

# **Resident Selection Criteria**

## **The Pueblo Village Apartments – Pueblo, CO**

### **Purpose**

The Pueblo Village Apartments were established to provide safe affordable housing for low income and moderate income individuals as defined in the eligibility criteria below. The property has signed a Use/Regulatory Agreement with Colorado Housing and Finance Authority restricting the use of the property to eligible households as stated in the Affordable Housing Tax Credit Program. The Pueblo Village Apartments is also a rent-restricted property in that the rent is based off of the adjusted household income (Section 8).

### **Policy for Changes to the Resident Selection Criteria**

Changes to the Resident Selection Criteria may occur from time to time. The changes could occur at the discretion of Management, HUD or the IRS. Changes in the Resident Selection Criteria will be posted at the property.

### **Project Specific Requirements**

The Pueblo Village Apartments is designated for a family population. Pueblo Village Apartments has agreed to a Regulatory Agreement. Applicants must earn less than what is stated in the Regulatory Agreement upon move-in to reside at this property. The income limits for this county are posted in the leasing office and are available at [www.huduser.org](http://www.huduser.org). The income limits are adjusted for family size. Income limits are established by Housing and Urban Development and Colorado Housing and Finance Authority and are updated annually. To qualify, this property must be the only home for the applicant. Applicants must sign the Release of Information documents prior to move-in and at least annually thereafter. The Release of Information documents are in accordance with the Section 8 program and also the tax credit program and can be reviewed by the applicant, in advance, if requested. The consent forms must be signed by the head of household, the spouse or co-head of household and any other family members who are 18 years of age or older.

Family members who refuse to sign the Release of Information documents and/or refuse management the ability to verify program eligibility for the family will be denied housing.

### **Application Process**

1. Applications will be accepted during regularly posted office hours.
2. One application may be filled out per single adult persons.
3. Persons requiring special accommodations should contact the management office.
4. Applications will be screened in accordance with the program eligibility requirements and the criteria set forth in the resident selection plan.
5. Upon completion of the application, management will meet with the applicant to review the application for accuracy and completeness.
6. Applicants will be required to provide proof of identity and age.

7. Based on the initial screening the applicant will be added to the waiting list according to the number of household members and bedrooms.
8. If a household, based on the number of members, would qualify for more than one unit size, the owner must allow the family to choose which unit size they prefer.
9. If no waiting list exists and the initial screen determines the applicant will likely be qualified, management will begin processing the application for occupancy.
10. Should the applicant fail to meet the income restrictions and/or other screening criteria management will provide a denial letter by mail.

### **Enterprise Income Verification (EIV) System Requirements**

The EIV Existing Tenant Search must be used as part of the screening criteria for new tenants to determine if the applicant or any applicant household members are currently being assisted at another Multifamily Housing or Public and Indian Housing location. If the applicant or any member of the applicant's household is receiving assistance at another location, the following procedures must be followed:

The applicant must be given the opportunity to explain any relevant circumstances (e.g., the applicant may want to move from his/her present location, or two assisted families may share custody of a minor child.

The applicant's program participation status must be confirmed with the respective PHA or Owner/Agent (O/A) before admission if necessary, depending on the outcome of the discussion with the applicant. This report enables the O/A to coordinate move-out and move-in dates with the PHA or O/A of the property at the other location.

The search results must be retained with the application along with any documentation obtained as a result of contacts with the applicant and the PHA and/or O/A at the other location.

### **Citizenship Requirements**

By law, only U.S. citizens and eligible non-citizens may benefit from federal rental assistance. Applicants must provide one of the following as proof of citizenship: birth certificate and photo identification, driver's license or ID card, or passport. Non-citizens who have eligible immigration status must provide a Resident Alien card or resident visa. Each household member, regardless of age, must sign a declaration of citizenship.

### **Social Security Number Requirements**

Applicants must provide original Social Security Cards for each household member in the household.

### **Applicant Selection & Preferences**

All applicants who meet the program eligibility requirements and resident selection criteria requirements will be offered housing on a first come first serve basis. There are no preferences applied. If an applicant on the waiting list must be skipped in order for the property to maintain the requirement that 40% of available units must be rented to

applicants whose household income is considered extremely low (at or below 30% AMI), the skipped applicant will be the next family contacted when another unit becomes available.

### **Income Limits**

Except under limited circumstances, in order for an applicant to be eligible for occupancy, the household annual income of the household must not exceed the very low income limit (at or below 50% of the AMI). 40% of available units must be rented to persons whose incomes are considered extremely low (at or below 30% AMI).

### **Student Status**

Certain restrictions apply when determining household eligibility and student status, including disallowing a unit comprised of all full-time students, unless the student is either 1. receiving TANF assistance, 2. in a Job Training Program, 3. A single parent with dependent child(ren), 4. married and filing a joint tax return., or 5. Have ever been in Foster Care and are under the age of 25.

### **Changes to Family Composition after Move-In**

The family may request a change in unit size due to the addition or subtraction of a family member. Families must inform management within 30 days when a change occurs. The household must meet program eligibility requirements at the time the change of household composition occurs. Adult additions to the family must be approved for occupancy in accordance with the property's resident selection criteria prior to occupying the unit. Adult members' income must be considered in the maximum income limit and also must be added to the lease.

### **Criminal Activity**

A prohibition on housing shall apply to any person who:

- (A) is currently engaged in, has been convicted of using, distributing, or manufacturing methamphetamine. Housing of such person shall be prohibited for a period of ten (10) years from the date of the conviction, or end of the incarceration, whichever is most recent.
- (B) is currently engaged in, has been convicted of Violent Criminal Activity or Drug Related Criminal Activity. Housing of such person shall be prohibited for a period of three (3) years from the date of the conviction, or end of the incarceration, whichever is most recent.
- (C) has been convicted of any other felonious activities other than Drug Related Criminal Activity or Violent Criminal Activity. Housing of such person shall be prohibited for a period of three (3) years from the date of the conviction or end of the incarceration, whichever is most recent.
- (D) is subject to a lifetime registration requirement under a Federal or State sex offender registration program.
- (E) is a sex offender, not subject to lifetime registration. Housing of such person shall be prohibited for a period of ten (10) years from the date of the arrest, conviction, or end of incarceration (whichever is later) or the period of required registration as a sex offender, whichever is greater.
- (7) The prohibition on the housing of a convicted felon shall not apply to qualified tenants of Transitional Housing, except that the housing of a person in any Transitional Housing shall be prohibited if said person: (A) is subject to a lifetime registration requirement under a

Federal or State sex offender registration program, or (B) is currently engaged in or has been convicted of a violent felony in the last three (3) years.

In all cases if a background reports lacks detail about the event(s) in question it shall be incumbent on the applicant to provide verifiable specifics.

Criminal history deemed serious by the site manager but not covered in the above guidelines shall be determined on a case-by-case basis but only after a determination has been made that the applicant / household appears to qualify under all other program guidelines. The relevant facts, and verifiable specifics including date of occurrence, date of conviction and dates of release from incarceration (if applicable) shall be sent to the designated representative of the company who shall make the determination

### **Occupancy Standards**

Occupancy is limited to two (2) persons per bedroom. Pueblo Village Apartments may consider the size of the unit, the number and size of the bedrooms, and the number of persons in the family (taking the age, sex, and relationship of family members into consideration). The family's need for a larger unit as a reasonable accommodation to avoid overcrowding is to be balanced with the need to avoid underutilization of the space and unnecessary subsidy. A single person must not be permitted to occupy a unit with 2 or more bedrooms, except for the following persons: an elderly person who has a verifiable need for a larger unit, or a displaced person or remaining family member of a resident household when no appropriately-sized unit is available.

### **Credit Policy**

#### **Landlord Reference:**

The applicant's present and past landlord history will be verified including but not limited to rental amount, rent paying habits, how long they have lived there, condition of dwelling, did they fulfill their lease, did they give notice to vacate and would they be eligible to live there again. Lack of landlord reference is not a negative (for example, have always lived with parents).

#### **Credit Report:**

The applicant's credit report will be checked using a credit reporting agency. The Site Manager has the ability to approve any application if the Predictive Factor Point Score is between 11 – 24. Property Manager Approval is required when the Predictive Point Score is below 11. In most cases, the Property Manager must reject an application with a score of 0-6 unless there are special circumstances (new college graduate, military, new job, bankruptcy, etc). A bankruptcy is considered to have erased all debt.

#### **Procedures for Approval:**

1. Applicants will be screened first for landlord, credit approval, occupancy standards and the ability to contract. Pueblo Village Apartments will not

obtain criminal reports on applicants who are denied based upon information obtained in the first step.

2. If the applicants pass step 1 above, management will then obtain a criminal report.
3. Upon satisfactory completion of steps 1 and 2 outlined above, applicants for affordable housing will be screened based upon the program requirements discussed in this resident selection plan. Upon meeting the Affordable Housing Program requirements, applicants will then be approved for move-in.

#### **Procedures for Denial:**

The following procedures will be completed when an applicant is denied housing at Pueblo Village:

1. A denial letter will be mailed within 3 business days to the applicant from the Site Manager with a copy retained on-site.
2. According to existing law, no information may be given over the phone.

#### **Unit Transfer Policy**

Generally, unit transfers are not allowed to the same size units within the same property. A unit transfer request will be considered as a reasonable accommodation when there is a need for an accessible unit or to accommodate a qualified medical condition. Before the transfer is approved, the resident must demonstrate prompt payment of rent and other charges, does not owe a previous balance and has no lease violations for the prior six (6) months. Necessary unit transfers within the apartment complex will be accommodated before an applicant on the waitlist for occupancy. Unit transfers may be indicated because of family size and changes in family composition.

#### **Live-In Caretakers**

A Live-In Caretaker will be considered if medically necessary as stated by a Medical Care Professional. A specific form is required and will be given to the Medical Care Professional by Management. A background check, including criminal reports, will be conducted on every live-in caretaker. If the caretaker has a criminal history as stated above, occupancy will not be granted. A Live-In Caretaker is a "person who resides with one or more elderly person(s), or near-elderly person(s), or person(s) with disabilities who 1. is determined to be essential to the care and well-being of the said person; 2. is not obligated for the financial support of the said person; and said person is not responsible for my caretaker's financial support and 3. would not be living in the unit except to provide the necessary supportive services. The Live-In Caretaker will need to sign a lease addendum and affidavit.

#### **Parking**

Pueblo Village Apartments has resident parking only. The resident named on the lease must provide proof of proper registration/license and insurance before a stall will be assigned. Parking may be re-assigned at any time by management in order to accommodate the needs of our residents with special needs or disabilities.

#### **Security Deposit**

The required security deposit for each unit is established at move-in based upon the verified income of the household.

### **VAWA Protections**

The Landlord may not consider incidents of domestic violence, dating violence or stalking as serious or repeated violations of the Lease or other “good cause” for termination of assistance, tenancy or occupancy rights of the victim of abuse.

The Landlord may not consider criminal activity directly relating to abuse, engaged in by a member of a tenant’s household or any guest or other person under the tenant’s control, cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant’s family is the victim or threatened victim of that abuse.

The Landlord may request in writing that the victim, or a family member on the victim’s behalf, certify that the individual is a victim of abuse and that the Certification of Domestic Violence, Dating Violence or Stalking, Form HUD-91066, or other documentation as noted on the certification form, be completed and submitted within 14 business days, or an agreed upon extension date, to receive protection under the VAWA. Failure to provide the certification or other supporting documentation within the specified timeframe may result in eviction.

### **Opening and Closing of the Waitlist**

A classified ad in the daily local newspaper will announce the opening of the waiting list and will include when and where interested applicants should apply. A classified ad will also be run when there is a closing of the waiting list. The outreach activities as described in the Affirmative Fair Housing Marketing Plan will be followed.

### **Disapproval of Application**

In the event any application is disapproved, the Manager shall notify the applicant in writing. Such notice shall clearly state the reasons why the application was disapproved.

If any person or household is not satisfied with such determination, such person or household shall have the right to request, within fourteen (14) calendar days of the date of the mailing of such notice, a conference with the Manager and shall be afforded a reasonable opportunity to explain or demonstrate why such application should have been approved. After such conference, such person or household shall be notified in writing by the Manager if no change is appropriate. Such notice shall clearly state the reasons why the application has been disapproved.

If any person or household is not satisfied with such determination, such person or household shall have the right to request within fourteen (14) days of the date of the mailing of such notices, a conference with a representative of Beacon Management, the Managing Agent, and shall then be afforded a reasonable opportunity to explain or demonstrate why such application should have been approved. The Managing Agent shall then provide notice in writing to the applicant the decision.

### **Non-Discrimination**

The Pueblo Village Apartments does not discriminate on the basis of race, color, religion, creed, national origin, familial status, disability, sex, marital status or age (provided the applicant has the capacity to enter into a binding contract). Pueblo Village Apartments additionally will not discriminate against applicants whose income derives from any public assistance program or because the applicant has in good faith exercised his or her rights.

The Owner will abide by the nondiscrimination requirements of:

- Title VI of the Civil Rights of 1964, which prohibits discrimination based on race, color, or national origin in programs receiving federal financial assistance;
- Title VIII of the Civil Rights Act of 1968, which prohibits discrimination based on race, color, religion, national origin or sex on the sale of, rental housing;
- Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination based on handicap in programs receiving Federal financial assistance;
- The Age Discrimination Act of 1975, which prohibits discrimination based on age in programs receiving Federal Financial Assistance;
- Executive Order 11063, Which required HUD to take whatever action is necessary to prohibit discrimination base on race, color, national origin, religion (creed), or sex in housing receiving Federal financial assistance;
- Fair Housing Amendment Act of 1988.  
The Owner shall not discriminate against any applicant because of religious preference or political affiliation. No preference will be shown any applicant because of political affiliation or acquaintance with any public official at the Federal, state, or local level. In addition, there shall be no discrimination against any applicant receiving part or all in his or her income from public assistance.
- Affirmative Marketing.
  - All Advertising and literature will carry the Equal Housing logo or slogan.
  - When seeking tenants to fill vacant units, written notices of vacancies will be sent to the Department of Family Services, the local Salvation Army, Community Action Agencies, Family planning services, Senior Citizens Centers, Battered Women’s Shelters, HOMESLESS Programs, Local Housing Authorities, employment Centers, places of worship or other community organizations that work with low-income persons. Owners must keep written documentation on file.
  - Any alleged housing discrimination complaints will be forwarded to the U.S. Department of Housing and Urban Development.

### **Income for Admission**

Annual income cannot exceed the HUD income limits for very low income for the appropriate community at the time of admission. These HUD income limits are provided

to each Owner for the information for prospective applicants. The Owner verifies income eligibility based upon these published limits.

**Family Income Definition**

Anticipated total income from all sources received by the family head and spouse (even if temporarily absent), and by each additional member of the family, including all net income delivered from assets, for the twelve (12) month period following the effective date of the initial determination or re-examination of income.

A. Income includes, but is not limited to the following:

1. Full amount of wages and salaries, overtime pay, commission, fees, tips, and bonuses, and other compensation for personal services;
2. Net income from operation of a business or profession;
3. Interest, dividends and other net income of any kind from real or personal property;
4. Full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits;
5. Unemployment, disability compensation, workers compensation and severance pay;
6. Welfare Assistance;
7. Alimony, child support payments and regular contributions or gifts received from persons not residing in the dwelling;
8. All regular pay, special pay allowance or member of the Armed Forces, (whether or not living in the unit, who is head or spouse or other person whose dependents are residing in the unit);
9. Earned tax credits that exceed income tax liability;

B. Income excluded from annual income:

Annual income does not include such temporary, nonrecurring or sporadic income as the following:

1. Sporadic gifts
2. Amounts reimbursed for the cost of medical expenses.
3. Lump sum assets, such as inheritance or insurance payments
4. Title IV scholarships intended for other than subsistence allowance to cover the cost of room and board. Example of Title IV are:
  - a. Basic Education Opportunity Grants
  - b. Pell Grants
  - c. Supplemental Opportunity Grants
  - d. State Incentive Grants
  - e. College Work Study
  - f. Byrd Scholarship
  - g. Hazardous duty pay of a family member in the Armed Forces away from home.

C. Income not included in annual income:

Income that will not be included in determining income:

1. Income from employed children (including foster children), under the age of 18 yrs
2. Payment received for care of foster children
3. Relocation payments paid under Federal Act of 1970
4. Allotments received for coupons under the Food Stamps Act
5. Payments to volunteers under the Domestic Volunteer Services Act 1973
6. Payments received under the Alaskan Native Claim Act
7. Trust payments for land use in trust, certain Indian Tribes
8. Payments or allowances from Energy Assistance Programs
9. Payment for Job Training Partnership Act
10. Funds of the Grand River Band of Ottawa Indians and the \$2,000 per capita share awarded from Court of Claim for Indian Tribes
11. Amounts received from training programs funded by HUD
12. Amounts received by a disabled person that are disregarded in determining supplemental security income eligibility and benefits because they are set aside under a plan to achieve self-support programs
13. Income of a live-in aide
14. Payments made to individuals under Title V of the Older Americans Act-Green Thumb Act.

The Owner shall not discriminate against any applicant receiving part or all their income from public assistance, providing such applicants are otherwise eligible for admission.

**Definition of Adjusted income for home, assisted units in which rent is based on income**

- A. Adjusted income means \*Total Family Income less the following: (Used only for calculating Rent when necessary)
1. \$480 for each member of the family residing in the household, (other than the head or household or spouse) who is 18 years of age or who is 18 years or age or older and is disabled, handicapped or full time student;
  2. \$400 of any elderly family;
  3. medical expenses in excess of 3% of annual family income for any elderly family;
  4. Reasonable child care expenses to the extent necessary to enable another member of the family to be employed or to further his or her education, not to exceed that person's income unless a student.
    - a. This provision applies only to child care for children under 13 year of age.

**\*Note: "Eligibility Income for Admission"**

**and Eligibility Income” mean “Total Family Income”**

**Assets**

- A. Net Family Assets include cash, stock, bonds, savings, value of equity in real property, and other forms of capital investments excluding the cost that would be incurred in disposing of the assets.
  - 1. Any income distributed from a trust fund shall be included in determining annual income.
  - 2. Any assets disposed of for less than fair market value will be included if disposed of two (2) years preceding the date of application or re-examination.
    - a. In the case of divorce or separation settlements, the disposition will not be considered to be less than fair market value.
  - 3. Annual income shall be included in the greater of the actual income derived from all Net Family Assets or a percentage of the value of such assets based upon current passbook saving rates as determined by HUD.
  - 4. Applicants or residents who have assigned conveyed, transferred or otherwise disposed of any asset and retained any legal interest therein shall have the value of such assets based upon current passbook savings rate as determined by HUD
  - 5. In all cases it shall be the responsibility of the applicant or resident to provide the necessary documents information to establish the legal ownership of equity in any asset or assets.

**Verification of applicant's statements and income**

- A. Applicants and tenants shall be required to furnish proof of any of their statements when required by Management to assure accuracy.
- B. Certification by applicants will normally be considered sufficient verification of family composition.  
Certification is provided by the applicant's signature on the Application for Housing
- C. All earned income shall be verified at the time of admission, rent review 01' annual re-certification through employers W-2 forms, check stubs, income tax returns, savings pass books, or other means to assure accuracy. All increases and decreases income must be reported upon the annual re--certification
- D. Unearned incomes shall be verified by copies of checks, certificate of award, or other means to assure accuracy.
- E. All determinations shall be fully documented in the files.
- F. Absolute proof shall be provided to the Owner as to income received from jointly held accounts, savings and other investments.