



# LIVE OAK TRAILS TENANT SELECTION CRITERIA

Effective 5/11/2018

Live Oak Trails will comply with the Texas State and Federal Fair Housing Acts, and Anti-Discrimination Laws; including but not limited to, consideration of reasonable accommodation requested to complete the application process. Chapter 1, Subchapter B of this title (10 TAC) provides more detail about reasonable accommodations.

Management does not discriminate on the basis of disability in the admission or access to its housing, programs or other activities or continued residence at the property. Individuals with a disability may request a reasonable accommodation to complete the application process either verbally in person, in writing, via email, or by phoning the Management Office at 512-610-2240.

A copy of our current Wait List Policy, Reasonable Accommodation Policy and Termination Policy are available upon request at the Leasing Office. A printed version of the Tenant's Rights and Resource Guide (TRRG) is available in both English and Spanish in our Leasing Office and a copy will be provided to every applicant. 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 the Department's rules.

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

**IDENTIFICATION:** Applicants must have a Social Security Number or a Tax ID Number (TIN). If an Applicant does not have a valid Social Security number or Tax ID Number (TIN) and we are unable to obtain an accurate criminal history report using our criminal history search, management will run the applicant's information through a DPS database search.

**NON-REFUNDABLE APPLICATION FEES:** \$15 per single Rental Application and \$25 per joint Rental Application. A separate application will be processed on all prospective residents 18 years of age or older.

**DEPOSIT:** The following deposits are payable at the time an applicant submits the Rental Application. The deposit is refundable up until the time you have been notified that your application is approved. If your application is denied or you cancel your application you will receive your deposit refund in full. Once an applicant has been notified that their application has been approved, the deposit becomes your Security Deposit on the apartment. All Security Deposits will be subject to the rules as outlined in the TAA Lease Paragraphs 40 and 41.1. Your Security Deposit refund (less lawful deductions) will be mailed within 30 days after vacating the unit.

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

**LEASE TERMS:** Initial lease terms may be six (6) months or one (1) year.

**OCCUPANCY:** The following are 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 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. Live Oak Trails does accept Section 8 Vouchers.
- Co-signers will not be accepted.

**INCOME AND RENT LIMITS:**

- The income limit is the maximum income you can earn to live in a program unit. These limits are released by the federal government every year and are based on what other people in your area earn. Income limits vary by the number of household members.
- The rent limit is the maximum rent the property may charge for the program units. The rent limit is a percentage of the income limit. Rent limits vary by the number of bedrooms in an apartment.
- Rent limits for TDHCA rental programs are not based on your individual household income.
- Each property has its own Land Use Restriction Agreement or "LURA" which determines the number of apartments that must be leased at certain income and rent limits.
- Income and rent limits may be different for apartments with the same floor plan on the same property. This means that your rent may be different from your neighbor's rent because of the LURA. Other properties in the same area can have different income and rents limits because their LURA may be different.

This chart represents the current gross rent and income limits at Live Oak Trails and are revised as required:

Household Size	1	2	3	4	5	6	7
<b>30% Income Limit</b>	\$17,100	\$19,550	\$21,990	\$24,400	\$26,400	\$28,350	\$30,300
<b>30% Rent Limit</b>	<b>1-Bedroom</b>	\$458	<b>2-Bedroom</b>	\$550	<b>3-Bedroom</b>	\$635	
<b>40% Income Limit</b>	\$22,800	\$26,080	\$29,320	\$32,560	\$35,200	\$37,800	\$40,400
<b>40% Rent Limit</b>	<b>1-Bedroom</b>	\$611	<b>2-Bedroom</b>	\$733	<b>3-Bedroom</b>	\$847	
<b>50% Income Limit</b>	\$28,500	\$32,600	\$36,650	\$40,700	\$44,000	\$47,250	\$50,500
<b>50% Rent Limit</b>	<b>1-Bedroom</b>	\$763	<b>2-Bedroom</b>	\$916	<b>3-Bedroom</b>	\$1,058	
<b>**Revised as of 05/07/2018 per TDHCA</b>							

**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. Employment must be verified for the last 12 months. In the event of a job change in the last 6 months, we will confirm employment end date. Proof of retirement benefits, social security or disability income is required.

**SELF-EMPLOYMENT:** Self-employed individuals are required to provide business book-keeping records with supporting documents which may include copies of checks, invoices, contracts, business 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. Supporting documentation must be submitted even if a tax return is provided. If documents cannot be provided to support your stated income from self-employment, then your application may be denied.

**ASSETS:** Each applicant may be required to provide proof of all owned assets prior to application approval. Acceptable forms of asset verifications include, but are not limited to:

- 6 Months of consecutive checking bank statements
- Most recent savings statement, pre-paid debit card statement or ATM receipt showing current balance
- Current statement of investment accounts (i.e. 401K, CDs, Mutual Funds, Stocks, Whole Life Insurance, Oil Rights, etc.)
- Real Estate information including sale of real estate within the past 2 years.

**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:** If an applicant's credit report reflects any of the following credit history items, an additional Security Deposit equal to one (1) months' rent will be required and subject to the Security Deposit rules outlined in the TAA Lease. The name of the third party screening company will be provided upon request.

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

**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.

Rental history must be provided on application for past 2 years. Residential history may include apartments (or other rentals), shelters, transitional housing, friends/family or homelessness. Evidence of Homelessness will also be required if applicable. Any unpaid sums owed on a previous rental will result in denial of the application. If there is no verifiable rental history, applicants will be subject to an additional refundable Security Deposit equal to one (1) months' rent which will be subject to the Security Deposit refund rules outlined in the TAA Lease, 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). Supporting documentation may be requested as outlined in the VAWA Notice of Occupancy Rights.

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 damage to property
- No balances owed to the property including utility bills
- No eviction or non-renewal 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. Changes in Student Status must be reported to the Property Manager at the time of the change.

Households may not at any time be comprised completely of full time students who have 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) unless they satisfy one of the following exceptions (with documentation):

- 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 31<sup>st</sup> 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 **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 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 any Murder Related Offense
- 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. 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 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.

**REASONABLE ACCOMMODATION / MODIFICATION POLICY AND PROCEDURES:** It is our policy, pursuant to Section 504 of the Rehabilitation Act and the Federal Fair Housing Act to provide reasonable accommodations and modifications upon requests to all applicants, residents and employees with disabilities. A *Reasonable Modification* is a structural change made to the premises while a *Reasonable Accommodation* is a change, exception, or adjustment to a rule, policy, practice or service. **A copy of our complete Reasonable Accommodation Policy is available upon request from the Leasing Office.**

A person with a disability may verbally request a reasonable accommodation at any time during the application process. This request may be made by the applicant, a family member, or someone acting on behalf of the applicant – even if the words “reasonable accommodation or modification” are not used. To facilitate the processing and consideration of the request, residents or prospective residents may wish to complete a Reasonable Accommodation/Modification Request form for tracking purposes (available in the Leasing Office by request). All requests for reasonable accommodations or modifications will be processed and responded to within 7-14 business days.

*Si alguna persona con alguna discapacidad necesita ayuda, o alguna persona tiene dificultad entendiendo Ingles, será un placer ayudarles en nuestra oficina. Nuestra oficina está localizada en el 8500 Highway 71, Austin, TX 78735. Nuestro horario laboral es de lunes a viernes desde las 9:00 am hasta las 5:00 pm.*

**PETS:** 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). Refer to the separate Pet Policy attached.

**UNIT TRANSFER POLICY:** If a current household requests to transfer to a different unit due to one of the following reasons, the transfer will be made without obligation to meet income requirements, regardless of your lease status and will not be subject to a 60 day written notice, additional deposit, a unit inspection or transfer fee. If a unit is not currently available at the time of the request, the household will go to the top of the Wait List behind any other current residents who have made a transfer request based on these situations:

- Residents requiring an accessible unit, or
- Residents requesting a reasonable accommodation, or
- Resident protected under VAWA, or
- Emergency situations such as fire or flood and unit has been determined to be uninhabitable by management.

Current residents who request to transfer from one unit to another unit within the community for a reason other than for a Reasonable Accommodation, are subject to the following rules per program guidelines:

- **100% low-income multiple building projects:** Households may transfer to any unit in a 100% low-income multiple building project and retain their program designation. The household does not need to be and should not be certified at the time of transfer. The move in date remains the date the household was first designated under the program. All annual requirements are due from the date the Household originally moved into the project and NOT when they transferred units.
- **Household Transfers within the Same Building for all Programs:** Regardless of the Household's income at the last certification, the units "swap status" and the move in date is the date the HH moved into the building and NOT when the Household transferred to another unit in the building. All annual requirements are due from the date the Household originally moved into the building and NOT when they transferred.

Transfers not based on a Reasonable Accommodation, VAWA or emergency situation need to meet the following requirements:

- A 60 day written Notice of Intent to Vacate must be given.
- Current Lease Contracts must be expired prior to transferring.
- \$200.00 transfer fee applies – except as noted above for Reasonable Accommodations, VAWA, or emergency transfers.

- A new Security Deposit is required to hold a new apartment. All Security Deposits will be subject to the rules outlined in the TAA Lease Paragraphs 40 and 41.1.
- A refund of your Security Deposit on the previous unit (less lawful deductions) will be mailed within 30 days after vacating.
- Your apartment will be inspected prior to the approval of the transfer. Households with infestations issues will not be approved for transfer. Property Manager must approve all transfers.
- Households wanting to transfer (other than exceptions noted previously) must be in good standing. To be in good standing, one must meet the following guidelines:
  - ✓ 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. 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 at the time of the request, the household will be placed on the Wait List. Preference is given to current residents over prospective applicants on the Wait List.
- Households not in good standing will not be eligible for a transfer and will be removed from the Wait List.

**WAIT LIST POLICY:** Live Oak Trails maintains a separate Wait List for the 30%, 40% and 50% rent designations with a maximum of 30 participants. *The income limits are shown on the chart on page 2 of this document.* Applicants and/or residents are placed on the Wait List in chronological order, based on the date they are added to the Wait List, with consideration to the unit size and accessibility features requested, if any.

Current residents wishing to transfer from one unit to another within the community or who wish to apply for a lower rent restricted unit may be placed on the Wait List, as long as it is OPEN. Priority will be given to existing households over prospective applicants on the Wait List.

In accordance with 24 CFR 8.27 titled Occupancy of Accessible Dwelling Units and Chapter 1, Subchapter B of the Texas Administrative Code, if an accessible unit becomes available, we will first offer the unit to a current resident, having a disability requiring the accessibility features of the vacant unit and occupying a unit not having such features, and secondly we will offer the unit to an eligible qualified applicant on the Wait List having a disability requiring the accessibility features of the vacant unit. Otherwise, the selection process will be based on a first come, first served basis. **A complete Wait List Policy is available upon request from the Leasing Office which details our procedures for Opening, Closing and Selecting Applicants from the Wait List.**

**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.

*The above Tenant Selection Criteria may be amended as 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