



# Clarksville Community Development Corporation



## Applicant & Resident Eligibility Policy

The Clarksville Community Development Corporation (CCDC) is a neighborhood organization located in the historic Clarksville area of Austin. Among other things, the CCDC runs the oldest neighborhood-based affordable housing program in Austin. Clarksville children attend Mathews Elementary, O. Henry Middle School and Austin High School.

The CCDC's board of directors are elected by Clarksville residents and set policy for the housing program. Prak Property Management, Inc. (PPM) manages the program for the CCDC. To learn more about the CCDC and the history of Clarksville, go to our website at [www.clarkvilleccdc.org](http://www.clarkvilleccdc.org). To learn more about PPM, visit [www.prakpropertymanagement.com](http://www.prakpropertymanagement.com) where there are links to inquire about housing with us and other housing programs in Austin.

This document explains the CCDC's affordable housing program, including:

- Who is eligible to live in the CCDC housing
- The process for applying to live in the housing program
- What happens if you and your family are chosen to become CCDC tenants
- How the annual tenant recertification requirement works
- The Federal laws that apply to the CCDC's housing program

### Who Can Apply to Live in CCDC Affordable Housing

You are eligible to apply to live in CCDC housing if:

- ✓ You have at least one child under the age of 18 (a legal minor) living with you at least 50% of the time. Once your last minor child turns 18, you will have 6 months to find alternative housing as you will no longer be eligible to live in CCDC housing.
- ✓ Your total gross household income is less than 60% of the Median Family Income (MFI) for Travis County Texas, as published by the U.S. Department of Housing & Urban Development (HUD.) Some of our housing units are funded by the City of Austin and may serve only households with incomes less than 50% of the MFI.

### The Application Process

To apply to become a CCDC resident, you and every adult who will be living with you must:

- Complete a CCDC rental housing application package, which includes a release to conduct a background screening for criminal, credit and prior landlord information. Contact PPM for an application package at (512) 808-7999.
- Pay a non-refundable application fee of \$25.00 for each adult household member.
- Provide PPM with proof of your income. Proof includes a copy of your most recent Federal tax return, your latest payroll checks, or check 'stubs', any social security income or other payment benefits and if either apply, child support or alimony income information. PPM may request additional income related information as applicable.
- Provide social security numbers and birth records for each member of your household.

PPM will check the criminal, credit and rental histories of all adults who will be residing in the household. Our standards for our criminal screening criteria are attached as "Appendix A". Credit is only reviewed for evictions or debts due to prior landlords. You will not be eligible for CCDC housing if you have been convicted in the past 5 years for certain convictions or owe a prior landlord(s) more than \$2,500.00. Please review the Appendix A for more detailed information.

Once you have provided PPM with your completed application and all other required documents, contact PPM to schedule an in-person interview. All members of your household must take part in this interview. During the interview a PPM representative will review your application and may ask questions or notify you if additional information is needed to complete the application. During the interview you will also have the opportunity to ask any questions about your application and the CCDC's housing program. If you live more than three hours from Austin, this interview can be conducted using Zoom, Googlemeets, or a conference call.

**Warning!!!** *PPM will verify all the information you provide during the application process. If you provide incomplete or inaccurate information, your application may be denied.*

If you have a disability and need accommodation to participate in the application or interview process, please let PPM know either prior to or during the application process. If you have any questions about the application process, please contact PPM.

### **Pets and Assistance Animals in CCDC Housing**

Pets are NOT allowed in CCDC housing except for assistance animals. Assistance animals are specifically trained or prescribed to help people with disabilities perform specific tasks or alleviate a medical condition. Assistance animals include emotional support animals, therapy animals, prescribed companion animals or service animals. If you have an eligible assistance animal(s) that will live with you, please notify PPM during the application process. There are verification and policy requirements for this need. You may not move in an assistance animal without PPM's written permission.

### **If You Are Approved to Become a CCDC Tenant**

After being approved to live in CCDC housing, you will be placed on our waiting list for an available unit. If a unit becomes available, and you decline that unit, you will remain on the waiting list, but we will proceed to the next eligible waiting list household. If you refuse the second available unit, we will remove you from the waiting list. Once you agree to the unit offered, the following will occur:

- ✓ You will sign a one-year lease and pay a security deposit of \$400.00. The security deposit is due at lease signing in a guaranteed payment form, such as a money order, cashier's check or certified check.
- ✓ Before signing the lease, you will be required to put all utilities, such as electric, natural gas if applicable, as well as water/sewer and trash services in your name. If a lease is required in order to begin these services in your name with the service provider, we will sign the lease and require that you provide evidence of these services being on in your name within 5 business days.

- ✓ Within 30 days of signing your lease, you must move into your new home with us. If you do not, the home will be offered to another applicant, and you will forfeit your security deposits. If you cannot move in within 30 days, please contact PPM as soon as possible.

**Warning!!!** When you sign your lease, you will be given a copy of the CCDC's House Rules. Please read them carefully because they explain what is expected of you as a CCDC resident. If you fail to comply with the Rules, your lease may be terminated and/or non-renewed.

After lease signing, you and a PPM representative will inspect your home with us. At that time, you should ask any questions you have about any aspect of the house including how the appliances work, and you will also be able to note any items on the inspection form.

During the inspection, PPM will show you where the city-provided trash, recycling and compost bins for your home are located. In Clarksville, trash and compost are picked up every Friday and recycling is picked up every other Friday. Be sure your bins are at the curb prior to 6:30 AM on pickup day. For a calendar of when the different bins are picked up, go to [www.austintexas.gov/myschedule](http://www.austintexas.gov/myschedule).

You will be expected to pay the full amount of your rent on the first day of each month. Your rent will be considered late on the fifth day of the month. Late fees will be assessed after the fifth day. If you know that your rent payment will be late, please contact PPM as soon as possible.

You can pay your initial rent by check or money order; cash is never accepted. Make your check or money order out to-- Clarksville Community Development Corporation. Our mailing address is c/o Prak Property Management, Inc. PO Box 41496, Austin TX 78704.

After your move in, all future rental payments or other charge payments must be made through your resident portal in our software. There are also payment coupons available in the portal where you are able to pay your rent or other charges at your local HEB customer service counter.

### **After Your Initial Move-In Inspections**

- PPM will conduct periodic inspections of your home. You will be given a minimum of 5 days' notice before the inspection happens. You need not be present during the inspections. The inspections include:
- Every other month, PPM will check to see if your HVAC filter needs to be changed and if the battery in your smoke and/or carbon monoxide detector (if applicable) needs to be replaced. As necessary, PPM will replace these items.
- Twice a year, PPM will inspect the interior and exterior of your home to make sure that your appliances and the other equipment in your home supplied by CCDC is working properly and to determine if anything needs to be repaired or replaced.
- If PPM determines that you or someone in your household, including a guest, was responsible for any of the problems or damages during the inspection, you may be charged for the cost of repairing the damaged item or effecting the repairs.

Move out inspection—PPM will inspect your home with you on your last day of occupancy or after you move out. If PPM finds that your household caused any damage beyond reasonable, normal wear and tear, the cost of repairing or replacing the item or area will be deducted from your security deposit. Anything not covered by your security deposit will be due from you within 30 days of being made aware of the charges.

### **Annual Tenant Recertification**

A yearly required recertification process will determine if you are still eligible to live in CCDC housing based on whether minor children still live in your home and the amount of your household's income. If your income has changed you may still be eligible to reside in CCDC housing, but the amount of your monthly rent may increase. During the recertification process, you will be required to provide information about:

- The amount of your family's gross annual income
- The value of your household's assets in accordance with affordable housing program guidelines as defined by our housing program guide, Chapter 5 of the HUD Handbook 4350.3, owning property, including other real estate, is information that you must disclose.

**Warning!!!** Failure to provide complete and accurate information for the annual recertification process will result in the non-renewal of your lease.

### **Other Information You Need To know as a CCDC Resident**

The following are important things you need to know:

- If you want another adult to live with you after you have moved in, they will need to complete a rental application, pay the application fee and meet all the CCDC's eligibility and screening requirements. This must occur BEFORE you permit them to reside with you. Failure to comply with this can be the cause for the termination and/or non-renewal of your lease.
- If you want another minor to live with you after you have moved in, you must notify PPM no later than 5 business days after the child moves in and provide PPM with all the information they request, which can include full legal name, birth record, social security number and other relevant information including any applicable guardianship or adoption documents. Failure to timely provide the information may result in the non-renewal of your lease.
- If anyone listed on your lease---adult or child---moves out, you must notify PPM within 10 business days of that persons' departure.
- If an adult member of your household, who you previously had reported as being unemployed, begins working, you must notify PPM within 10 business days of them gaining employment. PPM may request additional information related to their new job.
- If you want to move to a different CCDC home, because your household size has changed or for medical reasons, you must contact PPM and complete a transfer request form. Ask PPM for this form verbally, by mail or by email or through the resident portal online. PPM may require a 3<sup>rd</sup> party verification with your medical provider to be completed to approve a transfer requested for medical reasons.

If your transfer request is approved, the security deposits you have paid will be transferred to your new home. PPM will bill you for any damage or repairs you owe for the unit you have

transferred from. You must pay that amount within 30 days of receiving the bill or contact PPM with any questions or considerations.

Your request for a transfer may be denied if you entered into a repayment agreement that you did not comply with or you failed to accurately report your household's income or the number of persons residing in the household. Your transfer request may also be denied if you have committed two or more minor lease violations and one or more major lease violations during the last 12 months of your tenancy. For more detailed information about transfers, please contact PPM.

If your household's income exceeds 140% of the MFI, you will no longer be eligible to live in CDDC housing, even if minors live in your household. We will give you up to 6 months for you to find alternative housing.

### **Federal Laws That Apply to Living in CDDC Housing**

The Fair Housing Act prohibits landlords from discriminating against housing applicants and residents/tenants on the basis of their race, skin color, national origin, religion, sex, disability or family status.

The Violence Against Women Act (VAWA) protects **individuals of any gender** who have been the victims of domestic violence, rape, dating violence, sexual assault, or stalking. Any tenant or applicant who wants to know more about this law or wants to exercise their rights under the law should contact PPM.

The Privacy Act of 1974 requires that your personal information be protected. This means that neither the CCD nor PPM can share that information with any person or private or governmental entity. The exception is if the funds received to build or repair your home came from the City of Austin's Rental Housing Development Assistance (RHDA) program.

Neither the CDDC or PPM discriminate in the selection of its applicants based on their race, color, creed, religion, national origin, student status, sex, sexual orientation, disability, gender identity, familial or marital status. *Familial status relates to families with children under the age of 18, pregnant persons, and any person in the process of securing legal custody of a minor child (including adoptive or foster parents).* For more information about your rights under any of these laws, contact PPM.

You also will be required to comply with any relevant new laws.

**I have read and received a copy of the Clarksville Community Development Corporation Applicant & Resident Eligibility Policy. By signing below, I understand and accept that the terms and provisions of this Policy are an extension of my lease.**

Resident Head of Household Name—please print

Resident Signature

Date

Manager-CCDC

Date

*Clarksville Community Development Corporation and Prak Property Management, Inc. do not discriminate against persons with disabilities in the admission or access to, or treatment or employment in, its affordable housing programs and activities. Brad Prak has been designated to coordinate any communication related to concerns related to discrimination. Brad Prak, PO Box 990, Seguin, TX 78156, (830) 372-2600. TTY/TDD use Texas Relay and dial 711.*

### **Appendix A** **Screening Criteria Guidelines**

The CCDC has established the following guidelines to ensure that all applications are reviewed and processed in a fair manner. Full Criminal History's will be reviewed regardless of how far back the offenses go.

1. Only criminal **convictions** (not arrests) shall be considered in the criminal background screening process.
2. Convictions shall be determined by the identified offense described in the table below and the corresponding classification. Look-back periods shall be determined by the residency of the property.
3. Disqualification begins on the date of conviction and continues based on the category of offense listed below.

TYPE	DESCRIPTION	CLASSIFICATION	Family	
<b>Crimes Against Persons and Family</b>	Murder	<b>Felony:</b> Capital, First, Second	Lifetime	
	Manslaughter	<b>Felony:</b> Second	Lifetime	
	Criminal Negligent Homicide	<b>Felony:</b> State Jail	5 Years	
	Kidnapping, Abduction, Trafficking, Smuggling	<b>Felony:</b> First, Second, Third	Lifetime	
	Assault, Aggravated Assault, Injury to a Child, Elderly Individual, or Disabled Individual	<b>Felony:</b> First, Second, Third	5 Years	
	Assault, Injury to a Child, Elderly Individual, or	<b>Felony:</b> State Jail; <b>Misdemeanor:</b> A, B	3 Years	

	Disabled Individual			
	Forcible Sex Offenses	<b>Felony:</b> First, Second, Third	Lifetime	
	Non-Forcible Sex Offenses	<b>Felony:</b> State Jail; <b>Misdemeanor:</b> A, B	5 Years	
	Deadly Conduct (with a Firearm), Terroristic Threat	<b>Felony:</b> Third, State Jail	5 Years	
	Deadly Conduct, Terroristic Threat	<b>Misdemeanor:</b> A, B	3 Years	
<b>Crimes Against Property</b>	Arson Related Offense	<b>Felony:</b> First, Second, Third, State Jail	Lifetime	
	Destruction/Damage/Vandalism of Property	<b>Felony:</b> First, Second, Third, State Jail	5 Years	
	Armed Robbery Offenses	<b>Felony:</b> First	5 Years	
	Robbery Offenses (no weapon involved)	<b>Felony:</b> Second	3 Years	
	Burglary (of habitation)	<b>Felony:</b> First, Second	5 Years	
	Burglary	<b>Felony:</b> Third, State Jail	3 Years	
	Criminal Trespass (of habitation)	<b>Misdemeanor:</b> A	1 Year	
Theft, Stolen Property, Fraud Related Offense	<b>Felony:</b> First, Second, Third, State Jail	3 Years		

TYPE	DESCRIPTION	CLASSIFICATION	Family	
<b>Crimes Against Society</b>	Prostitution Related Offenses	<b>Felony:</b> First, Second, Third, State Jail	3 Years	
	Stalking	<b>Felony:</b> Second, Third	3 Years	
	Drug Manufacture, Distribution, Possession, Possession with Intent to Distribute	<b>Felony:</b> First, Second, Third	5 Years	
	Drug Manufacture, Distribution, Possession, Possession with Intent to Distribute	<b>Felony:</b> State Jail; <b>Misdemeanor:</b> A, B	1 Year	
	DUI and/or DWI Related Offenses	<b>Felony:</b> Third, State Jail	1 Year	

4. Where an applicant has multiple convictions, the period of disqualification is based on the most serious offense.
5. Disqualification will not occur for conviction of offenses not listed above. If a conviction occurred in another state or country, we will use our best judgement to interpret the conviction according to offenses described above.
6. Where a development receives funding from the State of Texas or HUD and an offense has been identified for heightened scrutiny, including a lifetime ban, the higher level of scrutiny will apply.
7. If an applicant has been denied housing because of a prior conviction, the applicant may appeal the denial and shall be advised of the process, which shall include the following:
  - a. a description of the appeal process,
  - b. contact information for scheduling the appeal,
  - c. instructions for providing supporting documentation, and
  - d. an approximate timeline for the completion of the appeal.
8. After the completion of the individualized review, PPM shall inform the applicant of the result of the appeal.

Failure to provide such documentation will result in rejection of the application for all household members. In this case, PPM reserves the right to monitor household composition after move-in.

Allowing a disqualified person to reside in the residence will result in the termination of lease and where necessary, eviction.

Failure to provide the required information or complete the release forms will result in the application being rejected.

If a resident or applicant has requested VAWA protections and such protections have been justified based on management agent investigation, the abuser/perpetrator will not be approved to live on the property. If they are an applicant, they will be denied. If they are an existing resident, the offender will be required to vacate or be individually evicted from the unit.

*All other offenses or circumstances not specified above will be looked at on an individual basis and will be assessed to determine if that particular offense threatens the health, safety, and rights to peaceful enjoyment of the property, residents or health and safety of the owner, employees, contractors, subcontractors, or agents of the owner.*

United States Code Title 8, subsection 1324(a)(1)(A) prohibits the harboring of illegal aliens. The provision of housing to illegal aliens is a fundamental component of harboring. Anyone claiming non-citizen status will be required to provide proof of legal immigration status.

Background information that is collected during this time can affect future eligibility for assistance. If a current resident has committed a crime that falls into the rejection guidelines, their assistance may be automatically terminated. The individual that committed the



offense (not the entire household) would be given ten (10) days to find alternative living arrangements.

The files of residents and rejected applicants including the background information are maintained in a secure location for a minimum of 3 years after the resident has vacated or the application has been rejected after which they are destroyed.

Before rejecting the household during the application process, PPM will compare the information provided by the applicant with the criminal history report. If the information conflicts, the management agent will:

- ✓ Notify the household of the proposed action based on the information.
- ✓ Provide the content of the criminal record and information about how to obtain a copy of the information.
- ✓ Provide the applicant with an opportunity to dispute the accuracy and relevance of the information obtained from any law enforcement agency.
- ✓ Allow the household the opportunity to remove the household member.

In this situation, applicants will have ten (10) business days to contact PPM and provide documentation to refute the criminal discovery. If the applicant fails to contact the management agent or indicates that he/she cannot provide documentation to refute the criminal discovery, PPM will reject the application and remove the household from the waiting list. If, after move-in, PPM discovers that there was criminal history that would have resulted in rejection, PPM will contact the resident to ascertain the accuracy of the criminal report. If the resident would have been rejected had the information been known at the time of the eligibility determination, the management agent will take appropriate action based on the circumstances.

### **APPEAL PROCESS**

Applicants or residents that have received an application rejection letter or notice to vacate due to information collected on the criminal background will have 14 days from the date the notification is given/sent to appeal the decision. The appeal will be handled by the managing agent or designated staff of PPM. Information that was gathered during the application or recertification process will be used in and during the appeal process. The resident or applicant can provide documentation at this time that disputes the finding that resulted in the rejection. The appeal may or may not change the original decision. Applicants will be notified within 10 days of the final decision.