

ATTACHMENTS CHECKLIST			
Required	Check if included	Review full instructions thoroughly with staff prior to submission.	
always	✓	<b>A1. PHOTOS</b>	site conditions & surroundings (2-3 photos may be enough for pre-proposal)
	✓	<b>A2. MAP</b>	of site in relation to nearest major roads, schools, shopping, transit, etc.
	✓	<b>A3. TIMELINE</b>	including financing, permitting, construction & occupancy
<b>B. SITE CONTROL &amp; PROJECT FINANCES</b>			
always	✓	<del>Legally binding option, purchase &amp; sale agreement or deed</del>	<b>Status of requested HUD approval for disposition of project site.</b>
	✓		<b>Developer commitment to pursue permanent affordability</b>
		<del>Appraisal by an independent, certified real estate appraiser</del>	
	✓		<b>Development pro forma</b>
	✓		<b>Scope of construction work</b> , supported by professional cost estimates
	✓		<b>Non-Newton funding</b> : sources, commitment letters or application/decision schedules
	✓		<b>Market analysis: including prevailing/trending rents or prices &amp; target population</b>
as needed		<del>Home inspection report by a licensed professional, for rehabilitation projects</del>	
rental only	✓		<b>10-year operating budget</b> (pre-proposals need only a short draft)
			<b>Rental subsidy, if any</b> : sources, commitment letters or application/decision schedules
<b>C. DESIGN &amp; CONSTRUCTION</b>			
required	✓		<b>Materials &amp; finishes</b> ; highlight "green" or sustainable features or proposed certification
	✓		<b>Detailed site &amp; floor plans</b> , elevations for major rehabilitation and all new construction
<b>D. RELOCATION, FAIR HOUSING &amp; ACCESSIBILITY</b>			
always	✓		<b>Affirmative marketing &amp; resident selection plan</b>
	✓		<b>Reasonable accommodation/reasonable modification policy</b>
	✓		<b>Architectural access worksheet</b> (see below)
<b>E. SITE REVIEW, ZONING &amp; PERMITTING</b>			
always	✓		<b>Brief property history</b> , covering at least the previous 30 years of ownership & use
as needed	✓		<b>Environmental mitigation plan</b> , including lead paint, asbestos, underground tanks
	✓		Confirmation of review by <b>Development Review Team (DRT)</b> and <b>zoning relief / permits required</b> (such as parking, building, demolition, comprehensive or special permit)
			<b>Any other approvals required</b> : Newton Conservation Commission, Commission on Disability, Mass. Architectural Access Board, etc.
<b>F. DEVELOPER CAPACITY &amp; QUALIFICATIONS</b>			
always	✓		<b>Organization mission &amp; current housing portfolio</b> , including how this project fits both
	✓		<b>Previous similar projects completed</b> , with photographs
	✓		<b>Resumes for development team</b> , including affiliations with City boards or commissions
	✓		<b>Most recent audited annual financial statement of parent company or organization</b>
	✓		<b>Fair housing: training completed, past complaints &amp; their resolution</b>
nonprofits	✓		<b>Most recent annual organizational operating budget</b>
	✓		<b>Organization board of directors</b> : including skills, experience, tenure & affiliations with City boards or commissions
always		<b>G. LETTERS or PETITIONS of SUPPORT</b> , if available	

***Residential Market Study***

Haywood House Apartments

Jackson Road

Newton, Massachusetts

**Prepared for:**

Newton Housing Authority

**Date of Report:**

June 16, 2017

**BONZ AND COMPANY, INC.**

| *Real Estate Advisors*

BONZ AND COMPANY, INC.

| *Real Estate Advisors*

June 16, 2017

Ms. Amy Zarechian  
Executive Director  
Newton Housing Authority  
82 Lincoln St.  
Newton Highlands, MA 02461.

RE: Haywood House  
Jackson Road  
Newton, MA

Dear Ms. Zarechian:

In accordance with your request, we respectfully submit our market study of the above referenced property. Haywood House will be a newly constructed development with 42 units of mixed-income senior housing, with 32 units that will be tax credit eligible and restricted to households that earn no more than 60% of the area median household income (AMI), with 4 units further restricted to households earning less than 30% of AMI. The balance (10 units) will be restricted to seniors with incomes less than 99% of AMI. All of the units will be one-bedroom units and will be restricted to seniors aged 55 and over. The developer, Newton Housing Authority, anticipates that the four 30% units and four of the 60% units will receive project based rent assistance. We have assumed that rent assistance will not be available for the balance of the units, and these tenants must, therefore, meet minimum income requirements as well as the maximum income limits associated with the units.

The purpose of the market study section of the report is to estimate the likely demand for the age restricted low and moderate income housing units in the subject's market area. The study includes a complete economic and demographic analysis of the local, regional and metropolitan area, as well as a neighborhood, site and property analysis and an evaluation of the competitive rental complexes in the area. The market study section concludes with a quantified analysis of the likely demand for the tax credit at the subject property.

The subject site is comprised of a portion of a larger 2.77 acre parcel of land that is currently improved with the Jackson Gardens apartments, a 64-unit senior affordable housing development owned by the Newton Housing Authority. The subject consists of a 20,050 square foot rectangular shaped parcel that is located to the rear of the complex, separated from Jackson Road by the Jackson Brook Reservation and just south of Pearl Street.

We believe that the property should be able to attract tenants from much of Middlesex County. However, it is our experience that senior households tend to move infrequently and when they do they tend to prefer locations that are familiar and close to family. Therefore we concentrated our analysis of demand projections and demographic trends associated with a focused primary market area within a 10 minute drive of the subject site, which includes the most of Newton as well as parts of the immediate surrounding communities of Waltham and Watertown.

Our study indicates demand as evidenced by the subject's rent advantage and as evidenced by the number of age and income-qualified households likely to be attracted to the subject property. Senior households will need to possess household incomes below \$50,000 in order to be income-qualified for the 32 tax credit units and between \$62,000 and \$82,000 to be qualified for the 99% units. We estimate that the primary market contains more than 9,792 households who are age and income-qualified for the subject units. Of these qualified households, approximately 4,528 are renter households.

In addition to local senior renter households, the property will likely attract a number of senior owner-occupied households. According to the leasing agents at both the local market rate developments and the local area age-restricted market rate developments, a number of senior tenants are previous homeowners who have transitioned to renting for a variety of reasons (empty-nesters downsizing from a single-family home, aging seniors who are no longer willing or able to keep up with the maintenance of owning a home). As outlined later in this report, based on our review and considering the lack of available affordable rental housing in the local market area, for our demand analysis we have estimated that approximately 20% of the local income-qualified senior home-owners may be attracted to the units at the subject property. By applying this ratio to the total number of income-eligible owner households in the primary market we have estimated that there are 1,053 income qualified senior home-owner households in the primary market area that may be attracted to the units at the subject property.

In aggregate, we estimate that the primary market contains approximately 5,581 income-qualified senior households and indicates a capture rate of 0.8%. The market analysis and capture rate review provide an indication of the likely demand the subject's units. Investors typically consider any capture rate less than 10% to indicate a competitive market. The subject's capture rate points to the strong local demand for affordable housing.

The Town of Newton and the surrounding market area has a very limited supply of available market rate or affordable rental housing. The subject development will represent some of the best rental housing available in the area, with units offered at rents substantially below market. The proposed rents are generally less than comparable rents at the properties reviewed. One-bedroom rents in the market range from \$2,182 to \$2,700 per month.

Local market data indicate that the tax credit rent levels will be competitive in the local rental market. Based on our analysis of the market, it is our opinion that the proposed 60% rent for the subject's one-bedroom units is approximately 108% less than its market



potential, which we estimate at \$2,300. Thus, the tax credit rent provides a significant advantage for local households. The proposed 99% rents are 28% below their market rate potential. All of the 30% units and four of the 60% units at the subject property will be occupied by voucher holders. Tenants will pay no more than 30% of their income toward their rent and do not factor in the face value of the unit rents into their demand analysis. The market data indicate no market advantage for future residents at the subject property to acquire cheaper competitive housing at facilities that will be in similar condition as the subject. The subject's unit rents represent a clear market advantage available to households compared to leasing units in local competitive properties.

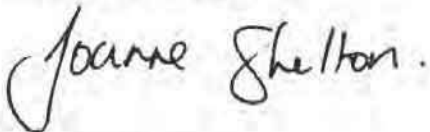
The Massachusetts Department of Housing and Community Development, which is one of the governmental entities that will review this report, issued reporting standards for market studies as detailed in the Massachusetts LIHTC 2017 Qualified Allocation Plan. The Qualified Action Plan requires that market studies incorporate Model Content Standards for Market Studies for Rental Housing as promulgated by the National Council of Housing Market Analysts. We have considered the content and standards in this document as a model for market studies for rental housing and have considered all of the standards detailed in this document. Given the status of this project, we have used all the pertinent information that is appropriate for this analysis, which is to analyze the viability of affordable housing in the subject's market given the information, plans and/or approvals in place at the time this market study was commissioned.

This transmittal letter is considered a part of **the report, the body of which contains 95 pages**. This report, including all analyses contained within, is based on estimates, assumptions and other information developed from our research of the market, knowledge of the industry and meetings during which the property contact provided us with certain information. The sources of information developed and bases of estimates and assumptions are stated in the body of this report. We have no responsibility to update this report for events and circumstances occurring after the date of our report.

Full market  
analysis posted  
separately on  
Newton CPC  
website.

We have enjoyed the opportunity to conduct this assignment. If you should have any questions regarding this appraisal report, please do not hesitate to contact us.

Respectfully submitted,  
**Bonz and Company, Inc.**



Joanne F. Shelton  
Director  
MA Certified General  
Real Estate Appraiser, Lic. #75113

# **Haywood House**

## ***AFFIRMATIVE FAIR HOUSING MARKETING PLAN***

**Preliminary Draft  
June 2017**



**AFFIRMATIVE FAIR HOUSING MARKETING PLAN (AFHMP)  
AFFORDABLE RENTAL UNITS**

**I. PROJECT INFORMATION**

A. Project Name: Haywood House  
Address: 100 John F Kennedy Circle  
Newton, MA 02458

**Type - Description:** Elderly Housing- Rental

B. Developer Name: Newton Housing Authority  
Address: 82 Lincoln Street  
Newton Highlands, MA 02461  
Telephone: 617-552-5501  
Fax: 617-964-8387

C. Owner Name: Newton Housing Authority  
Address: 82 Lincoln Street  
Newton Highlands, MA 02461  
Telephone: 617-552-5501  
Fax: 617-964-8387

D. Sponsor and Master Tenant Name:  
Address: same as Developer

E. Agent/Officer authorized and responsible for carrying out the AFHMP  
Name: TBD  
Address:  
Tel:  
Fax:



F. Number of Units and Projected Rent or Sales Price

Total # Units      42                      Total # Affordable      42

Project includes 42 one-bedroom units.

G. Construction Type:      New

Federal, State and Local Funding Sources:

- LIHTC Equity
- Newton CPA Funds
- DHCD HSF
- DHCD AHTF Funds

J. Unit Affordability and Household Income Guidelines

**Maximum Income Limit by Median Income as of 6/1/2017**

Household Size	30% of Median	50% of Median	60% of Median
1	\$21,720	\$36,200	\$43,440
2	\$24,840	\$41,400	\$49,680
3	\$27,930	\$46,550	\$55,860
4	\$31,020	\$51,700	\$62,040
5	\$35,510	\$55,850	\$67,020
6	\$36,000	\$60,000	\$72,000

PREFERENCE CATEGORIES

In the tenant selection process, will there be preference categories?

Handicapped Household	Preference	4	Required	4
Newton Resident	Preference	29	Required	29
Veteran	Preference		Required	0
Homeless	Preference	4	Required	0

Preference for residents of Newton will be provided to 70% of the units offered.





## II. MARKETING PLAN FOR A MINIMUM OF 60 DAYS

### A. Media Resources (See list of recommended sources in the Resource Guide)

List the media to be used to advertise the availability of the units:

<b>Name of Newspaper, Radio or TV Station</b>	<b>Racial/Ethnic Market</b>
1. Newton TAB	Mixed
2. Bay State Banner	African American
3. El Mundo	Hispanic/Latino
4. Sampan	Chinese & other Asian

### B. Organizations and Agencies

Please list the organizations and agencies you will notify about the housing:

<b>Community Agency / Organization</b>	<b>Racial/Ethnic Constituency</b>
All PHAs within a 40 mile radius	All populations currently on waiting lists and seeking housing.
CHAPA 181 Tremont Street Boston, MA 02108	All populations
Mass Access 18 Tremont Street, Suite 401 Boston, MA 02108	General / Disabled
City of Newton Elder Partnership	Elders
City of Newton Senior Center 345 Walnut Street Newtonville, MA 02460	Elders
Springwell, Inc. 307 Waverley Oaks Road, Suite 205 Waltham, MA 02452	Elders
Newton Housing Authority 82 Lincoln Street Newton Highlands, MA 02461	Homeless Individuals Minority Population



## **Project Description**

The proposed site of the Haywood House Senior Housing Development is approximately 25,200 square feet of undeveloped, wooded property owned by the Newton Housing Authority (NHA), next to its existing Jackson Gardens Federal Public Housing development. The proposed development will consist of forty-two one-bedroom units of new construction rental housing.

Units average 670 sq.ft and affordable for incomes ranging from 30% of median income to 99%. Four units will be handicapped accessible, one of which will also be for hearing or sight impaired and all units will be adaptable.

Common areas will include a community room, library, fitness center, laundry and studio, and programs available to tenants include educational and recreational programming, fitness classes, and group activities.

Thirty-two units will be designated for low-income seniors and persons with disabilities with income at or below 60% of AMI. The NHA anticipates that at least eight of these units will be occupied by residents at 30% of AMI or below. In addition, ten units will be occupied by households with incomes between 80% and 99% of AMI. The project will also include parking and new community spaces to be utilized by residents of the development and others in the community. The development will be funded primarily by leveraging low income housing tax credits. The NHA recognizes the need for affordable housing in Newton and currently has extensive waiting lists for all of its housing programs. As described in the City of Newton's Consolidated Plan, the number of older adults is expected to increase dramatically over the next twenty years and, with it, the demand for affordable and accessible multifamily rental housing in the City of Newton.

The proposed development will meet the needs of this growing population by providing thirty-two units of affordable housing within the NHA's current extensive housing portfolio. In addition, the NHA has identified a need for affordable housing for moderate-income households as described in City of Newton's Consolidated Plan, which states that over half of Newton households with income between 80% and 100% of AMI are cost burdened. This need is also described in the City of Newton's Housing Strategy, which recognizes rental units as the best opportunity to address the growing lack of affordable housing options in the City for low and moderate income households.



## OUTREACH

The Newton Housing Authority will publicize the availability of units within in a newspaper of general circulation, minority media, and by other suitable means. The NHA will also outreach directly to homeless service providers, public housing authorities, Section 8 voucher holders and civic/religious organizations seeking housing opportunities in the Newton and Greater Boston area.

Action For Boston Community Development Inc. Boston, MA  
Asian Community Development Corporation Boston, MA  
Boston Center for Independent Living, Boston, MA  
Cambridge Community Center Inc. Cambridge, MA  
Casa Nueva Vidan, Jamaica Plain, MA  
Central Boston Elder Services, Roxbury, MA  
Ethiopian Community Mutual Assistance Association, Cambridge, MA  
Good Samaritan Medical Center, Brockton, MA  
Jewish Community Housing for the Elderly, Boston, MA  
La Alianza Hispana Inc. Roxbury, MA  
Local Newton Churches and Synagogues, Newton, MA  
Little Brothers – Friends of the Elderly, Jamaica Plain, MA  
Martin Luther King Jr. Business Empowerment Center, Worcester, MA  
Metropolitan Boston Housing Partnership, Boston, MA  
Neighborhood Development Corporation of Jamaica Plain, Jamaica Plain, MA  
Urban Edge Housing Corporation Inc. Roxbury, MA  
Vietnamese American Initiative For Development Dorchester, MA

To reach people who cannot or do not read newspapers, The Newton Housing Authority will distribute fact sheets to the broadcasting media and initiate personal contacts with members of the news media and community service personnel.

The Newton Housing Authority will communicate the status of housing availability to other service providers in the community and inform them of housing eligibility factors and guidelines so they can make proper referrals for the Haywood House.

Informational meetings will be conducted at least twice with one meeting that will be held at night to accommodate people who cannot attend a meeting during business hours.



## **RIGHT TO PRIVACY**

All applicants are required to sign HUD Form 9887 & 9887A, Authorization for Release of Information and Privacy Act Notice. The Authorization for Release of Information and Privacy Act Notice states how family information will be released and includes the Federal Privacy Act Statement.

Any request for applicant or tenant information will not be released unless there is a signed release of information request from the applicant or tenant.

## **REQUIRED POSTINGS**

In each of its offices, the Newton Housing Authority will post, in a conspicuous place and at a height easily read by all persons including persons with mobility disabilities, the following information:

- A. Statement of Policies and Procedures governing Admission and Continued Occupancy
- B. Notice of the status of the waiting list (opened or closed)
- C. A listing of all the developments by name, address, number of units, units designed with special accommodations, address of all project offices, office hours, telephone numbers, and TDD numbers
- D. Income Limits for Admission
- E. Utility Allowance Schedule
- F. Current Schedule of Routine Maintenance Charges
- G. Dwelling Lease
- H. Grievance Procedure
- I. Fair Housing Poster
- J. Equal Opportunity in Employment Poster
- K. The Newton Policy for Limited English Proficiency
- L. Any current Newton Housing Authority Notice

Newton Housing Authority's policy is to not discriminate on the basis of race, color, creed, religion, national or ethnic origin, citizenship, ancestry, class, sex, sexual orientation, genetic information, familial status, disability, military/veteran status, source of income, age or other basis prohibited by local, state or federal law in any aspect of tenant selection or matters related to continued occupancy. The Newton Housing Authority will work with applicants so that all tenant selection materials (applications, notices, leases, etc.) are accessible to households who are limited in their English



proficiency and assistance will be provided to disabled applicants in need of help completing an application.





# TENANT SELECTION PLAN

DEVELOPMENT NAME: Haywood House

MassHousing #: \_\_\_\_\_

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**DEVELOPMENT NAME:**  
**Haywood House**

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MassHousing # \_\_\_\_\_  
**TENANT SELECTION PLAN**

*for developments financed by MassHousing and subsidized under the Section 8, Section 236, Rental Assistance (RAP), Rent Supplement, Section 13A and/or MRVP programs*

**INTRODUCTION**

This Tenant Selection Plan (the "Plan") for Haywood House (the "Development"), a 42 unit elderly housing development located at 100 John F. Kennedy Circle, Newton, MA, has been prepared by the owner, Newton Housing Authority. Management agent to be determined.

The Development is currently the recipient of rental housing subsidy under one or more subsidy program, and is subject to applicable laws, regulations and guidelines, as follows:  
**[check one or more as applicable]**

**Federal Assistance Programs:**

- Section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f), as amended
- Section 202 of the Housing Act of 1959 (\_\_\_ U.S.C. \_\_\_), as amended
- Section 236 of the National Housing Act (12 U.S.C. 1715z-1)
- Rental Assistance Payments Program, authorized under Section 236 of the National Housing Act (12 U.S.C. 1715z-1)
- Rent Supplement Program, authorized under Section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701(s))

NOTE: For purposes of the Plan, a development participating in any of the above Programs are included within the definition of "Federally Assisted Housing" found in 24 CFR 5.100, and are subject under the Plan for requirements applicable to Federally Assisted Housing units.

**State Assistance Programs:**

- Section 13A of Chapter 708 of the Acts of 1966, as amended (M.G.L. c. 23A, App., the MassHousing Enabling Act)

\_\_\_\_\_ Massachusetts Rental Voucher Program, authorized under Section 21 of Chapter 133 of the Acts of 1992 and regulations at 760 CMR 49.

**Other Federal/State Housing Assistance Programs**

  X   Low Income Housing Tax Credits

(    \_\_\_  check here if tax credit attachment is included)

\_\_\_\_\_ Housing Choice Voucher Program

(    \_\_\_  check here if program specific attachment is included)

\_\_\_\_\_ HOME Investment Partnership Program

(    \_\_\_  check here if HOME attachment is included)

  X   Housing Stabilization Fund (HSF) Program

(    \_\_\_  check here if HSF attachment is included)

\_\_\_\_\_ (    \_\_\_  check here if program specific attachment is included)

The objective of the Plan is to consolidate relevant policies and procedures affecting the selection of tenants for subsidized units, pursuant to applicable federal and state laws and the Tenant Selection Regulations published by the Massachusetts Housing Finance Agency ("MassHousing"). The Plan sets out a procedure for processing and selecting applicants for subsidized units, including the establishment of preferences and priorities, occupancy standards, rejection standards, reviews and appeals of rejection decisions, and notice requirements. The Plan may not, however, include all of the policies and procedures affecting the selection of tenants. The Agent is responsible for understanding and following all relevant requirements of the subsidy program applicable to the Development, including, in the case of Federally Assisted Housing units, HUD Handbook 4350.3 REV-1 (Occupancy Requirements of Subsidized Multifamily Housing Programs). Where, however, a specific subsidy program contains rules or regulations that conflict with the provisions herein, the program's rules and regulations shall govern.

The Plan is designed to promote fairness and uniformity in the selection of tenants for subsidized units, and to promote efficiency in the application process for subsidized units. *Unless otherwise restricted by the subsidy program as set forth herein, the Plan is not applicable to the processing of applications or selection of tenants for non-subsidized (or "market") units.* One of the principal elements of the Plan is that it allows the Agent to make a preliminary determination of eligibility based on the applicant's self-certification of income and priority status. Initial acceptance of the applicant's self-certification allows the Agent to focus on other administrative duties, rather than investing significant staff time in verifying such information at initial

application and once again when the applicant is accepted from the waiting list. The election for preliminary determination of eligibility by the Agent should only be exercised if the anticipated waiting period for a unit offer exceeds ninety days. In most cases, the waiting period exceeds ninety days, warranting the effort to save staff time by making a preliminary determination of eligibility.

## **ELEMENTS OF THE TENANT SELECTION PLAN**

### **A. Right to Apply and Referrals from Public Housing Authorities**

No person may be refused the right to apply for housing unless MassHousing has been notified that the Development's waiting list is closed for a particular unit size or type, and notice of the closed waiting list, with MassHousing's phone number, TDD number, fax number and email address, has been posted in a prominent, accessible location. *For further information on the closing of a waiting list, see 'Waiting Lists', Section G pp.29-31 herein.*

In fulfilling its requirements to rent subsidized units within the Development to low income persons or families, the Agent will accept referrals of tenants from the Public Housing Authority in the city or town in which the Development is located, and will not unreasonably refuse occupancy to any prospective tenants so referred who are otherwise determined to be eligible and suitable for tenancy under this Plan.

### **B. Statement of Non-discrimination**

It is the policy of the Owner and Agent to promote equal opportunity and nondiscrimination in compliance with, but not limited to, the federal and state constitutions and legislative enactments addressing discrimination in housing. These enactments include: The Fair Housing Amendments Act of 1988, 42 U.S.C.A. §§3601-3620, as modified by the Housing for Older Americans Act of 1995, 42 U.S.C.A §3607(b)(2)(C), Section 504 of the Rehabilitation Act of 1973, 29 U.S.C.A §794 *et seq.*, The Americans with Disabilities Act of 1990, 42 U.S.C.A. §§12101-12213, Title VI of the Civil Rights Act of 1964, 42 U.S.C.A §2000d, the Age Discrimination Act of 1975, 42 U.S.C.A. §§6101-6107, Executive Order 11,063, Chapter 151B of the Massachusetts General Laws, and the Massachusetts Equal Rights Law, M.G.L. c 93, §103. In furtherance of this policy:

In carrying out the Plan, the Agent shall not discriminate on the basis of race, color, creed, religion, national or ethnic origin, citizenship, ancestry, class, sex, sexual orientation, familial status, disability, military/veteran status, source of income, age or other basis prohibited by local, state or federal law in any aspect of tenant selection or matters related to continued occupancy. The Agent shall affirmatively market to minorities and persons with disabilities as specified in its Affirmative Fair Housing Marketing Plan (AFHMP) as approved by MassHousing and/or HUD.

**All subsidized units available for rent at the Development must be listed with (i) the Massachusetts Accessible Housing Registry (MassAccess) and (ii), if the development is**



located within Boston Metropolitan Statistical Area, the Boston Fair Housing Commission's Metrolist (Metropolitan Housing Opportunity Clearing House).

**Applicants with Disabilities and Reasonable Accommodations:** The Agent shall make reasonable accommodations in policies or reasonable modifications of common areas or unit premises for all applicants with disabilities (as defined in the above listed Acts or any subsequent legislation) who require such changes to have equal access to any aspect of the application process or to the Development and its programs and services. The Agent shall, for example, arrange for sign language interpreters or other communication aides for interviews during the application process.

*Appointments for an application or for reasonable accommodations, including materials in alternate formats, may be made by contacting the Developer's office:*

**SITE**            Newton Housing Authority  
**ADDRESS**    82 Lincoln Street, Newton Highland, MA 02461  
**PHONE**        617-552-5501  
**TDD**            \_\_\_\_\_  
**FAX**            617-964-8387  
**EMAIL**        TBD

**C. Eligibility and Selection Criteria**

1. Eligibility for Tenancy. To be considered for selection, applicants must submit a completed application and relevant consent forms. To determine threshold eligibility, the application may be accepted by a self-certifying statement. Third party verification shall not be required until final screening for occupancy. The Agent must verify the information needed to determine an applicant's eligibility within 90 days prior to the Agent's approval of the tenancy.

*Note: Eligibility does not constitute acceptance and further screening is required to determine an applicant's ability to maintain a successful tenancy.*

Eligibility shall be determined on the following basis:

(a) **Project-Specific Requirements.** Units designated within the Development for occupancy by a special population, such as elderly or disabled, may only be occupied by those households meeting the criteria for such designations. The number of designated units and the terms of their designation is set forth in Attachment I (Eligibility Criteria and Occupancy Standards).

(b) **Subsidy Program Requirements.** Units within the Development receiving federal or state housing subsidies may only be occupied by those households meeting the criteria of the subsidizing program as set forth in Attachment 1 (Eligibility Requirements and Occupancy Standards). Requirements may include:

(i) **Citizenship/Immigration Status Requirements.** Household must submit evidence and meet requirements established by the subsidy program for occupancy by non-citizens. (For Federally Assisted Housing developments only, see Attachments 1A and 1B)

(ii) **Maximum Income.** Household annual income must not exceed current income limits for the program to which application is made. Annual income may be below program limits but not so low as to make payment of basic rent obligations impractical. However, a household does not need to have income to be eligible for assisted housing programs that provide assistance to meet basic rent obligations through an assistance contract (i.e. Section 8, RAP, MRVP).

iii. **Household Characteristics.** Household characteristics, such as the number, age, relationship and gender of family members, must be appropriate to the size of the unit and adaptations made therein, pursuant to the subsidy program guidelines.

(iv) **Student Status.** Section 8 Developments are restricted from providing assistance to students enrolled in institutions of higher education (either full or part time) who meet the criteria set forth in 24 CFR 5.612. (See Attachment 1C)

2. **Screening for Suitability.** In selecting tenants under the Plan, the Agent shall consider the essential requirements of tenancy and determine whether an applicant should be rejected for failing to meet such requirements. Rejection of an applicant is appropriate where the Agent has a reasonable basis to believe that the applicant cannot meet the essential requirements of tenancy, which may be summarized as:

- (a) to pay rent and other charges under the lease in a timely manner;
- (b) to care for and avoid damaging the unit and common areas, to use facilities and equipment in a reasonable way, and to not create health or safety hazards;
- (c) not to interfere with the rights and enjoyment of others and not to damage the property of others;
- (d) not to engage in any activity that threatens the health, safety or right to peaceful enjoyment of other residents or staff, not to engage in activity on or near the premises that involves illegal use of controlled substances or weapons, and not to engage in any criminal activity on or off the premises that would be detrimental to the housing should it occur on the premises; and

(e) to comply with necessary and reasonable rules and program requirements of the housing provider.

Exhibit 2 to MassHousing's Tenant Selection Regulations lists circumstances which create the presumption that an applicant is not suitable for tenancy. Exhibit 2 is Attachment 2 to the Plan, and is the criteria by which applicants shall be screened (the "Screening Criteria"). Under the circumstances identified therein, there is a reasonable risk that the applicant shall not be able to meet the essential requirements of tenancy.

The Agent shall apply the Screening Criteria uniformly to all applicants to prevent discrimination and avoid fair housing violations. The costs of screening shall not be charged to the applicant, but shall be borne by the Development as an operating expense, unless otherwise permitted by the subsidy program and approved in writing by MassHousing.

In carrying out the selection of tenants under the Plan, the Agent must consider mitigating factors that rebut the presumption that an applicant shall be unable to meet the requirements of tenancy. Mitigating factors may include a showing of rehabilitation or rehabilitating efforts and must be balanced against the potentially disqualifying behavior or circumstances. In considering both the disqualifying behavior and mitigating factors, the Agent shall determine if there is a reasonable risk that the applicant shall be unable to meet the essential requirements of tenancy. Among the factors that should be considered are:

- the severity of the potentially disqualifying conduct;
- the amount of time that has elapsed since the occurrence of such conduct;
- the degree of danger, if any, to the health, safety and security of others or to the security of the property of others or to the physical conditions of the Development and its common areas if the conduct recurred;
- the disruption, inconvenience, or financial impact that recurrence would cause the housing provider; and
- the likelihood that the applicant's behavior will be substantially improved in the future.

In general, the greater degree of danger to the health, safety and security of others or to the security of property of others or the physical condition of the housing, the greater must be the strength of showing that a recurrence of the behavior which led to an initial determination that the applicant would not be able to meet the essential requirements of tenancy will not occur in the future.

***NOTE - Developments Receiving Project-Based Section 8 Rental Subsidies:*** Pursuant to the Violence Against Women Act (42 U.S.C. 1437f and 42 U.S.C. 1437d) and regulations promulgated in accordance therewith at 24 CFR Part 5, Subpart L, admission to the development shall not be

**denied on the basis that the applicant or household member is or has been a victim of domestic violence, dating violence or stalking, as defined in the aforementioned regulations, if the applicant or household member otherwise qualifies for admission.**

3. Screening Procedures. To obtain information about an applicant's ability to meet the essential requirements of tenancy under the Screening Criteria, the Agent shall secure background information as follows:
- (a) **Record of Prior Criminal History.** In gathering such record of prior criminal history, the Agent or its agent(s) may obtain Criminal Offender Record Information (CORI) reports as part of the tenant selection process, but access and use of the CORI reports are subject to the provisions of 803 CMR 2.00 *et seq.* The Agent or its agent(s) should ensure that none of the information obtained is collected or disseminated in violation of state or federal law.
  - (b) **Sex Offender Registration Status (Required only for Federally Assisted Housing Developments, but may be gathered by non-federally assisted MassHousing developments at the option of the Owner and Agent).** The Agent or its agent(s) shall obtain information necessary to determine if the applicant or any household member is subject to registration with the Massachusetts Sex Offender Registry Board, pursuant to M.G.L. c. 6 Section 178C *et seq.*, or a lifetime registration requirement under any state sex offender registration program. (See Attachment 2A) The Agent or its agent(s) may verify the information provided by the applicant by searching the Dru Sjodin National Sex Offender Database (located at <http://www.nsopw.gov>) as recommended and in the manner set forth in HUD Notice H 2009-11.

Note: In completing background checks for (a) and (b) above for units receiving Section 8 assistance, the Agent may request the "PHA" entity to obtain such information in the manner contemplated by 24 CFR Part 5, Subpart J and HUD Handbook 4350.3 REV-1, Section 4-27.E.

- (c) **Verification of Citizenship/Immigration status (Required only for Federally Assisted Housing Developments or as otherwise necessary to comply with subsidy program requirements. See Attachments 1A and 1B).**
- (d) **Enterprise Income Verification (EIV) Existing Tenant Search (Required only for Federally Assisted Housing Developments)**

As required by HUD Notices H 09-20 and H 10-08, issued pursuant to 24 CFR 5.233, the Agent shall conduct an Existing Tenant Search in EIV, and use the information contained in the Existing Tenant Search Report, to determine if the applicant or any applicant household members are currently receiving HUD housing assistance (i.e. residing at another HUD Multifamily Housing or Public and Indian Housing (PIH) location).



The Agent's policies for obtaining and using the EIV Existing Tenant Search Report as part of this Plan are set forth in Attachment 2B (Policies for Accessing and Using EIV Existing Tenant Search Report during Tenant Selection Screening). In the development of such policies, the Agent may wish to consider the Overview and Suggested Policy Questionnaire/Outline contained in Attachment 2C.

- (e) References from landlords in the last five years or from the last two successive tenancies, whichever is more inclusive.
- (f) Credit references furnished by a credit bureau. Information to be considered should not be more than five years old.
- (g) Personal references provided by the applicant.
- (h) Visits to the applicant's current residence to assess housekeeping habits if such visits are required in connection with all applicants for housing, except that the Agent may elect not to visit an applicant's current residence if such residence is more than thirty (30) miles from the Development. For the purposes of this subsection, an applicant's current residence shall not include a medical treatment facility or rehabilitation facility.
- (i) Verification of income either from a present employer, appropriate agency, financial institution or other appropriate party.
- (j) Verification of a disability to determine whether a family or person meets the definition of disability used to determine eligibility for occupancy at the Development or for preferences, or to identify applicant needs for features of accessible units or reasonable accommodations. The Agent may not specifically ask for or verify the nature and extent of the disability. There are ways to verify disability status without obtaining detailed information or information that must not be collected.

Verification of disability may be obtained through a third-party verification form sent by the Agent to an appropriate source of information, including but not limited to the individual's physician, care worker of the elderly, social worker, psychiatrist, or the Veterans Administration. If a third-party form is used, it must be signed by the Applicant authorizing the release of such information to the Agent. The form should provide the definitions of disability used to determine eligibility and rent, and should request that the source completing the form identify whether the Applicant meets the definition. In this way the Agent is not required to make any judgments about whether a condition is considered a disability, and shall not have prohibited information. For examples and further guidance, see Appendix 15 to HUD Handbook 4350.3 REV-1.



In the case of applications for Federally Assisted Housing units, receipt of social security disability payments may be adequate verification of an individual's disability status for housing subsidy programs using the Social Security's definition for a person with disabilities (See HUD Handbook 4350.3 REV-1).

If an applicant claims past tenancy-related problems were the result of a disability and some condition has changed making such behavior unlikely to recur, the Agent shall consider evidence supporting such claims. All applicants are responsible for providing verification for such claims. In instances where the applicant claims some services or treatment shall be available to enable the applicant to correct the problem behavior, the Agent shall require verification that such services are available and that the applicant is likely to continue to use such services or treatment.

4. Mitigating Circumstances. Mitigating circumstances shall be verified. The individual performing the verification must corroborate the reason given by the applicant for unacceptable tenancy-related behavior and indicate the good prospect for lease compliance in the future because the reason for the unacceptable behavior is either no longer in effect or is otherwise controlled.

(a) **Alcohol or Substance Abuse.** Where an applicant claims that prior unacceptable tenancy-related behavior resulted from alcohol abuse or use of illegal drugs, acceptable verification of mitigating circumstances would have to establish that:

- (As applicable) There is no current illegal use, which includes activity within the last year, of controlled substances. If such use is documented, applicant must present evidence that such use has stopped and is unlikely to recur.
- (As applicable) There is no current abuse of alcohol, which includes abuse within the last year, and abuse is unlikely to recur.
- During the period for which the applicant has claimed no current use, the applicant's behavior as a tenant must have been acceptable.

In any case of confirmed, continued, unacceptable tenancy-related behavior, despite the cessation of drugs or alcohol use, an applicant may be rejected.

(b) **Credit.** An Agent may consider an applicant's credit history, but such information may ONLY be used in lieu of rental history to determine an applicant's ability to pay rent when rental history is not available. Where bad credit is the basis for rejection, mitigating circumstances may include:

- i. a representative payer or other reliable third party who would take written responsibility for payment;

- ii. evidence that such poor credit was the result of a disability that is now under control; or
- iii. evidence that credit problems were the result of other circumstances that no longer exist and there is reason to believe that applicant will now pay rent promptly and in full.

An applicant's ability and willingness to pay rent must be demonstrated through an identifiable source of sufficient income to pay rent and prior rental history. The lack of credit history, as opposed to poor credit history, is not sufficient justification to reject an applicant. An Agent must also take into account rent burden if an applicant can demonstrate a history of satisfying a higher rent burden than the Agent normally employs. (See Rejection Standards)

The Agent shall have the right to request information reasonably needed to verify the mitigating circumstances, even if such information is of a confidential nature (e.g. verifications from medical professionals that provide confidential information.). If the applicant refuses to provide or give access to such further information the Agent may choose not to give further consideration to the mitigating circumstance.

5. Prohibited Screening Criteria. The Agent may not screen applicants for eligibility on the basis of the following:

- (a) Physical Examinations. The Agent shall not require physical examinations or medical testing as a condition of admission.
- (b) Meals and Other Services. The Agent shall not require tenants to participate in a meals program that has not been approved by MassHousing.
- (c) Donations or Contributions. The Agent shall not require a donation, contribution or membership fee as a condition of admission, except that cooperative housing projects may charge a membership fee. Owners may not require any payments not provided in the lease.
- (d) Disability Status. Except as provided in section C.3(i) above, it is unlawful to make an inquiry to determine if an applicant for a dwelling unit, a person intending to reside in that dwelling unit after it is rented or made available, or any persons associated with the applicant, has a disability or handicap, or to make inquiry as to the nature or severity of an identified disability or handicap.

#### **D. Application to Housing**

1. Application Forms. Application forms (See Attachment 3) shall be distributed and accepted in the manner(s) indicated below:

- In Person
- By Mail
- By Fax
- By Electronic Submission

NOTE: The electronic transmittal and receipt of applications shall be subject to any applicable federal and state requirements concerning secure data transmission. If applications are accepted electronically, they must be printed and received in accordance with Section D.2(a) below.

Every application must be completed and signed by the head of the household.

The application form shall at a minimum request the information contained in the sample application form in Attachment 3 and shall:

- solicit all the necessary information to determine program and project eligibility;
- provide the opportunity to state the need or desire for an accessible unit;
- provide notice of the right to a reasonable accommodation of a disability;
- include the Equal Opportunity logo and slogan, as well as the Accessibility logo, if required;
- include the non-discrimination statement;
- provide the opportunity to indicate eligibility for a preference; and
- include a notice that the Agent shall communicate with the applicant in the manner or format requested by the applicant if necessary because of a disability.

All members of the household must be listed on the application form. In addition to the application form, the Agent shall also obtain the Applicant's consent to obtain third-party verifications or references. Household members 18 years or older, including any personal care attendant (PCA) (or, for Federally Assisted Housing Developments, any Live-in Aide), must sign a release to conduct criminal and landlord history references. In the case of applications for Federally Assisted Housing units, all adult household members (18 years of age and older) must sign (i) Notice and Consent for the Release of Information (Form HUD 9887), and (ii) Applicant's/Tenant's Consent for the Release of Information (Form HUD 9887A). In the case of applications for units participating in state subsidy programs, all adult household members must sign the Consent for Release of Information as presented in Attachment 4.

**Note:** *Credit information for PCAs (or Live-in Aide) is not required since their income is not included in the household income calculation.* A PCA is defined as a person who resides with a household member with a disability and who (a) provides necessary assistance in activities of daily living to such household member insofar as he or she requires such assistance on account of his or her disability; (b) is not obligated for support of the disabled household member; (c) would not be residing in the unit except to provide such necessary assistance to the household member; and (d) would otherwise move out of the unit upon termination of his or her employment as a personal care attendant or termination of the lease by the disabled client,

whichever comes first. (The definition and requirements for a Live-in Aide are found in 24 CFR 5.403 and HUD Handbook 4350.3 REV-1, Section 3-6 (E)(3)(a).)

In accepting applications for occupancy of Federally Assisted Housing units, the following additional requirements shall apply:

CHECK IF APPLICABLE:

\_\_\_\_\_ Verification of Citizenship/Immigration Status. The Agent shall require the Applicant to submit evidence of citizenship or eligible immigration status as may be required by HUD to establish eligibility for occupancy. The policies and procedures for implementing this requirement are found in Attachment 1A (Citizenship/Immigration Status Requirements).

\_\_\_\_\_ Proof of Social Security Numbers for Household Members. The Agent shall require that the Applicant provide social security numbers (SSN) for all non-exempt household members. The policies and procedures for implementing this requirement are found in Attachment 4A (Disclosure of Social Security Numbers).

Note: Applicants do not need to disclose or provide verification of a SSN for all non-exempt household members at the time of application and for placement on the waiting list. However, applicants must disclose and provide verification of a SSN for all non-exempt household members before they can be housed.

Failure to respond within 14 days to the Agent's requests for documentation or information to process the application shall result in rejection of the application. The Agent may make exceptions to the procedures described herein to take into account circumstances beyond the applicant's control, including medical problems or extreme weather conditions.

The Agent shall offer assistance to the applicant in completing the application, explain the tenant selection process, define preferences, and explain the verification process with respect to preferences.

It is the policy of the Agent to guard the privacy of individuals in accordance with the Federal Privacy Act of 1974 and the Massachusetts Privacy Act, and to ensure the protection of records maintained by the property concerning the applicants or tenants.

The Agent shall not disclose any personal information contained in its records to any persons or agencies other than MassHousing or other authorized government agencies unless the individual about whom information is requested has given written consent to such disclosure, or unless disclosure is otherwise in accordance with provisions of the state or federal privacy acts.

This privacy policy in no way limits the Agent's ability to collect such information as it may need to determine eligibility, compute rent, determine an applicant's suitability for tenancy, or to gather information to process reasonable accommodations requests under Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, the Fair Housing Act, and state law.



The above policies in no way limit the right or duty of the Agent to make abuse, neglect or other protective service or emergency reports. Additionally, such policies do not forbid management from sharing information in the public domain with relevant service or government agencies.

2. Processing of Applications. In general, applications shall be processed in accordance with the following steps:

(a) **Receiving and Recording** – Upon receipt of an application to housing, the Agent shall indicate on the application the date and time received, either by using a date and time stamp, or by writing and initialing the date and time received.

(b) **Review for completeness** - Applications shall first be reviewed for completeness. Incomplete applications shall be rejected and returned to the applicant. Applications shall not be evaluated until all of the required information has been provided.

(c) **Preliminary determination of program ineligibility** - Completed applications shall be reviewed for income eligibility and compliance with any categorical eligibility requirements for the program, such as age or disability. Applications determined ineligible shall be rejected in accordance with procedures outlined herein.

(d) **Preliminary determination of program eligibility** - When there are more applicants on the waiting list than units currently available, and the anticipated duration of the waiting list exceeds ninety days, the Agent shall make a preliminary determination of eligibility, based on the applicant's self-certified statement as to his or her income, assets, age, disability status, and preference or priority status. Applicant shall be notified of the status of his/her application in accordance with procedures outlined herein.

(e) **Waiting list placement** - Once a fully completed application is determined to meet income eligibility requirements and the household composition is determined appropriate for a unit at the Development, the applicant shall be placed on the appropriate waiting list(s). Assignment to a position on the waiting list shall be based on the preliminary determination, and shall be formally verified as the applicant's name advances on the waiting list. However, if the anticipated duration on the waiting list is less than 90 days, formal verification shall be required immediately. The applicant shall be placed on the waiting list, by date of receipt of the completed application within the correct income category and then within the correct preference category as applicable. Applicants eligible for handicapped accessible units must be placed on lists for both accessible and standard units.

**NOTE: To prevent a disparate impact or discriminatory effect on non-local residents of protected classes, if the Development has adopted a Local (Resident)**



**Preference as specified in Section E.3 below, applicants may not be admitted or added to a waiting list for the duration of the Preference EXCEPT through the use of a lottery process described in Section F below or as otherwise permitted in writing by MassHousing.**

- (f) **Formal verification** – If, subsequent to the preliminary determination of eligibility, the Agent determines that the formal verification of income, assets, or claimed priority status differs from the applicant’s self certification, the applicant may be:
- i. reassigned to another waiting list (i.e. smaller or larger bedroom size);
  - ii. reassigned to a different preference status; or
  - iii. determined ineligible.

3. **Notification of Decision on Application.** The Agent shall send a written response (See Attachment 5) to the applicant advising such applicant of the status of the application. The response shall be mailed not more than thirty days from the date of receipt of the application. Alternate formats for responding to an applicant with a disability shall be provided upon applicant’s request. If the Agent has not made a determination to reject the applicant, the written response shall include the status of the application with respect to:

- result of the preliminary determination of eligibility;
- position on the waiting list;
- SSN disclosure and verification requirements;
- estimate of the time it may take before the applicant will be offered assistance;
- notice that the applicant is responsible for reporting changes in address, phone number, and preference status;
- where applicable, the applicant’s qualification for a preference(s) for admission; and
- a statement that the applicant has the right to meet with the Agent to discuss the determination made with respect to the application.

4. **Provisions Relating to Rejection of an Application.** If the applicant is not accepted, or is not placed on the waiting list for admission, the Agent shall follow the procedures outlined in section 3 above, and shall include the following in its written response (See Attachments 6 and 6A) to the applicant:

- the reason(s) for the rejection;
- notice that the applicant or his or her representative, prior to or at the conference with the Agent, has the right to inspect the documentation on the basis of which the rejection was made and any other documentation pertinent to the applicant’s eligibility, suitability, qualification or entitlement to priority or preference status. The Agent shall make reasonable arrangements for photocopying any such documentation as the applicant may specify with sufficient advance notice, except that in the

case of a credit report, the applicant shall obtain the report from the credit reporting agency;

- notice that the applicant has five business days to request a conference with the Agent (and MassHousing) to contest the rejection, and alternatively, in the case of Federally Assisted Housing units, fourteen days to respond in writing or request a meeting with the Agent to dispute the rejection; and
- notice that the applicant has the right to request a reasonable accommodation if the applicant believes that, with such an accommodation, the applicant would be suitable for admission and that the applicant was rejected for a reason arising from the applicant's disability.

Every rejection notice shall include a copy of the MassHousing Conference Procedures (See Attachment 6B).

#### 5. Special Application Procedures for Project-Based Massachusetts Rental Voucher Program (MRVP) Units

For those developments with project-based Massachusetts Rental Voucher Program (MRVP) units (*see* Introduction and Attachment 1), the local housing agency shall be responsible for taking and processing applications for assistance under the project-based MRVP. The local housing agency shall select applicants for assistance in accordance with Regulations for Eligibility in State-Aided Public Housing and Regulations Prescribing Standards and Procedures for Tenant Selection and Tenant Transfers promulgated by the Massachusetts Department of Housing and Community Development ("DHCD") or its predecessor, the Massachusetts Executive Office of Communities and Development.

Whenever a vacancy occurs, the Agent shall inform the local housing agency, which shall refer the first three (3) interested applicants on its waiting list for the appropriate bedroom size unit to the developer for processing. Units shall be offered to the first person on the top of the list for the appropriate bedroom size unit as provided by the local housing agency unless reasons exist for rejection as described in the MassHousing Rejection Standards (Attachment 2).

Three exceptions to these procedures are permitted, which give limited preference to existing tenants seeking post occupancy transfers within the Development:

- (a) Overhoused tenants currently receiving project-based MRVP shall be listed on the waiting list for overhoused households (*see* Section H). After chosen for transfer to a smaller unit, the tenant may continue to receive project-based MRVP subsidy, consistent with rent levels appropriate for the smaller unit.
- (b) Current tenants paying more than 50% of income in rent shall be listed on the waiting list for such households described in Section H. In order to avoid displacement of such tenants who are eligible for project-based MRVP, they may receive preference for a vacant project-based MRVP unit of appropriate size, within the constraints of the bedroom distribution specified in the subsidy contract.

(c) Current tenants living in overcrowded units shall be listed on the waiting list for such households described in Section H. In order to avoid the displacement of such tenants who are eligible for project-based MRVP assistance, they may receive preference for a vacant project-based MRVP unit only if their transfer to a larger bedroom unit without project-based MRVP would result in their paying more than 50% of their income in rent.

For a current tenant to receive a project-based MRVP subsidy in accordance with the above stated procedures, the manager must refer the tenant to the local housing agency for processing. The local housing agency at all times reserves the right to determine applicant eligibility and the right of continued occupancy by the tenant. Such determination shall be consistent with the appropriate DHCD regulations.

Current tenants who do not qualify for a preference for a project-based MRVP subsidy may apply to the local housing agency waiting list for the project-based MRVP units assigned to the Development. However, their application shall not receive preferential treatment by virtue of their residency in the Development.

#### 6. Special Application Procedures for Project-Based (Section 8) Housing Choice Voucher Units

For developments with project-based Section 8 Housing Choice Voucher units (*see* Introduction and Attachment 1), all contracted units (i.e. covered by a Housing Assistance Payments (HAP) contract with a local housing agency) must be leased to eligible households referred to the Agent by the local housing agency, which shall be responsible for taking and processing applications for occupancy of the contracted units. Specifically, the local housing agency shall (i) determine the eligibility of an applicant household in accordance with HUD requirements; (ii) determine the appropriate unit size for the applicant household based upon the local housing agency's subsidy standards; and (iii) maintain a waiting list of eligible households for the contracted units.

Whenever vacancy in a contracted unit occurs, the Agent shall inform the local housing agency, which shall refer eligible applicant(s) on its waiting list for the appropriate bedroom size unit to the Agent for processing. The Agent shall be responsible for screening and selecting tenants from households referred by the local housing agency, and shall offer referred households units for lease unless reasons exist for rejection as described in the MassHousing Rejection Standards (Attachment 2).

For a current tenant to receive a Housing Choice Voucher subsidy, the Agent must refer the tenant to the local housing agency, which shall determine eligibility and placement on the waiting list for contracted units as provided above.

### **E. Preferences, Priorities and Targeting**

This Section describes the preferences, priorities, and targeting that shall be applied in the selection of residents under the Plan for all MassHousing Financed Developments. Applicants

with preferences are selected from the waiting list and receive an opportunity for an available unit earlier than those who do not have a preference. Preferences affect only the order of applicants on the waiting list. They do not make anyone eligible who was not otherwise eligible, and they do not change the Agent's right to apply or modify the tenant selection criteria found elsewhere in this plan.

As required in Section D above, the Agent shall inform each applicant about available preferences, and provide an opportunity for each applicant to show that they qualify for available preferences.

1. Required MassHousing Preferences. The Agent shall apply preferences required under Section 7 of the MassHousing enabling statute (M.G.L. c. 23A App., Section 7) in determining the placement of an applicant on the waiting list. In applying such preferences, the Agent shall use the following priority categories in descending order and shall document the sources of information obtained to verify qualification for preferences:

(a) 1st Priority - Homelessness due to Displacement by Natural Forces: An applicant, otherwise eligible and qualified, who has been displaced by:

- (i) fire not due to the negligence or intentional act of applicant or a household member;
- (ii) earthquake, flood or other natural cause; or
- (iii) a disaster declared or otherwise formally recognized under disaster relief laws.

(b) 2nd Priority - Homelessness due to Displacement by Public Action (Urban Renewal): An applicant, otherwise eligible and qualified, who will be displaced within 90 days, or has been displaced within the three years prior to application, by:

- (i) any low rent housing project as defined in M.G. L. c. 121B, § 1, or
- (ii) a public slum clearance or urban renewal project initiated after January 1, 1947, or
- (iii) other public improvement.

(c) 3rd Priority - Homelessness due to Displacement by Public Action (Sanitary Code Violations): An applicant, otherwise eligible and qualified, who is being displaced, or has been displaced within 90 days prior to application, by enforcement of minimum standards of fitness for human habitation established by the State Sanitary Code or local ordinances, provided that:

- (i) neither the applicant nor a household member has caused or substantially contributed to the cause of enforcement proceedings; and
- (ii) the applicant has pursued available ways to remedy the situation by seeking assistance through the courts or appropriate administrative or enforcement agencies.

Note: For purposes of this subsection, "enforcement" is interpreted as a formal condemnation of the apartment. Citation for code violations does not, without more, constitute a condemnation.



(d) **4th Priority – Involuntary Displacement by Domestic Violence:** “Domestic Violence” as defined in M.G.L. c. 209A means actual or threatened physical violence directed against one or more members of the applicant’s family by a spouse or other member of the applicant’s household. An applicant is involuntarily displaced by domestic violence if:

- (i) The applicant has vacated a housing unit because of domestic violence; or
- (ii) The applicant lives in a housing unit with a person who engages in domestic violence.

If the applicant is still living in the housing unit with a person who engages in domestic violence at the time of selection, the violence must have occurred within six months or be of a continuing nature.

Priority for Involuntary Displacement by Domestic Violence applies only to households with one or more children under the age of 18.

**Note: The Larger Household Preference, as required by DHCD Guidelines for inclusion of affordable housing units in the Subsidized Housing Inventory (SHI), is omitted here from the list of required preferences. This is to avoid unnecessary confusion because, with the application of the owner’s Occupancy Standards set forth in Exhibit 1, units will be sized to applicant households in such a manner that all households eligible to occupy a particular unit size will be of the highest preference category specified by DHCD in the Guidelines, thereby eliminating the need for such a preference.**

## 2. HUD Section 236 Program - Required HUD Regulatory Preferences

(a) If the Development is receiving subsidy under the Section 236 Program, or otherwise remains subject to regulatory oversight under the Section 236 Program, the Agent shall apply preferences in determining the order of an applicant’s placement on the waiting list for a basic rent unit assisted under the Section 236 Program. Pursuant to 24 CFR Part 236 and HUD Handbook 4350.3 REV-1, preference shall be provided to applicants displaced as a result of:

- (i) government action, or
- (ii) a Presidentially-declared disaster.

(b) In addition to the above, if the Development is also receiving Rental Assistance Payments, the Agent shall apply secondary preferences (in descending order of priority), as follows:

- (i) Applicants eligible for Rental Assistance Payments;
- (ii) Applicants eligible to pay less than the Section 236 “market rent” approved for the Development; and
- (iii) Applicants with income sufficient to pay the Section 236 “market rent” approved for the Development.



For purposes of this subsection, the Section 236 "market rent" shall be the market rent as it appears on the most recently approved Section 236 rent schedule for the Development.

Documentation or sources of information, required to verify an Applicant's qualification for a preference under this Section, shall be determined by HUD.

CHECK AS APPLICABLE:

The Development is a Section 236 Program Development and is subject to the preference set forth in subsection E.2(a) above.

The Development is a Section 236 Program Development and receives Rental Assistance Payments, and is subject to the preference set forth in subsection E.2(a) and 2(b) above.

Note: Section 236 preferences take precedence over the preferences for MassHousing financed Developments (see Section E.1 above).

The Development is not a Section 236 Program Development and is not subject to the preferences set forth in subsection E.2

3. Additional Optional Owner Preferences (as allowed under applicable program rules). If specified below, the Agent shall apply Additional Optional Owner Preferences in determining the order of an applicant's placement on the waiting list as may be allowed under applicable program rules. Unless otherwise indicated below, such preferences are subordinate to the required preferences set forth elsewhere in this section (Section E) and shall be applied in descending order as set forth below.

CHECK AS APPLICABLE:

For current residents of housing either financed or administered by MassHousing who seek relocation resulting from:

providing testimony to law enforcement or management agents;

Documentation/Sources of Information Required to Verify  
Qualification for Preference: \_\_\_\_\_  
\_\_\_\_\_

circumstances involving flight from domestic violence or racial/ethnic harassment;

Documentation/Sources of Information Required to Verify  
Qualification for Preference: \_\_\_\_\_  
\_\_\_\_\_

the need to satisfy a reasonable accommodation request.

Documentation/Sources of Information Required to Verify  
Qualification for Preference (Substantiation of such preferences must be  
documented): \_\_\_\_\_

Local (Resident) Preference

Current residents: A household in which one or more members is living in the city or town in which the Development is located (the "Municipality") at the time of application. Documentation of residency should be provided, such as rent receipts, utility bills, street listing or voter registration listing.

Municipal Employees: Employees of the Municipality, such as teachers, janitors, firefighters, police officers, librarians or town hall employees.

Employees of Local Businesses: Employees of businesses located in the Municipality.

Households with children attending the Municipality's schools, such as METCO students.

Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Geographic Boundary(ies): \_\_\_\_\_  
(not smaller than municipal boundary(ies))

Applicable Percentage: \_\_\_\_\_ % (not greater than 70%)

Duration of Preference: \_\_\_\_\_ Initial Rent Up Only

\_\_\_\_\_ Other (specify term)

**NOTE: Local (Resident) Preferences are subject to DHCD Guidelines, and may require approval by DHCD and the Municipality in addition to approval by MassHousing's Compliance and Diversity Division. Residency preferences for HUD Assisted Developments are also subject to HUD requirements and require HUD approval. (See HUD Handbook 4350.3 REV-1, Section 4-6.C.1.c). These required approvals (identified below) must be obtained by the Owner or Agent prior to adoption of a residency preference under this Plan. All preferences must comply with non-discrimination, equal opportunity, and Fair Housing requirements, and the Development's Affirmative Fair**

**Marketing Plan must demonstrate what efforts will be taken to prevent a disparate impact or discriminatory effect on non-local residents of protected classes. Specifically, to prevent such disparate impact or discriminatory effect, if the Development adopts a Local (Resident) Preference, applicants may not be admitted or added to a waiting list for the duration of the Preference EXCEPT through the use of a lottery process described in Section F below or as otherwise permitted in writing by MassHousing.**

Approval for Local (Resident) Preference:

Required	Obtained (attach relevant approval for each)	
<input type="checkbox"/>	<input type="checkbox"/>	MassHousing Compliance & Diversity
<input type="checkbox"/>	<input type="checkbox"/>	HUD
<input type="checkbox"/>	<input type="checkbox"/>	DHCD
<input type="checkbox"/>	<input type="checkbox"/>	_____ (Municipality)

Homeless (general, not otherwise covered by homeless preferences above)

Documentation/Sources of Information Required to Verify  
Qualification for Preference: \_\_\_\_\_  
\_\_\_\_\_

Other - Specify

Preference Description: \_\_\_\_\_  
\_\_\_\_\_

Documentation/Sources of Information Required to Verify  
Qualification for Preference: \_\_\_\_\_  
\_\_\_\_\_

HUD Approval Required/Date Obtained: \_\_\_\_\_

Preference Description: \_\_\_\_\_  
\_\_\_\_\_

Documentation/Sources of Information Required to Verify  
Qualification for Preference: \_\_\_\_\_  
\_\_\_\_\_

HUD Approval Required/Date Obtained: \_\_\_\_\_

4. Housing for Older Persons

If specified below, the Development has been established as housing intended for older persons, and for which tenant selection and occupancy shall be restricted as permitted under exemptions provided under the Fair Housing Act, as amended (46 U.S.C. 3601 et seq.), and regulations promulgated thereto (24 CFR Part 100, Subpart E).

(a) Housing provided under Federal or State Program specifically designed and operated to assist elderly persons (*see* 24 CFR 100.302).

(i)  Owner-Adopted Preferences for Elderly, Disabled, Nonelderly Disabled and Near Elderly Disabled Families – as permitted under Section 651 of Title VI, Subtitle D of the Housing and Community Development Act of 1992 (“Title VI-D”).

Owners of qualifying developments receiving Section 8 assistance may elect to extend a preference to elderly families and a set-aside for non-elderly persons with disabilities over other disabled applicants, if the development meets Title VI-D criteria (*see* certification below) and such preferences do not otherwise violate Fair Housing Act or Age Discrimination Act standards (*see* HUD Handbook 4350.3 REV-1, Section 3-18.A).

**Certification for Implementation of Title VI-D  
Elderly Preference**

(A) The undersigned certifies that the Development has adopted the HUD Title VI-D Elderly preference, and that it is both qualified and has the supporting documentation on site as specified in HUD Handbook 4350.3 REV-1, Section 3-18.A to support the adopted elderly preference.

Yes  
 No

The number of units set aside at the Development for non-elderly disabled families is \_\_\_\_\_.

Note: For purposes of this subsection (A) only, a non-elderly disabled family is one in which the head of household, co-head, or spouse is disabled and 18 to 49 years of age.

(B) The Development has adopted the “near-elderly disabled family” preference.

Yes  
 No

Note: For purposes of this subsection (A) only, a near-elderly disabled family is one whose head, spouse, or sole member is a person with disabilities who is at least 50 years of age but below the age of 62; or two or more persons with disabilities who are at least 50 years of age, but below the age of 62, living together; or one or more persons who are at least 50 years of age, but below the age of 62, living with one or more live-in aides.

(ii)  Owner-Adopted Elderly Restrictions in Certain Federally Assisted Housing Projects that were Designed to Serve the Elderly – as permitted under Section 658 of Title VI-D.

Owners of qualifying Section 236, Section 221(d)(3) BMIR and Section 202 developments may restrict occupancy to such developments to elderly families in accordance with the rules and standards in effect at the inception of the development (*see* HUD Handbook 4350.3 REV-1, Section 3-18.B).

**Certification for Implementation of Title VI-D  
Elderly Restriction**

(A) The undersigned certifies that the Development has adopted the HUD Title VI-D Elderly Restriction and it is both qualified and has the supporting documentation on site as specified in HUD Handbook 4350.3 REV-1, Section 3-18.B to support the adopted restriction.

Yes  
 No

Specify Program and Restriction(s): \_\_\_\_\_

\_\_\_\_\_

(iii)  Elderly Preferences and Restriction – Projects Not Covered by Title VI-D (*see* HUD Handbook 4350.3 REV-1, Section 3-19).

Specify Program and Restriction(s): \_\_\_\_\_

\_\_\_\_\_

(iv)  OTHER:



Specify Program and Restriction(s): \_\_\_\_\_

(b)  62 years of age and over - housing intended for, and solely occupied by, persons 62 years of age or older (*see* 24 CFR 100.303). If this designation is checked, the only persons eligible for occupancy of units in the Development are persons 62 years of age or older.

(c)  55 years of age and over – housing intended and operated for persons 55 years of age or older (*see* 24 CFR 100.304 et seq.). If this designation is checked, at least 80 percent of occupied units must be occupied by one person 55 years of age or older.

Pursuant to 24 CFR 100.306, in order for the Development to qualify as housing designed for persons 55 years of age or older, the Owner and/or Agent must publish and adhere to policies and procedures (**copies of which are attached**) that demonstrate its intent to operate as housing for persons 55 years of age or older.

Pursuant to above policies and procedures, the Development will maintain its designation as a “55 years of age and older” development through limits on tenant selection and eligibility, as follows:

All applicants for occupancy in the Development must be 55 years of age or older.

At least one person in each applicant household for occupancy in the Development must be 55 years of age or older.

Other [see attached policies and procedures specifying how minimum occupancy requirement will be maintained]

5. HUD Project-Based Section 8 Program – Mandatory Income Targeting

The Agent may only lease assisted units to families whose income does not exceed fifty percent (50%) of the area median income (“very low income”) at the time of admission, unless:

(i) the assisted units were available for occupancy under a Section 8 Housing Assistance Payments Contract effective before October 1, 1981, and are being leased on or after that date, in which case not more than twenty five percent (25%) of the assisted units may be leased to families whose income exceeds very low income but does not exceed eighty percent (80%) of the area median income (“low income”) at the time of admission, unless otherwise limited by HUD (*see* 24 CFR 5.653(d)(1)); or

(ii) written permission is obtained from HUD pursuant to 24 CFR 5.653(d)(3) as noted below to lease a portion of the assisted units to families

whose income exceeds very low income but does not exceed low income at the time of admission.

In addition to the 50% area median threshold, HUD mandates that if the Development is receiving project-based Section 8 housing assistance payments as noted below, the Agent shall make at least forty percent (40%) of the assisted units (i.e. those units in the Development for which the owner receives project-based Section 8 housing assistance payments) that become available in each of the Development's fiscal year available for leasing to families whose income does not exceed thirty percent (30%) of the area median income ("extremely low income") at the time of admission.

In carrying out this requirement, the Agent shall obtain the Income Limits for Section 8 Programs published by HUD periodically.

(a) Applicability of Mandatory Income Targeting Requirements (check one):

The Development contains \_\_\_ units receiving project-based Section 8 housing assistance payments, which are subject to the Mandatory Income Targeting requirements set forth above.

The Development does not receive project-based Section 8 housing assistance payments and is not subject to the Mandatory Income Targeting requirements set forth above.

(b) Allowance/Permission to Lease Assisted Units to Other than Very Low Income Families (check one):

The assisted units in the Development were available for occupancy under a Section 8 Housing Assistance Payments Contract effective before October 1, 1981, and are being leased on or after that date, in which case not more than twenty five percent (25%) of the assisted units may be leased to families whose income exceeds very low income but does not exceed low income. Note: this allowance remains subject to HUD limitation pursuant to 24 CFR 5.653(d)(1).

The Development has received permission from HUD by letter dated \_\_\_\_\_ allowing the Development to lease up to \_\_\_\_\_% of the assisted units to low income tenants other than very low income families (attach approval letter).

The Development has not received permission from HUD to lease assisted units to low income tenants other than very low income families.

(c) Method to Comply with Income Targeting Requirements (check one):

NOTE: To be applied only after a determination by the Agent that the composition of the waiting list shall not allow the Development to achieve the income targeting requirement by simply following the standard waiting list order.

The Agent should periodically review the composition of admissions to confirm that the 40% target shall be met for that fiscal year. If this periodic review reveals that admissions of extremely low-income applicants are below the 40% requirement, the Agent shall use one of the methods specified below to ensure that the requirement is met by the end of the fiscal year.

Method 1 – Admit only extremely low-income families until the 40% target is met. In chronological order, the Agent shall select eligible applicants from the waiting list whose incomes are at or below the extremely low-income limit to fill the first 40% of expected vacancies in the property. Once this target has been reached, admit applicants in waiting list order.

Method 2 – Alternate between the first extremely low-income applicant on the waiting list and the applicant at the top of the waiting list. To implement this method, the Agent shall select the first extremely low-income applicant on the waiting list (which may mean "skipping over" some applicants with higher incomes) for the available unit, and then select the next eligible applicant currently at the top of the waiting list (regardless of income level) for the next available unit. As subsequent units become available, tenant selection continues to alternate between the next extremely low-income applicant and the eligible applicant at the top of the waiting list until the 40% target is reached. NOTE: It is possible that (i) selection of the "next extremely low-income applicant" may result in selecting the applicant at the top of the waiting list; or (ii) selection of the "eligible applicant at the top of the waiting list" may result in the selection of an extremely low-income family.

Method 3 – Alternate between the first extremely low-income applicant on the waiting list and the applicant at the top of the waiting list in groups of 10. In chronological order, the Agent shall admit the first 4 extremely low-income families from the waiting list and then admit the next 6 families from the top of the waiting list, regardless of income. This procedure results in 40% or more of admissions being extremely low-income. After filling the first 10 available units, owners again admit the first 4 extremely low-income families on the waiting list and then the next 6 families currently at the top of the waiting list.

Other Method (Please Describe): \_\_\_\_\_.

#### **F. Initial Rent-Up/Lottery**

If this Plan is approved for use in connection with the initial rent-up of a development following completion of construction, or with the re-occupancy of a significant number of housing units following the substantial rehabilitation of a development, the Agent shall conduct a lottery as necessary to establish an initial Waiting List from which selection of the initial residents shall be made.

The lottery shall be conducted in accordance with guidelines attached hereto as Attachment 7 (Guidelines for Administration of Lotteries for Affordable Rental Housing Units), and with procedures developed by the Agent attached hereto as Attachment 7A (Procedures for Housing Lottery). [alternate language if procedures will be developed following approval of the Plan: , which shall be submitted to MassHousing for approval at least sixty (60) days prior to commencement of initial rent-up. These procedures, upon approval by MassHousing, shall be incorporated into this Plan as Attachment 7A (Procedures for Housing Lottery).]

**CHECK IF APPLICABLE:**

\_\_\_\_\_ The Plan is approved for use with the initial rent-up of the Development or the re-occupancy of a significant number of housing units following the substantial rehabilitation of the Development, and requires the Agent to conduct a lottery as necessary to establish the initial waiting list.

**G. Waiting Lists**

Subject to any requirements for a lottery set forth above, the Agent shall establish and administer its Waiting Lists in accordance with the following policies.

1. Waiting lists shall be maintained in either a bound ledger or on a computer report. A printed copy of the waiting list shall be prepared, prior to the annual update, and maintained for three years.
2. Waiting lists must include the following data taken from the application:
  - (a) Date and time the applicant submitted the application;
  - (b) Name of the head of household;
  - (c) Annual income level (used to estimate levels for income-targeting i.e. extremely low-income, very low-income, low-income and moderate income);
  - (d) Identification of the need for an accessible unit, including the need for accessible feature i.e. visually or hearing impaired;
  - (e) Preference status; and
  - (f) Unit size.
3. Waiting lists shall be organized by type of unit (subsidy, physically adapted unit, etc). A separate list is required for every type of unit. "Type of unit" is defined in several ways, including:
  - (a) the number of bedrooms, as well as the number of bathrooms, or ancillary rooms, such as a den or dining room;
  - (b) the building structure, such as a town-house versus a garden-style unit;



- (c) the physical characteristics of the unit, such as accessible features;
- (d) the type of subsidy attached to the unit, such as project-based subsidy;
- (e) the distinction between subsidy types such as interest subsidy (basic rent units) and deep subsidy (low rent units); and
- (f) units which are intended for occupancy by elderly persons.

4. Each applicant must be placed on the appropriate waiting list(s) chronologically according to the date and time of the completed application within the applicable preference categories. Non-preference applicants shall be placed on the waiting list per the date and time of the completed application.

**NOTE: To prevent a disparate impact or discriminatory effect on non-local residents of protected classes, if the Development has adopted a Local (Resident) Preference as specified in Section E.3 below, applicants may not be added to a waiting list for the duration of the Preference EXCEPT through the use of a lottery process described in Section F above or as otherwise permitted in writing by MassHousing.**

5. If an applicant is eligible for tenancy, but no appropriately sized unit is available, the Agent shall place the family on a waiting list. Households that are eligible for more than one size of unit (by bedroom size) may choose to be placed on multiple waiting lists, as appropriate, and the Agent shall respect the bedroom size option chosen by the applicant unless such choice violates the state sanitary code, other applicable laws, or the Development's Occupancy Policy. Persons using a wheelchair or requiring similar accommodations may apply for a standard unit, as well as an accessible unit, in their discretion.

6. The Agent's records shall indicate the date the applicant is placed on the waiting list. Whenever a change is made in the waiting list, an action is taken, or an activity specific to an applicant occurs, a notation must be made on the waiting list. In instances where the applicant asks to be passed over until the next vacancy (for non-medical reasons), the Agent may allow applicant to retain his position on the waiting list. However, an applicant's failure to accept the next available vacancy shall result in the applicant being placed on the waiting list as if the application had been received on the date of the second refusal.

7. The Agent should contact applicants in writing annually or semi-annually to verify continued interest in remaining on the Development's waiting list. The Agent may require interested applicants to contact the Development in order to remain on the waiting list, and may remove from the waiting list those applicants who do not respond within thirty (30) days. A model letter to verify continued interest in remaining on the waiting list is attached to the Plan as Attachment 8 (Annual Waiting List Update).

8. The waiting list may be closed for a specific unit size or type if the projected turnover rate indicates that an applicant would be unable to obtain a unit within one year. Before closing a waiting list, the Agent must receive written approval from MassHousing. Thereafter, the Agent shall post a notice at the Development that indicates: (a) the date the list will be closing and (b) MassHousing's telephone number, fax number and TDD number for verification. Notice must be in 14 point (or larger) print and in an accessible location(s). The Agent shall further



publish a notice in a publication likely to be read by potential applicants stating that the Development will no longer accept applications and the reasons therefore.

9. When an applicant pool is not large enough to warrant the closure of the waiting list, the list shall be re-opened. MassHousing must receive written notification of the list's reopening, and public notice shall be placed in area publications and as otherwise required by the Development's Affirmative Fair Marketing Plan. The public notice should include rules for applying and the order in which applications will be processed.

10. Waiting lists shall be updated every twelve months.

**NOTE:** Prior to removing an applicant's name from the waiting list, the Agent shall send written notice of the action, or notice in requested alternate format, to the applicant, at the applicant's address of record, or to any person designated by the applicant to receive a copy of such notices as a form of reasonable accommodation. A copy of the standard notice of removal is attached to the Plan. (See Attachment 9)

11. The status of waiting lists (i.e. whether open or closed) shall be reported, upon change but not less frequently than once every twelve months, to (i) the Massachusetts Accessible Housing Registry (MassAccess) and (ii), if the development is located within Boston Metropolitan Statistical Area, to the Boston Fair Housing Commission's Metrolist (Metropolitan Housing Opportunity Clearing House).

## **H. Vacancies**

### **1. Notice of Vacancies**

Vacancies in any unit covered by this Plan must be reported immediately upon turnover (regardless of whether the unit will be leased to a qualified applicant on the waiting list) to (i) the Massachusetts Accessible Housing Registry (MassAccess) and (ii), if the development is located within Boston Metropolitan Statistical Area, to the Boston Fair Housing Commission's Metrolist (Metropolitan Housing Opportunity Clearing House).

### **2. Transfer of Existing Residents**

In filling vacant units, the Agent shall first offer current residents the option to relocate to another unit in the Development, provided such residents meet one of the following transfer conditions:

#### Size of Family or Special Condition.

- Residents are housed in over-crowded conditions and have requested a larger unit appropriate for their household size;
- Residents are housed in units providing a greater number of bedrooms than warranted for their household size (such transfers are not volitional, and

refusal to relocate by the household shall result in termination from the subsidy program upon thirty days notice);

- Residents who require the features of an accessible unit, or require the features of another unit as necessary to provide a reasonable accommodation, provided that verification of the need has been made by the Agent; and
- Residents who occupy, but do not need the features, of an accessible unit if another resident or applicant needs an accessible unit (such transfers are not volitional, and refusal to relocate by the household shall result in termination from the subsidy program upon thirty days notice).

Economic Circumstances. Residents who are paying more than fifty percent (50%) of their monthly income for the cost of rent and utilities.

Owner Optional Preferences – Transfers of Existing Residents.

Other - Specify

Preference Description: \_\_\_\_\_

Preference Description: \_\_\_\_\_

The Agent shall maintain a formal waiting list for current residents seeking to relocate to other units pursuant to these conditions. When a vacancy occurs, the Agent shall determine if a transfer is warranted from the internal waiting list before proceeding to the external waiting list to select an applicant for the vacant unit.

3. Filling of Vacancies

In the event that there are no current residents of the Development to fill the vacant unit, the Agent shall offer the vacant unit to the next qualified applicant for that unit type found on the waiting list. If there are no qualified applicants for the unit type on the waiting list, the Agent shall advertise the unit for rent in accordance with the Development's AFHMP and/or offer the unit to a qualified applicant for the unit type not on the waiting list.

**I. Additional Policies Regarding Special Use Units**

1. Accessible Units. These are units which have been constructed according to the ADAAG and AAB codes for accessible units. Accessible units shall be listed with the Massachusetts Accessible Housing Registry (MassAccess). For more details, see <http://www.chapa.org>. Pursuant to M.G.L. c. 151B, Section 7A, upon vacancy of an accessible unit, the Agent shall give the Registry fifteen (15) days notice of the vacancy to MassAccess and persons on the waiting list or other applicants who have identified the need for the features of an accessible unit, during which time the Agent may not lease the

unit to someone who does not need the accessibility features. If an accessible unit must thereafter be offered to someone who does not need the accessibility features, the lease shall include a clause requiring the tenant to relocate to the first available comparable unit if a tenant or eligible applicant requires the unit's accessible features.

2. DMH/DDS Set-Aside Agreement. These units are restricted, by agreement with MassHousing and the Department of Mental Health (DMH) and Department of Developmental Services (DDS), formerly the Department of Mental Retardation, for use by eligible DMH/DDS clients. The agreement reserves three percent (3%) of the low-income units or moderate income units, where applicable, for eligible applicants referred by DMH/DDS:

- Yes  
 No

As a DMH/DDS set aside development, \_\_\_\_\_ percent (\_\_\_\_%) of the low rent (or low and moderate rent) units shall be reserved for eligible DMH/DDS clients.

#### J. Record-Keeping

1. The Agent must retain current applications as long as their status on the waiting list is active.
2. Once the applicant is taken off the waiting list, the Agent must retain the application, initial rejection notice, applicant reply, copy of the Agent's final response, and all documentation supporting the reason for removal from the list for three years.
3. When an Applicant moves in, the Agent must retain the application, supporting documentation (including the Agent's verification efforts) for the duration of the tenancy and for three years after the tenant leaves the property.
4. The Agent must maintain the applicant and tenant information in a way to ensure confidentiality. **The confidentiality of records containing criminal background checks and other personal information are regulated by state and federal law and carry penalties for negligent disclosure and improper use. The Owner should consult with counsel to ensure compliance with state and federal record retention and disclosure laws.**

#### K. Limited English Proficiency (LEP) Services

The Agent shall determine, as part of its obligation to take reasonable steps to ensure meaningful access to the Development and its programs by persons with Limited English Proficiency (LEP), those Oral Language Services (i.e. Interpretation) and Written Language Services (i.e. Translation) that may be required in connection with the implementation of this Plan.

#### L. Modification of Tenant Selection Regulations

The Agent acknowledges that HUD or MassHousing may, from time to time, modify the requirements of their respective tenant selection regulations or policies. The Agent agrees that, upon reasonable notice, the Agent shall amend the Plan to satisfy such changes.

**M. Review and Modification of Tenant Selection Plan**

The Agent shall review periodically, but not less than once per calendar year, the Plan for compliance with the MassHousing Tenant Selection Regulations and Subsidy Program Requirements. The Agent may modify the Plan and the policies related to the selection of tenants at any time, subject to prior approval by MassHousing. The Agent shall send notice of the modification and a description of the changes made to the Plan to applicants on the waiting list within thirty (30) calendar days of the effective date of the modification. MassHousing may also require that the Agent, upon thirty (30) calendar days notice, amend the Plan as directed by MassHousing. Any changes made in a Tenant Selection Plan shall be prospective unless otherwise required by MassHousing or applicable law.

**N. Plan Available to Public Upon Request**

The Agent shall make copies of the Plan available to the public, including Applicants and residents of the Development, upon request.

[signatures on the following page]

**CERTIFICATION/REQUEST FOR APPROVAL**

As an authorized representative of the Agent, I have reviewed this plan and by signing below certify that the information contained herein is true and complete. The plan shall be effective as of the date approved by MassHousing.

DEVELOPMENT NAME: \_\_\_\_\_

MASSHOUSING NO.: \_\_\_\_\_

AGENT: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED:

MASSACHUSETTS HOUSING FINANCE AGENCY

By: \_\_\_\_\_

Date: \_\_\_\_\_

**ATTACHMENTS:**

- Attachment 1: Eligibility Criteria and Occupancy Standards**
- Attachment 1A: Verification of Citizenship or Eligible Immigration Status**
- Attachment 1B: List of Department of Homeland Security Approved Documents**
- Attachment 1C: Restrictions on Eligibility of Students for Section 8 Assistance**
- Attachment 2: Rejection Standards (Exhibit 2 to the Tenant Selection Regulations)**
- Attachment 2A: Request for Sex Offender Registry Information**
- Attachment 2B: Policy for Accessing and Using HUD's EIV for Existing Tenant Search Report during Tenant Selection Screening**
- Attachment 2C: Overview and Suggested Policy Questionnaire/Outline**
- Attachment 3: Model Application Form**
- Attachment 4: Applicant's Consent for Release of Information**
- Attachment 4A: Disclosure of Social Security Numbers**
- Attachment 5: Notification of Decision on Application**
- Attachment 6: Rejection Notice**
- Attachment 6A: Attachment to Rejection Notice**
- Attachment 6B: MassHousing Conference Procedure**
- Attachment 7: Guidelines for Administration of Lotteries for Affordable Rental Housing Units**
- Attachment 7A: Procedures for Housing Lottery**
- Attachment 8: Annual Waiting List Update**
- Attachment 9: Notice of Removal from Waiting List**



Attachment 1

**Eligibility Criteria and Occupancy Standards**

Development Name: Haywood House

MassHousing Project Number:

Total Units:   42  

Place indicate the number of contracted units and the applicable subsidy program(s) for this development:

- 8   Section 8 Project-based subsidy program
- 24  Low Income Units (available to families earning more than 50% and less than 80% AMI)
- 8  Very Low Income Units (available to families earning less than 50% AMI)

Note: For each project assisted under a contract for project-based Section 8 assistance, the owner must lease not less than 40% of the dwelling units (assisted under the contract) that become available for occupancy in any project fiscal year to extremely low-income families.

     Section 236 Interest Reduction Subsidy program

     Rental Assistance program (RAP)

     Rent Supplement program (RS)

     Section 13A Interest Subsidy program

     Massachusetts Rental Voucher program (MRVP) –

Note: Selection for occupancy of MRVP Units shall be conducted by the local housing agency pursuant to Section D.5 of Plan

 32  Low Income Housing Tax Credits

Specify applicable income mix/limitations: \_\_\_\_\_

Please detail the number of units provided under the contract by bedroom size, where specified, and by Family or Elderly designation. Note: only Section 8 contracts specify elderly units. Other subsidy types may either be deed restricted or designated during underwriting.

	<b>Unit Types:</b> E = elevator W = walkup R = row TH = townhouse A = accessible	1-BR	-BR	-BR	-BR	-BR	-BR	-BR	Total
Unsubsidized Market:		-	-	-	-	-	-	-	
Subsidized (by type):									
Section 8 – Elderly	E	8	-	-	-	-	-	-	8
Section 8 – Family		-	-	-	-	-	-	-	
Section 236 – Elderly*		-	-	-	-	-	-	-	
Section 236 – Family		-	-	-	-	-	-	-	
Section 13A – Elderly*		-	-	-	-	-	-	-	
Section 13A – Family		-	-	-	-	-	-	-	
Rent Supplement (RS) (from mortgage application)		-	-	-	-	-	-	-	
Rental Assistance (RAP) (from mortgage application)		-	-	-	-	-	-	-	
Mass Rental Vch(MRVP)		-	-	-	-	-	-	-	
Total:									

Specify the current income eligibility criteria for each subsidy program. **The income eligibility criteria in this table must be updated as the federal income limits and/or project based specific rents in the case of the Section 13A Developments change.** For Section 13 A Developments, attach a copy of the Income Eligibility Calculation spreadsheet provided by MassHousing.

Effective as of : \_\_\_\_\_ [insert date last updated]

<b>Persons in the household:</b>	<b>Maximum annual income:</b>	<i>For Section 8 Contracts only:</i> Indicate the Extremely Low Income target level 30%
One	\$	\$21,720
Two	\$	\$24,840

<b>Persons in the household:</b>	<b>Maximum annual income: 60%</b> Indicate applicable program: Low Income Tax Credits
One	\$43,440
Two	\$49,680

<b>Persons in the household:</b>	<b>Maximum annual income: 99%</b> Indicate applicable program: Moderate income
One	\$71,676
Two	\$81,972

<b>Persons in the household:</b>	<b>Maximum annual income: 80%</b> Indicate applicable program: Housing Stabilization Fund
One	\$57,920
Two	\$66,240

The Agent shall consider housing applicants for residency who, at the time of admission, meet all of the following conditions as outlined in HUD 4350.3 REV-1, and any applicable federal/state guidelines, and who have submitted an application for occupancy. The following criteria shall be used to determine an applicant's eligibility:

- A household is a family or single person who is eligible under applicable federal/state requirements.
- The Agent must develop a written method for assigning units and have it available on-site.
- Household annual income does not exceed current program income limits.
- Households who have provided verified social security numbers (SSN) for all family members.
- Households who have not committed any fraud in connection with any Federal or State Housing Assistance Program, and owe no rent or other amounts in connection with housing assistance.

**OCCUPANCY STANDARDS**

Occupancy is usually based on two people per bedroom unless the square footage allows or requires otherwise. Household size must comply with unit size based on the current State Sanitary Code Minimum Square Footage Requirements or any applicable Federal regulations or requirements, including those found in Section 3-23 (Occupancy Standards) and Exhibit 3-2 (Fair Housing Enforcement - Occupancy Standards Notice of Statement of Policy, 63 FR 70256) of the HUD 4350.3 REV-1.

**EXAMPLE**

**Massachusetts State Sanitary Code Minimum Square Footage Requirements**

<i># Occupants</i>	<i>S.F. Per Bedroom*</i>	<i>Total Habitable Area*</i>
1	70 sq. ft.	150 sq. ft.
2	100 sq. ft.	250 sq. ft.
3	150 sq. ft.	350 sq. ft.

\*Square footage excludes bathrooms, connecting hallways, closets and laundry rooms.

Acceptance of a unit at maximum occupancy does not give the tenant the right to claim overcrowded conditions and request a transfer to a larger unit, unless the family size changes.

Based on the average square footage for each unit type, specify the maximum and minimum number of occupants permitted for each unit:

Unit type & size	Average Square Footage:	Maximum occupants:	Minimum occupants*:
Studio			1
1 Bedroom	667	2	1
2 Bedroom			2
3 Bedroom			3
4 Bedroom			4
5 Bedroom			5
6 Bedroom			6

\* subject to exception on the basis of reasonable accommodation, or as otherwise permitted by the subsidy program.

**Other Occupancy Standards:**

(i) A husband and wife, or those in a similar living arrangement, shall be required to share a bedroom, unless the consequence of sharing would be a severe adverse impact on his or her mental or physical health and the Agent receives reliable medical documentation as to such impact or sharing.

(ii) [insert other applicable occupancy standards] \_\_\_\_\_

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