



TENANT PROCESSING, TENANT SELECTION, AND UNIT ASSIGNMENT POLICIES AND  
PROCEDURES

LANDMARK PROPERTY MANAGEMENT COMPANY  
Revised: November 2016

#### A. Procedure for accepting applications and screening tenants

All tenant selection will be as established and regulated by applicable Federal and State Program rules and regulations (LIHTC/HUD/HOME/RD). Anyone selected for occupancy must meet the qualifications for these programs as they apply to the complex.

Applications will be available at the on-site office and will be accepted from all interested parties. Assistance will be provided on an as needed basis in the preparation of applications. If an application is incomplete or if additional information is needed, the applicant will be promptly notified of the deficiency.

Each applicant will be interviewed by a representative of the apartment complex as a part of the screening process. Information gained from this interview and the application form will be used to help management gain access to the following criteria that will then be utilized to determine the acceptance or rejection of an applicant.

1. Demonstrated ability to pay rent on time.
2. Ability to meet the requirements applicable to the LIHTC/HUD/HOME/RD Program and the Management Agent's guidelines which are outlined within this document.
3. References from former landlords and employers.
4. Credit reports and criminal records.

#### A. Fair Housing, Equal Opportunity Requirements and compliance with the Violence Against Women and Justice Department Reauthorization Act of 2005

It is the policy of the complex and the management agent to comply with all Federal, State, or local fair housing laws, as well as all Equal Opportunity requirements and LIHTC Program requirements and administrative procedures.

The complex and management agent will not consider incidents of domestic violence, dating violence or stalking as serious or repeated violations of a lease agreement or other good cause for termination of assistance, tenancy or occupancy rights of a victim of abuse.

The complex and management agent will not consider criminal activity directly relating to abuse, engaged in by a member of the 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 of that abuse.

#### B. Student Status for Qualifying Tax Credit Units

Tenant understands and certifies that the household meets the following student criteria: If the occupant(s) of a unit are full-time students, the unit will not be considered a qualifying tax credit unit unless one full time student is:

1. A single parent with children, none of which are declared as dependents on another person's tax return.
2. Married and filing a joint tax return.
3. Receiving AFDC payments on behalf of minor children.

4. Enrolled in a job training program receiving assistance under the Job Training Partnership Act or funded by a state or local government agency.
5. If all of the occupants of the unit are full-time students, at least one must have received foster care assistance.

C. Acceptance of Applicants

The following criteria must be met to be considered eligible:

1. The family must meet the specified LIHTC/HUD/HOME/RD Program requirements.
2. The household’s adjusted annual income must fall at or under the applicable income limit or the applicant is otherwise ineligible as established by LIHTC. For properties that fall under the LIHTC (IRS Section 42) requirements, should a household’s gross annual income exceed the income limits established by LIHTC (IRS Section 42) but fall at or under income limits established by RD, then the household will be notified of such and that they are still eligible for other RD financed properties. The household can still remain in place on the waiting list and should their income meet LIHTC (IRS Section 42) at a later date, be considered for occupancy if they so desire.
3. The applicant’s total housing expenses (rent plus utility allowance) in the Building cannot exceed the specified income set aside set forth via the funding source the unit selected, of the specific area median income percentage being targeted.
4. The family size must be appropriate for the units available based on the following occupancy standards:

Number of Bedrooms	Occupants Max
1	2
2	4
3	6

5. The applicant must have acceptable landlord references (if applicable) and must meet the credit policy requirements. See Landlord Reference Policy

D. Withdrawal of Applicants

Applicant will be withdrawn if:

1. After reasonable attempts, the applicant cannot be contacted.
2. The applicant, having refused an apartment once and moved to the bottom of the waiting list because they wished to remain on the list, refuses an apartment for a second time. Note: In cases of hardship for reasons such as health problems, the applicants name will remain on the waiting list in chronological order and will not be subject to being moved to the bottom of the list.

E. Preferences and priorities

1. ***A master waiting list*** will be maintained chronologically, in order of date of application, indicating current income status code, bedroom size as needed and whether they qualify for a Federal Preference – (applies to HUD related complexes only). All eligible applicants will be admitted chronologically, in order of date and time of application. To be eligible, household income must fall under the applicable limits established by LIHTC / HUD/HOME/RD programs, and all data must remain accurate and current.

F. Unit assignment

1. Applicants will be given a choice of any correct size unit at the time of their admission. Should an applicant be housed in a unit that is handicapped designed due to the unavailability of non-handicapped units, but does not need the type features found in a handicapped designed unit, the applicant must agree to transfer to the first available non-handicapped unit should an applicant be approved for housing which needs the handicapped designed unit.

G. Applicant Decision Appeals Process

1. Applicants who are denied for failure to meet the criteria set forth in the tenant selection plan are eligible to file an appeal via the management agent's appeals process.

For credit based denials:

- Applicant must furnish management agent with a written statement of appeal accompanied by a certified copy of the applicant's credit report.

For criminal record based denials:

- Applicant must furnish management agent with a written statement of appeal accompanied by a certified copy of the applicant's criminal record (if applicable) for review.

- See Addendum B for further clarification on the Applicant Appeals Process.

H. Income Set Aside

1. Qualifying applicants must meet the income set aside requirements for compliance with LIHTC standards.
2. Income limits can be found via the following methods:
  - Via visiting the site and reviewing the rent schedule available for viewing by the public.
  - Income limits are posted and updated on the management company's website by property.
  - Income limits are posted on the individual community websites.
  - Applicants may inquire by phone regarding income limits versus family composition.

## II. Minimum Income Calculation – Per Household

A minimum income calculation is set by the management company to reduce the threat of “rent overburden.” The management company uses a universal calculation across all communities to ensure consistency and compliance in accordance with Fair Housing Guidelines and standards set forth by federal and state agencies. The calculation is as follows:

**HOUSEHOLD MONTHLY INCOME MUST EQUAL = (UNIT RENT x 2) + UTA**

Ex: Unit rent is \$500. Utility allowance is \$500. Per the calculation, the minimum income required for the household to not be considered overburdened is \$1050 per month.

*\*Reliance on State and Federal Vouchers will not be grounds for acceptance or denial when determining income eligibility for housing.*

I. Reasonable Accommodation/Modification Request Process:

Landmark Property Management Company communities operate under the guidelines of *Section 504 of the Rehabilitation Act of 1973* and *the Fair Housing Amendment Act of 1988*. In part, these acts allow persons with disabilities to request reasonable accommodations and/or modifications to afford a disabled person equal opportunity to use and enjoy their apartment and the common areas. In order to evaluate an applicant/tenant request, said applicant/tenant can complete a request for reasonable accommodation/modification. Once the request is submitted via verbal request or via the suggested form herein, a meeting is scheduled with the onsite staff. Reasonable accommodations/modifications will be made when a disabled applicant can demonstrate a nexus between their disability and the requested accommodation/modification. The goal of this process is to allow the applicant to have an equal opportunity to use and enjoy their housing of choice. Management may request of the applicant/tenant to provide the name of a qualified third party professional where the request, verbal or otherwise can be sent for evaluation. A qualified third-party professional includes, but is not limited to: a doctor, psychiatrist, social worker, etc. **Once the evaluation is completed by the qualified third-party professional, it will be reviewed and the applicant/tenant will receive a written response to the request within fourteen (14) calendar days. If the request is denied, the applicant will be notified in writing and be given five (5) calendar days to appeal management's decision.**

**SAMPLE FORM**

Reasonable Accommodation: A request for physical alterations necessary for an applicant/tenant to have equal access to their unit or common areas. Please describe the physical accommodations needed to afford you equal opportunity to use the property and the purpose for such a request:

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Reasonable Modification: A request to modify rules, policies or procedures that would afford you equal opportunity to use the property. Please describe the modification(s) you request to the rules, policies or procedures that would afford you equal opportunity to use the property and the purpose for such a request:

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Reasonable Modification: ***Request for a "Supportive (Service) Animal"***. Please be specific in your request as to what type of animal are you requesting and why you believe this request is necessary to afford you equal opportunity to live in the complex.

Type of Animal: \_\_\_\_\_

Why is the request necessary?

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### KEY Rental Assistance Program and DHHS Target Units:

Since 2002, NC Housing Finance Agency (NCHFA) and NC Department of Health and Human Services (DHHS) have partnered to create quality, affordable apartments for persons with disabilities.

All Housing Credit projects awarded since 2004 (and many in the preceding two years) target ten percent (10%) of the total units (Targeted Units) to households referred through DHHS by local human service agencies pursuant to a Targeting Plan. Certain other affordable rental projects target ten to twenty percent of total units (including projects awarded Preservation Loan Program (PLP) and/or Key Program funding).

Housing Credit projects with federal project-based rental assistance (PBRA) must target at least five units. The Targeted Units do not establish an upper limit for the number of persons with disabilities that can or might live in any project.

Persons with disabilities who can afford the rent and/or have Section 8 rental assistance should be encouraged to apply to the project as any other tenant without being referred. Projects are not required to provide onsite supportive services or a services coordinator, and participation in supportive services is voluntary and not a condition of tenancy.

After the award of Housing Credits, PLP funding or Key Program funding, owners must submit a Targeting Plan to DHHS that identifies a Local Lead Agency. B. Accessible vs. Targeted Units The legally required accessible units or additional accessible units with curb-less showers (required by the QAP) in Housing Credit projects are NOT necessarily the same as the Targeted Units, and are not required to be held solely for referrals from DHHS during lease up.

Some households referred under a Targeting Plan may have disabilities that require an accessible unit. Others will have disabilities that are not physical in nature. Similarly, some households may not be qualified for a Targeted Unit, and need an accessible unit.

***\*See property specific details regarding participation in this program, found via Addendum D, page 14 of this tenant selection plan.***

## Addendum B

### Description of the Credit and Criminal Policy for Applicants

#### Applicant Process & Application Submission

Applicants may submit an initial screening request for occupancy via the following methods:

- Submission of form SC1 in written form.
- Submission of online application form via [www.lpmcliving.com](http://www.lpmcliving.com)

Applicants must submit for credit and criminal screening via methods described herein and such application must be accompanied by the applicable fee.

*Applicants referred by the DHHS targeting program, including those applicants participating in the Transition to Community Living Initiative will have such fee waived in accordance with the guidelines set forth by the NCHFA (Rev. 12-2015).*

#### Credit Worthiness Policy

Applicants must meet the minimum credit worthiness standards set forth under the tenant selection plan in order to be eligible for residency at the community. Worthiness standards include:

- No outstanding landlord debt and/or proof of resolution of said landlord debt.
- No outstanding required utility debt and/or proof of resolution of said utility debt.
  - o Ex: An applicant would be categorically denied for unpaid debt to an electric utility provider.
  - o Ex: An applicant would be eligible for residency despite unpaid debt to a cable television provider.
- No outstanding federally funded education loans and/or proof of deferment of said loan.
- Applicant cannot be within current bankruptcy filing and/or be in the process of petitioning for bankruptcy.

#### Landlord Reference Policy

All applicants must meet a minimum requirement of Acceptable Landlord Reference, beyond that of outstanding landlord debt as referenced within the Credit Worthiness Policy.

Upon approval of the credit and criminal background check, applicants will undergo a previous Landlord Reference Check. This check will allow management to obtain rental history for the applicant(s) and continue the application process. A landlord reference will be required to be obtained on all applicants who are renting from a third-party which does not include living with family members or friends.

To the extent that the landlord reference is negative due to unpaid rent money owed, the applicant will not be held liable if they are currently participating in any programs or receiving assistance which provides the landlord with the ability to recover any economic losses related to impending tenancy.

### Criminal Record Acceptance Policy

Landmark Property Management Company will conduct a criminal background check on each adult member of an applicant household. An adult means a person 18 or older.

If the criminal background report reveals negative information about a household member and the management company proposes to deny admission due to the negative information, the subject of the record (and the applicant, if different) will be provided notice of the proposed adverse action and an opportunity to dispute the accuracy of the record. The notice will include the name, address, and telephone number of the agency that composed the criminal record report and inform the applicant of his or her right to dispute the accuracy of the criminal record report as well as his or her right to a free copy of the criminal record report.

If the applicant does not contact the management company to dispute the accuracy of the criminal record within 10 days, the management company will send a written notice of ineligibility to the applicant stating the specific reason for denial. If the applicant did not contact the management company within the specified time period due to a disability, the management company will provide a reasonable accommodation extending the dispute period as is reasonable.

### Admissions Criteria

*If a member of an applicant household has been convicted of a felony offense involving the sale or manufacture of a controlled substance, the management company: o Will deny admission if the conviction, or exit from incarceration, occurred within 5 years of application;*

- a. May deny admission if the conviction, or exit from incarceration, occurred more than 5 years but within 10 years of application;
- b. Will not deny admission if the conviction, or exit from incarceration, occurred more than 10 years before application.
  - i. If a member of an applicant household has been convicted of a violent felony offense, the management company:
- c. Will deny admission if the conviction, or exit from incarceration, occurred within 5 years of application; and
- d. May deny admission if the conviction, or exit from incarceration, occurred more than 5 years before application.
  - i. If a member of an applicant household has been convicted of a nonviolent felony offense, the management company:
- e. May deny admission if the conviction, or exit from incarceration, occurred within 7 years of application;
- f. Will not deny admission if the conviction, or exit from incarceration, occurred more than 7 years before application.
  - i. If a member of an applicant household has been convicted of a violent misdemeanor, the management company:
- g. Will deny admission if the conviction, or exit from incarceration, occurred within 2 years of application;
- h. May deny admission if the conviction, or exit from incarceration, occurred more than 2 years before application.

If a member of an applicant household has been convicted of a nonviolent misdemeanor offense, the management company:

- i. May deny admission if the conviction, or exit from incarceration, occurred within 5 years of application; and
- j. Will not deny admission if the conviction, or exit from incarceration, occurred more than 5 years before application.

• A violent felony is a Class A, B, C, D, E, F, or G felony or any felony requiring registration on the sex offender registry. A nonviolent felony is a Class H or I felony.

• A violent misdemeanor is a Class A1 misdemeanor or a misdemeanor requiring registration on the sex offender registry. A nonviolent misdemeanor is a Class 1, 2, or 3 misdemeanor.

• The management company will not consider an arrest or charge that was resolved without conviction. In addition, the management company will not consider expunged or sealed convictions. The management may deny admission if an applicant has pending charges at the time of application.

• Where the management company “may deny” admission to a household based on a criminal conviction or pending criminal charge, the management company will conduct an individualized assessment of the criminal record and its impact on the household’s suitability for admission.

This individualized assessment (to be done by the appeals committee) will include consideration of the following factors:

- (1) The seriousness of the criminal offense;
- (2) The relationship between the criminal offense and the safety and security of residents, staff, or property;
- (3) The length of time since the offense, with particular weight being given to significant periods of good behavior;
- (4) The age of the household member at the time of the offense;
- (5) The number and nature of any other criminal convictions;
- (6) 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, teacher, social worker, or community leader; and
- (7) Tenancy supports or other risk mitigation services the applicant will be receiving during tenancy.

• If the applicant’s criminal conviction was related to his or her disability, the management company will consider a reasonable accommodation.

## Applicant Decision Appeals Process

Applicants who are denied for failure to meet the criteria set forth in the tenant selection plan are eligible to file an appeal via the management agent's appeals process.

- For credit based denials:
  - Applicant must furnish management agent with a written statement of appeal accompanied by a certified copy of the applicant's credit report.
  
- For criminal record based denials:
  - Applicant must furnish management agent with a written statement of appeal accompanied by a certified copy of the applicant's criminal record (if applicable) for review.

**All appeals are heard and/or reviewed by the Director of Property Management.** In some cases, the Director of Property Management will chair an appeals committee in which a 3 part review will occur. The Appeals Committee may request for a phone review with the applicant in order to make a final determination regarding applicant eligibility.

### **Statement of Non-Discriminatory Practices**

Landmark Property Management Company, with its mission to provide affordable housing to those in need of it, does so under *The Fair Housing Act* (Title VIII of the *Civil Rights Act of 1968*) which introduced meaningful federal enforcement mechanisms as it pertains to the process by which rental housing is provided. As such, Landmark Property Management and its communities abide by the following and will under no circumstances:

- Refuse to sell or rent a dwelling to any person because of race, color, religion, sex, handicap status, familial status or national origin.
- Discriminate against any said person based on race, color, religion or national origin in the terms, conditions or privilege of the sale or rental of a dwelling.
- Advertise the sale or rental of a dwelling indicating preference of discrimination based on race, color, religion or national origin.
- Coerce, threaten, intimidate, or interfere with a person's enjoyment or exercise of housing rights based on discriminatory reasons or retaliate against a person or organization that aids or encourages the exercise or enjoyment of fair housing rights.

## Addendum C

### Listing of North Carolina Entities Administered Under This Plan

The following communities participate and adhere to the Tenant Selection Plan referenced herein as members of the Landmark Property Management Company portfolio and in accordance with the guidelines set forth under Section 42 of the IRS code as it relates to administering LIHTC/Affordable Housing in addition to those regulations set forth by the State of North Carolina and any other regulatory agencies.

Albemarle Central School Apartments – Albemarle, North Carolina  
Lassiter Square Apartments – Madison, North Carolina  
Asheboro Mill Lofts – Asheboro, North Carolina  
East Broad Crossing – Statesville, North Carolina  
Mulberry School Apartments – Statesville, North Carolina  
Friar Woods Apartments – Kernersville, North Carolina  
Globe Tobacco Lofts – Mt. Airy, North Carolina  
Rowan Pointe Apartments – Mocksville, North Carolina  
Mebane Mill Lofts – Mebane, North Carolina  
Vance Senior Housing – Henderson, North Carolina  
Maria Parham Apartments – Henderson, North Carolina  
EA Swain Apartments – Edenton, North Carolina  
Southerland Village – Wallace, North Carolina  
James A. Walker Apartments – Wilmington, North Carolina  
Windsor Village – Windsor, North Carolina  
Randleman School Commons – Randleman, North Carolina  
Cashie Apartments – Windsor, North Carolina  
Cleveland School Apartments – Clayton, North Carolina  
Nathaniel Village – Greenville, North Carolina  
Grainger Place – Kinston, North Carolina  
Kinston Oaks – Kinston, North Carolina  
East Harper Apartments – Lenoir, North Carolina  
LHS Apartments – Lenoir, North Carolina  
Spaulding Woods I – Marion, North Carolina  
Spaulding Woods II – Marion, North Carolina  
Kinston Hotel – Kinston, North Carolina  
Nantucket Lofts – Kinston, North Carolina  
Central School Apartments – Bessemer City, North Carolina  
Highland Memorial – Gastonia, North Carolina  
Mayworth School – Cramerton, North Carolina  
Belvedere Apartments – Reidsville, North Carolina  
RHS Apartments – Reidsville, North Carolina  
Weldon Downtown Apartments – Weldon, North Carolina