



# Park Estates Tenant Selection Criteria



Welcome! Park Estates is a Tax Credit property consisting of 36 homes, of which thirty-four are available for tax credit affordable rates and two 3-bedroom homes are available at market rate. We provide a wonderful place to live with exceptional resident service.

## **Fair Housing & Equal Opportunity**

Park Estates is an equal housing opportunity provider. **The Development will comply with state and federal fair housing and antidiscrimination laws; including, but not limited to, consideration of reasonable accommodations requested to complete the application process. Chapter 1, Subchapter B of Title 10 of the Texas Administrative Code provides more detail about reasonable accommodations.** Management will not discriminate on the basis of race, color, creed, national origin, religion, sex, age, familial status, sexual orientation, gender identity, marital status or handicap condition in any phase of the occupancy process. Persons falling into one or more of these classifications are hereinafter referred to as protected individuals. Discrimination in the occupancy process includes, but is not necessarily limited to:

- Refusing to rent after a bona fide offer has been made, or to negotiate the rental of a dwelling;
- Establishing admission requirements, which apply only to protected individuals;
- Using different lease provisions to discriminate against protected individuals;
- Denying admission or occupancy preference on the basis that the applicant has been a victim of domestic violence, dating violence, sexual assault or stalking, based on the Violence Against Women Reauthorization Act (VAWRA) of 2013;
- Employing any form of quota system to limit occupancy by protected individuals;
- Limiting the use of facilities or services by a protected individual, or providing a lower quality of service to such a person;
- Discouraging applications or inappropriately influencing through steering, threats or intimidation, the choice of dwelling;
- Providing false or misleading information about a housing opportunity;
- Failing to effectively communicate, through advertising or on-site marketing activities, the availability of housing to protected classes;
- With respect to persons with disabilities, refusal to make reasonable changes in rules, policies, services or practices to permit full use and enjoyment of the housing by such persons;
- Refusal to allow reasonable modifications to dwellings to permit accessibility by persons with disabilities; or
- Employing different standards of eviction for a member of a protected class or those qualified through an affordable housing program

## **Violence Against Women Act (VAWA)**

### **• Your Rights as a Tenant**

A federal law that went into effect in 2006, and was reauthorized and amended in 2013, provides legal protections to individuals (man or woman) who are victims of domestic violence, dating violence, sexual assault and stalking (collectively referred to as "violence" in this notice). The name of the law is the Violence against Women Act, or "VAWA". Among other things, VAWA provides protections to victims of violence who receive publicly assisted housing benefits.

### **• Who is Covered**

VAWA protections extend to you if the victim of the violence is:

- you
- your spouse, parent, brother, sister, or child (including a step-child or foster child); or
- any individual, tenant, or lawful occupant living in your household.

In the language of VAWA, these people are "affiliated" with you.

### **• Protections for Victims**

If you, or an affiliated person, are a victim of violence, you may not be denied assistance, evicted or have your assistance terminated because of the violence you or the affiliated person experienced. A landlord may not refuse to rent to you or evict you because of threats or violence committed against you or an affiliated person. You may only be evicted or denied rental on the basis of violence against you or an affiliated person if there is an actual threat to other tenants or employees at the property if you are housed or remain in your unit.

### **• Remedies**

If a member of your household has committed criminal acts of violence against you or another household member, the landlord may split the lease and allow you to stay in the unit while evicting those that committed the violence.

If you request protection under VAWA, your Landlord may request verification that you or an affiliated person are/is a victim of violence. If so, you will be required to submit one of the following:

- 1) A completed and signed HUD-approved certification form (HUD-50066, Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking).
- 2) A federal, state, tribal, territorial, or local law enforcement agency, court or administrative agency report or record.
- 3) Documentation signed by a person who has assisted the victim in addressing violence. This person may be an employee, agent, or volunteer of a victim service provider; an attorney; a medical professional; or a mental health professional. The person signing the documentation must state under penalty of perjury that the person believes that the domestic violence, dating violence, sexual assault, or stalking meets the requirements of VAWA. The tenant must also sign the documentation; or
- 4) At the discretion of the landlord, a statement or other evidence provided by the tenant.

• **Confidentiality**

Your landlord must keep confidential any information you provide about the violence against you, unless:

- 1) You give written permission to your landlord to release the information.
- 2) Your landlord needs to use the information in an eviction proceeding, such as to evict your abuser.
- 3) A law requires your landlord to release the information.

If release of the information would put your safety at risk, you should inform your landlord.

• **VAWA and Other Laws**

VAWA does not limit your landlord's duty to honor court orders about access to or control of the property. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.

VAWA does not replace any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence, or stalking.

**Reasonable Accommodation and Modifications**

It is our policy to provide reasonable accommodations and modifications upon request to all applicants/residents with disabilities. Accommodations may include changes in the method of administering policies, procedures, or services. Modifications include structural changes to an apartment or common area. Although receiving a written request is preferable as it would better clarify what accommodation is needed, an oral request is allowed to the management office. A response to requests for accommodation and/or modification will be made in writing not more than (7) business days after the request is received.

**Application Intake and Waiting List**

Management will accept an application for rental from any and all interested persons during normal business hours. The application may be completed by the applicant in the leasing office, completed by our staff (with authorization) if a health condition and no family member or friend can assist, may be mailed to an interested party and returned by mail to Nacogdoches Housing Authority 715 Summit St. Nacogdoches, TX 75961, or may be taken, completed and returned to the same address at a later date. Rental applications are to be completed entirely. Any omissions or falsifications may result in rejection of an application or termination of lease. Attached to the application is information on how to request reasonable accommodation and notice of Violence Against Women Act protections. Section 8 voucher holders are welcome to apply and will be provided equal consideration for occupancy. Management will maintain a waiting list of prospective households who have submitted applications. Generally applicants will be selected for review and approval based on the date and time the application was received, however households that need an accessible unit in accordance with 24 CFR 8.27 will be given priority on the waiting list when an accessible unit is available. Current occupants that need an accessible unit in accordance with 24 CFR 8.27 will be offered an accessible unit ahead of applicants if eligible to transfer. A separate waiting list will be maintained for both the 30% and 50% income and rent limit required set asides. Any applicants or current tenants that wish to be considered for the 30% or 50% set asides will be placed on those lists by date and time requested. Management may close the waiting list if there are sufficient applications on file to fill anticipated vacancies for one year. Notice of the closed waitlist will be posted in English and Spanish on the bulletin board at the place of application intake. When the waitlist is opened, notice will be posted in English and Spanish on the bulletin board at the place of application intake, published in the local English and Spanish newspapers, and distributed in accordance with our Affirmative Fair Housing Marketing Plan.

**Occupancy Standards & Income Limits**

At initial occupancy there can be no more than nine occupants or less than three for our four bedroom homes, and no more than seven or less than two for our three bedroom homes. Unborn children will be considered occupants when determining income eligibility and family size. The family's gross yearly income, not including any live-in attendants, at initial occupancy cannot exceed the 60% median income limit for the family size as shown on the attached "Park Estates Schedule of Rents and Income Limits".

## **Applicant Screening**

All applicants that meet the Occupancy Standards and Income Limits will be screened to identify those otherwise qualified applicants whose past record indicates they are unlikely to comply with the terms of the lease. **Screening criteria will be applied in a manner consistent with all applicable law, including the Texas and Federal Fair Housing Acts, the Federal Fair Credit Reporting Act, program guidelines, and Texas Department of Housing and Community Affairs (TDHCA) rules.** The screening criteria will be based on the following:

- Will the applicant pay rent and other housing obligations in a timely manner?
- Will the applicant maintain the rental unit, including common areas, in a decent, safe and sanitary condition?
- Will the applicant respect the rights and quiet enjoyment of other residents?
- Will the applicant properly report all income, assets and family composition?
- Will the applicant comply with the requirement that only persons who are on the lease may live in the unit?
- Will the applicant refrain from damaging the property of the owner and other residents?
- Will the applicant refrain from committing criminal acts on or off the property?

When an application is selected for screening the head of household will be notified and must submit a non-refundable application fee of \$6. All required documentation provided to us must meet all Federal and State Low Income Housing Tax Credit (LIHTC) program criteria. If you fail to provide the appropriate documentation, your application will be denied. The Head of Household must be of legal age (18 years or legally emancipated). All family members of legal age must provide valid government photo identification, social security cards and must sign the application and meet all rental criteria. A birth certificate must be provided for everyone under the age of 18. The household's gross income must be at least two (2) times the resident's rent portion. For applicants on the Section 8 voucher program, income must be no less than \$2500 per year. Applicant must have six months of verifiable employment or if unemployed (retired, disabled, etc.) must provide documentation showing ability to pay rent, plus verifiable sources of income. If self-employed, the applicant must provide a photocopy of the tax return from previous year or a financial statement from a CPA verifying employment and income or photocopies of the six most current bank statements.

## **Criminal Background Check**

A criminal background check will be run on all applicants, live-in attendants and requested additions to households who are 18 and older.

Applicants or occupants will be rejected for occupancy if:

- They have ever been convicted for felony violent criminal activity. Violent criminal activity includes any illegal criminal activity that has one of its elements the use, attempted use, or threatened use of physical force against the person or property of another. This may include but is not limited to: rape or attempted rape, murder or attempted murder, robbery, burglary, arson, vandalism, assault, battery, domestic or family violence (as the person who committed the violence, not the victim), resisting arrest, or any activity involving the use of weapons against persons or property.
- Within the past eight years they have been convicted for misdemeanor violent criminal activity as previously defined.
- They are required to register as a sex offender.
- Within the past eight years they have been convicted of drug related criminal activity. Drug related criminal activity means (1) Drug-trafficking defined as the illegal manufacture, sale, or distribution, or the possession with intent to manufacture, sell, or distribute, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); (2) Illegal use, or possession for personal use of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802))
- Within the past two years they have been arrested for drug related or violent criminal activity.

## **Rental History**

Applicants or occupants will be rejected for as long as they owe any amount to the property owner as a result of past occupancy at this or other properties.

Applicants or occupants may be rejected for occupancy if within the past five years:

- They have been evicted or vacated a rental unit under threat of eviction for failure to abide by provisions of the lease.
- A prior or current landlord report shows evidence that they did not comply with the terms of their lease, such as failure to pay rent timely and/or evictions filed, damages in amounts exceeding \$500, repeated disturbances not related to circumstances protected under VAWA, prior management references describing reports of drug dealing or manufacturing, gambling, or prostitution on the property premises.
- They have committed fraud in connection with a federal housing program.

## **Students**

Full time means attending/having attended an educational institution for (5) months or more during the current calendar year. A household cannot be comprised of all full-time students (Kindergarten through 12th grade and institutions of higher education) unless they meet one of the following exceptions:

- A student receiving assistance under Title IV of the Social Security Act (TANF); or
- A student who was previously in the foster care program; or
- A student enrolled in a job training program receiving assistance under the Job Training Partnership Act or under other Federal, State or local laws; or
- The household is comprised of single parents and their children and such parents are not dependents of another individual and such children are not dependents of another individual other than a parent of such children. In the case of a single parent with children, the legislative history explains that none of the tenants (parent or children) can be a dependent of a third party; or
- The household contains a married couple entitled to file joint tax returns.

**Pets**

Pets are not allowed. (exceptions apply for service or accommodation animals)

**Specific animal, breed, number, weight restrictions, pet rules, and pet deposits will not apply to households having a qualified service/assistance animal(s).**

**Acceptance or Rejection**

The property manager is responsible for all decisions with regard to approval of applications for residency. A denied or rejected applicant will be sent a letter within 7 business days of the determination via postal mail or e-mail. The letter will include contact information for any third parties that provided the information on which the rejections were based. The letter will also include the TDHCA forms based on HUD form 5380 "Notice of Occupancy Rights under the Violence Against Women Act" and the HUD form 5382 "Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation."

**Unit Transfers**

A current resident shall submit a request to transfer in writing to management. Households requesting to transfer to an accessible unit in accordance with 24 CFR 8.27 and/ or covered by the Violence Against Women Reauthorization Act (VAWRA) of 2013, will be given preference over applicants on the waiting list. Transfers requested to address a reasonable accommodation may take precedent over applicants. Transfers between buildings require households to requalify for occupancy to verify the household is below the published annual income. Any household that is denied or rejected for a unit transfer will be sent a letter within 7 business days of the determination via postal mail or e-mail. The letter will include contact information for any third parties that provided the information on which the rejection was based.

**Notice: In addition to the information provided in this document, management has other written policies and procedures and will provide copies upon request to applicants/tenants or their representatives.**

Applicants understand that they will not be able to occupy or take possession of a home until all supporting paperwork is complete and signed by all parties.

I HAVE READ AND FULLY UNDERSTAND THAT IF I DO NOT MEET ALL REQUIREMENTS AS STATED, MY APPLICATION WILL BE DENIED. I ALSO UNDERSTAND THAT A STATEMENT OF THE PRIVACY POLICY FOR PERSONAL INFORMATION IS AVAILABLE UPON REQUEST.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

Application Fee: \$ 6 per household (non-refundable)

Security Deposit: 3 bedroom \$300 (refundable in accordance with the lease and state law.)

4 bedroom \$400 (refundable in accordance with the lease and state law.)

Warning: Section 1010 of Title 18 or the U.S. Code makes it a criminal offense to make willful false statement or misrepresentations to any Department of Agency of the U.S. as to any matter within its jurisdiction. The Section 42 LIHTC Program is administered by the U.S. Internal Revenue Service.

## PARK ESTATES RENT AND INCOME LIMIT SCHEDULE

### PARK ESTATES RENT SCHEDULE

**EFFECTIVE 1/1/2020**

UNITS REQUIRED	INCOME LEVEL	# OF BEDROOMS	# OF BATHROOMS	# OF SQ. FT	GROSS RENT	UTILITY ALLOWANCE	TENANT RENT
3	40%	4	2	1400	\$681	\$272	<b>\$409</b>
9	50%	4	2	1400	\$851	\$272	<b>\$579</b>
22	60%	4	2	1400	\$1,021	\$272	<b>\$749</b>
	40%	3	2	1280	\$610	\$224	<b>\$386</b>
	50%	3	2	1280	\$763	\$224	<b>\$539</b>
	60%	3	2	1280	\$915	\$224	<b>\$691</b>
	MARKET	3	2	1280			<b>\$1,000</b>

### PARK ESTATES INCOME LIMITS 5/7/2019

FAMILY SIZE	1	2	3	4	5	6	7	8
% OF MEDIAN	GROSS ANNUAL INCOME	GROSS ANNUAL INCOME	GROSS ANNUAL INCOME	GROSS ANNUAL INCOME	GROSS ANNUAL INCOME	GROSS ANNUAL INCOME	GROSS ANNUAL INCOME	GROSS ANNUAL INCOME
40%	16,440	18,800	21,160	23,480	25,360	27,240	29,120	31,000
50%	20,550	23,500	26,450	29,350	31,700	34,050	36,400	38,750
60%	24,660	28,200	31,740	35,220	38,040	40,860	43,680	46,500