



Resident Selection Criteria

Vista Estero

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RESIDENT SELECTION CRITERIA

I. Introduction

This community is funded through the Internal Revenue Service's Section 42 Low Income Housing Tax Credit Program. There may be other programs that restrict this community. Please see Exhibit A for additional criteria. The policies and procedures established in this document are used in the selection of residents for this community. All procedures will be implemented in conjunction with IRS Section 42 regulations, as amended and other applicable federal statutes and regulations, including but not limited to the following:

- Federal Register Notices/Final Rules
- Code of Federal Regulations (CFR)
- The Fair Housing Act (Title VIII of the Civil Rights Act of 1968)
- Section 504 of the Rehabilitation Act of 1973, as applicable
- Americans with Disabilities Act of 1990
- State of California Fair Housing Laws
- HUD Handbook 4350.1 REV-1 & Housing Choice Voucher (HCV) Handbook, as applicable
- The Federal Fair Credit Reporting Act and state/local credit reporting laws

II. Mission

It is the mission of all MidPen Housing communities to provide safe, affordable housing of high quality to those in need; to establish stability and opportunity in the lives of residents; and to foster diverse communities that allow people from all ethnic, social and economic backgrounds to live in dignity, harmony and mutual respect.

We are committed to providing the best apartment management services to our residents. Each community has an on-site staff whose main goal is to serve our residents. We take pride in our ability and desire to provide our residents with well-maintained, professionally managed apartment communities.

III. Non-Discrimination

A. Equal Opportunity Housing

This community fully adheres to applicable federal, state, and local fair housing and civil rights laws, which provide that it is illegal to discriminate against any person due to race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, physical or mental disability, genetic information, age or any other arbitrary personal characteristic in all housing related activities.

If an applicant believes that he/she has been discriminated against or treated unfairly in the application process, he/she may contact us in writing at MidPen Housing Management Corporation, 303 Vintage Park Drive, Suite #250, Foster City, California 94404.

B. *Additional Protection for Individuals with Disabilities*

The community will seek to effectively communicate with applicants, residents, and members of the public who are individuals with handicaps or disabilities. The use of auxiliary aides, such as readers, interpreters, large print documents, or recordings, will be implemented when necessary. The community asks for three (3) business days' notice if an applicant requires us to provide any auxiliary aids to ensure effective communication in any meeting, interview or appointment.

This community also allows Reasonable Accommodations and Modifications when requested by applicants or residents with disabilities to enable equal opportunity to use and enjoy the unit and/or the common areas, to participate in our program or have access to activities sponsored by this community in accordance with the Reasonable Accommodation Policy (Exhibit E).

IV. *Privacy Policy*

It is the policy of the community to guard the privacy of individuals conferred by the Federal Privacy Act of 1974, and to ensure the protection of such individuals' records maintained by the community.

The applicant's income and other information are being collected to determine his/her eligibility, the appropriate bedroom size, and the amount the applicant family will pay towards rent and utilities. This information may be released to appropriate federal, state, and local agencies, when relevant, and to civil, criminal, or regulatory investigators and prosecutors. However, the information will not be otherwise disclosed or released except as permitted by law.

V. *Definitions*

A. *ACCESSIBLE UNIT*

A unit that is located on an accessible route and when designed, constructed, altered or adapted can be approached, entered, and used by individuals with a physical impairment.

B. *ELDERLY FAMILY*

Elderly families are:

- (1) Families of two or more persons, the head of which (or his or her spouse) is 62 years of age or older;

- (2) The surviving member or members of a family described in paragraph (1) living in a unit assisted under 24 CFR part 891, subpart E (Section 202 loans) with the deceased member of the family at the time of his or her death;
- (3) A single person who is 62 years of age or older; or
- (4) Two or more elderly persons living together, or one or more such persons living with another person who is determined by HUD, based upon a licensed physician's certificate provided by the family, to be essential to their care or wellbeing. (24 CFR 891.505)

C. FAMILY

A family includes, but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

- (1) A single person, who may be an elderly person, displaced person, disabled person, near-elderly person (at least 50 years old but below the age of 62), or any other single person; or
- (2) A group of persons residing together, and such group includes, but is not limited to:
 - (i) A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
 - (ii) An elderly family;
 - (iii) A near-elderly family (head, co-head, spouse, or sole member is at least 50 years old but below the age of 62);
 - (iv) A disabled family;
 - (v) A displaced family; and
 - (vi) The remaining member of a resident family.

D. LIVE-IN AIDE

A Live-In Aide is a person who resides with one or more elderly persons, near-elderly persons, or persons with disabilities and who:

- 1. Is determined essential to the care and well-being of the persons;
- 2. Is not obligated for the support of the persons; and
- 3. Would not be living in the unit except to provide the necessary supportive services.

A relative may be a Live-In Aide but must meet all of the above requirements, and sign

a statement to that effect.

The need for the live-in aide will be verified before move-in. Prior to acceptance as a Live-In Aide, all candidates must be screened for drug abuse, criminal activity and status as a state lifetime sex offender following the same requirements used for applicants. A Live-In Aide qualifies for occupancy only as long as the individual needs support services and cannot qualify for continued occupancy as a remaining household member. It is the resident's responsibility to ensure that the Live-In Aide follows the Community House Rules.

E. *VIOLENCE AGAINST WOMEN ACT (VAWA)*

The VAWA protections apply to households applying for or receiving rental assistance payments under any LIHTC housing assistance program. The law protects victims of domestic violence, dating violence, sexual assault, or stalking, as well as their immediate household members, from eviction or denial of housing assistance if an incident of violence is reported and confirmed.

The Landlord will request in writing that the victim, or a household member on the victim's behalf, certify that the individual is a victim of abuse and that the Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking, Form HUD-5382, or other documentation as noted on the certification form, be completed and submitted within 14 business days, or an agreed upon extension date, to receive protection under VAWA. If the applicant needs alternative arrangements regarding the delivery of these documents, management will work with the applicant on other acceptable ways for providing the information. All information regarding the victim's status will be kept confidential and in a separate file in a secure location in accordance with MidPen's Housing Policies and Procedures pertaining to Victims of Domestic Violence, Dating Violence, Stalking, Human Trafficking, Sexual Assault, or Abuse of Elder or Dependent Adult.

VI. *Eligibility*

A. *Program Requirements*

a) *Income Limits*

The household's annual income must not exceed the applicable income limit for the community as established by the LIHTC and HUD regulations. Current Income Limits are attached as Exhibit C.

b) *Consent and Verification Forms*

The head of household, the spouse and/or co-head and all other adults (18 and older) in each applicant household must sign an Authorization for Release

of Information and as necessary, verification documents, prior to being approved and as required every year thereafter.

c) Rent Formulas

The applicant family must agree to pay the rent required by the LIHTC program.

d) Student Eligibility

Applicant Households containing full-time students must meet the IRS Section 42 regulations regarding full-time student households at all times or they are not eligible to move in or remain as a tax credit eligible family.

The IRS defines a full-time student as one who attends an educational institution with regular facilities, other than a correspondence or night school, during at least five months of the calendar year for which application for housing has been made. The educational institution determines whether a student is full or part-time.

In a Tax Credit unit, tenancy can be terminated if the household does not meet the student requirements during tenancy.

If a household is comprised entirely of full-time students, they must meet one of the following criteria in order to be eligible for a Tax Credit unit:

- a. All members of the household are married and either file or are entitled to file a joint tax return;
- b. The household consists of a single parent and his or her minor children, and both the parent and children are not a dependent of a third party other than the parent of such children;
- c. At least one member of the household receives assistance under Title IV of the Social Security Act. (AFDC, TANF, CalWORKS, etc. Please note: SSA or SSI do not qualify.)
- d. At least one member is enrolled in a job training program receiving assistance under the Work Investment Act (WIA) formerly known as the Job Training Partnership Act, or similar federal, state, or local laws as defined by HUD 4350.3 REV-1 & Housing Choice Voucher (HCV) Handbook;
- e. The household consists of a tenant under the age of 24, who has exited the Foster Care system within the last 6 years.

In a Tax Credit unit, tenancy can be terminated if the household does not meet the student requirements during tenancy.

B. Community Requirements

a) Identification

Positive identification with a picture will be required for all adult applicants (photocopy may be kept on file). Applications must include the date of birth of all applicants to be considered complete.

b) Social Security Number

All household members must disclose and provide verification of the complete and accurate Social Security Number (SSN) or Individual Tax Payer Identification Number (ITIN) (photocopy may be kept on file) assigned to them unless the member has not been assigned a number. SSNs and ITINs are used when verifying credit.

Refer to Exhibit H for Oakland Housing Authority Social Security number requirements for Project Based Section 8 units.

c) Landlord History

Applicants must have an acceptable landlord history that demonstrates a history of cooperation with management regarding house rules and regulations; abiding by lease terms; and care of property. Landlord history must show that the applicants' conduct in present or prior housing has been such that the admission to the property would not negatively affect the health, safety, or welfare of other residents, or the physical environment, or financial stability of the property.

Landlord history must include a minimum of two (2) years rental history from a minimum of two landlord references. One (1) reference from the applicant's current landlord will be accepted from applicants who have resided in one location for two (2) or more years.

If the applicant or any member of the applicant household fails to fully and accurately disclose rental history, the application may be denied based on the applicants' misrepresentation of information.

The absence of previous rental history by itself will not be reason to deny an applicant household.

d) Interference/Fraud

Any applicant whose conduct interferes with, hinders, delays, obstructs or otherwise prevents the application process from being completed may be denied. Any information provided by the applicant that is later proven to be untrue by verification may be used to disqualify the applicant for admission on the basis of attempted fraud. Fraud is defined as an applicant or resident knowingly providing inaccurate or incomplete information.

e) Occupancy Standards

The occupancy standard is the minimum and maximum number of household members that may reside in a specific size unit. When counting household members, every member listed on the application, TIC, or lease is counted including all full-time members, persons temporarily absent from the unit, children anticipated to live with the family, children away at school, live-in aides, foster children and foster adults.

In the event an applicant household member, or someone associated with that household, has a physical or mental disability, which requires a variance from these occupancy standards, the applicant should make a request for accommodation which may be granted if it does not create an undue financial and administrative burden or create a fundamental change to the nature of the property. As with all accommodation requests, whether the request is reasonable will be evaluated on a case-by-case basis.

The Occupancy Standards for this community are found in Exhibit A-Community Eligibility.

f) Income Requirements

Applicant households must meet the minimum income requirements set at two (2) times the rent for the unit. Minimum income is not applicable to applicants with a Section 8 voucher from the Housing Authority.

g) Credit Requirements

This property evaluates each person applying to live at its community with a credit-risk scoring system that is provided by an independent consumer-reporting agency and consistently applied to all of the applicants. This scoring system uses a statistical model to estimate the credit risk that an applicant may not satisfactorily fulfill his/her lease obligations. Prior to final acceptance of each applicant, this property will use this system to provide a numerical score that represents a relative measure of the credit risk associated with that applicant. The acceptance policies include having no more than 35% of past due negative accounts and no more than \$2,500 maximum balance of unpaid

collections (including past due accounts). Bankruptcies are permitted if they have been cleared. Each applicant's credit-risk score will be compared to the acceptance policies to determine whether or not the applicant may be accepted. If the application is denied based on the credit-risk score, the applicant will be advised what factors most adversely affected the score and the applicant will be given the name, address, and telephone number of the consumer reporting agency that provided the credit-risk score to this property. An applicant who is denied based on his/her credit-risk score may obtain a copy of the consumer report(s) on which the credit-risk score was based, and may initiate an investigation to have any erroneous information contained in such reports corrected. The consumer-reporting agency will advise the applicant of the actions that he/she may take in order to do so. Available units will not be held open during any such investigation by the applicant. The absence of credit history by itself will not be reason to deny an applicant household.

h) Background Screening Requirements

In accordance with the Ronald V. Dellums Fair Chance to Housing Ordinance, Oakland Municipal Code, Article 1, Chapter 8.25 ("Fair Chance Housing Ordinance"), it is unlawful for a housing provider to inquire about an applicant's criminal history, require an applicant to disclose criminal history, require an applicant to authorize the release of criminal history or, if such information is received, base an Adverse Action in whole or in part on an applicant's criminal history. Therefore, MidPen Housing will not be conducting a criminal background screening on any of its applicants for this community.

Please note, however, that applicants who are also applying for the City of Oakland's Project Based Section 8 voucher program will be required to follow the eligibility requirements of the City of Oakland Housing Authority and a criminal background screening will be conducted by that agency.

Please refer to the full Ordinance attached hereto and incorporated herein by this reference as Exhibit G, which includes administrative remedies for an aggrieved person who believes an adverse action was based on a violation of this Ordinance. Oakland Municipal Code, Article 1, Chapter 8.25.060.

VII. Application Procedures

A. Complete an Application for Housing

To apply to live at this community, an applicant family must complete an application and certify that the supplied information is complete and accurate. Based on the household size, the applicant must designate the number of bedrooms requested. The applicant may request more than one unit type at the time of the initial application provided the household meets the occupancy standards or an accommodation has been requested (entitlement to the accommodation and the reasonableness of the

accommodation requested will be determined when a unit is available), and the specific bedroom size waiting list is open.

If the applicant requires assistance in completing the application, please contact the Community Manager/Leasing Office.

B. *Submit Application*

The application must be signed and dated by all adult members for the application to be considered. Applications can be submitted by mail or in person at the community leasing office during normal business hours.

Applications will be preliminarily screened for application completeness, legibility, and to determine that the household meets the basic requirements to qualify for this housing program. If it appears that the applicant household meets the basic requirements, the applicant will be added to the waiting list for the requested unit size(s). This in no way means that an applicant qualifies for a unit.

C. *Interview*

As an applicant's name approaches the top of the Waiting List, an interview will be scheduled. All members of the applicant household must attend the interview. Two failures to schedule and/or attend an agreed-upon time for an interview will be grounds for denial. For applicants with limited English proficiency, language assistance can be requested. Please make a request at least three business days prior to the interview.

During the interview, the applicant household will be asked to update the information on their original application. All forms of income and assets must be disclosed. During the interview, all items on the application will be discussed and confirmed, and third-party verification of each factor will be attempted, per IRS regulations and procedures. Until all items are verified, eligibility cannot be determined, nor any housing offered. Third party verification includes original or authentic documents generated by a third party source that are dated within 120 days from the date of receipt by the owner, verification forms sent by the owner directly to the source and returned to the owner through mail, email, or fax, and oral verification.

Eligibility for housing can only be confirmed after all items of income, assets, household composition, etc., which may have any bearing on the rent that is paid or subsidy received, are verified.

D. *Ineligibility*

Households may be ineligible for occupancy for various reasons including, but not limited to, the following:

1. The applicant/household does not meet the program/community eligibility requirements listed in Exhibit A of this plan;

2. The household gross income (using the HUD definition of income) is over the applicable income limit (Exhibit C);
3. The household's monthly income does not meet the minimum income standard established for this community and the household will not receive Section 8 assistance;
4. The applicant/household has an unacceptable credit history as reported by a consumer-reporting agency;
5. The applicant/household does not meet the IRS' definition of a qualified household under the Full-Time Student Rule;
6. There is submission of false or untrue information on the application;
7. Failure to cooperate in the verification process including failure to provide requested information;
8. Failure to schedule and/or attend two interviews;
9. The applicant/household has refused two offered apartments and does not have a valid medical reason, or the household has refused three offered apartments with a valid medical reason;
10. The applicant/household has an unacceptable reference from a current or previous landlord;
11. Household size does not conform to the stated minimum and maximum sizes as described in Exhibit A;
12. Failure to sign designated or required forms and/or documents upon request;
13. This will not be the only residence for the applicant/household;
14. The applicant/household is not willing to pay the rent as calculated under the Section 42 program.
15. Failure to present all applicants during the interview with the Community Manager;
16. Blatant disrespect or disruptive behavior, or demonstrable history of such behavior, towards management, the property, or other residents exhibited by an applicant or household member or friend any time prior to move-in;
17. Misrepresentation of any information related to eligibility, allowance, household composition or rent.
18. Other cause, including, but not limited to, failure to meet any of the selection criteria in this document.

E. Application Decision

If the application is approved and the applicant accepts an offered available apartment, the applicant will be asked to schedule a time to come and sign the lease. All household members must attend this session. During this meeting, the applicant will be required to sign a lease agreement in which he/she will agree to abide by all

the rules and regulations. We will also conduct a unit inspection with the applicant. The applicant is encouraged to read all leasing documents in advance of this appointment. Upon request, they will be mailed to the applicant.

If the application is denied, the applicant will be notified of this decision in writing. This written statement will include the reason(s) for the denial, and state that the applicant has the right to request an appeal of this denial decision and present any extenuating circumstances the applicant would like to have considered.

F. Appeal Procedure

Applicants have fourteen **[14]** days after the date of denial letter to notify management in writing or request a meeting if he/she would like to appeal the denial decision. If a denial letter is sent to an applicant, and no response or new evidence is received within fourteen **[14]** days, the file will be closed permanently.

If the applicant submits a written notice of appeal or requests an appeal meeting within fourteen days after the date of the denial letter, a management representative who was not a party to the original decision to deny will handle the appeal. This representative will review the application and any new facts or information that the applicant feels would have an effect on their application. Management will notify the applicant of their final decision within five **(5)** business days of receiving the applicant's written appeal or the date of the appeal meeting. Persons with disabilities have the right to request reasonable accommodations to participate in the appeal process.

Available units will not be held open during the appeal procedure. If a unit is not available at the completion of the appeal procedure and the appeal is granted, the applicant will be put back on the waitlist in its original position.

A complete Grievance Procedure and Policy is available for anyone who wishes to file a grievance and/or requires detailed information about this subject. This policy is included with the denial letter.

The applicant has the right to dispute the accuracy of any information provided to property by the Consumer Reporting Agency or Screening Company. If the application is denied due to unfavorable information received during the screening process the applicant may contact the Consumer Reporting Agency that provided the information to the Property. The contact information will be contained in the denial letter. The applicant also has the right to obtain a free copy of the consumer report from the consumer reporting agency that provided the information if the applicant requests it within 60 days of application denial.

VIII. Wait List Policy

A. Admissions

Applicants will be considered according to their lottery number order on the waiting list unless preferences are described in Exhibit B of this plan. Priority for units will be given to applicants who meet any applicable community preferences. Applicants at the top of a wait list will be notified of upcoming vacancies of apartments that meet their selected unit preference and will be given the opportunity to set up an appointment for an interview to determine current eligibility. After the interview, the application will be screened and verified prior to being offered a lease. Participating in an interview does not guarantee that the applicant will be eligible or that an apartment will be offered to the applicant.

Apartments designed specifically for a person with disabilities, whenever possible, will be rented to a household or individual needing that specific apartment type. These apartments will be offered first to current residents, and then to applicants, who have noted the need for such an apartment on their application, based on their chronological order on the waiting list. In all instances, an apartment designed specifically for a person with disabilities should be rented to a household with a member needing that type of unit. Outreach will be done with community agencies and organizations to accomplish this.

In the unlikely event that no resident or applicant requires that apartment type, the next applicant on the waiting list can be housed there temporarily only after signing a lease addendum that they will move at their own expense within 30 days of written notification by management that there is a need for their particular apartment and an appropriate sized apartment is available.

B. Wait List Administration

This community periodically opens the wait lists by bedroom size based on community needs. The community announces the opening of the wait list and provides information where and when to apply. The community's Affirmative Fair Housing Marketing Plan, which is available in the rental office, provides further details on the marketing and outreach efforts employed. When the wait list applicants exceed the number of vacancies for a specific unit size for the average unit turnover for one year, the waitlist will be closed. Potential applicants will be notified of the closure, a sign will be prominently posted in the rental office, and no applications will be accepted when the wait list is closed.

The applicant is responsible for keeping the community updated with any changes in their contact information. The applicant may designate a third party contact person or agency to contact us on his/her behalf to provide us with current contact information. Failure of the applicant to provide current contact information will

remove the applicant from the wait list. Management will typically update the wait list every 6 months or at least once a year by contacting the applicant at the last known address requesting an update status. If the applicant does not respond to this update request, management will remove the applicant from the wait list. During the status update, management will also request information that helps determine likely eligibility for the housing program; however, eligibility will not be confirmed until the applicant's file has been processed, verified and certified at the time of expected occupancy.

If an applicant on the Wait List is offered an apartment he/she may refuse the offered apartment once and maintain their place on the wait list. The applicant will not be contacted again for a 30-day period. If a second apartment is offered and refused, the applicant will be denied unless a valid verifiable medical reason exists.

When an apartment becomes available, in-place residents requiring a different apartment will be housed appropriately before an applicant will be selected from the Wait List. In this manner, management will be able to avoid displacing, through eviction or other actions, current residents whose housing needs have changed since admission. This will be done in chronological order, based upon the date the Transfer Application was submitted.

IX. Reasonable Accommodation Policy

This community is committed to making the apartment community readily accessible and usable by individuals with disabilities. Property will consider any request by or on behalf of a disabled resident or applicant for:

- a) A reasonable accommodation requesting a change in its rules and/or policies; or
- b) A reasonable modification relating to alteration of the common areas or an individual unit.

Any such request should be made in writing in conjunction with the Reasonable Accommodation Policy (Exhibit E). * Requests should be forwarded to the Section 504 Coordinator located at MidPen Housing, 303 Vintage Park; Suite #250, Foster City, CA 94404. If it is not possible to make the request in writing, the Property Community Manager will assist the person making the request and provide the necessary information.

***Project Based Section 8 units are subject to Oakland Housing Authority's Reasonable Accommodation policies as stated in their Admin Plan, Chapter 2, Part II.**

X. Unit Transfer Policy

All unit transfers will be processed in accordance with the Transfer Policy (Exhibit F). No preference will be given to residents wishing to be relocated to other communities owned or managed by MidPen Housing.

XI. Revision of Resident Selection Criteria

We reserve the right to make modification to this plan as necessary. When the plan is revised, the effective date of the new plan will be noted on the cover page. In addition, any time a new plan is implemented, all applicants on the wait list and current residents will be provided with notice that a revised plan is being implemented and that they may request a copy from the management office.

Exhibit A – Community Eligibility- Vista Estero

This community is funded under the following programs and adheres to all regulatory requirements, income and rent restrictions:

- IRS Section 42 Low Income Housing Tax Credit Program
- City of Oakland
- City of Oakland Housing Authority
- Federal Home Loan Bank of San Francisco
- California Municipal Finance Authority

To live at Vista Estero, the applicant must be:

- The head, co-head, or spouse must be aged 62 years or older;
- At or Below the **30% of AMI**;
- At or below the **40% of AMI**;
- At or below the **50% of AMI**;
- At or below the **60% of AMI (Non PBV Units)**; and
- Within the Occupancy Standards for our unit sizes using the chart below.

Occupancy Standards

UNIT SIZE	MINIMUM HOUSEHOLD SIZE	MAXIMUM HOUSEHOLD SIZE
1 bedroom	1 person	3 persons
2 bedroom	2 persons	5 persons

OHA Occupancy Standards

OHA will reference the following charts in determining the appropriate PBV-unit size for a family:

A family with a Head of Household and **no spouse/significant other** would be allocated a subsidy size in the following manner:

UNIT SIZE	FAMILY SIZE
1 bedroom	1
2 bedroom	2

2 bedroom	3
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A family with a Head of Household and ***a spouse/significant other*** would be allocated a subsidy size in the following manner:

UNIT SIZE	FAMILY SIZE
1 bedroom	2
2 bedroom	3
2 bedroom	4

Exhibit B -- Community Preferences

City of Oakland Resident/Worker Preferences - Preference will be given on the non-Project Based Section 8 Voucher units, as follows:

1. **First Preference: To Displaced Households.** A “displaced household” means a household in which at least one adult member has been displaced from a housing unit in Oakland as a result of any of the following:
 - a. City code enforcement activities, if the displacement has occurred within one year prior to the date of application.
 - b. A City-sponsored or City-assisted development project, if the displacement has occurred within one year prior to the date of application.
 - c. A “no fault” eviction from a rental unit in Oakland, if the eviction was completed eight (8) years or less prior to the date of application. For purposes of this paragraph, a “no fault” eviction means an eviction that is evidenced by an eviction notice from the property owner that does not state cause and that gives the tenant thirty (30) days or longer notice to vacate the unit; a “no fault” eviction shall include, but not be limited to an eviction as a result of an owner move-in under Municipal Code Subsection 8.22.360.A.8 or 8.22.360.A.9, owner repairs under Municipal Code Section Subsection 8.22.360.A.11 or Municipal Code Chapter 8.22, Article III, but shall not be limited only to evictions from units that are covered by any of the above laws. This preference shall apply to the initial rental or sale of a project unit and any subsequent rental or sale of a unit during the applicable affordability period established by the City.
2. **Second Preference: To neighborhood residents.** For purposes of this Section, a “neighborhood resident” means a household with at least one adult member whose principal place of residence on the date of application is either within the Council District where the project is located or within a one mile radius of said project. This preference shall apply to thirty percent (30%) of all units in the project. This preference shall apply only to the initial rental or sale of a project unit after the City’s development assistance has been given to the project.
3. **Third Preference: To Oakland residents and Oakland Workers.** For purposes of this Section, an “Oakland resident” means a household with at least one adult member whose principal place of residence on the date of application is within the City of Oakland. An “Oakland worker” means a household with at least one adult member who is employed by an employer located within the City of Oakland, owns a business located within the City of Oakland, or participates in an education or job training program located within the City of Oakland. This preference shall apply to the initial rental or sale of a project unit and any subsequent rental or sale of a unit during the applicable affordability period established by the City.

Oakland Housing Authority Local Preferences - Preference will be given on the Project Based Section 8 Voucher units, as follows:

1. **A Residency preference.** Applicants who live or work in the City of Oakland at the time of the application interview and/or applicants that lived or worked in the City of Oakland at the time of submitting their initial application and can verify their previous residency/employment at the applicant interview, qualify for this preference.
2. **A Family preference.** Applicant families with two or more persons, or a single person applicant that is 62 years of age or older, or a single person applicant with a disability, qualify for this preference.
3. **A Veteran.** A Veteran and active members of the military preference.
4. **A Homeless preference.** Applicant families who meet the McKinney-Vento Act definition of homeless qualify for this preference.

All of the Oakland Housing Authority Local preferences listed above carry equal weight and are not ranked. However, a combination of the preferences provides certain applicants more priority points or a higher ranking on the waitlist.

Exhibit C – Income Limits and Rents

Please see attached income limits and rents.

Exhibit D – Special Wait List Policy

N/A

Exhibit E – Reasonable Accommodation Policy

Management recognizes its obligations to reasonably accommodate individuals with disabilities in all phases of its operations. This includes employees, applicants for housing and residents currently in housing operated by MidPen Housing.

The Reasonable Accommodations requirements are expressed in the Fair Housing Act Amendment of 1988 as promulgated by the Department of Housing and Urban Development (24 CFR Parts 14 et seq.) with respect to applicants for occupancy in our housing and current residents of our properties.

In accordance with these regulations, and in recognition of our obligations, MidPen Housing hereby puts forth this Reasonable Accommodations Policy as follows:

1. Management will make reasonable accommodations, which are changes, exceptions, or adjustments to a program, service, building, dwelling unit, or workplace that will allow a qualified person with a disability to participate fully in a program, take advantage of a service, live in a dwelling, or perform a job.
2. Management will make accommodations that are both reasonable and necessary to afford an individual with disabilities equal opportunity. In order to show that a request is necessary, there must be an identifiable relationship, or nexus, between the requested accommodation and the individual's disability.
3. Management will determine whether a request for accommodation is reasonable and may propose an alternative that is equally as effective in affording equal opportunity.
4. In order to be eligible for a reasonable accommodation, an individual must be considered disabled as defined by Federal Law. *A person with disabilities is defined as someone who has a physical or mental impairment that substantially limits one or more major life activities; is regarded as having such an impairment; or has a record of such an impairment.*

Major life activities include but are not limited to: seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, speaking and working.

5. Normally a reasonable accommodations request should be submitted in writing, but whenever a resident, applicant, or employee makes it clear that a request is being made for an exception, change, or adjustment to a rule, policy, practice, service, or physical structure because of his or her disability, management will consider the request. Reasonable Accommodation requests can be made by the person with the disability, a family member, or someone else acting on the individual's behalf.

It is usually helpful for both the individual with the disability and management if the request is reduced to writing. If the individual with a disability requires assistance in providing a written reasonable accommodation request, management will assist the individual with disabilities with this request.

6. Upon receiving the request, management will attempt to verify that the applicant/resident/employee meets the definition of a person with disabilities listed above,

and needs the accommodation in order to benefit from the programs, or services offered at this community unless the disability is obvious or otherwise known to the provider and the need for the accommodation is readily apparent or known, in which case no verification is required.

7. Management will respond in writing, and in a manner deemed most understandable to the applicant/resident/employee.
8. Management does not, by law, have to honor a reasonable accommodation request that would result in:
 - a. A fundamental alteration in the nature of the program. This means that management does not have to provide services that are not presently being provided. In such case, the individual may obtain the service(s) on his/her own.
 - b. An undue financial burden. This determination will be made on a case-by-case basis, involving various factors, such as the cost of the reasonable accommodation, the financial resources of the property, the benefits the accommodation would provide the requester, and the availability of alternative accommodations that would adequately meet the requester's disability-related need.
 - c. An undue administrative burden. This means the accommodation would not easily be accomplished with existing staff and would require the hiring of additional staff or would result in a reduction in services to other residents.
9. If an accommodation request falls into one of the three categories in (8) above, management will endeavor to identify an equally effective means of meeting the individual's needs. Reasonable accommodations are based on need, not a preference. Management may also, where a request is denied for reasons permitted by law, allow the individual to make modifications at their own expense.
10. Management will allow assistance and companion animals. Management will verify the need for the assistance or companion animal (unless the need is readily apparent or already known), and the resident is responsible for the conduct of the animal at all times in a manner consistent with the lease.
11. This reasonable accommodation policy also applies to employees with disabilities who meet the definition of disabled contained in this policy. Employees with disabilities shall, subject to the limitation described in (8) above, be eligible for reasonable accommodations that will permit them to perform the essential functions of the job.
12. Consideration of all accommodation requests shall be made on a case-by-case basis.
13. Individuals who believe they have been discriminated against in connection with this policy should contact the Section 504 Coordinator at MidPen Housing, 303 Vintage Park; Suite #250, Foster City, CA 94404.

Please note that the City of Oakland Housing Authority has a separate reasonable accommodation process. If you are being processed for a Project Based Section 8 voucher, please inquire with the Housing Authority for further information.

Exhibit F – Transfer Policy

It is MidPen's policy to manage our buildings with particular attention and sensitivity to the needs of our residents. Management's intention is to provide and service quality housing, offer flexibility with regard to changing personal and family needs, and administer our housing programs fairly to everyone. Transfers are made without regard to race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, physical or mental disability, genetic information, age or any other arbitrary personal characteristic.

Vacant units are filled with residents awaiting transfer before applicants from the community wait list. All transfer requests must be made and submitted in writing to management at the site using the **Transfer Request Form**. A separate wait list of persons wishing to transfer will be maintained in the office. Transfer requests will be considered in the order received within each category below.

Transfer Categories

Transfers will be considered for the following reasons:

1. Reasonable Accommodation Requests: Individuals with disabilities may require transfer to a unit designed specifically for persons with disabilities, to a unit that allows them equal opportunity to use and enjoy access to their housing, or to a unit that can accommodate a live-in attendant; this must be approved through the Reasonable Accommodation process.
2. Change in Household Composition: Changes such as an increase or decrease in family size may cause a household to be out of compliance with the specific community or program occupancy standards. Households under or over occupying a unit will be required to transfer to the appropriate sized unit within 30 days of notification of availability.
3. HUD/Tax Credit Compliance: When necessary to remain in compliance with regulatory requirements, residents will be required to transfer to a unit with a specific income set-aside that coincides with household's income.
4. Household Conflict: When management determines that a conflict between two households cannot be resolved and that a move is necessary, the household with the least seniority on the site will be selected to move to the new unit. Multiple requests by the same household for transfers due to conflict will not be honored.
5. Other Compelling Reasons that MUST be documented and verified.

Residents, who request to transfer under Category 5, must be in good standing and have no serious lease violations.

Good standing is defined as current on all rent and other charges and having no housekeeping deficiencies as verified on the most recent unit inspection.

Serious lease violations include, but are not limited to damage of property, failure to pay rent on a timely basis, and violating the peaceful enjoyment of neighbors.

6. For the PBV-units, with approval from the Executive Director of OHA, on a case-by-case basis, OHA may allow inter-program moves and transfers, if there are PBV units or HCV available and the resident is eligible for the relevant program. OHA may also allow participants of local, non-traditional programs to transfer to the PBV program provided that the family has met the program guidelines specified in the local program.

- OHA Policy

A PBV site-based waiting list may use the same selection preferences that are used by OHA for the HCV tenant-based voucher program or may establish selection criteria or preferences independently for occupancy of particular units in a PBV development.

OHA may also refer a family to an OHA contracted PBV development where the owner is authorized to administer a PBV sited-based waiting list. The owner must provide the family with absolute preference for the next available appropriately sized PBV assisted unit. A family granted an absolute preference to move is still subject to owner screening requirements and offer of a PBV assisted unit.

This policy is subject to revision pending any change to HUD or Civil Rights regulations.

Exhibit G – Fair Chance Housing Ordinance

Please see attached Fair Chance Housing Ordinance.

Exhibit H – OHA Identification and Social Security Number Policy

The following will apply to all applicants being processed for an Oakland Housing Authority Project Based Section 8 unit.

Oakland Housing Authority Identification Criteria

OHA Policy

OHA will require families to furnish verification of legal identity for each household member.

Primary Verification Documents	
Verification of Legal Identity for Adults	Verification of Legal Identity for Children
1. Current, valid driver's license or California identification card or 2. Current U.S. passport or 3. U.S. Military Identification Cards or 4. Permanent Residence ID	1. Certificate of birth or 2. Permanent Residence ID or 3. Adoption papers or 4. Custody agreement or 5. Health and Human Services ID or 6. Certified school records

Social Security Numbers for Project Based Section 8 (Oakland Housing Authority)

All family members must provide documentation of a valid Social Security Number (SSN). Assistance cannot be provided to a family until all SSN documentation requirements are met. A detailed discussion of acceptable documentation is as follows:

- An original SSN card issued by the Social Security Administration (SSA)
- An original SSA-issued document, which contains the name and SSN of the individual
- An original document issued by a federal, state, or local government agency, which contains the name and SSN of the individual

If a new member is over the age of 18, that person must provide SSN documentation as a part of the eligibility determination and prior to being added to the lease.

Note: The requirements above do not apply to noncitizens who do not contend eligible immigration status.

In addition, each participant who has not previously disclosed a SSN, has previously disclosed an SSN that HUD or the SSA determined was invalid, or has been issued a new SSN must submit their complete and accurate SSN and the documentation required to verify the SSN at the time of the next interim or annual reexamination or recertification. Participants age 62 or older as of January 31, 2010, whose determination of eligibility was begun before

January 31, 2010, are exempt from this requirement and remain exempt even if they move to a new assisted unit.

HUD permits an exception if a child under the age of 6 years is added to the applicant household within the 6-month period prior to the household's date of admission, an otherwise eligible family may be admitted to the program and must disclose and document the child's SSN within 90 calendar days from the date of admission to the program.

HUD further regulates that OHA must grant an extension of one additional 90-day period if OHA determines that, in OHA's discretion, the applicant's failure to meet the first timeline was due to circumstances that could not reasonably be foreseen and were outside the control of the applicant. If the applicant family fails to provide the required documentation within required time period, OHA must deny eligibility of the applicant family.

OHA must deny admission to an applicant family if they do not meet the SSN disclosure, documentation and verification, or certification requirements contained in 24 CFR 5.216.

Exhibit I – OHA PBV Housing Assistance Citizenship and Immigration Eligibility Requirements

See the attached Citizenship and Immigration Eligibility Requirement

