



## **RESIDENT SELECTION CRITERIA - TAX CREDIT MODEL** **(Available at the Rental Office)** **Bellarmino Place**

The purpose of this document is to establish fair, equitable, and easily understood practices for accepting and rejecting applicants for occupancy in **Bellarmino Place**. These criteria are in compliance with requirements of the Federal Low Income Housing Tax Credit Program and the Tax Credit Allocation Committee of the State of California,

### **POLICY ON NON-DISCRIMINATION**

With respect to the treatment of applicants, the Management Agent will not discriminate against any individual or family because of race, color, creed, national or ethnic origin or ancestry, religion, sex, sexual preference, gender identity, age, disability, handicap, military status, source of income, marital status or presence of children in a household, acquired immune deficiency syndrome (AIDS) or AIDS-related conditions (ARC), or any other arbitrary basis. No criteria will be applied, or information considered pertaining to attributes of behavior that may be imputed by some to a particular group or category. All criteria shall be applied equitably, and all information considered on an applicant shall be related solely to the attributes and behavior of individual members of the household as they may affect residency.

### **APPLICATION PROCESSING PROCEDURES**

Following the initial waiting list, all future waiting lists will be established by the Property in the order applications are received, giving consideration of preference, in accordance with the Marketing Plan.

The waiting lists will track applicant name and contact information, household size, household income or AMI (Area Median Income), status of application, regulatory agency preferences, and any other information deemed necessary for the property or specified in regulatory agency requirements.

Applicants will be invited for an interview in the order of the waiting list and in accordance to regulatory agency preference (if any). However, eligible applicants will be offered an apartment in the order in which their applications have been approved by our Compliance Department and readiness to move in. In other words, on a first qualified, first offered basis.

If an applicant is eligible for tenancy, but no appropriate size or AMI designation unit is available, they will be kept on the wait list in their original position. Once an applicant becomes a tenant they will be removed from all other waitlists.

Agent will respect the bedroom size option chosen by the applicant unless such choice is contrary to the development's occupancy standards. Persons with a disability that require an adaptable or accessible unit may select a standard unit or an accessible unit, at their discretion.

Periodically, letters will be sent to applicants to update their information and confirm they remain interested in applying for a unit. Failure to respond to the Agent's notice to contact the project will result in removal from the waiting list. It is the obligation of the applicant to notify management of any changes to their address or phone number.

### **OCCUPANCY GUIDELINES**

The following guidelines are set with regard to the number of occupants per dwelling unit. These guidelines are set to avoid overcrowding or underutilization of limited affordable housing opportunities. Section 8305 (b) of the Uniform Multifamily Regulations states that the minimum number of persons in household per the chart below. However, it also states that a sponsor may assign tenant households to units of sizes other than those indicated as appropriate if the Sponsor reasonably determines that special circumstances warrant such an assignment, and the reasons are documented in the tenant's file.



Units will be occupied in accordance with the following standards:

No. Bedrooms	Minimum	Maximum
1	1	3
2	2	5
3	3	7

These guidelines may also be waived to:

- Conform to Local, State and Federal law regarding Fair Housing and Equal Opportunity.
- Accommodate a household member with a disabling or medical condition.

A household whose composition no longer meets the above guidelines may be required to move to the next available unit of the appropriate size.

Every household member regardless of age is to be counted as a person. This includes household members in the military or in school; anyone that will occupy the unit during the upcoming 12 months. In accordance with the Low-Income Housing Tax Credit Program and the Tax Credit Allocation Committee of the State of California, unborn children will be counted for family size in determining annual income.

There are 116 units, including 1 unit designated for management staff. Of the other 115 units, 18 units are designed specifically for the mobility impaired and 11 for hearing impaired.

Wherever possible, we will offer an accessible unit to an eligible individual whose disability requires the accessibility features of the particular unit; when offering an accessible rental unit to applicants without disabilities, we will require such applicants to agree to move to a non-accessible unit when the accessible unit is needed by a disabled household.

**UNIT MIX:**

Number of Units	Bedroom Size	General affordable or Coordinated Entry System (CES)	AMI Restriction	Rents*
24	1	NPLH - Referral through CES	30%	Determined by Housing Authority
6	1	Referral through Housing Authority	30%	Determined by Housing Authority
2	1	General Affordable	30%	\$950
20	1	General Affordable	50%	\$1620
5	1	General Affordable	60%	\$1954
10	2	Referral through Housing Authority	30%	Determined by Housing Authority
4	2	General Affordable	30%	\$1131
13	2	General Affordable	50%	\$1934
2	2	General Affordable	60%	\$2336
13	3	Referral through Housing Authority	30%	Determined by Housing Authority



13	3	General Affordable	50%	\$2227
3	3	General Affordable	60%	\$2691
1	2	Management Unit	N/A	N/A

**\*Approximate rental rates based upon current income limits published in 5/2023 California Tax Credit Allocation Committee and by the U. S. Dept. of Housing & Urban Development. Rental rates subject to change.**

A total of 62 fixed Tax Credit units will be restricted at or below 60% AMI.

A total of 29 fixed units will be qualified through referrals from the Santa Clara County Housing Authority.

A total of 24 fixed units will be qualified through Coordinated Entry System (CES) from the Santa Clara County Office of Supportive Housing.

**ELIGIBILITY CRITERIA**

To become eligible for selection, an applicant must meet and document the following conditions:

**HOUSEHOLD ELIGIBILITY**

A household is defined as persons meeting the minimum/maximum household size requirements at this property, and income eligibility requirements whose income and resources are able to meet the household needs. Only eligible households will be selected as tenants for Bellarmino Place.

**INCOME ELIGIBILITY**

In order to be considered a qualified resident, applicants will be required to submit information to verify their income eligibility in accordance with the current Income limits for Santa Clara County as published annually by the California Tax Credit Allocation Committee, and the income restrictions as required by the regulatory agreements for low and very low-income households. The property is subject to the more restrictive guidelines for income eligibility and limits. All applicants must meet the minimum income requirement (to demonstrate rent paying ability) and not to exceed the maximum income limits (as published annually by Tax Credit or HUD regulations).

**MINIMUM INCOME** for this property is set at 1.5 times the monthly rent. If appealed, the household must demonstrate the ability to pay rent for consideration. Minimum income limits are not applicable to Section 8 units, PBV units, or Section 8 like units.

**MAXIMUM INCOME** limits will be adjusted as published by HUD yearly to reflect changes in the Area Median Income. Applicant households whose annual income exceeds the limits published at the time of move in will not be eligible for occupancy. Gross annual income as defined by HUD includes the gross amount (before deductions for taxes, insurance, etc.) of income, including income from assets and all anticipated income being received by all household members in accordance to the Low Income Housing Tax Credit Program.

Number of Household Members	Maximum Income for units at 30% AMI	Maximum Income for units at 50% AMI	Maximum Income for units at 60% AMI
1 person	\$37,470	\$62,450	\$74,940
2 persons	\$42,840	\$71,400	\$85,680



3 persons	\$48,180	\$80,300	\$96,360
4 persons	\$53,520	\$89,200	\$107,040
5 persons	\$57,810	\$96,350	\$115,620

**\*Approximate rental rates based upon current income limits published in 5/2023 California Tax Credit Allocation Committee and by the U. S. Dept. of Housing & Urban Development. Rental rates subject to change.**

The applicant and all household members 18 and older must supply a government-issued photo I.D., birth certificates for all minors, and sufficient information to enable the housing provider to request and receive written third-party verification from all income sources including, but not limited to: a) Employment; b) Public Assistance programs; c) Savings and Checking accounts; d) Pensions; e) Disability income; f) All assets including property, stocks, bonds, annuities, retirement accounts, etc. . In order to determine initial eligibility, applicants will also be required to provide three (3) months' worth of current and consecutive paystubs, if employed more than three months, and if appropriate, a copy of most recent tax return (or two most recent tax returns, if self-employed), and six months' worth of checking account statements that show deposit activity, if account has been established that long.

Households comprised entirely of full-time students must meet special eligibility requirements to live in a Tax Credit unit in accordance with Section 42 or the IRS.

In application of Housing First principles for the CES referred applicants, any findings of the following grounds for denial will not on their own be grounds for denial, except where noted. Each finding will be assessed as it relates specifically to tenancy and/or behaviors that indicate "housing readiness."

The applicants' landlord references must verify a history of responsible occupancy, behavior, and conduct. Current landlord references will be requested along with a third-party unlawful detainer search. All previous landlords during the past two years will also be contacted. Landlord references will help to determine whether or not the applicant has a good rent paying history, whether or not there have been any disturbing behavior patterns including repeated lease violations, destruction of property, etc. Any documented behavior which would constitute a material violation of the standard lease to be used at this location may be considered grounds for ineligibility.

A credit reference and background check will be required for all household members age 18 or older. A poor credit history may be grounds to deem an applicant ineligible for housing. Applicants will have the option to explain mitigating circumstances and/or include supplemental information with their application to explain any issues such as foreclosure, bankruptcy and negative credit.

Any of the following circumstances may be defined as Poor Credit History or grounds for denial:

- Total unmet credit problems in excess of \$2,500.
- A bankruptcy (within the last three years).
- A total of five (5) unmet credit problems of any value.
- An Unlawful Detainer and/or judgment against an applicant obtained by the current or any previous landlord.
- An unmet obligation owed to previous landlord.
- The applicant must have made timely payments of last year's rental payments.
- Unpaid Utility bills.



A check will be made of criminal conviction records for the past seven years for all adult Applicants of the household. Reports will be obtained from local and/or state records and may also include local Police records. If the Applicant has resided in a state other than California and has a past felony conviction, a report will be required from that state or federal organization. Serious felony offenses and/or continued and ongoing criminal activity will be grounds for rejection if such offenses involve:

- physical violence to persons or property
- domestic violence
- sexual abuse
- the manufacture or sale narcotics
- possession of an illegal weapon

Generally, public records of this sort are only available for the past seven (7) years. However, criminal background reports will return sex offender database results older than 7 years which can be considered as well as certain convictions with continuances. The Management Agent reserves the right to consider that information. The nature, severity, and recency of such offenses and/or ongoing criminal activity will be considered when reviewing the Applicant and only those potentially impacting the health, safety, security or right to peaceful enjoyment of the property of and by other residents, visitors or employees will be considered.

Applicants will be provided with the criminal background record and provided an opportunity to respond and to provide evidence of mitigating factors. Applicants will be given five (5) business days to provide a request for consideration to present mitigating factors before a denial is issued.

Applicants may be deemed ineligible for the following reasons:

- Failure to present all members of the applicants' household at the scheduled interview(s).
- Failure of any household member to behave in an *orderly, non-violent, non-combative* manner during an interview or while on the property.
- Falsification of any information provided on an application.
- Poor Credit History, landlord history and/or criminal background check.
- Household income exceeds the set Income Limits.
- Household income does not meet the Minimum Income required to ensure ability to pay rent.
- Household size does not fit the Occupancy Standard
- Failure to provide requested information and proof of income and assets.

Reasonable Accommodations will be made to meet the needs of disabled applicants.

## **APPEALS PROCEDURES**

If an applicant household is deemed ineligible for occupancy, they will be notified in writing of the determination, and the notification will include the reasons for the determination. All applicants who are determined to be ineligible will also be notified of their right to appeal the determination. This appeal is preferred in writing but verbal appeals will also be accepted. The written appeal must be received within 14 days from the date that the determination letter was mailed. If the applicant(s) does not exercise their appeal right in writing and within the required period, the applicant(s) will be ineligible for housing and their application removed from the processing list as well as from the waiting list.

Applicants who appeal the initial decision of ineligibility will meet with the Property Representative. The applicant may bring to this meeting any documentation, evidence, or additional information. The Property Representative will also confer with staff and review the applicant's file in its entirety. If the appeal fails, a Regional Manager who had no involvement in making the original decision of ineligibility will review. The Owner's Representative will make a decision based on the merits of all information reviewed. A written decision will be placed in the applicants file. All decisions on appeals will be made within 20 days from the appeals meeting date.



## RESIDENT ACCEPTANCE

Applicants will be offered only one apartment based upon the time of their approval and readiness to move. They will be offered the first appropriately sized unit for the household's income (AMI). All offers of units will be made in writing.

If an applicant has been unable to accept a unit due to a disability or mitigating circumstances (i.e. medical reasons), the applicant shall retain his/her position on the waiting list and will be referred to JSCo's "[Reasonable Accommodation Policy – Notice to All Applicants and Residents](#)".

Detailed records of all units offered and refused will be kept by the Management Agent.

## PETS

Pets are permitted at this housing community. Limited to two per household. All pets must be approved in advance by Management before the pet moves on-site. Residents must contact Management to schedule a meeting. Following the approval of any pet by Management, the Resident and all adult Household Members will be required to sign and comply with the terms of the Pet Agreement and all Pet Rules described within the Pet Agreement. Residents and their guests may not bring visiting animals or pets to the Property, with the exception of Accommodation Animals. Under no circumstances are aggressive animals allowed on the Property.

## VIOLENCE AGAINST WOMANS ACT (VAWA)

See attached VAWA Policy and Procedures

## REASONABLE ACCOMODATION

At any time during the application process or occupancy, residents may request special consideration due to the disability of a household member.

The only two acceptable goals of such consideration are:

1. To enable the family to comply with the lease; and
2. To allow the family use of the premises equal to that enjoyed by residents without a disabled household member.

Because of the right to privacy, not having identified a person as disabled prior to making such a request does not constitute "failure to provide complete and accurate information" (which could render a family ineligible). Special consideration may take the form of "reasonable accommodation" (a change in policy or procedure) or "structural modification" (a physical change to buildings or grounds). Under FHAA, projects without federal funding must permit structural modifications at the resident's expense. Costs associated with the change (such as insurance, maintenance and removal when no longer needed) are also the resident's responsibility. Under 504, the project must pay all associated costs. In both cases, the need for the change, the effectiveness of any modification, and the appropriateness to the site must be evaluated before proceeding. Under 504, the costs and alternatives must be weighed, and sometimes referral to another project is the only possible solution. As the primary on-site representative of management, the Property Manager sets the tone for all resident/staff communications. All people must be treated with respect and dealt with courteously, even when they do not reciprocate. All rules must be applied to all residents equally, firmly and fairly. People need understanding and attention; following the rules frees you to give them that attention. All housing is subject to the same general policies and procedures outlined in this chapter. All projects are subject to Fair Housing laws.

### Section 504 of the Rehabilitation Act of 1973 ("504")

Projects receiving Federal funds are subject to "504 regulations" demanding active efforts to make all aspects of all programs accessible to all persons, regardless of physical and/or mental disability. Wherever practical, necessary structural modifications or reasonable accommodation in the area of policy and procedure must be undertaken at project



expense. When financial or administrative burdens make full accessibility impractical, there must be documentation of the efforts made and the evaluation process. Forms and procedures for such documentation (but not all details concerning application of the law) are included in this document. Resident Coordination and Fair Housing Law An Overview [www.jsco.net](http://www.jsco.net) Page 2 of 2 Revised 02-05-2009 LS Subsidized units are also subject to HUD (or other regulatory body) requirements. It is important to note that even "conventional" or "Market Rate" tenants must meet some selection criteria (including Waiting List rules) and are subject to annual reviews.

#### Fair Housing Amendments Act of 1988 ("FHAA")

Properties receiving no Federal funds are covered by requirements of FHAA which are similar to 504. Differential treatment of individual applicants and/or residents is forbidden, but when physical modifications are necessary to afford the disabled person full enjoyment of the premises, the resident/applicant is responsible for the costs involved. Some forms and policies in this Manual are used where only FHAA applies. The Regional Manager and Property Manager must know how and when to utilize them.

#### Americans with Disabilities Act of 1990 (ADA)

ADA requires barrier-free access in employment and public facilities. Except as covered by Personnel provisions, ADA is not specifically treated in this document.

### **MODIFICATION OF THE RESIDENT SELECTION CRITERIA**

This Resident Selection Criteria Plan will be reviewed annually to ensure that it reflects current operating practices, program priorities, and Fair Housing requirements. If this Resident Selection Criteria Plan is substantially updated, the County and the City will be notified. All modifications, approvals and updates are subject to the County's prior written approval.