

ASTORIA

Background Check Policy

Effective July 1, 2022

The Astoria Condominium Owners Association (“Association”) seeks to enhance the safety and security of all Unit Owners¹, residents, guests and invitees of the Astoria. The Association will conduct criminal background checks on all proposed owners, residents, tenants, and long stay guests who seek to buy a unit, lease a unit, or live at the Astoria. The Association will carry out this requirement in a fair, consistent, and non-discriminatory manner, in compliance with applicable state and federal laws and guidelines and use an independent company to conduct the background check.

The Board of the Association (“Board”) shall determine, in its sole and absolute discretion, whether an applicant meets the criteria set forth below. The Board may temporarily suspend the application of any background check requirement for particular individuals as the Board may determine in its sole and absolute discretion.

The following individuals shall be required to undergo a background check administered by the Association at such individual’s expense:

- a) **Proposed Unit Owner:** Individuals who apply to purchase a unit or an interest in a unit at the Astoria and all owners or co-owners, beneficiaries of, or anyone holding other beneficial interest in, an entity which applies to purchase a unit, or an interest in a unit at the Astoria.

The following individuals are required to undergo a background check administered by the Association at such individual’s expense:

- b) **Proposed Resident:** Individuals who are not Unit Owners or proposed Unit Owners and who seek to reside with a Unit Owner in such Unit Owner’s unit and are 18 years of age or older.
- c) **Proposed Tenant:** Individuals who seek to reside in a unit leased from a Unit Owner. The following persons are exempt from this definition: The children and immediate relatives (by blood or adoption) of a tenant or proposed tenant who are 17 years of age or younger.
- d) **Long Stay Guests:** Individuals who reside with a Unit Owner or tenant in the Astoria for a period of 15 consecutive days in a calendar month or an aggregate period of 30 or more days in a calendar year. The following persons are exempt from this definition: Relatives of a Unit Owner or tenant by blood or adoption who are under the age of 18 and long stay guests with serious medical issues which require frequent hospitalization and who receive continuous health care support from a Unit Owner or tenant in the Astoria or individuals who provide continuous health care support for an Astoria resident with serious medical issues.

¹ A “Unit Owner”, as used in this Background Check Policy, shall include individuals and the owners or co-owners, beneficiaries of, or anyone holding other beneficial interest in, an entity which holds title to all or an interest in a unit in the Astoria including without limitation, a corporation, partnership, limited partnership, trust, limited liability company or other entity. This definition excludes mortgage lien holders.

Each background check shall include: (a) verification of the individual's identity and legal aliases, (b) a national search of sex offender registries, and (c) a national search of criminal records. Background check findings shall be reviewed in a fair, impartial and confidential manner by the General Manager of the Association and an officer of the Association as needed.

Criteria for the Denial of an Application

A resident, tenant or guest's request to lease or reside in the Astoria will be denied (and such individual will not be permitted to, lease or reside in the Astoria) and any individual in residence at the Astoria who is required under this policy to undergo a background check will be required to vacate the Astoria immediately if the results of his/her criminal background check contain information that:

- (a) The applicant has been convicted or placed on deferred adjudication for an offense that would require the individual to register as a sex offender;
- (b) The applicant has been convicted of a felony involving domestic violence, physical assault or battery, cruelty to animals, theft, possession of stolen goods, bodily injury or threats of bodily injury, weapons, or destruction of property during the prior seven-year period;
- (c) The applicant has been convicted of drug related felony offenses in the prior seven-year period.
- (d) The applicant is a fugitive from justice;
- (e) The applicant has a current restraining order for domestic violence issued against him/her;
- (f) The applicant is currently under indictment for a disqualifying offense listed above;
- (g) The applicant is charged with a disqualifying offense listed above and the case is still pending. The application may be reconsidered if the applicant is exonerated of all charges; and
- (h) The applicant for a lease has been a defendant, at any time during the last ten years, in any eviction or forcible entry and detainer action where a judgment was entered by the court awarding possession to the landlord.

Any individual with a criminal background that fails the criteria above shall refrain from purchasing a Unit at the Astoria.

All time restrictions for felony convictions are calculated from the last to occur date of release from the prison system following incarceration or the conclusion of the applicant's supervised release or probation.

All time restrictions for eviction or forcible entry and detainer actions are calculated from the date judgment is rendered against the applicant in favor of the landlord filing such action.

The application of any individual, whom the Association determines falls within the definition of individuals who are required to undergo a background check, who refuses to undergo a criminal background check, who refuses to disclose prior evictions and/or forcible entry and detainer actions, or who fails to disclose any felony conviction[s] prior to the submission of the individual's background information for the criminal record check will automatically be denied and, if in residence at the Astoria at such time, will be required to vacate the Astoria immediately.