



# Weslaco Hills Apartments

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**EFFECTIVE: September 1, 2015**

Weslaco Hills Apartments is 120 Unit Low Income Housing Tax Credit (LIHTC) Community that is administered by Section 42 of the IRS Code, and is designated to attract applicants for occupancy from all potentially eligible groups of people in the housing area regardless of race, color, religion, sex, national origin, disability, familial status, Marital Status, source of income, age, ancestry, medical condition, sexual orientation or any other arbitrary basis. Weslaco Hills Apartments has 2 and 3 bedroom apartments available for rent. To be eligible for occupancy at this property, there must be a match between the applicant's household size and the unit size available at Weslaco Hills Apartments. The goal of this Tenant Selection Plan is to establish a guideline for the selection of residents in accordance with HUD 4350.3 and Section 42 LIHTC regulations, which will enhance the quality of life for our residents and improve the financial viability of Weslaco Hills Apartments.

## **Availability of Plan**

The Tenant Selection Plan is available to the public upon request. It will be posted in a common area of the rental office. It may be reviewed at the above location during normal office hours. All applicants will be provided a copy of this plan and will be required to sign an acknowledgment form stating they have read and understand the plan.

## **Modification of Plan**

Weslaco Hills Apartments will review this Tenant Selection Plan at least once annually or when there is a change in regulations to ensure that it reflects current operating practices, program priorities and LIHTC Section 42 requirements. If Weslaco Hills Apartments and/or the property's governing agency feel the plan needs to be modified in anyway, a notice of such modification will be provided to existing residents and persons on the property's Waiting List. Based on the new criteria Tenants who already reside at Weslaco Hills Apartments at the time new or revised tenant selection plan are applied and who are otherwise in good standing under the lease will not receive notices of non-renewal or termination. For this reason the current Tenant Selection Plan in place at Weslaco Hills Apartments will always be dated.



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## I. Fair Housing and Equal Opportunity Requirements

### Non-Discrimination

It is the policy of Weslaco Hills Apartments to comply fully with Title VI of the Civil Rights Act of 1964, Title VIII and Section 3 of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974), Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975 and any legislation protecting the individual rights of residents, applicants or staff which may subsequently be enacted.

Weslaco Hills Apartments will not discriminate on the basis of race, color, sex, religion, age, disability, national origin, gender identity, marital status, sexual orientation, ancestry, source or income, medical condition or any other arbitrary basis in the leasing, rental or other disposition of housing or related facilities or in the use or occupancy thereof. In addition, Weslaco Hills Apartments **will not:**

- Deny to any applicant the opportunity to apply for housing nor deny any eligible applicant the opportunity to lease housing suitable to his/her needs;
- Provide housing which is different from that provided others
- Subject a person to segregation or disparate treatment
- Restrict a person's access to any benefit enjoyed by others in connection with the housing program
- Treat a person differently in determining eligibility or other requirements for admission
- Deny a person access to the same level of services; or
- Deny a person the opportunity to participate in a planning or advisory group that is an integral part of the housing program

Weslaco Hills Apartments shall not automatically deny admission to a particular group or category of otherwise eligible applicants. Each applicant in a particular group or category will be treated on an individual basis in the normal processing routine.

### Section 504 of the Rehabilitation Act of 1973

It is the policy of Weslaco Hills Apartments to assure that qualified individuals with handicaps or disabilities are not discriminated against on the basis Weslaco Hills Apartments of their handicap or disability. Weslaco Hills Apartments also assures that these individuals will have equal opportunity to receive and enjoy the benefits of living at Weslaco Hills Apartments

#### **Reasonable Modifications:**

Weslaco Hills Apartments will allow *reasonable modifications* to individual units or common areas when requested by applicants and residents with disabilities. If considered reasonable by Weslaco Hills Apartments, these modifications will be made at the property's expense. If deemed to be unreasonable, an active dialogue will be opened between Weslaco Hills Apartments and the disabled applicant or resident to find a mutually agreeable solution.

#### **Reasonable Accommodations:**

Weslaco Hills Apartments will seek to identify and eliminate situations or procedures that create a barrier to equal housing opportunity for all. In accordance with Section 504 of the Rehabilitation Act of 1973, Weslaco Hills Apartments will make *reasonable accommodations* for applicants/tenants with handicaps or disabilities. Weslaco Hills Apartments will make *reasonable adjustments* to rules, policies and services in order to enable an applicant/resident with a disability to have an equal opportunity to use and enjoy the unit and the common area of dwelling or to participate in or have access to other activities conducted or sponsored by Weslaco Hills Apartments.

In reaching a reasonable accommodation with, or performing structural modifications for otherwise a qualified individual with disabilities, Weslaco Hills Apartments is not required to:

- Make structural alterations that require the removal or altering of a load-bearing structural member
- Provide support services that are not already part of its housing programs;
- Take any action that would result in a fundamental alteration in the nature of the program or service
- Take any action that would result in an undue financial and administrative burden on Weslaco Hills Apartments, including structural impracticality as defined in the Uniform Federal Accessibility Standards (UFAS).



UAH Property Management will consent to or deny the request as quickly as possible. Unless UAH Property Management explains the delay, the applicant/resident will be notified of the decision to consent or deny within thirty (30) calendar days after receiving all necessary information and documentation from the resident and/or appropriate verification sources. If the request for reasonable accommodation or modification is denied, the requestor has the right to appeal the decision within fourteen (14) days of the date of the written notification of denial.

### Defining persons with Disabilities

Any person having certain medical conditions, or a physical, mental or psychological impairment that:

- Limits the person's ability to conduct the activities of daily living
- Is such that the person's inability to conduct the activities of daily living could be improved by more suitable housing conditions
- Persons infected with the Human acquired Immunodeficiency Virus (HIV) who are disabled as a result of infection with the HIV are eligible for occupancy in the Section 202 properties designed for the physically disabled, developmentally disabled or chronically mentally ill depending upon the nature of the person's disability.

**NOTE:** A person whose sole impairment is alcoholism or drug addiction will not be considered to be a disabled for the purposes of the Section 202 program.

### Assigning Units for Person with Physical Disabilities

Weslaco Hills Apartments will always give a household that has indicated a need for certain unit accommodations because of disability, the opportunity to benefit from the LIHTC program in place. Weslaco Hills Apartments asks the household to decide for itself, in compliance with Section 504 of the Rehabilitation act, whether a unit meets the needs of the household. Weslaco Hills Apartments will notify the household whenever any unit becomes available, without regard to unit accessibility. Weslaco Hills Apartments will never prohibit an eligible household with a member who has a disability from accepting a suitable non-accessible unit if no accessible unit is available when the household reaches the top of the Waiting List. If the applicant decides to accept a standard unit, she/he may request some modification to the unit as a reasonable accommodation.

### Assigning Accessible Units

If a unit becomes available that has either been made accessible under Section 504, or was originally designed for disabled households when Weslaco Hills Apartments was approved for funding, Weslaco Hills Apartments will first offer the unit to an individual with disabilities who is currently residing in a non-accessible unit who requires the features of the unit. If there is no such current resident, Weslaco Hills Apartments will offer the unit to the next qualified applicant on the Waiting List who needs the features of the accessible unit. When neither a current resident nor a qualified applicant require the features of an available accessible unit, Weslaco Hills Apartments will advertise the accessible unit in a non-discriminatory way as an effort to maximize the utilization of the unit by eligible individual(s) whom require the accessible features of the unit. Only when all 3 attempts have faulted will Weslaco Hills Apartments offer the unit to another resident or applicant, and will incorporate as an addendum to the lease an agreement that the resident will move to a non-accessible unit within Weslaco Hills Apartments when one becomes available. This addendum will also cover whether the resident or Weslaco Hills Apartments will pay for the cost of such a move.

### Reasonable Accommodation

Weslaco Hills Apartments will consider request for reasonable accommodations from applicants/residents with disabilities, so they may benefit from the use and enjoyment of the dwelling units. The applicant/resident must be able to show that the requested accommodation is necessary and that there is a strong identifiable relationship between the requested accommodation and the individual's disability. If a household requests an accessible feature, policy modification or other reasonable accommodation, Weslaco Hills Apartments will provide the requested accommodation unless doing so would result in a fundamental alteration in the nature of the program or an undue financial and administrative burden. A fundamental alteration is a modification that is so significant that alters the essential nature of the operations of Weslaco Hills Apartments.



For further information please refer to the Reasonable Accommodation Policy & Procedures.

## II. Auxiliary Aids to Ensure Effective Communication

Weslaco Hills Apartments will seek to effectively communicate with applicants, residents and members of the public who are individuals with disabilities. The use of auxiliary aides will be implemented when necessary. Weslaco Hills Apartments asks for 7 days' notice in order to make any service, meeting, interview or appointment accessible. Requests for auxiliary aids may include visual alarms, tactile signs, visual doorbells, readers, interpreters, large print or Braille applications, leases and other information/communications, recording of such information and a community room television that provides closed-captioning service.

### Assistance Animals

Weslaco Hills Apartments will allow assistance animals, which are defined as animal that work, provide assistance, perform tasks for the benefit of a person with disability, or provide emotional support to alleviate identified symptoms or effects of a person's disability. These animals, often referred to as assistive, service, support or therapy animals perform many disability-related services, including but not limited to guiding individuals who are blind, alerting individuals who are deaf, providing minimal protection or rescue assistance, pulling a wheelchair, fetching items, alerting persons to impending seizures or providing emotional support to persons with disabilities who have a disability-related need for such support. No pet deposit or pet fee is required for assistive animals. Specific animal, breed, quantity, weight restrictions and pet rules will not apply to households who have a qualified service/assistance animal(s). If an accommodation for assistive animals causes a financial and/or administrative burden to Weslaco Hills Apartments, or becomes a danger to the safety of the other residents or staff, it will be asked that the assistive animal be removed by the Resident.

### Accessible Route

For mobility-impaired persons, Weslaco Hills Apartments is an accessible facility on an accessible route.

### Equal Access

Weslaco Hills Apartments will provide assistance in a confidential manner and setting to insure equal access to a resident's documents. An individual with disabilities is responsible for providing her/his own transportation to and from the location where all documents are kept. Documents that the resident would like to review may be examined during regular business hours. Please contact the Management office to make arrangements to examine any documents.

### Mitigating Circumstances

Section 504 and Fair Housing regulations state that consideration for mitigating circumstances shall be given to all persons applying for occupancy. If an applicant feels there is a mitigating circumstance or reasonable accommodation to be considered for determining occupancy, they should contact Weslaco Hills Apartments immediately to schedule a meeting.

## III. Privacy Policy

### Personal Information

It is the policy of Weslaco Hills Apartments to guard the privacy of individual's conferred by the Federal Privacy Act of 1974 and to ensure the protection of such individuals' records maintained by Weslaco Hills Apartments. Unless required by Federal or State Law, neither Weslaco Hills Apartments nor its agents shall disclose any personal information contained in its records to any person or agency unless the individual about whom information is requested shall give written consent to such disclosure.

### Determining Eligibility for Assistance

This privacy policy in no way limits Weslaco Hills Apartments's ability to collect such information as it may need to determine eligibility and income, or determine an applicant's suitability for tenancy.





### Information on Handicaps/Disabilities

Consistent with the intent of Section 504 of the Rehabilitation Act of 1973, any information obtained on handicap or disability will be treated in a confidential manner.

### Investigations into Fraud/Criminal Activities

This privacy policy is not intended to preclude the cooperation of Weslaco Hills Apartments with Local, State or Federal investigations into fraud or criminal activity. With proper identification, Weslaco Hills Apartments is permitted to advise the investigating officer of the following:

- Whether or not an individual is a resident;
- How long an individual has been a resident; and
- Any other appropriate answers to questions related to the investigation

Weslaco Hills Apartments will not make files, forms or documents available to the investigating officer unless a court order for such action is provided.

## **IV. Qualifying under Section 42 LIHTC Program Eligibility Requirements**

### Defining Program Eligibility

Program eligibility determines whether applicants are eligible for occupancy at this LIHTC Community. Weslaco Hills Apartments will not admit ineligible applicants. In order to be eligible a household must meet **all** of the following tests.

### Income Limits

HUD establishes income limits and revises them annually. Based off the limits released by HUD, the state agency responsible for monitoring compliance for the LIHTC program, will release income limits or provide direction to the LIHTC Community on how to acquire these applicable rent and income limits. Income limits are based on household size and the annual income the household receives. These limits are available for review at the site management office. Weslaco Hills Apartments will determine income eligibility prior to approving any applicant for tenancy.

### Social Security Numbers

Applicant must disclose Social Security numbers for all household members and provide proof of the numbers reported. If the applicant or any household member does not have a SSN than an alternate form of picture identification must be provided.

### Authorization for Release of Information

All adults in each applicant(s) household must sign a Tenant Release and Consent Form, prior to being awarded occupancy and annually thereafter. Refusing to sign the Tenant Release and Consent form by any adult household member will cause the household to be ineligible for occupancy or continued tenancy.

### Residents Only

#### **Annual Recertification Policy**

Weslaco Hills Apartments will conduct a recertification of household income, composition and student status annually. All household members must supply the information requested by Owner/Agent. Tenants must sign the required consent forms and Weslaco Hills Apartments will obtain third party verification of the required documentation, including annual income and the value of assets. In some cases, the owner can request a waiver to do full re-certifications. This must be approved by the governing state agency.

#### **Notification Policy**

Weslaco Hills Apartments will inform residents, through required written notices about their responsibility annually to provide information about the household's income, which is necessary to properly complete a recertification.



### Eligibility under the Student Rule

On 11/30/2005, Congress enacted Public Law 109-115, which included in Title III, Section 327, appropriations for HUD regarding eligibility of students for assisted housing under Section 8. Owners of LIHTC communities are required to determine a student's eligibility of students for assisted housing under Section 8. Owners of LIHTC communities are required to determine a student's eligibility at move-in and annual recertification. If the household is in danger of becoming a full-time student household with no qualifying exception, the Owner/Agent will re-verify student status and eligibility. Weslaco Hills Apartments will use the following HUD guidelines as indicated in Chapter 3 of HUD's Occupancy Handbook, HUD Handbook 4350.3 REV 1, CHG-4. Weslaco Hills Apartments strictly adheres to these guidelines on student eligibility.

### Defining Independent Student

If an individual can prove independence from his/her parents, therefore meeting the handbook definition of "Independent Student" and does not meet any of the criteria in Section 327(a) above, but is otherwise eligible for tenancy, the student would be eligible to move into Weslaco Hills Apartments. Non-tuition financial assistance would be counted as income for households receiving section 8 assistance, unless the student is over 23 with dependent child.

### Defining Student Financial Assistance for individuals receiving Section 8 assistance

Any financial assistance, for households receiving Section 8 assistance, a student receives (1) under the Higher Education Act of 1965 (2) from private sources or (3) from an institution of higher education that is in excess of amounts received for tuition is included in annual income, except if the student is over the age of 23 with dependent children or if the student is living with his or her parents who are receiving Section 8 assistance. (See the Glossary of HUD Handbook 4350.3 REV 1, CHG-4 for an expanded definition of Student Financial Assistance)

UAH Property Managements Compliance Department will be the final judge of the authenticity of any verification submitted by an applicant.

### Misrepresentation of Information

If, during the course of processing an application, it becomes evident that an applicant has falsified or otherwise misrepresented any facts about his/her current situation, history or behavior in a manner that would affect eligibility, applicant selection criteria qualification, allowances or rent, the application shall be rejected.

In Addition, Any information provided by the applicant that is later proven to be untrue by verification may be used to disqualify the applicant for admission on the basis of attempted fraud. Fraud is defined in par 8-13 A of the HUD handbook 4350.3 REV. 1, CHG-4 as an applicant/resident knowingly providing inaccurate or incomplete information. Unwitting errors that do not secure an advantage with regard to program eligibility, preferences or rent will not be used as a basis to exclude applicants

Weslaco Hills Apartments considers false information about the following items to be grounds for rejecting an applicant:

- Income, Assets, Household Composition, Social Security Numbers, Allowances; and
- Previous residence or Criminal history

## V. Qualifying under LIHTC's Project Eligibility Requirements

### Defining Project Eligibility

Project Eligibility establishes whether applicants are eligible to reside in the specific property to which they are applying. The occupancy standards listed below take into consideration household size and what unit sizes are available in Weslaco Hills Apartments.

### Occupancy Standards



Occupancy Standards is the maximum number of occupants that can reside in a unit. Units are assigned according to household size and composition. If the appropriate unit size is not available at the time of application, the applicant will be put on the Waiting List for the appropriate unit size.

**Families with Children**

The Fair Housing Act prohibits properties receiving federal assistance from discriminating on the basis of familial status, making it illegal to discriminate against families because of the presence of persons under the age of 18. Weslaco Hills Apartments will neither exclude families with children, nor will they develop policies or procedures that have the purpose or effect of prohibiting children. Weslaco Hills Apartments will not exclude eligible elderly families because of the presence of children or because of the anticipated presence of children.

**Counting Household Members**

In order to determine the size of unit that would be appropriate for a particular household, Weslaco Hills Apartments will count all full-time members of the household including live-in aides and foster persons who will reside in the unit. In addition, Weslaco Hills Apartments will count all anticipated persons including the following:

- Children expected to be born to a pregnant woman;
- Children in the process of being adopted by an adult household member;
- Children whose custody is being obtained by an adult household member;
- Children who are temporarily in foster home who will return to the household;
- Children in joint custody arrangements who are present in the household 50% or more of the time;
- Children who are away at school and who live at home during recesses;
- Children that are temporarily in a correctional facility/detention center who will return to the household.
- Household Members permanently confined to a Hospital/Nursing Home as requested by the Applicant.

**Two Persons per bedroom**

Weslaco Hills Apartments has adopted a bedroom size standard of two persons per bedroom. This standard serves to prevent the over-utilization or under-utilization of units that could result in an inefficient use of the LIHTC program. This standard also ensures that residents are treated fairly and consistently in order to receive adequate housing space. Weslaco Hills Apartments will not make social judgments on a household’s sleeping arrangement.

To avoid overcrowding and in order to be consistent, UAH Property Management has adopted the following occupancy standards:

Bedroom	Maximum
Studio/Efficiency	2
Loft	2
1 Bedroom	2
2 Bedrooms	4
3 Bedrooms	6
4 Bedrooms	8
5 Bedrooms	10

**Policy for Unit Transfers**

**Requests from Owner/Agent**

If an applicant becomes a resident and the only available unit is an accessible and there is no other household in need of the accessible unit at the time, it will be acceptable to allow the household to move into the accessible unit. The household however, will be required to sign the “Special Needs Apartment Agreement” form. By signing this form the household agrees that if any applicant or resident applies and is in need of the accessible unit the household will move to another apartment within the community in 30 days from notification by management. In the event that our Community does not have a unit available of applicable size then the Household in need of the ADA unit will be placed on the Waiting List. Weslaco Hills Apartments will never exclude a household with person(s) with disabilities from admission due to not having an ADA unit available nor will Weslaco Hills Apartments require the household to



accept a unit that has already been made accessible. The current resident will then be given a new 30 day notice for transfer upon availability.

#### **Acceptable Reasons for Transfers**

Current residents may qualify for a unit transfer for one of the following conditions:

- Medical/Health conditions, including inability to use stairs or the need for a live-in attendant.
- Household size increases or decreases
- Circumstances(s) protected under “The Violence Against Women Act”
- There is a need for a unit with special design features for a person with disabilities; or
- Other potential conditions not related to health, which will be reviewed on a case-by-case basis by both onsite Management and Regional Management.

#### **Placement on Transfer Waiting List**

If the Weslaco Hills Apartments manager approves a request for a transfer to a different unit, and there is not current unit available, the resident will be placed on the Weslaco Hills Apartments transfer list. Residents needing transfers due to medical reasons must have a written physician’s statement.

#### **Transfer List Preferences**

Weslaco Hills Apartments will provide emergency/priority transfers in the event of sexual assault or imminent harm, occurrences covered under VAWA or approved reasonable accommodation.

#### **Procedures for Filling Vacancies**

If a request for a transfer to a different unit is approved, the resident agrees to pay all transfer costs prior to the move. Costs may include damages that are beyond normal wear and tear in current unit. However, if a resident is transferred as an accommodation to a household member’s disability, then Weslaco Hills Apartments may be obligated to pay the costs associated with the transfer as discussed under Section 504 of the Rehabilitation Act of 1973 of Chapter 2 of HUD Handbook 4350.3 REV 1, CHG-4

#### **Priority for Filling Vacancies**

It should be noted that Weslaco Hills Apartments will prioritize households residing in the development over those not residing at the development

#### **Preferences**

Weslaco Hills Apartments has no elected Preferences.

## **VI. Qualifying under Weslaco Hills Apartments Standards**

### **Property Standards for Bedroom Size**

Being eligible for LIHTC housing is not an entitlement. Every applicant must meet the tenant selection criteria set in place at Weslaco Hills Apartments. These standards are used to demonstrate the applicant’s suitability as a resident. They are determined by verifying information on past behavior to document the applicant’s ability, either alone or with assistance to comply with essential lease provisions and any other rules governing tenancy.

### **Property Standards for Behavior**

The applicant household will be judged on past habits and practices related to tenancy and not on any attributed or behavior which maybe imputed to a particular group or category of persons of which an applicant may be a member.

## **VII. Screening to Determine Applicant Eligibility**

### **Applicant Screening Criteria**

All applicants for LIHTC housing will be screened according to the criteria set forth in HUD’s Occupancy Handbook, HUD Handbook 4350.3 REV 1, CHG-4 or governing agency. The screening criteria will be applied uniformly and in a manner consistent with all applicable law, including the state and Federal Fair Housing Acts, the Federal Fair Credit Reporting Act, program guidelines and the Departments Rules. Certain key questions relating to the applicant’s



eligibility and resident history will be asked, including Social Security numbers or other sort of identification, the names, addresses and telephone numbers of current and former landlords. Failure to provide this information will result in cessation of application processing. Property staff will assist applicants, as needed in understanding the application process and completing forms. Applicants will be instructed on what aspects of their background will be checked. An applicant has the right to voluntarily withdraw from the application process at any time. Live in Aids will be subject to the same general screening criteria as household members, except that Live-in Aids will not be screened for their ability to pay rent.

### **Section 8 Voucher Holders**

- Prospective applicants who hold Section 8 Vouchers or certificates are encouraged to apply and will be provided the same consideration for occupancy for occupancy as any other prospective tenant.
- Minimum income requirements for Section 8 voucher and certificate holders is 2.5 times the portion of rent the tenant pays;
- If tenant rent portion is equal to or below \$50, Weslaco Hills Apartments will require a minimum income of \$2500
- All other screening criteria, including employment policies or procedures and other leasing criteria must be applied to prospective tenants uniformly and in a manner consistent with the Texas and Federal Fair Housing Acts and with Department requirements.

### **Things Weslaco Hills Apartments will check**

- Past performance in meeting financial rent obligations, of;
- A record of disturbance of neighbors, destruction of property or housekeeping habits at prior residences which may adversely affect the health, safety or welfare of other residents or cause damage to the unit or development.
- Involvement in criminal activity on the part of any applicant household member which would adversely affect the health, safety or welfare of other residents;
- A record of eviction from housing, or termination from residential programs;
- An applicant's ability and willingness to comply with the terms of Weslaco Hills Apartments's lease;
- An applicant's misrepresentation of any information related to eligibility, allowances, household composition or rent.

### **Things Weslaco Hills Apartments will not check**

- Weslaco Hills Apartments is not allowed to require physical examinations or medical testing as a condition of admission;
- Weslaco Hills Apartments will uniformly require all applicants to furnish evidence of ability to meet the obligations of tenancy, but will not impose greater burdens on persons with disabilities. Persons with disabilities may meet the requirements of the lease with assistance of others such as attendant care providers;
- Weslaco Hills Apartments will not require a donation, contribution or membership fee as a condition of admission.

## **Procedures to Determine an Applicant's History**

### **Past Performance & Record of Disturbance**

- Past performance for meeting financial rent and current lease compliance obligations will be checked by contacting the current landlord and at least one prior landlord.
- Weslaco Hills Apartments will check county court records for evidence of evictions or judgments against the applicant. The purpose of these checks is to obtain information on the applicant's past history of meeting financial rent obligations, future ability to make timely rent payments and to describe whether the applicant has ever been evicted from a rental unit
- Weslaco Hills Apartments will check with the current landlord and at least one former landlord for potential problems regarding documented disturbance of neighbors, destruction of property or housekeeping habits that would pose a threat to the health and safety of other residents and/or property.



- If the applicant is not currently living under a lease with a landlord, the current housing provider may be asked to verify the applicant's ability to comply with lease terms. Any area for which the applicant has upkeep responsibility will be inspected.
- Documentation of current use of illegal drugs on the part of any applicant household member will be sufficient grounds to reject the applicant household.
- Involvement in criminal activity by any member of an applicant household that would adversely affect the health, safety or welfare of other residents will be verified. In addition, the current or former landlord will be asked to indicate problems in this area during the applicant's tenancy.

An applicant's behavior toward property staff will be considered in relation to future behavior toward neighbors. Physical or verbal abuse or threats by an applicant toward staff will be noted in the file and may be grounds for denial of residency.

### **Record of Eviction**

- Staff will run the required criminal background check for all individuals in the household that are over the age of 18 and have signed the proper tenant release and consent forms.
- If the background check comes back and has unclear information, it is acceptable to check property records, landlord records and other court records to determine whether the applicant has been evicted from any other property in the past.
- Record of termination from residential programs will be checked with police, services agencies and with any housing providers referred by the applicant.
- An applicant will in no way be held accountable by Weslaco Hills Apartments for the rental delinquency or other problems of a former household of which the applicant was a member, but not the head or spouse.
- Staff will consider the date and circumstances of any past eviction or termination of tenancy in determining its relevance to property tenancy.

### **Screening for Credit History**

Weslaco Hills Apartments will screen all applicants for their credit activity for the past 3 years. Weslaco Hills Apartments will reject an applicant for a credit history reflecting delinquencies on:

- Any previous monies owed from prior rental obligation if a payment arrangement has not been made and proof of payment history or pay off cannot be provided.

Weslaco Hills Apartments will not reject an applicant for a lack of a credit history. Reference letters may be requested.

### **Screening for Rental History**

The applicant's rental history must be acceptable to Weslaco Hills Apartments standards, which are as follows:

- Applicants should have at least one year of rental history to contact
- The rental history of both the current landlord and one previous landlord may be reviewed
- If the applicant current living arrangements are with a household member, then two previous landlords may be contacted.
- If an applicant proceeding housing was "owner occupied" this criterion is waived
- Applicants must not have a history of more than four (4) late rental or mortgage payments
- Applicants must show a willingness to maintain premises in a sanitary condition with no evidence of undesirable noise, odor or disruptions to the quiet and peaceful enjoyment of other residents.

### **Screening for Housekeeping Habits**

All landlords contacted for rental history will also be questioned regarding the applicant's housekeeping habits, to determine the maintenance of the present home in regards to sanitary conditions and fire and safety standards.

### **Other Standards**

Total Household gross monthly income must equal a minimum of 2 ½ times of the monthly rental amount.



### **Violence against Women Reauthorization Act of 2013**

Provides protections to Applicants/Tenants from being denied admission to, denied assistance under, termination from participation or evicted from housing on the basis that such person(s) are or have been the victims of domestic violence, dating violence, sexual assault and/or stalking or deny assistance, tenancy or occupancy rights solely on the basis of criminal activity directly relating to domestic violence, dating violence, sexual assault or stalking.

- This Community will not assume that any act is a result of abuse covered under VAWA. In order to receive the protections outlined in the VAWA, the applicant/resident must specify that he/she wishes to exercise these protections. If any applicant or resident wishes to exercise the protections provided in the VAWA, he/she should request additional information from the Office Staff and follow the steps and guidelines outlined in UAH Property Management's Violence Against Women Act Policy.
- If a request under VAWA has been made the applicant will complete the VAWA certification form or supply approved documentation outlined in the UAH Property Management's VAWA Policy within 14 calendar days from the date of the request.
- Office Staff will review and respond to requests to exercise protections provided under the VAWA within ten (10) business days of receiving all required documentation. Responses may include but is not limited to:
  - Approval of the Request
  - Denial of the Request
  - Request for additional information
- If the certification provided by the Applicant/Tenant contains conflicting information, we may request additional documentation as described in our VAWA policy. The Applicant/Tenant must supply requested documentation within (10) business days after request. If the victim is unable to provide required documentation within the required timeframe, the Office Staff will deny the request.

***UAH Property Management's Violence Against Women Act (VAWA) Policy can be referenced if additional clarification is needed.***

If a request that is subject to VAWA is denied, the requestor has the right to appeal the decision within fourteen (14) days of the date of the written notification of denial. The appeal meeting will be conducted by a person who was not originally involved in the decision to deny.

***NOTE:*** Per the Reauthorization Act of 2013, Weslaco Hills Apartments is not limited from termination assistance or tenancy for any violations under the Tenants current lease agreement that is not premised on the act of

## **VIII. Marketing**

### **Fair Housing requirements**

Weslaco Hills Apartments enforces a marketing effort that attracts a broad cross-section of the eligible population without regard to race, color, religion, sex, disability, familial status, national origin, marital status, sexual orientation, age, ancestry, place of employment, medical condition, or any other arbitrary basis.

### **Filing Available Units**

Whenever additional applicants are needed to fill available units, advertising will be carried out in accordance with the approved AFHMP and as indicated below.

### **Affirmative Fair Housing Marketing Plan (AFHMP)**

Weslaco Hills Apartments complies with the requirements of the approved AFHMP established for Weslaco Hills Apartments, which is designed to promote equal housing choice for all prospective residents regardless of race, color, religion, sex, disability, familial status, national origin, marital status, national origin, marital status, sexual orientation, age, ancestry, place of employment, medical condition **OR** any other arbitrary basis. Weslaco Hills Apartments will market at least quarterly but as need needed to fill vacancies. The purpose of the plan is to ensure



that eligible households of similar income levels will have a similar range of housing opportunities. The plan outlines marketing strategies Weslaco Hills Apartments will use. Special efforts will be made to attract persons who are least likely to apply due to such factors as the racial or ethnic composition of the neighborhood. Marketing will also seek to reach persons with disabilities and potential applicants outside the immediate neighborhood if marketing only within the neighborhood would create a disparate impact against certain classes, such as the case of an entire neighborhood that includes no minorities.

#### **Monitoring and Documenting Marketing Activities**

Weslaco Hills Apartments will monitor marketing efforts and document the results in writing. The documentation will be made available, upon request for all marketing activities to show consistency with affirmative fair housing marketing requirements and the approved plan for Weslaco Hills Apartments. This documentation will include copies of media and marketing materials, records of marketing activities conducted and documentation of any special marketing activities conducted in accordance with Weslaco Hills Apartments approved AFHMP and placed in property marketing binder.

#### **Two-year Review of Plan**

Weslaco Hills Apartments will review the AFHMP every two years and update it as needed to ensure compliance with LIHTC regulations. If the demographics of the area have changed, Weslaco Hills Apartments will determine whether advertising efforts should be targeted to different groups. The AFHMP will be revised whenever a substantial change takes place, or the local Consolidated Plan is updated. For further information please reference the Biennial Affirmative Fair Housing Marketing Plan Policy & Procedure.

### **Advertising**

#### **Targeted Population**

When available units cannot be filled from applicants on a Waiting List, Weslaco Hills Apartments will target advertising to groups other than the typical population of the neighborhood and will reach out to applicants who are least likely to apply because they are not the predominant racial or ethnic group in the neighborhood.

#### **Form of Advertisement**

All advertising for this property includes the HUD-approved Equal Housing Opportunity logo, the Equal Housing Opportunity slogan or an equal housing statement. All advertising using human models will depict members of all eligible protected classes including individuals from both majority and minority groups.

#### **Source of Advertising**

Weslaco Hills Apartments will use the following public forums for its general advertising and when opening & closing the waiting list:

- Signage
- Community Brochures and Flyers to local businesses

#### **Fair Housing Poster**

Weslaco Hills Apartments has posted the required Equal Housing Opportunity poster in a window of the Leasing Office that can be seen from outside, so that it is readily apparent to all persons seeking housing.

## **IX. Application Intake and Processing**

### **Application Intake**

Application(s) can be submitted to Weslaco Hills Apartments via mail, email, fax or can be picked up during office hours from 8:30 a.m. and 5:30 p.m. Monday – Friday at Weslaco Hills Apartments site office only when the waiting list is open. If Weslaco Hills Apartments accepts an application via mail, email or fax, consideration of the application will be deferred pending receipt of the application fee. Communications with applicants will be by first class mail or by telephone. Failure to respond to letters or phone messages may result in withdrawal of an application from further processing. Weslaco Hills Apartments will make exceptions to these procedures to take into account circumstances beyond the applicant's control, such as medical emergencies or extreme weather conditions. A onetime applicant fee will be required for the processing of a credit & criminal background check. Once ran, this fee is non-refundable.





## Determining an Applicant's Eligibility

### Preliminary Determination

Before putting any applicant on a waiting list, Weslaco Hills Apartments will make a preliminary eligibility determination to ensure that there are no obvious factors that would make an applicant ineligible. At this point, it is the applicant's decision whether to proceed with placement on the waiting list.

### Placement on a Waiting List

If a preliminary screening indicates that a household is eligible for tenancy, but units of appropriate size are not vacant, Weslaco Hills Apartments will place the household on a Waiting List according to the date and time the application was received in the rental office if requested by the household. The household will be notified when a suitable unit becomes available.

### Placement on More than One List

Families may request and be placed on more than one waiting list, as long as they are eligible for the appropriate bedroom size. For instance, a household of 3 that includes a parent and a son and daughter is eligible for both a 2-bedroom unit and a 3-bedroom unit (Where applicable).

## Updating Information

Applicants have the opportunity, at any time, to supplement the information they already provided with their application. Every six months, applicants are required to contact Weslaco Hills Apartments via any means listed above to validate or update previously provided information.

Every intake application must be completed and signed by the applicant. The information requested in the application packet includes:

- Household characteristics such as name, sex, age, disability status (only where necessary to establish eligibility), need for an accessible unit;
- General household contact information such as address, phone number, etc.;
- Sources and estimates of the household's anticipated annual income and assets;
- Social Security Number(s);
- Certification of Student Status Eligibility
- Identification of preferences for which the household qualifies
- Screening information, which may include prior landlord, credit, and drug/criminal history;
- Marketing information regarding how the applicant heard about Weslaco Hills Apartments; and
- Certification from the applicant stating the accuracy and completeness of information provided, and an acknowledgement that the applicant has read the Privacy Act and understands the disclosure requirements.
- Authorization by the applicant that allows Weslaco Hills Apartments to verify all information provided on the rental application.

Staff will be prepared to assist any applicants who might have trouble completing the application packet. This assistance might take the form of answering questions about the application form. This assistance may include literacy, vision or language barriers and, in general, making it possible for interested parties to apply for assisted housing.

## **I. Waiting List Management**

Anyone who wishes to be admitted to Weslaco Hills Apartments or to be placed on Weslaco Hills Apartments' Waiting List must complete an application. The application must include a signature certifying the accuracy and completeness of information provided. If the applicant is placed on Weslaco Hills Apartments Waiting List, the list



will note the name of the applicant, the date and time of application, the type of income, the size of unit desired, and any other pertinent information.

### Selecting Names from the Waiting List

Weslaco Hills Apartments will select names from the waiting list to fill vacancies in chronological order with the exception of the property's preferences identified below.

#### **Preferences**

Applicant with preferences are selected from the waiting list and receive an opportunity for an available unit earlier than those who do not have a preference. Preferences affect only the order of applicants on the waiting list. They do not make anyone eligible who was not otherwise eligible, and do not change the selection criteria within the document. List of possible preferences:

- In House Transfer: Transfers within the community are only authorized if the transfer reason is an approved reason listed within this Tenant Selection Plan. Residents on the transfer list will be selected before applicants on the waiting list that do not have a preferences.
- Handicapped Unit Preference: A household that includes a person with disabilities that would benefit from a fully accessible unit
- Hearing and Visual Preference: A household that includes a person with disabilities that would benefit from a hearing and visual aided unit
- Violence Against Women Act invoked (VAWA): A household that includes a person that is a victim of domestic violence
- Displacement: A family who has been displaced by government action or a presidentially declared disaster
- Income Level: Depending on the unit that is vacant a household with a specific income level may need to be selected in order to meet program requirements. This will be used on HUD properties to meet the 40% ELI requirement

#### **Community Specific preferences are as follows**

- Tenant Populations with Special Needs: Communities that are required to have a certain percentage of their population set aside with Persons with Special Needs will give preference to a household that meets the criteria when the designated percentage is not met
- Senior Preference: Communities that are required to have 80% of their population set aside for households containing at least one person 55 years of age or older

#### **Applicant's Refusal to Accept a Unit**

When appropriately sized units are offered to an applicant(s), and an applicant(s) turns down offered unit two consecutive times, the applicant will be placed at the bottom of the Waiting List.

### Maintaining the Waiting List

In order to maintain a balanced application pool, Weslaco Hills Apartments may, at its discretion, restrict application taking, suspend application taking, and close waiting lists in whole or in part. Decisions about closing the waiting list will be based on the number of applications available, and the ability of Weslaco Hills Apartments to house an applicant within a reasonable period of time. Closing the waiting lists, restricting intake, or opening the waiting lists will be publicly announced in the same sources of advertising as listed above.

#### **Policy for Closing the List**

The waiting list will be closed when the average wait is two years. Potential applicants whose names appear on the waiting list will be notified via mail of the closure of the waiting list. The waiting list closure will also be published in the sources listed above, and will state that additional applications will not be accepted until the waiting list is no longer excessive. During the period when the waiting list is closed, Weslaco Hills Apartments will not maintain a list of individuals who wish to be notified when the waiting list is reopened.

#### **Reopening the List**



If there is a need to reopen the waiting list, Weslaco Hills Apartments will advertise in the sources listed above, explaining the rules for applying, when and where to apply, and the order in which applications will be processed.

### Updating the Waiting List

The Waiting List will be updated on a continuing basis. Applicants must contact Weslaco Hills Apartments every six (6) months in order to stay on the Waiting List. Weslaco Hills Apartments will update the waiting list by removing the names of those who are no longer interested in, or who are no longer qualified for, assisted housing. Each Applicant who is no longer interested in or who no longer qualifies for assisted housing will be notified in writing within 7 days and given 14 days to dispute. The applicant is responsible to update the application with any changes that may occur to remain active on the current waiting list.

### Removal of Applications from the Waiting List

Weslaco Hills Apartments will not remove an applicant's name from the waiting list unless:

- The applicant requests that the name be removed.
- The applicant was clearly advised of the requirement to tell Weslaco Hills Apartments of his/her continued interest in housing by a particular time and failed to do so. Those applicants failing to respond within the required time frame will be removed from the list.
- They may reapply at any time, but will not assume their old position on the list.
- Weslaco Hills Apartments made a reasonable effort to contact the applicant to determine if there is continued interest in housing, but has been unsuccessful.
- Weslaco Hills Apartments has notified the applicant of its intention to remove their name because they no longer qualify for assisted housing.

## **X. Verification Requirements**

### Verification Interview

As applicants approach the top of the Waiting List they will be contacted to schedule an interview to verify all information given on the application. At this time a new updated application will be requested and used for verification. Weslaco Hills Apartments will confirm and update all information provided on the application and will explain program requirements, verification procedures, and penalties for false information, which includes eviction, loss of assistance, fines up to \$10,000, and imprisonment up to five years. The applicant will be asked to sign a Tenant Release and consent form and any other necessary verification requests.

### Required Consent Forms

Adult members of assisted families must authorize owners to request independent verification of data required for program participation. To provide owners/agents with this authorization, adult household members must sign a Tenant Release and Consent form. Head of household and all household members 18 years of age and older, regardless of whether they have income, must sign this form. The consent allows owners to request and receive information from third-party sources about the applicant/resident.

### Required Information

All information relative to the following items must be verified:

- Income, Assets, Household composition and Social Security Numbers; or other required picture identification
- Documented ability and willingness to abide by lease requirements, previous history of tenancy, rent paying, caring for a home and criminal activity of any household member.

All of the above information must be documented and appropriate verification forms or letters placed in the applicant or resident file. No decision to accept or reject an application will be made until all verifications have been collected and the complete file reviewed and approved by UAH Property Managements Compliance Department unless the preliminary review of the file by onsite management concludes ineligibility.



### Verification Documentation

Documentation used as part of the verification process may include:

- Checklists completed as part of the process and signed by the applicant;
- Verification forms completed and signed by third parties;
- Reports/Letters of interviews; and
- Notes of clarification records with reliable source(s)

At a minimum, such clarification records will indicate the date of the conversation, source of the information, name and job title of the individual contacted, and a written summary of the information received. UAH Property Managements Compliance Department will be the final judge of the credibility and authentication of any verification submitted by an applicant. If a staff member considers documentation to be doubtful, Weslaco Hills Apartments manager/owner will review it before making a ruling about its acceptability and sending it as part of the initial file. Staff will continue to pursue credible documentation until it is obtained or the applicant is rejected for failing to produce it.

### Preferred Forms of Verification

Verifications shall be attempted in the following order:

- Third party written;
- Third party oral with a record kept in the file;
- Review of documents provided by the household, or affidavits from the household.

Each file will be documented to show that Weslaco Hills Apartments staff attempted to obtain third party written documentation before relying on some less acceptable form of information.

Properties within Texas are authorized to use check stubs in lieu of third party verification and are not required to first attempt the third party verification.

### Source of Information

Sources of information to be checked may include, but are not limited to:

- Present and former landlords, or housing providers;
- Present and former employers;
- Credit checks and landlord record services;
- Household social workers, parole officers, court records, drug treatment centers, clinics, physicians, clergy; and
- Police Departments

### Verifying Information

The applicant must agree to furnish any information required to verify eligibility for rental assistance including all sources of income and assets. Applicants are hereby informed that, by law, the penalties for false information may include eviction, loss of assistance, fines up to \$10, 000 and imprisonment up to five years. The applicant must understand that a final decision of eligibility cannot be made until all verifications are complete. Weslaco Hills Apartments must explain all program requirements to applicants, including the following verification procedures.

### Verifying Annual Income

Projections of Annual Income will include estimates for each income recipient and will be based on the best available information, considering the past year's gross income, and for employed families, the current income rate and any potential rate increase, bonus or possibility of overtime, and will be based on the highest possible income. Income will be calculated by two methods, the current circumstances based on information and the year-to-date income. The income of irregular workers will be estimated on the basis of the best information available, considering earning ability and work history. Overtime income will be computed in accordance with verification obtained from the Employer in the absence of more reliable or accurate information.



**Methods of Verifying Income**

Income is the most important factor in determining a household’s eligibility. Weslaco Hills Apartments has established methods of verifying income which include:

- Written third party verification (with an appropriate release) through an employer or public agency. Weslaco Hills Apartments staff may update this verification by phone provided a clarification record or file notes is added to the file.
- Property review of documentation provided by the household such as benefit checks, income tax returns and W-2 forms.

In the absence of any of the above, affidavits from the household describing the amount and type of income is acceptable documentation.

**XI. Making an Occupancy Determination.**

**Non-Discrimination**

The following list of factors will not be considered in making a decision to admit or reject an application:

- Race
- Color
- Religion
- Ancestry
- National Origin
- VAWA
- Age
- Sex
- Marital Status
- Familial Status
- Sexual Orientation
- Medical Condition
- Place of employment
- Handicap or disability, including mental or Psychological illness
- Gender Identity

**Equal Access Rule**

Weslaco Hills Apartments will not deny a household based upon Sexual orientation Gender Identity or marital status. Nor will Weslaco Hills Apartments inquire about the sexual orientation or gender identity of an Applicant or Household member.

**Applicants with Disabilities**

It is illegal to reject an applicant because she/he has a disability, or for reasons that could be overcome by Weslaco Hills Apartments reasonable accommodation of the applicant’s disability. If, even with a reasonable accommodation, applicants with disabilities cannot meet essential program requirements, it is permissible to reject them. Such insurmountable problems might arise because of behavior or performance in past housing, inability to comply with the terms of Weslaco Hills Apartments’ lease, or needed services from property staff that represent an alteration in the fundamental nature of Weslaco Hills Apartments program or is economically unreasonable.

**Determining Program Eligibility**

An applicant who happens to have a disability but who is able to demonstrate a history of meeting financial obligations, caring for a rental unit, avoiding disturbing neighbors and destroying property, eschewing criminal behavior and if necessary, ability to comply with Weslaco Hills Apartments’ lease, would be recommended for admission with no further reference to or consideration of any disability or handicap.

**Recommendations for Admission or Rejection**

If at any point in the screening process (including landlord references, criminal background check, or verification of ability to comply with lease terms) it becomes clear to Weslaco Hills Apartments that an applicant will not meet the screening criteria, the file will be sent to the appropriate Supervisor for review. The first step in this review is a determination of the file’s completeness. If any information is missing or the case for rejection or acceptance is not compelling, the file will be returned to the staff for further work.

**Authorizing Admission**

If an applicant is clearly eligible and passes the screening criteria, admission will be authorized.

**Authorizing Rejection**



Likewise, if the applicant is ineligible, rejection will be authorized. See below for further requirements regarding rejection.

## **XII. Rejection of Ineligible Applicants**

Applicants who do not pass the eligibility requirements will immediately be sent a letter of rejection (*within 7 days*). This written rejection notice will specifically state one of the reasons listed below for the rejection and will inform the applicant of her/his right to respond to Weslaco Hills Apartments in writing or to request a meeting within 14 days to dispute the rejection. Weslaco Hills Apartments will record all specific dates on the denial log. If rejection is a result of a 3<sup>rd</sup> party report, Weslaco Hills Apartments will disclose contact information for the applicable 3<sup>rd</sup> party source.

### **Reasons for Rejections**

Weslaco Hills Apartments will reject an Applicant if she/he:

- Does not sign and submit verification consent forms or the Authorization for Release of Information
- Does not meet Weslaco Hills Apartments resident screening criteria as set forth in this Tenant Selection Plan. If this item is the cause for rejection, the adverse action letter will specifically state in which area the applicant did not pass the screening criteria as indicated below.

### **Ineligible Applicants**

At the completion of the verification process, applicants will be ineligible to move into Weslaco Hills Apartments for any one of the following reasons:

- The applicant's gross annual income changes by the time they reach the top of the Waiting List and exceeds the income limit for Weslaco Hills Apartments.
- Household members have failed to meet disclosure requirements for Social Security numbers; or other required picture identification as applicable to properties program requirements.
- Household members have failed to sign the release of information forms; and
- Landlord reference checks reveal that the applicant has a history of nonpayment of rent, eviction for nonpayment of rent, history of disruptive behavior or history of damaging site property.

### **Screening Criteria**

Reasons for failing Weslaco Hills Apartments resident screening criteria may include but not limited to:

- A household member was, or is engaged in criminal activity that involves crimes or physical violence to persons or property, or that disturbs the peaceful enjoyment of the premises;
- There is evidence of acts of violence or any other conduct that constitutes a danger or disruption to the peaceful enjoyment of the premises;
- There is confirmed drug addiction or alcohol abuse, such as a conviction for possession, trafficking or use of narcotics or controlled substances, a records of conviction for activity relating to the misuse of alcohol, or written reports from a probation officer, a social agency or the household itself to the effect that the individual is addicted to, or is misusing drugs or alcohol;
- A household member was evicted in the past three (3) years from federally-assisted housing for drug and criminal activity;
- A household member has been evicted from a residence within 1 years; evictions after 1 will be considered and requires proof of payment in full, payment made or proof of payment arrangement.
- A household member has a conviction for the offense of murder, Homicide, Manslaughter (or related offenses) rape, prostitution, indecent exposure, sodomy, carnal abuse, impairing the morals of a minor or similar crimes indicating sexual deviation;
- Theft, robbery or breaking & entering.
- There is evidence of grossly unsanitary or hazardous housekeeping habits, which includes the creation of health or safety hazards through acts of neglect or causing, permitting to cause any damage to or misuse of the premises.



This includes causing or permitting infestation, foul odors or other issues injurious to other persons' health, welfare or enjoyment of the premises; depositing garbage improperly; failing to use in a reasonable and proper manner all utilities, facilities, services, appliances and equipment within the dwelling unit, or failing to maintain them in good clean condition; or any other conduct or neglect which could result in health or safety problems or in damage to the premises.

- A household will be denied if in the past 5 years there are 3 or more offenses relative to drugs, criminal activity, theft, burglary, trespassing, stolen property, breaking & entering, crime resulting in injury to person(s), arson, forgery, money/check related offenses, sexually oriented offense, fraud, embezzlement, tampering, weapons charge, gang related offense, criminal mischief or property damage.

#### **Drug Abuse and other Criminal Activity**

- Any household containing member(s) who has been evicted in the last three (3) years from federally assisted housing for drug-related criminal activity. Weslaco Hills Apartments may, at its option, approve such an application, if the evicted household member has successfully completed an approved, supervised drug rehabilitation program; or the circumstances leading to the eviction no longer exist (e.g., the household member no longer resides with the applicant household)
- Any household member is currently engaging in illegal drug use;
- Any household member if there is reasonable cause to believe that member's behavior, from abuse or pattern of abuse of alcohol, may interfere with the health, safety and right to peaceful enjoyment by other residents. The screening standards will be based upon behavior not the condition of alcoholism or alcohol abuse.
- Any household member has engaged in violent criminal activity;
- Any household member with a derogatory criminal (felony, misdemeanor, etc.) record less than three (3) years old from the date of disposition.
- Non-violent felony, (forgery, fraud, etc.) that is less than three (3) years from the date of the disposition.

Weslaco Hills Apartments, at its option may request an override from the company's Compliance Director when such proof of Rehabilitation can be provided in regards to the charge in which the denial is based. Please note that an application may be placed on hold in the event of a pending charge for any of our Community's failing criteria until proof of dismissal for that charge can be provided by the Applicant.

#### **Other Criminal Activity**

Weslaco Hills Apartments will deny admission to any member of the household that is subject to a lifetime registration requirement under a state sex offender registration program. In accordance with Federal Law, Weslaco Hills Apartments is establishing this standard to prohibit admission to this federally assisted property to sex offenders subject to a lifetime registration requirement under a state sex offender registration program. During the admission screening process, Weslaco Hills Apartments will perform the necessary criminal history background checks in the state where the housing is located and in other states where the household members are known to have resided.

#### **Report from Qualified Agency**

In cases where a qualified agency, such as Protective Services, reports that a household shows potential for improvement in the areas, an eligibility decision will be reached after receiving such a referral or recommendation from such an agency that would otherwise cause denials. Supportive documentation must be submitted to UAH's compliance director for approval.

### **XIII. Acceptance of Eligible Applicants**

#### **Offering a Unit**

When a unit becomes available for occupancy, it will be offered to the first applicant at the top of the Waiting List. If there are no applicants on the Waiting List, Weslaco Hills Apartments will advertise in accordance with their AFHMP. If the applicant cannot be contacted within three (3) working days, the offer will be canceled and the unit will be offered to the next applicant on the Waiting List. In that event, the first applicant will be sent a letter requesting confirmation of their interest in remaining on the Waiting List. If the applicant replies affirmatively, their application will retain its position on the Waiting List. The applicant will be advised at that time that if another unit becomes available and they cannot be reached within three (3) working days, their name will be moved to the bottom



of the Waiting List. If the applicant’s reply is negative or if no reply is received within three (3) working days, the application will be withdrawn. The applicant will be sent an adverse action letter and placed on the denial log.

**Preparing to Move In**

- The Applicant and site Manager will inspect the unit, and will both sign the “Move-In Inspection” form.
- All Applicants will sign the Lease and related Addendums/Documents;
- The Applicant will pay the Security Deposit by cashier’s check or money order prior to Move in;
- The Applicant will pay an additional Deposit (If applicable) by cashier’s check or money order (examples include pet deposit, additional security deposit, garage remote & fob)
- The Applicant will pay the rent for the first month/partial month of occupancy by cashier’s check or money order.
- The Applicant will be given a copy of the Lease, any applicable Addendums, the “Move in Inspection” form, House Rules, Pet Rules (If Applicable) and the receipt for the security deposit/first month’s rent upon request.

**Move-In Inspection**

Before executing the Lease, Weslaco Hills Apartments representative and the resident will jointly inspect the unit. The move-in inspection form will be used to indicate the condition of the unit. The condition of the unit must be decent, safe, sanitary and in good repair. If cleaning or repair is required, Weslaco Hills Apartments will specify on the form the date by which the work will be completed, which will be no later than 30 days after the effective date of the lease. After the move-in inspection, the resident has five (5) days to report any additional deficiencies in the unit to management. The complete move-in inspection will be attached to the lease. The inspection form must be signed and dated by both Weslaco Hills Apartments and the Resident.

**Initial Lease terms**

Applicants will be required to sign at least a 6-month initial Lease.

**Security Deposit**

1 Bedroom	\$100
2 Bedroom	\$200
3 Bedroom	\$300

Please note that the forfeiture of a Security Deposit will apply if/when:

- The Tenant fails to move in or take possession of the unit after signing the Lease Contract
- The Tenant fails to provide notice of intent to vacate within the required time frame
- Failure to fulfill the Lease Terms as identified within the Lease Contract

If approved for a Refund, the amount less deductions will be mailed within 30 days after move out, along with an itemized statement of account, to the forwarding address provided by the Tenant. If denied for a Refund, an itemized accounting of all deductions will be mailed within 30 days after move out to the forwarding address provided by the Tenant. If no address is given the refund will be mailed to the last known address unless Management Approval has been obtained for a different method.

**Additional Deposit**

Weslaco Hills Apartments is not a pet permitted Community.

**Charges for Facilities and Services**

**Damages**

Whenever damage is caused by carelessness, misuse or neglect on the part of the resident, household member or guest, the resident is obligated to reimburse Weslaco Hills Apartments for the damages within 30 days after the resident receives a bill from Weslaco Hills Apartments. Weslaco Hills Apartments will deduct accrued, unpaid damage charges from the resident’s security deposit at the time of move-out, as allowed by the laws of this state. Be reference the UAH approved Charge and Damage list for pricing. A small sample of damages and charges you may encounter are listed below:





Unpaid Rent, Unpaid Utilities, Repairs, Damages, Stickers, Tears, Burns, stains, or unapproved holes; replacement cost of our property that was in or attached to the apartment and is missing; replacing dead or missing smoke alarm(s), cost of cleaning/necessary repairs to re-rent the unit, removal of unauthorized security or alarm devices, removal of abandoned property and/or disposal of trash, any animal related damages, applicable court cost, attorney fees, reletting fee, charge for un-returned keys and other access devices.

### **Special Management Services**

Weslaco Hills Apartments will charge for special services such as responding to lockout calls and providing extra keys. At the time of move-out Weslaco Hills Apartments will charge the resident for each key not returned.

### **Court Filing, Attorney and Sheriff Fees**

Weslaco Hills Apartments will accept fees paid in full from residents who wish to avoid or settle an eviction suit as permitted by state and local laws.

### **Annual Unit Inspections after Move In**

In addition to the unit inspection at move-in, there will also be an annual inspection for repairs and monitoring of housekeeping habits. If a resident is written up for poor housekeeping habits, s/he must clean their unit within ten (10) days for a re-inspection. If a resident has three (3) unsatisfactory inspections, that result in lease violation may be required to move out.

### **House Rules**

Weslaco Hills Apartments has House Rules that are attached to the Lease. These rules are reviewed annually and may be modified. Residents will be notified of any modifications to the House Rules 30 days before they become effective. All residents will be given the opportunity to accept the changes in writing. If a resident chooses to reject any House Rule changes, she/he will be required to move out of Weslaco Hills Apartments within 60 days.

## **XIV. Termination**

### **Termination of Tenancy by Owner**

#### **Grounds for Termination of Tenancy**

Owners are expected to enforce program requirements under the terms of the lease. Weslaco Hills Apartments will enforce the lease and house rules, and if lease obligations are not fulfilled, Weslaco Hills Apartments will initiate termination proceedings to guarantee the other residents' health, safety and peaceful enjoyment of the property. Termination of tenancy is the first step in the eviction process and is often used interchangeable with the term eviction. When terminating tenancy, the owner gives the resident notice to vacate the unit because of a lease violation(s). A resident who fails to vacate the unit after receiving notice from the owner may face judicial action initiated by the owner to evict the resident. The owner may only terminate tenancy for material Non-Compliance, Criminal Activity, Failure to Carry out Obligations under Texas Landlord Tenant Laws and other good cause.

#### **Material Non-Compliance**

Owners may terminate tenancy when a resident is in material non-compliance with the lease. Material Non-Compliance includes:

- Failure of the resident to submit, in time all required information of household income and composition (Example: disclosing/verifying required forms of identification and submitting consent forms allowing verification of information regarding the resident' income and eligibility)
- Extended absence or abandonment of the unit as defined in the House Rules for the Community or State/Local Law
- Fraud, which is when a resident knowingly provides inaccurate or incomplete information either at the time of move in or after the residency has been established.
- Repeated minor violations that disrupt the livability of the Community; adversely effects the health or safety of any person, the right of any resident to the peaceful enjoyment of the Community; Interfere(s) with the management of the Community; or have an adverse financial effect on the property



- Nonpayment of rent due under the lease, repayment agreement or any portion thereof.

**Criminal Activity**

Owners may terminate residency and evict residents for criminal activity by a covered person (a resident, household member guest or other person under the resident's control) If they determine that the covered person has engaged in the criminal activity, regardless of whether the covered person has been arrested or convicted for such activity without satisfying a criminal conviction standard or proof of the activity. Weslaco Hills Apartments may terminate tenancy for any of the following types of criminal activity by a covered person:

- Any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents (including property management staff resident on the premises) or
- Illegal drug use. Weslaco Hills Apartments may evict a household if it is determined that a household member is illegally using a drug or when owners determine that a pattern of illegal use of a drug interferes with the health, safety or right to peaceful enjoyment of the premises by other residents.
- Alcohol abuse. Weslaco Hills Apartments may terminate tenancy if it is determined that a household member's abuse or pattern of abuse of alcohol threatens the health, safety or right to peaceful enjoyment of the premises by other residents.
- Fleeing to avoid prosecution, custody or confinement after conviction for a crime, or attempting to commit a crime that is a felony under the laws of the place from which the individual flees, or that, in the case of the State is a high misdemeanor; or
- Violating a condition or probation or parole imposed under federal or state law

**Failure to Carry Out Obligations under State and Local Landlord Tenant Law**

Weslaco Hills Apartments may terminate tenancy if the resident fails to comply with State and Local Laws regulating the tenancy.

**Termination of Tenancy by Resident**

In order to terminate tenancy, the resident must provide Weslaco Hills Apartments with a written 30-day notice to vacate the unit as required in the lease.

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**Resident Certification**

I have read and been offered or received a copy of the Tenant Selection Plan for Weslaco Hills Apartments. I further acknowledge, by signing below that all information provided has been explained and is understood.

\_\_\_\_\_  
Tenant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Tenant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Tenant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Tenant Current Address

\_\_\_\_\_  
Management Representative Signature

\_\_\_\_\_  
Date

Weslaco Hills Apartments  
Community Name

If you are disabled or have difficulty understanding English, please request our assistance and we will ensure that you are provided with meaningful access based on your individual needs.

UAH Property Management does not discriminate on the basis of disability status in the admission or access to, or treatment or employment in, its federally assisted programs and activities. The person named below has been designated to coordinate compliance with the nondiscrimination requirements contained in the Department of Housing and Urban Development's regulations implementing Section 504 (24 CFR, Par 8 dated

June 2, 1988)

Rob Dryman

10670 N. Central Expressway, Suite 500 | Dallas, TX 75231  
Office 214-265-7227 | TTY 800-735-2989



