

**TENANT SELECTION CRITERIA  
TAX CREDIT, HOME, CDBG  
Allterra Property Solutions**

Updated: 8/1/23

**A. Application Procedure**

Anyone who wishes to be admitted to a development must provide a completed written application and relevant consent forms. To determine threshold eligibility, the application may be accepted as a self-certifying statement but must contain enough information to enable the owner to:

1. Tentatively determine the household's eligibility:
  - a. Identify household members, family size, composition, and relationship to the head of household, including names of all persons who will be residing in the unit. Documentation is required for dates of birth, social security numbers. Proof of current, valid photo ID is required for all household members over age 18.
  - b. anticipated annual income,
  - c. assets now owned and assets disposed of for less than fair market value within the past two years.
  - d. student status.
  - e. The head of household must be at least eighteen (18) years of age OR an emancipated minor. Proof of age eighteen (18) and/or emancipated status is required. All applicants must possess the legal capacity to enter into a lease agreement.
2. Determine if at least one member of the household is at least 55 years of age for the Tax Credit elderly program, or 62 years of age for the HUD elderly program, or 62 years of age or disabled regardless of age for the USDA elderly program.
  - a. copies of birth certificates must be provided to determine age eligibility; if birth certificates are not obtainable, other documentation may be accepted as proof by owner.
3. Screen applicant by checking with all previous landlords from the past three (3) years, obtaining a credit history report, and/or obtaining no less than two (2) personal references when a landlord reference is not available. Several properties require credit score screening.
4. Several properties have units that are held for a specific occupancy preference and are required to follow Iowa Finance Authority's Held for Occupancy policy. Please ask a property manager if you would like additional information on this policy.

**B. Screening Procedure**

Upon receipt of a completed application, owners will secure background information on the applicant(s) considering the following factors:

Applicant will be denied if the applicant owes any money to Allterra Property Solutions, the property in which they are applying, or any Allterra Property Solutions owned/managed property.

1. Rental history and landlord references. Current and previous landlords (for past three (3) year period) will be contacted and questioned as to the applicant's:
  - a. Rental History. Must have demonstrated ability to pay rent and utilities on a timely basis.
  - b. Housekeeping habits, upkeep, and maintenance of residences must have been adequate during residency.
  - c. Condition of unit at end of tenancy must have been satisfactory, normal wear and tear accepted. Any monies owed to the previous landlord, including but not limited to, unpaid rent, cleaning charges, utility charges, or damage charges must have been reimbursed to the previous landlord in their entirety.
  - d. Demonstrated ability to abide by the terms of the lease, house rules, and subsidy program rules, if applicable. This includes not allowing unauthorized live-ins to reside in their unit.
  - e. Demonstrated respect for the health, safety, and welfare of other residents (e.g., no disruptive behavior including excessive noise complaints, criminal activity, physical violence, not currently engaged in the illegal use, manufacture, or distribution of a controlled substance).
  - f. Persons who do not have a traditional rental history in the most recent three (3) year period (due to having lived in a shelter, nursing home, community residence, halfway house, with parents or other non-regular, public or privately owned housing) will be asked to provide references at that housing. Those references will be asked to complete a housing Reference form.
2. Personal References. No less than two (2) personal references will be contacted if there is not a three (3) year history of landlord references.
3. Criminal background. A criminal and sexual offender background check will be conducted for all adult members of a household. The timeframe in which we look back varies based on charges as outlined below. The timeframe begins upon adjudication of each case, and is not based on an arrest or other criminal complaint.

Applicant must not have any evictions on criminal background from any other landlord within the last three (3) years.

Applicants will be denied housing for convictions involving violent criminal offense within the past two (2) years. This includes but is not limited to murder, kidnapping, battery, injury to child or elderly, manslaughter, robbery or burglary.

Applicants will be denied housing for convictions of criminal activity that threatens the health or safety of the management or other tenants within the past two (2) years. This includes but is not limited to drug manufacturing, trafficking, or smuggling, weapon trafficking, or arson.

If an applicant has been convicted of a criminal offenses described above and has been given a deferred judgment, applicant will be denied housing until the conviction has been completely expunged from their record. Applicants with a conviction, but deferred sentence, will be denied.

During the application process, if an applicant has pending charges for criminal offenses stated above, the applicant will be denied. However, if the applicant's criminal activity charges are dismissed or the applicant is found not guilty, and such evidence of the dismissal or not-guilty is available, the applicant's denial will be overturned and the applicant will be reinstated in their original spot on the waitlist and the application will then continue to be processed. If the applicant is convicted of the charges, the application will remain denied.

**5. In addition, at Annual Recertification time, all adult members of each household will be subject to a criminal background and sex offender registry check upon completion of the required Criminal Records Consent form.** If any residents are in violation of the provisions of the lease, the owner may evict the tenant in accordance with the lease and the owner's standards for termination of tenancy.

**6. Sex Offenses.** Applicant will be denied if they are currently a registered sex offender. Any member of the household that is subject to a lifetime registration requirement under the state sex offender registration program will be denied housing.

**7. Appeals.** If you are denied due to a criminal background and feel the denial is unjust due to mitigating circumstances, you are welcome to appeal your denial and your application will be reviewed by a designated appeal reviewer.

## C. Eligibility

Applicants must meet all the eligibility criteria listed below in order to be admitted for occupancy.

1. Income. The household's gross annual income cannot exceed the current income limits. These income limits are adjusted periodically. For a tax credit property, applicant households must also have a minimum income of 2 times the monthly rent. However, if the household has a Section 8 voucher, this minimum income level will be waived. Several properties include market rate units which will not have any maximum income guidelines.
2. Elderly household. An elderly household is a household composed of one or more persons where at least one member is 55 years of age or more at the time of initial occupancy for the Tax Credit elderly program, or 62 years of age for the HUD/USDA elderly program.
3. Persons with Disabilities.
  - (1) Means a person who:
    - (i) Has a disability, as defined in 42 U.S.C. 423;
    - (ii) Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:
      - (A) Is expected to be of long-continued and indefinite duration;
      - (B) Substantially impedes his or her ability to live independently, and

- (C) Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or
- (iii) Has developmental disability as defined in 42 U.S.C. 6001.

- (2) Does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome;
  - (3) For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence; and
  - (4) Means "individual with handicaps", as defined in 24 CFR 8.3, for purposes of reasonable accommodation and program accessibility for persons with disabilities.
4. **NOTE:** If applying for an accessible unit or requesting a reasonable accommodation for a disability, the disability will be verified at this time by a medical provider to ensure the need of the features of the accessible unit. We will never make an inquiry into the nature or severity of a disability.

5. Student status.

LIHTC: The IRS Code prohibits tax credit projects from being used as dormitories. Generally, households made up entirely of full-time students do not qualify.

A full-time student is defined as any individual of any age who:

- Is enrolled in a school with facilities and regular student body (including online-based learning).
- Is enrolled in all or parts of any 5 months out of the calendar year (not necessarily consecutively).
- Is considered full-time by the school that they are enrolled in, based on that school's definition of a full-time workload.

There are five exceptions to the student rule prohibiting households made up entirely of full-time students. Full-time student households must meet one of the exceptions continually to live in an LIHTC for the time period that everyone is a full-time student:

1. Any of the adult household members are married and entitled to file a joint tax return.
2. An adult member is a single parent with a minor child in the unit, the adult is not a tax dependent of any third party, and the child is not claimed as a tax dependent by anyone other than one of their parents (even if the other parent is not in the unit).
3. The household includes a member who receives welfare assistance in the form of Temporary Assistance to Needy Families (TANF).
4. The household includes a member who formerly received foster care assistance (that means they were a foster child or adult).
5. The household contains a member who gets assistance from the Job Training Partnership Act (JTPA) or similar programs such as General Education Diploma (GED) or High School

Equivalency Test (HiSET). (NOTE: The "Workforce Investment Act" has replaced JTPA)

**HOME-** To determine eligibility for HOME occupancy, an individual adult student, full-time or part-time at an institute of higher learning must be one of the below:

- A dependent of the household
- 24 years old or older
- Married
- A U.S. military veteran
- Have a dependent child(ren) living with them in the unit
- An orphan or ward of the court
- Disabled and was receiving section 8 assistance on 11-30-2005

If the answer is "yes" to one or more of the above, the student may qualify for occupancy. If the answer is no to each of the above, then the student must be independent from their parents. The student can demonstrate his or her independence from parents, including that they:

1. Must be of legal contract age under state law AND
2. Have established a household separate from parents or guardians for at least one year

OR

Meet the U.S. Department of Education's definition of an independent student, including being any one of the below:

- At least 24 years old by December 31 of the current year
- A veteran of the U.S. Armed Forces
- Have legal dependents other than a spouse (i.e., an elderly dependent parent)
- A graduate or professional student
- Married
- Is an emancipated minor or was one before they became an adult
- Is or was an orphan or a ward of the State or in foster care at any point since age 13
- Been established this school year to be an unaccompanied homeless child or youth and self supporting as defined by:
  - o The McKinney-Vento Act,
  - o Runaway and Homeless Youth Act or
  - o A financial aid administrator.

#### **D. Waiting List**

If the applicant family is determined to be eligible and is otherwise acceptable, a unit is available, and no previously approved individuals or families are on the project waiting list, the applicant family will be assigned to the available unit. Once a family/applicant has been approved, acceptance must be immediate. Failure to respond to calls and/or mailing notifying you that your housing is now available will result in a loss of housing and the next approved applicant will fill your position on the waiting list. Applicants who fail to respond will need to wait three (3) months to reapply from the date of the last time they were offered a unit.

Applicants will be contacted periodically to confirm their continued interest in occupancy. Applicants must keep management advised of any address and/or phone number changes.

Current residents who wish to transfer will be placed on the waiting list upon making the request for unit transfer. Current residents requesting a unit transfer due to household size and/or needing the features of an accessible unit will be placed at the top of the list. Current residents on the waiting list for unit transfer due to household size and/or accessibility concerns will be offered units in chronological order of when the request for unit transfer was made. If the household requesting transfer declines an offered unit that meets their needs, that household will be put to the bottom of the waiting list after the second declined offer.

Current residents who wish to transfer for reasons other than household size and/or mobility concerns will be placed at the bottom of the waiting list in chronological order and will be offered a unit once applicants and/or residents ahead of them on the list have been approved, denied, or have withdrawn their application.

**Opening and Closing the Waiting List:** We will monitor the vacancies and the waiting list regularly to ensure that there are enough applicants to fill the vacancies. Furthermore, we will monitor our waiting list to make sure that they do not become so long that the wait for a unit becomes excessive.

- a. Closing the waiting list.
  - i. The waiting list may be closed for one or more unit sizes when the average wait is excessive (e.g., one year or more).
  - ii. When we close the list, we will advise potential applicants that the waiting list is closed and refuse to take additional applications.
  - iii. When we decide to no longer accept applications, we will publish a notice to that effect in a publication likely to be read by potential applicants. The notice will state the reasons for the owner's refusal to accept additional applications.
- b. Opening the waiting list.
  - i. When we agree to accept applications again, the notice of this action will be announced in a publication likely to be read by potential applicants in the same manner (if possible, in the same publications) as the notification that the waiting list was closed. The notifications will be extensive, and the rules for applying and the order in which applications will be processed will be stated.
  - ii. Advertisements will include where and when to apply and will conform to the advertising and outreach activities described in the Affirmative Fair Housing Marketing Plan where applicable.

## **E. General Occupancy Guidelines**

These general occupancy guidelines were developed to protect residents from unsafe and unhealthy conditions, to avoid overcrowding, to protect government subsidy, and to protect physical assets. Additional considerations in assignment of appropriate size unit include the age, relationship, and sex of the persons in the household. Examples include:

- No more than two (2) persons will be allowed to occupy a bedroom.
- Unrelated adults or persons of the opposite sex (other than spouses) would not be required to share a bedroom.
- Children may share a bedroom with an adult(s), should the adult(s) choose.

**Tax Credit/HOME/CDBG**

Number of Bedrooms	Number of Persons	
	Min	Max
0	1	1
1	1	2
2	1	4
3	1	6
4	1	8

**F. Acceptance for Available Unit**

When a unit becomes available, the next applicant on the waiting list will be contacted.

The applicant will be required to re-interview with management at this point to:

1. Confirm and update all information on application to confirm eligibility
2. Review financial information on application and specifically confirm types and sources of income and assets
3. Request head of household, spouse, and all household members age eighteen (18) and older to sign verification forms authorizing release of all income, asset, and student status information to management for purposes of verification
4. Require head of household and spouse to verify whether or not they disposed of any assets for less than fair market value during the two (2) years preceding the date of the certification

At this time, management will:

1. Explain program requirements, verification procedures, and penalties for false information.
2. Advise the applicant that a final determination of their eligibility cannot be made until all verifications are returned and completed.

**G. Ineligible Applicants and Rejections**

An applicant is considered ineligible if:

1. The household's gross annual income is greater than the applicable income limit.
2. The household does not meet elderly status if applying for an elderly program property.
3. The household does not meet student status requirements.

Applicants may be rejected if:

4. They are ineligible.
5. Applicant does not meet the owner's tenant selection criteria (see also Reasons for Non-Selection).

If an applicant is not placed on the waiting list or immediately processed for admission, the applicant will be notified in writing of the rejection along with an explanation as follows:

1. Of the reasons for the rejection, and

2. That the applicant has fourteen (14) days to respond in writing or a request a meeting to discuss the rejection.
3. Applicant will be advised of the right to file a complaint if they believe the action was due to discrimination based upon race, color, religion, sex, national origin, disability, sexual orientation, gender identity, marital status, or familial status.

Any meeting with the applicant to review the rejection will be conducted with a member of the management staff who was not involved in making the initial decision to reject the applicant. A final written decision will be given the applicant within five (5) days of an appeal response or meeting. Complete files will be maintained by management for three years following rejection.

#### **H. Other Reasons for Non-Acceptance**

Non-selection may occur due to an applicant's inability to fulfill obligations of the lease/rental agreement. This includes, but is not limited to, the following:

1. A record of disruptive behavior.
2. A record of destruction of property or poor housekeeping habits.
3. A history of criminal activity involving crimes of physical violence to persons or property or a record or other criminal acts which may endanger the health, safety, or welfare of other residents.
4. Failure to provide sufficient or complete information on the application, reference statement, or questionnaire.

#### **I. Accessible Units**

If the waiting list does not contain a household who requires an accessible unit, the unit will be filled with a household who does not require an accessible unit.

If a family is housed in an accessible unit and no member of that household requires the accessible features of the unit, they will be required to sign a lease addendum at the time of move-in. This lease addendum will indicate that if there is an available unit of comparable size and a new applicant/current resident has been verified they have a need for the accessible feature(s) of that unit, then the household in the accessible unit will be required to move to the other unit which is available, so the new applicant/current resident needing the accessible features can move into the accessible unit. The household will pay all costs related to the move, including the cost for repairing damages above and beyond normal wear-and-tear to the accessible unit and reconnection or relocation costs for utilities and telecom services.

#### **J. Medical Reason certified by a doctor and/or need for an accessible unit**

Management will require that the need for an accessible unit is verified by a medical provider for both current residents and applicants. Once proper verification is received and a unit with features they need becomes available, then a current resident will have first right to the unit over an applicant. If the accessible unit needed is not available, the current resident will be placed at the top of the waiting list for the next available accessible unit ahead of an applicant.



## **K. Unit Transfer Policy**

The family composition and needs may change during tenancy with Allterra Property Solutions. The following guidelines are utilized by Allterra Property Solutions to determine if a household is approved to transfer:

- a. There have been no lease violations where a notice was issued in the previous six (6) months, including late rent, repeated damages, or noise.
- b. The current unit is free of damage above normal wear and tear.
- c. The tenant has completed the initial lease terms.
- d. Tenant is current with rent and other charges.

## **VIOLENCE AGAINST WOMEN AND JUSTICE DEPARTMENT REAUTHORIZATION ACT OF 2013 (VAWA)**

### **Protections Provided under the VAWA**

The Violence Against Women Act (VAWA) provides protections to women or men who are the victims of domestic violence, dating violence, sexual assault and/or stalking – collectively referred to as VAWA crimes. The owner/agent understands that, regardless of whether state or local laws protect victims of VAWA crimes, people who have been victims of violence have certain rights under federal fair housing regulation.

This policy is intended to support or assist victims of VAWA crimes and protect victims, as well as affiliated persons, from being denied housing or from losing their HUD assisted housing as a consequence of their status as a victim of VAWA crimes. Affiliated persons include:

1. A spouse, parent, brother, sister, or child of the victim, or a person to whom the victim stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of the victim); or
2. Any individual, resident/applicant, or lawful occupant living in the household of that individual.

VAWA ensures that victims are not denied housing and housing assistance solely because the person is a victim of a VAWA crime. However, being a victim of a VAWA crime is not reason to change the eligibility or applicant screening requirements set forth in the Tenant Selection Plan unless such requirements interfere with protections provided under the VAWA.

For example: An owner/agent may waive the requirement to review landlord history for an applicant if the victim has provided necessary documentation to certify their status as a victim and if contacting a previous landlord would put the applicant's location at risk of exposure to the accused perpetrator.

### **Confidentiality**

The *Notice of Occupancy Rights under the Violence Against Women Act* provides notice to the resident/applicant of the confidentiality of information about a person seeking to exercise VAWA protections and the limits thereof. The identity of the victim and all information provided to The owner/agent relating to the incident(s) of abuse covered under the VAWA will be retained in confidence. Information will not be entered into any shared database nor provided to a related entity, except to the extent that the disclosure is

1. Requested or consented to by the victim in writing; or
2. Required for use in an eviction proceeding or termination of assistance; or
3. Otherwise required by applicable law.

The owner/agent will retain all documentation relating to an individual's domestic violence, dating violence, sexual assault and/or stalking in a separate file that is kept in a separate secure location from other applicant or resident files.

### **Requests & Certification**

When the owner/agent responds to a request to exercise protections provided under the VAWA The owner/agent will request that an individual complete, sign, and submit the VAWA certification form, within fourteen (14) business days of the request. This certification may be submitted in an equally effective manner, as a reasonable accommodation, if there is the presence of a disability.

If the applicant/resident has sought assistance in addressing domestic violence, dating violence, sexual assault and/or stalking from a federal, state, tribal, territorial jurisdiction, local police or court, the resident may submit written proof of this outreach in lieu of the certification form. The owner/agent will accept the following:

- A federal, state, tribal, territorial, or local police record or court record or
- Documentation signed and attested to by a professional (employee, agent or volunteer of a victim service provider, an attorney, medical personnel, etc.) From whom the victim has sought assistance in addressing domestic violence, dating violence and/or stalking or the effects of the abuse. The signatory attests under penalty of perjury (28 U.S.C. §1746) to his/her belief that the incident in question represents bona fide abuse, and the victim of domestic violence, dating violence and/or stalking has signed or attested to the documentation.
- If the applicant/resident is currently living in a shelter established to protect victims of violence covered under VAWA, the owner/agent will accept verification of such living arrangements in lieu of certification methods described above.

The victim is not required to name his/her accused perpetrator if doing so would result in imminent threat or if the victim does not know the name of his/her accused perpetrator.

### **Lease Bifurcation**

If the owner/agent determines that physical abuse caused by a resident is clear and present, the law provides the owner/agent the authority to bifurcate a lease i.e., remove, evict, or terminate housing assistance to any accused perpetrator, while allowing the victim, who lawfully occupies the home, to maintain tenancy.

### **Legal Action**

Victims are encouraged to seek police/legal protection from their accused perpetrator. In some cases, The owner/agent may file a restraining order against the accused perpetrator to prevent the accused perpetrator from entering the property.

### **Lease Addendum**

The HUD approves lease addendum will be implemented and provided in accordance with HUD guidance.

### **Emergency Transfer**

The owner/agent will consider an Emergency Transfer Request when a person seeking to exercise VAWA protections feels that he/she is:

- In in imminent danger
- Was sexually assaulted on the property within 90 days of the request

Please see the property VAWA Policy or VAWA Emergency Transfer Plan for additional information.

**Documentation Requirements**

Beginning April 1, 2017, the owner/agent will provide the Notice of Occupancy Rights under the Violence Against Women Act (HUD-5380) and the Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking and Alternative Documentation (HUD-5382) to all households at the following times during their tenancy:

- At Move-In
- At Denial
- At the next lease renewal or certification for households existing prior to April 1, 2017
- With any notice of eviction
- With any notice of termination of the lease or rental assistance.

The Landlord will have tenants sign the VAWA lease addendum, form HUD-91067 at move-in. This lease addendum shall be in effect until the lease is terminated.