



# LIVE OAK TRAILS TENANT SELECTION CRITERIA

Effective 12/02/2024

**APPLICATIONS:** Applications are accepted in person, by email, US mail and fax at our Leasing Office during regular business hours. Individuals with a disability may request a Reasonable Accommodation either verbally in person, in writing, via email, or by phone to complete the application process. See below for property contact information.

**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:** \$30 per adult and \$35 for married couple. A separate credit report will be processed for each applicant 18 years of age or older, unless married.

**DEPOSIT:** The following refundable Security Deposit for each unit type is listed below. All Security Deposits will be subject to the rules as outlined in the TAA Lease. 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 AND RENT LIMITS:** This chart represents the gross rent and income limits at Live Oak Trails:

Household Size	1	2	3	4	5	6	7
<b>30% Income Limit</b>	\$26,460	\$30,240	\$34,020	\$37,800	\$40,830	\$43,850	\$46,890
<b>30% Rent Limit</b>	<b>1-Bedroom</b>	\$708	<b>2-Bedroom</b>	\$850	<b>3-Bedroom</b>	\$982	
<b>40% Income Limit</b>	\$35,280	\$40,320	\$45,360	\$50,400	\$54,440	\$58,480	\$62,520
<b>40% Rent Limit</b>	<b>1-Bedroom</b>	\$945	<b>2-Bedroom</b>	\$1,134	<b>3-Bedroom</b>	\$1,310	
<b>50% Income Limit</b>	\$44,100	\$50,400	\$56,700	\$63,000	\$68,050	\$73,100	\$78,150
<b>50% Rent Limit</b>	<b>1-Bedroom</b>	\$1,181	<b>2-Bedroom</b>	\$1,417	<b>3-Bedroom</b>	\$1,638	

**\*\*Revised as of 04/01/2024 per TDHCA**

- 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.

**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:** Live Oak Trails accepts Section 8 Vouchers. 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.
- Family support cannot exceed 25% of the total household income to qualify and must be verified.
- Co-signers will not be accepted.



**EMPLOYMENT HISTORY:** Each employed applicant over the age of 18 years must provide the most recent two (2) months of consecutive pay stubs. **For LIHTC Units ONLY-** Income will be determined by using 4 of the consecutive pay stubs provided. For person(s) paid monthly 4 pay stubs are required. 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. Any applicant who's employment has been involuntarily terminated (discharged) for Gross Misconduct from Foundation Communities will be denied.

**SELF-EMPLOYMENT:** Self-employed individuals must demonstrate self-employment for a minimum of 4 months. All self-employed individuals are required to provide business book-keeping records with supporting documents which may include copies of checks, invoices, contracts, receipts, Profit/Loss statement, or 1099s AND a copy of the most recent year's tax return (1040 with Schedule C), if available, for all self-employment income sources. If operating on a 'cash only' basis, applicants must track their gross monthly income as well as expenses and provide documentation to prove their net monthly income. Supporting documentation of current income must be submitted even if a tax return is provided. *If documents cannot be provided or are insufficient to adequately support stated income from self-employment, then your application will 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:

- Most recent checking statements, savings statement, pre-paid debit card statement or ATM receipt showing current balance
- Current statement of investment accounts (i.e. 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) or Payment History Verification from the OAG. Child Support payments will be averaged based off of the payments received within the prior 12 months.

**CREDIT HISTORY:** If an applicant's credit report reflects any of the following credit history items, we will offer the option of paying an additional security deposit equal to the current deposit amount for the unit size which is subject to the security deposit rules outlines in the TAA Lease. If the applicant does not want to pay the additional deposit, the application will be denied. The name of the third party screening company will be provided upon request.

- |                      |   |
|----------------------|---|
| 1. Bankruptcy        | If less than <u>3 years old</u>   |
| 2. Court Judgment    | If less than <u>3 years old</u>   |
| 3. Tax Lien          | If over <u>\$5,000</u> and less than <u>3 years old</u>   |
| 4. Foreclosure       | If over <u>\$100,000</u> and less than <u>1 year old</u>  |
| 5. Repossession      | If over <u>\$3,000</u> and less than <u>3 years old</u>   |
| 6. Collections       | If over <u>\$1,500</u> and less than <u>1 year old</u><br>If the number of collections is <u>over 3</u> |
| 7. Past Due Accounts | If over <u>40%</u> 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 the current deposit amount for the unit size 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.

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. For applicants who have lived at an FC SRO property and are in good standing, rental and credit history prior to SRO residency 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

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.

**CRIMINAL HISTORY:** A criminal history will be completed on each applicant or occupant age 18 or older. Please see the chart below for convictions and look back periods that will result in a denial of the application.

TYPE OF CONVICTION	DESCRIPTION OF CONVICTION	Level of Conviction		
		Minimum number of years since date of conviction		
		FELONY	MISDEMEANOR	
Crimes Against Persons	Description		Class A	Class B
	Assault and Battery Offenses	5	3	Not Considered
	Domestic Violence Offenses	5	3	Not Considered
	Use of a Firearm Against a Person	5	3	Not Considered
	Armed Robbery Offenses	5	3	Not Considered
	Robbery Offenses (no weapon involved)	5	3	Not Considered
	Intentional Homicide	Lifetime	Lifetime	Lifetime
	Criminal Negligent Homicide	5	3	Not Considered
	Manslaughter	Lifetime	Lifetime	Lifetime
	Kidnapping & Abduction	Lifetime	Lifetime	Lifetime
	Forcible Sex Offenses	Lifetime	Lifetime	Lifetime
	Non-Forcible Sex Offenses	Lifetime	Lifetime	Lifetime
	Stalking	5	3	Not Considered
Crimes Against Property	Description			
	Arson Related Offense	Lifetime	Lifetime	Lifetime
	Burglary/Breaking & Entering	5	3	Not Considered
	Theft, Stolen Property, Fraud Related Offense	5	3	Not Considered
	Deadly Conduct, Terroristic Threat w/firearm	5	3	Not Considered
	Deadly Conduct, Terroristic Threat without firearm	3	3	Not Considered
	Destruction/Damage/Vandalism of Property	5	3	Not Considered
	Criminal Trespass of Habitat (Misdemeanor only)	N/A	1	Not Considered
Crimes Against Society	Description			
	Drug Possession	5	3	Not Considered
	Drug Manufacture, Distribution, Possession with Intent to Distribute	5	3	Not Considered
	DUI and/or DWI Related Offenses	5	3	Not Considered
	Meth Manufacturing	Lifetime	Lifetime	Lifetime
	Prostitution Related Offenses (Felony only)	3	N/A	Not Considered
Multiple Offenses	Description			
	3 or more Felony Convictions will be denied	5	Not Considered	Not Considered

\*\*\* Note: This requirement does not constitute a guarantee or representation that residents or occupants residing at this apartment community have not been convicted of above mention criminal activity.

**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/TCAP-RF):** 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.

- 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 31<sup>st</sup> of the current year;
- Is legally married;
- Is working on a master's or doctorate degree program (such as M.A., M.B.A., Ph.D., graduate certificated etc.);
- Is currently serving on active duty in the U.S. armed forces for purposes other than training;
- Is a veteran of the U.S. armed forces;
- Have a legal dependent(s) i.e. child or parent;
- Have at any time since age 13 years old been an orphan, in Foster Care or a dependent/ward of the court;
- Were an emancipated minor or in legal guardianship prior to turning 18;
- 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.

**WRITTEN POLICIES AND PROCEDURES:** You will receive a copy the following policies as part of your application:

- |                                       |                                     |
|---------------------------------------|-------------------------------------|
| • Reasonable Accommodation/504 Policy | • Recertification Policy            |
| • Denied Application Policy           | • Unit Transfer Policy              |
| • Privacy Policy                      | • Non-Renewal / Termination Policy  |
| • Wait List Policy                    | • Grievance Policy                  |
| • Pet Policy/Breed Restrictions       | • Community Policies                |
| • No Smoking Policy                   | • Tenant Rights and Resources Guide |
| • Parking Policy                      | • VAWA Notice of Occupancy Rights   |



