

TENANT SELECTION CRITERIA

Welcome to Montecito Apartments. This apartment community is part of an income-restricted housing program,, which allows the rental rates to be more affordable for qualifying households. It is not connected with the Section 8 program, although applicants with Section 8 vouchers and certificates are welcome to apply.

I. FAIR HOUSING AND EQUAL OPPORTUNITY LAWS

The Development will comply with state and federal fair housing and antidiscrimination laws; including, but not limited to, consideration of reasonable accommodations requested to complete the application process. Texas Administrative Code, Title 10, Chapter 1, Subchapter B provides more detail about reasonable accommodations. Screening criteria will be applied in a manner consistent with all applicable laws, including the Federal Fair Housing Acts, the Federal Fair Credit Reporting Act, program guidelines, and the Department's rules. Management will not discriminate on the basis of race, color, religion, sex, age (except in eligibility requirements), handicap, familial status, national origin, and/or applicants covered by the Violence Against Women Reauthorization Act of 2013, in any phase of the occupancy process. The occupancy process includes, but is not necessarily limited to, application processing, leasing, delivery of management and service, access to common facilities, and termination of occupancy.

II. ACCEPTING APPLICATIONS

Management will accept an application for rental from any and all interested persons. All persons desiring to apply for occupancy will be provided the opportunity to submit completed applications. It must be recognized that submission of an application neither guarantees the applicant housing nor obligates the property's agent to provide housing. Admission and move-in is contingent upon verified qualification of the applicant and availability of an appropriate unit.

- A. Written application must be made in order to be considered for residency. Application may be made by the applicant(s) in person, by mail, email, fax or by on-line service, if available.
 - 1. Proof of identity will be required for all family members (such as driver's license, state identification card, social security numbers for all family members)
 - 2. Should the applicant be personally unable to complete the form, the:
 - a. Applicant must be present to provide the information to the person that is completing the application form, or
 - b. Persons assisting the applicant must sign and date the application, indicate it was completed at the direction of the named applicant, and provide identification to management.
 - 3. The application must be fully completed and signed by the adult member(s). Any information not readily available to the applicant, must be so noted on the application form by the applicant.
- B. In order to process your application, management may need information/documentation to verify the following:
 - 1. Current gross annual income. Income cannot exceed program requirement.

2. Credit and statewide Criminal History Background Check on all family members 18 years and older.
 3. Rental history. It is your responsibility to provide necessary information that allows us to contact your past landlords. If we are unable to verify your previous landlord and/or references, we reserve the right to deny your application.
- C. The screening criteria will be applied uniformly and in a manner consistent with all applicable laws, including Texas state laws, the Federal Fair Housing Act, the Federal Fair Credit Reporting Act and all Affordable Housing program guidelines. Information will be obtained and considered for all household members who are:
1. 18 years of age or over regardless if married or married at one time and presently divorced.
 2. A minor (under 18) who is emancipated from parental control by court order.

III. REASONABLE ACCOMMODATION POLICY

A person with a disability may request reasonable accommodations during application and while residing at the development by contacting the management office by telephone, email, fax or in person. Management will submit the request for review, and approval or denial of such request will be given to the applicant within three (3) business days.

IV. VIOLENCE AGAINST WOMEN ACT (VAWA) POLICY

Property managers understand that, regardless of whether state or local laws protect victims of domestic violence, people who have been victims of violence have certain rights under federal fair housing laws. The intent of this Policy is to support or assist victims of domestic violence, dating violence or stalking as well as to protect victims and members of their family, from being denied housing as a consequence of domestic violence, sexual assault, dating violence or stalking.

- A. If any applicant or resident wishes to exercise the protections provided in the VAWA, he/she should contact the owner/agent immediately. The owner/agent is committed to ensuring that the Privacy Act is enforced in this and all other situations.
- B. The owner/agent will not assume that any act is a result of abuse covered under the VAWA. In order to receive the protections outlined in the VAWA, the applicant/resident must specify that he/she wishes to exercise these protections.
- C. Compliance with Requirements Outlined in the Violence Against Women Act (VAWA)
 1. The VAWA was promoted for a noble cause to make the lives of victims of abuse easier and to prevent homelessness. Some key points provided in the Act include:
 - a. A potential resident who certifies they were the victim of domestic violence would be allowed to be admitted, even with poor credit and/or poor owner/agent evaluations, if they can show the cause of these negative factors were caused by domestic violence. The owner/agent does require self-certification from the applicant. This may include verification from police, domestic violence victims' advocates and social service agencies.

- b. The Act assured that victims of domestic violence, sexual assault, etc. can have access to the criminal justice system without facing eviction.
- c. Where someone is abusive to other members of the household, only the abuser may be evicted, if the reason for eviction is directly related to such abuse.
- d. Residents living in assisted housing facing violence can be allowed early lease termination for a matter of safety.

D. Certification and Confidentiality

- 1. When the owner/agent responds to a claim of protected status under the VAWA the owner/agent will request, in writing if appropriate, that an individual complete, sign, and submit the VAWA Certification Form (HUD form 5382) within 14 business days of the request. The owner/agent understands that the delivery of the certification form to the resident via mail may place the victim at risk, e.g., the abuser may monitor the mail.

Therefore, in order to mitigate risks, the owner/agent will work with the resident in making acceptable delivery arrangements, such as inviting them into the office to pick up the certification form or making other discreet arrangements. Owner/agent will respond to the request within three (3) business days of receiving completed certification with all required back up documentation.

- 2. If the resident has sought assistance in addressing domestic violence, dating violence or stalking from a federal, state, tribal, territorial jurisdiction, local police or court, the resident may submit written proof of this outreach.

E. In addition to submitting VAWA certification, the victim can submit one of the following:

- 1. A federal, state, tribal, territorial, or local police record or court record, or
- 2. Documentation signed and attested to by a professional (employee, agent or volunteer of a victim service provider, an attorney, medical personnel, etc.) From whom the victim has sought assistance in addressing domestic violence, dating violence or stalking or the effects of the abuse. The signatory attests under penalty of perjury (28 U.S.C. §1746) to his/her belief that the incident in question represents bona fide abuse, and the victim of domestic violence, dating violence or stalking has signed or attested to the documentation.

F. The owner/agent will carefully evaluate abuse claims as to avoid conducting an eviction based on false or unsubstantiated accusations.

G. The identity of the victim and all information provided to owner/agent relating to the incident(s) of abuse covered under the VAWA will be retained in confidence. Information will not be entered into any shared database nor provided to a related entity, except to the extent that the disclosure is:

- 1. Requested or consented to by the victim in writing;
- 2. Required for use in an eviction proceeding or termination of assistance; or
- 3. Otherwise required by applicable law.

H. The VAWA certification provides notice to the resident of the confidentiality of the form and the limits thereof. The owner/agent will retain all documentation relating to an individual's

domestic violence, rape, dating violence or stalking in a separate file that is kept in a separate secure location from other resident files.

- I. If the owner/agent determines that physical abuse caused by a resident is clear and present, the law provides owner/agent the authority to bifurcate a lease i.e., remove, evict, terminate housing assistance to that individual, while allowing the victim, who lawfully occupies the home, to maintain tenancy.
- J. Owners/agents must keep in mind that the eviction of or the termination action against the individual must be in accordance with the procedures prescribed by federal, state, and local law. In the event that one household member is removed from the unit because of engaging in acts of domestic violence, dating violence or stalking against another household member, an interim recertification will be processed reflecting the change in household composition.
- K. Lease Addendum
The owner/agent is required to attach the VAWA Lease Addendum, which includes the VAWA provisions, to each existing or new lease.
- L. Notice of Occupancy Rights under the Violence Against Women Act
Each Applicant is provided a copy at move-in.

V. DENYING APPLICANTS

A. Applicants will be denied for the following reasons:

- 1. For not meeting, or exceeding, Affordable Housing Program criteria for the property.
- 2. For not meeting property screening criteria.
 - a. For not having current verifiable monthly income minimum 2.25 times the resident's portion of the rental rate. However, if a family's share of the rent is \$50 or less, a minimum annual income of the greater of a monthly income of 2.25 times the household's share of the total monthly rent amount or \$2,500.00 annually will be required.
 - b. Rental History, failure to pay rent in a timely manner, history of lease violations, repeated disturbance of neighbors peace, reports of drug dealing, drug use, manufacturing, gambling or prostitution. There is reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol interferes with the health, safety, or right or peaceful enjoyment of the premises by other residents. Allowing person(s) not on the lease to reside at the residence. Damage to the property beyond normal wear and tear. Failure to give proper notice when vacating. It is your responsibility to provide us with contact information for previous landlords. If we are unable to verify your previous rental history, we reserve the right to deny the application.
 - c. Criminal Record(s):
 - Automatic Denial Felony:
 - Sex Offender Registration
 - Murder, Homicide, Manslaughter related offenses
 - Sexually Oriented offenses
 - Threat/Terrorist Related offenses

Automatic Denial Felony if offense is within the past 84 months:

- Abuse/Assault and Battery related offenses
- Theft, Robbery, Breaking and Entering related offenses
- Abduction/Kidnapping offenses
- Arson related offenses
- Forgery, Money, Check related offenses
- Prostitution, Solicitation related offenses
- Fraud, Embezzlement, Tampering related offenses
- Firearms, Weapons, Explosive related offenses
- Narcotics Drug related offenses
- Gang related offenses
- Pornography related offenses
- Stolen Property related offenses
- Trespassing, Prowling related offenses
- Environmental, Animal related offenses
- Corruption of Minors related offenses

Automatic Denial Misdemeanor:

- Murder, Homicide, Manslaughter related offenses
- Sexually Oriented offenses
- Threat/Terrorist related offenses

Automatic Denial Misdemeanor if offense is within the 24 months:

- Abuse/Assault and Battery related offenses
- Theft, Robbery, Breaking and Entering related offenses
- Abduction/Kidnapping offenses
- Arson related offenses
- Forgery, Money, Check related offenses
- Prostitution, Solicitation related offenses
- Fraud, Embezzlement, Tampering related offenses
- Firearms, Weapons, Explosive related offenses
- Narcotics Drug related offenses
- Gang related offenses
- Pornography related offenses
- Stolen Property related offenses
- Trespassing, Prowling related offenses
- Environmental, Animal related offenses
- Corruption of Minors related offenses

3. Application is incomplete and cannot be made complete based upon the applicant's lack of cooperation.
4. Family composition does not conform to units available on property.
5. Applicant provided false information necessary in the determination of eligibility.
6. Voluntary withdrawal of the application by the applicant.
7. Management is not able to reach the applicant by phone, mail or email.

If you do not meet our Screening/Eligibility Criteria you will be provided a written explanation of the grounds for rejection within seven (7) days of application completion. If an applicant disputes the decision the application is considered incomplete until documentation is provided by the applicant to clear the dispute.

VI. OCCUPANCY STANDARDS

There are no government program requirements relative to the number, sex or relationship of people who may share a bedroom.

A maximum of two people per bedroom plus a child under two (2) years old will be allowed to occupy a unit or as may be restricted by applicable state or municipal code.

Please note: Children that join the household after the start of a lease term will not cause a household to be in violation of the lease. Applies to all except for senior communities that meet the requirements of the Housing for Older Persons Act.

VII. ANIMAL POLICY

If the property allows pets, all applicants with animals will be expected to sign an Animal Addendum and comply with all requirements regarding breed, weight and size restrictions and pay all required fees and deposits. Specific animal, breed, number, weight restrictions, pet rules and pet deposits will not apply to households having a qualified service/assistance animal(s).

The Resident understands that he will be assessed a lease violation penalty and may be asked to remove his pet from the premises if any of these rules are violated. *Specific animal, breed, number, weight restrictions, pet rules, and pet deposits will not apply to households having a qualified service/assistance animal(s).*

VIII. CHANGES IN HOUSEHOLD DESIGNATION POLICY

At initial certification, this development determines your rent and designation based on annual income calculated. This development has the following designations available at the following rent limits:

80% and market

- At recertification, this development has elected to keep your designation and rent restricted based on the circumstances at initial certification. However,
 - If the income of the household who, at the last certification, had an income and rent less than the 80% limits exceed 140% of the applicable limit, the household must be redesignated as over income.
 - If you are redesignated as over income, you may be required at the end of your lease term to pay a market-rate rent and be redesignated as a market unit.
- If you are designated as a market rate unit or higher designation and you wish to be eligible for a lower designation, a complete certification will be performed to clearly document the household's qualification. You may request to be placed on a waitlist for such designation under which your household qualifies for now.
- If you receive rental assistance and due to changes in your income, your portion of the rent exceeds the program rent limits designation at move in, the designation will be changed to comply with program rules.

- If you are designated as a low-income unit and have been deemed now to be a full-time student household, or it has been determined that the household was ineligible due to the full-time student rule, the unit will be designated as a market unit, if available. A household may be transferred to an appropriate designated unit or given a 30-day notice to vacate.

The development maintains a waiting list and are available to both new applicants and existing residents provided the household qualifies for such rent restrictions based on corresponding income qualifications.

To be placed on a waiting list, you must submit a dated, written request (unless a reasonable accommodation is needed).

Once a lower designation becomes available, the household available at the top of the waiting list will be contacted. You will have 48 hours to respond. To secure your new rent, you must begin the necessary certification to determine current eligibility for the lower rent designation under which you are applying and lease paperwork necessary to modify your rent amount. Failure to do so will result in being removed from the waiting list. Waiting lists for all designations are closed if there are more than 25. **Under the Housing Tax Credit program, you are not required to move into another unit in order to change designations.**

IX. WAITING LIST POLICY

If the type of unit a prospective applicant desires is not available on the date needed, the prospective applicant will have the opportunity to be put on a waitlist before applying for the unit. To be eligible to be put on the waitlist, the prospective applicant will be required to: (i) verify his or her identity; (ii) leave a good contact number to be reached; (iii) identify the type of unit desired; and (iv) identify the date the unit is needed. If the date the unit is needed passes the prospective applicant will be removed from the waitlist and will need to come back in to be put back on the waitlist.

It is a prospective applicant's responsibility to keep all provided information updated. If the prospective applicant is not able to be reached, he or she will be removed from the waitlist and must come back in to be added to the end of the waitlist. A prospective applicant will only remain on this waitlist for 60 days or until the date the unit is needed has passed.

Applicants will be taken off the waitlist on a first come, first served basis. Provided, however, in the event that a prospective applicant does not submit a completed rental application within 24 hours after being contacted, he or she will no longer be eligible to rent the unit and will be taken off the waitlist. If contact is attempted, but unsuccessful at the contact number provided, the prospective applicant will no longer be eligible to rent the unit and will be taken off the waitlist.

When an accessible unit becomes vacant, before offering the unit to a non-disabled applicant, the unit will be offered: (i) first, to a current occupant of another unit of the same project, or comparable projects under common control, having disabilities requiring the accessibility features of the vacant unit and occupying a unit not having such features, or if no such occupant exists, then (ii) second, to an eligible qualified applicant on the waitlist having a disability requiring the accessibility features of the vacant unit. If the property has additional or other waitlist procedures, those procedures are identified on Exhibit B. To the extent that the waitlist procedures identified herein are contrary to or inconsistent with the additional or other waitlist procedures identified on Exhibit B, the waitlist procedures identified on Exhibit B will control.

In accordance with the Violence Against Women Reauthorization Act of 2013, an applicant for housing will not be denied admission to housing on the basis that the applicant is or has been victim of domestic

violence, dating violence, sexual assault, or stalking, if the applicant otherwise qualifies for admission or occupancy

X. UNIT TRANSFER POLICY

The owner reserves the right to require residents to resubmit an application if resident desires to transfer units during the lease term. The waitlist procedures apply to residents desiring to transfer to another unit.

After the term of your lease has expired, you may request a transfer to a larger or smaller apartment within the community. If the community is a multifamily BIN project, the Initial Certification will transfer with the resident to the new apartment. The following procedure must be followed:

a. A written request, signed by all parties responsible for the lease agreement, and current employment information must be submitted to the management office. Once your current employment has been verified and a home visit conducted, you will be notified if you have been approved for a transfer.

b. After you have been notified that your transfer had been approved, you may go to the Leasing office to select your new apartment. At that time, you must provide the Leasing Consultant with a vacate notice for your current apartment. When transferring within the community, a 30 day vacate notice is not required. The security deposit on your current apartment less appropriate deductions, if any, will be refunded to you within 30 days after you vacate.

The above does not apply to the Project Based Section 8 program recipients, Waiting List procedures will apply.

I have read and understand the Tenant Selection Criteria and Qualifying Rental Criteria effective on 03/20/2026.

Resident Signature

Date

Resident Signature

Date

Resident Signature

Date

Resident Signature

Date

Staff Signature

Date