

**Laconia Area Community Land Trust (LACLT)
dba Lakes Region Community Developers (LRCD)**

Resident Selection Plan

Adopted March 1, 2007

Rev 7/22/13, 3/25/14, 6/30/15, 11/4/15, 9/27/17, 5/10/18, 6/4/18, 1/7/19, 2/12/19

Applicant's applying for housing must meet the criteria of this plan. This applies to all applicants with the exception of those persons selected for and who have successfully completed LACLT's Transitional Housing Program.

We have a Crime-Free/Drug-Free Policy and Smoke-Vape-Free for all of our properties (2/12/19).

Compliance:

This policy and all resident selection procedures shall comply with all state and federal laws and regulations, including any discrimination prohibited by the Fair Housing Act and other state and federal statutes and regulations that prohibit discrimination.

Nondiscrimination:

LACLT and its Agents do not discriminate on the basis of age, race, color, national origin, sex, religion, age, disability, sexual orientation, and marital status or familial status.

The Fair Housing Act prohibits discrimination in the sale, rental or financing of housing on the basis of race, color, national origin, sex, religion, age, disability, sexual orientation, and marital or familiar status.

Income Guidelines:

Due to the differing requirements among the various funding sources and special programs utilized by LACLT, minimum and maximum income levels for applicants/residents may vary from one property to another. LACLT targets its housing to moderate income households (those earning less than 80% of area median income), low income households (those earning less than 60% of area median income), and very low income households (those earning less than 50% of median income).

Income guidelines will only be used to select incoming residents. LACLT or its Agents may make special exceptions to this rule if the effect of a small amount of displacement would be outweighed by significant positive community impact. Income guidelines will not be used to displace LACLT residents if their income rises over the limits after they move into LACLT housing.

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LACLT or its Agents will generally consider an Applicant able to afford a unit if the rent is at or below the affordability standard, which, at the time of this policy revision is not more than 40% of gross income. In most instances, if an Applicant's income is not sufficient, LACLT or its Agent will accept a rental subsidy to help the Applicant afford the unit. In Tax Credit Projects that have "100% Tax Credit units", if your income rises above the 140% of the applicable income limit, you will not be required to vacate your unit.

Income Guidelines – USDA RD Properties:

Depending on the location of the property, minimum and maximum income levels for applicants/residents may vary from one property to another. Income guidelines are published annually by USDA RD and are utilized in determining eligibility for applicants/residents during the initial application process as well as during the recertification process. LACLT targets its housing to very low-income households (those earning less than 50% of the median income) and low-income households (those earning less than 80% of the area median income).

Unit Size:

LACLT requires a minimum of one person per bedroom in a unit for any property (for instance, a single individual is eligible only for a one-bedroom unit). In cases where other federal or state housing programs are involved, such as the low-income housing tax credits program or USDA RD program, Applicants must comply with those programs' regulations. LACLT may make exceptions to the minimum requirements in order to fill vacant units or for the overall benefit of the project.

The maximum number of people who may occupy a unit is the same as set by the City or Town local housing codes. This code considers both number of rooms and square footage of any housing unit in determining maximum occupancy.

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Confidentiality:

LACLТ will keep copies of all application materials in the Applicant's file. All information obtained by LACLТ will be confidential, except that information will be released to third parties:

- A. Only under court order or subpoena or at the request of an authorized governmental agency;
- B. Upon written request from the Applicant. (Anything supplied to LACLТ directly by the Applicant can be released (this does not include references);
- C. If information is obtained regarding illegal activity on the part of the resident, their household member and/ or guests, which will be reported to the relevant authorities;
- D. If the LACLТ Board determines that the information is necessary to defend a claim against LACLТ.

LACLТ may disseminate demographic information from residents' files on a periodic basis. This information is limited to town of residency prior to moving in to LACLТ housing, age, race, gender, gross income level, source of rent subsidy, if applicable, family composition (i.e. female headed household), employer name, as well as grade level of minors residing in the household. The information will only be released in the aggregate and on a property-specific basis provided that the confidentiality of individual family information can be protected. LACLТ will not prohibit other authorized agencies from requesting such updates.

General criteria for rejection/acceptance:

Applications for housing will be accepted by the property manager on a continuing basis. Applicants will be first evaluated based on income eligibility. Income eligible applicants will be screened for previous landlord assessment, rent payment history, criminal record, credit worthiness and housekeeping habits. Lack of credit history will not disqualify an applicant.

Income Verification:

Applicants will be required to provide income and asset verification at the time of application, at annual re-certification, and as requested by the Owner or its Agents. Applicants will have sufficient income to cover the projected rent and utilities.

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Landlord References and Rental History:

- An Applicant's ability to comply with the terms of the Lease from past or current landlords will be considered in determining an Applicant's ability to reside in LACLТ housing. An Applicant **will provide at least 2 years** (2/12/19) of rental and/or mortgage references, which indicate an ongoing ability to pay all rental expenses and ability to be respectful of persons and property. An Applicant will be requested to provide past rental history **if it appears on the credit report (2/12/19)**.
- If an applicant has no landlord history, at least one of the following criteria must be met in order to determine eligibility:
 - A. The Applicant has successfully owned and maintained his/her own home within the last three years;
 - B. The landlord is no longer in business and is not able to be found (documentation will be required);
 - C. The Applicant can demonstrate good payment history (receipts) as well as a letter of recommendation from the current landlord, not from a relative;
 - D. A qualified Co-Signer is added to the lease. The Co-Signer must meet the Resident Creditworthiness Criteria as set forth in the document. If the Resident demonstrates a good payment history for the first twelve (12) months of their residency, the Co-Signer may be removed. Where a Co-Signer is approved, the Rental Payment must be made directly from the Primary Applicant themselves;
 - E. A Rent Guarantee is obtained from a reputable agency for 12 months or until a Section 8 Voucher is issued;
 - F. The applicant's credit report reflects good payment history with open credit (car loan, cell phone, credit cards, etc.)

An Applicant will be rejected based on the following criteria:

- A. A history of non-payment or late payment of rent;
- B. Three or more violations of Lease or Rental Agreement;
- C. A history of living or housekeeping habits that would pose a threat to the health and safety of the other residents;
- D. A history of disturbances or right to peaceful enjoyment;
- E. A history of violations or non-compliance that resulted in an eviction or termination from rental housing programs within the previous three years.

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- F. Refusal of a landlord to provide a written landlord reference. Due diligence will be completed by the Rental Agent before a rejection is issued on this basis.
- G. The household has a member who is known, at the time of application, to be using a controlled substance, including marijuana in any form for any reason including medical reasons.

Criminal Background Check (Rev 1/7/19):

All persons listed on the application 18 years and older are required to complete a State of New Hampshire Criminal Record Release form. The following *will* be the basis for rejection:

- A. A felony conviction on the Applicant's criminal record, within the previous 7 years, unless it is a felony drug conviction AND the individual provides' written proof that they have been diagnosed with a Substance Use Disorder by a Licensed Alcohol and Drug Counselor (LADC) AND at least one of the following criteria are met:
 - i. Applicant provides written proof that they are a participant or graduate of a NH Drug Court or equivalent program in another state (if a current participant, the individual must at least be in Step 2 of the Drug Court and must provide a signed release authorizing Owner/Agent to communicate with their treatment provider); or
 - ii. Applicant provides written proof that they completed or received early termination of probation and parole; or
 - iii. Applicant is currently receiving or has completed treatment from a LADC and provides a signed release authorizing their treatment provider to share information about their progress in recovery/treatment with the Owner/Agent.
- B. A drug-related misdemeanor conviction on the Applicant's criminal record within the last 7 years, unless the applicant provides written documentation of their successful completion of a substance misuse treatment program provided by a LADC.
- C. There is reasonable cause to believe that an applicant's behavior, including from abuse or pattern of abuse of drugs or alcohol, may interfere with the health, safety, and right to peaceful enjoyment of the premises by other tenants. The

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screening is based on patterns of behavior identified through landlord references, authorized discussions with service providers, rental application, and criminal records; not based on the condition of alcoholism or substance use disorder itself.

- D. Any sexual offense conviction on the Applicant’s criminal record;
- E. A conviction that is classified as a “hate crime” on the Applicant’s criminal record;
- F. The Applicant being required to register as a sex offender in any state;
- G. An extensive criminal history record, or a combination of criminal convictions that would signify the Applicant has a disregard of local, state and/or federal laws;
- H. Other criminal convictions that signify a threat to the health, safety, security, or right to peaceful enjoyment of the premises by other residents, the Owners, or the Agent of the Owner and his or her employees, contractors, subcontractors, who are involved with the property.”
- I. Current use of any controlled substance as defined by the federal Controlled Substance Act. This includes the use of marijuana in any form, for any reason; including medical marijuana.

Creditworthiness Criteria:

An Applicant’s past and present performance in meeting financial obligations. The following will be considered as examples of unfavorable credit references and will serve as the basis for rejection of an application:

- A. Any outstanding account or public record with a utility company or another landlord or management company (excluding cell phones, cable companies and medical)

If any of the above mentioned *unfavorable credit references are the result of a financial hardship or medical catastrophe* (military duty, divorce, death of an immediate family member, etc.), the Agent shall, at his or her own discretion, waive any or all of the above referenced creditworthiness guidelines. In such cases, the Applicant will be required to provide documentation and/or a letter of explanation of such hardship or catastrophe.

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- B. In cases where the Applicant is denied housing based on a negative credit history, s/he is encouraged to re-apply once the credit history is improved to a standard that meets LACLT's Resident Selection Criteria.

Rejection of Application for LACLT Housing

Applicants will have the right to appeal a denial for housing decision made by the Agent. Applicants who have been rejected for housing should submit a written request for an appeal meeting to go over the reason for denial. The Agent will meet with the Applicant within 10 days of receipt of the letter. The Agent will affirm the decision, reverse the decision, or remand the decision and notify the applicant of the outcome.

For applicants who have been rejected from a LACLT sponsored USDA RD 515 property, the applicant can appeal the decision in accordance with the USDA RD 515 Grievance Procedures.

Marketing:

The availability of rental units and/or the solicitation of names for a waiting list for units will be marketed in accordance with the Affirmative Fair Marketing Housing Plan and may include advertising in local newspapers, word of mouth, or referrals obtained through inter-agency referrals utilizing the existing network of social service agencies in the area.

Laconia Area Community Land Trust, Inc. (LACLT) is dedicated to meeting the affordable housing needs of varied family sizes in accordance with its prescribed mission. Occupancy guidelines conform to local housing codes, which are based on the number of bedrooms contained within a particular unit.

It is the policy of LACLT to conform to all Federal, State and Local housing laws and regulations, including all Fair Housing laws.

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Waiting Lists:

LACLT will accept applications for housing in advance of vacancies. Incomplete applications will be listed as such on the waiting list but will not be processed until all requested information has been supplied.

Applications will be processed when they reach the top three of the waiting list. A list of applications will be kept in chronological order by bedroom size by its Agents. When there is a vacancy, the property manager will contact Applicants and process completed applications for those who are interested in the unit; on a first come first serve basis. A unit will not be held for an applicant without a deposit and an Intent to Lease form signed.

The Agent is delegated the responsibility of maintaining waiting lists and screening applications and they will be informed of LACLT's expectations about this responsibility. In particular they will be informed of the importance to LACLT of treating Applicants with dignity and abiding by all fair housing law regulations.

Completion of process:

When an apartment is offered to a family or individual on the waiting list, that potential tenant must ensure all appropriate information is presented to LACLT or its Agent to complete the final certification. This must be accomplished within seven days of the date of such notification.

Should the applicant fail to:

- Submit a complete application form;
- Submit properly executed release forms (for tenant certification and investigation);
- Come in for a personal interview and/or submit any other forms or documentation required by LACLT to accurately evaluate a potential tenant; within the requested time then the application process for that applicant will be terminated without further notice.

Such a potential tenant would then be required to submit a new application form, thereby starting the process anew. That potential tenant will then be placed on a waiting list as if they were a new applicant.

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**VIOLENCE AGAINST WOMEN AND JUSTICE DEPARTMENT REAUTHORIZATION ACT OF 2005
(5/09).**

VAWA Protections

1. The Landlord may not consider incidents of domestic violence, dating violence or stalking as serious or repeated violations of the lease or other “good cause” for termination of assistance, tenancy or occupancy rights of the victim of abuse.
2. The Landlord may not consider criminal activity directly relating to abuse, engaged in by a member of a tenant’s household or any guest or other person under the tenant’s control, cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant’s family is the victim or threatened victim of that abuse.
3. The Landlord may request in writing that the victim, or a family member on the victim’s behalf, certify that the individual is a victim of abuse and that the Certification of Domestic Violence, Dating Violence or Stalking, Form HUD-91066, or other documentation as noted on the certification form, be completed and submitted within 14 business days, or an agreed upon extension date, to receive protection under the VAWA. Failure to provide the certification or other supporting documentation within the specified timeframe may result in eviction.

The VAWA protections apply to families applying for or receiving rental assistance payments under the project-based Section 8 program. The law protects victims of domestic violence, dating violence or stalking, as well as their immediate family members generally, from being evicted or being denied housing assistance if an incident of violence that is reported and confirmed. The VAWA also provides that an incident of actual or threatened domestic violence, dating violence or stalking does not qualify as a serious or repeated violation of the lease nor does it constitute good cause for terminating the assistance, tenancy, or occupancy rights of the victim. Furthermore, criminal activity directly relating to domestic violence, dating violence or stalking is not grounds for terminating the victim’s tenancy. O/As may bifurcate a lease in order to evict, remove, or terminate the assistance of the offender while allowing the victim, who is a tenant or lawful occupant, to remain in the unit.

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Student Status-LIHTC

To be eligible, not all household members are permitted to be a full-time student unless one of the following apply:

- 1) Full-time student that is married AND currently filing a joint tax return.
- 2) Household is currently receiving AFDC (Aid to Families with Dependent Children) or TANF.
- 3) Full-time student that is enrolled in the Job Training Partnership ACT (JTPA) or a similar program
- 4) Full-time student that is a single parent with children and none of us are dependents on anyone else's tax return
- 5) At least one household member will be residing in the unit who is NOT a full-time student.

Student Status-HOME PROGRAM

The 2013 Rule specifically excludes certain students (part or full time) from participating independently in the HOME program. Owner/Agent is to exclude any student that: 1. Is enrolled in a higher education institution; and 2. Is under age 24; and 3. Is not a veteran of the U.S. military; and 4. Is not married; and 5. Does not have a dependent child(ren); and 6. Is not a person with disabilities as such term is defined in section 3(b)(3)(E) of the 1937 Act and was not receiving assistance under section 8 of the 1937 Act as of November 30, 2005; and 7. Is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible on the basis of income.