

### Resident Selection Criteria

(FOR SECTION 202 PRAC PROGRAM)

PURSUANT TO 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, IT IS THE POLICY OF THIS COMMUNITY TO PROVIDE HOUSING ON AN EQUAL OPPORTUNITY BASIS. WE DO NOT DISCRIMINATE ON THE BASIS OF RACE, RELIGION, COLOR, SEX, FAMILIAL STATUS, NATIONAL ORIGIN OR DISABILITY.

Residents will be selected in accordance with the following:

1. An applicant may be eligible for assistance and occupancy ONLY IF:
  - a) The household's annual income does not exceed program income limits. Specific program income limits are listed on the Cover Page.
  - b) The appropriate size unit for the applicant's household is available within the community. See Cover Page section of this Resident Selection Criteria.
  - c) The unit for which the household is applying will be the household's only residence.
  - d) At the time of admission, the applicant is not receiving assistance on another unit which will not be terminated at the time of admission.
  - e) The applicant provides social security numbers for all household members and proof of the numbers reported before they can be admitted. If all household members have not disclosed and/or provided verification of their Social Security Numbers at the time a unit becomes available, the next eligible applicant must be offered the available unit. The applicant who has not provided required Social Security Number information for all non-exempt household members has 90 days from the date they are first offered an available unit to disclose/verify the Social Security Numbers. During this 90-day period, the applicant may retain its place on the waiting list. After 90-days, if the applicant is unable to disclose/verify Social Security Numbers of all non-exempt household members, the applicant should be determined ineligible and removed from the waiting list.

*Exemptions: 1) Residents age 62 and older as of January 31, 2010 whose initial determination of eligibility was begun prior to January 31, 2010 or 2) Those individuals who do not contend eligible immigration status (individuals in a mixed family that are not claiming to be eligible under HUD's noncitizen regulations).*

- f) Applicant's household is comprised of one or more persons at least one of whom is sixty two (62) years of age or more at the time of initial occupancy.
- g) The applicant is capable of fulfilling the lease agreement with or without assistance. This community is a housing provider only and no supportive living services are provided that require licensing.
- h) The head of household, co-head, spouse, and any adult household members eighteen (18) years of age or older in each applicant household must sign a Consent to the Release of Information prior to receiving assistance and annually thereafter (HUD 9887 & 9887a). All adult members must sign individual verification forms. The applicant shall provide birth certificates for all household members as requested.

- i) The applicant is not a student at an institution of higher learning; or if the applicant is a student at an institution of higher learning, the applicant meets one of the following exceptions:

- a. Is age 24 or older
- b. Is a veteran
- c. Is married
- d. Has a dependent child
- e. Is applying to reside with their parents in a Section 8 property

*\*Note: Parents is defined as the biological or adoptive parents or guardians, such as grandparents, aunt/uncle, godparents, etc.*

- f. Is a student with a disability receiving Section 8 as of November 30, 2005

If none of the above criteria is met, both the student and the student's parents must meet the income requirements for eligibility or the student must demonstrate his/her independence from parents.

2. Applicants will then be evaluated based on the following:

All applications will be reviewed by a third party screening agency to determine applicant suitability.

Upon review, applicants will be evaluated based on credit, criminal history, and landlord and resident histories. A comprehensive recommendation based on SPM's suitability standards will be provided with detailed reasons for the recommendation.

- a) Present and Past Performance in Meeting Financial Obligations.

Applicants will be **accepted** if their credit is minor, moderate, limited or no credit.

Applicants with high levels of credit problem will be **accepted with conditions**. They will be required to produce an eligible co-signer/guarantor within ten (10) days of notification of such, or the applicant will be denied. Co-signers/Guarantors must complete a Guarantor Application and will be reviewed by the same third party screening agency. Co-Signers/Guarantors are required to have a moderate credit risk or lower. Applicants will be permitted only two attempts to provide a qualified co-signer.

Applicants with severe levels of credit problems, judgments or collection records from prior residencies, eviction records, or criminal histories that have been outlined in this resident selection criteria will be **rejected**.

(Please note that SPM may determine that an applicant is unsuitable based on other factors such as verifications of house-keeping habits or former landlord rental references not evaluated by our third party screening service. Details on these requirements are further defined in this document.)

The lack of credit history will not automatically disqualify an applicant.

- b) Present and Past Housing References. Any one (1) of the following by any household member will be cause for applicant rejection:

- 1) Any one history that the applicant has "skipped" a previous residence.

- 2) Any one "eviction" from a previous residence, including but not limited to, eviction from federally assisted housing for drug related criminal activity.
- 3) Any four late payments of rent within a twelve month period from a current or previous residence.
- 4) Any one report that the applicant, his/her household members or guests, were destructive to the apartment or common areas from a current or previous residence.
- 5) Any one report that the applicant has or had poor housekeeping habits from a current or previous residence.
- 6) Any one report that the applicant caused or was involved in disturbances from a current or previous residence.
- 7) Any one report that the applicant did not abide by the rules and regulations from a current or previous residence.
- 8) In addition, HUD provides us with information about an applicant's current status as a HUD housing recipient. We will use the Enterprise Income Verification (EIV) system to determine if the applicant or any member of the applicant household is currently receiving HUD assistance. Nothing prohibits a HUD housing assistance recipient from applying at this community. However, the applicant must move out of the current property and/or forfeit any voucher before HUD assistance at this community will begin. Please see also Section 1c and 1d above.
- 9) An Existing Tenant Search will be performed during the application process on all household members listed on the application. The Existing Tenant Search will determine if an applicant or any member of the household is currently receiving subsidy at another community. This report will be used for applicants only and the results will be printed and maintained with the application file in accordance with HUD's recordkeeping requirements.

If management discovers that the applicant is currently receiving assistance, management will attempt to coordinate move-out and move-in dates with the resident and the PHA or owner/agent of the property at the other location. Management 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 disclose rental history, the application may be denied based on the applicant's "misrepresentation of information."

- c) Bed Bug Infestation History. If an applicant makes Management aware of bed bugs at the applicant's current or previous residence or if Management has reason to suspect that the applicant may have been exposed to a bed bug infestation, Management may require the applicant's furniture, clothing, and all household items to be professionally treated before move-in at Management's expense. Additionally, prior to move-in, Management reserves the right to inspect all items intended to be moved into the Community to verify that no bed bug infestation exists. While applicant will not be rejected on the basis of a prior bed bug infestation, failure to comply with the above steps to prevent bed bugs from infesting the Community may be cause to reject the applicant.
- d) Present and Past Housekeeping History. An appointment may be scheduled with the applicant at their current address if no credit or housing references are made available. The purpose of obtaining housekeeping history is to determine if the dwelling unit is

being maintained in a decent, safe, and sanitary condition, and if any of the following conditions exist. Any application will be rejected for any one of the following:

- 1) Any unauthorized alteration to the dwelling unit which would create an unsafe condition, such as an insurance risk or a fire hazard.
- 2) Any unauthorized redecoration (painting or wallpapering) in the dwelling unit.
- 3) Any unauthorized use of the dwelling unit.
- 4) Any wall damage to the dwelling unit. Examples are: holes, punctures, graffiti, crayon, writing, coloring, etc., to any wall in the dwelling unit.
- 5) Any floor/carpet damage.
- 6) Any ceiling damage.
- 7) Any damage to fixtures (lights, appliances, plumbing, rental furniture).
- 8) Any damage to interior/exterior door, door jambs, door knobs, screens, windows. Examples are: holes, punctures, burst, broken, cracked, torn, missing, etc.
- 9) Poor housekeeping habits which constitute an unsanitary living condition (excessive accumulation of garbage or trash, dirty dishes and generally filthy).
- 10) Any obvious sign where maintenance is needed in a rented dwelling unit and the resident has neglected to notify the management.
- 11) Any gas driven machine or exterior cooking apparatus housed in the dwelling unit (motorcycles, lawn mowers, gas and charcoal grill, etc.).
- 12) Inadequate control and supervision of household members.
- 13) Any evidence of unauthorized person or persons living in the dwelling unit.

NOTE: "Damages" are defined as those which are above normal wear and tear caused or created by inhabitants, their household members, or guests.

- e) Present and Past Character History. Any one (1) of the following by any household member or any other occupant will be cause for applicant rejection:
- 1) Any felony or misdemeanor conviction of any Sex Crimes against a person; Sex Crimes - Other; and anyone who is subject to a registration requirement under a State sex offender registration program.
  - 2) Any felony conviction for homicide or kidnapping.
  - 3) Any misdemeanor conviction for homicide or kidnapping occurring within the last seven (7) years from the date of the application.
  - 4) Any felony conviction involving crimes against persons or property within the last ten (10) years from the date of the application in the following categories: Arson, Assault &/or Battery; Crimes Against Children; Organized Crime/Conspiracy; Robbery; Weapons; Burglary; Destruction/Damage/Vandalism of property; Disturbance to Peace & Order; Domestic Crimes; Drugs; Harassment; Alcohol Related; Crimes Against Animals; Crimes Against Gov't or Gov't Officials; Embezzlement; Fraud; OUI, OVI, DWI; Purposefully obstructs, impairs or perverts the law; and Theft/Larceny.

- 5) Any misdemeanor conviction involving crimes against persons or property within the last seven (7) years from the date of the application in the following categories: Arson, Assault &/or Battery; Crimes Against Children; Organized Crime/Conspiracy; Robbery; Weapons.
- 6) Any misdemeanor conviction involving crimes against persons or property within the last three (3) years from the date of the application or three (3) convictions within the last seven (7) years from the date of the application in the following categories: Burglary; Destruction/Damage/Vandalism of property; Disturbance to Peace & Order; Domestic Crimes; Drugs; or Harassment.
- 7) Any felony or misdemeanor conviction for the sale, distribution or manufacturing of any controlled or illegal substance within the last ten (10) years from the date of the application.
- 8) Anyone who is currently engaging in the illegal use of a drug or is a current illegal abuser or addict of a controlled or illegal substance.
- 9) Anyone whose illegal use or pattern of illegal use of any controlled or illegal substance may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- 10) Anyone whose abuse or pattern of abuse of alcohol may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- 11) Anyone whose tenancy would constitute a threat to the health or safety of other individuals (including community management staff and Owner's employees) or whose tenancy would result in substantial physical damage to the property of others, or whose tenancy would interfere with the peaceful and quiet enjoyment of the premises by others, or whose behavioral patterns, habits or practices may be reasonably expected to have a detrimental effect on the residents of the community (examples include, but are not limited to: history of domestic violence, history of quarreling with neighbors, disturbing neighbors, etc.).
- 12) Anyone who has been incarcerated and has been released from prison or any other correctional facility for a felony within three (3) years from the date of the application.
- 13) Anyone who is fleeing to avoid prosecution, or custody, or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees, or that in the case of the State of New Jersey, is a high misdemeanor.

**Management will conduct a check of all adult household members for sex offender registration and criminal history at the time of annual recertification. Should there be any evidence that any member of the household is subject to a lifetime state sex offender registration or that any prior records have been falsified or not properly disclosed or that a criminal history is discovered that violates the above policies in effect at the time of the annual recertification, the resident's Lease may be immediately terminated.**

- f) Legal Capacity. The Head of household must have the capacity under state and local law to enter into a legally binding lease agreement, including being of legal age.
- g) Misrepresentation of Information. Applicant rejection will result if, during the course of processing an application, it becomes evident that an applicant has falsified or otherwise misrepresented any facts about his/her current situation, history, or behavior in a manner

that would effect eligibility, applicant selection criteria qualifications, allowances or rent. This provision shall not be applied to minor mistakes that produce no benefit to the applicant.

3. Number of Occupants:

Applicants will be housed in the unit size appropriate for their household. In accordance with HUD Handbook 4350.3, household members include, but are not limited to: all full-time family members; all anticipated children (children expected to be born to a pregnant woman, children in the process of being adopted, children whose custody is being obtained, foster children, children who are temporarily in a foster home who will return to the family, and children in joint custody arrangements); children who are away at school and who live at home during recesses; live-in aides; foster adults.

For specific unit sizes in this community, refer to Cover Page section of this Resident Selection Criteria.

For households with or without a spouse, the number of occupants per bedroom may be adjusted with medical documentation.

In compliance with Section 504, a larger unit will be given to an applicant/resident as a reasonable accommodation upon verification of need if such units are present in the community.

At the applicant's request, they may be placed on the waiting list for more than one unit type for which they qualify.

4. All applicant's household members will be processed as one approval or denial for an apartment. If any one of the household members fails to meet the requirements of this Resident Selection Criteria, the application will be denied.

All applicants will be placed on the waiting list after initial screening in order of date and time of application.

5. Any adult member added to the Lease at anytime after initial move-in must also meet the requirements of the Resident Selection Criteria.
6. Live-in aides will be screened according to the Present and Past Housing References and Character History requirements listed in sections 2b and 2e above prior to being considered eligible to reside with an applicant or resident.
7. **WAITING LIST SELECTION PREFERENCES**– In order to select those households most in need of housing, HUD and this community have established the following preference categories and statutory categories that shall serve as the basis for selecting residents from among applicants:

a) **Resident Transfers**

Resident transfers within the community will be added to the current waiting list and given priority over applicants on the waiting list.

The following are the only instances in which a transfer will be approved for a resident:

- Household is under-housed – too many people for the bedroom size apartment
- Household is over-housed – not enough people for the bedroom size apartment
- Unit destroyed due to no fault of the resident (i.e. fire, flood, tornado, etc.)
  - Resident will be housed in an available appropriately sized vacant unit. Resident understands that this unit will become their permanent residence.
  - If there is no vacant unit available then resident will be re-housed in their

- original unit after all repair work has been completed
- If there are more than one resident displaced due to a fire, flood, tornado, etc, households will be placed in appropriately sized vacant units available in order of initial move in date.
- Reasonable Accommodation (subject to proper verification)
- Medical Condition (subject to proper verification)

Should a resident request a transfer as part of a reasonable accommodation, the community will pay the cost of the physical move for the resident as long as doing so does not place an undue financial and administrative burden upon the community.

The following considerations will be taken into account when determining whether a transfer is required:

- Is there an apartment of appropriate size in the community?
- Is there a market for the size apartment the resident will be vacating?
- How long will the resident remain in the community?

If a resident is required to transfer due to a change in household composition, the resident has 30 days after they have been notified that an appropriately sized apartment is available for them. If they do not move in that time frame, they are required to pay full market rent.

**b) Mobility Impaired**

Mobility impaired eligible families will be given priority **when units are specifically designated for their use**, subject to proper third (3<sup>rd</sup>) party verification (Verification of Need for Reasonable Accommodation/Unit with Special Features).

**NOTE: Within each of the above listed groups, approved applicants will be housed based solely on the date and time of the application.**

8. If an applicant is offered a unit and is unable to move at the required time (i.e. have to give a notice to current landlord, medical reasons) they may remain on the waiting listing in their current position and the next applicant may be contacted to see if they are able to move in to the available unit. In this instance, the applicant that was "skipped over" will be offered the next available unit. If the applicant is offered an available apartment again and is still unable to move at the required time but wishes to remain on the waiting list, they will be placed at the bottom of the list.

If an applicant is offered a unit and refuses it, they will remain on the waiting list but will be placed at the bottom of the list as of the date of the refusal.

If an applicant has been offered a housing unit twice and for other than a verified medical reason, the applicant has refused to take the unit offered, on the third such occasion the applicant will be removed from the waiting list. In this case, the applicant will have to re-apply.

On occasions, applicants will be sent an update letter from the Community requesting confirmation of their desire to remain on the waiting list. If the applicant fails to respond in the time allotted to such a letter, they may be removed from the waiting list without further communication from the community.

9. Should the wait for one or more unit size become excessive (exceed twelve (12) months), the community can, at its discretion, close the waiting list and no longer accept applications. When the waiting list is closed, the community will publish a notice to that affect in a publication likely to be read by potential applicants and will state the reasons for closing the waiting list. When the community reopens the waiting list, it will again publish a notice to that affect in a publication likely to be read by potential applicants (if possible, the same

publication that the notice to close the waiting list was published should be used). This notification will be extensive and will state how to apply for an apartment and how applications will be added to the waiting list.

10. If, at the time of application, there is a waiting list for the unit size the applicant is applying for all screening must be completed in accordance with this criteria at the time of application. In addition, if at the time the applicant reaches the top of the waiting list they have been on the waiting list for more than 120 days, all information previously collected (including 9887, 9887A, and all screening in accordance with this criteria) should be redone.
11. Mitigating circumstances shall be considered for applicants with disabilities in accordance with Section 504.
12. In accordance with the Violence Against Women Act, this community will not deny housing or assistance to an applicant, who otherwise qualifies, because of the applicant's status as a victim of domestic violence, dating violence, or stalking. Similarly, criminal activity directly related to domestic violence, dating violence or stalking, engaged in by a member of the applicant/resident's household, any guest, or other person under the applicant/resident's control, shall not be cause for termination of assistance, tenancy, or occupancy rights of the victim of the criminal acts.
13. Applicants should understand that being placed on the waiting list for an apartment does not guarantee eligibility for housing.

The final determination for eligibility is done after the move in interview and until that time, applicant understands that the application is subject to further review.

14. **Rejection and/or Grievance Procedure:** Management will follow the grievance procedure in compliance with requirements set forth in HUD Handbook 4350.3. When rejecting an application, management will:
  - a) Provide notification in writing of reason(s) for rejection;
  - b) Inform the applicant they have 14 days to request in writing a meeting to discuss the rejection;
  - c) Participate through a representative in an informal meeting;
  - d) Provide a written response of the final decision to applicant within five (5) days of meeting.

In instances involving punitive actions by management against residents, residents have 10 days after being notified of management's action to request a meeting with the property manager for the resident to request reconsideration of the action and provide additional information or documentation. The resident can bring a representative or advocate to this meeting, and, if disabled, the resident can request reasonable accommodations in the manner or location where the meeting occurs.