

# Spring Valley Apartments Resident Selection Criteria

for Housing Programs  
Effective October 1, 2019

Humphrey Management, managing agent for this community, has established the following Resident Selection Criteria to explain the requirements and policies used to process and select applications for residency. Everyone who applies will have their application evaluated in a fair, equal, and consistent manner that complies with federal, state, and local fair housing requirements.

These criteria were implemented with the goal to improve housing opportunities by ensuring that quality housing is available to qualified families; and create a welcoming, thriving community through effective resident selection.

## Community Information

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Spring Valley is a family community consisting of 128 one, two and three bedroom apartments, serving qualified market rate and low income households.

## Housing Credit Program

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103 units in this community are governed by the Housing Credit Program guidelines.

These units are not market-rate or conventional housing. Rents are restricted to be affordable for households whose income is below the community's applicable income limits. As part of the move-in certification process applicants will be asked to disclose, provide verification of, and certify personal information regarding income, assets, household composition, custody of minors and student status to determine program eligibility. Once a year residents must meet with management to complete the annual recertification process, and will be required to disclose personal information in a manner similar to the move-in process.

This program is not a subsidized housing program. Each Resident is responsible for the full amount of rent each month. The rental amount is based on pre-set income limits in the area NOT individual household income.

During the first twelve months following initial occupancy residents are not permitted to add new adult members to the household. However, during the first twelve months following initial occupancy they may elect to apply as a new household for consideration of the addition of new adult members. Approval of the new household is subject to certification of eligibility for all funding programs governing the resident's unit.

In the event that all original qualifying household members move-out and there are remaining household members (members added after initial move-in) such household members must income qualify and meet any other eligibility criteria in order to remain in the unit.

## Housing Credit Program Eligibility

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The following requirements must be met for an applicant household to be eligible for admission to the Housing Credit program.

### Income Requirement

Occupancy is restricted to households with income at or below 50% of published area median income (AMI) as adjusted for family size at the time of move-in and for the initial 12 months of occupancy.

- 13 units are further restricted to households with income at or below 30% SMGI (PRHP-Statewide)
- 38 units are further restricted to households with income at or below 50% SMGI (PRHP-Statewide)

For the sake of determining the appropriate income limits based on household size management shall count all persons living in the unit except for live-in aides and guests, and shall count the following individuals who are not living in the unit: (a) children who are temporarily in a foster home who will return to the household; (b) children in joint custody arrangements who are present in the household 50% or more of the time; (c) children who are away at school, but who live with the family



during school recesses; (d) unborn children of pregnant women; (e) children in the process of being adopted by an adult household member; (f) temporarily absent family members who are still considered household members; (g) family members in the hospital or rehabilitation facility for periods of limited or fixed duration; and (h) persons permanently confined to a hospital or nursing home\*.

\*An individual permanently confined to a nursing home or hospital may not be named as the household head, spouse, or co-head but may continue as a household member at the family's discretion. The family's decision on whether or not to include the permanently confined family member as a household member determines if that person's income will be counted.

- a. *Include* the individual as a household member and the income of the permanently confined individual is counted; or
- b. *Exclude* the individual as a household member and the income of the permanently confined individual is not counted.

### **Minimum Income Requirement**

Rent should not exceed 40% of the applicant household's gross income, therefore the minimum qualifying income will be at least 2.5 times the rent.

Applicants who do not meet the above criteria, but whose income is such that the rent would not exceed 50%, may still be considered qualified if they provide proof of available assets equal to or greater than 6 months' rent.

In lieu of income, management will consider applicants who own available assets with a cash value of at least five times the rent to meet the income requirement.

Applicants using assets to meet the minimum income requirement will need to provide proof of (1) ownership; (2) access to the asset; and (3) the cash value must be based on at least a six-month average balance or proof of a lump sum receipt within the last six months must be provided.

For applicants to qualify for the minimum income requirement with total household contributions of greater than \$350 per month the applicant must provide proof of the contributor's income that is at least 7 times the contribution amount.

This requirement does not apply to applicants receiving an acceptable form of rental assistance, in which the owner has a contractual relationship with the rental assistance provider.

### **Vouchers**

Housing Choice Vouchers and other types of rental assistance are accepted. No applicant will be denied on the basis that they receive rental assistance. All applicants, including those receiving rental assistance, must meet all eligibility standards outlined in this document.

Participation in a rental assistance program will be verified as part of the eligibility process. The payment standard of the rental assistance must meet or exceed the current contract rent of the apartment for which the applicant is applying.

### **Student Eligibility Requirement**

Households made up entirely of full-time students are not eligible to live in units receiving housing credits. However, there are five exceptions to the full-time student restriction that would make such households eligible.

There is no grandfathering of eligibility because the resident was not a student when they moved in and later became one. For this reason, resident student status must be re-verified at annual certifications to confirm continuing eligibility of the household.

#### **Who is considered a full-time student:**

A full-time student is defined as any individual who (1) has been or will be a full-time student during any part of five calendar months during the current or upcoming calendar year, (2) at a regular educational institution with regular facilities, and (3) who also meets all the institution's requirements for full-time student status.

- Students enrolled in on-the-job training courses or pursuing their GED are **not** considered full-time students for the purpose of eligibility.
- Students attending elementary, middle, or high school **are** considered full-time students.
- Students attending college, university, technical, trade, mechanical or online school **are** considered full-time students **if** the school defines them as full-time students **and** they will be attending during any part of five (5) months out of the current or upcoming calendar year (months need not be full or consecutive).

Applicants are considered full-time students if the person had been a full-time student for 5 months of the calendar year, even if they had graduated prior to applying for an apartment.

**What are the exceptions to the full-time student restriction:**

Full-time student households that are income eligible and satisfy one or more of the following conditions can be considered eligible residents:

- All adult household members are:
  - 1) Single parents who are not listed as dependents on the tax returns of another individual; their child(ren) may be claimed by the absent parent but cannot be listed as a dependent on the tax returns of any other individual; or
  - 2) Married and eligible to file a joint tax return; or
- At least one member of the household:
  - 3) Receives TANF/TCA benefits or other assistance under Title IV of the Social Security Act; or
  - 4) Was previously in foster care, such as Child Welfare Services, or a state foster care or state transitional independent living program; or
  - 5) Is enrolled in a job training program receiving assistance under the Job Training Partnership Act, or similar federal, state or local laws.

**Occupancy Standards**

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Number of Bedrooms	Number of Occupants	
	Minimum	Maximum
1	1	2
2	1	4
3	1	6

These occupancy standards shall be used in determining the appropriate size unit at move-in and shall apply during residency in determining unit transfers.

**Application Process**

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Applicants must be at least 18 years old or be an emancipated minor to submit an application. Applicant households must submit a single application executed by all adults or emancipated minors in the household. Emancipated minors are considered adults in the application of our policies and procedures. All adult applicants, including those wanting to be added to existing households, are required to complete an application packet and consent to the release of information necessary to verify all income, assets, household characteristics and circumstances that affect eligibility. This information will be verified by management in compliance with the Housing Credit Program and regulations contained in the HUD Handbook 4350.3.

If basic eligibility is met (head of household over 18 or emancipated; household size meets the occupancy standards of a unit size available at the community with an open waitlist; and reported income under the maximum income limits) the applicant(s) will either be placed on the appropriate waitlist or provided with the appropriate forms to begin the move-in certification process.

**Required Documentation**

This documentation is not required to submit an application, however must be submitted before the applicant household can move into a unit. Management will not accept photocopies, or documents that appear fraudulent or altered. This documentation must be the original, which management will photocopy. Management will store the copies in the applicant’s file.

**For Certification Purposes:**

- Verification of income from all sources: wages, social security, disability, workers compensation, unemployment, pensions, child support, public assistance, etc.
  - Contact information for employers, or other income sources; and/or eight current, consecutive paystubs; current benefit/award letters; etc.
- Verification of all household assets:
  - Financial Institution contact information; and/or bank/account statements; real estate records, etc.
- Verification of student status:
  - School contact information; and/or school records.
- Verification of custody\* of minor household members:
  - Birth Certificates; court order; tax returns; school, doctor’s office, day care records; etc.
  - \*Please note legal custody is not required. Management is only verifying residency of intended household members.

- Verification of any other information provided by the household relevant to the funding program certification.

**For Identification Purposes:**

- Disclosure of Social Security Numbers for all adult household members.
  - If no social security number (SSN) has been assigned to a particular family member, the applicant must submit any of the following documents\*:
    - Individual Taxpayer Identification Number (ITIN)
    - Form I-151/I-551: Alien Registration Card (Green Card)
    - Form I-688: Temporary Resident Card
    - Form I-688B: Employment Authorization Card
- \*Management is requesting these documents for the purpose of running Credit & Criminal screenings.
- Driver's License or other forms of Photo ID for all adult household members.
- Birth Certificates or Passports for all minor household members.
  - If the household is unable to provide birth certificates or passports, management will accept any other US, state, local or foreign government issued identification documentation as deemed acceptable by management
- Verification of any other information provided by the household relevant to the screening criteria.

## Selecting Applicants from the Waitlist

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The following procedure will be utilized by management to determine the selection of applicants for available units.

Applications will be processed according to the date and time received, except under the circumstances described below.

Eligible current residents needing a unit transfer are given priority over new applicants on the waitlist.

Accessible units or units with accessibility features will be offered first to residents and then to applicants who have requested and are determined eligible for the specific type of accessible unit or features. Applicants may request an accessible unit or a unit with accessibility features on their application. It may be necessary for applicants to submit additional documentation for management to determine eligibility for an accessible unit. This policy does not apply in circumstances when the accessible unit that becomes available, does not have the type of features required by the resident/applicant.

This community does not utilize any Statutory, Federal, Local or Owner preferences.

## Move-in Certification Process

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All adult members must cooperate with the certification process. Applicants are obligated to report all income and assets, and to complete all applications, verifications and certifications completely and accurately. Management is required to verify all the following information if applicable to the household for determining eligibility:

- Income of all household members
- Assets of all household members
- Student status, financial aid and tuition of all adult household members
- Any other factors as they relate to the final determination of eligibility

Certifications are processed at the community then sent to the corporate office for approval before the unit is offered to the applicant. Management will not accept changes to the application once the file has been submitted for corporate review. We strive for the corporate review process to take no more than 24 to 48 hours; however, it may take longer when corrections are needed or due to circumstances beyond our control.

## Annual Recertifications

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Residents must complete the certification process annually.

If it is discovered that the household failed to qualify at the time of move-in for any reason the household will be deemed ineligible and be issued a notice to vacate.

## **Applicant Screening Criteria**

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### **Disclosure & Verification Criteria**

As part of the screening process, any answers or documentation provided by an applicant as part of the application are subject to verification. Failure to disclose any information and/or answer all questions in the application or attachments to the application, fully and truthfully, may constitute grounds for denial or rejection of the application.

All income must be verifiable independent of the applicant. Self-employed applicants must provide acceptable proof of income (e.g. income tax returns or accountant letter). Income from assets will be calculated and used in the overall household income determination.

### **Credit History Criteria**

Third party screening for credit and rental history will be done for all adult household members Any household that does not meet the rental scoring system used by a third-party screening company will be declined.

All applications will be evaluated on a rental scoring which is based on both real and statistical data. This data includes, but is not limited to: (1) Payment history; (2) Quantity and type of credit accounts (Credit cards, car loans, mortgages, etc.); (3) Outstanding debt; (4) Collection records; (5) Public records (Civil judgements, bankruptcies, evictions, etc.); (6) New credit inquiries within the last two (2) years; (7) Medical collections are excluded and will not decrease your rental scoring.

Money due to any previous landlord can result in an automatic rejection of the application regardless of any other criteria.

The rental scoring determination is as follows:

- 533 and above                    Accept
- 532 and below                  Decline- See the Section on Rejections of Applicant(s) for the Appeal Procedure
- No credit or not enough credit to generate a score will receive a recommendation of Refer from the third-party screening company. This rating requires Regional Manager approval.

### **Residential History Criteria**

An application may be rejected for one (1) of the following reported on any adult applicant:

1. One (1) eviction from a previous housing unit within the last three (3) years.
2. Three (3) or more late payments of rent within the last six (6) month period.
3. Landlord references are verified for the previous 3 years (36 months). If any Landlord reference is returned to us wherein the previous landlord has signed that the applicant exhibited the following behavior:
  - a. Housekeeping issues
  - b. Records of disturbance of neighbors, destruction of property or other disruptive or dangerous behavior - includes behavior or conduct which adversely affects the safety or welfare of other persons by physical violence, gross negligence or irresponsibility which damages the equipment or premises in which the family resides which is disturbing or dangerous to neighbors or disrupts family and community life.
  - c. Non-compliance with Lease Agreements - includes but not limited to evidence of any failure to comply with the terms of lease agreements on prior residences, such as providing shelter to unauthorized persons, failure to comply with recertification process, keeping of pets or other acts in violation of rules and regulations, painting or decorating without permission of owner, etc.
4. Consideration will be given to the applicant if it is proved (documentation may be required) that the aforementioned rental history was beyond the control of the applicant. Examples would be: reduction in labor force, illness, extremely high medical bills, divorce, etc.

### **Criminal History Criteria**

Every adult applicant is required to sign a consent form allowing all relevant criminal information to be released. Applications will be rejected for any history found that could affect the health or safety of any resident or if any of the following are reported:

1. Any household member(s) is subject to a state sex offender lifetime registration requirement (if allowable by state).
2. Any household member(s) has been convicted of any violent criminal activity.
3. Any household member(s) has one conviction of a felony or misdemeanor against persons that has occurred in the past 7 years or in which the scheduled end of sentence occurred within the past 7 years.
4. Destruction of property or any other offenses that pose a threat to the well-being and safety of our residents, employees, or community.

## Rejection of Applications

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If an applicant disputes the accuracy of any information provided to the management office by a screening service or credit reporting agency, the applicant may contact the screening company that supplied the information within 60 days of the denial to obtain a copy of the screening results. The name and address of the screening company and a reference number will be provided in the denial letter.

Applicants who are denied must wait 90 days before reapplying at the community. No apartments will be held during the appeal process with a screening company or credit reporting agency. If the screening company or credit reporting agency determines the denial was incorrect due to missing or incorrect information, the 90-day waiting period will be waived.

If the applicant disputes the denial of an application due to income qualifications, they may submit an appeal. This appeal must be submitted in writing within 14 days of notice that the application has been declined to the Director of Compliance for Humphrey Management. Contact information and instructions for how to submit appeals will be contained in the denial letter. A decision will be returned in writing within 14 days of receipt of the Appeal.

## Transfer Policy

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All transfers are subject to the transfer requirements of the Housing Credit program. Housing Credit requirements may make a household ineligible for transfer, in such cases occupancy of the new unit would be treated as initial occupancy, and would be subject to the income eligibility requirement that annual gross household income not exceed the Housing Credit income limit of the new unit. Management will refuse any transfer or move from one unit to another that is in conflict with the Housing Credit requirements.

Current residents who need to transfer due to one of the following reasons will be given priority over new applicants. Transfers will be granted for the following reasons, and in the following order of priority.

### 1. Uninhabitable Transfer:

Management may initiate a unit transfer when a unit has been rendered uninhabitable due to fire, natural disaster or other circumstance if management determines that the circumstance giving rise to the unit being rendered uninhabitable was not caused by the negligence of the resident household members or their guests.

Management may initiate a unit transfer when a unit is in need of repairs to correct defects hazardous to life, health or safety or in need of repairs deemed necessary by management that cannot be performed with the Resident residing in the Unit.

### 2. Reasonable Accommodation Transfer:

A resident with a disability may request a unit transfer when an accessible unit or unit with some accessibility features is needed by the resident as a reasonable accommodation.

Management will provide reasonable accommodations to individuals with a disability to the maximum extent feasible. Management may modify the Resident's existing unit or transfer the Resident to another unit with the features required, upon availability. No Resident shall be permitted to transfer into an accessible unit from a non-accessible unit unless he or she requires the features of that unit, except in an emergency, as determined by management.

For more information please refer to the 'Disability and Reasonable Accommodation' section below.

### 3. Accessible Unit Transfer:

Management shall require a resident to transfer when the unit is equipped with accessibility features that the occupying household does not need, and a resident or applicant has been identified who does need the accessibility features of the unit.

In the event of a management initiated or required transfer management will notify the resident in writing of the requirement & reason for transfer, the time frame for transfer, and consequences for failing to transfer.

### Elective Transfer

The following policies apply to residents who wish to transfer for reasons other than those listed above. Residents who elect to transfer may be given priority over new applicants.

#### **Eligibility for Transfer:**

The following conditions must be met in order for an applicant household to be eligible for transfer:

1. The household must meet the requalify under the community's current Resident Selection Criteria.
2. The household must be current on their rental payments and must not have three or more late rental payments, within the last six months.
3. Management will conduct a housekeeping inspection of the household's current unit. Failure of the housekeeping inspection or discovery of damages that are beyond the scope of normal wear and tear may be grounds for denying the transfer request.

**Fees:**

The household is subject to a transfer fee of \$500, due within 48 hours of management's transfer unit offer. The transfer fee must be received prior to the transfer.

**Transfer Policies:**

Existing households who wish to transfer must submit a full application in a manner consistent with the Application Process as described in this document.

The security deposit is due at lease signing. Management does not allow the transfer of the security deposit from the original unit to the new unit.

Any charges assessed during the move-out process of the original unit will be applied to the security deposit of the original unit. Management will notify the resident in writing of any charges in excess of the original security deposit and such charges will be due immediately.

Existing household's wishing to transfer are not eligible for any move-in specials the community may be offering.

Households are only eligible to transfer at the end of the current lease.

## **Civil Rights Protections**

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It is the policy of Management to comply with current and future legislation protecting the rights of applicants, residents and staff, including but not limited to:

- Section 504 of the Rehabilitation Act of 1973
- Fair Housing Amendment Act of 1988
- Title IV of the Civil Rights Act of 1964

### **Fair Housing**

Humphrey Management will follow and abide by the Fair Housing and Equal Opportunity Laws and any other Fair Housing and Civil Rights Laws in effect in the intake and processing of applications and selecting residents.

We will not discriminate against any person on the basis of the following protected classes:

Federal: Color, Disability, Familial Status, National Origin, Race, Religion, Sex

Maryland: Includes all federal protected classes listed above plus: Marital Status, Sexual Orientation, Gender Identity

### **Disability & Reasonable Accommodations**

Management will utilize the Telecommunications Relay Services accessed by dialing 711 to communicate with persons with hearing or speech disability. Management will conduct in person interviews for any applicant or resident needing assistance with the application process.

Management will seek to identify and eliminate situations or procedures that create a barrier to equal housing opportunities for all. In accordance with Section 504, management will make reasonable accommodations for individuals with disabilities (applicants or residents). Such accommodations may include a change in the method of administering policies, procedures, or services.

In addition, management may perform modifications to the dwelling or common areas where such modifications would be necessary to afford full access for qualified individuals with disabilities.

A person with a disability may request a reasonable accommodation at any time during the application process or residency in writing, orally, or by any other equally effective means of communication. Requests for accommodations should be submitted to the Community Manager.

Upon receipt, management shall review the request, and if necessary, shall require the resident to provide additional documentation or meet with management to discuss the request. Provided the resident has submitted all necessary documentation and complied with management requests, a final written determination shall be issued within thirty (30) days after receipt of the resident's initial request.

If an individual with a disability requires an accommodation or modification, Management will honor the request unless doing so would result in:

- (a) A violation of State and/or federal law;
- (b) A fundamental alteration in the nature of the program;
- (c) An undue financial and administrative burden on the Owner or Management Agent;
- (d) A structurally infeasible alteration; or
- (e) An alteration requiring the removal or alteration of a load-bearing structural member.

In such cases, Management will offer other suggestions that would not result in the circumstances described above.

### **Accessible Units**

This community contains seven (7) accessible units set aside for persons who need the accessibility features of the units.

Accessible units will be held for 30 days during lease up if an applicant requiring the features of the unit is not located. If after this 30-day period an eligible household requiring the accessible features of the unit is not found, the unit may be rented to an otherwise qualified household. If no household members in an accessible unit require the features of the unit, the household must transfer to a comparable and available non-accessible unit (for which the household qualifies) at the owner's expense when the accessible unit is needed for an applicant who requires the unit's features

### **VAWA Protections for Victims of Domestic Violence, Dating Violence, Stalking or Sexual Assault**

The Violence Against Women Act (VAWA) provides that criminal activity directly relating to domestic violence, dating violence, stalking or sexual assault engaged in by a member of a resident's household or any guest or other person under the resident's control, shall not be cause for being denied housing, termination of assistance, or occupancy rights if the resident or an immediate member of the resident's family is the victim or the threatened victim of that abuse. VAWA also provides that an incident(s) of actual or threatened domestic violence dating violence, stalking, or sexual assault will not be construed as serious or repeated violations of the lease by the victim (or threatened victim) and will not be "good cause" for the termination of the assistance, tenancy, or occupancy rights of a victim of such violence.

Management utilizes form *HUD-5382* to certify that a person is a victim of domestic violence, dating violence, stalking or sexual assault. In lieu of a certification, a resident may provide: A federal, State, tribal territorial, or local police record or court record; Documentation signed and attested to by an employee, agent or volunteer of a victim service provider, an attorney or a medical professional, from which the victim has sought assistance in addressing domestic violence, dating violence, stalking, sexual assault or the effects of abuse.

Management is mindful that the delivery of the certification form to the resident in response to an incident via mail may place the victim at risk. Therefore, management may require that the resident come into the office to pick up the certification form and will work with residents to make delivery arrangements that do not place the resident at risk.

If an individual does not provide the form *HUD-5382* or the information that may be provided in lieu of the certification by the 14th business day (or any approved extension), none of the VAWA protections afforded to the victim of domestic violence, dating violence, stalking or sexual assault will apply. However, in certain circumstances, at the discretion of Management, assistance may be provided to an individual based solely upon the individual's statement or other corroborating evidence.

NOTE: Any household containing a member with a demonstrated history of committing domestic violence, dating violence, stalking and/or sexual assault must exclude that member from the household to be considered for residency.

### **Limited English Proficiency**

Management utilizes Telelanguage Interpretation Services to provide access to services for those individuals with Limited English Proficiency.

## **Modification of Resident Selection Criteria**

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These criteria will be posted in the management office and made available for applicants to review. It will be updated periodically in accordance with changes implemented in federal and state guides. Any questions pertaining to these selection criteria should be directed to the Community Manager. [Page 9 contains acknowledgment of receipt]



**I have received a copy of the Resident Selection Criteria for Spring Valley Apartments:**

_____	_____	_____	_____
<i>Head of Household's Signature</i>	<i>Date</i>	<i>Other Adult Member's Signature</i>	<i>Date</i>
_____	_____	_____	_____
<i>Other Adult Member's Signature</i>	<i>Date</i>	<i>Other Adult Member's Signature</i>	<i>Date</i>



**We do business in accordance with the Federal Fair Housing Law**