

TENANT SELECTION PLAN – REFERENCE GUIDE
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GENERAL REQUIREMENTS

The objective of a tenant selection plan (a “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 (the “Applicable Program Requirements”), including, in the case of Federally Assisted Housing (as defined in 24 CFR 5.100) program 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 which may be used in connection with an abbreviated application form approved by MassHousing. MassHousing has made a model form Common Pre-Application available for download from the MassHousing Rental Portal Document Library at www.masshousingrental.com.

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.

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 the Plan.

B. Statement of Non-discrimination

It is the policy of the Owner and Agent to promote equal opportunity and non-discrimination in compliance with, but not limited to, the federal and state constitutions and legislative enactments addressing discrimination in housing. These enactments include, without limitation: 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 and in carrying out the Plan:

- The Agent shall not discriminate on the basis of race, color, religion, sex, national origin, genetic information, ancestry, sexual orientation, gender identity, age, familial status, children, marital status, veteran status or membership in the armed services, the receiving of public assistance, or physical or mental disability, 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, with such updates or revisions as required by MassHousing and/or HUD. The AFHMP is incorporated into the Plan by reference and attached as Attachment A. The AFHMP shall be reviewed and updated by Owner and/or Agent at least every five years, or more frequently if relevant demographics change or as otherwise necessary to ensure compliance with applicable law or guidelines.
- The Agent shall not discriminate based on race, national origin or another protected characteristic resulting from consideration of an applicant’s limited ability to read, write, speak or understand English, or persons with limited English proficiency (“LEP”), either through the use of language-related criteria, or through a failure to provide housing-related language assistance services to persons with LEP as otherwise required under the Plan.

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.

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 is not 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, with such additional time as may be permitted by Applicable Program Requirements. MassHousing has made a model form Common Pre-Application available for download from the MassHousing Rental Portal Document Library at www.masshousingrental.com.



Note: Determination of threshold 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 residents, may only be occupied by households meeting the criteria for such designations. The number of designated units and the terms of their designation is set forth in the Eligibility Requirements and Occupancy Standards portion of the Plan. If specified in the Occupancy Restrictions (Age/Family Status) portion of the Plan, 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).

(b) **Applicable Program Requirements.** Units within the Development receiving federal or state housing subsidies may only be occupied by those households meeting the criteria of the Applicable Program Requirements, which may (in addition to the Project-Specific Requirements) include, but are not limited to:

(i) **Citizenship/Immigration Status Requirements.** Household must submit evidence and meet requirements established by certain federal subsidy programs which restrict occupancy by non-citizens (see HUD Handbook 4350.3 REV-1 § 3-9 and 24 CFR 5.216 available at www.masshousingrental.com).

(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 Applicable Program Requirements.

(iv) **Student Status.** Developments with Federally Assisted Housing units 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 4350.3 REV-1 § 3-13 and 24 CFR 5.612, available at www.masshousingrental.com.

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 follows:

(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 (“Rejection Standards”) lists circumstances that create the presumption that an applicant is not suitable for tenancy. The Rejection Standards are listed in Attachment B to the Plan, and provide the criteria by which applicants shall be screened (the “Screening Criteria”). Under the circumstances identified in Attachment B, 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.

Applying the Screening Criteria, and the use of criminal history in determining an applicant’s ability to meet the essential requirements of tenancy under the Screening Criteria, shall be subject to the standards set forth in the HUD Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions dated April 4, 2016 (the “Guidance”), as such standards may be updated, revised, supplemented or replaced. Pursuant to such Guidance, the Agent may not reject an applicant for failure to meet the requirements of tenancy under the Screening Criteria solely because of one or more prior arrests (without any conviction), since the fact of the arrest is not proof of past unlawful conduct and does not establish that criminal conduct occurred. An arrest record may prompt an investigation by the Owner or Agent into whether disqualifying conduct occurred. Police reports detailing the circumstances of the arrest, witness statements, conviction records and other relevant documentation may be utilized to make such a determination.

In carrying out the selection of tenants under the Plan, and in a manner consistent with the Guidance, 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: *Federally Assisted Housing and Developments Receiving Federal Housing Assistance (i.e. programs listed in 42 U.S.C. 14043e-11(a)(3), including Low Income Housing Tax Credits): Pursuant to the Violence Against Women Reauthorization Act of 2013 (42 U.S.C. 14043e-11) 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, sexual assault 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 any records of prior criminal history, the Agent or its agent(s) may obtain Criminal Offender Record Information (CORI) or similar 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. In addition to screening adult members of the applicant’s household, it is recommended that criminal background screening include juvenile members of the applicant’s household, to the extent allowed by state law. Criminal background screening should include information from every state where the applicant or any household member has been a resident.

Note: The receipt and use of prior criminal history in applicant screening, including the application of mitigating circumstances, in making determinations of suitability, may be further subject to the policies of Owner or Agent, as may be attached to the Plan, provided that such policies are consistent with, and do not alter or derogate from, the requirements of the Plan.

(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, provided it is done so consistently with respect to all applicants).** 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. (A model form “Request for Sex Offender Registry Information” is available for download from the MassHousing Rental Portal Document Library at www.masshousingrental.com). The Agent or its agent(s) should check each state in which the applicant or any household members have resided, and 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 Applicable Program Requirements. See HUD Handbook 4350.3 REV-1 § 3-9 and 24 CFR 5.216 located at www.masshousingrental.com.**)

(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 the Plan are set forth in Attachment C (Policies for Accessing and Using EIV Existing Tenant Search Report during Tenant Selection Screening).

(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).

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 abuse of alcohol, which includes abuse within the last year, and abuse is unlikely to recur.
- (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.
- 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 that 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)

(c) Reasonable Accommodation. 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. 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 health care professionals that provide confidential information). All applicants are responsible for providing releases or access as necessary for verification for such claims. If the applicant refuses to provide access to such further information the Agent may choose not to give further consideration to the mitigating circumstance. In instances where the applicant claims that certain services or treatment shall be available to enable the applicant to correct the problem behavior, the Agent shall require verification, consistent with applicable law, that such services are available and that the applicant is likely to continue to use such services or treatment.

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(j) 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 shall be in the form approved by MassHousing, and annexed to the Plan as Attachment D, and may include an abbreviated pre-application form for use in determining initial eligibility and waiting list placement. A model form of Application is available for download from the MassHousing Rental Portal Document Library at www.masshousingrental.com. Application forms shall be made available to potential applicants and accepted in the manner(s) indicated in the Plan. 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.

Advertising and outreach efforts shall identify locations where the application can be obtained. Applications shall be available at wheelchair accessible locations, which must also be public unless otherwise approved, including one that has some night hours; usually, a public library will meet this need. The advertisements and other marketing materials shall include a telephone number, as well as the TTY/TTD telephone number, that persons can call to request an application by mail, as well as information as to how applications may be submitted by mail. Advertisements and other marketing materials shall not indicate that applicants must appear in person in order to receive or submit applications or that they will have an advantage over applicants who do not appear in person.



At least one (1) application shall be provided by mail at no cost upon request by an applicant. To the extent practicable, applications shall be made available online, and shall be provided to applicants by other methods (i.e. fax, email) upon request. Applications and other vital documents shall be made available in multiple languages in accordance with the applicable language access plan.

The application must be completed and signed by the head of the household, and signed or accompanied by such certifications and releases of all adult household members as may be required for compliance with Applicable Program Requirements. The application form shall at a minimum request the information contained in the approved application form in Attachment D 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;
- include a notice of the right of persons with LEP to receive free language assistance.

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 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 9887-A). In the case of applications for units participating in state subsidy programs, all adult household members must sign a consent for release of information, a model of which (Consent for Release of Information) is available for download from the MassHousing Rental Portal Document Library at www.masshousingrental.com.

Note: Credit information for a Live-in Aide is not required since their income is not included in the household income calculation. A Live-in Aide 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).) Notwithstanding the foregoing, a proposed Live-in Aide shall be subject to applicant screening pursuant to Sections C above.

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.

The Agent shall 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 the Agent 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) Determination of program eligibility - Completed applications shall be reviewed for income eligibility and compliance with any categorical eligibility requirements for the program, such as age or disability. Applicants determined to be ineligible shall be rejected in accordance with procedures outlined herein. 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.

(d) Waiting list placement - Once a fully completed application (or pre-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 and time 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.

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), in which case the Agent should seek to maintain the applicant’s relative priority on the waiting list through use of the original application date, lottery control number or other equitable process;
- (ii) reassigned to a different preference status; or
- (iii) determined ineligible.

3. Notification of Decision on Application. The Agent shall send a written response to the applicant advising such applicant of the status of the application. A model of such response (Notification of Decision on Application) is available for download from the MassHousing Rental Portal Document Library at www.masshousingrental.com. The response shall be mailed within thirty (30) 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 the following:

- 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 its written response to applicant, the following:

- the reason(s) for the rejection;
- if applicable, 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;
- if applicable, 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;
- if applicable, “Notice of Occupancy Rights Under the Violence Against Women Act” with HUD-approved certification attached;



- 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; and
- notice that the applicant has the right to request language assistance in connection with any further action taken by the applicant in response to the notice of rejection, including a rejection conference, meeting, VAWA certification or request for reasonable accommodation.

Every rejection notice shall include a copy of the MassHousing Conference Procedures, unless the Development is specifically exempted (See Attachment E, if applicable). A model form of Rejection Notice is available for download from the MassHousing Rental Portal Document Library at www.masshousingrental.com.

5. Addition of New Members to Existing Household

The addition of new members to an existing tenant household shall be subject to completion and submission of a signed application by the proposed household member, which shall be processed in accordance with the requirements of Section D.1 through D.4 above, and shall be subject at all times to the Eligibility and Selection Criteria set forth in Section C.

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

For developments receiving project-based Massachusetts Rental Voucher Program (MRVP) subsidy, the selection of residents shall be made in accordance with MRVP regulations (760 CMR 49.00) and the MRVP Administrative Plan issued by the Massachusetts Department of Housing and Community Development (“DHCD”) as of August 1, 2017, as both may be amended from time to time. Pursuant to such regulations and Administrative Plan, the acceptance and processing of applications, determination of program eligibility, initial applicant screening, unit sizing and waiting list placement shall be administered either by (i) the Owner and its Agent under the Plan, or (ii) the local housing agency (“LHA”) or designated Regional Administering Agency (RAA), as Administering Agency, as set forth in the MRVP Contract between DHCD and the Owner, and identified in the Plan.

For developments in which the Owner is identified in the Plan as responsible for maintaining the waiting list, the Agent will follow the selection process found in Sections C through G of this Plan, and such other requirements as may be specified by the Administering Agency and/or DHCD, in the review and selection of applicants for the MRVP project-based units, for which the Agent will maintain a separate waiting list.

For developments in which the Administering Agency is identified in the Plan as responsible for maintaining the waiting list, whenever a vacancy occurs in a unit receiving project-based MRVP, the Agent shall inform the Administering 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 Administering Agency unless reasons exist for rejection as described in the Rejection Standards. In cases where a current resident seeks to receive a project-based MRVP subsidy, by internal transfer to an MRVP-assisted unit or otherwise pursuant to the requirements of Section H.3 below, the Agent must refer the tenant to the Administering Agency for processing. The Administering 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.



7. Special Application Procedures for Section 8 Project-Based Voucher Units

For developments with Section 8 Project Based Voucher (PBV) units, all contracted units (i.e. all units covered by a Housing Assistance Payments (HAP) contract with a local housing agency or Regional Administering Agency, as Public Housing Agency (PHA) must be leased to eligible households referred to the Agent by the PHA, which shall be responsible for taking and processing applications for occupancy of the contracted units. Specifically, the PHA 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 PHA, 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 PHA, and shall offer referred households units for lease unless reasons exist for rejection as described in the Rejection Standards.

For a current tenant to receive a PBV unit subsidy, the Agent must refer the tenant to the PHA, which shall determine eligibility and placement on the waiting list for contracted units as provided above.

Notwithstanding the foregoing, the PHA may, pursuant to HUD regulations and guidelines, delegate responsibility for the acceptance and processing of applications, and administration of waiting lists, to the Owner. For developments in which the Owner is identified in the Plan as responsible for the waiting list, the Agent will follow the selection process found in Sections C through G of this Plan, subject to additional requirements as may be specified by the PHA and/or DHCD, in the review and selection of applicants for the PBV units, for which the Agent will maintain a separate waiting list. Upon vacancy of a PBV unit, following preliminary review and selection by the Agent, applications for PBV units will be forwarded to the PHA for confirmation of applicant eligibility and criminal screening, as required by 24 CFR Part 983, Subpart F. If the application is approved by the PHA, the applicant will be offered a PBV unit.

If the PHA denies the application, the PHA should send a rejection letter to the applicant with a copy to the Agent. Pursuant to the rejection letter, applicant will have fifteen (15) business days to appeal the rejection with the PHA. If the rejection is overturned on appeal by the PHA, the applicant will be offered a PBV unit. If the rejection is upheld, the PHA will advise the applicant in writing with a copy to the Agent. Agent will send its own rejection letter to applicant (with a copy of the PHA rejection letter but without the MassHousing Conference Procedure instructions attached) informing the applicant that they have been denied a PBV unit on the basis of the PHA review rejection letter. If the rejected applicant's income qualifies for other units in the Development, the applicant would also get a letter advising them that they have been placed on (or that they will remain on) the appropriate waiting lists.

8. Application Procedures for Special Use Units

The acceptance and processing of applications for occupancy of Special Use Units, comprising (i) accessible units, (ii) DMH/DDS 3% Priority Units, and (iii) Direct Referral Units, as identified in the Plan, shall be as set forth in Section I below.



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 as required for 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 the Plan. The preferences described below, and as set forth in the Plan, do not apply to the selection of applicants for Special Use Units, nor to the selection of applicants for MRVP or PBV Units in circumstances where the Owner does not control the waiting list.

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, Rape/Dating Violence, Sexual Assault or Stalking:

An applicant, otherwise eligible and qualified, who has been, or is being, involuntarily displaced by domestic violence, rape, sexual assault or stalking (DVRSAS), as such terms are defined in M.G.L. c. 186, § 23. An applicant is involuntarily displaced by DVRSAS if:

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

In addition, for Federally Assisted Housing and Developments Receiving Federal Housing Assistance (i.e. programs listed in 42 U.S.C. 14043e-11(a)(3), including Low Income Housing Tax Credits), which are subject to the Violence Against Women Reauthorization Act of 2013 (42 U.S.C. 14043e-11) and regulations promulgated in accordance therewith at 24 CFR Part 5, Subpart L:

An applicant, otherwise eligible and qualified, who is a victim of domestic violence, dating violence, sexual assault, or stalking (DVDVSAS), as defined in HUD’s Final Rule – Violence Against Women Reauthorization Act of 2013 (81 FR 80724).

Note: The Larger Household Preference, as required by DHCD Affirmative Fair Housing Marketing and Resident Selection Plan Guidelines (the “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 the Eligibility Requirements and Occupancy Standards portion of the Plan, 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 in the DHCD 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.



If applicable, the preferences set forth in this subsection E.2 shall have priority over any other preferences set forth in the Plan.

3. Owner Adopted Preferences (as allowed under applicable program rules).

If specified in the Plan, the Agent shall apply Owner Adopted Preferences in determining the order of an applicant's placement on the waiting list as may be allowed under Applicable Program Requirements. Unless otherwise indicated, such preferences are subordinate to the required preferences set forth elsewhere in this section (Section E) and shall be applied in the order specified in the Plan.

Note: If a local preference is specified in the Plan, the preference description must include the type of local preference (categories of persons eligible for the preference), the extent of local preference (i.e., % of affordable units subject to the preference and the limitation of the preference to initial rent-up, if applicable), and procedure (lottery) for implementing the preference, all of which must be consistent with DHCD Guidelines and/or HUD requirements, as applicable. The local preference must also be incorporated appropriately into the attached to the Plan as Attachment F (Procedures for Housing Lottery), which must clearly indicate that implementation of the local preference is limited to initial lottery/initial rent-up, except as otherwise permitted by DHCD.

4. 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 HAP Contract effective before October 1, 1981, and are being leased on or after that date, in which case 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, provided that the Agent has used its best efforts to lease the minimum number of units specified in the HAP Contract to families whose income does not exceed very low income (See HUD Handbook 4350.3 REV-1, Section 3-7 (B)); 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 (the "Mandatory Income Targeting").

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

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 – as specified in the Plan by Agent.

F. Initial Rent-Up/Lottery

If the 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 any applicable state and federal guidelines for the administration of lotteries for multifamily affordable rental housing units, subject to applicable Fair Housing requirements, and with procedures developed by the Agent attached to the Plan as Attachment F (Procedures for Housing Lottery) as reviewed and approved by MassHousing and/or HUD.

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 (3) years.



2. Waiting lists must include the following data taken from the application:
 - (a) Date and time the applicant submitted the application, and/or lottery pull or control number, if order and placement on waiting list subject to lottery;
 - (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, unless applicants are to be added to the waiting list based on a lottery or other procedure pursuant to Section G.9 and/or the DHCD Guidelines.

5. If an applicant is eligible for tenancy, but no appropriately sized unit is available, the Agent shall place the applicant 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 or alternate contact designated by the applicant 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 (Annual Waiting List Update) is available for download from the MassHousing Rental Portal Document Library at www.masshousingrental.com.

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 (1) 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 for one or more unit types, the list(s) shall be re-opened as necessary to obtain additional applicants for those unit types. Applications received following the reopening of a waiting list or following a marketing effort to generate a sufficient waiting list as provided in the DHCD Guidelines, shall be processed and added to the waiting list on a random basis as determined by lottery or other random selection procedure after a minimum application period. Such lottery or procedure (including the use of an extended application period) shall be conducted in accordance with the DHCD Guidelines, and/or by any applicable state and federal guidelines for the administration of lotteries for multifamily affordable rental housing units, subject to applicable Fair Housing requirements, and procedures developed by the Agent which shall be submitted to MassHousing for approval at least sixty (60) days prior to reopening of the waiting list. Notwithstanding the foregoing, the use of a lottery or random selection procedure for placement of applicants may be waived if determined by MassHousing, in advance, to be unduly burdensome or impracticable. A public notice announcing the reopening of the waiting list and acceptance of applications shall be placed in area publications and as otherwise required by the Development's Affirmative Fair Marketing Plan, and, unless waived by MassHousing, should indicate the application deadline and selection by lottery or other random selection procedure. Thereafter, and unless and until the waiting list is closed, subsequent applications shall be accepted and added to the waiting list on a chronological basis as otherwise provided herein.

10. Waiting lists shall be updated every twelve (12) 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 model notice of removal (Notice of Removal from Waiting List) is available for download from the MassHousing Rental Portal Document Library at www.masshousingrental.com.

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 (12) 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 the 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 (except Special Use Units, and MRVP and PBV Units for which the Agent does not administer a waiting list), the Agent shall first offer current residents the option to relocate to another unit in the Development (in the order set forth below), provided such residents meet one of the following transfer conditions:

(a) Size of Family or Special Condition.

- Residents who require the features of an accessible unit;
- Residents who 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;
- Residents who are victims of harassment based on protected status, those in need of an emergency transfer due to domestic violence, dating violence, sexual assault or stalking;
- 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 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).

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

3. Owner Optional Preferences – Transfers of Existing Residents.

The Agent shall maintain a formal internal transfer 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 transfer list before proceeding to the external waiting list to select an applicant for the vacant unit. Notwithstanding the foregoing, the Owner may elect within the Plan to alternate offering available units to applicants on the external waiting on a specified number of occurrences (e.g. one out of two vacancies), provided that priority is always given first to

- Current residents who require the features of an accessible unit;
- Current residents who 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



- Current residents who are victims of harassment based on protected status, those in need of an emergency transfer due to domestic violence, dating violence, sexual assault or stalking.

Notwithstanding anything to the contrary set forth herein, applicants who are eligible for an Owner Adopted Preference under the Plan based upon relocation to avoid, remedy or address the harassment of a resident based on protected status, or the emergency transfer of a resident due to domestic violence, dating violence, sexual assault or stalking will be given priority for the specific unit type requested over anyone on the internal transfer list (except transfers relating to the need for accessible units or reasonable accommodation), subject at all times to the availability of, and qualification for, occupancy at comparable level of support under the same or similar housing subsidy program.

Note: Requests for transfers to or between units in the Development receiving assistance through MRVP or PBV shall be submitted to, and processed by, the Administering Agency or PHA, as applicable, for approval, except in circumstances where the Owner is authorized to approve such transfers of subsidy.

4. Prohibition on Split Households. Any transfer by an existing resident household approved under the Plan must require the relocation of all household members to a single replacement unit, except as may be permitted or required in the case of emergency transfers due to domestic violence, dating violence, sexual assault or stalking. A portion of an existing resident household may not obtain a second unit except through a new application for housing (and placement on a waiting list, if applicable) by members of the proposed second household.

5. 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. Accessible units are units which have been constructed according to the Uniform Federal Accessibility Standards (UFAS), the 2010 ADA Standards for Accessible Design, Architectural Access Board (AAB) code and/or other applicable requirements for accessible units. Accessible units shall be listed with the Massachusetts Accessible Housing Registry (MassAccess). For more details, see <http://www.chapa.org> or <https://massaccesshousingregistry.org>. Pursuant to M.G.L. c. 151B, Section 7A, upon vacancy of an accessible unit, the Agent shall give 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 an applicant who does not need the accessibility features. If an accessible unit must thereafter be offered to an applicant 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 3% Priority Units. Certain units, as identified in the Plan, are restricted pursuant to an interagency agreement among MassHousing, the Department of Mental Health (DMH) and Department



of Developmental Services (DDS), 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. Upon the actual or anticipated vacancy of a restricted unit, the Agent shall follow protocols promulgated by MassHousing, DMH and DDS relating to the solicitation, referral, screening and selection of applicants to fill these units.

3. Direct Referral Units. Certain units, as may be identified in the Plan, are the recipients of housing subsidies through which a direct referral for admission (or admissions preference or priority) is made by the source of subsidy or its designee. Such units may include, but are not limited to, those receiving assisted through the Facilities Consolidation Fund (FCF) Program, the Community Based Housing (CBH) Program, the 811 Project Rental Assistance Demonstration Program, and City of Boston Homeless Set-Aside Preference Program. Upon the actual or anticipated vacancy of a Direct Referral Unit, the Agent shall follow the protocols relating to the solicitation, referral, screening and selection of applicants to fill these units, as more particularly described and set forth in Project Specific Attachments to the Plan. In the event that a referral is not made in a timely manner following notice of vacancy, the Agent may fill the unit as otherwise provided under the Plan, subject at all time to Applicable Program Requirements.

J. Miscellaneous Provisions

1. Record-Keeping. The Agent must retain current applications as long as their status on the waiting list is active. 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 (3) years. 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 (3) years after the tenant leaves the property. 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.**

2. 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 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 the Plan.

3. 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.

4. 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 Applicable 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.

5. 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.

List of Attachments to Plan

Attachment A: Affirmative Fair Housing Marketing Plan

Attachment B: MassHousing Rejection Standards

Attachment C: Policy for Accessing and Using EIV (HUD programs only)

Attachment D: Application for Occupancy (approved form)

Attachment E: MassHousing Conference Procedures

Attachment F: Procedures for Housing Lottery

List of Model Forms:

1. Common Rental Pre-Application
2. Request for Sex Offender Registry Information
3. Application Form
4. Consent for Release of Information
5. Notification of Decision on Application
6. Rejection Notice
7. Annual Waiting List Update
8. Notice of Removal from Waiting List

