



Housing & Community Development

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Occupancy Selection Criteria and Grievance Procedure

If you need help understanding this document, please let us know. This document can be provided in a format accessible to persons with disabilities and/or persons with limited English proficiency.

The City of Boise prohibits discrimination in housing on the basis of race, color, sex, sexual orientation, gender identity/expression, national origin, religion, familial status, disability and age.

Idaho law requires persons convicted of certain sex crimes to register as sexual offenders. These community notification laws were passed so that each person may take the precautions that he or she deems necessary. To find a list of registered sex offenders in the community where they currently reside, you may contact the Ada County Sheriff's Office at (208) 577-3000 or you may access the online database at www.isp.idaho.gov. Please remember that any acts of retaliation or vigilantism against registered sex offenders are punishable criminal offenses. The City will not provide information regarding sex offenders.

OCUPANCY POLICY

These policies apply to all applicants who request city-owned housing including, but not limited to, all affordable rental units and MATCH units. Each application will be evaluated based on the Occupancy Selection Criteria in effect at the time the application is received and according to the date and time stamped on the application. **Applicants are encouraged to review the Occupancy Selection Criteria prior to submitting an application in order to determine if they may qualify.** Housing and Community Development (HCD) makes no determinations of actual eligibility until all paperwork is returned from third-party investigative services.

Generally speaking, occupancy is based on the number of bedrooms in a rental unit. A bedroom is defined as a space within a premise that is primarily used for sleeping and which has at least one window and closet space. The following is meant only as guidance for occupancy; other factors, such as local or state occupancy rules, may become relevant when determining occupancy limits. We will also consider individual requests for additional occupants per bedroom based on the varying sizes of bedrooms and ages of children upon request.

Minimum occupancy requirements

Two Bedroom: minimum 2 people
Three Bedroom: minimum 3 people
Four Bedroom: minimum 4 people
Five Bedroom: minimum 5 people
Six Bedroom: minimum 6 people

Maximum occupancy requirements (3 per bedroom)

Studio / One Bedroom: maximum 3 people
Two Bedroom: maximum 6 people
Three Bedroom: maximum 9 people
Four Bedroom: maximum 12 people
Six Bedroom: maximum 18 people



WAIT LIST

The selection of qualified applicants will be made from a waiting list in the chronological order by date and time of the applications. The following preferences may be granted according to Housing and Urban Development (HUD) requirements and HCD policies (in order of the application date and time within each Preference):

- a. Internal Transfers.
- b. Application request for an accessible unit or reasonable accommodation.
- c. Applicants with CHOIS vouchers.
- d. Other applications from the wait list.

If HCD does not have a unit available to meet your occupancy needs, your name will remain on the waiting list until such unit becomes available.

Passing over names on the wait list. The applicant's original place on the wait list will be retained until the application is either approved or rejected based on the occupancy criteria. Applicant names will be passed over for the following reasons:

- a. The applicant has applied as part of a parole plan or release plan and remains incarcerated.
- b. The applicant has requested a delayed move-in, as explained below.
- c. After seven (7) calendar days, the applicant has failed to respond to the written notice for an eligibility interview.

Delayed Move-in. Delayed move-in status may be granted subject to continuing availability and is not guaranteed. A delayed move-in may be granted based on any of the following requests from an applicant:

- a. An extension of five (5) working days to the application time limit in order to supply missing or incomplete paperwork or documentation.
- b. Thirty (30) day delay to obtain required funding.
- c. Thirty (30) day delay for required notice period to current landlord.
- d. One (1) year delay due to parole plan / release planning requirements.

Removal from the Wait List. Applicants will be removed when:

- a. The applicant no longer meets the eligibility requirements for the property or program(s).
- b. After seven (7) calendar days, the applicant has failed to respond to the written notice for an eligibility interview.
- c. The applicant is offered and rejects three (3) units on the property.
- d. Mail sent to the applicant's address is returned as undeliverable.
- e. The unit that is needed – using family size as the basis – changes, and no appropriate size unit exists in the property.

Reinstating names to the Wait List.

If an applicant is removed from the list and, subsequently, the owner determines that an error was made in removing the applicant (e.g., an incorrect address was used in sending mail to the applicant), the applicant will be reinstated at the original place on the waiting list. Applicants are encouraged to maintain good contact with HCD to ensure placement on the wait list is maintained. It is the responsibility of the applicant to inform HCD of changes to household size, phone number and address.



Parole plans and release plans.

Applications submitted and identified by an applicant as part of a parole plan or release plan will be placed on the wait list by the date and time of receipt of the application and fee. If an applicant's name is at the top of the wait list and the applicant cannot move in, the application will be skipped over until the applicant is available if the applicant has also submitted an "Applicant Request for Wait List Time Extension." The applicant's place on the wait list will be retained for the duration of the extension until the applicant has a release date and has contacted HCD to indicate availability to move in. Upon a release date, the applicant will be offered housing based on the application's original place on the wait list and unit availability.

Holding units for potential move in.

Once an applicant has been approved, offered housing, and shown unit(s), the applicant will have one (1) business day to make a decision regarding acceptance of a unit.

APPLICATION PROCESS

1. Complete the application and return by Mail: City of Boise, Attn: Housing & Community Development Division, PO Box 500, Boise, Idaho 83701-0500. Email: propertymanagement@cityofboise.org Fax: (208)384-4194. In person: 150 North Capitol Blvd., Boise, Idaho 83702. When your application is received by HCD the date and time will be recorded. Units are filled by date and time of application. Preferences are given to existing residents for unit transfers before taking an applicant from the waiting list.

Disclosures: The application requests for you to voluntarily identify your race, national origin, and disability status. Please be assured this information will remain confidential and will not be used in making housing decisions. The information is requested only for statistical reports required from the federal government. You may decline to give this identifying information.

Accessibility: The application requests that you indicate whether you require a housing unit with accessibility features for persons with mobility impairments. If you are selected for tenancy and it becomes necessary later for you to request a transfer to a housing unit with accessibility features, HCD will pay for your move to the accessible unit that is required as an accommodation for your disability. Preference is given when applicants request an accessible unit. HCD will document the disability through confirmation of the existence of the disability only and not by the nature or extent of the disability. Verification of the disability can be provided by form or letter from a physician, psychologist, clinical social worker, or other similar professional. Verification of disability can also be provided by documenting receipt of Social Security Disability payments (i.e., award letter indicating that disability payments are provided). HCD will verify that the applicant needs the features of the unit as an accommodation for the applicant's disability. This verification establishes that the applicant is qualified to receive priority on the wait list for a unit with accessible features.

2. **Notification:** You will be contacted by phone and mail when an upcoming unit maybe coming available. Failure to respond within the specified time period will result in you being removed from the waitlist. You will have seven (7) days to respond or your name will be removed from the waiting list. If you contact the office within the 7-day period, the leasing specialist will set up an appointment with you to perform a more in-depth interview and screening process.

3. **Screening:** The screening and verification process can take several weeks or longer to complete. In-depth screening includes an evaluation of an applicant's criminal background, credit history, and rental history



along with documenting all sources of income and assets by a third party investigative service in accordance with HUD's HOME and CDBG rules, regulations, and applicable laws. Your application will be submitted to a third party investigative service to perform the criminal background check, credit check, unlawful detainer search, income verification, and rental reference verifications. The information that HCD receives back from that third party will be used to determine your eligibility for our housing programs in accordance with our occupancy criteria listed in this document as well as the HOME and CDBG rules, regulations, guidelines, and applicable laws.

4. **Approval:** No applicant is approved until all screening and verification processes are complete. If you accept an available unit, you will be required to pay a security deposit of \$300.00 and the required rental cost of the unit prior to moving. The following is an approximate rent schedule for our rental units:

Studios	\$280.00 to \$410.00 per month
1 Bedroom	\$390.00 to \$475.00 per month
2 Bedroom	\$415.00 to \$550.00 per month
3 Bedroom	\$605.00 to \$650.00 per month

Rent amounts shown are subject to change and as such are not legally binding. These amounts are a representation of current rents that you would be expected to pay to give you an approximate idea of the financial obligation you will likely incur if you want to rent through HCD. Rents may be adjusted for HOME units to reflect changes in HUD-approved rents for available units. The property manager will provide an accurate price for the unit you are requesting to rent when you come to your appointment.

GENERAL REQUIREMENTS

1. Positive identification will be required for all household members. Government-issued photo identification is required for adults. Social security cards or the equivalent are required for minors.

2. **Restriction on Assistance to Non-citizens:** By law, only U.S. citizens and eligible non-citizens may benefit from federal rental assistance. Section 121 of the Immigration Reform and Control Act of 1986 (IRCA), as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), requires verification of citizenship and immigration status of applicants applying for many federal, state, and local public benefits. Each applicant for benefits must declare in writing whether or not they are a citizen or national of the United States, and if not, that they are in a satisfactory immigration status. All family members, regardless of age, must declare their citizenship or immigration status. Applicants who hold a non-citizen student visa are ineligible for assistance, as are any non-citizen family members living with the student.

- a. Each applicant must declare, under penalty of perjury, the applicant's citizenship or immigration status is classified as being in one of the following categories:
 1. A natural born US citizen.
 2. A lawful permanent resident alien of the US.
 3. A refugee admitted to the US under Section 207 of INA.
 4. One seeking asylum under Section 208 of the INA.
 5. An Alien whose deportation has been withdrawn under section 243(h) of the INA effective prior to April 1, 1997, or whose removal has been withheld under Section 241(b)(3).



6. An Alien paroled in the US under Section 212(d)(5) of the INA for a period of at least 1 year.
7. A Conditional Entrant pursuant to Section 203(a)(7) of the INA in effect prior to April 1, 1980.
8. An American Indian born in Canada to whom the provisions of Section 289 of the INA apply.
9. A Cuban/Haitian Entrant as defined in Section 501(e) of the Refugee Education Assistance Act of 1980.
10. An Amerasian Immigrant pursuant to Section 584 of the Foreign Operations, Exporting, Financing, and Related Programs Appropriations Act of 1988.
11. Another category not listed.

b. Compliance with these rules ensures that only eligible families receive subsidies. These requirements apply to families making application to the property, families on the waiting list, and tenants. All family members, regardless of age, must declare their citizenship or immigration status. Applicants who hold a non-citizen student visa are ineligible for assistance, as are any non-citizen family members living with the student.

3. Applicants must submit a complete and accurate application listing a current rental reference and at least one previous rental reference within the last 5 years. This reference cannot be a family member unless the applicant has lived only with family. At least one address must be a physical address, not a Post Office Box.

4. Each adult applicant will be required to qualify individually in meeting the occupancy and selection criteria.

5. Primary applicants must be eighteen years of age or older (minors cannot enter into legally binding contracts).

6. Two or more negative rentals will result in denial of occupancy when less than \$1,000.00 is owed for rent and damages. Negative rentals are: any unlawful detainer action, when a landlord would not re-rent, documented noise disturbances, alcohol disturbances, or threats to the health and safety of other occupants, material non-compliance with terms and/or provisions of rental agreement like unauthorized guests and pets and/or delinquent rents, civil judgments and / or collection actions if less than \$1,000.00. Any one negative rental that exceeds \$1,000.00 in rents, damages, and costs owing a previous landlord will result in the denial of all applications for the household.

7. If you were evicted for material non-compliance with any provisions of the rental agreement and/or financial obligations for rent, damages, or other costs, you are ineligible to rent again from Boise City | HCD. You will be considered for occupancy if you pay the financial obligation balance due if you meet all other occupancy requirements.

8. If you committed a criminal act on any HCD managed or operated housing, you are ineligible to rent again from HCD.

9. Applications with incomplete, inaccurate, or falsified information will be denied.

10. City Employees of the Planning and Development Services Department and the Housing and Community Development Division are not eligible for City-owned housing as it is a conflict of interest in violation of CFR §92.356 (HOME) and CFR §570.611 (CDBG). Former employees of the Department and Division are not eligible for City-owned housing for a one (1) year period after leaving employment.



INCOME REQUIREMENTS

You must have verifiable income and/or assets. The property manager must be able to document that you are able to pay the basic rents for the units and that you meet the income requirements for the HOME and CDBG programs as published by HUD. Verifiable income may include, but is not limited to: employment income, bank accounts, alimony/child support, trust accounts, social security benefits, social security disability benefits, welfare payments, cash grants, student grants and scholarships, trusts, and pensions. If the income sources listed above cannot be verified, you will be required to submit a certified copy of the most recent year's tax return.

Self-employed applicants and applicants working for a family member will be required to show proof of income through certified copies of the most recent year's tax return, including 1099 or 1040-ES forms.

You must have income or a valid housing voucher/certificate. You will be denied if your source of income cannot be verified. If you have no verifiable income, you must have a valid housing voucher to cover your rent. HCD does not have a unit-based subsidy program, and you do not pay based on your income. The only exception to this rule is for those applicants who are otherwise qualified and are transitioning from Idaho Department of Corrections where IDOC will pay the deposit and rents with transitional funding.

Households will meet the 60% AMI or less guideline for the HOME program, and CDBG program units will meet the 80% AMI or less guideline, as well as other program requirements.

CRIMINAL HISTORY REQUIREMENTS

If you have any of the following convictions and/or numbers of convictions (as defined by Idaho law or any other court of competent jurisdiction) in the last five (5) years, then your application will be denied for not meeting the criminal history criteria for residency. Any conviction for attempting, aiding, or abetting a crime will be treated as a conviction of the underlying offense. As a general rule, excluding minor traffic violations, extensive criminal histories will be denied.

1. Three (3) or more marijuana possession or paraphernalia possession convictions.
2. Any felony conviction involving the use, possession, manufacturing, delivery, trafficking, sale or distribution of a controlled substance.
3. Three (3) or more Assault, Battery, Fighting or Malicious Injury to Property convictions, regardless of level of aggravation.
4. Domestic Violence, Domestic Battery, Domestic Assault, Stalking or violation of a Protection Order or No Contact Order.
5. Arson or attempt to commit arson, explosives, bombs, and/or bomb threats.
6. First or second degree murder and/or voluntary or involuntary manslaughter.
7. Three (3) or more Felony Fraud, Forgery or Grand Theft convictions.
8. Hate crimes or Malicious Harassment.
9. Mayhem.



10. Vandalism / Terrorist Control Act or other similar state or federal acts, as amended.
11. Any sex crime including but not limited to crimes involving children (e.g., Abduction, Child enticement, Lewd & Lascivious Conduct, Sex Abuse of a Child, Sexual Exploitation, Sexual Battery, Child Rape, and Kidnapping).
12. Three (3) or more Disturbing the Peace or noise ordinance violations.
13. Ten (10) or more misdemeanor or felony convictions, with the exception of traffic and driving offenses.

NOTICE OF NON-DISCRIMINATION AND FAIR CREDIT REPORTING

The City of Boise prohibits discrimination in housing on the basis of race, color, sex, sexual orientation, gender identity/expression, national origin, religion, familial status, disability and age. Furthermore, any prospective tenant seeking occupancy who believes that he/she has been discriminated against because of race, color, national origin, religion, sex, marital or familial status, disability or age may file a complaint in person with or by mail to the office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development (HUD), Washington, D.C., 20410, or to any HUD office, or to the Secretary of HUD.

The Fair Credit Reporting Act gives you the right to dispute the accuracy of any information provided to HCD by the Credit Bureau. Our credit and criminal information is obtained from a third-party investigative service. If your application has been denied because of information found on your credit report or criminal history background check, you may obtain a free copy of your credit report within 90 days by request in writing. For information regarding criminal records, you must contact the county from which the information was obtained.

504 GRIEVANCES AND APPEALS

The following is an overview of the City of Boise grievance procedure which is established to meet the requirements of Title II of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act. This procedure may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, programs, activities, and benefits.

The Grievance Complaint

Complaints should be submitted in writing, preferably on the City's ADA/Section 504 Grievance Form. Alternative means of filing a complaint, such as a personal interview or tape recording, will be made available for persons with disabilities. The grievance must contain the following:

1. Complainant's name, address, and phone number.
2. Name, address, and telephone number of the person who experienced discrimination, if different from the person filing the complaint.
3. The City facility or activity in which the violation is alleged to have occurred.
4. A complete description of the incident prompting the complaint, including:
 - a. Time and date of the incident.
 - b. Location of the incident.
 - c. Names and telephone numbers of witnesses.
 - d. The desired remedy or solution.



When must a grievance be filed?

Under Section 504, a grievance should be filed by the grievant or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation.

Notification and Opportunity to Respond.

Within fifteen (15) days of receipt, the ADA Coordinator or designee will attempt to meet with the grievant to discuss the complaint and the possible resolutions. Within fifteen (15) days of the meeting, the ADA Coordinator or designee will respond in writing or, where appropriate, in a format accessible to the grievant. The response will explain the position of the City of Boise and a proposed resolution.

If the grievant does not agree with the resolution proposed, the grievant or his/her designee may appeal the decision to the City of Boise’s Director of Human Resources within fifteen (15) days after receipt of the response. The appeal should include a statement about why the grievant disagrees with the resolution. Within fifteen (15) days after receipt of the appeal, the Director of Human Resources or designee will schedule a meeting with the grievant or designee to gather additional information before issuing the final decision. The Director of Human Resources or designee will issue the final decision within fifteen (15) days of the last scheduled meeting. The decision will be in a format accessible to the grievant.

Retention of Written Complaints.

All written complaints received by the ADA Coordinator or designee, appeals to the Director of Human Resources or designee, and all responses from these two offices will be retained by the City of Boise for three (3) years.

Alternatives

The grievant is not precluded from filing formal complaints with state or federal agencies at any time during or after the grievance process.

- Idaho Commission on Human Rights (Boise)** (208) 334-2873
- Intermountain Fair Housing Council (Boise)** (208) 383-0695 or (800) 717-0695
- Housing and Urban Development (Seattle)** (206) 220-5170 or (800) 877-0246
TTY (206) 220-5185



REASONABLE ACCOMMODATION

The Fair Housing Amendments Act of 1988, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act protect the rights of people with disabilities in their housing choices. If you have a disability and need a reasonable accommodation to use the HCD housing programs or services, please submit your request in writing to the Property Manager. Forms are available from the HCD management offices for you to use but are not required to make a request.

What is a reasonable accommodation?

- A change in the rules or policies that would make it easier for you to use our programs.
- A change in the housing unit owned or managed by HCD that would make it easier for you to make use of the living space or the facility's common space.
- A change in the way we communicate with you or give you information.

Requirements of your request.

Requests for must be "reasonable," which means the request would not constitute an undue financial and administrative burden nor require a fundamental alteration in the nature of the program. Requests for accommodations that violate the rights, health, or safety of other program participants, or that violate federal, state, or local cannot be granted. HCD may need to verify the need for your reasonable accommodation based on the information you submit concerning your disability.

Requests for accessible units.

If HCD has the type of accessible unit you require, we will try to place you in that unit or a similar unit with the features you need. If an accessible unit is not immediately available, you will be placed on a waiting list for the next available accessible unit that will be filled by date and time of application or reasonable accommodation request. HCD gives first-priority to current tenants who require a reasonable accommodation transfer prior to placing someone from the waiting list. Within priority groups, offers shall be made based on the date of the request for an accessible unit.

Tenants may lease accessible units if they do not need the features and if there are no applicants or current tenants waiting for an accessible unit. However, tenants who do not require the unit's accessibility features shall not be allowed to remain in such units if there are tenants or applicants on the waiting list who need an accessible unit. If HCD receives a request or application from a qualified tenant or applicant requiring the accessibility features of a unit, HCD will move the tenant leasing the accessible unit who does not require accessible features to the next available unit. HCD will provide the current resident with a 30-day notice of the move and will pay all costs of the transfer.

HCD reserves the right to require current tenants to relocate to other units as needed. If this occurs, the tenant may have rights to assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

City of Boise

Attn: Housing & Community Development Division

PO Box 500

Boise, Idaho 83701-0500

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