



LIVE OAK TRAILS TENANT SELECTION CRITERIA

(Revised 8/23/17 – Effective 08/14/2017)

Live Oak Trails 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 this title (10 TAC) provides more detail about reasonable accommodations. Screening criteria will be applied in a manner consistent with all applicable laws, 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.

Foundation Communities prohibits discrimination in housing based on race, color, religion, national origin, disability, familial status, marital status, sexual orientation, gender identity, age, and student status. In reviewing your application, the following areas will be taken into consideration for each prospective resident. They include, but are not limited to:

AGE: Applicants must be 18 years of age or older unless Federal/State regulations provide for a variance.

APPLICATION FEES: \$15 per single Rental Application and \$25 per joint Rental Application

IDENTIFICATION: If an Applicant does not have a valid Social Security number or Tax ID Number (TIN), a criminal history search will be completed on each Applicant or Occupant over the age of 18 years old. In the event we are unable to obtain an accurate criminal history report using our criminal history search, we will require a finger printed DPS search at the Applicants' expense.

DEPOSIT: The following deposits are payable when applicant submits the Rental Application. The deposit is refundable up until the time you have been notified that your application is approved. At move-in the deposit becomes your Security Deposit on the apartment.

- \$150 for a 1 Bedroom
- \$200 for a 2 Bedroom
- \$250 for a 3 Bedroom

LEASE TERMS: Initial lease terms will be one (1) year.

OCCUPANCY: The following are the requirements regarding the maximum number of occupants per unit:

- Three (3) persons in a 1 Bedroom
- Five (5) persons in a 2 Bedroom
- Seven (7) persons in a 3 Bedroom

INCOME AND RENT: All of the apartments at Live Oak Trails are reserved for individuals with an income at or below 50 percent of Median Family Income published by the Texas Department of Housing and Community Affairs (TDHCA). Annual income cannot exceed the maximum allowable income as determined by Federal and governmental regulation in effect for a particular community. Co-signers will not be accepted. Live Oak Trails does accept Section 8 Vouchers. This chart represents the current gross rent and income limits and are revised as required; **these amounts include a utility allowance and are not necessarily the rents charged at this property.**

Household Size	1	2	3	4	5	6	7
30% Income Limit	\$17,100	\$19,550	\$21,990	\$24,400	\$26,400	\$28,350	\$30,300
30% Rent Limit	1-Bedroom	\$458	2-Bedroom	\$549	3-Bedroom	\$635	
40% Income Limit	\$22,800	\$26,080	\$29,320	\$32,560	\$35,200	\$37,800	\$40,400
40% Rent Limit	1-Bedroom	\$611	2-Bedroom	\$733	3-Bedroom	\$847	
50% Income Limit	\$28,500	\$32,600	\$36,650	\$40,700	\$44,000	\$47,250	\$50,500
50% Rent Limit	1-Bedroom	\$763	2-Bedroom	\$916	3-Bedroom	\$1,058	

**Revised as of 06/14/2017 per TDHCA

INCOME REQUIREMENTS:

- **Private Pay Applicants:** Must have verifiable monthly earned income at least **2.5 times** the monthly rental amount.
- **Applicants that receive disability income, retirement income, SSI or SSDI:** The household must meet at least **2 times** the monthly rental amount. Proof of retirement benefits, social security or disability income is required.
- **Section 8 Applicants:** Must have verifiable monthly income that is at least **2.5 times** the household's portion of the rental amount. If a household's portion of rent is less than \$50, a minimum verifiable annual income of at least \$2,500 is required.

EMPLOYMENT HISTORY: Each employed applicant over the age of 18 years must provide the most recent **two (2) months** of consecutive pay stubs. If pay stubs are unavailable then a third-party Verification of Employment will be obtained. A company representative must verify Applicant(s) employment for the last 12 months. In the event of a job change in the last 6 months, we will verify employment end date. Proof of retirement benefits, social security or disability income is required. Self-employed individuals must provide business book-keeping records with supporting documents which may include copies of checks, invoices, contracts, bank statements, receipts, Profit/Loss statement, or 1099s AND a copy of the most recent year's tax return (1040 with Schedule C), if available. If documents cannot be provided to support your stated income from self-employment, then your application may be denied.

DIVORCE/CHILD SUPPORT DOCUMENTATION: Applicants divorced within the past two years must provide a copy of their divorce decree to determine division of assets and if alimony has been awarded. All divorced/single applicants with children will be required to complete an Affidavit of Child Support and provide documentation of child support/payment history with one or more of the following documents: Child Support Income Verification from the Office of Attorney General (OAG) if a case has been established, a recent Court Order (within the previous 6 months) or Voluntary Child Support Assistance (notarized by a third party). If no child support has been established or is being pursued, applicant must provide a reason for not seeking child support.

CREDIT HISTORY:

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|----------------------|--|
| 1. Bankruptcy | Decline if less than <u>3 years old</u> . |
| 2. Court Judgment | Decline if less than <u>3 years old</u> . |
| 3. Tax Lien | Decline if over <u>\$5,000</u> and less than <u>3 years old</u> . |
| 4. Foreclosure | Decline if over <u>\$100,000</u> and less than <u>1 year old</u> . |
| 5. Repossession | Decline if over <u>\$3,000</u> and less than <u>3 years old</u> . |
| 6. Collections | Decline if over <u>\$1,500</u> and less than <u>1 year old</u> . |
| | Decline if the number of collections is <u>over 3</u> . |
| 7. Past Due Accounts | Decline if over <u>40% or more of total accounts are past due excluding medical accounts</u> . |

If an applicant's credit report reflects any of the above credit history items, an additional deposit equal to one (1) months' rent will be required.

RENTAL HISTORY: Applicant(s) must have a current rental history (i.e. apartment community or Mortgage Company) reflecting a prompt payment record. A prompt payment record is defined as no more than three (3) late payments within a one (1) year period. Any unpaid sums will result in denial of the application. If there is no verifiable rental history, applicant will be subject to an additional deposit equal to one (1) months' rent, providing all other criteria are acceptable.

Applicants who have been evicted for nonpayment of rent, but have paid off this debt to the landlord will be considered for occupancy. Applicants who have skipped/left without notice, asked to move, terminated or non renewed by management, currently owes unpaid sums for damages or have a history of lease violations at any previous rental property will be denied. This does not apply to applicants who were charged for any damages and/or received lease violations that are directly related to protections under the Violence Against Women Act (VAWA)

Applicants who have negative rental history at any community owned and managed by Foundation Communities will be denied. Negative Rental History is defined as those who have been evicted, skipped/left without notice, asked to move by management, owed sums for rent and/or damages or non-renewed.

For Applicants applying to live at a Foundation Communities (FC) property who have previously participated in an FC Special Program (CHI, SafePlace, LifeWorks or Salvation Army) and left the program in good standing, rental and credit history prior to program participation will be disregarded. Any rental or credit history that has occurred in the interim will be subject to FC's typical credit and rental history criteria, Good standing is defined as:

- No more than 3 late payments in a 12-month period
- No lease violations that reflect violent or aggressive behavior toward staff or residents or pose damage to property
- No balances owed to the property including utility bills
- Were not evicted or non renewed and did not skip without notice from the FC property

STUDENT STATUS (TAX CREDIT): A student is anyone who attends a public or private high school, college, university, technical, and trade or mechanical school; but does not include those attending on-the-job training courses. Applicants will be required to disclose their student status on the application. Student status will be verified through the educational institution, whether part-time or full-time is disclosed on the application.

Any applicant who has been or will be a full-time student for five or more months during the current and/or upcoming calendar year (months need not be consecutive) must satisfy one of the following exceptions to be eligible:

- A student receiving assistance under Title IV of the Social Security Act (TANF);
- A student who was previously in the foster care program (must provide documentation of participation);
- A student enrolled in a job training program receiving assistance under the Job Training Partnership Act or under other Federal, State or local laws (must provide documentation of participation)
- 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;
- The household contains a married couple entitled to file joint tax returns.

STUDENT STATUS (HOME): All Applicants are required to disclose their student status on the application. A student is defined as an individual enrolled, part-time or full-time, at an institution of higher education as defined under the Higher Education Act of 1965 (20 U.S.C. 1001 and 1002) to obtain a degree, certificate, or other recognized educational credential.

Owners of developments with HOME funds are required to screen and document student status for each individual between the age of 18 and 24. If an individual(s) is enrolled at an institution of higher education, each individual must meet student eligibility requirements in accordance with 24 CFR 5.612 and the HOME Final Rule. *You will be required to provide supporting documentation.*

Part 1: To evidence independence from your parent(s)/legal guardian, each of the following three (3) criteria must be met. You will also be required to submit a signed certification documenting if (and how much) financial assistance your parent(s)/legal guardian gives you.

- a. Be of legal contract age under state law; **AND**
- b. Have established a separate household from your parent(s)/legal guardian for no less than one (1) year from the date of application; **AND**
- c. Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations.

Part 2: To evidence independence from your parent(s)/legal guardian, one (1) of the below exceptions under the U.S. Department of Education's definition of an independent student must be met:

- a. Will be at least 24 years old by December 31st of the current year;
- b. Is legally married;
- c. Is working on a master's or doctorate degree program (such as M.A., M.B.A., Ph.D., graduate certificated etc.);
- d. Is currently serving on active duty in the U.S. armed forces for purposes other than training;
- e. Is a veteran of the U.S. armed forces;
- f. Have a legal dependent(s) i.e. child or parent;
- g. Have at any time since age 13 years old been an orphan, in Foster Care or a dependent/ward of the court;
- h. Were an emancipated minor or in legal guardianship prior to turning 18;
- i. Is homeless, or self-supporting and at risk of being homeless (must be verified by either a high school or district homeless liaison, director of an emergency shelter or transitional housing program funded by the U.S. Department of Housing and Urban Development ("HUD"), or the director of a runaway or homeless youth basic center or transitional living program.

If you are a student and did not meet an exception in Part 1 or 2 above, under this program, you are considered a dependent of your parent(s)/legal guardian. In order for you to live at this property, your income **PLUS** your parent(s)/legal guardian's income must be verified. The property must perform a certification that uses source documentation to verify the income and assets of you and your parent(s)/legal guardian. Note, you must also be independently income eligible under the income limit for this property. If this cannot be provided, then you are not eligible to live at this property.

CRIMINAL HISTORY: A criminal history will be completed on each applicant or occupant age 18 or older.

- Applicant(s) must not have a criminal history that reflects any prior felony convictions or deferred adjudication for felony offenses **within the last ten (10) years.**
- **Any applicant with more than 2 felony convictions will be denied regardless of time frame.**
- Applicants must not have a criminal history that reflects misdemeanor convictions or deferred adjudication involving violent crimes against persons, crimes against property, or for drug related or prostitution related offenses **within the last seven (7) years.**
- Applicants must not be subject to a lifetime registration requirement pursuant to Chapter 62 of the Texas Code of Criminal Procedure or any other state's sex offender registration program

The following criminal convictions will be **permanently denied/excluded**:

- Capital Murder, Murder/Manslaughter, or Attempted Murder
- Rape, Sexual Assault or Crimes of a Sexual Nature
- Kidnapping
- Arson
- Felony Manufacture of Methamphetamines

** Note: This requirement does not constitute a guarantee or representation that resident or occupants residing at this apartment community have not been convicted of above mention criminal activity or are not subject to deferred adjudication for above mentioned criminal activity.

DENIALS/REJECTIONS: Applicants will be notified either in person or by U.S. mail, email and/or telephone of a denial and/or rejection of their application within seven (7) business days of the receipt of the completed rental application. (See TAA Rental Application, Application Agreement, Paragraph 9). The denial will state the specific reason for the denial and the criteria on which it is based. We will also include the name and contact information of the third party that provided the information on which the rejection was based. The required Notice of Occupancy Rights under the Violence Against Women Act will be included in all denials. Live Oak Trails Apartments does not offer an appeals process for denied applications. Once a Rental Application has been denied, applicants must wait one (1) year before re-applying.

UNIT TRANSFERS: Transfers are permitted when the following occurs:

- Household composition change which would put the household over the occupancy limit.
- Resident requests a Reasonable Accommodation or an accessible (ADA) unit
- Resident is a victim of Violence Against Women's Act (VAWA).
- Emergency situations arise such as fire or flood and unit has been determined to be uninhabitable by management.

If a transfer within the community is requested (other than noted above), approval will be based on the following:

- A 60 day written Notice of Intent to Vacate must be given.

- Current Lease Contracts must be expired prior to transferring.
- The Property Manager must approve the transfer.
- A \$200.00 transfer fee applies unless the transfer is the result of a reasonable accommodation request or VAWA.
- A new deposit is required to hold a new apartment. **See below
- Your apartment will be inspected prior to the approval of the transfer. Households with infestations issues will not be approved for transfer.
- Households wanting to transfer must be in good standing. To be in good standing, one must have all of the following:
 - ✓ No more than 3 delinquent rent or utility payments in the previous 12 months.
 - ✓ No monies owed on ledger; including utilities.
 - ✓ No lease violations in the previous 12 months. Any previous violations will be evaluated by Management.
 - ✓ No unauthorized persons or animals in the apartment.
 - ✓ Any damages in the apartment must be remedied prior to transfer.
- If a unit is not available the household will be placed on the Wait List.
- Those persons not in good standing will not be eligible for a transfer and will be removed from the Wait List.

Due to funding requirements, transfers within the community have to follow these rules:

- Households moving from *ONE BUILDING* to *ANOTHER BUILDING* must reapply as a new household and meet current low income guidelines at the time of transfer.
- Households can transfer to any unit within the *SAME BUILDING* as long as the household is not over income at the most recent recertification.

**If a transfer within the community is approved, the resident will be required to put a new deposit on the unit being transferred into except in the case of Emergency Situations as determined by Property Management. The deposit on the unit being vacated will be subject to the same rules as outlined in the TAA Lease Paragraphs 40 and 41.1. Your deposit refund (less lawful deductions) will be mailed no later than 30 days after vacating the unit.

WAIT LIST: Live Oak Trails will maintain a Wait List sufficient to fill expected vacancies. The Wait List shall not exceed 30 participants. The Wait List will show each person's income category and be kept in chronological order. Priority will be given to current households participating in FC's Children's Home Initiative. Otherwise, current residents will be entered on the Wait List using the same process as applicants not currently residing in the community. When an accessible unit becomes available, we will first offer the unit to a current occupant requiring accessibility features, and secondly we will offer the unit to an eligible qualified applicant on the Wait List requiring accessible features. A complete Wait List Policy is available upon request.

PETS: Refer to the separate Pet Policy attached. Certain breed restrictions will apply. Management reserves the right to change the Pet Policy from time to time as deemed necessary and will provide changes to all residents. Specific animal, breed, number, weight restrictions, pet rules and pet deposits will not apply to an applicant/resident who qualifies for a service/assistance animal(s).

REASONABLE ACCOMMODATION REQUESTS: Any applicant who has a disability or who is a victim under the Victim of Violence against Women Act (VAWA) may request a Reasonable Accommodation by contacting the Property Manager in person or by phone, email or letter. We encourage applicants to fill out a form for tracking purposes (available in the Leasing Office by request), but the request is not required to be in writing. All requests will be responded to, in writing, within seven (7) business days. Requests for Reasonable Accommodations of any selection criteria directly related to protections under VAWA will require proper documentation within 14 days to support the request. Any information provided will remain confidential except to the extent that the disclosure is required by applicable law.

VAWA: All applicants will receive a copy of the Notice of Occupancy Rights Under the Violence Against Women Act (VAWA) which explains the protections for persons that have been subject to domestic violence, dating violence, sexual assault, or stalking.

COMMUNITY POLICIES: Residents will be required to abide by the Community Policies which are part of the Lease Contract and available for review upon request.

Our property has the following additional written policies available in the Leasing Office, a copy of which will be provided to any applicant or their representative upon request: Wait List Policy, and Non-Renewal / Termination Policy. Participants in the Children's Home Initiative Program (CHI) and/or other Foundation Communities' Special Programs at a particular community will execute a separate Tenant Selection Criteria. The above Tenant Selection Criteria may be amended in certain circumstances for participants in structured transitional housing programs approved by the Management and Residential Services staff. Certain communities are to maintain specific GUIDELINES necessary to meet FHLB, RTC, HOME, BOND, and TAX CREDIT Compliance Guidelines.

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Any falsification in the application process will result in the automatic rejection of an application.

I have read and understand the Tenant Selection Criteria of this community.

 Applicant Signature

 Date

 Applicant Signature

 Date

 Applicant Signature

 Date

 Applicant Signature

 Date