



GARDEN TERRACE TENANT SELECTION CRITERIA

(Effective 10/01/2018)

Garden Terrace 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 512-416-8300.

A copy of our current Supportive Housing Criminal History Criteria, 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.

OCCUPANCY STANDARDS: One (1) person maximum occupancy per unit.

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

OCCUPANCY PREFERENCE: Fifty (50) HUD units are reserved for the homeless in Phase I and II. Evidence of homelessness will be required. Rents on the HUD-subsidized units will range from a minimum of \$50 to approximately 30% of applicant's income which determined by the Austin Housing Authority. All applicants will have to verify a demonstrated ability to pay rent (See Income Requirements below).

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.

CITIZENSHIP: (Only applicable to HUD units): In accordance with HUD regulations, all applicants must be a U.S. Citizen or have eligible immigration status. Documentation will be required to verify U.S. Citizenship and/or eligible immigration status including but not limited to a current Resident Alien Card and/or Visa. In addition, applicant must provide a birth certificate and social security card, unless unavailable for foreign-born residents, in which case immigration documents may be substituted. Applicants should provide this documentation with their application.

NON-REFUNDABLE APPLICATION FEES: Applicant must provide a \$25, nonrefundable application fee at the time of Application.

DEPOSIT: There is a \$100 refundable Security Deposit for each unit payable at the time of Move-In. 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.

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

INCOME REQUIREMENTS:

- **Private Pay Applicants:** Must have verifiable monthly earned income at least **1.5 times** the monthly rental amount.
- **Applicants that receive disability income, retirement income, SSI or SSDI:** The household must meet at least **1.5 times** the monthly rental amount. Proof of retirement benefits, social security or disability income is required.
- **Section 8 Applicants:** Garden Terrace does accept Section 8 Vouchers. Must have verifiable monthly income that is at least **1.5 times** the household's portion of the rental amount.
- Family support cannot exceed 25% of the total household income and must be verified. 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 Garden Terrace and are revised as required:

Household Size 1	Income Limits	Rent Limits
30% of MFI	\$18,100	\$452
50% of MFI	\$30,100	\$752
*Revised 05/30/2018 by TDHCA		

EMPLOYMENT HISTORY: Employed applicants must provide the most recent **two (2) months** of consecutive pay stubs. If pay stubs are unavailable then a third-party Verification of Employment is required. 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-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 is 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

CREDIT HISTORY / RESIDENTIAL HISTORY: Garden Terrace staff will obtain a credit report from a Credit Bureau on each applicant. All rental history reflected on the credit report will be verified. The name of the third party screening company will be provided upon request. 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.

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 (not rent) 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 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 (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. Changes in Student Status must be reported to the Property Manager at the time of the change.

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.

- Be of legal contract age under state law; **AND**
- Have established a separate household from your parent(s)/legal guardian for no less than one (1) year from the date of application; **AND**
- 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:

- 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: All applicants will be screened for criminal history activity. (See separate Garden Terrace Criminal History Criteria). If an Applicant's history is unable to be obtained through our system, the Applicant will be requested to provide an original DPS Criminal History Report. This report is payable by the Applicant.

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. Garden Terrace 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 1015 W. William Cannon, Austin, Texas 787454. Nuestro horario laboral es de lunes a viernes desde las 9:00 am hasta las 5:00 pm.

PETS: Garden Terrace is a No Pet Community with the exception of a Qualified Service/Assistance animal. 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).

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 advanced written notice, additional deposit, or a unit inspection. 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.

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

- Current Lease Contracts must be expired prior to transferring.
- 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.
- A walk-through of your current apartment will be conducted by Property Management. Residents with evidence of an infestation will not be approved for transfer. Property Manager must approve all transfers.
- No lease violations in the previous 12 months. Previous violations will be evaluated by Management.
- No more than 2 late payments or NSF payments in the past 12 months.

- 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.

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

- **PHASE I:** Households may transfer to any unit *within* PHASE I without requiring a certification at the time of transfer. The move in date remains the date the household was first designated under the program. The recertification is due on the anniversary date the household originally moved in.
- Households who wish to transfer from PHASE II or III *into* PHASE I may do so in a Private Pay unit ONLY, if available, and must apply as a new household and meet current low income guidelines at the time of transfer. Their move in date changes to the date they transfer to the new unit. Recertification is due on the anniversary date of their new transfer date. **MAY NOT TRANSFER INTO A HUD UNIT.**
- **PHASE II:** Households may not transfer from PHASE I or PHASE III into PHASE II *due to all households in PHASE II are required to be homeless.*
- **PHASE III:** Households may transfer from PHASE I OR II into PHASE III *as long as we are meeting our 10 homeless unit requirement for FHLB in PHASE III.* The household must apply as a new household and meet current low income guidelines at the time of transfer. Their move in date changes to the date they transfer to the new unit. Recertification is due on the anniversary date of their new transfer date.

WAIT LIST POLICY: Garden Terrace maintains a separate Wait List for the 30% and 50% rent designations – the Wait List shall not exceed 60 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: Garden Terrace residents will be required to abide by the Community Policies including controlled access, guest policy and use of common spaces. Garden Terrace is a non-Smoking Community. **Any applicant who arrives intoxicated during any part of the leasing or move in process will be automatically denied.**

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



CRIMINAL HISTORY CRITERIA

(Revised 6/28/18)

The Criminal History Criteria are requirements of the Federal Department of Housing and Urban Development and the Housing Authority of the City of Austin.

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Examples of unacceptable criminal activity or drug related criminal activity include **without limitation**:

DRUGS:

- ◆ Applicants convicted of manufacturing or producing methamphetamine in violation of any Federal or State law are permanently denied.
- ◆ Any type of drug trafficking, delivery or sale of controlled substances by the applicant within the last ten (10) years
- ◆ Any type of illegal use or possession, for personal use, of a controlled substance occurring within one (1) year of the date of application.
- ◆ A pattern of past conduct of illegal use of controlled substances.*
- ◆ Past conduct of abuse or a pattern of abuse of alcohol which threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.

VIOLENCE:

- ◆ One of the following types of conduct committed by the applicant regardless of date committed:
 - Capital murder
 - Murder / manslaughter
 - Kidnapping
 - Child molestation
 - Rape or crimes of a sexual nature
- ◆ One of the following types of conduct committed by an applicant within the past five (5) years:
 - Illegal possession / discharge / display / carrying of firearm or illegal weapon/deadly weapon
 - Assault, aggravated assault, assault by threat, stalking
 - Physical violence to persons or property, or criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another
- ◆ A pattern of continuing conduct/acts, regardless of type of severity which may interfere with the health, safety, or right to peaceful enjoyment of the premises by others.*
- ◆ Any individual who is 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.
- ◆ Depending on the severity of the offense, an arrest record may be considered sufficient evidence of criminal activity for a denial of housing.

*Pattern is defined as 3 or more incidents within the past 5 years with a minimum of 2 incidents within the past 3 years. Pattern applies only to charges that are similar in nature and prohibited by this criteria.

Depending on the severity of the offense, an arrest record may be considered sufficient evidence of prohibited criminal activity for a denial of housing.

Garden Terrace reserves the right to deny an application based on the above Criminal History Criteria. Garden Terrace will consider supplemental information provided by the applicant on specific criminal charges. However, submittal of this information by an applicant does not automatically guarantee the approval of an application for housing.

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

I have read and understand the Criminal History Criteria for Garden Terrace.

Applicant Signature

Date

Garden Terrace Residences • 1010 W. William Canon • Austin, Texas 78745 • 512-416-8300

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