

# GATEWAY GARDEN TENANT SELECTION PLAN



Thank you for your interest in applying to live at our community. These criteria are provided to you to define the process we use to select our residents. Guardian Management LLC is an Equal Housing Opportunity provider, and seeks to process all applicants in a fair and consistent manner.

## **I. OCCUPANCY POLICY**

Guardian Management LLC has established standards on occupancy to permit the tenant to select the apartment size they deem appropriate to their needs while preventing overcrowding and underutilization of the apartment. Occupancy is based on number of bedrooms in an apartment. 2 persons are allowed per bedroom, plus one additional occupant. Applicants wishing to appeal this policy may do so in writing to Fair Housing Officer, PO Box 5668, Portland, OR 97228.

This Property leases/rents the following bedroom size(s), when available

- ☐ **STUDIO (0) BEDROOM**
- ☒ **ONE (1) BEDROOM**
- ☒ **TWO (2) BEDROOM**
- ☒ **THREE (3) BEDROOM**

Apartments will be leased in accordance with the following minimum and maximum household compositions in each unit size:

<b>Bedroom Size</b>	<b>Persons per Household</b>	
	<b>Minimum</b>	<b>Maximum</b>
0 (Studio)	1	2
1	1	3
2	2	5
3	3	7

To determine the proper bedroom size, for which a household may qualify, the following household members are to be included:

- all full-time members of the household;
- all children anticipated to reside in the unit including children away at school who live in the apartment during school breaks;
  - Except Students that have established residency at another address.
- children subject to custody agreements or joint custody, residing in the apartment at least 50% of the time or a minimum of six (6) months out of the year;
- unborn children;
- foster children;
- Live-in attendant.

In the event an applicant family member, or someone associated with that household, has a physical or mental handicap which requires an apartment larger than the size

allowed above, Guardian Management LLC will allow the applicant family to apply for an apartment of the required size if one is available.

## **II. PROJECT SPECIFIC REQUIREMENTS**

Gateway Garden is a Project Based Section 8 (PBS8) and HOME funded community which requires all residents to meet certain income eligibility criteria. Gateway Garden consists of 32 Project-based Section 8 units. A family's combined income cannot be greater than 50% of the area median income for Clark County to be considered eligible for occupancy.

## **III. PET POLICY -**

☐ **If checked, property has a no pet policy.**

Management must pre-approve all pets before the pets are allowed in any apartment or on the property. There is a maximum of two (2) pre-approved pets per household. An aquarium of 15 gallons or more or a cage will be considered one pet.

A deposit of \$300 per unit will be required OR approved payment plan before the pet is allowed in any apartment or on the property. The deposit requires an initial payment of \$50 and \$10 per month thereafter.

Gateway Garden reserves the right to restrict pets that demonstrate aggressive, threatening, or violent behavior. Breeds that are specifically prohibited are, but are not limited to: Doberman Pinchers, German Shepherds, Pit Bulls, Rottweilers or any similar breeds/mixes.

## **IV. PREFERENCES & PRIORITIES**

It is the policy of the Property that a preference does not guarantee admission. Every applicant must still meet the Property's Tenant Selection Standards for acceptance as a resident.

In-place residents on the waitlist shall have priority consideration over outside applicants if under/over housed or made a request for a reasonable accommodation.

If a household applies that has been displaced by government action or a declared presidential emergency with appropriate documentation. These applicants will take priority over other outside applicants.

This property will follow HUD income targeting requirements. This property is required to ensure that 40% of all move-ins during a fiscal year are at or below the Extremely Low Income limit for the area. In order to meet this target applicant households with incomes at or below the extremely low-income limit will be selected on an alternating basis to ensure that the property meets the income target of 40% of vacancies for the

property's current fiscal year. If you are a very-low income applicant and are skipped over for an extremely low applicant, you will remain on the waitlist and offered the next available unit.

### **Preference for Accessible or Adaptable Units**

For units accessible to or adaptable for persons with mobility, visual or hearing impairments, households containing at least one person with such impairment will have first priority, (as applicable for a particular unit's features). If disability or need for features of the unit is not obvious, verification of disability and need for the features of the unit will be required.

NOTE: Current residents requiring accessible/adaptable units shall be given priority over applicants requiring the same type of unit. Where no such applicants or current residents are waiting, management reserves the right to hold such units available while outreach efforts are in process to obtain applicants with need for such units. Where non-handicapped persons are moved into units designed to meet special needs, they shall do so only after signing an addendum to move to a unit with no such design features should an applicant or current household require an accessible unit of the same type.

### **Preferences for Elderly Housing**

- ☐ Elderly (Household in which the head, co-head or spouse is age 62 or older)
- ☐ Disabled (Household in which the head, co-head or spouse is disabled of any age)
- ☒ No preference for Elderly/Disabled applicants at this property.

### **Preference for Victims of Domestic Violence**

Gateway Garden's applicant selection provides that an applicant declaring themselves a victim of domestic violence, dating violence, sexual assault, or stalking and is deemed eligible by Guardian Management policies will receive waiting list preference. Third-party documentation must be provided by the victim that demonstrates their eligibility for receiving preference on the property waitlist under VAWA. Examples of third party documentation include, but are not limited to: a letter or other documentation from a victim service provider, social worker, legal assistance provider, pastoral counselor, mental health provider, or other professional providing assistance; a current restraining order; a recent court order or other court records; a law enforcement report or records; communication records from the perpetrator of the violence or family members or friends of the perpetrator of the violence, including emails, voicemails, text messages, and social media posts. The Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (Form HUD-5382) may be used in response to the VAWA Request for Certification, as supporting documentation.

**As a result of the above listed priorities and preferences, applicants may be skipped over. Applicants that are skipped over will remain on the waitlist and will retain their placement in line once another apartment becomes available.**

## **V. APPLICATION PROCESS**

Our staff is prepared to assist any applicant who requires assistance completing any of the application forms. This assistance might include answering questions about the application, helping applicants who might have literacy, vision, hearing, mobility or language difficulties and, in general, making it possible for interested parties to apply for housing.

If the assistance is "unreasonable", the interviewer must inform their supervisor. An assessment must be made to identify and provide reasonable accommodation.

Management may make and document exceptions to the procedures described herein to take into account circumstances beyond the applicant's control, for example, medical situations.

### **Waitlist Application Process**

Waitlist Application and property information forms are to be given or mailed to all applicants requesting an application. Applications are accepted at the apartment community's rental office in person or by any of the methods listed below:

1. Mail to the property's mailing address
2. Fax to the property's fax number
3. Email to the property's email address

However, if the waitlist is closed, applications are not collected, given or mailed out. If the waitlist is open then an application is given to all requesting one.

Specific determinations regarding accepting or rejecting applicants may not be made without a Waitlist Application; however, we would be happy to answer any questions concerning program and eligibility requirements.

### **Procedure Governing Receipt of Applications**

The Waitlist Application constitutes the basic record of each household applying for admission. Each applicant, therefore, will be required to:

- Supply information as called for on the form, and
- Sign the application and certification attesting to the accuracy of the information provided.

Each application shall reflect the date and time received. The date and time on the application must be shown on the waitlist. The application and all other materials relating to the applicant's eligibility are to be maintained in a separate file for each active applicant. Whenever information is received from an applicant it must show the date and time received by the Property.

### **Accepting Applications**

Waitlist Applications are to be accepted from all "apparently eligible" applicants seeking admission to the property. "Apparently eligible" means, based on stated information and applicant certification (prior to verification) the applicant may qualify to be placed on the waitlist.

- The Waitlist Application must be completed and signed by the head of household and all household members over 18 before an applicant can be placed on a waitlist.
- An applicant must always be placed on a waitlist and selected from a waitlist to be housed.
- A Rental Application must be completed and signed by the head of household and all household members over 18 is required before an applicant can be housed.

### **Placing Applications on the Waitlist**

Waitlist Applications will be accepted and reviewed to determine whether the household can be placed on the waitlist. Applicants will be placed on the waitlist based on the applicants' certification of information on the Waitlist Application.

There are three primary considerations when assessing the information contained on the Waitlist Application:

- 1) Does the household fall within the income limits and eligibility criteria for the property/program?
- 2) Is there an apartment of the type and size that the household needs/requests?
- 3) Is the Waitlist open?

If the answer to all three of these questions is "yes", the household/application is placed on the waitlist in "Prospect" status.

If all of the answers are yes except for the apartment type, and there is not a correct apartment type to meet the applicant's housing needs, then a determination must be made by the property manager whether the Property/unit must be made accessible and/or if reasonable accommodation is warranted.

If the household does not fall within the income limits for the property/program, or there is not an apartment of the appropriate size, or the waitlist is closed, then:

- The application is rejected and the reason written on the application
- The applicant is notified of the rejection with the Notice of Eligibility and they are advised that they may reapply if their circumstances change, or when the waitlist reopens, and
- There is no further review of the application.

An applicant must be advised of the rejection in writing and a copy of the written determination attached to the application. This may be done at the time the application is received or within five (5) days of receipt, by mail.

### **Notification of Unit Availability**

If you are contacted and notified by phone and/or a Notice that you are getting close to the top of the waitlist/available unit, you will have ten (10) days to respond and complete a full application for each adult and complete the necessary paperwork to begin the screening and eligibility process. These must be received with wet signatures for processing. These will only be accepted in person or via mail to the rental office.

- a. If a waitlist applicant chooses not to accept an apartment at that time, you will be removed from the waitlist for that unit type. You may re-apply to be placed back on the waitlist if you are still interested.  
Example: Your household is on the one & two bedroom waitlists. You are contacted and offered a one bedroom unit and refuse. Your household will be removed from the one bedroom waitlist, but the household will remain on the two bedroom waitlist.
- b. If you do not contact management within the required period, you will be removed from the waitlist and the available unit will be offered to the next person on the waitlist.
- c. Once your application has been approved, you will have 7 days to execute the lease and other rental documents. If you do not execute the lease and other rental documents within 7 days, you will be deemed to have rejected the offered unit, will be removed from the waitlist and the next person on the waitlist will be contacted for the available unit.

## **VI. TRANSFER PROCESS**

In-place residents receiving assistance who need to transfer to a different unit are placed on the waiting list even when the waiting list is closed. In other words, an in-place household may be placed on the waiting list at any time.

Current market rate residents not receiving assistance may be placed on the waiting list only if the list is open as a result of a resident request or management recognition of need. They are placed on the waiting list as of date and time of application.

For example: A market household's income may decrease to a level that they would qualify for Section 8 assistance. If the waitlist is open, they would be placed on the waiting list as of the date and time the application was received.

In-place residents receiving assistance shall have priority over the outside applicants when any of the following conditions exist:

- Decrease in income causing a change in housing program from a non-assisted program to an assisted program. (i.e... Section 236 resident)
- Household size changes so that the current apartment size is no longer appropriate and the household is over-crowded or under housed and a unit transfer is required.
- The household develops a need for an accessible unit (if available).
- The household has requested and been deemed eligible for a VAWA Emergency Transfer
- A unit transfer is needed for medical reasons.
- An accessible unit is occupied by a household that does not require the accessible features and there is an applicant or current household requiring the accessibility.

A current household that would like to transfer to a different unit size, but do not meet one of the criteria listed above will be placed on the waiting list by the date and time the request is received. These households will not have priority over outside applicants and will be selected from the waiting list based upon date and time application was received.

A current household may request a unit wherein only part of the household will move to the new unit and remaining members will continue to reside in the original unit. This is not considered a transfer but rather a new household is being created. In this case the new household will be placed on the waiting list according to the date and time received. The new household must meet all eligibility criteria in the same manner as outside applicants. These households will not have priority over outside applicants and will be selected from the waiting list based upon date and time application was received.

### **Additions to Existing Household**

Household compositions will change over time. Additions to households do not need to be placed on the waiting list to be added to an existing household



receiving assistance. The request for the additional resident will need to be reported to the office and approval will need to be obtained by management before the new household members take occupancy. The new household member must meet all eligibility criteria in the same manner as an outside applicant.

### **Unit Transfers Due to Reasonable Accommodations**

If a resident is transferred as a reasonable accommodation due to a household member's disability, then the owner must pay the costs associated with the transfer, unless doing so would be an undue financial and administrative burden.

In place residents on the waitlist due to over-crowding or being under housed (per the terms of the lease and taking into account all rights of residents under any relevant fair housing laws), must move to the new unit within 30 days of being notified. If unit is refused, resident will be taken to market rent.

## **VII. GENERAL REQUIREMENTS**

Positive identification with a picture will be required (photocopy may be kept on file). A federal regulation effective June 19, 1995 requires applicants to declare that all family members residing in dwelling units are:

1. U.S. citizens
2. Non-Citizens with eligible immigration status
3. Applicants can choose not to contend that he or she has eligible immigration status thus making the applicant ineligible to receive assistance.

Assistance in subsidized housing is restricted to the following:

1. U.S. citizens or nationals; and
2. Noncitizens that have eligible immigration status

### **Required Documentation of Citizenship/Immigration Status**

1. The household must provide the following documentation for each family member regardless of age:
  - From U.S. citizens, a signed declaration of citizenship along with a U.S. birth certificate, U.S. passport or other documentation such as a naturalization certificate.
  - For noncitizens 62 years and older, a signed declaration of eligible immigration status and provide a proof of age document.

- Noncitizens under the age of 62 must sign a declaration of eligible immigration status, a signed consent form, and provide one of the DHS approved documents on the declaration form.
- Noncitizens not claiming eligible immigration status may elect to sign a statement that they acknowledge their ineligibility for assistance along with completing a Citizenship Declaration form.

A mixed family is one whose members include citizens and eligible immigrants as well as noncitizens without eligible immigration status. Mixed families that were in occupancy and received full assistance prior to verification of citizenship/immigration status may be eligible for assistance as follows:

Pro-rated 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.

All applicants must disclose social security numbers for all household members upon move in.

Persons over the age of 62 and older as of January 31, 2010, whose initial determination of eligibility was begun prior to January 31, 2010 and have not been assigned a Social Security number and those individuals who do not contend eligible immigration status are excluded from disclosure requirements.

Applicants may be placed on the waitlist without proof of a social security number. If after 90 days, the applicant has been unable to supply the required verification of social security number, the applicant will be determined ineligible and removed from the waitlist.

Applicants have 90 days to provide documentation of social security number at the time the applicant is offered a unit. Applicants must disclose and provide verification of the accurate social security number assigned to each household member prior to being admitted.

If verification of all household members has not been provided at the time a unit becomes available, the next eligible applicant must be offered the available unit. If the person who has not yet supplied a SSN is under the age of 6 and has not yet been assigned a SSN, and if this child was added to the household 6 months or less from the move-in date, the household will be given 90 days following the effective date of the move-in certification to provide documentation of the SSN for the child.

An additional 90-day period will be granted if the failure to provide documentation of a SSN is due to circumstances that are outside the control of the household. Examples include but are not limited to: delayed processing of the SSN application by the SSA, natural disaster, fire, death in family, etc. During this time period, the child will be included as part of the household and will receive all of the benefits of the program in which the child is involved, including the dependent deduction.

An interim recertification will be processed once the household discloses and provides verification of the SSN for this individual.

Primary applicants must be of legal age to enter into a legal contract under state and local laws.

The Head of Household, the spouse and/or co-head and all other adults (18 and older) in each applicant family must sign an Authorization for Release of Information (HUD Form 9887 and 9887/A) prior to being accepted and every year thereafter.

An applicant must agree to pay the rent required by the program under which the applicant will receive assistance.

## **VII. Administration of the Waiting List**

The Property is required to maintain a waiting list of all eligible applicants. Applicants must be placed on the waiting list and selected from the waiting list even in situations where there are vacancies and the application is processed upon receipt. This procedure is necessary to assure the complete and accurate processing of all documentation for all applicants.

The waiting list is maintained in chronological order based on the date and time of receipt of the Pre- Application.

The list contains the following information for each applicant:

- 1 Application Date and Time received
- 2 Applicant Name
- 3 Household Income
- 4 Address
- 5 Phone Number(s)
- 6 Preference/Priority
- 7 Unit Size and Type
- 8 Notification Date(s)
- 9 Response Date(s)
- 10 Comments/Status

## 11 Special Needs

Applicants may report changes to any of the information and retain their place on the waiting list based on the original date and time.

### **Closed Waiting List**

The waiting list is closed when the numbers of applications on hand are such that the Waitlist Application household would be unlikely to be offered a unit within one year.

The formula for determining the number of names that should be on the waiting list is; multiply the average number of vacancies for the past three years times two. For example, a property had 10 vacancies in the one- bedroom apartments last year and 14 vacancies the year before, and 17 vacancies three years ago. The total is 41, divide by 3 and multiply times 2. The minimum number of names that should be maintained on the waiting list for the one-bedroom units is 27.

If based on the average turnover for one year, it appears that the waiting list will cause future applicants to wait longer than one year, applications will no longer be accepted and the waiting list will be closed.

When the waiting list is closed, a notice is posted in a conspicuous location, in or near the rental office, and an ad in the local newspaper indicating:

- 1) The date the list closed,
- 2) Applications are not being accepted, and
- 3) Reason for the closure

The Property must not accept or maintain lists of potential applicant names when the waiting list is closed. Applicants inquiring about a unit when the list is closed must be advised that the list is closed and they may apply when the list is reopened.

### **Opening a Closed Waiting List**

To open a closed waiting list, the Property must follow the HUD-approved Affirmative Fair Housing Marketing Plan (AFHMP). The AFHMP must be reviewed periodically and in advance of opening a closed waiting list to assure that it is current.

Opening the waiting list and marketing vacant apartments in the Property must provide an equal opportunity for households to participate in and benefit from the housing programs.

### **Updating the Waiting List**

From time to time the Property will have to update information on the waiting list. These changes must be reported in writing.

Such a need may occur when:

- the applicant notifies the Property of a change or when
- the applicant's name is reached on the waiting list and the changes are identified when the Waitlist Application is updated.

If the applicant's income/household composition changes and the change results in a change in the applicant's status, the original application date is retained.

If the change in household circumstances is such that the applicant is no longer eligible to be on a waiting list, i.e., over the income limits:

- the application will be inactivated, and
- the applicant will be notified in writing of the inactive status.

### **Purging the Waiting List**

The waiting list is purged based on applicant contact every six months or automatically by the Property staff. It is critical that applicants are made to understand that they must continue to contact the Property to remain active on the waiting list

It is the responsibility of the applicant to notify the Property at least every six (6) months to remain active on the waiting list. The head of household or spouse/co-applicant must contact the Property in person, phone, email, and fax or by mail (unless some other reasonable accommodation is requested by applicants with verifiable disabilities).

At the time of such notification the applicant may update information or simply indicate that they are still interested in an apartment.

If an applicant does not contact the Property during any six-month period their application will be inactivated. For this reason it is important that applicants

update their application and the update must be clearly documented with the date, time and applicant name.

It is also the applicant's responsibility to immediately notify the Property whenever there is a change in the information provided on their Waitlist Application. The change may result in the need to place the applicant on a different waiting list.

The waiting list will be periodically purged by the Property staff to determine if applicants on the active list are still interested in an apartment. When purging notices are sent out from the Property an applicant's failure to respond within the designated time frame may result in the application being removed from the active list and being placed on an inactive status.

### **Changes in Waiting List Status**

An applicant's status may change as the result of changes in their income, household composition or other circumstances. Such a need may occur when the applicant notifies the Property of the change or when the applicant's name is reached on the waiting list and the changes are identified when the Waitlist Application is updated.

If the applicant's circumstances change and the change requires a different waiting list status for the applicant, such change may not affect the date of the original application.

### **VIII. INCOME / ASSET REQUIREMENTS**

Gross annual income shall not exceed the HUD income limits. All forms of income must be disclosed. Information on the limits is available from the resident manager. Detailed information on the limits is available from the resident manager; however, this community serves residents in the following income bracket(s):

- ☒ Extremely Low
- ☒ Very Low
- ☐ Low.

All forms of income and assets are required to be directly 3<sup>rd</sup> party verified. Contact information must be supplied by the applicant/resident for management to accomplish this requirement. Other documentation may be requested or required to prove eligibility. Individual verification forms will be signed.

Applicant has the right to not sign verification forms if either the requesting organization and/or the organization supplying the information is left blank. Gross annual income shall not exceed the HUD income limits. All forms of income must be disclosed.

## IX. STUDENT REQUIREMENTS

### HUD/HOME Requirements

Students who are enrolled at an institution of higher education (full-time or part-time) must be determined if they are eligible for Section 8 assistance at move-in and during their annual recertification or initial certification (when an in-place tenant begins receiving Section 8). Section 8 assistance shall not be provided to any individual who is:

1. 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; and
2. Is under the age of 24; and
3. Is not married; and
4. Is not a veteran of the United States Military; and
5. Does not have a dependent child; and
6. Is not a person with disabilities, as such term is defined in 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving Section 8 assistance as of November 30, 2005; and
7. Is not living with his or her parents who are receiving Section 8 assistance; and
8. Is not individually eligible to receive Section 8 assistance or has parents (the parents individually or jointly) who are not income eligible to receive Section 8 assistance. **NOTE:** Unless the student can demonstrate his or her independence from parents, the student must be eligible to receive Section 8 assistance **and** the parents (individually or jointly) must be eligible to receive Section 8 assistance in order for the tenant to receive Section 8 assistance.

For the student to be eligible independent of his or her parents, the student must meet **all** the following criteria to be eligible to receive Section 8 assistance:

- Be of legal contract age under state law;
- Have established a household separate from parents or legal guardians for at least one year prior to application of occupancy, **or**, meet the U.S. Department of Education's definition of an independent student\*;
- Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and
- 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.

\* - The U.S. Department of Education's definition of an independent student is an individual who is:

- 24 or older by 12/31 of the award year
- An orphan, in foster care, or a ward of the court or was at any time when the individual was 13 years of age or older
- Is or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's state of legal residence
- Is a veteran of the Armed Forces or is currently serving on active duty other than training purposes
- Is a graduate or professional student
- Is married
- Has legal dependents other than spouse
- Has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth or as unaccompanied, at risk of homelessness and self-supporting
- Is a student for whom a financial aid administrator makes a documented determination of independence by reason of other than unusual circumstances
- Has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth (defined by section 725 of the McKinney-Vento Homeless Assistance Act), or at risk of homelessness, by:
  - A local educational agency homeless liaison; or
  - Director, or designee, of a program funded under the Runaway and Homeless Youth Act; or
  - Director, or designee, of a program funded under Subtitle B of title IV of the McKinney-Vento Homeless Assistance Act; or
  - A financial aid administrator



## **X. ENTERPRISE INCOME VERIFICATION—EXISTING TENANT REPORT (only applicable to the Project-based Section 8 units)**

All applicants **MUST** disclose if they are currently receiving HUD housing assistance. The owner/agent will not knowingly assist applicants who will maintain a residence in addition to the HUD-assisted unit.

HUD provides the owner/agent with information about an applicant's current status as a HUD housing assistance recipient. The owner/agent will use the **Existing Tenant Report**, during the final eligibility review, to determine if the applicant or any member of the applicant household may be receiving HUD assistance. Copies of the report will be maintained in the applicant/resident file in accordance with HUD's record keeping requirements.

Since the applicant is required to provide current landlord information on the application, the owner/agent should be aware of the housing assistance. Nothing prohibits a HUD housing assistance recipient from applying to this property. However, the applicant must move out of the current property and/or forfeit any HUD voucher before HUD assistance on this property will begin. Special consideration applies to minor children where both parents share 50% custody or to applicants who are part of a "split" household.

The report gives the owner/agent the ability to coordinate move-out and move-in dates with the resident and the PHA or owner/agent of the property at the other location. The owner/agent will follow-up with the respective PHA or owner/agent to confirm the individual's program participation status **before admission**. In addition, applicants will be notified that assistance will not be provided in the new unit until the day after assistance stops in the residence identified in EIV.

If the applicant or any member of the applicant household fails to fully and accurately disclose receipt of HUD assistance or rental history on the application, the applicant will be denied based on "misrepresentation" of information. If the owner/agent discovers a discrepancy, the applicant will be notified and will have 5 business days to respond to the inquiry.

Failure to respond to owner/agents requests for additional information and/or providing false or incomplete information will result in denial and removal from the waitlist in accordance with the property's current resident selection plan. Unintentional errors that do not cause preferential treatment will not be used as a basis to deny assistance.

## **XI. RENTAL/CREDIT REQUIREMENTS**

Home ownership will be verified through the county tax assessor's office. Mortgage payments must be current to reflect positive rental history. Home ownership negotiated through a land sales contract must be verified through the contract holder.

Eviction history in the last 4 years, and/or Eviction history for the past 3 years from federally assisted housing for drug related criminal activity will result in a denial.

- That an applicant is or is perceived to be, or has been or has been perceived to be, a victim of domestic violence, dating violence, or stalking, or has a prior eviction on his/her record due to being the victim of domestic violence is not an appropriate basis for denial of tenancy. Landlord may request that an individual certify that the individual is a victim of domestic violence, dating violence, sexual assault, or stalking, and that the incident or incidents in question are bona fide incidents of such actual or threatened abuse. The individual shall provide a copy of such certification within 14 days after an owner, manager, public housing agency, or assisted housing provider requests such certification. An individual may satisfy the certification requirement by providing the requesting owner, manager, public housing agency, or assisted housing provider with documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, a member of the clergy, a medical professional, or any other professional, from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking or the effects of the abuse.
- All information provided to an owner, manager, public housing agency, or assisted housing provider, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, shall be retained in the strictest confidence by such owner, manager, public housing agency, or assisted housing provider, and shall neither be entered into any shared database, nor provided to any related entity, except to the extent that disclosure is requested or consented to by the individual in writing or otherwise required by applicable law.

A credit report will be obtained. When evaluating your credit report the following will be considered:

- a. Bill payment history.
- b. The number and type of accounts that you have.
- c. Late payments.
- d. Collection actions.
- e. Outstanding debt.
- f. Age of your accounts.

## **XII. Live In Care Attendant/Aide**

A qualified care attendant/aide will be subject only to criminal background search. Credit and income verifications will not apply.

## **XIII. SECURITY DEPOSIT**

Security Deposits provide us with some financial protection when a tenant moves out of the unit and fails to fulfill his/her obligations under the lease. Any deposit collected will

be placed in an interest-bearing account and allocate the interest to the tenant upon move out.

To assist in returning as much of the deposit to the tenant, each tenant will receive a copy of charges that may be assessed upon move out at the time of move in.

### **Security Deposits Collected from Tenant**

It is a requirement that we must collect the security deposit at the time of move in. The amount collected as a security deposit will not fluctuate as the rent may with income changes.

For the 24 Project-based Section 8/LIHTC units:

The security deposit collected will be equal to an amount up to, but no greater than one month's total tenant payment, but no less than

- ☐ \$25.00
- ☒ \$50.00.

### **Security Deposits for Tenants Transferring to another Unit**

When a tenant transfers to a new unit, we will transfer the security deposit to the new unit. Any damages as a result of the move will be billed to the resident. Resident will have 30 days to pay.

## **XIV. CRIMINAL CONVICTION CRITERIA**

Upon receipt of the Rental Application, Owner/Agent will conduct a search of public records to determine whether applicant or any proposed resident or occupant has a "Conviction" (which means: a conviction; a guilty plea; or no contest plea), for any of the following crimes as provided: drug-related crime; person crime; sex offense; crime involving financial fraud, including identity theft and forgery; or any other crime if the conduct for which applicant was convicted is of a nature that would adversely affect property of the landlord or a tenant or the health, safety or right of peaceful enjoyment of the premises of residents, the landlord or the landlord's agent. Owner/Agent will not consider a previous arrest that did not result in a Conviction or expunged records.

If applicant, or any proposed occupant, is currently engaged in illegal use of drugs or there is a reasonable cause to believe that a member's illegal use or pattern of illegal use of a drug may cause an interference or if there is reasonable cause of behavior, from abuse or pattern of abuse of alcohol may cause interference, this may result in denial. If applicant, or any proposed occupant, has a Conviction in their past which would disqualify them under these criteria, and desires to submit additional information to Owner/Agent along with the application so Owner/Agent can engage in an individualized assessment (described below) upon receipt of the results of the public records search and prior to a denial, applicant should do so. Otherwise, applicant may

request the review process after denial as set forth below, however, see item (c) under “Criminal Conviction Review Process” below regarding holding the unit.

A single Conviction for any of the following, subject to the results of any review process, shall be grounds for denial of the Rental Application.

- a) Felonies involving: murder, manslaughter, arson, rape, kidnapping, child sex crimes, or manufacturing or distribution of a controlled substance.
- b) Felonies not listed above involving: drug-related crime; person crime; sex offense; crime involving financial fraud, including identity theft and forgery; or any other crime if the conduct for which applicant was convicted or is charged is of a nature that would adversely affect property of the landlord or a tenant or the health, safety or right of peaceful enjoyment of the premises of the residents, the landlord or the landlord’s agent, where the date of disposition has occurred in the last 7 years.
- c) Misdemeanors involving: drug related crimes, person crimes, sex offenses, domestic violence, violation of a restraining order, stalking, weapons, criminal impersonation, possession of burglary tools, financial fraud crimes, where the date of disposition has occurred in the last 5 years.
- d) Misdemeanors not listed above involving: theft, criminal trespass, criminal mischief, property crimes or any other crime if the conduct for which applicant was convicted or is charged is of a nature that would adversely affect property of the landlord or a tenant or the health, safety or right of peaceful enjoyment of the premises of the residents, the landlord or the landlord’s agent, where the date of disposition has occurred in the last 3 years.
- e) Conviction of any crime that requires lifetime registration as a sex offender will result in denial.

#### Criminal Conviction Review Process

Owner/Agent will engage in an individualized assessment of the applicant’s, or other proposed occupant’s, Convictions if:

(1) Applicant has submitted supporting documentation prior to the public records search; or (2) applicant is denied based on failure to satisfy these criminal criteria and has submitted a written request along with supporting documentation.

Supporting documentation MUST include:

- a statement from the applicant; as well as one of the following:
  - i) Letter from parole or probation officer; or
  - ii) Letter from caseworker, therapist, counselor; or
  - iii) Certifications of various treatments/rehab programs;

Owner/Agent will:

- (a) Consider relevant individualized evidence of mitigating factors, which may include: the facts or circumstances surrounding the criminal conduct; the age of the convicted person at the time of the conduct; time since the criminal conduct; time since release from incarceration or completion of parole; evidence that the individual has maintained a good tenant history before and/or after the conviction or conduct; and evidence of rehabilitation efforts. Owner/Agent may request additional information and may consider whether there have been multiple Convictions as part of this process.
- (b) Notify applicant of the results of Owner/Agent's review within a reasonable time after receipt of all required information.
- (c) Hold the unit for which the application was received for a reasonable time under all the circumstances to complete the review unless prior to receipt of applicant's written request (if made after denial) the unit was committed to another applicant.

## **XV. VIOLENCE AGAINST WOMAN ACT PROTECTIONS**

- 1] An applicant's or program participant's status as a victim of domestic violence, dating violence, sexual assault or stalking is not a basis for denial of rental assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission.
- 2] An incident or incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking will not be construed as serious or repeated violations of the lease or other "good cause" for terminating the assistance, tenancy, or occupancy rights of a victim of abuse.
- 3] Criminal activity directly related to domestic violence, dating violence, sexual assault or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of assistance, tenancy, or occupancy rights of the victim of the criminal acts.
- 4] Assistance may be terminated or a lease "bifurcated" in order to remove an offending household member from the home. Whether or not the individual is a signatory to the lease and lawful tenant, if he/she engages in a criminal act of physical violence against family members or others, he/she stands to be evicted, removed, or have his/her occupancy rights terminated. This action is taken while allowing the victim, who is a tenant or a lawful occupant, to remain.
- 5] The provisions protecting victims of domestic violence, dating violence, sexual assault or stalking engaged in by a member of the household, may not be construed to limit the O/A, when notified, from honoring various court orders issued to either protect the victim or address the distribution of property in case a family breaks up.
- 6] The authority to evict or terminate assistance is not limited with respect to a victim that commits unrelated criminal activity. Furthermore, if an O/A can show an actual and imminent threat to other tenants or those employed at or providing service to the property if an unlawful tenant's residency is not terminated, then

evicting a victim is an option, the VAWA notwithstanding. Ultimately, O/As may not subject victims to more demanding standards than other tenants.

- 7] The VAWA protections shall not supersede any provision of any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence or stalking. The laws offering greater protection are applied in instances of domestic violence, dating violence or stalking.

## **XVI. DISABLED ACCESSIBILITY**

- 1] Guardian Management LLC complies with section 504 of the Rehabilitation Act, the Fair Housing Act, and Title VI of the Civil Rights Act of 1964 and will not discriminate in any program or activity receiving federal financial assistance from HUD.
- 2] Guardian Management LLC is committed to making the apartment community readily accessible to and usable by individuals with handicaps. Guardian Management LLC will consider any request by or on behalf of a handicapped resident or applicant for: a) a reasonable accommodation relating to a change in its rules and/or policies; or b) a reasonable modification relating to alterations of the common areas or an individual unit. Any such request should be made in writing to the Portfolio Manager/Section 504 Coordinator located at Guardian Management LLC, PO Box 5668, Portland, OR 97228-5668. If it is not possible to make the request in writing, Guardian Management LLC will assist the person making the request provide the necessary information.
- 3] In most instances, Guardian Management LLC will allow a handicapped person to have an assistance animal which is related to and necessary for the handicapped person to enjoy the benefits of the housing. A particular assistance animal may be rejected if:
  - a) the animal poses a direct threat to the health or safety of others that cannot be reduced or eliminated by a reasonable accommodation;
  - b) the animal would cause substantial physical damage to the property of others;
  - c) the presence of the animal would pose an undue financial and administrative burden to the apartment community owner or Guardian Management LLC; or
  - d) the presence of the assistance animal would fundamentally alter the nature of the services provided by the apartment community owner or Guardian Management LLC. No fees or additional security deposit will be imposed as a condition of allowing an assistance animal.
- 4] If a request for a reasonable accommodation or reasonable modification is granted, the cost to perform the accommodation or modification will be the landlord's unless the request will:
  - a) impose an undue financial and administrative burden on the apartment community owner or Guardian Management LLC; or

- b) fundamentally alter the nature of the services provided by the apartment community owner or Guardian Management LLC.

## **XVII. SECTION 504 OF THE REHABILITATION ACT OF 1973, THE FAIR HOUSING ACT AMENDMENTS OF 1988 \*\*AND TITLE VI OF THE CIVIL RIGHTS ACT OF 1964\*\* AND HUD NOTICE 16-137**

- 1] Guardian Management LLC complies with Section 504 of the Rehabilitation Act of 1973 which prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance from HUD.
- 2] Guardian Management LLC complies with The Fair Housing Act which 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.
- 3] Guardian Management LLC complies with Title VI of the Civil Rights Act of 1964 which prohibits discrimination on the basis of race, color or national origin in any program or activity receiving federal financial assistance from HUD.
- 4] Guardian Management LLC complies with HUD Notice 16-137, The Final Rule – Providing Equal Access to Housing in HUD Programs regardless of Sexual Orientation or Gender Identity to ensure that housing is open to all eligible individuals and families regardless of actual or perceived sexual orientation, gender identity or marital status.

## **XVIII. REJECTION POLICY**

You have the right to dispute the accuracy of any information provided to the landlord by a screening service or credit reporting agency. If your application is denied due to unfavorable information received during the screening process you will be notified in writing. You can verbally request a hearing to dispute the denial.

- 1] Contact the community manager where you applied to obtain a copy of your screening and the reason for denial. Your credit report can be provided either by Onsite or the screening company. The screening company that processed your application is **Screeners, Inc.** Their name and the reference number for your file will be printed on the acceptance or denial letter. **Screeners, Inc., 6663 SW Beaverton Hillsdale Hwy, Box 144, Portland, OR 97225-1403.**
- 2] Contact the credit reporting agency to identify who is reporting unfavorable information.
- 3] Correct any incorrect information through the credit reporting agent as per their policy.
- 4] Request the credit reporting agency submit a corrected credit check to the appropriate screening company.
- 5] Upon verbal request to dispute the denial and/or receipt of the corrected and satisfactory information, your application will be evaluated again for the next available apartment.

If you are a person with a disability and would like to request a waiver of the screening criteria, you may appeal the decision within 14 calendar days by sending a letter to:  
Guardian Management, LLC, Equal Housing Opportunity Manager, P.O. Box  
5668, Portland, OR 97228-5668

In the letter explain the reasons you believe your application should be approved and request a review of your file. Please indicate in the letter which apartment community you have applied to. Within 5 working days of receipt, your application will be reviewed, and you will be notified of the outcome of the review. Persons with disabilities have the right to request reasonable accommodations to participate in the hearing process.

## **XIX. PRIVACY POLICY**

We are dedicated to protecting the privacy of your personal information used to determine your eligibility. We have adopted a Privacy Policy to ensure your personal information is kept secure.

We are pledged to the letter and spirit of the U.S. policy for the achievement of equal housing opportunity throughout the nation. We encourage and support an affirmative advertising and marketing program in which there are no barriers to obtaining housing because of race, color, religion, sex, handicap, familial status or national origin. TDD 1-800-735-2900