



## **MAHI'AI HALE TENANT SELECTION CRITERIA**

August 2009

*This Tenant Selection Criteria has been prepared in accordance with 3560 requirements and in response to policies in the Asset Management Handbook.*

The policy of the Management Agent is one of equal opportunity and non-discrimination in compliance with all Civil Rights legislation (1964, 1968, 1988) Section 504 of the Rehabilitation Act of 1973, ADA, and Affirmative Fair Housing Marketing requirements as set forth individually for each property. No applicant would be denied on the basis of race, color, religion, sex, familial status, handicap status or national origin. Hawaii State Law also includes age, marital status, and HIV infection.

Applicants must meet all Rural Development and Management Agent tenant selection requirements to gain admission to this property.

### **1. APPLICATION**

Aloun Farm Labor Housing is marketed at least once per year, if not more frequently, as required by Rural Development using all advertising and community contacts as set forth on the HUD 935.2A Affirmative Fair Housing Marketing Plan. All persons interested in applying for this property may request an application during normal business hours, either in person or through a designated individual, at Mark Development, Inc. 3165 Waiialae Avenue, #200, Honolulu, Hawaii 96816 or such other place as may be established by Management. A request for an application to be mailed is also acceptable by calling Mark Development, Inc. at 735-9099. Fax requests for applications may also be sent to 737-5633. TDD telecommunication is available by calling the TDD number. Applications are available even if a sizeable waiting list exists.

An application must be completed in full by the applicant and submitted either in person or mailed to the Management office. The application must be used and contains requests for all information necessary for determining initial Rural Development eligibility. Applicants may request assistance in completing the application if necessary. The Managing Agent's policy is to assist wherever possible especially in the accommodation requests by persons with disabilities or handicaps. All applications will be placed on a master waiting list by date and time. All applicants whose applications are not complete will be contacted within 10 days of receipt, in writing with a written list of items necessary to complete the application. If the application is not returned completed within 10 days of notification, it will be rejected. While the Managing Agent will track all applications and requests for additional information, no application will be processed until it is complete. When a completed application is received or the requested information received subsequently to make it complete, the application will then be logged by



date and time received, on the waitlist. If a vacancy at the property exists, or is expected within the next 90 days, the verification-selection process will begin immediately in regards to income, assets and allowances for Rural Development certification and the Managing Agent references for selection or rejection. The Managing Agent will keep detailed records regarding applications i.e. on waiting list, housed, rejected or cancelled.

The application contains a release form which must be signed to authorize the Managing Agent to verify all items inclusive of credit history, criminal history and other references. For those properties with an existing waiting list and no current or known upcoming vacancies, Rural Development preliminary eligibility will be satisfied by using information on the application. Placement of an application on the waiting list does not denote final tenant selection. That can and will occur only after complete processing.

All applicants who submit a completed application (or when an application becomes complete) will be notified in writing of waiting list status or subsequent tenant selection or rejection. Any applicant who exceeds Rural Development income limits for eligibility based upon application information, or if ineligible during later processing, would be notified in writing that they are Rural Development ineligible. Similarly, any applicants who are not eligible due to eligibility requirements for this off-farm labor housing would also receive a notice of ineligibility. However, should the property have Rural Development permission (or will be seeking such permission) to rent to ineligibles, the income ineligible application would be maintained on the waiting list.

## 2. WAITING LIST

All applications are listed on the waiting list by date and time received. They will be processed based on when the completed application or subsequent information is received to make the application complete. The waiting list contains all Rural Development requested data inclusive of date and time, name, address and phone number of applicant, income, statistical data, (i.e. race, sex), eligibility for Rental Assistance, date contacted for an interview and final tracking status (i.e. selection, rejection, cancellation, etc.). The waitlist will indicate the need for a handicapped adapted units and each applicant's income level (V,L,M,A). Any applicant on the waiting list with a Letter of Priority Entitlement (LOPE) would be placed at the top of the income level appropriate. Ineligibles will be kept on the waiting list if Rural Development waivers to rent to ineligibles has been requested or received. Any applicant may request information on current status by writing or calling the Managing Agent's office.

## 3. SELECTION

Applicants are required to meet the following criteria in order to be defined as an eligible tenant for the purposes of residing in labor housing.

- Occupational. An eligible household must include a tenant or co-tenant who is a domestic farm laborer, a retired or disabled domestic farm laborer, or must be a surviving household of a deceased domestic farm laborer, as defined by USDA.



- Income. The household must meet the definition of income eligibility as defined by the Federal Regional Income Limits for Hired Farmworkers and the Adjusted Income Limits as periodically posted by USDA.
- Occupancy. The household must remain in compliance with the occupancy policy regarding number of household members as established by Management.

Applicants will be selected chronologically by occupancy priorities and income level according to the priorities set forth in the 3560.

- First priority. Will be given to eligible active farm laborer households, with first priority going to very low-income households, next to low-income households, and last to moderate-income households.
- Second priority. Will be given to retired or disabled domestic farm laborer households who were active in the local farm labor market area at the time of retirement or becoming disabled, with the first priority going to very low-income households, next to low-income households, and last to moderate-income households.
- Third priority. Will be given to other retired and disabled domestic farm laborer households who were not active in the local farm market at the time of retiring or becoming disabled, with the first priority going to very low-income households, next to low-income households, and last to moderate-income households.

Those who have indicated the need for and requested the features of wheelchair adapted or other handicap unit has priority for those units. Any applicant who requests modifications or accommodations to non-adapted units will have consideration on those requests when selected, but with no priority for selection. In order to be eligible for selection, an applicant must meet Rural Development occupational and occupancy policies and income eligibility based on per person income limits. Occupational standards and income eligibility must be verified as part of processing.

In those units or properties with no subsidy from Rental Assistance, the applicant must have the demonstrated ability to afford and pay the Basic Rent. The policy of the Managing Agent is to consider all income and assets, but that in most cases Applicants should not spend more than 40% of their resources on rent. Those who cannot afford Basic rent would be maintained on the Waiting List for subsidy. If there is no subsidy at the property, those who cannot afford the rent will be rejected. Even when there is subsidy, zero income households will be rejected unless all income is specifically exempt.

In determining occupancy standards, the intent of project policy is to neither overcrowd nor under utilize space. Occupancy is based on number of persons in the household, and is based on counting all full time members of a household, dependent minors who are away at school but live with the applicant at recesses, unborn children or children in the process of being adopted or secured by custody action, foster children and live-in attendants. Children who live



in a household 50% of the year or more are also counted towards the total household number; however, visitors, permanently confined/institutionalized household members and children on active military duty are not counted in this determination for occupancy eligibility.

A disabled applicant who would need a larger unit due to accommodation requests would be given such consideration. For specifically designed units (i.e. barrier free), applicants needing those features would be given priority. Should no one apply who would benefit from special unit features, another applicant selected based on income level and occupancy policy could occupy this unit with a written lease agreement to transfer to a different unit when available and should an applicant now exist on the waiting list for the special unit.

All households must provide positive identifications of all persons who will be part of the household; pregnancy must have medical verification if larger bedroom size units are requested than the household would be eligible for if not pregnant; and adoption or other custody in process must have written documentation. When RD adopts citizenship and Social Security number requirements, all households will be required to follow these rules. In addition, once Limited English Proficiency (LEP) is enacted into federal law, LEP persons will receive documents in their language and translation free of charge.

In addition to Rural Development, occupational and occupancy policy requirements, applicants must also meet application, interview and reference criteria. In completing the application, all applicants must sign a release form allowing Management to verify all income, assets and allowances along with credit, criminal, personal and landlord references. In addition Management would be authorized to check with other agencies necessary to certify eligibility, police departments and wage matching as well. All applicants are required to have a personal interview. After processing and the interview has been completed, an eligible applicant would receive a notice of tenant selection. Applicants who wish to be a tenant or co-tenant must possess the legal capacity to sign all documents, (unless an accommodation determination for the handicapped, to allow a guardian signature if otherwise eligible, is made), and would have to agree to complete the tenant certification process, enter into a one year lease agreement, pay a security deposit and participate in a unit inspection prior to physical occupancy of the unit.

The security deposit equals one month's Basic Rent. Those applicants eligible for Rental Assistance, where a hardship exists, could request a payment plan which would require full payment within three months. All other applicants must pay a full security deposit no later than at lease signing. Assistance animals (i.e. seeing eye dogs), with proof of training certification or likewise, would always be admitted in any property with no charge for the animal.

#### 4. NUMBER OF OCCUPANTS

The number of occupants listed above must be in accordance with occupancy standards as set forth by Management based upon local codes and ordinances and Rural Development regulations as each may change from time to time.



Management may change the occupancy limit during the lease term if changes in laws, ordinances or regulations make such change necessary. Presently, the occupancy limits for each unit are 1 person minimum and 5 people maximum. Priority is given to households with 2 or more members. Management shall have the right to make reasonable accommodations for individuals with disabilities and may adjust occupancy limits to further the goal of reasonable accommodation.

## 5. REJECTION

As previously stated, any application which is incomplete will not be processed. An applicant who refuses to sign releases to allow verification of Rural Development and Company eligibility, references, etc. would be rejected. Applicants who do not meet Rural Development income limits for a property would be rejected unless permission to rent to income ineligibles is in process or been received from Rural Development. Applicants who exceed the maximum allowable occupancy standards for a property would also be rejected. Applicants found to have provided false answers on the application or at the interview would also be rejected. Applicants who fail to come to a scheduled interview, unless there are extenuating circumstances, or who come to the interview on illegal drugs, intoxicated or whose conduct is unacceptable would also be rejected. Applicants with negative credit, personal, landlord or history of being a convicted felon would also be rejected. Rejection may also occur should there be a chronic history of late payment or non-payment of rent, history of eviction, non-payment of other financial obligations, intentional damage, violation of the terms of current or previous lease agreements inclusive of failure to maintain a unit in sanitary condition, current use of illegal drugs or a conviction for drug manufacture, sale or distribution or anyone who would pose a direct threat to the health and safety of others or property. Applicants would never be rejected arbitrarily such as on the basis of race, color, religion, sex, handicapped status, age, familial status or national origin. Hawaii State Law also includes age, marital status, and HIV infection. Any applicant who is selected but does not accept tenancy for reasons other than medical, emergency, or need for subsidy that is currently not available would be removed from the waiting list. The waiting list is updated at the least on a yearly basis to establish continued eligibility, and to remove those not still eligible, or to reclassify those with changed status. Finally, Applicants who do not possess legal capacity to sign documents could not become tenants or co-tenants, (unless a change in Rural Development policy occurs).

Any rejection would be issued in a written statement to the applicant with notification of Grievance and Appeal rights, where applicable.

**PLEASE KEEP FOR YOUR REFERENCE**

