tenant certification, etc.

If you are a TCAC property and the tenant is moving to another BIN # building then you must treat this as a move-out and move-in, with all new initial certification paperwork. If the tenant is not income qualified then they cannot transfer.

### **K. REJECTION**

#### One Strike Policy

No applicant will be admitted if any member has been evicted from any other housing within the last 7-years for cause. No applicant will be admitted who currently uses illegal substances, illegally abuses alcohol or is required to register as a sex offender or falsifies any information on the application. No applicant household will be admitted if any member has a criminal history within the last 7 years including, but not limited to any acts of violence against persons or property, unlawful drug related activity of any kind, is fleeing from prosecution or other acts which would threaten the health, safety or well-being of residents, owners, employees, or agents or in any way disrupt the resident's peaceful enjoyment of the site.

Rejected applicants will receive written notice stating the reason for rejection. The notice will contain the following:



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1. Reason for rejection and appeal rights (U.S.D.A. & H.U.D.)
2. HCD Grievance and Appeals Procedures to be included with rejection letter.
3. In CalHFA projects, the applicants right to request a conference with CalHFA. Should a rejected Applicant request a hearing within three days of receiving the letter, the Agency's policy on rejection set forth in the CalHFA Eviction Procedure will be followed.

### **L. INELIGIBLE FOR PROGRAM RESTRICTED UNIT**

Tenants will be recertified on an annual basis. If a household residing in a restricted unit no longer qualifies for the program or income exceeds restricted limit, the household shall be required to transfer within the project to unit that would meet program guideline including unit size and AMI limits.

The recertification process includes re-verifying the household income, assets, student status and household composition to ensure continued program eligibility. Ninety days before the end of the current certification the tenant will be asked in writing to furnish the manager with information and authorization required to complete the new annual certification. Should a tenant be found to be ineligible for occupancy by the recertification process they will be notified in writing of required mandatory transfer, and be placed on transfer list in proper order.

If the assisted unit is subject to state or federal rules governing low-income housing tax credits, those eligibility provisions shall govern continued eligibility for occupancy.

*“USDA is an equal opportunity provider, employer, and lender.”*

*“El Departamento de Agricultura de Estados Unidos (USDA) es un proveedor, empleador y prestador que ofrece igualdad de oportunidades.”*



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### **MODIFICATION OF THE RESIDENT SELECTION CRITERIA**

This Resident Selection Criteria Plan will be reviewed annually to ensure that it reflects current operating practices, program priorities and HUD and Fair Housing requirements. If this Resident Selection Criteria Plan is substantially updated, you may be notified.

1. <b>Applicant Signature</b>	<b>Printed Name</b>	<b>Date</b>
2. <b>Applicant Signature</b>	<b>Printed Name</b>	<b>Date</b>
3. <b>Applicant Signature</b>	<b>Printed Name</b>	<b>Date</b>
4. <b>Applicant Signature</b>	<b>Printed Name</b>	<b>Date</b>
5. <b>Applicant Signature</b>	<b>Printed Name</b>	<b>Date</b>
6. <b>Applicant Signature</b>	<b>Printed Name</b>	<b>Date</b>
7. <b>Applicant Signature</b>	<b>Printed Name</b>	<b>Date</b>
8. <b>Applicant Signature</b>	<b>Printed Name</b>	<b>Date</b>
9. <b>Applicant Signature</b>	<b>Printed Name</b>	<b>Date</b>



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