



Willows Peake Apartments Winston-Salem, N.C.

Willows Peake Apartments is privately owned by HHG III, LLC to provide affordable housing for residents of Winston-Salem and Forsyth County. HHG III, LLC was formed by Forsyth Economic Ventures, Inc., Forsyth Real Estate Development, LLC and The Housing Authority of the City of Winston-Salem.

The property was developed with financing from the Housing Authority of the City of Winston-Salem through HOPE VI and private investment from Raymond James Tax Credit Fund through the sale of Low Income Housing Tax Credits. In addition, rental assistance is available for applicants who qualify.

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 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, 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 smoking policy at this community. Smoking is prohibited in residents' apartments, on porches and balconies, and inside the buildings. Areas designated for smoking will be marked with clear signage.

TENANT SELECTION PLAN

Eligibility for Admission/Waiting List:

Family Housing

Consisting of sixteen (16) one-bedroom, sixty (60) two-bedroom, thirty-two (32) three-bedroom, and eight (8) four-bedroom units, Willows Peake provides affordable housing for individuals and families meeting income eligibility guidelines outlined below.

Preferences & Priorities

a. Priorities for All Units:

- Existing residents approved for unit transfers are given priority over new applicants from the waiting list when a unit becomes available.



- Qualified over- or under-housed families at Alders Point, Arbor Oaks, Aster Park, Azalea Terrace, and Providence Place, for whom an appropriate-sized unit is available, are given priority over other applicants from the waiting list.

b. Preferences for PHA Units:

Individuals or families who meet the definition of “working family” receive preference over other applicants. To qualify for this preference, at least one member of the household must be employed at least 20 hours per week. Individuals/families who cannot work and receive payments in lieu of working, (i.e. SS or SSI) qualify for this priority.

c. Preferences for PBA Units:

Applicants currently on the Housing Authority of Winston Salem Section 8 waiting list, who have received written notice from the Owner/Agent about unit availability, receive preference over other applicants.

d. Units Designed for Special Needs of the Physically Disabled:

The property contains twelve (12) apartments that have been specifically designed to accommodate persons with mobility impairments requiring special features for wheelchair accessibility and use. Three (3) units have been designed to accommodate persons with hearing and/or visual impairments.

No non-disabled applicants or disabled applicants who do not require the accessibility features provided will be offered these units until all eligible 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.

e. 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 twelve (12) applicant households referred by DHHS have been housed, DHHS referrals will be offered available units ahead of anyone else on the waiting list. Referred households are eligible for rental assistance.

f. Tax Credit Income/Rent Limitations:

- 1) Twenty-nine (29) units are rent-restricted and reserved for households with income at or below 30% of median income; and
- 2) Eighty-seven (87) units are rent-restricted and reserved for households with income at or below 60% of median income.

Eligibility for Rental Assistance

a. PHA Operating Subsidy:

An operating subsidy is provided through the local Public Housing Authority for 52 PHA units. To qualify for assistance, household income cannot exceed 80% of median income, and all adult members of the household are REQUIRED to comply, unless exempt, with the Department of Housing and Urban Development *Community Service Rule*. Residents may choose between a flat rent (as



established annually by the local Public Housing Authority) or an income-based rent; however, unless exempted by hardship, the resident will in no event pay less than the minimum total tenant rent of \$50. Applicants for assistance will be taken from the site-based waiting list.

b. Project-based Section 8 Rental Assistance:

The owners have signed an agreement with the local Public Housing Authority for 53 units of project-based Section 8 Housing Choice Vouchers. To qualify for assistance, household income cannot exceed 50% of median income. Resident's rent (total tenant payment) is the higher of 30% of adjusted income or 10% of gross income; however, unless exempted by hardship, the resident will in no event pay less than the minimum total tenant rent of \$25. Applicants for assistance will be taken from the PHA's Section 8 Housing Choice Voucher waiting list until such time as the waiting list is depleted. Thereafter, applicants for assistance will be taken from the site-based waiting list.

c. Low Income/No Subsidy:

For the remaining 11 units, household income cannot exceed 60% of median income to meet the requirements of the Section 42 Low Income Housing Tax Credit Program. No project-based rental assistance is available for these 11 units.

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);
- A medical reason certified by a doctor, or as a reasonable accommodation to a disability; or
- The need for an accessible unit.

When management determines the need for a unit transfer, the household will be informed in writing that they have been added to the transfer list. 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.

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

Waiting List:

The managing agent will maintain a waiting list for all units. The waiting list may be closed to all applicants if the number of applicants on the waiting list has reached a sufficient number to fill the normal vacancies anticipated in a one-year period.

Eligibility of Students:

a. Section 42 Low Income Housing Tax Credits Requirements:

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.

b. Section 8 Assistance Requirements:

In addition to meeting the student eligibility 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 must meet at least one of the following definitions to be eligible for Section 8 assistance:

- Is 24 years of age or older;
- Is a veteran;
- Is married;
- Has a dependent child;
- Is an individual who has been verified during the school year in which the application is submitted as either an unaccompanied youth who is homeless or at risk of homelessness, and self-supporting, by one of the following:
 - a local educational agency homeless liaison;
 - the director (or designee) of a program funded under the Runaway and Homeless Youth Act;
 - the director (or designee) of a program funded under Subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act; or
 - a financial aid administrator.
- Is an individual for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances;
- 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.

Any financial assistance in excess of tuition costs and any other required fees and charges that an individual receives is considered income to that individual. This income rule does not apply to applicants/residents who:

- Are applying for/living with parents **OR**
- Are at least 24 years of age and have dependent children.

Security Deposit:

A security deposit will be due when a unit becomes available and is accepted by the resident. The amount of security deposit required is as follows:

One-bedroom unit	=	\$200
Two-bedroom unit	=	\$275



Three-bedroom unit = \$350
 Four-bedroom unit = \$400

OCCUPANCY STANDARDS

<u>Number of Bedrooms</u>	<u>Minimum</u>	<u>Maximum</u>
1	1	3
2	2	5
3	*3	7
4	*4	9

*Note: For Section 8 project-based units, the guidelines are for a minimum of 4 persons in a three-bedroom unit and 6 persons in a four-bedroom unit.

To avoid overcrowding and for health and safety reasons, the number of persons allowed in a bedroom should not exceed the following:

<u>Number of Persons</u>	<u>Bedroom Space</u>
1 Person	At Least 70 Square Feet
2 Persons	At Least 100 Square Feet
3 Persons	At Least 150 Square Feet
4 Persons	At Least 200 Square Feet

If the bedroom is less than 100 square feet, there should only be one (1) person in the bedroom and the household should be allowed another bedroom.

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, including applicants from the Transition to Community Living Initiative Program.

Application for Occupancy

Applications for occupancy for the Section 8 units will be referred from the HAWS waiting list. PHA units will be processed in accordance with the preference policy. All applications for occupancy will be processed by the Managing Agent.

Application for Rental Assistance

Processing of the 50058 applications and verifications to qualify for “assistance” for all units will be processed by the Landlord and reviewed/approved for assistance by the Housing Authority of Winston-Salem.



All applications must be completed in full, dated, and signed by the applicant. The application may be delivered in person or received via mail, fax, or email. The On-site Manager will note on the application the date and time the completed application is received.

Preliminary Approval

Upon receipt of an application, the On-site Manager will review the information provided by the applicant in their application to confirm initial and conditional eligibility in conjunction with the program guidelines as established by the Regulatory Agency, i.e., age, income limitation, family composition and citizenship. Upon completion of such review, the applicant will be notified of his/her status. If eligible, 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. If determined ineligible, the applicant is notified of the reason(s) for such ineligibility.

Waiting List

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 three (3) 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 begin screening for other tenant selection criteria, i.e., prior rental history, credit reports/references, criminal convictions, and other references. If favorable, the applicant will be contacted to set up a personal interview for completion of verification forms. If screening indicates an unfavorable rental, credit, criminal history, or reference check, the applicant will be notified accordingly.

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, or release from incarceration, 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, or release from incarceration, occurred within 3 years of application. See **Individualized Assessment Criteria** below.

Violent Misdemeanor: If a member of an applicant household has been convicted of a violent misdemeanor, Management **will** deny admission if the conviction, or release from incarceration, occurred within 3 years of application.

Repeated Unrelated Violent Misdemeanors: If a member of an applicant household has been convicted for more than two (2) unrelated violent misdemeanors, Management **will** deny admission if the last conviction, or release from incarceration, occurred within 7 years of 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, or release from incarceration, occurred within 5 years of application. See **Individualized Assessment Criteria** below.

Repeated Unrelated Non-violent Felonies: If a member of an applicant household has been convicted of more than two (2) unrelated felonies, Management **may** deny admission if the last conviction, or release from incarceration, occurred within 7 years of application. See **Individualized Assessment Criteria** below.

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

- **Will** deny admission if the conviction, or release from incarceration, occurred within 7 years of application.



- **May** deny admission if the conviction, or release from incarceration, occurred more than 7 years prior to application. See **Individualized Assessment Criteria** below.

Repeated Unrelated Violent Felonies: If a member of an applicant household has been convicted of more than two (2) unrelated violent felonies, Management **will** deny admission if the last conviction, or release from incarceration, occurred within 15 years of application.

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, or release from incarceration, occurred within 7 years of application.
- **Will** deny admission if the conviction was due to use or possession and the conviction, or release from incarceration, occurred within 3 years of 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 nonpayment of rent, damages, or material noncompliance will not be accepted. Any applicant who owes past due funds to a previous landlord will be rejected until all funds that are past due have been paid in full.

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. Such examples of mitigation of risk include an applicant providing an acceptable third-party guarantor of the lease or paying an increased security deposit. 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. The credit report must demonstrate that the applicant has paid financial obligations as agreed. Monies owed for medical related expenses will be disregarded.

A third-party screening company retrieves credit records and independently assesses an applicant's credit performance, assigning greater weight to activity reported over the most recent 24-month period. 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 utility service in his/her name prior to move-in. Applicants may be re-considered if they provide evidence the debt has been paid and the utility company will provide service.
- A bankruptcy that has not been discharged.

Should the applicant be rejected based on credit, the Landlord will provide the applicant with the name and contact information of the credit 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. Such examples of mitigation of risk include an applicant providing an acceptable third-party guarantor of the lease or paying an increased security deposit. 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.

Reasons for Rejection of Application

- Failure to provide verifications of social security numbers or certifications for all family members.
- Applicant does not meet the criteria of the tax credit or subsidy program (such as age, income, family composition).
- Applicant does not meet screening guidelines (such as criminal, credit, or 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.

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 “affiliated individual” with respect to an individual as:

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

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 a “spouse or intimate partner of the victim”, defined as someone:

- 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.

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). HHG III, 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 Willows Peake. 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, HHG III, 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 HHG III, LLC and Community Management Corporation, Agent;
- (2) HHG III, 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) HHG III, 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 HHG III, 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 336-725-0276. 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.