

---

## CLAIRMONT OAKS

### SCREENING\REJECTION CRITERIA

---

All applicants 18 years of age or older in a household will be screened for rental history, credit and criminal history, and general program eligibility prior to residency. The screening of live-in aides at initial occupancy and the screening of persons or live-in aides to be added to the tenant household after initial occupancy involve similar screening activities. Both live-in aides and new additions to the tenant household will be screened for drug abuse and other criminal activity. An application may be rejected for any one of the following reasons:

- ♦ The applicant/family is not elderly as defined in *Definitions on page 5*.
- ♦ Submission of false or untrue information on the application, or failure to cooperate in the verification process.
- ♦ The applicant has a history of unacceptable or unsatisfactory credit or criminal history as reported by a credit agency or other organization. ***Please see Credit Criminal Screening Criteria on page 3 for more information.***
- ♦ Negative reference from current or previous landlord, including but not limited to late rent, NSF (non-sufficient funds) checks, lease violations, evictions, etc.
- ♦ The household (including a **Live In Aide**) size is not appropriate for this unit. *Please see Definitions on page 5.*
- ♦ Failure to complete all interviews and sign designated or required forms and/or documents upon request.
- ♦ The applicant cannot pay the appropriate security deposit at move-in.
- ♦ This will not be the applicant's only residence and he/she will pay an assisted rent.
- ♦ The applicant has repeatedly (more than twice) been offered a housing unit and, for other than a verified medical reason, he/she has refused to take the unit offered.
- ♦ The applicant is not a Citizen, National or eligible non-Citizen (as defined by HUD).
- ♦ The applicant is not capable of fulfilling the lease agreement, with or without assistance, including dressing, toileting, bathing, feeding, taking medications, transferring, mobility and associated tasks, following safety precautions, housekeeping and laundry, meal preparation and cleanup, communicating, obtaining transportation, money management, planning and decision-making.
- ♦ A negative criminal history as defined in the ***Criminal or Drug-Related Activity on page 2.***

- ♦ By HUD formula, the applicant cannot show a need for the subsidy assistance, (where applicable) or the household income exceeds the current **HUD low income** limits.
- ♦ The applicant was unable to provide proof of SSNs as required by HUD and management policy.
- ♦ Insufficient income to support the established Section 236 rental rate (i.e. rental rate would be 50% or more of gross monthly income), which income formula applies when there is no Section 8 subsidy slot available.
- ♦ An applicant's status as a victim of domestic violence, dating violence or stalking is not a basis for denial of rental assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission.
- ♦ Applicants will be screened using the Enterprise Income Verification (EIV) to identify situations in which new applicants have existing subsidies. If applicants have an existing subsidy Clairmont Oaks Management will work with the current landlord to ensure that dual subsidy will not occur.

---

## **CRIMINAL OR DRUG-RELATED ACTIVITY**

---

Upon move-in tenants sign leases requiring them to accept responsibility for the actions of individual household members, their guests, or other persons on the premises with their consent. No tenant, no member of the tenant's family or household nor a guest or any other person visiting a tenant shall engage in criminal activity on or near the apartment complex, including drug-related criminal activity, or other criminal activity or drug and alcohol abuse that threatens the health and safety of the tenants or staff or hinders the peaceful enjoyment of the housing premises. "Drug-related criminal activity" means the illegal manufacture, sale, distribution or use of a controlled substance (as defined in **Section 102 of the Controlled Substance Act**).

No tenant, no member of the tenant's household or family, nor any guest or other person shall engage in any act intended to facilitate criminal activity, drug-related activity on or near the apartment complex.

No tenant or members of the tenant's household or family will permit the dwelling unit to be used for, or to facilitate, criminal activity, including drug-related criminal activity, regardless of whether the individual engaging in such activity is a member of the household, family or a guest.

No tenant or members of the tenant's household or family will engage in the manufacture, sale or distribution of illegal drugs on or near the apartment complex or elsewhere.

No tenant, nor shall any member of the tenant's household or family, guest or other person, engage in acts of violence, including, but not limited to, the unlawful discharge of firearms on or near the apartment complex.

Violation of the above provisions shall be a material noncompliance violation of the lease and good cause for termination of the lease. A single violation of any of these provisions shall be deemed a serious violation and material noncompliance with the lease. It is understood and agreed that a single violation shall be good cause for termination of the lease. Unless otherwise provided by law, proof of violation shall not require criminal conviction, but shall be by a preponderance of the evidence.

---

## **CREDIT & CRIMINAL SCREENING CRITERIA**

---

### **Rental Approval:**

1. If a prior landlord reported the applicant(s) damaged property or lease violations the applicant can be denied. This includes lease violations, disturbing the peace, harassment, poor housekeeping habits, improper conduct, interfering with the efficient management and administration of the property or other negative reference against the household including violations of fire, life safety or public health codes.
2. Any eviction is automatically grounds for denial. This includes any household members who have been evicted from Federally-assisted housing for drug-related criminal activity within the past five (5) years. If the evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program or circumstances leading to the eviction no longer exist, **Management** will review on a case-by-case basis.
3. We may accept a rental history of no more than two (2) late payments of rent in a six (6) month period, with verification of all charges paid and no more than one (1) NSF check in a one (1) year period. Anything beyond this specification can be grounds for denial.
4. Any evidence of illegal activity including drugs, gangs, weaponry, etc., will be grounds for denial.
5. Grossly unsanitary or hazardous housekeeping habits.
6. Any debt balance owing to a prior management company or housing complex will need to be paid prior to move-in.
7. Lack of rental history is not grounds for denial.

### **Credit Approval:**

1. Applicants with more than two (2) accounts in negative standing within the past two

(2) years will be denied. Examples of negative standing are late payments, collections, bad credit status, etc.

2. Public records such as collections and judgments are included as negative accounts.
3. Each bankruptcy item or foreclosure proceeding within the past five (5) years is rated as the worst account and counted individually.
4. Federal and State Tax liens within the past three (3) years are counted as a negative account. Prior to the three (3) year period we may request proof of payment/release on any Lien over \$1000.00 that is still on the applicant's credit history.
5. Financial Aide or School Loans in negative standing are counted.
6. Any amount showing owed to a prior management company can be grounds for denial. We reserve the right to ask for proof of payment.
7. Any other item(s) that appear on the credit report, which would reflect negatively on the applicant, will be reviewed and a decision will be made based on the date, source, and amount of the action.
8. Lack of credit history is not grounds for denial.

### **Criminal Background Check:**

1. Any conviction within the past five (5) years for illegal drug use, manufacture or distribution of a controlled illegal substance is grounds for denial.
2. Any conviction within the past five (5) years for any crime of violence, fraud, theft, or other crime which establishes that the applicant's tendency might constitute a direct threat to the health or safety of other individuals or result in the substantial physical damage to the property of others is grounds for denial.
3. Any conviction for any activity concerning sexual abuse or assault is grounds for denial. This includes, but is not limited to, any member of the household who is subject to a registration requirement under a state sex offender registration program.
4. Any conviction for any activity including murder is grounds for denial.
5. Any other felony conviction within the past five (5) years.
6. Any household members who are currently engaging in illegal drug use are grounds for denial. This can included a pattern of illegal drug use that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other tenants.
7. Any household member who has a pattern of alcohol abuse that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other tenants is grounds for denial.

*NOTE: All applicants in a household will be processed as one approval or denial for an apartment. If any one of the applicants has negative rental history, negative credit history or negative criminal history all applicants will be denied.*

---

## DEFINITIONS

---

### **Elderly Family**

An Elderly Family includes but is not limited to:

1. Families of two or more persons, the head of which (or his or her spouse) is 62 years of age or older;
2. The surviving member or members of a family described in paragraph (1) living in a unit assisted under the Section 236 program with the now deceased member of the family at the time of his or her death;
3. A single person who is 62 years of age or older; or
4. Two or more elderly persons living together or one or more such persons living with another person who is determined by HUD, based upon a licensed physician's certificate provided by the family, to be essential to their care or well-being.

### **Person with Disabilities**

Such a person has a disability, as defined in 42 U.S.C. 423;

1. Any adult having a physical impairment that is expected to be of long-continued and indefinite duration, substantially impedes his or her ability to live independently, and is of a nature that such ability could be improved by more suitable housing conditions.

### **Live In Care Attendant**

A person who resides with one or more elderly persons, near-elderly persons, or persons with disabilities, and who:

1. Is determined to be essential to the care and well-being of the persons;
2. Is not obligated for the support of the persons; and
3. Would not be living in the unit except to provide the necessary supportive services.

A relative may be a **Live In Attendant** but must meet all of the above requirements, and sign a statement to that effect. **Clairmont Oaks** will verify this with a physician or recognized health care professional. The sole purpose of a **Live In Attendant** is to provide the tenant with support services and will not qualify for continued occupancy in the event the tenant vacates the unit.

**Clairmont Oaks** may re-verify the need for a **Live In Attendant** when necessary.

### **Unit Size Standards and Guidelines**

1. Minimum of one person per bedroom; maximum of two persons per bedroom.
2. Children may share a bedroom with a (grand)parent. This is a family decision.

#### **When assigning bedrooms:**

1. Every family member listed on 50059 or application is counted.
2. An unborn child may be counted for occupancy but not eligibility determination.
3. Live in attendants and foster children are counted when determining bedroom size.
4. Children who live in the unit 50% of the time may be counted.
5. Children away at school, who live with the family when school recesses, may be counted.

**Clairmont Oaks** will accommodate the changing needs of the in-house tenants because of increases in the number of family members or changes in the family composition, before going to the Waiting List.

---

## STUDENT RULE

---

An applicant who is enrolled full or part-time at an institution of higher education and:

is under 24 years of age, **and**

is not a veteran, **and**

is not married, **and**

has no independent children

is considered an Ineligible Student.

The law restricts any such individual from receiving Section 8 assistance, if the student is individually ineligible and the student's parents are income ineligible for Section 8 subsidy. Unless the student is determined independent from his or her parents, the eligibility of the student seeking Section 8 assistance will be based on both the student and the parent(s) being determined income eligible for Section 8 assistance.

A student under the age of 24 may be income eligible for Section 8 assistance in circumstances where an examination of the income of the student's parents may not be relevant or where the student can demonstrate the absence of, or his or her independence from, parents. These practices and criteria include, but are not limited to, consideration of all of the following:

The individual must be of legal contract age under state law.

The individual must have established a household separate from parents or legal guardians for at least one year prior to application for occupancy or the individual meets the U.S. Department of Education's definition of an independent student.

The individual must not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations.

The individual must obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support. This certification is required even if no assistance will be provided.