

# OCCUPIED PROPERTIES, INC.

## OCCUPANCY & TENANT SELECTION POLICIES FOR FEDERALLY REGULATED MULTI-FAMILY PROPERTIES USDA RURAL DEVELOPMENT (RD) PROGRAMS

Occupied Properties will select families and individuals for housing in all apartments managed by them regardless of race, color, religion, sex, handicap, familial status, national origin, receipt of public assistance or sexual orientation. We will at all times adhere to the provisions of the Federal Fair Housing Law and Maine State Law.

### 1. Project eligibility requirements.

- a. Project specific requirements. If the property is designated for a specific population, such as elderly designated housing for households whose head or co-head is elderly (aged 62 or older) or a person with a disability as defined by RD's housing program regulations for program eligibility (the term disability is equivalent to the term handicap) the Development List will define the population served. Any non-elderly applicant applying for a RD development that is designated "Elderly" will be ineligible, unless the applicant head of household or co-head is elderly, disabled, or handicapped. "Family" designated housing includes elderly households and is generally defined as one or more persons who maintain or will maintain residency in one rental unit, but not including a resident assistant or chore service worker. Familial status is recognized for a single individual who is expecting a child.
- b. Citizenship/immigration status requirements. The owner and management agent will follow RD's requirements and comply with the provisions of RD handbooks and notices as they may be issued from time to time.
- c. Social Security number (SSN) requirements. All applicants will be required to provide SSNs for all household members. When necessary, management will allow reasonable extended time to provide proof of SSNs. When an individual has no SSN, the applicant must provide documentation of efforts to obtain a valid SSN or valid documentation of a request to obtain valid SSN verification.

### 2. Income Limits. The income guidelines used for the property is broken down by Very Low, Low and Moderate limits for each county and is provided by Rural Development as identified on the Development List. Specific printout of the limits will be provided upon request.

### 3. Procedures for taking applications and selecting from the waiting list.

- a. Taking applications. Applications may be obtained in person at the main office at 62 West Kingfield Road, or by requesting via telephone at 207-265-4006, mail at 62 West Kingfield Road, Kingfield, Maine 04947 or email at office@occupiedproperties.com. Hours at the main office are Monday – Thursday from 9:00 a.m. to 4:00 p.m. An answering service provides coverage for nights, weekend, holidays, and any occasion when the office is not open. Whenever possible, application information and forms will be disseminated via community offices and other contracts, such as town offices, social services agencies, libraries, or health care providers. Upon receipt of the application, management will make a general assessment of housing program eligibility based on the information as provided by the applicant. Applicants providing incomplete applications will be so advised and afforded an opportunity to provide missing or incomplete application information. Should it appear that the application is not eligible for the housing program, the household will be provided with written notice of the apparent ineligibility and encouraged to contact the management office and or/ afforded an opportunity to have a review of the determination of ineligibility. Written notices will include information about appeal rights. Any applicant who is offered an apartment and refuses for any reason other than medical or bona fide hardship will be removed from the waiting list.

- b. Preferences and Wait List Order. In order to maximize utilization of units with accessibility features specific notation for first consideration to households needing those features will be recorded for the waiting list for accessible units. If the unit opening is a handicapped accessible unit, then an eligible household that needs the features of that unit will receive priority over all other applicants, regardless of eligible program income limits; if more than one applicant needs the features of the unit, then applicants who are very low income would have priority, followed by low and then moderate income households.

Letter of Priority Entitlement (LOPE). A letter issued by the agency providing a tenant with priority entitlement to rentals units in other agency-financed housing projects for 120 days from the date of the LOPE. Persons displaced by agency action, or displaced persons in a Federally declared disaster area have priority over all other applicants of the individual applicant's income group.

Within those categories and for the regular waiting list, Very Low-Income applicants will be given first consideration. For units available with Rental Assistance, Low Income applicants will be considered ahead of Moderate-Income applicants (who are not eligible for RA). Given these factors, applications will be considered in chronological order by date and time the application was received at management's main office in Kingfield. Should a household composition change upward or downward during the wait process and the applicant household's bedroom size requirement change, the application will be placed on the appropriate-sized waiting list using the initial application date and time.

- c. Applicant screening criteria. Applicants must demonstrate the ability to meet lease obligations. The head of household must be at least 18 years old. Consideration may be given to emancipated minors who can demonstrate they can be held accountable under the lease and can provide at least 3 personal/character references, who have standing in their communities, are over the age of 18 and are not relatives, to confirm that the emancipated minor can and will meet lease obligations. All applicants will be required to provide information about personal or character references, residential history, credit history and authorization from all adult household members for management to obtain information including a credit report, landlord reference(s), criminal history information including authorization for a records check of the local law enforcement agency in the community(ies) where adult household members have resided for at least the past year, and residential history(ies) of adult household members covering the last 10 years. All adult household members must certify as to the accuracy of the information being provided. Management will utilize the State of Maine's Sex Offender Registry online to check the status of each adult household member. Negative responses to any of the above may result in denial of the application, refer to Section d below.
- d. Procedures for rejecting ineligible applicants. The goal of the screening process is to determine that a household proposed for occupancy is likely to meet the lease obligations. Applicants who provide incomplete, inaccurate, or fraudulent information will be rejected. Whenever possible or appropriate applicants will be afforded the opportunity to provide information for management to consider extenuating circumstances in cases when applicants would normally be rejected but have circumstances that indicate the family might be an acceptable future tenant. For example, an applicant may have a credit history that shows a period of negative activity and may offer information to describe a medical circumstance or job lost that resulted in a loss of income which resulted in financial defaults. Management will strive to provide the maximum flexibility to applicants who demonstrate circumstances beyond their control so long as the applicant can provided information to demonstrate that, at the time the application is being considered for an opening, the household will meet the lease requirements. While generally convicted felons will not be housed, criminal conviction history will be considered in its totality and consideration given for the severity of the crime and length of time since it occurred. Except for crimes involving violent crimes, sexual assaults and/or the illegal sale or manufacture of drugs, as a general rule, crimes occurring more than 10 years ago will have less impact on the renting decision. Consideration will also be given to any period of incarceration and whether the applicant has demonstrated that s/he has been rehabilitated. Applicant rejections or denials will be provided with written notice in accordance with RD regulations and advised of the hearing procedure at 3560.16.

4. Occupancy standards. Management uses a general rule of thumb of 1 to 2 persons per bedroom. Included when determining number of persons in the household are: unborn children; persons in foster care; children not currently residing with the applicant but are expected to reside with the applicant and for which the applicant can demonstrate that s/he is involved in a proceeding to gain custody. Household members must be expected to reside in the unit as their primary, full-time residence. Children under a custody arrangement must be expected to reside in the unit 50% or more of the year. Consideration for number of bedrooms cannot be given for children who may visit with a parent for an amount of time that would be less than half a year. Generally, the housing program requires no less than 1 person per bedroom, unless there are no one bedroom units at the property, documentation exists for the need for more apartment space, or in instances where marketing has not brought forth candidates who need the larger size unit. And housing programs generally consider it necessary to expect 2 persons per bedroom. However, household composition may affect bedroom size eligibility, for example while the program may expect two children of the same sex to share a bedroom, factors such as medical considerations, or a difference in age of 5 or more years would justify separate bedrooms and, therefore, a larger unit size. Applicant households proposed for occupancy in excess of 2 persons per bedroom are encouraged to make their own determination of the size of the unit and whether it will meet their household's needs and management will attempt to offer the maximum flexibility to the household in making that determination within reasonable standards. For example, a household of 6 proposed for a one-bedroom unit would be considered beyond "reasonable". Applicants applying for more than one bedroom size will be placed on the waiting list as requested on their application and must demonstrate the need or appropriateness of their selection at the time an opening exists for which they are being considered. For example, if a single individual applies for a 1 bedroom and 2 bedroom units but cannot demonstrate the need for the 2 bedroom unit when one becomes available, s/he will be advised that they do not qualify for the larger size unit and have their application removed from the 2 BR list. Unless waived by management in order to achieve occupancy goals, households who qualify for more than one bedroom size, such as 2 and 3BR's and who accept one size before the other are expected to maintain a minimum one year's tenancy before being eligible for transfer to the other size. For example, if a household qualifies for 2 or 3 BR's and their application comes up for consideration first for a 2 BR which they accept, they would not be eligible for the next available 3BR.
5. Unit transfer policies. All households are expected to fulfill the initial first year tenancy in a unit before considered eligible for a unit transfer; however, there may be circumstances that necessitate until transfers earlier in which case: First preference for unit transfers will be for those residents already residing at the development and eligible for transfer; second preference will be for unit transfers for those residents already residing in a development within the current management portfolio and eligible for transfer. Transfers will be applicable for current tenants who need:
  - a. A unit transfer because of a need for accessible unit
  - b. A unit transfer for a medical reason certified by a doctor:
  - c. An occupancy compliance unit because of changes in family size or household composition
  - d. A unit transfer due to a bona-fide job offer for the head or co-head:
  - e. A deeper subsidy (Rent Supplement, RAP, or Section 8 assistance);
6. Policies to Comply with Section 504 of the Rehabilitation Act of 1973 and The Fair Housing Act Amendments of 1988. Marketing of multi-family housing by Occupied Properties, at a minimum, shall be in accordance with each Owner's Rural Development-approved Affirmative Fair Housing Marketing Plan, and our/their assurance of compliance with Title VI of the Civil Rights Act of 1964, Title VIII of the Fair Housing Act, Section 504 of the Rehabilitation Act of 1973 and the Age of Discrimination Act of 1975.
7. Policy for opening and closing the waiting list. It is expected that waiting lists will remain open. Should it become evident that the wait period exceeds 3 years, management may determine it appropriate to close the waiting list. The methods of advertising used to announce opening and closing of the waiting list will include an announcement in the community's local newspaper. Waiting lists will be purged on a regular basis, as needed. Generally, if there are applications on the waiting list that have been on the list for more than 2 years, annual updates will be sent to those applicants on the list for at least a year, requesting that they confirm they are still interested in the housing and that they advise management of any change in address. Inactive applications will be held for at least three years or until Rural Development completes a Compliance Review before being purged by means of destruction of the application paperwork.

8. The **Violence Against Women Act** protects housing assistance applicants and residents who have been victimized by domestic violence, dating violence, and stalking: Applicants can't be denied rental assistance solely because they were previously evicted from an assisted site for being victims of domestic violence; Applicants can't be denied assistance solely for criminal activity that was directly related to domestic violence; Residents can't be evicted solely because they were victims of domestic violence; being a victim of domestic violence does not qualify as a "serious or repeated violation of the lease" or "other good cause" for eviction; Residents wishing to report an incident of domestic violence must submit specific documentation as requested by site management, and all such documentation will remain confidential, unless required by law;

Example (note, for purposes of this example, we use "wife" and "husband" but actual parties may be any variation of married or unmarried individuals); If a resident/wife has filed in court for a restraining order and the domestic violence reoccurs, Occupied Properties may evict the resident/husband, but not the wife. However, if a victim of domestic violence commits a criminal act unrelated to the domestic violence, or if the victim is an "actual or immediate threat to other tenants or those employed at or providing services to the site," eviction is warranted. But if, after an incident of domestic violence, a resident allows the abuser to visit the property again as a guest and the violence reoccurs, Occupied Properties, Inc. may evict the resident.