



Ashton Place Durham, North Carolina

Ashton Place is privately owned by Ashton Place Housing, LLC and was developed by DHIC, Inc. to provide affordable housing for residents of Durham. The Owners, the Management Agent, Community Management Corporation, and their respective employees are committed to Equal Housing Opportunities for all eligible persons regardless of race, color, sex, religion, handicap, national origin, familial status, sexual orientation, gender identity, or marital status and to compliance with the 1988 Fair Housing Amendments Act, 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, the Violence Against Women Act (VAWA), and any legislation protecting the individual rights of residents, applicants, or staff which may subsequently be enacted.

In an effort to protect the health and wellness of all residents, guests, and employees, the Owners adopted a smoke-free policy at this community. Smoking is prohibited in residents' apartments, in common interior areas, and on property grounds.

Tax Credit / RPP-HOME Match

Eligibility for Admission/Waiting List:

A. Senior Housing:

At least one member of each household must be 55 years of age or older in order to qualify for the forty-five (45) units not participating in the targeting program. The head of household must be at least 45 years of age to qualify for the six (6) targeting program units.

B. Income Restrictions:

Applicant(s) for occupancy must have a gross annual income of less than the following percentages of median income, adjusted for family size, as published annually by the U. S. Department of Housing and Urban Development and/or the North Carolina Housing Finance Agency in accordance with the Section 42 Low Income Housing Tax Credit Program.

- Thirteen (13) units are reserved for households at or below 30% of median income;
- Eight (8) units are reserved for a household at or below 50% of median income;
- Thirty (30) units are reserved for households at or below 60% of median income.

Federal tax credit income limits (60% of median income) are available at <https://www.huduser.gov/portal/datasets/mtsp.html> and State-mandated limits (< 60%) at <http://www.nchfa.com/rental-housing-partners/rental-owners-managers/income-limits>.



C. Units Designed for Special Needs of the Mobility-impaired:

The property contains six (6) apartments which are specifically designed to accommodate persons with mobility impairments. Preference for occupancy of these units will be given to disabled individuals or families who require the accessibility features provided in the units.

No non-disabled applicants or disabled applicants who do not require the accessibility features provided will be offered these units until all eligible disabled applicants or current residents have been considered. Existing residents approved for transfer to an accessible unit will be given preference over qualified applicants.

Accessible units will be offered to and accepted by non-disabled applicants only with the understanding that such applicants must agree to transfer to a non-accessible unit at a later date if a person with a disability requiring the unit applies for housing and is determined eligible.

D. Targeting Program:

The property participates in a State program in which 10% of the units have been set aside for eligible applicants who receive a referral from the North Carolina Department of Health and Human Services (DHHS). Until six (6) applicant households referred by DHHS have been housed, DHHS referrals will be offered available units ahead of anyone else on the waiting list. The head of household must be at least 45 years of age to qualify for one of the set-aside units. Referred households are eligible for Key Program rental assistance.

E. Student Status:

Households where all members are full-time students must meet certain conditions for eligibility in accordance with the Section 42 Low Income Housing Tax Credit Program. In general, households made up of full-time students of any age do not qualify. The five exceptions to this general rule follow:

- All members are married and entitled to file a joint tax return.
- The household is comprised of a single parent(s) with minor children where neither the parent nor at least one child is claimed as dependents on someone else's tax return other than the absent parent of the children.
- The household receives Temporary Assistance to Needy Families (TANF).
- The student is enrolled in a job training program similar to the Job Training Partnership Act, the Workforce Investment Act, or under other similar Federal, State, or local laws.
- The student was previously in Foster Care.

In addition to meeting the screening criteria listed above, a part-time or full-time student attending an institution of higher learning for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential who resides in a HOME-assisted unit must meet at least one of the following definitions:

- Is 24 years of age or older
- Is a veteran
- Is married
- Has a dependent child
- Is living with or applying for Section 8 assistance with parents
- Can prove independence from parents, i.e., he or she had established a household separate from parents or legal guardians for at least one year prior to application for occupancy and the parents did not claim the student on the most recent tax return



- Has parents who are income eligible for Section 8 assistance
- Is disabled and was receiving assistance as of November 30, 2005.

F. Transfer Policy:

Unit transfers may occur for the following reasons:

- Emergency transfer request certified under Violence Against Women Act (VAWA);
- Changes in family size or composition (over- or under-housed families);
- As a reasonable accommodation to a disability;
- The need for an accessible unit; or
- A household does not require the accessibility features of their unit.

Households requesting a transfer must submit their request in writing. Existing residents approved for a unit transfer are given priority over applicants when an appropriate unit becomes available. Preference will be given to existing residents who meet the criteria for an emergency transfer under VAWA.

Except in cases of reasonable accommodations, the tenant will pay for all costs associated with the transfer.

G. Waiting List:

The waiting list may be closed for one or more unit sizes if the number of eligible applicants has reached a sufficient number to fill vacancies that are anticipated in a one-year period. Closing and opening of the waiting list is announced via media and/or community contacts.

H. Security Deposit

A security deposit in the amount of one month's rent will be due on the move-in date.

I. Reasonable Accommodation Policy:

Reasonable accommodations/modifications will be made when necessary to afford persons with disabilities an equal opportunity to use and enjoy their housing community of choice. Upon request for a reasonable accommodation, the On-site Manager will provide to the applicant a Request for Accommodation form. Management will respond to the request within 30 days of receipt. The available unit will be held for the applicant requesting the accommodation until the 504 Committee decides whether to approve or deny the request. If the request is denied, the applicant will be notified in writing and given 14 calendar days to appeal the Committee's decision, during which time the available unit will not be rented to another qualified applicant.

J. Pet Policy

A resident may keep one (1) pet of the following description: a pet is defined as a small, domesticated animal, such as a dog, cat, rodent, or turtle that is traditionally kept in the home for pleasure rather than commercial purposes. An initial registration, which must be renewed annually, and a pet deposit in the sum of \$200, are required. The Landlord reserves the right to limit the size, type, and number of pets to one four-legged, warm-blooded pet, not to exceed 25 pounds and 15 inches in shoulder height. Additional requirements are outlined in the Pet Rules Addendum. **Note:** Certain exceptions apply to an animal that has been verified as needed to accommodate a resident's disability. For example, no deposit is required and a 25-pound weight restriction does not apply. Refer to the Reasonable Accommodation Policy listed above.



OCCUPANCY STANDARDS

<u>Number of Bedrooms</u>	<u>Minimum</u>	<u>Maximum</u>
0	1	1
1	1	3
2	1	5

Application Processing:

General: Applications for occupancy are taken on a first come, first served basis subject to set-asides and preferences outlined above. All applications must be completed in full, dated, and signed by the applicant(s). The On-site Manager will note on the application the date and time the completed application is received. The application may be delivered in person or received via mail, fax, or email. A non-refundable application processing fee of \$20.00 will be charged to each applicant who is 18 years of age or older. **Note:** Application fees will not be charged to Targeting Program applicants.

Preliminary Approval: Upon receipt of an application, the On-site Manager will review the information provided by the applicant on their application to confirm initial and conditional eligibility. Criminal background and credit reports will be obtained for each applicant who is 18 years of age or older. (Refer to **Screening Guidelines** below.)

Upon review of information provided by the applicant(s) on their application and review of the criminal background and credit report(s), the applicant(s) will be notified of their status. If the screening results are **favorable**, the applicant is notified that “based on the information provided” the applicant appears to be eligible for housing subject to verification of the information provided on the application. This notification also advises that the applicant is being placed on the waiting list. Applicant(s) will be contacted to set up a personal interview for completion of verification forms when their application nears the top of the waiting list. If screening indicates an **unfavorable** credit or criminal history, the applicant will be notified accordingly.

Waiting List: One waiting list subdivided by bedroom size is maintained. Certain households will be given priority on the waiting list, based on the following order:

- **Accessible units:** Preference for occupancy of units designed to accommodate persons with physical impairments (mobility, visual, and/or hearing) will be given to disabled individuals or families who require the accessibility features provided in the units.
- **Targeting Program:** Until six (6) applicant households referred by DHHS have been housed, DHHS referrals will be offered available units ahead of anyone else on the waiting list.

Once the preferences outlined above have been satisfied, applicants will be selected from the waiting list based on the date and time their applications were submitted.

Applicants are selected for various rent levels at the property based on income and the date and time their application was received. When a lower rent level becomes available, it will be assigned to the current household who is paying the highest percentage of income towards rent. This determination will be based on the most recent completed certification.

The waiting list will be updated at least every six months. Applicants will be notified by mail to determine if they wish to remain on the waiting list.



An applicant's name may be removed from the waiting list for the following reason(s):

- The applicant no longer meets the eligibility requirements for the property or program.
- The applicant fails to respond to a written notice for an eligibility interview.
- The applicant is offered and rejects two (2) units at the property.
- Mail sent to the applicant's address is returned as undeliverable.
- There is a change in the unit size needed and the property does not have the appropriate size unit.

When an application nears the top of the waiting list, the On-site Manager will confirm that the applicant is still interested, and if so, determine the applicant's anticipated move-in date.

- If the anticipated move-in date is within 120 days of the date screening results were obtained when the application was received, no additional credit and criminal screening is required. The applicant will be contacted to set up a personal interview for completion of verification forms. Landlord reference(s) for the three years prior to the anticipated move-in date will be obtained.
- If the anticipated move-in date is 121 days or more after the date screening results were obtained when the application was received, the On-site Manager will obtain current credit and criminal screening for each applicant who is 18 years of age or older. The applicant will be contacted to set up a personal interview for completion of verification forms. Landlord reference(s) for the three years prior to the anticipated move-in date will be obtained.

Final Approval: Upon receipt of all verifications, the On-site Manager will determine if the applicant remains eligible. If eligible, the applicant is notified in writing that they have been approved for occupancy and are asked to contact management to arrange for future occupancy. When a unit becomes available, the applicant is sent a unit offer letter which allows seven (7) days to contact the On-site Manager. If no response is received within seven (7) days of the date the letter was mailed, the unit will be offered to the next qualified applicant on the waiting list.

If verifications indicate the applicant is not eligible, he/she will be notified in writing promptly. This written notification will:

- Give specific reasons for the proposed action;
- Advise the applicant of the right to respond to the notice or request a meeting with Management within fourteen (14) calendar days of the notice;
- Advise that persons with disabilities have the right to request a reasonable accommodation in order to participate in the informal hearing process.

Screening Guidelines:

A. Criminal Background Checks

A criminal background check will be performed on all applicant household members who are 18 years of age or older. An applicant household will be rejected if any member:

- Has been evicted for drug-related criminal activity within 3 years of the date of application;
- Is currently using illegal drugs; or
- Is subject to a lifetime registration requirement under a State sex offender registration program.

Management will not consider an arrest or charge that was resolved without a guilty plea, a plea



of no contest, or a conviction. If an applicant has been arrested and the charge is still pending, the decision regarding applicant's eligibility for occupancy will be delayed until after the charge has been adjudicated, if a conviction would make the applicant ineligible. Upon satisfactory disposition of the charge, if an appropriate apartment is still available, processing of the application will be completed. An apartment will not be held while waiting for resolution of pending charges.

The types of conviction and length of time that has passed since the conviction will be reviewed using the following guidelines.

Non-violent Misdemeanor: If a member of an applicant household has been convicted of a non-violent misdemeanor, Management:

- **May** deny admission if the conviction occurred within 5 years of application.
- **Will not** deny admission if the conviction occurred more than 5 years prior to application.

Violent Misdemeanor: If a member of an applicant household has been convicted of a violent misdemeanor, Management:

- **Will** deny admission if the conviction occurred within 2 years of application.
- **May** deny admission if the conviction occurred more than 2 years before application.

Non-violent Felony: If a member of an applicant household has been convicted of a non-violent felony, Management:

- **May** deny admission if the conviction occurred within 7 years of application.
- **Will not** deny if the conviction occurred more than 7 years prior to application.

Violent Felony: If a member of an applicant household has been convicted of a violent felony, Management:

- **Will** deny admission if the conviction, occurred within 5 years of application.
- **May** deny admission if the conviction occurred more than 5 years prior to application. See **Individualized Assessment Criteria** below.

Drug-related Felony: If a member of an applicant household has been convicted of a drug-related felony, Management:

- **Will** deny admission if the conviction was due to manufacture or distribution and the conviction occurred within 5 years of application.
- **Will** deny admission if the conviction was due to use or possession and the conviction occurred within 3 years of application.
- **May** deny if the conviction occurred more than 5 years but less than 10 years of application.
- **Will not** deny admission if the conviction occurred more than 10 years prior to application.

Individualized Assessment Criteria – Upon request by a rejected applicant, Management will evaluate the criminal record(s) of the applicant(s) to determine if the decision to reject the application should be reconsidered and admission offered to the applicant. This determination



of suitability will include consideration of the following factors:

- The seriousness of the criminal offense;
- The level of violence, if any, of the offense for which the applicant was convicted;
- The relationship between the criminal offense and the safety and security of residents, staff, or property;
- The length of time since the offense, with particular weight being given to significant periods of “good” behavior;
- The age of the applicant at the time of the offense;
- The number of and nature of any other criminal convictions;
- Evidence of rehabilitation, such as employment, participation in a job training program, education, participation in a drug or alcohol treatment program, or recommendations from a parole or probation officer, employer, or social worker; and
- If applicable, tenancy supports or other risk mitigation services the applicant will receive during tenancy.

An application **will be** denied if there is a history of habitual criminal activity, including misdemeanors, when the crimes for which the applicant has been convicted represent a risk to the safety of residents, staff, and/or property.

B. Landlord Reference

Applicants may not be rejected for lack of rental history but may be rejected for unsatisfactory rental history. Any applicant who has been evicted for material noncompliance will not be accepted for 3 years from the application date. Any applicant who has been evicted for non-payment of rent, damages, or other amounts due will be rejected until all past due funds have been paid in full to Landlord.

The Landlord will waive a rejection based solely on unpaid rent or money owed to a prior Landlord if the negative information can be mitigated to the satisfaction of the Landlord by substantially reducing the financial risk to the Landlord. Disabled applicants who are provided substantial services, rental, and other financial assistance by such programs as the Targeting and Key Assistance Program administered by DHHS will not be rejected based solely on an unpaid balance with a prior Landlord. Such programs provide risk mitigation tools which substantially reduce the likelihood that the Landlord will be financially damaged as a result of waiving the requirement that all monies due to a prior landlord be paid in full prior to admission.

C. Credit History

Credit reports will be obtained for all applicant household members who are 18 years of age or older. Monies owed for medical related expenses and student loans will be disregarded. A third-party screening company retrieves credit records and independently assesses an applicant’s credit performance. An applicant may be rejected if the report demonstrates a history of poor credit with little or no effort made to address the outstanding debts.

An applicant will be denied if the credit report shows:

- Unpaid balance(s) owed to current or previous landlord(s).
- Outstanding debt to a utility company that would prohibit the applicant from establishing service in his/her name prior to move-in. This good standing requirement applies to electricity, gas, and/or water only. Outstanding debt will only be considered for utilities



that are not included in rent, i.e., they are paid by the tenant. Applicants may be re-considered if 1) they provide evidence the debt has been paid and the utility company will provide service, or 2) they are participating in a program that pays the utility deposit.

- A bankruptcy that has not been discharged.

Should the applicant be rejected based on third-party screening guidelines outlined above, the Landlord will provide the applicant with the name and contact information of the reporting agency. All applicants may appeal the rejection and if disabled, may request a reasonable accommodation.

The Landlord will waive a rejection based solely on credit if the negative information can be mitigated to the satisfaction of the Landlord by substantially reducing the financial risk to the Landlord. Disabled applicants who are provided substantial services, rental, and other financial assistance by such programs as the Targeting and Key Assistance Program administered by DHHS will not be rejected based solely on credit history. Such programs provide risk mitigation tools which substantially reduce the likelihood that the Landlord will be financially damaged as a result of waiving the credit requirement.

D. Minimum Income Requirements

To be eligible for occupancy, the following minimum income requirements apply:

- Section 8 voucher holders must have a minimum monthly income equal to the tenant's out-of-pocket rental payment plus tenant paid utility allowances.
- Non-subsidized renters must have a minimum income of 2 times the monthly gross rent. Gross rent is defined as tenant portion of rent + utility allowance.

Reasons for Rejection of Application

- Failure to provide verifications of social security numbers of certifications for all family members.
- Applicant does not meet the property's program requirements.
- Applicant does not meet screening guidelines (such as criminal, credit, rental history).
- Intentional or material falsification of information supplied on the application by the applicant.
- Applicant does not respond to the waiting list updates within ten days of mailing update letters.

Note: Reliance on state or federal housing vouchers will not be grounds to deny an application.

Rejection of an applicant will be based solely on written criteria specified in this Tenant Selection Plan.

Violence Against Women Act (VAWA)

A housing provider cannot refuse to admit you or rent to you based on acts or threats of violence committed against you. Also, criminal acts directly related to the domestic violence, dating violence, sexual assault, or stalking that are caused by a member of your household or a guest cannot be the reason for evicting you or terminating assistance if you were a victim of the abuse.

For purposes of determining whether a tenant may be covered by VAWA, the following list of definitions applies:

VAWA defines "domestic violence" as felony or misdemeanor crimes of violence committed by:

- A current or former spouse or intimate partner of the victim;



- A person with whom the victim shares a child;
- A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies; or
- Any other person who committed a crime against an adult or youth victim who is protected under the domestic or family violence laws of the jurisdiction.

VAWA defines “dating violence” as violence committed by a person:

- Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- The existence of such relationship is determined based on the following factors:
 - Length of the relationship;
 - Type of relationship; and
 - Frequency of interaction between the persons involved in the relationship.

VAWA defines “sexual assault” as any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

VAWA defines “stalking” as engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for his or her safety or others; or
- Suffer substantial emotional distress.

VAWA defines “spouse or intimate partner of the victim” as a person who is or has been in a social relationship of a romantic or intimate nature with the victim as determined by:

- The length of the relationship;
- Type of relationship; and
- Frequency of interaction between the persons involved in the relationship.

VAWA defines “affiliated individual” with respect to an individual as:

- A spouse, parent, brother, sister, or child of the individual to whom the individual stands in the place of a parent or guardian, i.e., the affiliated individual is a person in the care, custody, or control of the individual; or
- Any individual, tenant, or lawful occupant living in the household of the individual.

The housing provider can ask you in writing to prove or “certify” that you are a victim of domestic violence, dating violence, sexual assault, or stalking. The housing provider must request certification in writing and give you at least 14 business days to provide this proof. The housing provider may – but is not required to – extend this deadline. The housing provider must keep confidential any information you submit about the violence against you, unless:

- You give written permission to the housing provider to release the information;
- Your housing provider needs to use the information in an eviction proceeding, such as to evict your abuser; or
- A law requires the housing provider to release the information.

Limited English Proficiency

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000(d) and Executive Order 13166 require that recipients of federal funds take responsible steps to ensure meaningful access by persons with limited English proficiency (LEP persons). Ashton Place Housing, LLC and Community Management Corporation, Agent for Owner, are both obligated and committed to the reduction of language barriers that could potentially preclude housing LEP persons at Ashton Place. The On-



site Manager utilizes the Language Identification Flashcard developed by the U.S. Department of Commerce as needed. Upon request, the Owner/Agent will make arrangements to provide oral interpretation in other languages.

504 Non-discrimination Notice

In accordance with Section 504 of the Rehabilitation Act of 1973, Ashton Place Housing, LLC and Community Management Corporation, Agent for Owner hereby notify the general public that:

(1) No qualified individual with handicaps shall, solely on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any Federally assisted program or activity administered under the direction of Ashton Place Housing, LLC and Community Management Corporation, Agent;

(2) Ashton Place Housing, LLC and Community Management Corporation, Agent will provide employment opportunities, benefits, access to housing, and other appropriate services in a manner that will not, directly or through contractual or other arrangements, subject qualified individuals with handicaps to discrimination solely on the basis of handicap; and,

(3) Ashton Place Housing, LLC and Community Management Corporation, Agent will not participate in any contractual or other relationship that has the effect of subjecting qualified individuals with handicaps to discrimination solely on the basis of handicap.

It is the intention of Ashton Place Housing, LLC and Community Management Corporation, Agent to take reasonable, affirmative steps to increase access and opportunities for handicapped individuals in all programs, services, and administrative operations. A 504 Committee has been established. The Committee can be reached by calling 336-765-0424.

If you have a visual, hearing, physical, or other impairment that does not permit you to read this Notice, the On-site Manager will provide appropriate assistance.

To schedule assistance, please call the rental office at 919-615-3725. If you have a hearing impairment, you may utilize the NC Relay System by dialing 1-800-735-2962. Assistance to ensure equal access to this Notice will be provided in a confidential manner and setting.