**City of Madisonville - Bogan Street Apartments  
Tenant Selection Policy**

Welcome!

Thank you for your interest in making our housing community – the Bogan Street Apartments – your home. This tenant selection policy outlines and describes the standards that each household must meet to qualify for admission to live in rental housing on our property.

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7. **PROPERTY BACKGROUND AND GENERAL ORIENTATION**

The housing you have applied for is owned and operated by the City of Madisonville (the City) and was financed using funds from the U.S. Department of Housing and Urban Development (HUD). The City’s goal is to maintain a quality property by providing decent, safe, and sanitary housing for all residents in a pleasant, well-maintained community. Our goal is to provide a safe and supportive community for individuals and families. We will not tolerate drugs or any illegal activities of any kind by residents or their guests on our property. Moreover, all residents, family members and guests are expected to follow our Community Rules and Regulations, which are part of the lease agreement. If you are looking for this type of living environment and home, we encourage you to apply to live at Bogan Street Apartments.

1. **FAIR HOUSING**

**Fair Housing and Equal Opportunity (FHEO):** Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance from HUD. Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin in any program or activity receiving federal financial assistance from HUD. Property management and staff will not discriminate on the basis of race, color, religion, national origin, sex, familial status, or disability in any phase of the housing process, which includes but is not limited to: application, leasing, management services, unit transfers, access to common facilities and termination of tenancy.

WARNING: To obtain or to attempt to obtain housing assistance by knowingly giving inaccurate or misleading information or knowingly withholding important information during the application process is a CRIMINAL OFFENSE under federal law. Such acts will be a basis for denying housing assistance or terminating tenancy.

It is the policy of the City to comply fully with all federal, state, and local non-discrimination laws and with rules and regulations governing Fair Housing and Equal Opportunity in housing and employment. The City will comply with all laws relating to Civil Rights including:

* + 1. Title VI of the Civil Rights Act of 1964, which forbids discrimination on the basis of race, color, religion, national origin or sex; 24 CFR 1 and 100
    2. Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 HCDA and the Fair Housing Amendments Act of 1988), which extends protection against discrimination based on disability and familial status, and spell out forms of prohibited discrimination; 24 CFR 100
    3. Executive Order 11063,
    4. Section 504 of the Rehabilitation Act of 1973, which describes specific housing rights of persons with disabilities; 24 CFR 8
    5. Age Discrimination Act of 1975, which establishes certain rights of the elderly; 24 CFR 146
    6. Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern),
    7. Any applicable State laws or local ordinances and any legislation protecting individual rights of tenants, applicants or staff that may subsequently be enacted.

The City shall not, on account of race, color, sex, religion, familial status, disability, national origin, marital status, or sexual orientation: deny admission to otherwise qualified applicants because of their membership in some group to which negative behavior may be imputed (e.g., families with children born to unmarried parents or families whose head or spouse is a student). Instead, each applicant who is a member of a particular group will be treated as an individual based on his or her attributes and behavior. 24 CFR 960.203(a)

* + Deny to any family the opportunity to apply for housing, nor deny to any qualified applicant the opportunity to lease housing suitable to his or her needs;
  + Provide housing that is different from that provided to 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; or deny a person access to the same level of services

The City will offer units only in the order prescribed by this policy, since any other method violates the rights of applicants.

1. **Applicant Eligibility**

To qualify for a home at Bogan Street Apartments, an applicant household’s annual income must be at or below 80% of the Area Median Family Income (AMFI) for Madison County, Texas, as published by HUD. Prospective Applicants who hold Section 8 Housing Choice Vouchers are welcome to apply, and these Applicants will be provided the same consideration for occupancy as any other prospective Tenant.

In determining family size for Income Limits, the City will count all persons living in the unit except live-in aides, foster children or foster adults, and guests. The City will include the following:

* Children in joint custody arrangements who are present in the household 50% or more of the time;
* Children who are away at school but who live with the family during school recesses;
* Unborn children of pregnant women;
* Children who are in the process of being adopted;
* Temporarily absent family members who are still considered family members (for example, a member of the household who is working in another state on assignment);
* Family members in the hospital or rehabilitation facility for periods of limited or fixed duration;

Applicants and Tenants must meet the following requirements to be eligible for occupancy:

* The unit for which the family is applying must be the family’s only residence;
* Tenants must not receive assistance for two units at the same time; this does not prohibit a person who is currently receiving assistance from applying for an assisted unit at this property; the assisted tenancy in the unit being vacated must end the day before the subsidy begins in the new unit; the Tenant must pay market rent for the new unit if the subsidy is still being received for the unit being vacated;
* An Applicant must agree to pay the rent required by the program under which the Applicant will receive assistance;
* Only US citizens and eligible noncitizens may receive federal housing assistance. All applicants must sign a certification (under penalty of perjury) for each household member (1) declaring status as a U.S. citizen, (2) declaring eligible immigration status and providing supporting documentation, or (3) stating that the individual is choosing not to claim eligible status and acknowledging ineligibility for assistance. Individuals age 62 and older and individuals who were receiving assistance prior to September 30, 1996, are exempted from providing documentation. U.S. citizens are not required under federal law to provide proof of status beyond the signed declaration.to A mixed-eligibility status family with at least one eligible member qualifies for prorated assistance;
* The family’s Annual Income must not exceed the program income limits;
* Applicants MUST disclose the social security number (SSN) for all family members at least 6 years of age and older and provide proof of the numbers reported; if the Applicant is at least 6 years of age and has never been issued a SSN, the Applicant must sign a certification stating that no SSN has been assigned;
* If the Applicant has a SSN but does not have the required documentation, the applicant may submit the SSN and certify that the number is accurate but that acceptable documentation could not be provided; Individuals who have applied for legalization under the Immigration and Reform Control Act of 1986 may present a letter from the Department of Homeland Security indicating that the SSNs have been assigned; the Applicant will NOT be accepted as a participant in the program unless the Applicant submits the required SSN documentation to the City; the Applicant must provide this documentation to the City within sixty (60) days from the date on which the applicant certified that the documentation was not available; the Applicant may retain his/her place on the Waiting List during this sixty (60) day period if it has been determined by the management that the Applicant is otherwise eligible for admission to the property, and this is the only outstanding verification; the Applicant will be determined ineligible and removed from the Waiting List if the required documentation is not provided before the sixty (60) day period has expired;
* All adults in each Applicant family MUST sign an Authorization for Release of Information form prior to receiving assistance and annually thereafter, and must sign necessary verification documents so that the City can verify income sources, credit, criminal history and family size;

1. **PROJECT ELIGIBILITY**

Project eligibility establishes whether an Applicant is eligible to reside in housing community to which they have applied. Our property serves families, per the HUD definition of family, unless application paperwork states otherwise (i.e. the property is restricted to Elderly only and/or Elderly/Disabled Families only). A family includes but is not limited to a family with or without children, an elderly family, a near-elderly family, a disabled family, a displaced family, the remaining member of a tenant family, and a single person who is not an elderly or displaced person, or a person with disabilities. A remaining member of a tenant family (except for Section 202 and Section 811 projects – see definition of Elderly Family below) is an individual who is a party to the lease when the family member leaves the unit and is an individual who is of legal contract age under state law. The HUD definition of Elderly Family is a family of two or more persons, the head of which (or his or her spouse) is 62 years of age or older; the surviving member or members of an elderly family or family with disabilities that was a party to the lease and was living in the assisted unit with the now deceased member of the family at the time of his or her death; a single person who is 62 years of age or older; or 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).

1. **OCCUPANCY STANDARDS**

It is the policy of the City to lease apartments based on the Standard for Occupancy of two (2) persons per bedroom plus a child who is less than six (6) months old.

|  |  |  |
| --- | --- | --- |
| **Bedroom Size** | **Minimum # of Persons** | **Maximum # of Persons** |
| 0 | 1 | 1 |
| 1 | 1 | 2 |
| 2 | 2 | 4 |
| 3 | 3 | 6 |
| 4 | 4 | 8 |

When determining the size of the unit that would be appropriate for a family, the City will count the following: all full-time members of the family; all anticipated children; a live-in aide; foster adults living in the unit.

A single person will not be permitted to occupy a unit with two or more bedrooms beyond the current lease term except for the following persons: a person with a disability who needs the larger unit as a reasonable accommodation; a displaced person when no appropriately sized unit is available; an elderly person who has a verifiable need for a larger unit; and a remaining family member of a resident family when no appropriately sized unit is available.

1. **APPLICATION PROCESS**
2. **Acceptance of Applications:** Applications are taken at Madisonville City Hall, Monday thru Friday 8:00am – 5:00pm except when the Waiting List is closed. Under no circumstances will anyone be denied the right to request or submit an application for housing, unless the City has publicly announced the temporary closing of all or part of the Waiting List. A sign-in sheet will be posted on the date that Applications are being taken. The Waiting List may be closed and applications may be suspended when the average wait for a unit is greater than one year. A notice will be visibly posted at City Hall, and the management will publish a notice to that effect in a publication likely to be read by potential Applicants in the area. The notice will state the reason(s) for the management’s refusal to accept additional applications for units. When the management re-opens the Waiting List, the action will be announced in the same manner as when it was closed. The rules for applying and the order in which applications will be processed will be stated in this notice.

It is the City of Madisonville’s policy to remain in compliance with HUD Guidelines regarding admission. There are several factors applicable to any/all Applicants that could affect your position on the Waiting List. For this reason, we try to give you an approximate length of time you will have to wait prior to being housed. You may inquire about your status on the Waiting List in person at any time during regular office hours. If there are any changes regarding the preferences or priorities that have been established in this plan that could negatively affect any active Applicant on the Waiting List, all of the active Applicants will be notified in writing of the change in policy.

An Applicant is a “person or a family that has applied for housing assistance.” On the date that applications are being taken, all Applicants (except as noted below) must select an appointment time on the sign-in sheet, complete the written Application form, provide the requested documents, and attend the application interview. Applications will not be accepted by mail. An exception to this policy may be granted as an accommodation to afford an Applicant with disabilities equal opportunity to apply for housing if such request is submitted and approved in advance of the scheduled application date. Applications received by mail will be dated as of the date of the next regularly scheduled application-taking day and marked with the beginning time of the next regularly scheduled application-taking day. On that date, the Applicant will then be placed on the Waiting List.

The Application form must be dated and signed by all prospective adult household members. All questions must be answered truthfully. If an Applicant claims a Preference (see Part VI), it will be verified at this time, and the Applicant must provide acceptable documentation of government displacement, displacement as a result of a presidentially declared disaster or qualification as a displaced Applicant due to a natural disaster, a fire that was not a result of the Applicant or any member of the Applicant’s household’s negligence, or as a result of occupying a unit that is now uninhabitable due to no fault of the Applicant or any member of the Applicant’s household.

If any question is not answered or if any relevant information is falsified or omitted, it is grounds to deny the application. If the Application is denied due to falsified information, the Applicant cannot re-apply for a period of one year. Furthermore, if such false information is discovered after the Applicant has been admitted, it is grounds for immediate lease termination. Such conduct is also a violation of federal law and could subject the Applicant to criminal penalties.

Documentation that must be completed at or brought to the interview includes the following:

* Proof of identification for all household members who are eighteen (18) or older: a valid Driver’s License or State ID card (must include a picture of the family member)
* Birth Certificate for each member of the household, including all of the adults
* Social Security card for all household members who are age six (6) or older or an applicable certification (see Part III)
* Verification of Income/Assets/Expenses, as applicable
* Section 214 forms: Declaration Format, Family Summary, Verification Consent form (if applicable)
* Name, address, and phone number of each landlord or housing provider where the household has lived for the past three (3) years
* Proof of enrollment in an institution of higher education for any household member, if applicable

The Applicant is provided with the Community Rules and Regulations document and asked to sign at the time of applying for housing. The Applicant will be asked to complete the Racial and Ethnic Data form at the time of application.

1. **Waiting List:** Qualified Applicants are those who meet the program’s eligibility requirements (see Part III), the specific project’s eligibility requirements (see Part IV), and the City’s screening criteria (see Screening Process below). The management reviews the information on the application and obtains and verifies information about the Applicant. Once an Applicant has completed the Application for Admission form and appears to be eligible for assistance, the Applicant is placed on the applicable Waiting List(s) in the order in which their application is received. Accepting an application and placing an Applicant’s name on the Waiting List does not guarantee that the Applicant will be offered housing. The Application Number, Date, Time, Name of the Head of Household, Annual Income level, Identification of the need for an Accessible Unit, Preference Status, and Unit size are listed on the Waiting List. The Applicant must sign the Waiting List. Each Applicant who is placed on the Waiting List is provided a Waiting List Terms and Conditions form.

The Applicant must contact the management office and complete an Application Renewal form in person every six months to renew their Application. An exception to this policy may be granted as an accommodation to afford an Applicant with disabilities equal opportunity to apply for housing if such request is submitted and approved in advance of the scheduled application renewal date. The management does not send out reminder notices or make phone calls to remind the Applicant of this six-month deadline. If the Applicant fails to complete a written application for renewal within six (6) months of the date of the most current application on file, the Applicant will be removed from the Waiting List for non-response. The Applicant will be informed in writing of this removal and will be given fourteen (14) days from the date of the removal notice to respond.

The screening process will begin when it is estimated that the Applicant, if approved, could be offered housing within three (3) months based on the property’s turnover rate. The Applicant is contacted in writing and if the Applicant does not respond within ten (10) days from the date of the written notice to arrange an interview, the Applicant is removed from the Waiting List for non-response. Once the Applicant is removed from the Waiting List, the Applicant will be informed in writing and will be given fourteen (14) days from the date of the removal notice to request reinstatement.

Shortly before a unit is available for lease, the City will mail the next eligible Applicant a Conditional Offer of Housing notice. The Applicant must respond within five (5) business days from the date of the notice or he/she will be removed from the Waiting List. The Applicant will be informed in writing of this removal and will be given fourteen (14) days from the date of the removal notice to request reinstatement. If an Applicant responds to this Conditional Offer of Housing notice, as requested, and is subsequently housed in the available unit, the unit number and the date and the time of move-in will be documented on the Waiting List, and the Applicant will be removed from this list, as required. The Applicant may decline the unit offer one (1) time and remain in the same position on the Waiting List; however, if the Applicant declines the offer again, without any extenuating circumstances, the Applicant will be removed from the Waiting List. These actions must be documented on the Waiting List.

1. **Screening Process:** The management’s screening process consists of verification of all the applicable information that is provided by the Applicant. In addition, the Applicant screening process includes the screening criteria listed below:

The Applicant must be able to:

* Pay rent and other housing obligations in a timely manner;
* Maintain an apartment in a safe, decent and sanitary condition;
* Refrain from interfering with the rights and quiet enjoyment of other residents;
* Report all changes in income and family composition in a timely and accurate manner
* Comply with the lease terms that no individual may live in the unit without prior written permission of the City; and

An Applicant will be prohibited admission if the Applicant’s household includes the following:

* A member(s) who was evicted in the last five years from federally assisted housing for drug-related criminal activity, except under the following circumstances:
  + 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);
* A member who is currently engaged in illegal use of drugs or for which the City has reasonable cause to believe that a member’s illegal use or pattern of illegal use of a drug may interfere with the health, safety, and right to peaceful enjoyment of the property by other residents;
* A member who is subject to a state sex offender lifetime registration requirements;
* If there is reasonable cause to believe that a 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 must be based on behavior, not the condition of alcoholism or alcohol;
* If, within the past five (5) years, the Applicant has been arrested more than once for misdemeanor or felony crimes which resulted in, or might reasonable have resulted in, injury to people or property;
* If, within the past five (5) years, the Applicant has been released from a State or Federal prison; has been convicted of a misdemeanor crime which resulted in, or might reasonably have resulted in, injury to people (such as, a simple assault, prostitution, drunk and disorderly, driving while intoxicated, etc.); was convicted of a crime which resulted in or might reasonably have resulted in, injury to property (such as, vandalism, malicious mischief, fraud, theft, two (2) or more convictions for writing bad checks, etc.); was convicted for possession of a controlled substance of any quantity;
* If, within the past five (5) years, the Applicant has been convicted of a felony crime which resulted in or might reasonably have resulted in, injury to people (such as, murder, aggravated assault, rape, sexual assault, the sale, distribution or transportation of a controlled substance, etc.); and
* Prior termination of assistance for fraud.

Mitigating Circumstances

When an Applicant has a record of criminal activity where the circumstances indicate that the Applicant will no longer be a threat to the health, safety, and right to peaceful enjoyment of the premises by Residents or a threat to the health and safety of management and maintenance staff or a threat to the Property itself, such circumstances lessen the importance of, or the reliability of, past criminal activity as a predictor of future behavior. In these cases, the Manager is to contact the City to determine the procedure for a waiver of this screening criteria;

A record of minor traffic violations, such as, speeding, parking tickets, etc. or an isolated incident of a bad check will not disqualify an Applicant; a single incident of misdemeanor drug or illegal substance use by a minor which occurred more than one (1) year prior to the date of the application for housing will not disqualify the household. The management will verify past credit, residential, and criminal history of all household members who are eighteen (18) years of age or older.

1. **Denial of Applications:** An Applicant who has been determined to be ineligible or is not qualified for housing assistance will be notified in writing. An Applicant has the right to appeal a decision and to have the appeal heard by someone other than the staff person who made the initial decision to deny the application.

The appeal will be determined either by an independent review of the Applicant’s application and other documentation in the application file or by an informal hearing or by both. An Applicant desiring to appeal must either furnish the appeal in writing to management or request a meeting within fourteen (14) days from the date of the denial of the application. The Applicant may also present documents or testimony as evidence to support the appeal. A decision on an Applicant’s appeal will be made promptly. A final written decision will be mailed to the Applicant within five (5) business days of the requested meeting or receipt of the Applicant’s written appeal by management. The Applicant will be notified in writing of the decision to uphold the original ineligibility decision or to reverse that decision and accept the application. The appeal decision is final.

Applicants are selected from the Waiting List in chronological order based on the date and time of their application unless a Preference is applicable. The required Statutory or Regulatory Preferences for the Projects that are governed by the following Programs: Section 221 (d)(3), Section 221 (d)(3) BMIR, Section 221 (d)(4), and Section 236, have been implemented, as required. The required Statutory Preference or Regulatory Preference must be given to Applicants who have been displaced by government action or a presidentially declared disaster. An Applicant must provide proof of eligibility for this Preference.

Additionally, there is one City-Adopted Preference in place on our property. An Applicant qualifies for the City-Adopted Preference if the Applicant is eligible and has been displaced from his/her current place of residence due to a natural disaster (tornado, flood, etc.) or by an event that causes a unit to no longer be habitable and this event was not due to the negligence of the Applicant or any member of the Applicant’s household. The Applicant must provide proof of this displacement. A required Statutory or Regulatory Preference has a priority over the City-Adopted Preference, as mandated. Additionally, an eligible Applicant who resides in an affiliated property will receive a priority over another eligible Applicant who resides in a property that is not affiliated. An affiliated property is one that is managed by ABC Affordable Housing Services.

It is the policy of the City and management of this housing community to preserve a crime free and drug free community. There is a zero tolerance for criminal activity on the property, including either possession or use of illegal drugs on the property by residents or residents’ visitors. Also, the conviction of any household member for drug related activity or other serious or violent crime, regardless of where the act occurs, may be cause for termination of tenancy for the entire household. It is the responsibility of each resident who witnesses a criminal act to report that act to the appropriate civil authority and to the property manager.

One major element of maintaining a crime free and drug free community is to eliminate the signs and presence of gang activity. For this reason, the City and the management discourage membership in gangs, wearing of clothing and jewelry identified with gangs, and/or gang membership and the display of gang signs and symbols. Congregation of gang members on the property is prohibited. This policy applies to both residents and guest/visitors of residents.

A community effort can make the difference in maintaining a quality living environment. Parents and/or heads and co-heads of households are asked to do the following:

* Provide responsible parenting for the children on the property;
* Maintain a clean apartment;
* Respect the rights and property of other residents;
* Abide by the Community Rules and Regulations;
* Actively participate in maintaining the community free of crime, drug and gang activity.

1. **Reasonable Accommodation in Policies, Procedures, and Services:** This property will make reasonable accommodations in policies, procedures, services and facilities, if necessary, to afford a person with disabilities equal opportunity to use and enjoy a dwelling unit or the common area and facilities of the property. We appreciate any information that individuals with disabilities give to us during the application, qualification, admission or residency process regarding accommodations that we can make in policies, procedures, services or facilities to make the property more accessible.