

RESIDENT SELECTION PLAN

**PROPERTY: ABBINGTON GARDENS APARTMENTS
WINSTON-SALEM, NORTH CAROLINA – FORSYTH COUNTY
FAMILY- TWO, THREE, AND FOUR BEDROOM UNITS**

Abbington Gardens Apartments is a family property located in Winston-Salem, NC. Anyone who wishes to rent an apartment must complete an application, and authorize Boyd Management, Inc. to verify all information pertinent to eligibility. This property is subject to the LIHTC and HOME provisions, as administered by the North Carolina Housing Finance Agency. Applications will be accepted during regular office hours. *A \$25 application fee is required before the application can be processed. This fee is non-refundable, except in instances where the applicant moves into the apartment community. The fee will be applied toward the first month's rent. Note that cash is not accepted. **The application fee is not charged to Targeting Program and Transition to Community Living Initiative applicants.***

RESTRICTIONS:

- INCOME LIMITATIONS
- PROGRAM ELIGIBILITY
- RENT RESTRICTION

Screening: Each applicant will be screened as follows:

1. Program eligibility pertaining to household size, student status, and gross annual income.
2. History as a good tenant.
3. Credit history to determine ability to meet obligations in timely manner.
4. Compliance with local, state and federal law.
5. Sufficient Income available to pay rent, utilities and other living expenses.

Fair Housing and Equal Housing Opportunity:

“The Fair Housing Act prohibits discrimination in real estate related transactions, or in the terms or conditions of such a transaction, because of race, color, religion, sex, national origin, familial status, or disability. The Federal agency that is responsible for enforcing this law is the U. S. Department of Housing and Urban Development. If a person believes that they have been discriminated against in violation of this law, they should contact the U. S. Department of Housing and Urban Development, Washington, D.C. 20410 or call (800) 669-9777.”

In addition to the Fair Housing Act, this property complies with all applicable fair housing federal regulations including Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act; the Violence against Women Act (VAWA), and Limited English Proficiency.

All advertising will be completed as outlined in the Affirmative Fair Housing Marketing Plan, a copy of which is posted on the office bulletin board. Local, state, and federal fair housing and Equal Opportunity laws will be implemented.

Waiting List and Processing Applications:

When the Manager receives the application, they will note on the application the date and time the application is received. The application may be delivered in person or received via mail, fax, or email.

All applicants are placed on the waiting list upon receipt of the application and the \$25 application fee.

When an application nears the top of the waiting list, the On-site Manager will begin screening for other tenant selection criteria, as applicable, i.e., prior rental history, credit reports/references, criminal convictions, and other references. If favorable, the applicant will be contacted to set up a personal interview for completion of verification forms. If screening indicates an unfavorable rental, credit, criminal history, or reference check, the applicant will be notified accordingly. Note that for Targeted Applicants, negative credit reports or negative landlord reference due to poor payment history will not automatically result in rejection.

If the application is incomplete, the needed information will be requested and a Notification to Applicant Letter (NTA) will be mailed to the applicant. The applicant will have (10) calendar days to respond, and then the Manager will complete the application process within ten (10) calendar days upon receipt of all required information to confirm eligibility. The applicant will then be sent a NTA and notified in writing of eligibility determination. Reasons for any adverse action will be given, and applicant advised of appeal and hearing rights. The applicant may withdraw his/her application at any time.

Applications may be rejected or removed from the waiting list if

1. They are ineligible under LIHTC provisions (and HOME program criteria, as applicable).
2. They are unable to meet occupancy guidelines for the size of the requested vacant unit.
3. They are unable to meet the owner's screening criteria. The use of credit reports, criminal history reports and/or previous landlord references may be used in making this decision.
4. They do not provide sufficient information needed to determine eligibility.
5. They provide false information on the application.
6. They do not respond within ten (10) calendar days to a NTA Letter advising a unit is available or to requests for updated status.

If determined ineligible, the applicant is notified of the reason(s) for such ineligibility. This written notification will:

- Give specific reasons for the proposed action;
- Advise the applicant of the right to respond to the notice or request a meeting with Management within fourteen (14) calendar days of the notice (see Appeal Procedures, below);
- Advise the applicant of the right to request a reasonable accommodation if he or she feels that the reason for the denial is due to a disability.
- The process set forth in the Affirmative Fair Housing Marketing Plan will be followed in the closing and opening of the waiting list.

When a unit becomes available for occupancy, the eligible applicant is notified with a Notification to Applicant Letter advising the unit is available and they are allowed ten (10) calendar days from the date of the letter to respond. Failure to respond could result in the application being rejected. If an applicant on the waiting list refuses an apartment (the first time it is offered), and the reason is not disability related, then the applicant will remain on the waiting list, but will be put at the bottom.

Processing Applications (cont.)

If an applicant on the waiting list refuses the available apartment twice, and the reason is not disability related, then the applicant's name is removed from the waiting list and they must reapply. Applicants that remain on the waiting list for a period that exceeds 120 days must have updated screening and eligibility information upon notification that the desired apartment is available for occupancy. Should a previously approved applicant be now deemed ineligible, the applicant will be advised of their appeal and hearing rights.

Appeal Procedures:

When the applicant is rejected, a written notification will be sent to applicant by certified mail, return receipt requested informing them of the adverse action. The notice will inform the applicant of their right to request an informal/formal hearing. Such request must be submitted in writing to the management office at the site within 14 days of receipt of the adverse decision. Rejection due to program ineligibility has no appeal rights. A copy of the grievance and appeal procedure is posted on the office bulletin board.

Selection:

Eligible applicants will be selected from the waiting list on a first come, first serve basis, subject to set-asides and special preferences. This means that applicants are selected for various rent and income levels, based on their income and the date and time their application was received. When a vacant unit becomes available, it will be offered to the first eligible applicant who meets the set-aside requirements for that unit. However, if an in-place tenant requests to transfer to a lower set aside unit with lower rent (and is eligible based on all program criteria), that request will take precedence over the waiting list.

Income Restrictions:

The property consists of 96 units, of which 24 must be rented to households at 30% of median income or below, and 72 at 60% of median income or below. Current income limits are posted on the office bulletin board. State or federal housing vouchers will be accepted for eligible applicants, provided the voucher plus the tenant-paid portion of rent meets the current rent charged for the unit.

Special Targeting and Accessible Unit Preference:

The property participates in a state program in which 10 percent of the units in the property are set aside as they become available to house eligible applicants receiving a referral from the North Carolina Department of Health and Human Services. Until the percent of units is reached, those eligible applicants for the Targeting Program, with a Letter of Referral from DHHS, will be offered units ahead of anyone else on the waiting list if they meet eligibility requirements for the property and have been approved.

Applicants needing specially designed mobility or hearing accessible units will have priority for these units and will be listed on the regular waiting list and on the accessible unit waiting list. Households not needing the specially designed features of the accessible/hearing accessible units will occupy these units only when marketing has been completed and there are no eligible applicants on the accessible unit waiting list. A clause will be inserted in the lease when applicants without need for the accessible features are selected for the accessible units requiring them to transfer to a regular unit if a qualified applicant is placed on the accessible waiting list or an existing resident needs a transfer to an accessible unit.

Screening:

Credit History:

Credit reports will be obtained for all applicant household members who are 18 years of age or older. The credit report must demonstrate that the applicant has paid financial obligations as agreed. Monies owed for medical related expenses will be disregarded.

A third-party screening company retrieves credit records and independently assesses an applicant's credit performance, assigning greater weight to activity reported over the most recent 24-month period. An applicant may be rejected if the report demonstrates a history of poor credit with little or no effort made to address the outstanding debts.

An applicant will be denied if the credit report shows:

- Unpaid balance(s) owed to current or previous landlord(s).
- Outstanding debt to a utility company that would prohibit the applicant from establishing utility service in his/her name prior to move-in. Applicants may be re-considered if they provide evidence the debt has been paid and the utility company will provide service.
- A bankruptcy that has not been discharged.

Should the applicant be rejected based on credit, the Landlord will provide the applicant with the name and contact information of the credit reporting agency. All applicants may appeal the rejection and if disabled, may request a reasonable accommodation.

Applicants who participate in rent subsidy programs that include risk mitigation for the Landlord (such as the Targeting and Key Assistance Program administered by DHHS) will not be rejected based solely on credit history. Such programs provide risk mitigation tools which substantially reduce the likelihood that the Landlord will be financially damaged as a result of waiving the credit requirement. In these cases, the Landlord will waive a rejection based on negative credit.

Landlord Reference:

Applicants may not be rejected for lack of rental history, but may be rejected for unsatisfactory rental history. Any applicant who has been evicted for nonpayment of rent, damages, or material noncompliance will not be accepted. Any applicant who owes past due funds to a previous landlord will be rejected until all funds that are past due have been paid in full.

Should the applicant be rejected based on a negative landlord reference, the applicant may appeal the rejection and if disabled, may request a reasonable accommodation.

Applicants who participate in rent subsidy programs that include risk mitigation for the Landlord (such as the Targeting and Key Assistance Program administered by DHHS) will not be rejected based solely on negative landlord reference due to unpaid rent or money owed.

Such programs provide risk mitigation tools which substantially reduce the likelihood that the Landlord will be financially damaged as a result of waiving the landlord payment history requirement. In these cases, the Landlord will waive a rejection based on negative landlord reference due to unpaid rent or money owed.

Criminal History:

All applicants and adult household members will be screened for criminal history prior to move-in. A history of convictions for any of the following offenses is cause for rejection of an application for housing:

1. Within seven (7) years from the date of application any conviction or adjudication other than an acquittal of:

- Homicide
- Sex offenses, including but not limited to forcible rape, child molestation, and aggravated sexual battery
- Arson and crimes involving explosives.
- Felony involving bodily harm to a person or property
- Manslaughter
- Armed robbery
- Burglary
- Stalking
- Aggravated assault
- Any crime of violence or threatened violence that may establish that the applicant constitutes a direct threat to the health or safety of other individuals.

If more than 7 years, an individualized assessment will be conducted. This individualized assessment will include consideration of the following factors: (1) the seriousness of the criminal offense; (2) the relationship between the criminal offense and the safety and security of residents, staff, or property; (3) the length of time since the offense, with particular weight being given to significant periods of good behavior; (4) the age of the household member at the time of offense; (5) the number and nature of any other criminal convictions; and (6) evidence of rehabilitation.

2. Within seven (7) years from the date of application any conviction or adjudication other than acquittal of:

- Felony for sale or manufacture of a controlled substance

If more than 7 years, but less than 10 years, an individualized assessment will be conducted as explained above.

3. Within two (2) years from the date of application any conviction or adjudication other than acquittal of a felony or misdemeanor for:

- Misdemeanor for sale or manufacture of a controlled substance
- Buying, receiving, or possession of stolen property
- Theft
- Auto theft
- Embezzlement
- Prostitution
- Weapon offenses

(Criminal History, continued):

- Crime involving the illegal use of a controlled substance (other than the sale or manufacturing of such) with no evidence reflecting completion of a related recovery program.
- Illegal gambling
- Commercialize vice

If more than 2 years, an individualized assessment will be conducted as explained above.

4. Convictions of repeated offenses of unrelated crimes any of which occurred during the past 10 years that indicate the applicant could pose a risk to the health and safety of residents or the property will be individually assessed.

5. Applications by applicants whose criminal history is not otherwise covered above will be considered without an exclusion period.

6. Cases which are considered to be in process, held for court, or otherwise without a clear disposition will be considered to be "pending cases." If an ultimate conviction of the charge would result in the applicant being ineligible based on the criminal history policy described herein, applications are to be considered pending until the applicant can provide documentation of the outcome or resolution of the charge.

Appeal

In properties where federal subsidy is provided, after the property notifies an applicant that it plans to deny admission to a household based on a criminal conviction or pending criminal charge, the applicant has 14 days to appeal the decision.

Security Deposit:

A \$350 security deposit will be due when a unit becomes available and is accepted by the applicant.

Occupancy Standards:

This property determines eligible occupancy based upon a maximum of two persons per bedroom plus one additional person per unit. The two bedroom has a minimum of 1 occupant and a maximum of 5. The three bedroom has a minimum of 2 occupants and a maximum of 7. The four bedroom has a minimum of 3 occupants and a maximum of 9. The full occupancy standard is posted on the office bulletin board.

Miscellaneous Information:

Applicants will be required to show proof of citizenship and social security numbers for each member of the household. The rental unit leased by the Household must be their only residence. Transient units are not available.

A live-in aide may reside with a disabled resident when it is determined essential to the care and well-being of the resident. This aide is not obligated for the support of the resident and would not be living in

the apartment except to provide the necessary supportive services. A spouse of the tenant cannot be a live-in aide. A live-in aide cannot bring his or her family members or pets into the household.

Boyd Management's Compliance Director must approve all live-in aides, transfers, and the addition of occupants to the Household other than by birth or adoption of a child. Internal transfers have priority over the waiting list selection. In order to transfer, residents must meet income and student eligibility requirements.

Family properties: Foster children and unborn children are counted in determining household size and income limitations. Children of parents with joint custody (50% each) may be counted for household size and income limitations and are members of the household. Permanently institutionalized family members may be counted as members of the household, and if counted, their income is considered as part of the gross annual income.

Dependents away at school who live with the family during school recess may be counted as part of the household. Persons on active military duty who are head of household will be counted as a member of the household and their income will be counted except the portion designated as hostile fire pay. Dependents who go on active military duty are not counted in considering bedroom size and are not considered members of the household.

Transfer Policy:

Unit transfers may occur for the following reasons:

- Changes in family size or composition (over- or under-housed families);
- A medical reason certified by a doctor;
- As a reasonable accommodation to a disability; or
- The need for an accessible unit.

When management determines the need for a unit transfer, the household will be informed in writing that they have been added to the transfer list. Households requesting a transfer must submit their request in writing. A transfer fee may be charged, except where there is a certified medical reason; if there is a need for an accessible unit; or as a reasonable accommodation due to a disability. Existing residents approved for a unit transfer are given priority over applicants when an appropriate unit becomes available.

Income and Tax Credit Information:

HUD Income chart for the area is posted on the bulletin board. Low Income Housing Tax Credit restricted rents are also listed on the bulletin board. Rent increases will be implemented only as outlined in the Lease. Initial certification is required for all households prior to move-in. Annual recertification is required on all LIHTC units. Leases are executed for a term of twelve (12) months at initial move-in, and addenda to the lease may extend the term for another full year at recertification.

Student Status:

Households where *all members* are full-time students must meet certain conditions for eligibility in accordance with the Section 42 Low Income Housing Tax Credit Program. In general, households made up of full-time students of any age do not qualify. The five exceptions to this general rule follow:

- The members of the household are married and entitled to file a joint tax return.

- The head of household is a single parent with minor children where the parent is not the dependent of anyone else for tax purposes, and none of the children are claimed as dependents by someone other than a parent.
- At least one member of the household receives Temporary Assistance to Needy Families (TANF).
- At least one member of the household is currently enrolled in a job training program that receives assistance under the Job Training Partnership Act, the Workforce Investment Act, or other similar Federal, State, or local agency.
- At least one household member was previously in Foster Care.

Additionally, households in HOME assisted units where any member is a full OR part-time student are subject to the HOME Student Requirements. Additional details regarding student restrictions in HOME assisted units are available from the on-site manager.

Reasonable Accommodations and Modifications:

Applicants and residents may request reasonable accommodations or modifications at time of application or move-in, and residents may request reasonable accommodations any time following move-in. These requests should be in writing and submitted to the site office manager for approval from a higher level of management. Such requests will be processed in a timely manner and a response will be provided to the applicant or resident within 30 days of the request. If unable to make a final determination within 30 days, the site manager will explain the reason for the delay. If the reasonable accommodation request involves a specific unit or unit type, that unit will be held until management decides to approve or deny the request. The applicant will then be afforded 3 business days to appeal the decision, during which time the available unit will not be rented to another qualified applicant.

Smoke Free:

In order to promote a safe and healthy living environment, **Abbington Gardens Apartments** operates as a smoke-free community. Residents are prohibited from smoking in their apartment or anywhere on the property including in their vehicles while parked on the premises. This smoke-free policy applies to all residents, members of resident's household, guests, and visitors. For the purposes of this policy, the term "smoking" means inhaling, exhaling, breathing, or carrying any lighted cigar, cigarette, pipe or other tobacco or herb product in any manner or in any form.

Violence Against Women Act (VAWA):

This property will not refuse to admit an applicant or rent to an applicant based on acts or threats of violence committed against the applicant. Also, criminal acts directly related to the domestic violence, dating violence, sexual assault, or stalking that are caused by a member of a resident's household or guest cannot be the reason for evicting the victim or terminating assistance. Applicants or residents who believe their landlord history or resident status should include consideration of VAWA rights should notify the property manager who will process the request according to federal regulations.

Pet Policy:

This property does not accept pets; however reasonable accommodation requests for residents with disabilities who require the services of an assist animal will be considered for approval.