

Charlotte B. Rutherford

6905 N. Interstate
Portland, OR 97217
Phone: (503) 525-8483

Building Criteria- Fair Market Units

1. **Project Description:** Charlotte B. Rutherford Place ("Property") is a 51-unit Section 42 housing project managed by Central City Concern ("CCC"). The Property consists of 36 one-bedroom and 15 two-bedroom units. The Property is required to use the North/Northeast (N/NE) Preference Policy Waitlist, managed by the City of Portland's Housing Bureau (PHB). While any member of the general public may apply, applicants with historical ties to the area will be considered before applicants without a previous history of resident in the area. For more information on the N/NE Preference Policy, or to apply for housing at Charlotte B. Rutherford and other properties, please visit:
<https://www.portland.gov/phb/nnehousing/preference-policy>.
2. **Project Eligibility Requirements**
 - a. **Sole Residence:** The unit must be the household's only place of residence.
 - b. **Occupancy Standard:** Occupancy standards are based on the number of bedrooms in the apartment. Management's occupancy policy sets the maximum occupancy limit to two persons per bedroom, plus one. Some exceptions may apply inquire with CCC Housing. Charlotte B. Rutherford Place occupancy standards are:
 - i. One-bedroom: 1-3 persons.
 - ii. Two-bedroom: 2-5 persons
 - c. **Identification:** Management will accept any of the following as proof of identification to verify the name, date of birth and picture identification of the applicant:
 - i. Evidence of Social Security Number (SSN Card)
 - ii. Valid Permanent Resident Alien Registration Receipt Card.
 - iii. Immigrant Visa.
 - iv. Individual Taxpayer Identification Number (ITIN).
 - v. Non-immigrant Visa.
 - vi. Other government-issued identification regardless of expiration date.
 - vii. If valid government-issued photo identification is not available, Management will accept non-governmental identification or a combination of identification that would permit a reasonable verification of identity.
 - a. Management will defer to Screening Company for this option and accept only if they are able to positively identify Applicant.
 - d. **Citizenship:** Units at Charlotte B. Rutherford Place do not have a US citizenship requirement. Management does not request any information regarding citizenship status. However, Applicants must provide valid identification as detailed above under 2.c.
 - e. **Student Status- The household may not be composed of 100% full-time students.** A student is defined as an individual, who during each of any 5 calendar months during the calendar year, is a full-time student at an educational organization. The 5 months need not be consecutive. The determination of student status as full or part-time is defined by the educational institution the student is attending. A household may be exempt from the full-time student rule by meeting any one of the following criteria:
 - i. Tenant is a student receiving assistance under Title IV of the Social Security Act (TANF).
 - ii. Tenant is a student previously under the care and placement responsibility of State Foster Care agency.

- iii. Tenant is a student enrolled in a job training program receiving assistance under the Job Training Partnership Act, Workforce Investment Act or under similar Federal, State or Local laws.
- iv. Household is composed of a single parent and their children AND neither parent nor children are dependents of another individual.
- v. Household is married and files a joint tax return.

3. **Income Eligibility Requirements**- HUD calculates and publishes income limits annually based on family size for each county (Median Family Income ("MFI")). The current income limits are available at:

- a. <https://www.oregon.gov/ohcs/compliance-monitoring/pages/rent-income-limits.aspx> (use the "Actual" Table, not "HERA Special")
- b. **Income Maximum:** One hundred percent of the Fair Market units are reserved for households with incomes at or below 30%, 50% and 60% of MFI, adjusted by household size. The following %MFI income and rent restrictions apply to the 51 units at Charlotte B. Rutherford Place are:

%MFI and Unit Type	# of Units
30% MFI One-Bedroom	2
50% MFI One-Bedroom	21
60% MFI One-Bedroom	13
30% MFI Two-Bedroom	1
50% MFI Two-Bedroom	7
60% MFI Two-Bedroom	7
Total	51

4. **Pre-Application and Waitlist Procedure**

- a. **Waitlist organization:** Management processes applicants on the waitlist by total preference points (if any), then by date and time of application submittal. Applicants with a waitlist preference are sorted by date and time before all other applicants. Non-preference applicants are ordered by date and time after all preference applicants.
- b. **Waitlist Closure:** Waitlist closures may be enacted periodically by the Portland Housing Bureau. CCC processes the waitlists provided by PHB only and does not determine waitlist openings or closures.
- c. **Notification:** When units become available, or in anticipation of unit vacancy, Management will notify the next waitlist applicant(s) by phone (and/or email if available) according to the order established in (f) above. Applicants must respond in person or within 3 **full** business days of the date of contact. Failure to respond in a timely manner will result in the removal of the applicant's name from the waitlist. If more than one applicant is notified of a vacancy, applicants will be considered for residency in the order in which they respond to the notification.
- d. **Applicant responsible for maintaining current information:** It is the Applicant's responsibility to maintain current contact information on file with the Portland Housing Bureau and Management. Waitlist notifications will be by phone and/or email if available, and may also include follow-up by mail. Management is not responsible for applicant's failure to receive a phone call or voice mail message (due to full inbox or other), receive email (including if mail goes to junk folder), mail distribution errors, mail being intercepted by others sharing the applicant's mailbox, incorrect/illegible addresses reported by Applicant, etc.

- e. **Refusal of Available Unit:** After completing an intake appointment and being determined eligible, applicants may refuse the first vacant unit offered and will remain in their current waitlist position. Management will offer a unit to the next ready applicant on the waitlist. Applicant refusal of the second available unit will result in removal of applicant from the waitlist. The applicant is welcome to reapply for the waitlist again whenever it is open.
- f. **Removal from the waitlist:** Applicants will be removed from the waitlist for the following reasons:
 - i. At applicant's written request.
 - ii. Failure to respond to notification of vacant unit within 3 full business days and schedule intake appointment.
 - iii. Return of any mail sent to the applicant; or
 - iv. For any other reasons mentioned throughout this document.

An applicant will be notified by mail that they have been removed from the waitlist and of the reason for removal.

- g. **Exceptions to the waitlist:** When units at the Charlotte B. Rutherford are vacant for a period of 90 days or more, CCC may request a waiver to using the N/NE Preference Policy Waitlist from the Portland Housing Bureau (PHB). When granted, CCC may use an alternative process to the N/NE Preference Policy Waitlist for the units specifically granted exception only. Please note- CCC cannot grant waivers to using the waitlist, only PHB has that authority.
 - i. Central City Concern will announce either 1.) an alternative waitlist opening, or 2.) an Open House at a location and time to be determined.
 - 1. **Alternative waitlist-** The alternative waitlist would accept any member of the general public and would close upon either 1.) receiving a pre-determined # of applications or 2.) upon a specified date. CCC would engage in affirmative marketing of the waitlist, both through email and on the CCC Housing website. All applicants are contacted in order of pre-application receipt. Applicants remaining on the list after the exception units are filled may be considered for future exception unit opportunities only, but may need to update documents over 120 days old.
 - 2. **Open House-** CCC would take a predetermined # of applicants per vacant exception unit at a time and location to be determined. CCC would engage in affirmative marketing of the Open House, both through email and on the CCC Housing website. Applicants that demonstrate basic document readiness may complete an immediate intake the day of the Open House in the order they are received. Intakes remaining in process after the exception units are filled may be considered for future exception unit opportunities only, but may need to update documents over 120 days old.
- h. **Transfer Policy and Transfer List Placement:** Current residents at the Property may request a transfer to another unit as provided below, subject to written approval by Management. Once approved, the tenant will be placed on an internal transfer list according to transfer points associated with the transfer option chosen. Tenants will be contacted in order of total points, then date/time of submission. All transfers are subject to unit availability, CCC does not provide emergency housing. Tenants may need to demonstrate current eligibility with affordability restrictions, tenant screening policies, and be in good standing for the transfer to occur. Transfer requests are available for the following situations:

- i. **Extenuating Circumstance Transfer:** Any current Resident of a unit within CCC's portfolio who needs to move due to safety and/or habitability issues may request an Extenuating Circumstance Transfer. CCC will honor the request for an immediate transfer for qualifying residents when a unit meeting the resident's safety needs becomes available. This may either be at the same property or another property within CCC's portfolio. Residents who qualify for the Extenuating Circumstance preference may apply at any time, even when the waitlist is closed. Qualifying residents will be given top preference on the waitlist at the property with twenty **(20) transfer points**. Timing of transfer is subject to availability and eligibility, and residents are encouraged to have a safety plan in place during this time. Tenants may not be placed on a Section 8 PBV/RAD waitlist or CCC program unit through this option.
- ii. **Casualty Loss:** Applicants who are displaced by a sudden casualty loss or as part of a relocation effort, within CCC's portfolio, may be given ten **(10) transfer points** on the waitlist. Qualifying events include major fire, flood or building rehabilitation that renders unit uninhabitable for reasons beyond the tenants' control, and the tenant is likely to experience homelessness without transfer. Approval is at the discretion of CCC and is subject to unit availability.
- iii. **Reasonable Accommodation Transfer:** A current Resident may request a Reasonable Accommodation (RA) transfer at any time during their tenancy. This transfer option provides a Resident with a disability the opportunity to equally enjoy their unit and/or common areas. For example, a Resident living on the 2nd floor with a mobility impairment in a building without an elevator may request a move to a similar first floor unit. A tenant receiving approval for a transfer through this option will be provided seven **(7) transfer points**.
 1. **Disability Verifications:** As a part of the RA process, Qualified Individuals (medical providers, counselors, etc.) are requested to verify the presence of one or more disabilities and the relationship between the accommodation requested and the disability. When a transfer is requested, Qualified Individuals should provide detailed objective building/unit criteria for accommodating the disability, based on their professional opinion. Examples of criteria can include, but are not limited to:
 - i. Sq Ft. of Unit required to accommodate disability
 - ii. Proximity to bathrooms to accommodate disability
 - iii. Presence of toilet and/or shower.
 - iv. Need for 1st floor unit or ADA unit.
- iv. **Requested Transfer within Building- Any reason.** Current households may request a transfer to another fair market unit within their building once they have been a resident for at least 365 days. Requests must be made by Resident in writing (email or handwritten) and submitted directly to the Community Manager. Decisions will be made in writing and are only authorized by the CCC Housing Office. Verbal approvals are not permitted and should not be relied on by the tenant.

Requests will not be accepted or otherwise entered on waitlist prior to meeting all criteria, regardless of reason. Criteria for transferring under this option include:

1. Must be resident for at least 365 days prior at time of request.
 - a. No more than one transfer request under iv. is permissible during a tenancy at the building (i.e., before resident has moved out of property).
2. Tenant rent ledger is current at time of request and time of transfer.
3. Tenant must demonstrate a minimum 3 months of consecutive on-time rent payments at time of request and at time of transfer.
4. Tenant must be in good standing at time of request until time of transfer. Good standing for purposes of this section includes no household member being in lease termination cure period when making request AND not having received a notice of termination within previous 3 months.
5. No household members are permitted to remain in original unit (i.e., household splitting).

- a. For example, household members A and B live in unit 101 and request transfer. This is approved for unit 202, however, the household cannot split to allow A to continue occupying 101 and B to transfer to 202 (effectively creating new household and skipping waitlist). However, upon approval, A could potentially move to 202 and B decided to move-out because no household member will continue to occupy original unit 101.

A tenant receiving approval for a transfer through this option will be provided with five **(5) transfer points**.

Transfers may require the tenant to qualify “as if” a new move-in. A household may be able to transfer over their move-in income eligibility status and retain the recertification effective date. The options available to Management are dictated by funding agreements and exceptions cannot be made.

Transfers are made in order total preference points, then date and time approved. All transfers are subject to availability and only to the specific units approved for. Tenants may decline the first transfer offer and remain on the waitlist. Should the tenant transfer on a 2nd offer, they will be removed from waitlist. Provided the tenant still qualifies, they may resubmit their request and be placed back on the waitlist based on updated preference, date and time of approval.

5. Application

- a. **Complete Application:** When the Applicant is at the top of the waitlist they will be contacted to complete a rental application. Applicants must schedule an intake with the property within 3 business days of being contacted- the actual date the intake appointment can fall outside the 3-day response time, but may not be unreasonably delayed. A completed application is required for all adult applicants (18 and over). The Applicant household must meet all project eligibility requirements at the time of application. When a vacant unit is available, an eligible applicant will be offered the unit.
- b. **Application Rejection:** Applications will be refused outright when the Applicant:
 - i. Submits an application that is materially incomplete.
 - ii. Fails to include all necessary information, including but not limited to identification and income.
 - iii. Has intentionally withheld or misrepresented required information.
 - iv. Has at least 3 verifiable violations of the Rental Agreement within one year, with the most recent violation occurring within 365 days of the application submission date.
- c. **Supplemental Evidence:** Applicants are encouraged to submit Supplemental Evidence to mitigate any potentially negative screening results. The Supplemental Evidence provided will vary depending on the specific screening concern, and may include:
 - i. Applicant statement specifically addressing the issue of concern.
 - ii. Letter from parole or probation officer.
 - iii. Letter from case worker, mentor, therapist, counselor, etc.
 - iv. Proof of participation in a substance treatment program.
 - v. Certification of trainings completed;
 - vi. Letters from an employer, teacher, etc.

All information submitted will be considered as a part of the application review. If the Applicant does not submit Supplemental Evidence at the time of application but is subsequently denied due to not meeting the screening criteria, Management will conduct an Individualized Assessment with the applicant and Supplemental Evidence may be submitted at that time. See Individualized Assessment below.

- d. **Applicant Screening and Eligibility Determination:** All adult household members are screened against the Project Eligibility Criteria described in Section 2. Above and Project Screening Criteria described in Section 6. below. Within two weeks of evaluating the application, CCC will provide written communication of the determination. The determination will either: 1.) Acceptance; 2.) Conditional acceptance, or 3.) Denial. If the result is either Conditional Acceptance or Denial, the reason for the decision will be described. If a Denial and Supplemental Evidence was submitted at the point of application, an explanation for why the Supplemental Evidence did not adequately compensate for the factors that informed CCC's decision to reject the application will be provided.
 - e. **Security Deposit:** Applicants for Fair Market Units at Charlotte B. Rutherford Place are not required to pay a Security Deposit.
 - f. **Rent Payment and Lease Terms:** Upon acceptance, Applicant must agree to pay the rent and abide by the rental agreement required by the program they are participating in.
6. **Project Screening Criteria:** Upon receipt of the rental application, Management will submit Applicant information and identification to Pacific Screening, a third-party background screening company. Pacific Screening will conduct a search of public records to determine whether the applicant or any proposed resident or occupant has any conviction or evictions. Convictions include charges pending as of the date of the application; a conviction; a guilty plea; or no contest plea).
- a. **Screening Fee and Process:** All household members 18 years or older must pay a screening fee (National criminal search, Oregon Eviction Search, and rental reference search) to CCC at time of application to the Property. The fee charged to the applicant is the amount charged to management to obtain the background screening report and is non-refundable.
 - b. **Criminal History:** CCC will request a 3rd party criminal screening report on all applicants to Charlotte B. Rutherford Place over 18 years of age. The background screening will be conducted by a 3rd party company, currently Pacific Screening. Applicants will be charged at cost for the criminal screening report. Applicants with one or more criminal convictions within the look-back period established below will have their rental application denied by CCC. However, CCC provides applicants with the opportunity to submit Supplemental Evidence and request an Individual Assessment, as established in 7b. of this Building Criteria.

Crime Type	Crime Categories	Example Crime*	Look-Back from Date of Conviction
Crimes against persons (violent)	Felony (violent - intentional)	Lifetime registered sex offenders	Denial
		Homicide/Murder, Forcible Sex Offenses, Hate Crimes	10 years
		Assault (I, II, III and Felony IV)	5 years
	Felony (violent-negligent or reckless)	Criminally negligent homicide, Manslaughter	7 years
Crimes against property	Felony	Burglary	5 years
		Arson	Denial
Crimes against society	Felony (Controlled Substance)	Manufacture of controlled substances any housing (not including marijuana and methamphetamine).	5 years
	Felony (Controlled Substance)	Delivery, or Possession with <u>intent to deliver</u> controlled substance	5 years
	Felony (Controlled Substance)	Manufacture methamphetamine any housing	Denial

**Example only. Table is not intended to be conclusive of all possible conviction types found under crime category.*

Applicants will be denied for:

- I. One or more **convictions** that fall within the lookback period are based on type of crime.
- II. One or more **open arrest warrants** or **open cases** for crimes that fall within the listed crime categories, regardless of lookback period.
 - a. Applicants are encouraged to resolve open arrest warrants prior to intake to avoid denials based on screening.
 - b. Open arrest warrants that fall outside of the stated crime categories are not considered. For example, an open arrest warrant for misdemeanor theft would not be considered a basis for denial, but an open arrest warrant for felony assault would be considered a basis for denial.

Applicants that face denial due to one or more **convictions** or **open cases** within the lookback period are entitled to an Individual Assessment conducted by CCC Management and/or Home Forward. CCC Housing will not conduct Individual Assessments for applicants whose denial is based in whole or in part on open arrest warrants for crimes that fall within the listed crime categories. Applicants with open warrants have the right to Appeal the denial only- to **correct**, **refute**, or **explain** the factual basis for the negative information.

- c. **Negative Rental History:** Previous documented negative rental or program participation history with CCC Housing or other property management company shall be grounds for denial of the rental application at Charlotte B. Rutherford Place. Negative rental or program history includes:
 - i. Violent, threatening or aggressive verbal/physical behavior towards Management or another landlord/resident.
 - ii. Evictions in the last 2 years. Eviction actions that were dismissed or resulted in a judgment for the Applicant will not be considered.
 - iii. Destruction of property.
 - iv. Non-compliance with Rental Agreement
 - v. Past due or unpaid balances owed to Management or another landlord in excess of \$1,000.
 1. Amounts exceeding \$1,000 will require applicant to demonstrate a documented and verified payment plan and continuous compliance with payment plan for at least 3 months. Amounts owed over \$5,000 will require the same documentation in addition to completion of Rent Well Tenant Education Course within last 12 months and is subject to Management assessment of supports in place and any additional supporting documentation.
- d. **Income Minimum:** Monthly income must be two (2) times the monthly stated rent (*for example, if monthly rent is \$600, tenant must demonstrate monthly income of at least \$1,200*). Conditions must apply at minimum for initial lease period. Income will be calculated using the cumulative financial resources of all financially responsible applicants, including: earned and unearned wages; rent assistance (non-governmental); and monetary public benefits. Management may count verifiable friend/family assistance when accompanied by a notarized affidavit or other acceptable form of verification. When a local, state or federal government rent voucher or housing subsidy is available to the Applicant, the rent amount will be reduced by the amount of the voucher or subsidy for the purposes of the calculation.

7. Procedure for Denying Ineligible Applicants:

- a. **Applicant Denial:** Applicants may be denied if:
 - i. They are income-ineligible.
 - ii. Household characteristics are not appropriate to available units (see Occupancy Standard, 2.a. above);
 - iii. Applicants do not meet the Project Eligibility Requirements.
 - iv. Applicants do not meet Screening Criteria

- b. **Individual Assessment-** Whenever negative information is revealed through background screening that would lead to a denial, CCC will conduct an Individualized Assessment with the Applicant. CCC will consider the following factors when conducting an Individualized Assessment: 1.) The nature and severity of the incidents that would lead to a denial; 2.) The number and type of incidents; 3.) The time that has elapsed since the date the incidents occurred; 4.) the age of the individual at the time the incidents occurred and 5. evidence that the individual has maintained a good tenant history before and/or after the conviction or conduct, and 6.) Any rehabilitation efforts. Applicants are encouraged to submit Supplemental Evidence as a part of this process, see 5.c. above. CCC will hold the unit for which the application was received for a reasonable time to complete the review. If the evidence does not satisfactorily address the negative information, CCC will provide a written "Notice of Denial" to the Applicant within 2 weeks providing an explanation of the denial and the reasons why evidence did not compensate for the factors that informed CCC's decision to reject the Applicant.
- c. **Dispute Screening Results:** Applicants have the right to dispute the accuracy of the information provided to Management by a third-party screening service. If your application is denied due to information received during the screening process you believe is **incorrect or inaccurate**, you may contact the screening company to obtain a copy of your screening results.

Pacific Screening, Inc. / PO Box 25582 / Portland, OR 97298

Phone: 503-297-1941, 800-707-1941 / Fax: 503-297-1904, 800-427-0914

- d. **Appeal:** Management will offer applicants that do not meet the Screening Criteria the opportunity to appeal the decision within 30 days of denial of the application. During this period applicants can provide information to correct, refute or explain negative information that formed the basis of CCC's denial. CCC will conduct a review with two staff members who were not party to the initial denial and either approve or deny the appeal. If the appeal is approved and the unit is no longer vacant, CCC will prequalify the applicant for other rental opportunities at CCC properties for 3 months following the date the appeal is approved. However, the Applicant must be eligible for the unit and may need to provide new income verification or other program related paperwork if it has expired. Management will also waive the Applicant's screening fee for 3 months if the Applicant self-certifies that no conditions have materially changed from those in CCC's approved application.
- e. **Records Retention:** Management retains the following materials on file for at least three years:
 - i. Application
 - ii. Initial rejection notice
 - iii. Any applicant replies
 - iv. Management's final response
 - v. Record of all interviews and verified information on which Management based the decision.

8. Fair Housing and Equal Opportunity Housing Statements

- a. **Fair Housing:** CCC does not discriminate on the basis of race, color, national origin, religion, sex, family status, or disability, and recognizes the following protected classes under local statute: marital status, source of income (State of Oregon), age, sexual orientation (Multnomah County), or gender identity (City of Portland).
- b. **Reasonable Accommodation/Modification:** All persons with a disability have a right to request and be provided a reasonable accommodation or modification at any time, from application through termination/eviction. A reasonable accommodation is a change or exception to a rule, policy, practice or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling. A reasonable modification is a structural change made to the premises in order to afford an individual with a disability full enjoyment of the premises. Under Fair Housing laws, a person with a disability is someone with a physical or mental impairment that substantially limits one or more major life activities of the individual, or who has a record or is otherwise regarded as having such an impairment. To request a reasonable accommodation or modification, please contact the Community Manager or the CCC Housing Office.

- c. **Violence Against Women Reauthorization Act of 2022:** CCC recognizes VAWA provisions and its protections. CCC has adopted a policy from the Violence Against Women Reauthorization Act of 2022, for further information please refer to CCC's Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking. The Transfer Plan, as well as domestic violence certification and emergency transfer request forms may be requested from any housing/property's front desk.

Any person needing assistance completing the application process should contact CCC Housing at:

523 NW Everett Street

Portland, OR 97209

(503) 525-8483

Hours: Monday through Friday 8:00am- 4:30pm

Closed holidays and weekends