

## Resident Selection Criteria Windsor Gardens

Effective January 2025

Humphrey Management, LLC, the management agent for this community, has established the following Resident Selection Criteria to explain the requirements and policies used to process and select applications for residency. Everyone who applies will have their application evaluated in a fair, equal, and consistent manner that complies with federal, state, and local fair housing requirements.

These criteria were implemented to improve housing opportunities by ensuring that quality housing is available to qualified families; and to create a welcoming, thriving community through effective Resident Selection. All procedures were implemented in conjunction with IRS Section 42 regulations, as amended, and other applicable federal statutes and regulations, including but not limited to the following:

- Federal Register Notices/Final Rules
- Code of Federal Regulations (CFR)
- The Fair Housing Act of 1988 ("The Fair Housing Act")
- Title VIII of the Civil Rights Act of 1968
- Section 504 of the Rehabilitation Act of 1973
- Americans with Disabilities Act of 1990
- The Federal Fair Credit Report Act and state/local credit reporting laws

### Civil Rights Protections

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#### Fair Housing

Humphrey Management, LLC will follow and abide by the Fair Housing and Equal Opportunity Laws and any other Fair Housing and Civil Rights Laws in effect in the intake and processing of applications and selecting residents.

We will not discriminate against any person on the basis of the following protected classes:

- Federal: Race, Religion, National Origin, Color, Familial Status (the presence of children under the age of 18 in a household), Sex (including sexual orientation and gender identity), and Disability
- Maryland: Race, Color, Religion, Sex, Familial Status, National Origin, Marital Status, Sexual Orientation, Gender Identity, Disability, or Source of Income
- Frederick County: Age, Ancestry, Citizenship, Color, Creed, Disability, Familial Status, National Origin.

### Community Eligibility

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All 59 units in this community are governed by the Low-Income Housing Tax Credit Program.

- The following requirements must be met for an applicant household to be eligible for admission to the community:
  - 6 Units are further restricted to households with income at or below 30% AMGI
  - 53 Unit are further restricted to household with income at or below 60% AMGI

### Special Program

58 Units are further restricted to Section 8 Housing Assistance

### Income Requirement

Occupancy is restricted to households with income at or below the targeted published area median income (AMGI) layers for family size at the time of move-in and the initial 12 months of occupancy. The homes within this community are reserved for households in the following income layers:

- 6 apartments are reserved for households with income at or below 30% AMGI
- 53 apartments are reserved for household with income at or below 60% AMGI

### Income Limits

- The household's annual income must not exceed the applicable income limit for the community as established by HUD and or the IRS, and any income limits that be imposed by other financing. Current income limits are attached.

### Minimum Income Requirement

- Rent should not exceed 40% of the applicant household's gross income; therefore, the minimum qualifying income will be at least 2 times the rent.
- Applicants who do not meet the above criteria but whose income is such that the rent will not exceed 50% may still be considered qualified if they provide proof of available assets equal to or greater than six (6) months' rent.
- In lieu of income, management will consider applicants who own available assets with a cash value of at least five times the rent to meet the income requirement.
- Applicants using assets to meet the minimum income requirement will need to provide proof of (1) ownership; (2) access to the asset; and (3) the cash value must be based on at least a six-month average balance or proof of a lump sum receipt within the last six months.
- Applicants may meet the minimum income requirement with total household contributions of up to \$350 per month. The applicant must provide proof of the contributor's income that is at least seven (7) times the contribution amount.

**This Minimum Income Requirement does not apply to applicants receiving an acceptable form of rental assistance, project-based rental assistance, or rental assistance in which the owner has a contractual relationship with the rental assistance provider.**

### Vouchers

Housing Choice Vouchers and other types of rental assistance are accepted. No applicant will be denied on the basis they receive rental assistance. All applicants, including those receiving rental assistance, must meet all eligibility standards outlined in this document, except the Minimum Income Requirement.

Participation in a rental assistance program will be verified as part of the eligibility process. The payment standard of the rental assistance must meet or exceed the current contract rent of the apartment for which the applicant is applying.

### Student Eligibility Requirement

Households made up entirely of full-time students are not eligible to live in units receiving housing credits. However, five exceptions to the full-time student restriction would make such households eligible. For additional information regarding Student exceptions, please contact the Community Manager.

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## Occupancy Standards

Number of Bedroom	Number of Occupants	
	Minimum	Maximum
1	1	3
2	1	5
3	1	7
4	1	9

Occupancy standards shall be used in determining the appropriate size at move-in and shall apply during residency in determining unit transfers.

## **Section 504 Compliance**

In compliance with Section 504 of the Rehabilitation Act of 1973 and the Fair Housing Act Amendments of 1988 and Title VI of the Civil Rights Act of 1964 and other relevant civil rights statutes, we have established the following policy has been established for the community.

When an applicant or current resident requests an accessible unit or a unit preference or other reasonable accommodation, the Management may conduct inquiries to:

- Verify the applicant is qualified for the unit, which is only available to persons with a disability or to persons with a particular type of disability.
- Verify that the applicant needs the features of the unit as an accommodation to the disability.
- Verify that the applicant is qualified to receive priority on the waiting list available to persons with a disability or to persons with a particular type of disability. If priority is given to a class of persons, and an applicant indicates that he or she is qualified for a priority placement on the waiting list, the Management may screen to verify that the applicant qualified for the priority placement.

If there is neither a qualified applicant nor a current resident requiring the features of the accessible unit, Management may offer the unit to another household, providing that the household enters into an Agreement that they will transfer to a non-accessible unit within the same community if another household requires the features of the accessible unit.

### **Accessible Units (UFAS/HVI/PWDs)**

This community shall reserve 6 Accessible Units for occupancy for people who need the accessibility features of the unit or have disabilities.

- 6 household with at least one member disabled.
- Total household income must be at or below 30% of AMGI.

Accessible units will be held for 60 days during lease-up after 80% of units in the community are leased, or 10 units are rented to income-eligible households with disability. Following the initial lease-up, a waitlist for income-eligible households with disabilities shall be maintained. If at any time any Accessible Unit becomes available, and if fewer than 10 of the community's units are occupied by income-eligible households with disabilities, a vacant unit will be held until the earlier of 60 days following vacancy or 10 units are occupied by income-eligible households with disabilities.

## **Application Process**

Applicants must be at least 18 years old or be an emancipated minor to submit an application. Applicant households must submit a single application executed by all adults or emancipated minors in the household. Management will verify this information in compliance with the Housing Credit Program and funding programs, as applicable. Only completed application packets can be accepted and processed to determine eligibility for housing or screened for our waiting list.

The community shall be rented, and occupancy maintained on a first-come, first-served basis with preferences taken into

consideration. All persons wishing to be admitted to the community or placed on the waiting list must complete an application and supply all documentation required. It is the right of an individual with a disability to request a reasonable accommodation for this process.

A preliminary eligibility determination will be made before placing the household on the Waiting List. Applicants who are obviously not eligible for tenancy will be rejected. Prospective residents submitting incomplete applications will not be considered for occupancy or placed on the Waiting List.

Applicants determined eligible will be selected on a first-come, first-served basis according to the chronological order of each categorized waiting list.

## **Applicant Screening Criteria**

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### **Credit History Criteria**

This community evaluates each person applying to live in its community for demonstrated ability to pay the rent and to have utilities in the name of the leaseholder(s) per requirements of the lease.

This data includes, but is not limited to: (1) rental payment history and (2) utility payment history within the last two (2) years. Medical collections and student loans are excluded from eligibility consideration.

No credit or not enough credit will receive a further review.

Money due to any previous landlord or utility company necessary to have utilities in the name of the leaseholder(s) can result in an automatic rejection of the application if the applicant(s) cannot show the balances are resolved or can be resolved by lease signing.

If the application is denied based on this criteria, the applicant will be advised what factors adversely affected eligibility, and the applicant will be given the name, address, and telephone number of the consumer reporting agency that provided the information to the community. An applicant who is denied may initiate an investigation to correct errors in such reports. The consumer-reporting agency will advise the applicant of the actions they may take to do so. Available units will not be held open during any such investigation by the applicant. The absence of credit history by itself will not be a reason to deny an applicant's household.

### **Residential History Criteria**

An application may be rejected for one (1) of the following reported on any adult applicant:

1. One (1) eviction from a previous housing unit within the last three (3) years and unresolved balances still owed to a landlord.
2. Three (3) or more late payments of rent within the last six (6) month period.
3. Landlord references are verified for the previous three (3) years (36 months). If any Landlord reference is returned to Management wherein the previous landlord has signed that the applicant exhibited the following behavior:
  - a. Housekeeping issues
  - b. Records of disturbance of neighbors, destruction of property, or other disruptive or dangerous behavior - include behavior or conduct which adversely affects the safety or welfare of other persons by physical violence, gross negligence, or irresponsibility which damages the equipment or premises in which the family resides which is disturbing or dangerous to neighbors or disrupts family and community life.
  - c. Non-compliance with Lease Agreements - includes but is not limited to evidence of any failure to comply with the terms of lease agreements on prior residences, such as providing shelter to unauthorized persons, failure to comply with recertification process, keeping of pets, or other acts in violation of rules and regulations, painting or decorating without permission of the owner, etc.

4. Consideration will be given to the applicant if it is proved (documentation may be required) that the aforementioned rental history was beyond the control of the applicant. Examples would be a reduction in the labor force, illness, extremely high medical bills, divorce, etc.

Every adult applicant is required to sign a consent form allowing all relevant criminal information to be released. Applications will be rejected for any history found that could affect the health or safety of any resident or if any of the following is reported:

1. Any household member(s) subject to a state sex offender lifetime registration requirement (if allowable by State).
2. Any household member(s) convicted of misdemeanor criminal activity, based on the severity of the crime, screened for the most recent three (3) years.
  - Family relations, drug related, organized crime, sex related (high).
3. Any household member(s) convicted of any felony violent related crime. Screened for most recent five (5) years.
  - Assault, battery, deadly conduct, kidnapping, manslaughter, murder, and robbery.
4. Any household member(s) convicted of any felony related criminal activity, screened for the most recent five (5) years.
  - Property related, animal related, fraud related, computer / telecommunication related, family relations, public justice, public order, gambling related, weapons related, organized crime, drug related, sex related, alcohol related, victimless related and other criminal activity unclassified as felony crime.
5. Any household member(s) has one conviction of a felony or misdemeanor against persons that have occurred in the past three (3) years or in which the scheduled end of sentence occurred within the past three (3) years.
6. Destruction of property or any other offenses that pose a threat to the well-being and safety of our residents, employees, or community.

If an applicant is denied based on the criminal screening, the applicant will be advised what factors adversely affect the eligibility of the application. An applicant who is denied may initiate an Appeal to the decision. The Appeal must be made in writing within 14 days of the application notification of denial for criminal. It is recommended the Appeal should include, but it is not limited to, any of the following documents:

- Letters of reference or character
- Participation in or, completion of a rehabilitation program, workforce development program, or other programs
- Personal Statement of character
- Any other material applicant would like considered in end the Appeal

## Rejection of Applications

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If an applicant is denied, the Community Manager shall notify the applicant in person, writing or via email within 10 business days of the application. If the notice is mailed, it will be delivered by first class mail. If it is hand delivered, it must include a signed and dated acknowledgement of receipt from the resident. Such notice shall clearly state the name and address of the organization that provided the information and the reason(s) for denial. If any person or household is not satisfied with this notification, within 14 calendar days of receipt of written notification, such person or household shall have the right to respond to the notice within 14 calendar days after date of the notice and of the right to a hearing in accordance with 7 CFR 3560.160(f), which is available in the Rental Office upon request. Each household shall have the right to contact the credit-reporting agency for a complete and accurate disclosure of the information contained in that agency's report.

For Maryland properties, a notification of denial will be sent by email or first class mail, and will include all records relied upon, including any screening reports. Letters should also include instructions on how to submit an appeal within 14 days of receiving a denial letter.

If an applicant is declined with disability, they have the right to request a reasonable accommodation and participate in the informal hearing. The applicant will be notified that they have 14 days to respond in writing or to request a meeting to discuss the decline. All declined applications and supportive documentation shall be maintained at the rental office in a manner that assures confidentiality. Any meeting with the applicant to discuss the applicants denial will be conducted by a member of the staff who was not involved in the initial decision to deny admission. Within five (5) business days of the meeting, the community will advise the Applicant in writing of a final decision on eligibility. Management will consider extenuating circumstances in the case an applicant with a disability where the extenuating circumstances constitute a request for reasonable accommodation.

If an applicant disputes the accuracy of any information provided to Management by a screening service or credit reporting agency, the applicant may contact the screening company that supplied the information within 60 days of the denial to obtain a copy of the screening results. The name and address of the screening company and a reference number will be provided in the denial letter.

Applicants who are denied must wait 90 days before reapplying to the community. No apartments will be held during the appeal process with a screening company or credit reporting agency. If the screening company or credit reporting agency determines the denial was incorrect due to missing or incorrect information, the 90-day waiting period will be waived.

If the applicant disputes the denial of an application due to income qualifications, they may submit an appeal. This Appeal must be submitted in writing within 14 days of notice that the application has been declined. Contact information and instructions for how to submit appeals will be contained in the denial letter. A decision will be returned in writing within 14 days of receipt of the Appeal.

**VAWA Protections for Victims of Domestic Violence, Dating Violence, Stalking, or Sexual Assault**

The Violence Against Women Act (VAWA) provides that criminal activity directly relating to domestic violence, dating violence, stalking, or sexual assault engaged in by a member of a resident's household or any guest or other person under the resident's control shall not be cause for being denied housing, termination of assistance, or occupancy rights if the resident or an immediate member of the resident's family is the victim or the threatened victim of that abuse. VAWA also provides that an incident(s) of actual or threatened domestic violence, dating violence, stalking, or sexual assault will not be construed as serious or repeated violations of the lease by the victim (or threatened victim) and will not be "good cause" for the termination of the assistance, tenancy, or occupancy rights of a victim of such violence.

**Limited English Proficiency**

Management utilizes Tele language Interpretation Services to provide access to services for those individuals with Limited English Proficiency.

**Modification of Resident Selection Criteria**

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These criteria will be posted in the management office and made available for applicants. It will be updated periodically in accordance with changes implemented in federal and State guidelines. Any questions pertaining to these selection criteria should be directed to the Community Manager. Please see the Community Manager for further information.

**I have received a copy of the Resident Selection Criteria for Windsor Gardens:**

_____	_____	_____	_____
<i>Head of Household's Signature</i>	<i>Date</i>	<i>Other Adult Member's Signature</i>	<i>Date</i>
_____	_____	_____	_____
<i>Other Adult Member's Signature</i>	<i>Date</i>	<i>Other Adult Member's Signature</i>	<i>Date</i>

## Income Limits and Rents

### Tax Credit Rents

Bedroom	1 BR Max Rent	2 BR Max Rent	3 BR Max Rent
30%	n/a	\$1,692	n/a
60%	\$1,293	\$1,512	n/a

*Tax Credit Rent for Baltimore MSA. published 5/16/2024*

### Baltimore MSA Income Limit Table

HH #	1 Person	2 Person	3 Person	4 Person	5 Person
30%	\$32,490	\$37,140	\$41,790	\$46,410	\$50,130
60%	\$64,980	\$74,280	\$83,580	\$92,820	\$100,260
	<b>6 Person</b>	<b>7 Person</b>	<b>8 Person</b>	<b>9 Person</b>	<b>10-Person</b>
30%	\$53,850	\$57,570	\$61,290	\$64,980	\$68,700
60%	\$107,700	\$115,140	\$122,580	\$129,960	\$137,400

*Income limits published 4/1/2024*

**Both income limits and rents are subject to change.**

Windsor Gardens

1111 Key Parkway, Frederick MD 21702

**We do business in accordance with the Federal, State, and Local Fair Housing Law**

