



SAVANNAH GARDENS PHASE V
RESIDENT SELECTION CRITERIA
Tax Credit/Section 42 - Family Housing

LIMITED ENGLISH PROFICIENCY (LEP)

Reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to participate in our services, activities, programs and other benefits. We ensure meaningful communication with LEP applicants and residents and their authorized representatives. Interpreters, translators and other aids needed to comply with this policy shall be provided free of charge to the person being served, and residents and their families will be informed of the availability of such assistance. Language assistance will be provided through use of a contracted telephonic interpretation service, competent bilingual staff, staff interpreters, or formal arrangements with local organizations providing interpretation or translation services or technology.

INTRODUCTION: Savannah Gardens Phase V (Savannah Gardens) is a 76-unit multi-level family property on 202 Crescent Drive between Gwinnett and Elgin Streets. It is located near Shuman Elementary School and Savannah High School, easily accessible via public transportation. Fifty-nine (59) units are governed by the IRS Section 42 Tax Credit Program and CBDG Program. Sixteen (16) Market Rate units that are not governed by any program requirements. Property management will be provided by Mercy Housing Management Group (MHM).

I. PREFERENCES – Preferences are not permitted if they in any way negate affirmative marketing efforts or fair housing obligations. The following preferences apply to Savannah Gardens:

Existing Tenant Preferences – The following actions are always given priority for current households, if applicable.

1. A unit transfer because of household size.
2. A unit transfer based on the need for an accessible unit.
3. A unit transfer of a non-disabled individual living in a wheelchair accessible unit to accommodate an applicant on the Waiting List in need of a wheelchair accessible unit. (A lease addendum (Accessible Unit for Disabled Lease Addendum) will be entered into with non-disabled tenant living in a wheelchair accessible unit.)
4. A unit transfer based on the need of an emergency temporary relocation. (If a unit becomes uninhabitable due to a catastrophe, the resident family will be given any open unit for temporary living quarters until their own unit is repaired.)

II. APPLICATION PROCESS FOR LEASE-UP PROPERTIES

Property Management will rank all applications for consideration and units will be offered according to the following descending order of priorities:

1. Lottery.
2. Date and time-stamped property received original application and reference number assigned;
3. Date of completion of verification/certification process; and
4. Date of availability for move-in.

All efforts will be made by MHM to communicate the information above and in the application in-take

processes in the primary language of the applicant. The applicant, in turn, should make every effort to have family members or other trusted resources assist in interpreting and translating for maximum mutual comprehension.

Only one application will be considered and processed per household. Multiple applications submitted by the same household which are identified at any point in the application process will be handled in the following manner: the application which receives the highest random drawing designation will be used. All others will be disqualified and not processed and the household notified accordingly.

- A. Initial applications for a Lease-Up will be processed by a Lottery or Random Drawing. All qualifying applications submitted by the due date, will be entered into the random drawing. At the drawing, each application will receive a number. These numbers indicate the order in which applications will be reviewed—it does not guarantee that the applicant will get an apartment. A qualifying application is one that visually meets the eligibility criteria.

Within two weeks after the Lottery or Random Drawing takes place, applicants will receive a letter requesting an initial interview. An initial interview will be conducted by MHM staff at a designated place. At the scheduled interview, all eligibility factors will be explained to the applicants, with particular emphasis on the applicant screening requirements, tenant obligations and responsibilities and the support services offered, if applicable. During the initial interview, resident selection criteria are reviewed with the applicants. At the end of the meeting, additional documents and consent releases are provided to the applicant. When the applicant completes the required information, third-party verification forms are distributed to appropriate parties, documenting and verifying all information provided by the applicant. MHM staff will work with the applicant to complete outstanding items.

During the interview, the staff person will 1) clarify any information provided by the applicant; and 2) Income qualification verification: third-party verification will be solicited from all sources to determine annual household income. Maximum income levels apply to this program. Minimum income levels apply to specific programs. All income, including assets will be verified in writing from the income source on appropriate project income verification forms.

- B. All applications received after the Lottery or Random Drawing due date will be processed as follows: Priority determines the order of processing only, and in no way changes the requirement that all potential tenants must meet the other criteria for resident selection. Applications will be ranked for consideration (and units will be offered) according to the following descending order of priorities:
1. Date and time-stamped property received original application and reference number assigned;
 2. Date of completion of verification/certification process; and
 3. Date of availability for move-in.

Following the random drawing, if multiple applications from the same household are identified at any time, the application highest on the Waiting List or submitted first will be used. All others will be disqualified and not processed, and the household will be notified accordingly.

Applications are located at the Savannah Gardens Office, 515 Pennsylvania Ave., Savannah, GA 31404 or if you are unable to pick up one, we can mail or email it to you.

C. **INCOME LIMITS** - The income limits checked below are for this property and are posted in the Leasing Office (*management should mark all that apply*):

- Very Low Income - 50% (23 units)
- Low Income - 60% (36 units)
- Market Rate Units – No Income or Program Restrictions (16 units)

D. **UNIT SIZE/OCCUPANCY STANDARDS** – Households will be accommodated in accordance with the following occupancy standards:

	<u>Minimum</u>	<u>Maximum</u>
1. One Bedroom	1	2
Two Bedroom	2	4
Three Bedroom	3	6

- 2. The head of household must be eighteen years of age or older, or be an emancipated minor.
- 3. A Live-In Aide is allowed to live in the apartment due to a reasonable accommodation, and this must be verified and approved through the reasonable accommodation process.

E. **CONSENT AND VERIFICATION FORMS ELIGIBILITY REQUIREMENTS** – All adult members of a household must sign consent forms, and as necessary, verification documents, so that MHM can verify sources of household income and other eligibility or screening requirements. MHM must consider a household ineligible if the adult members refuse to sign applicable consent and verification forms.

F. **TAX CREDIT STUDENT ELIGIBILITY RULE** – We cannot accept a household entirely occupied by full-time students unless one or more of the following criteria are met:

- 1. The students receive assistance under Title IV of the Social Security Act (Temporary Assistance to Needy Families or TANF, formerly AFDC);
- 2. The students are enrolled in a job training program receiving assistance under the Job Training Partnership Act or under other similar Federal, State or local laws;
- 3. The students are single parents with child(ren) and such parents and the child(ren) are not dependents of another individual;
- 4. The students are married and file a joint tax return or are eligible to file a joint tax return.
- 5. At least one household member was previously (not currently) under the care and placement responsibility of the State Agency responsible for administering a plan under Part B or Part E of Title IV of the Social Security Act (Foster Care).

A full-time student is defined as:

- a. Anyone who is currently enrolled in any type of school and the school they attend defines the hours they attend as full time.
- b. Anyone who will attend full time any type of school any time in the next twelve (12) months.
- c. Anyone who has attended school full time for five (5) months of this calendar year. This does not have to be consecutive. Example 1: If an applicant attends school full time from January 20th through May 13th, this is considered five months. If they attend one day in

any month, that counts as a full month. Example 2: If you attended full time one day in January, one day in February, one day in April, one in June and one in July, you are considered a full-time student until January 1st of the following year.

III. WAITING LISTS

A. The Waiting Lists will be maintained according to family size, the percentage of area median income the annual income is, and type of unit for applicant households. The Waiting List is open with the understanding that those who are listed are fully informed of its length and the policies/procedures for selecting individuals and updating the list when they apply and are added to the list.

1. If no units are available, an eligible applicant will be placed on a Waiting List.
2. If the existing Waiting List contains so many names that the average wait for a unit is a year or more, the property may decline to accept additional applications. In this case, the Waiting List is "closed". An announcement (via posting in property office, on property voicemail and advertising in local newspapers) will be made when the Waiting List closes and when the Waiting List reopens. The notifications should be extensive, and the rules for applying and the order in which applications will be processed should be stated. Advertisements should include where and when to apply.
 - We must ensure that notices of and communications during all meetings are provided in a manner that is effective for persons with hearing, vision, and other communications-related disabilities consistent with Section 504 of the Rehabilitation Act of 1973 (24CFR 8.6), and, as applicable, the Americans with Disabilities Act.
 - Advertising and outreach activities must be done in accordance with the applicable fair housing marketing requirements or the HUD-approved Affirmative Fair Housing Marketing Plan (AFHMP), and it must also comply with adopting suitable means to assure that the notice reaches eligible individuals with disabilities and those with limited English proficiency. All advertising and outreach must include the HUD-approved Equal Housing Opportunity logo, slogan or statement. In addition, advertising depicting persons must depict members of all eligible protected classes including individuals from both majority and minority groups, including both sexes. Advertising and outreach should be to groups other than the typical population of the neighborhood in which the property is located while reaching out to applicants who are least likely to apply because they are not the predominant racial or ethnic group in the neighborhood.
3. The Waiting List shall be updated after the first year, and at minimum, each year thereafter.
4. Following initial rent-up for each size/type of unit, there will be a Waiting List for each of the following, as applicable:
 - (a) Current residents who need to transfer to a different unit (See Transfer Policy below);
 - (b) Outside applicants wishing to move into the property.

B. **FILLING VACANT UNITS** – Applicants are selected from the Waiting List and offered units in the order required by HUD rules and our policies.

1. When a unit becomes available, we will select the next applicant from the Waiting list based on the unit size available, preferences established for the property (This property has existing preferences), and our screening policies. We will select the first name on the

Waiting List for the appropriate unit size (or list of names for units reserved for disabled applicants) and make a final determination of eligibility and suitability for tenancy, using the criteria described in the Applicant Screening section.

2. Applicants will be contacted by telephone in the order as stated above, and the first applicant to complete the process, notifies management of their decision, and pays their rent and deposit, will be offered the unit.
3. If an applicant declines or does not respond to the first offer of an available unit when contacted, his/her name will remain in their current order on the Waiting List. If an applicant declines or does not respond to a second offer of an available unit when contacted, his/her name will be placed on the bottom of the Waiting List. If an applicant declines an apartment a third time, his/her application may be cancelled. Written notification of the attempt to contact, and cancellation of the application, will be mailed to the applicant.
4. We must first lease vacant accessible units to current tenants or applicants requiring special physical design features. If there is no current tenant or applicant requiring an accessible unit or its features, a non-physically disabled individual can move into the accessible unit. The non-physically disabled applicant must agree to move to a non-accessible unit at their own expense when there is a tenant or applicant that requires the accessible unit. A lease addendum (Accessible Unit for Disabled Lease Addendum) will be entered into with the non-physically disabled tenant living in an accessible unit.

IV. TRANSFER POLICY – Transfers from one unit to another type of unit within the property will take precedence over new move-ins, and may be required by management for the following reasons only:

1. To alleviate overcrowding (Household has more members than the Occupancy Standards allow);
2. To avoid occupancy by too few people (Household is under the minimum Occupancy Standards and is required to transfer to the next available unit of appropriate size);
3. For verifiable medical necessity, i.e. wheelchair accessible unit or additional space for medical equipment. Transfers that are needed due to a reasonable accommodation will have priority over non-reasonable accommodation transfer;
4. When a household requests to transfer one or more lessees out of an existing household into another unit on the property, the transferring lessee will be treated as a new applicant. He/she must be of legal contract age or an emancipated minor, complete an application, and then they will be placed at the bottom of the Waiting List. As any other applicant, they must meet eligibility and qualify as a new move-in by going through the screening process regarding verifying income, criminal and credit history, etc;
5. For emergency temporary relocation. (If a unit becomes uninhabitable due to a catastrophe, the resident family will be given any open unit for temporary living quarters until their own unit is repaired. An “open unit” is a unit for which the keys are in the possession of the management company.)
6. If a non-physically disabled tenant is living in an accessible unit, and a disabled tenant or Waiting List applicant needs the special physical design features of that unit, the tenant must agree to move to a non-accessible unit at their own expense. Please review Accessible Unit for Disabled Lease Addendum.

Transfer list(s) will be maintained by Unit Size and/or Type, i.e. 2BR Transfer List, or Wheelchair

Accessible Unit or 2BR Wheelchair Accessible Unit, etc. Transfer list(s) resident names will be maintained in a date and time order.

Depending upon the circumstances of the transfer, a tenant may be obligated to pay all costs associated with the move. However, if a tenant is transferred as a reasonable accommodation to a household member's disability, the tenant may also request the owner to pay the costs associated with the transfer, unless doing so would be an undue financial and administrative burden.

A nationwide sex offender lifetime registration will be run for adult household members and emancipated minors for the annual recertification process, and before a household is transferred to another unit. Any household member who is subject to a nationwide sex offender lifetime registration requirement will be subject to an eviction, in accordance with the lease and the owner's standards for termination of tenancy.

V. ELIGIBILITY OF A REMAINING MEMBER OF A TENANT FAMILY

Once all the original tenants have moved out of the unit, the remaining tenants must be certified as a new income-qualified household unless:

1. For mixed-use projects (Tax Credit and Market Rate), the newly created household was income qualified, or the remaining tenants were independently income qualified at the time they moved into the unit.
2. For 100% Tax Credit buildings, the remaining tenants were independently income qualified at the time they moved into the unit.

VI. POLICIES TO COMPLY WITH SECTION 504 OF THE REHABILITATION ACT OF 1973, THE FAIR HOUSING AMENDMENTS ACT OF 1988 AND TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, THE AGE DISCRIMINATION ACT OF 1975, AND EQUAL ACCESS TO HOUSING IN HUD PROGRAMS:

- A. **Section 504** prohibits discrimination based upon disability in all programs or activities operated by recipients of federal financial assistance. Although Section 504 often overlaps with the disability discrimination prohibitions of the Fair Housing Act, it differs in that it also imposes broader affirmative obligations on owners to make their programs as a whole, accessible to persons with disabilities. These obligations include the following:
1. Making and paying for reasonable structural modifications to units and/or common areas that are needed by applicants and tenants with disabilities, unless these modifications would change the fundamental nature of the project or result in undue financial and administrative burdens;
 2. Operating housing that is not segregated based upon disability or type of disability, unless authorized by federal statute or executive order;
 3. Providing auxiliary aids and services necessary for effective communication with persons with disabilities;
 4. Developing a transition plan to ensure that structural changes are properly implemented to meet program accessibility requirements (*for properties built before June 1988*); and

5. Performing a self-evaluation of the owner’s program and policies to ensure that they do not discriminate based on disability;
6. Operating their programs in the most integrated setting appropriate to the needs of qualified individuals with disabilities;
7. Allowing a larger apartment to accommodate a Live-In Aide (Aides must pass the same criminal criteria as a new move-in would).

Furthermore, the Section 504 regulations establish affirmative accessibility requirements for newly constructed or rehabilitated housing, including providing a minimum percentage of accessible units. In order for a unit to be considered accessible, it must meet the requirements of the Uniform Federal Accessibility Standards (UFAS).

1. Units designed specifically for individuals with a physical impairment:
 - a. For this development, "physical impairment" is defined as mobility impairment which necessitates the permanent use of a wheelchair. For all units designed specifically for wheelchair accessibility, priority will be given to those applicants needing such modifications;
 - b. Priority will be given to households where a member is required to use a wheelchair;
 - c. If there are not enough such households to fill all specially equipped units, owners may give preference to households with members whose physical or mobility impairment would be eased by the design of the accessible unit.
2. Units designed for individuals with a hearing or vision impairment:

For all units designed specifically with hearing and/or vision features, priority will be given to those applicants and households where a member is in need of such modifications.

- B. **The Fair Housing Act** prohibits discrimination in housing and housing-related transactions based on race, color, religion, sex, national origin, disability, or familial status. It applies to housing, regardless of the presence of federal financial assistance.
- C. **Title VI of the Civil Rights Acts of 1964** prohibits discrimination on the basis of race, color or national origin in any program or activity receiving federal financial assistance from HUD.
- D. **The Age Discrimination Act of 1975** prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance. It is not a violation of the Act to use age as screening criteria in a particular program if age distinctions are permitted by statute for that program or if age distinctions are a factor necessary for the normal operation of the program or the achievement of a statutory objective of the program or activity.
- E. **Protections Provided Based on Sexual Orientation, Gender Identity or Marital Status:** *Equal Access to Housing in HUD Programs – Regardless of Sexual Orientation or Gender Identity* - The Owner/Agent will comply with the requirements established in the Final Rule which ensures that HUD’s core housing programs are open to all eligible persons regardless of sexual orientation, gender identity or marital status in any phase of the occupancy process.

Persons with disabilities have the right to request reasonable accommodations and to participate in the informal hearing process. The 504 Coordinator for Mercy Housing is: Melanie Kibble, 303-830-3300; TTY number 1-800-855-2880.

VII. VICTIMS OR SURVIVORS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING:

- A. Existing state laws may prohibit a landlord from denying admission to a person simply because she/he has been a victim or survivor of domestic violence, dating violence, sexual assault or stalking. If a person is a victim or survivor of domestic violence, dating violence, sexual assault or stalking, it might not be good cause for evicting the victim or survivor of that violence. A landlord, however, may be able to evict an individual based on the domestic violence against her/him if it can be proven there is an “actual and imminent threat” to other tenants or staff, if she/he is not evicted. In addition, an individual cannot be denied a housing voucher simply because she/he has been a victim or survivor of domestic violence, dating violence, sexual assault or stalking, nor can the landlord evict her/him for this reason, unless the landlord can show that there is an “actual and imminent threat” to the other tenants or staff if she/he is not evicted. [If a property has a layering of federal funding, the laws might protect victims or survivors of domestic violence, dating violence, sexual assault or stalking, as well as their immediate family members generally, from being evicted or being denied housing assistance if an incident of violence [that] is reported and confirmed. The law might provide that an incident of actual or threatened domestic violence, dating violence, sexual assault or stalking, does not qualify as a serious or repeated violation of the lease nor does it constitute good cause for terminating the assistance, tenancy, or occupancy rights of the victim or survivor. Furthermore, criminal activity directly relating to domestic violence, dating violence, sexual assault or stalking is not grounds for terminating the victim’s or survivor’s tenancy. Owner/Agents (O/A) may bifurcate (divide a lease as a matter of law) in order to evict, remove, or terminate the assistance of the offender while allowing the victim or survivor, who is a tenant or lawful occupant, to remain in the unit.]
- B. A tenant may notify the landlord that she/he is a victim or survivor and intends to terminate their tenancy. A notice to terminate a tenancy under the law shall be in writing, with one of the following attached to the notice:
- (1) a copy of a temporary restraining order or a lawfully-issued emergency protective order that protects the tenant or household member from further domestic violence, dating violence, sexual assault or stalking;
 - (2) a copy of a written report by a peace officer employed by a state or local law enforcement agency acting in his/her official capacity, stating that the tenant or household member has filed a report alleging that she/he or the household member is a victim or survivor of domestic violence, dating violence, sexual assault or stalking; and/or
 - (3) other written documentation from a qualified third-party of the acts constituting domestic violence, dating violence, sexual assault or stalking. The notice to terminate the tenancy shall be given within 60 days of the date that any order described above was made, or with the time period described in a Family/Penal/Code of Civil Procedure Section(s). If the notice to terminate the tenancy is provided to the landlord under this Section, the tenant shall be responsible for payment of rent for 30 days following the giving of the notice, or within the appropriate period as described in the Family/Penal Code of Civil Section(s), and thereafter shall be released from any rent payment obligation under the rental

agreement without penalty. Existing law governing the security deposit shall apply.

- C. The landlord might be required to change the locks, as defined, within 24 hours of a written request, as specified, when the restrained person is not a tenant of the same dwelling unit. The restrained person who has been excluded from a dwelling unit might remain liable under the lease with all other tenants of the dwelling unit for rent as provided by the lease. The landlord, under specified circumstances, might also be required to change the locks when the restrained person is a tenant of the same dwelling unit.

If the landlord does not change the locks within 24 hours, the protected tenant might be able to change the locks without the landlord's permission.

- D. **Definitions** – The following definitions are provided as assistance in understanding and implementing the VAWA protections. The definitions for domestic violence, dating violence, sexual assault or stalking, and affiliated individual have been incorporated into the United States Housing Act.

Domestic Violence includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Dating Violence means violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim, and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

Sexual Assault means any proscribed by chapter 109A of Title 18, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim.

Stalking means (A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; or (ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and (B) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (i) that person; (ii) a member of the immediate family of that person; or (iii) the spouse or intimate partner of that person.

Affiliated Individual means, with respect to a person: (a) a spouse, parent, brother, sister, or child of that person, or an individual to whom that person stands in the place of a parent to a child (for example, the affiliated person is a child in the care, custody, or control of that individual); or (B) any individual, tenant, or lawful occupant living in the household of that person.

Bifurcate means to divide a lease as a matter of law so that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.

- D. **Confidentiality of Information Received from Victims or Survivors of Domestic Violence, Dating Violence, Sexual Assault or Stalking** – O/As responding to an incident of actual or threatened domestic violence, dating violence, sexual assault or stalking that could potentially have an impact on a tenant's participation in the housing program may request in writing that an individual complete, sign, and submit within 14 business days of the request, the HUD-approved certification form (HUD-91066) or similar form.

Alternately, in lieu of the certification form or in addition to it, O/As may accept a) a federal, state, tribal, territorial, or local police record or court record or b) documentation signed and attested to by a professional (employee, agent or volunteer of a victim service provider, an attorney, medical personnel, etc.) from whom the victim or survivor has sought assistance in addressing domestic violence, dating violence, sexual assault or stalking or the effects of the abuse. The signatory attests to his/her belief that the incident in question represents bona fide abuse, and the victim or survivor of domestic violence, dating violence, sexual assault or stalking has signed or attested to the documentation.

- E. It is possible for someone lawfully occupying the unit, who is also a victim or survivor, to be evicted or removed from the home. If the victim or survivor commits separate criminal activity, a landlord may evict them for engaging in crime. Furthermore, if a victim or survivor poses "an actual and imminent threat to other tenants or those employed at or providing service to the property," they could be evicted, despite domestic law protections. Of paramount consideration is that the landlord may not hold the victim or survivor to a more demanding standard than other tenants.

VIII. APPLICANT SCREENING & FINAL SELECTION OF RESIDENTS

A. The following priority for processing will also be used:

1. Units designed specifically for individuals with a physical impairment:
 - (a) For this development, "physical impairment" is defined as mobility impairment which necessitates the permanent use of a wheelchair. For all units designed specifically for wheelchair accessibility, priority will be given to those applicants needing such modifications;
 - (b) Priority will be given to households where a member is required to use a wheelchair;
 - (c) If there are not enough such households to fill all specially equipped units, owners may give preference to households with members whose physical or mobility impairment would be eased by the design of the accessible unit.
2. Units designed for individuals with a hearing or vision impairment:
 - (a) For all units designed specifically with hearing and/or vision features, priority will be given to those applicants and households where a member is in need of such modifications.

B. Initial Interview – All household members must be present at the initial interview.

At the scheduled interview, all eligibility factors will be explained to the applicants, with particular emphasis on the Applicant Screening Requirements. During the interview, the staff person will do the following:

- Clarify any information provided by the applicant;
- Income qualification verification, including self-employment: soliciting third-party verification from all sources in order to determine annual household income (the maximum and minimum income levels apply to this program), and all assets, including bank accounts;
- Make copies of photo identification, i.e. Driver's License or state I.D. card, I-94s or employment cards for adults 18 years of age and older, and birth certificates for children under the age of 18 years of age.
- Answer any questions the applicant may have.

C. Applicant Screening

Application Fee

An Application Fee of \$25.00, paid by money order, is required for all adults 18 years of age and older that will reside in the apartment and should be submitted at the time the application is processed. (After background screening is processed, the Application Fee is non-refundable.)

It is the policy of Mercy Housing Management Group to deny admission to applicants whose habits and practices may reasonably be expected to have a detrimental effect on the operations of the property or on the quality of life for its residents. As a part of the final eligibility determination, Mercy Housing Management Group will screen each applicant household to assess suitability. Factors to be considered in the screening are housekeeping habits, rent paying habits and credit records, prior history as a tenant and criminal records. Following is a description of each of these factors and the method of verification to be employed:

Rent Paying Habits, Responsible Tenancy History, Behavior and Conduct

Staff will request credit histories on each adult member of each applicant household and will request phone references from the applicant's current landlord and former landlords for the past two (2) years. Based upon these verifications, the staff will determine if the applicant(s) paid rent on time, took care of the unit, and if the landlord would rent to them again. If the landlord provides a good reference, staff will move forward with the application process. If the landlord provides a negative reference, staff will request a written reference from the Landlord.

Applicants who have failed to pay amounts due or failed to reach a satisfactory agreement to pay those amounts will also be considered ineligible.

It is the applicant's responsibility to demonstrate utilities can be put in their name. Applicants who cannot have utilities put in their name will be considered ineligible.

Management will initiate an eviction history and credit report. The applicant shall be notified of such action in advance. Applicants will be charged the actual costs of the credit and criminal records reports OR the maximum allowable fee set by statute, whichever is less. Applicants to properties with HUD rental subsidies will not be charged for the reports.

If there is a finding of any kind which would negatively impact an application, the applicant will be notified in writing. The applicant then shall have 14 calendar days in which such a finding may be appealed to staff for consideration.

Any currently open bankruptcy proceeding of any of the household members will be considered a disqualifying condition.

Gross Rent as Percentage of Gross Income

1. To protect the project from rent loss and rent delinquency, persons spending more than 50% of the household's combined monthly income for rent may not be accepted. Those household members listed on the application must be the same as those who have contributed to a household's history of paying more than 50% of gross household income for rent.
2. Current documentation of ability to pay higher rent above 50% must be within the past twelve months for a period of no less than eight (8) months. Suitable documentation shall include the following: cancelled checks, rent receipts or mortgage statements, lease agreement, and landlord verification.
3. All income must be verified by management.

Criminal Records Check and Eviction Check

Staff will hire a contractor to run a credit check and criminal background check on all applicants and it will check court records for evidence of evictions or judgments against the applicant and evidence of criminal convictions. The purpose of these checks is to obtain information on the applicant's past history of meeting financial obligations and future ability to make timely rent payments and to abide by the federal laws regarding the prohibition of admitting any applicant with specific criminal activity including drug-related activity.

IX. DENIED APPLICATIONS

1. **These standards are established to comply with the federal laws, and a household member who has been involved in the following will not be admitted under any circumstances: *[Federally-Funded Program]***
 - Any household containing a member(s) who was evicted in the last three (3) years from federally assisted housing for drug-related criminal activity. To be admitted, the household member would have to provide the following;
 - 1) Proof of successful completion of an approved supervised drug rehabilitation program; or
 - 2) Proof that the circumstance leading to the eviction and/or conviction no longer exists and the applicant has been clean and sober for at least one (1) year.
 - A household in which any member is currently engaged in illegal use of drugs 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;

- Any household member who is subject to a nationwide sex offender lifetime registration requirement will not be admitted under any circumstances*; and
- Any household member if there is a 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 are based on behavior, not the condition of alcoholism or alcohol abuse.
- The Controlled Substances Act (CSA) categorizes marijuana as a Schedule 1 substance and therefore, the manufacture, distribution, or possession of marijuana as a federal criminal offense. The CSA prohibits all forms of marijuana use (medically or recreationally), even if it is permitted under state law. Marijuana is not permitted in the units, common areas, or on the property. Admission to this property will be denied if the owner has reasonable cause to believe that the illegal use may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents, and current resident households can have their tenancy or assistance terminated by the owner for illegally using a controlled substance.

Note: *Failure to respond to the question of whether the applicant or any household member is subject to a lifetime state sex offender registration program in any state may jeopardize the approval of the application.

A background criminal check is conducted to determine that applicants and/or members of an applicant’s household have:

- No record of felony convictions within the past three (3) years;
- No record of disqualifying misdemeanor convictions within the past one (1) year;
- No record of non-violent convictions within the past two (2) years
- No record of two (2) misdemeanor convictions within the past three (3) years;
- No record of two (2) felony convictions within the past five (5) years;
- No record of criminal sexual activity ever, including being subject to a nationwide sex offender lifetime registration;
- No record of terrorist activity ever;
- No record of felony arson convictions ever.

2. Applicants may be denied for any of the following:

- (a) Failure to present all members of the family at the full family interview, except for hospitalization, medical reasons, emergency, etc., (or some other time acceptable to management) prior to completion of Initial Certification;
- (b) Blatant disrespect or disruptive behavior toward management, the property or other residents exhibited by an applicant or family member any time prior to move-in (or a demonstrable history of such behavior);
- (c) A negative landlord reference, encompassing failure to comply with the lease, poor payment history, poor housekeeping habits, or evictions for cause including current notices to pay or quit;
- (d) Any household member with a currently open bankruptcy proceeding;
- (e) Falsification of any information on the application;
- (f) Eligibility income exceeding the maximum allowed, or not meeting the minimum allowed;
- (g) Family composition not appropriate for available bedroom size;
- (h) All members of household are full-time students and do not meet any of the criteria outlined in the Student Eligibility Rule section;

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- (i) Failure to update application for the Waiting List within specified time when notified;
- (j) Other good cause: including, but not limited to, failure to meet any of the selection criteria in this document;
- (k) Failure to provide photo identification for adults 18 years of age and older;
- (l) Failure to provide birth certificates for household members below 18 years of age;
- (m) Declines an apartment offer after being contacted three times;
- (n) The Controlled Substances Act (CSA) categorizes marijuana as a Schedule 1 substance and therefore, the manufacture, distribution, or possession of marijuana as a federal criminal offense. The CSA prohibits all forms of marijuana use (medically or recreationally), even if it is permitted under state law. Marijuana is not permitted in the units, common areas, or on the property. Admission to this property will be denied if the owner has reasonable cause to believe that the illegal use may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents, and current resident households can have their tenancy or assistance terminated by the owner for illegally using a controlled substance.
Illegal use, manufacture, distribution, or possession of any controlled substance is prohibited.
- (o) Consideration may be given for extenuating circumstances where this would be required as a reasonable accommodation when determining the acceptability of tenancy. Persons with disabilities have the right to request reasonable accommodations to participate in the informal hearing process.

X. FINAL ELIGIBILITY DETERMINATION

Staff will make a final eligibility determination on each applicant only after all factors have been adequately verified including household's annual income. Eligible applicants will be notified in writing of their status and given an approximate date when they can expect to receive an offer of a unit. Ineligible applicants will be notified of their ineligibility in writing and the reason, and informed of their right to an informal review.

Once final eligibility is determined, the staff will proceed to calculate the rent, execute lease documents, and assign the next unit available for which the household has been deemed eligible.

Applicants determined ineligible for admission by staff may request an informal review of the determination. They must make the request within 14 days of the date of the notice of ineligibility. Within 5 days of receiving the request, the staff must schedule the review and notify the applicant of the place, date and time.

Informal reviews will be conducted by an impartial review officer who had no involvement in the ineligibility determination. The review officer will be selected by the Area Director of Operations. The applicant may bring to the review any documentation or evidence he/she wishes and the evidence along with the data compiled by staff will be considered by the review officer.

The review officer will make a determination based upon the merits of the evidence presented by both sides. Within 10 days of the date of the review, the review officer will mail a written decision to the applicant and place a copy of the decision in the applicant's file.

XI. MODIFICATION OF THE RESIDENT SELECTION CRITERIA PLAN

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

I certify that I have been given the opportunity to review the Resident Selection Criteria for housing at Savannah Gardens V.

Applicant Date

Applicant Date

Applicant Date

Applicant Date

Manager/Leasing Agent Signature Date

