

Portland's Housing Bond

DRAFT

Resident Screening Criteria Guidelines for 60% Area Median Income (AMI) Housing

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I. GENERAL STATEMENTS

1. For the purposes of these guidelines, the "Owner" is the Portland Housing Bureau (PHB) and the "Agent" is the party (or parties) who work on behalf of the Owner, including an owner's representative or property management firm.
2. Owner/Agent is an equal opportunity housing provider and does not discriminate. Owner/Agent complies with all applicable requirements of federal and Oregon laws including without limitation, with the Fair Housing Act, Equal Opportunity Housing, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act (ADA).
3. Owner/Agent will require applicants to provide current, positive, government-issued identification to perform eligibility screening.
4. Each individual adult (age 18 or older) of the household will be screened and will need to meet the screening criteria in order for the other members of the household to be approved.
5. Inaccurate, incomplete or falsified information will be grounds for denial of the application.
6. Owner/Agent will enforce a nonsmoking policy in all housing communities. Individuals who need to use medical marijuana may submit a request through the reasonable accommodation process (Section IX).
7. Applicant will have five business days from the date of the original application to provide all verifications, signatures, and supplementary documentation necessary to establish qualification.
8. In addition to the Owner eligibility screening process, applicants who apply for a Project Based Voucher (PBV) subsidy will also be screened by Home Forward to establish PBV program eligibility.

II. OCCUPANCY POLICY

1. Occupancy is based on the number of bedrooms in a unit. A bedroom is defined as a habitable room intended primarily for sleeping purposes, as defined by [Portland City Code Title 29.30.210 Sleeping Room Requirements](#).
2. A minimum of one person per bedroom and maximum of two persons per bedroom, plus one additional per unit, will be allowed. A maximum of two persons per studio, and maximum of one person per Single Room Occupancy (SRO), will be allowed. The table below summarizes occupancy guidelines per apartment type:

Which Bedroom Size Do You Qualify For?		
Apartment Type	Number of Person(s)	
	Minimum	Maximum
SRO	1	1
Studio	1	2
1 bedroom	1	3
2 bedrooms	2	5
3 bedrooms	3	7
4 bedrooms	5	9

III. OUTREACH TO PARTNER ORGANIZATIONS

Owner has established a housing availability preference for communities identified in [Portland's Housing Bond Policy Framework](#). Owner will provide Agent with a list of public and private non-profit organizations, "Partner Organizations", to contact when there are vacancies. Outreach to Partner Organizations will consist of the following steps:

1. Agent will notify Partner Organizations of vacancies. Organizations have 14 days to refer applicants to submit a Rental Application to Management.
2. After 14 days, if not enough applicants have been identified, Agent will advertise vacancies publically for at least 14 days, in conjunction with the Affirmative Fair Housing Marketing Plan. Owner and Agent will define minimum number of applicants (e.g. less than 25 applicants), based on property.
3. Applications will be date/time stamped. Agent will process applicants on a first come, first served basis, according to the date/time stamped as received.
4. Agent will notify applicant at the time of initial intake, verbally or in writing, of the approximate waiting time for an apartment to become available.

Waitlist(s) and Purge Period: Based on the mission, scope and needs of each housing property, Agent may choose to maintain waitlist(s). If waitlist(s) are used, the lists will be purged every six (6) months.

IV. APPLICATION PROCESS

The application process consists of the following steps:

1. Applicants will submit applications directly to the Property Manager's Office or online through [OneApp Oregon](#). The applicant must be at least 18 years old and provide government-issued proof of identification. Acceptable documents include, but are not limited to:
 - a valid driver's license;
 - state identification card;
 - signed social security card;
 - current visa, immigration documents; or
 - other government-issued ID which can be used to screen for criminal history and credit.
2. For all units, Agent will require that income, assets, and household composition are verified to determine eligibility for housing. Applicant must provide Agent with documentation sufficient to determine eligibility within five days of submitting the full application for review, or Agent will move on to the next applicant. Acceptance or denial of the application may take up to five days from the date that all required documentation is received.
3. All adult members of the household (age 18 years or older) will undergo background screening. To be approved, each adult member of the household must meet the criteria described in Sections V, VI, VII, and VIII.
4. For units applying for a PBV subsidy, the applicant will be referred to Home Forward. Home Forward will perform a separate background screening to determine eligibility for the rental subsidy program.
5. Once the application has been approved, the applicant will be notified of the approval.
6. A move-in date will be scheduled within a timeframe negotiated and agreed upon by both the applicant and Agent.

V. INCOME REQUIREMENTS

1. Monthly household income must be at least 1.5 times the monthly rent plus utility allowance. Income below 1.5 times the monthly rent plus utility allowance will not result in a denial if the applicant provides verification of a minimum of six months of guaranteed rental assistance equal to the monthly rent plus utility allowance, or if the applicant has verified assets on hand sufficient to pay the monthly rent plus utilities for a minimum of six months. Households who earn less than the minimum requirement may request a waiver due to extenuating circumstances or in the even they are receiving a form of subsidy. There is no minimum income requirement for those with a Project Based Voucher (PBV), or other tenant-based voucher subsidy.
2. Monthly household income cannot exceed the applicable maximum income limit assigned to the unit. The income limits are a percentage of the area median income, published annually by Owner and adjusted for household size.
3. Preferred sources of income verification are from third parties. The Agent will make every effort to ensure households income is properly verified. The following is a list of documents that will be accepted, including but not limited to:
 - Employment Check stubs – at least 3 consecutive unless job is new
 - Completed employment verification form

- Tax returns for the past year if available
 - Bank statements reflecting account balances
 - Verification of social security benefits
 - Self-employment income verification
 - Unemployment verification
 - Verification of Veteran's benefits
 - Pension income verification, retirement, 401k or similar account verification
 - Under \$5,000 Asset Verification form
 - Verifications from any source of income
4. **Co-Signer Option:** A co-signer (a person who guarantees the applicants performance) will be acceptable. If chosen, the co-signer will submit an application clearly identifying the household for which they are applying as a co-signer. The co-signer must meet the same screening standards required for resident applicants. The largest factor under consideration is the co-signer's ability to financially support the apartment, in addition to their own residence, if the applicant cannot.

VI. RENTAL HISTORY REQUIREMENTS

1. Within the last three years, a minimum of six months of positive verifiable rental history from a neutral third party (not a friend or family member), will be required. Lack of rental history will not in itself be cause for denial.
2. A negative landlord reference regarding three or more occurrences of material non-compliance with the rental agreement or rules within the past six months will result in denial.
3. Any Forcible Entry & Detainer (FED/Eviction) on applicant's record within the past three years, except those that were dismissed or resulted in a general judgment for the applicant prior to the date of the application, will result in a denial. If past evictions were caused by extenuating circumstances, applicant should discuss with Management the possibility of submitting a Reasonable Accommodation request (see Section IX. Reasonable Accommodations).
4. Unpaid balance(s) from prior landlord(s) over \$1,500, incurred within the last five years, will likely result in the denial of the application, unless the applicant provides verifiable documentation of extenuating circumstances and/or a debt repayment plan with prior landlord(s).

VII. SECURITY DEPOSIT

Security deposit is equal to one month's rent. Agent will allow for negotiation and arrangement of a payment plan if needed by the applicant.

VIII. CRIMINAL BACKGROUND SCREENING CRITERIA

Upon receipt of the rental application and screening application payment, the landlord will search public records to determine whether the applicant or any proposed occupant of the unit has charges pending for, been convicted of, or has pled guilty or no-contest to any drug related crime (unless exempt pursuant to ORS 90.243); person crime; sex offense; crime involving financial fraud, including identity theft and forgery; or for any other crime if the conduct for which the applicant was convicted or is charged is of a nature that

would adversely affect property of the landlord or a tenant or the health, safety or right of peaceful enjoyment of the premises by other residents or the landlord.

Applicants and any household members with pending criminal charges for drug violations or violent crimes will not be considered for housing until all such charges have been formally dismissed. If an application reaches the top of the waitlist, and the applicant or any household member has pending criminal charges, the applicant may retain their position until charges are dismissed up to for 120 days. If charges have not been dismissed after 120 days, the applicant may request an extension for up to an additional 120 days by providing documentation from a legal aid attorney or court system that shows that the case is proceeding.

A single conviction for any of the following, subject to the results of any review process, shall be grounds for denial of the Rental Application.

1. Felonies involving: murder, manslaughter, arson, rape, kidnapping, child sex crimes, or manufacturing or distribution of methamphetamines and/or opioids.
2. Felonies not listed above involving: drug-related crime; person crime; sex offense; crime involving financial fraud, including Identity theft and forgery; or any other crime. If the conduct for which applicant was convicted or is charged is of a nature that would adversely affect property of the landlord or a tenant or the health, safety or right of peaceful enjoyment of the premises of the residents, the landlord or the landlord's agent, where the date of disposition has occurred in the last 3 years.
3. Misdemeanors involving: drug related crimes, person crimes, sex offenses, domestic violence, violation of a restraining order, stalking, weapons, criminal impersonation, possession of burglary tools, financial fraud crimes, where the date of disposition has occurred in the last 2 years.
4. Conviction of any crime that requires lifetime registration as a sex offender will result in denial, with exception of housing specifically designed to serve individuals with histories of sex offenses.

Criminal Conviction Review Process

If an applicant has satisfied all other criteria and denial is based solely on a disqualifying criminal conviction, the applicant may petition the Agent to conduct an individualized assessment of the applicant's, or other proposed occupant's, convictions. Applicant may provide a written request and supporting documentation prior to, or following receipt of notice of the disqualifying content in the public records search. The petition may be supplemented with information such as:

- Letter from parole or probation office;
- Letter from caseworker, therapist, counselor, employer, teacher, etc
- Certifications of treatments/rehab programs;
- Certification of trainings completed;
- Statement of the applicant.

Agent will:

- a. Consider relevant individualized evidence of mitigating factors, which may include: the facts or circumstances surrounding the criminal conduct; the age of the convicted person at the time of the conduct; a good record since the disqualifying criminal conduct; the amount of time that has passed since release from incarceration or completion of parole; evidence the individual has maintained a good tenant history before and/or after conviction/conduct; and evidence of rehabilitation efforts.
- b. Request additional information from applicant and may consider whether there have been multiple Convictions as part of this process.
- c. If a denial decision is made, the Agent will provide an explanation as to why the applicant does not meet the eligibility requirements for renting the unit.
- d. Notify applicant of the results of review in a reasonable time after receipt of all required information.
- e. Prioritize applicant for the next vacancy if the applicant is approved for housing.

IX. REASONABLE ACCOMMODATION

1. In certain circumstances Agent will make reasonable adjustments to rules policies, practices, services, or physical structures in order to serve the needs of a person with a disability. To show that an accommodation is necessary, there must be a proven relationship between the requested accommodation and the person's disability. Examples include: physical assistance completing the application; modification of apartments or common areas; or permission to have a service, assistance, or companion animal.
2. A resident or applicant, or someone acting on behalf of the resident or applicant, may make a request for reasonable accommodation at any time. While it is preferable to submit the request in writing on the form available in the property manager's office, the request may also be made verbally to any member of the Agent's staff.

X. ACCOMMODATIONS FOR SURVIVORS OF DOMESTIC VIOLENCE

Owner may adjust rules, policies and eligibility review processes as it deems necessary to help prevent discrimination against, and unjust evictions of, survivors of domestic violence in Owner housing. Incidents related to domestic violence may sometimes result in negative rental history reports that would otherwise result in background screening denial. Therefore, if an applicant believes this is the case, they may request reconsideration of their eligibility by making the request and providing supplementary information such as the following:

1. Third party verification of domestic violence or abuse. Such documentation may include but not be limited to: Court records (e.g. restraining orders or orders protecting from harassment or stalking), police reports, documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional from whom the victim has sought assistance in addressing the abuse or the effects of the abuse.
2. Documentation linking the reason for the eligibility denial to the abuse. This may include a written statement from the applicant or from his or her advocate, explaining how the domestic violence contributed directly to the complaints, evictions or other issue that triggered the screening denial, and showing that the timelines coincide.

3. If occurrence of domestic violence is confirmed and all reasons for the screening denial are shown to be a result of circumstances related to the abuse, the denial may be reversed.

XI. OTHER EXTENUATING CIRCUMSTANCES

If an applicant is unable to meet all the screening criteria due to circumstances that may have mitigating factors, supporting information may be presented as part of the application process. Examples include:

- **Drug and Alcohol Treatment:** A denial based on use of illegal drugs or abuse of alcohol may be reconsidered if you can demonstrate successful completion of a treatment program and/or professional reference letter or other documentation related to your sobriety or engagement in a treatment program.
- **Excessive Rent Burden:** An application will not be denied solely based on negative rental history if the applicant demonstrates excessive rent burden. Excessive rent burden is generally defined as when a household pays more than 67 percent of its total monthly income for rent and utilities.
- **Professional References Letters:** Applicant may submit professional references to further describe and provide context on extenuating circumstances, including to:
 - Supplement applicant's rental history
 - Verify applicant's sobriety
 - Request a reasonable accommodation
 - Document domestic violence
 - Address past criminal history

A professional reference should have known the applicant or applicant's household for at least six months and have worked with the household during the last six months. A professional reference is not a relative, friend, or neighbor. A professional reference can be from a: case manager representing a social service agency, health clinic or other service agency; teacher; lawyer; previous or current employer; spiritual leader; counselor; doctor or other licensed health professional.

XII. PROCESS FOR RECONSIDERATION

Applicants may dispute the accuracy of any information provided to the Owner/Agent by a screening company. Denied applicants will receive written notice of the denial, stating the reasons for the denial and their rights to request reconsideration. If the application is denied, the applicant may:

- Contact the screening company that supplied the information to discuss the application.
- Correct any incorrect information through the screening company as per their policy.
- Request the screening company to submit a corrected version of the screening results to the Owner/Agent.
- Write to Agent within five (5) business days of receipt of the denial letter, explaining the reason(s) the applicant believes the application should be approved, along with any supporting letters or other documentation.
- The reconsideration review will be completed within five (5) business days of receipt of the written request. All parties agree to take all necessary steps to complete the reconsideration as quickly as possible. All efforts will be made to hold the apartment vacant until the reconsideration process is complete, however, if the apartment is no longer available.