

# **Old High School Apartments**

## **Tenant Selection Plan**

# Tenant Selection Plan

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## Site Information

<i>Site Name</i> <b>Old High School Commons</b>	
<i>Address</i> <b>Acton, MA</b>	
<i>Phone Number</i> <b>TBD</b>	
<i>Fax Number</i> <b>TBD</b>	
<i>Email Address</i> <b>TBD</b>	

## Subsidy Type (Check all that apply)

- Section 236 Interest Reduction Payments
- Section 13A Interest Reduction Payments
- Section 202
- PRAC
- Section 8 project based assistance
- Section 8 voucher assistance
- Cooperative
- Low Income Housing Tax Credits
  - 20/50
  - 40/60
- HOME
  - HIGH HOME (8 units)
  - LOW HOME (3units)
- MRVP assistance.
- Tax- Exempt bond financing under Section 142 of the Internal Revenue Code of 1986, as amended, provided by MassHousing
- Mobile MRVP or AHVP
- [Other - Please Specify]
  - Community Based Housing (CBH)
  - AHT

## Income Limit - (Check all that apply)

<input type="checkbox"/>	BMIR	95% of median income
<input type="checkbox"/>	Low Income Limit	80% of median income
<input checked="" type="checkbox"/>	Very Low Income Limit	50% of median income
<input checked="" type="checkbox"/>	Extremely Low Income Limit	30% of median income
<input type="checkbox"/>	LIHTC 20/50	50% of median income
<input checked="" type="checkbox"/>	LIHTC 40/60	60% of median income
<input checked="" type="checkbox"/>	HOME - HIGH	60% of median income
<input checked="" type="checkbox"/>	HOME - LOW	50% of median income
<input type="checkbox"/>	OTHER - specify	

## Preferences - (Check all that apply)

### Income Targeting for Section 8 Units

At least 40% of families admitted to a project in a fiscal year must be extremely low income.

Pre 10/81 - Not more than 25% of the units available under the Annual Contribution Contract (ACC) or HAP contract shall be available to low income families other than very low income in these units.

Post 81 - Not more than 15% of the units available under the Annual Contribution Contract (ACC) or HAP contract shall be available to low income families other than very low income in these units. Without prior HUD approval no low income family except those qualifying under Very low income shall be admitted.

### Statutory Program Preferences for Section 8

In all developments receiving Section 8 assistance preferences must also be given to:

1) Elderly individuals/families (including persons with disabilities under the age of 62) and displaced persons

2) (Optional) Agents 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 criteria (see certification below) and such preferences do not otherwise violate Fair Housing Act or Age Discrimination Act standards.

This development has adopted the HUD Title VI Elderly preference and has documentation on site that this development is eligible to do so.

The number of units set aside for persons under 62 years of age with disabilities is \_\_\_\_\_

The development has selected the "Near Elderly" Preference.

## Section 236

**Required Federal Statutory Program Preferences for Section 236 developments.** In addition to the requirements cited in section 1 above, Management shall use the following preferences for 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 HUD Handbook 4350.3, preference shall be provided to applicants displaced as a result of government action, or a Presidentially declared disaster.

## OTHER

**Total Units: 15 Affordable Units**

**LIMIT:** Nine (9) units are restricted to residents with incomes at or below 60% of AMI (adjusted for family size).

**PBV:** Section 8 PBV subsidies will be available for four (4) very low income rental units of which the Section 8 subsidy for these units will be made available by and administered through SMOC. Two (2) Units will be available to Persons Certified as Eligible (PCEs) under the CBH program and will receive Section 8 project based voucher assistance administered by SMOC.

### **Local Preference**

A local preference insofar as allowed under the Act and the regulations and other applicable law with respect to at least 70% of the affordable units for:

- For current or displaced residents of the Town of Acton, MA,
- Current employees of the town of Acton
- Employees of Local Businesses, or applicants who can document that they have been hired by a local business;
- Households with children attending Acton Public Schools

### **LOTTERY PROCEDURES**

1. The Agent will make a preliminary determination of eligibility, based on the self-certified statement of the applicant as to income, assets, age, disability status, and preference or priority status, if any. Preliminary screening also includes review of the application to ensure that each application meets standard threshold criteria, including the following:

- the application has been filled out completely;
- the income indicated is within the income limits prescribed;
- the household size is appropriate for the unit size; and
- any other threshold criteria established by the funding source or developer is met.

The Agent will notify applicants who have not met threshold criteria and therefore are not eligible for any unit. The applicant will be sent a letter, within 30 days of the Agent receiving the completed application, explaining the reason(s) for ineligibility. If an applicant disputes the determination of ineligibility, applicant may contact the Agent within 5 business days from the date of the notification letter, and the Agent shall carry out the Conference Procedures in Exhibit C. Appeals will be completed, prior to the time of the lottery, or unit(s) will be held on reserve, pending outcome of the appeal(s).

The Agent will notify applicants who, based upon the *non-verified information supplied by the applicant*, meet standard threshold criteria that they are eligible to participate in the lottery, and are informed of the lottery date. They may, or may not, be invited to attend.

2. The applications or cards bearing each applicant's name, I.D. code, or other identifier all will be placed into either one or two of three possible lottery receptacles that will determine each applicant's rank order for selection: the **General Applicant pool** receptacle, the **Local Preference pool** receptacle, and the **Minority Adjustment pool** receptacle. The **first receptacle** for the General Applicant pool will contain *all* applicants, including those applicants who are eligible for the Local Preference pool. The **second receptacle** for the Local Preference pool will contain only the applicants who meet the Local Preference criteria. A **third receptacle** will be used, if necessary, to conduct a preliminary-lottery to ensure that the Local Preference pool has a large enough percentage of minority applicants to equal the Acton minority representation, in this case **20.10%** as defined by HUD. This third Minority Adjustment receptacle will therefore contain all of the minority applicants who did not qualify for the Local Preference pool. The applicants drawn from this pool will be used to adjust the Local Preference pool to the extent the Local Preference pool yields a lower percentage of minority applicants than the **20.10%** currently defined by HUD. These applicants will be added to the Local Preference pool before the lottery takes place in order of their ranking until the percentage of minority applicants in the Local Preference pool is equal to **20.10%**

3. Once the Local Preference pool's minority representation has reached the required 20.10%, a separate manual lottery will be held for the Local Preference and General Applicant pools to determine each applicant's rank order for selection. As each application/card is drawn from the respective receptacle, the number of the draw is announced and indicated on the appropriate master list, as well as on the application/card. For example, the first application/card drawn from the Local Preference pool will be indicated as #1 LP on the master list and the application/card will be marked with a #1 LP.

4. After the lottery, each applicant is notified of his/her place on the appropriate master lists. All names drawn shall be assigned a number in the sequence in which they were drawn (for example should we have 500 applications for the General Applicant pool, we will draw all 500 and number them in sequence from 1 GA to 500 GA).

5. The Agent will use the master lists to fill the lottery units. The 6 units receiving Project Based Voucher Assistance are not subject to the lottery procedures as these units are referred by outside agencies. Of the 9 remaining units, 70% or 6 of the 9 units are available for the lottery. The 6 units will be filled first from the Local Preference master list. Once the first 6 units have been filled with qualified and approved Local Preference applicants, the remaining 3 units will be filled with the highest ranking qualified applicants from the General Applicant master list who qualify for the size units that remain on-leased.

6. At the conclusion of the rent-up period, the Agent will maintain a copy of the two master lottery lists (General Applicant and Local Preference) which includes each applicant's name, and contains the following information:

- Each applicant's city or town at time of application;
- Selection status (obtained housing, or reason why they did not pass screening);
- Household size;
- Income category.

## Privacy Policy

It is the policy of the Agent to guard the privacy of individuals conferred by the Federal Privacy Act of 1974 and the Massachusetts Privacy Act, and to ensure the protection of such individuals' records maintained by the property.

Therefore, Agents shall not disclose any personal information contained in its records to any persons or 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 in state or federal privacy acts.

This privacy policy in no way limits the property's ability to collect such information as it may need to determine eligibility, compute rent, or determine an applicant's suitability for tenancy. Consistent with the intent of Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and the Fair Housing Amendments of 1988, any information obtained regarding disability will be treated in a confidential manner and used only for the purposes for which it is gathered.

Information obtained under Criminal Checks or Criminal Offenders Records Information (CORI) provisions shall be maintained in a confidential manner and used only for purposes allowed under the law.

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

## Fair Housing and Equal Opportunity

It is the policy of Peabody Properties, Inc., hereinafter referred to as the Agent, to promote equal opportunity and non-discrimination in compliance with, but not limited to, the following: Civil Rights Legislation (1964, 1968, 1988), Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act, as amended in 1995, Executive Order 11063, MGL Chapter 151B, the Fair Housing Amendments Act of 1988, the American with Disabilities Act of 1990, and any other legislation protecting the individual rights of residents, applicant or staff which may subsequently be enacted.

1. The *Affirmative Fair Marketing Plan* and Contract establish the minimum minority occupancy goal for the development and must be adhered to. Peabody Properties, Inc. prohibits discrimination in marketing, acceptance and processing of applications, tenant selection, unit assignments, the certification and recertification process and all other aspects of continued occupancy.
2. In carrying out this Resident Selection Plan, Peabody Properties, Inc. will afford *equal opportunities* and will not discriminate on the basis of race, color, creed, religion, national or ethnic origin, citizenship, ancestry, class, sex, sexual orientation, familial status, disability or handicap, military/veteran status, source of income, age or other basis prohibited by city, state or federal law.
3. *504/ADA Requirements* assure persons that in accordance with Section 504, Peabody Properties, Inc. will make reasonable accommodations for individuals with handicaps or disabilities (applicants or residents). Such accommodations may include changes in the method of administering policies, procedures, or services. In addition the property may perform structural modifications to housing and non-housing facilities on sites where such modifications would be necessary to afford full access to the housing program for qualified individuals with disabilities/handicap.

*504/ADA Requirements assure persons:*

- { Equal opportunity to participate in programs and services;
- { No denial of right to dwelling;
- { Equal opportunity to gain same benefits and services with no necessary differences or separateness;
- { Provision of assistance in most integrated setting appropriate; and,
- { Equal opportunity to serve on Boards.

## Reasonable Accommodations

### Applicants with Disabilities

It is illegal to reject an applicant because of disability or for reasons that could be overcome by a reasonable accommodation of the applicant's disability.

Applicants with disabilities are entitled to considerations to accommodate their special needs in addition to those afforded to all other applicants. If, even with reasonable accommodation, applicants with disabilities cannot meet the Resident Selection criteria, they will be rejected. Such insurmountable problems might arise because of behavior in past housing, inability to comply with the terms of the lease, bad credit, criminal activity, or needed lease-related services from the property staff that represent an undue financial or administrative burden or an alteration in the fundamental nature of the property.

### Reasonable Accommodations

The ability of an applicant with a disability to care for a current apartment is evidenced by success or failure to care for past living arrangements. If past tenancies or living arrangements showed no problems, there will be no further inquiry. If past care of unit failed to meet screening standards, applicant may still be eligible if he or she can demonstrate that assistance with caring for the unit has been secured. Such assistance could be in the form of a live-in aide, or it could be a friend, family member, chore service or employee of the applicant. It is not the objective of the property to make judgments about the best way to provide assistance but simply to determine whether the assistance will enable the applicant to meet the screening criteria.

If some form of assistance is needed to enable an applicant to comply fully with the lease terms, screening staff will obtain verifications that such assistance is available to the applicant. The Certification of an Individual or Agency Providing Assistance Form will be used for this verification. Need for and efficacy of a proposed reasonable accommodation shall be verified on the Verification of Need for/Efficacy of Reasonable Accommodation. No reasonable accommodation shall be offered prior to receipt of positive verification.

Reasonable accommodation may take the form of adjustment of policies, practices, and services, where such adjustment offers an acceptable prospect of lease compliance in the previously unacceptable area of behavior. Where necessary and justified by verified circumstances, management will perform structural modifications to housing or non-housing facilities. Such structural modifications may occur in support of mitigating circumstances, reasonable accommodation, or entirely on their own merit. Structural modifications shall be performed only after having determined that the applicant is a qualified individual with a disability - that is, passes the screening criteria and is eligible under program definitions.

(An example of a reasonable accommodation might be approving an applicant for a larger dwelling unit to permit occupancy by a live in aide.)

Accommodations, to be considered reasonable, must not cause undue financial and administrative burdens or an alteration in the fundamental nature of the housing program. Any applicant with a disability who cannot meet the applicant screening criteria, taking into account possible mitigating circumstances, reasonable accommodations by the Agent, or services needed for lease compliance verified to be provided to the applicant by others, must be rejected.

## Mitigating Circumstances

Mitigating circumstances are facts that can be verified that would overcome or outweigh negative information already gathered in the resident screening process. Management will consider extenuating circumstances in evaluating information obtained during the screening process to assist in determining the acceptability of an applicant for tenancy. Mitigating circumstances will be verified and the verifier must corroborate the reason given by the applicant for unacceptable tenancy-related behavior and indicate that the prospect for lease compliance in the future is good, because the reason for the unacceptable behavior is either no longer in effect or otherwise controlled.

Where applicants claim 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:

- There is no current use of alcohol or use of illegal drugs.
- During the period for which the applicant has claimed no current use, the applicant's behavior in the previously unacceptable tenancy-related area must have been acceptable.
- Unacceptable behavior shall be taken to construe that either the applicant's unsuitable behavior was not caused by alcohol or drug abuse, or the applicant is still engaging in alcohol or drug abuse. In any case, a confirmed unacceptable tenancy-related behavior will result in a rejected application for applicants in this category.

The property shall also have the right to request further reasonable information needed to verify the mitigating circumstances, even if such information is of a confidential nature. If the applicant refuses to provide or give access to such further information the property will give not further consideration to the mitigating circumstance.

*Mitigating Circumstances 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.*

## Application Intake and Processing

No person may be refused the right to apply to the waiting list unless application taking is closed for a particular unit size or type, HUD has been notified, and notice of the closed wait list with HUD's phone number, has been posted in a prominent location. Subsequent review will eliminate applications which do not meet project eligibility criteria.

1. The application must be completed by applicant on site unless the person is handicapped and has exhausted all means of getting to the office. Management must offer aid to the applicant in completing the application, explain the tenant selection process, define preferences and explain that the preferences will be verified.

**Note: Alternative formats must be made available for persons with disabilities**

2. Failure to respond within a reasonable time to the Agent's requests for documentation or information to process the application may result in withdrawal of an application from further processing. Management may make exceptions to the procedures described herein to take into account circumstances beyond the applicant's control, for example, medical emergencies or extreme weather conditions.

3. Every application must be completed and signed by the head of the household. Household members 18 years or older must sign a release to conduct criminal, credit, and landlord history references. All other members of the household must be listed on the application form.

4. Live-in personal care attendants or other live-in service providers will be subject to the same screening criteria as all other applicants with the exception of credit history. We do not require favorable credit history because their income is not included in the household income calculation.

5. Additions to the household after initial occupancy are subject to all initial screening criteria.

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

- **Preliminary determination of program ineligibility** - Completed applications will be reviewed for income eligibility and any categorical eligibility such as age or disability, as applicable. Applications determined ineligible, pursuant to program guidelines, will be rejected. The applicant will be sent a letter, within 30 days of the Agent receiving the completed application, explaining the reason(s) for ineligibility. Conference procedures will be included with the notice letter.

- **Preliminary determination of program eligibility** - When it is likely that there will be more applicants on the waiting list than units currently available, the Agent will make a preliminary determination of eligibility, based on the self-certified statement of the new applicant as to their income, assets, age, disability status, and preference or priority status. The applicant will be notified by letter in 30 days, or in alternate format if necessary because of disability, indicating an estimated time of their duration on the waiting list.

- **Waiting list placement** - Once a fully completed application is determined to meet income eligibility requirements and the household composition is appropriate for a unit at the development, the application will be placed on the appropriate waiting list. Assignment to a position on the waiting list will be based on this preliminary determination and will be formally verified as the applicant name advances on the waiting list. (Note: If the anticipated duration on the waiting list is less than 90 days, formal verification will be required immediately.) The application will be placed on the waiting list, by date of receipt, within the correct preference category, where applicable.

- **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’s status on the waiting list may be:

- reassigned to another waiting list i.e., smaller or larger bedroom size;
- reassigned to a non-preference status; or
- determined ineligible.

## Program Eligibility Criteria

*Note: Eligibility does not constitute acceptance.*

Information needed to determine applicant eligibility shall be obtained and verified, and the determination of applicant eligibility performed in accordance with program requirements.

In order to be eligible, applicants must meet several program eligibility tests:

- Annual income which is at or below the program income limits as defined and published by HUD.

### Income Levels

BMIR	95% of median income
Low Income Limit	80% of median income
Very Low Income Limit	50% of median income
Extremely Low Income Limit	30% of median income
LHHC 20/50	50% of median income
LHHC 40/60	60% of median income
HOME - HIGH	60% of median income
HOME - LOW	50% of median income

Subsidy	Type of Income Level
Section 8 ( pre 1981)	Low, very low, and extremely low
Section 8 ( post 1981)	Very low and extremely low
Section 236	Low
Rent Supplement	Low
Rental Assistance Payment (RAP)	Low
Section 202 without assistance	Low ( see exceptions 4350.3 - 3-6D3)
Section 202 with Section 8 Assistance	Low, very low, and extremely low
Section 202 with with Rent Supplement	Low
Section 202 with PACs	Low
Section 202/811 PRACS Except those funded in FY1995	Very Low
Section 202/811 PRACS funded in 1995	Low
Section 221(d)(3) BMIR	BMIR

- Each applicant must have a Social Security number; or sign a Social Security number waiver.
- All Adults in each applicant family must sign an Authorization for Release of Information prior to receiving assistance and annually thereafter.
- The unit for which the family is applying must be the family's only residence
- All family members must certify as to citizenship status.

## Citizenship Status

### General

The final rule restricting assistance to noncitizens was published March 20, 1995 and is effective June 19, 1995. The rule requires that all assisted household members declare themselves as U.S. citizens or submit evidence of eligible immigration status in order to receive or continue receiving assistance. Households containing ineligible members may be eligible to receive either continued or prorated assistance, under certain circumstances. Prior to denial or termination of assistance, appeal and hearing procedures must be made available to the family.

The rule applies to Section 8, Section 236, Section 221(d)(3) BMIR, Rent Supplement, RAP and Section 202/8. It does **not** apply to Section 202 with no subsidy or 2020 PRACs or 811 PRACs.

HUD is preparing a Notice with further implementing instructions which will contain model forms and clarifying instructions.

### Notification and Documentation Requirements

- Documentation of status must be provided by all members of the household, including children. The documentation is only required to be done once during continuous tenancy except that new household members are required to comply when added to the household. The documentation requirements are as follows:
  - For household members claiming U.S. citizenship, a signed declaration of U.S. citizenship. The written declaration may be incorporated into the application or be separate. There are no further requirements for citizens.
  - For noncitizens who are 62 or older and receiving assistance as of June 19, 1995, a signed declaration of eligible immigration status and proof of age.
  - Other noncitizens who declare eligible immigration status (as defined by HUD), must produce original immigration documents and sign a verification consent form which allows HUD to disclose information to INS as a part of the verification process.
- Current tenants must comply with these requirements as a part of their next regularly scheduled recertification beginning June 19, 1995. Tenants must submit the requested declarations and/or documentation in the same time frames used for other recertification information. The process should be completed for all tenants by June 18, 1996.
- Applicants should be notified of the requirements at the time of application.

- For new family members added to an existing household, the evidence/documentation must be submitted at the first annual or interim recertification following occupancy.
- The notice must state:
  - That financial assistance is dependent on submission of acceptable documentation;
  - Describe the evidence that must be submitted;
  - State that assistance may be denied, terminated or prorated if members of the household are not found to be eligible after all appeals have been exhausted.
- You may extend the time to submit evidence if the family signs the declaration as having eligible immigration status and certifies that the evidence is temporarily unavailable, additional time is needed and diligent efforts will be made. All extensions must be in writing and for a specific period of time and shall be based on individual circumstances. If an extension is denied, you must notify the family in writing and explain the reasons for the denial.

#### **Acceptable Evidence and Verification**

- The original of one of the INS documents which HUD defines as acceptable must be submitted and copied and retained in the tenant file.
- Project owners must verify eligible immigration status through the INS Systematic Alien Verification for Entitlement(SAVE) system. If the SAVE system fails to verify eligible status, the owner must request a manual records search from the INS. (See chart on Page 5.)

#### **Appeals**

- Assistance may not be delayed, denied, terminated or reduced because of ineligible immigration status if the INS verification process is not completed, or the family member in question moves or the INS appeals process has not concluded.
- The INS appeal process takes 30 days and a copy of the decision will be sent to the owner. The owner then notifies the family and gives them the right to request a hearing within 14 days. If the family requests a hearing, it must be before an impartial third party.

### **Delays, Denials, and Termination of Assistance**

- Assistance to an applicant may be delayed after the conclusion of the INS appeal process but not denied until the hearing process is completed.
- Assistance may be terminated or denied if the required evidence is not submitted by the specified time or the claimed eligible status cannot be verified by the INS and the family does not appeal or ask for a hearing.
- Termination of assistance is achieved by charging market rent, or entering into a new lease without financial assistance or eviction.
- Tenants who do not comply with these requirements are considered to be in noncompliance with their lease and may be evicted for such. Owners are entitled to keep receiving assistance payments during the eviction process if eviction is promptly initiated and diligently pursued, HUD may prescribe maximum periods of time it is willing to continue payments.

### **Preservation of Mixed Families**

- Mixed households are those that include both citizens or eligible immigrants and those with ineligible immigration status. Mixed households being assisted as of June 19, 1995 may have assistance continued, as is, as long as either the head or spouse are citizens or have eligible immigration status and the ineligible members are either the head, spouse, or parents or children of the head or spouse.
- Families that do not qualify for continued assistance, may qualify for prorated assistance. Prorated assistance decreases the level of assistance given to the household based on the number of ineligible persons in the household.
- Families who qualify for prorated assistance but choose not to accept it are eligible for temporary deferral of termination of assistance in order to find other suitable housing. If a deferral is granted, the initial period may not exceed 6 months and may be extended in 6 month increments, not to exceed 3 years.
- Families eligible and choosing to receiving prorated assistance will have their assistance calculated by multiplying the full assistance by a fraction.

-For Tenant assistance programs, the fraction is determined by number of eligible people in the household over the total number of persons in the household. This fraction is multiplied by the full assistance payments.

**Example:** 4 person household of which 3 are citizens and 1 has ineligible immigration status. The full assistance payment for the household is \$400.

$$\$400 \times \frac{3}{4} = \$300 \quad \$300 \text{ becomes the prorated assistance.}$$

-**For Section 236**, the proration shall increase the rent the household is otherwise paying by an amount equal to the difference between the market rent and the rent the household would otherwise pay times the fraction. The fraction is the number of **ineligible** persons over the total number in the household.

**Example:** 4 person household of which 3 are citizens and 1 has ineligible status. Basic rent \$300 Market Rent \$500, Tenant currently paying Basic Rent.

$$\$300 + (\$500 - \$300) \times \frac{1}{4} = \$350$$

-**For Section 236, with Rap, Rent Supplement or Section 8-** The proration will increase the rent by:

- The difference between market and basic times the fraction(# of ineligible over total in household); PLUS
- the assistance payment otherwise paid multiplied by the same fraction as above.

**Example:** 4 person household in a Section 236, LMSA unit. 3 members eligible, 1 ineligible. Basic rent \$300 Market Rent \$500, Tenant currently paying \$200  
Assistance payment = \$100

$$\$200 + [(\$500 - \$300) \times \frac{1}{4}] = \$100 \times \frac{1}{4} = \$275$$

### Prohibition of Assistance to Noncitizen Students

- Assistance, deferral of termination of assistance and prorated assistance is prohibited to noncitizen students and their families. A noncitizen student is defined as:
  - Having a residence in another country that is not intended to be abandoned;
  - A bona fide student pursuing a course of study in this country; and
  - Is admitted to this country solely for the purposes of pursuing such a course of study.
- This prohibition extends to the noncitizen spouse and noncitizen children of the student but not to citizen spouses and children.

## Social Security Numbers

### DISCLOSURE OF SOCIAL SECURITY NUMBERS

Applicants must disclose social security numbers (SSNs) in order for the owner to make an eligibility determination. This paragraph explains the requirements and responsibilities of applicants or residents to supply owners with this information, the responsibility of owners to obtain this information, and the consequences for failure by either party.

#### **Key Requirements**

- The head of household/spouse/co-head must disclose SSNs for all family members.
- If no SSN has been assigned to a particular family member, the applicant must sign a certification stating that no SSN has been assigned.

#### **Required Documentation**

- Applicants must provide documentation of SSNs. Adequate documentation means a social security card issued by the Social Security Administration (SSA) or other acceptable evidence of the SSN

#### **Provisions for Accepting Applicants without Documentation of Social Security Numbers**

- When an applicant has a SSN but does not have the required documentation, the applicant may submit the SSN and certify that the number is accurate but that acceptable documentation could not be provided.
- Individuals who have applied for legalization under the Immigration and Reform Control Act of 1986 will be able to disclose the social security numbers, but unable to supply the cards for documentation. Social security numbers are assigned to these persons when they apply for amnesty. The cards go to the Department of Homeland Security (DHS) until the persons are granted temporary lawful resident status. Until that time, their acceptable documentation is a letter from the DHS indicating social security numbers have been assigned.
- Owners must accept the certification and continue to process the individual's application.
- However, an applicant who has not disclosed and/or provided verification of SSNs for all non- exempt household members has 90 days from the date they are first offered an available unit to disclose and/or verify the SSNs.

- If the owner has determined that the applicant is otherwise eligible for admission into the property, and the only outstanding verification is that of the SSN, the applicant may retain his or her place on the waiting list for the 90-day period during which the applicant is trying to obtain documentation.
- Applicant may not become a participant in the program unless the applicant submits the required SSN documentation to the owner.
- After 90 days, if the applicant has been unable to supply the required SSN documentation, the applicant should be determined ineligible and removed from the waiting list

## **Residence Criteria**

### **Key Requirement**

- Assisted tenants must have only one residence and receive assistance only in that unit. This rule is meant to ensure that the government pays assistance on only one unit for a family and provides assistance to as many eligible families as possible with available funding.

### **Sole Residence Requirement**

- A family is eligible for assistance only if the unit will be the family's only residence.
- The owner must not provide assistance to applicants who will maintain a residence in addition to the HUD-assisted unit.

### **Prohibition Against Double Subsidies**

Under no circumstances may any tenant benefit from more than one of the following subsidies: Rent Supplement, RAP, Section, Section 202 PAC, Section 202 PRAC or Section 811 PRAC, or project-based Section 8 housing assistance, including Section 202/8

- Tenants must not receive assistance for two units at the same time.
- Tenants must not benefit from Housing Choice Voucher assistance in a unit already assisted through project-based Section 8, Rent Supplement, RAP, Section 202 PAC or Section 202 and 811 PRAC.
- This prohibition does not prevent a person who is currently receiving assistance from applying for an assisted unit in another property. The assisted tenancy in the unit being vacated must end the day before the subsidy begins in the new unit.

## Occupancy Guidelines

Usually occupancy is based on two people per bedroom unless the family requests a specific size unit. Household size must then comply with unit size based on the current State Sanitary Code Minimum Square Footage Requirements.

<i>Unit Size</i>	<i>Minimum</i>	<i>Maximum</i>
1 BR	1 Person	2 People
2 BR	2 People	4 People
3 BR	3 Person	6 People

**Note:** Maximum number of occupants may be increased based on State Sanitary Code. Acceptance of a unit at maximum occupancy does not give the resident the right to claim overcrowded conditions and request a transfer to a larger unit. Please refer to the guidelines of the State Sanitary Code for Minimum Square Footage Requirements.

## Massachusetts State Sanitary Code Minimum Square Footage Requirements.

<i># Occupants</i>	<i>Sleeping Area</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.
4	200 sq. ft.	450 sq. ft.
5	250 sq. ft.	550 sq. ft.
6	300 sq. ft.	650 sq. ft.

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

## Selection Criteria

### OTHER ELIGIBILITY REQUIREMENTS

- Minimum income requirements apply for all units not covered by Section 8, RAP, Rent Supplement, or other rental assistance programst.
- Household size must be appropriate for the size of the apartment unit
- As applicable -- for elderly/disabled sites -- head of household must be age 62 or older or meet the disability definition of the program.
- Meet the requirements of Resident Selection Criteria regarding credit history, landlord references etc. per the evaluation process

### How Applicant's History will be Evaluated

Listed below are the methods by which every applicant's performance relative to the resident selection criteria will be evaluated:

- ◆ Past performance meeting financial obligations, especially rent. This will be evaluated by one or more or all of the following methods:
  - References from landlords or non-traditional housing (such as shelters) in the last five years or from the last two successive tenancies, or living arrangements, or other officials at other places of residence, whichever is greater;
  - Credit references furnished by a credit bureau. Information considered should not be more than five years old.
- Personal references.
- Home visits, if a) there is an indication of prior poor performance or; b) if such visits are required of all applicants for housing.
- Record or prior criminal history.
- Screening for lifetime registered sex offenders.
- Verification of income and assets from a present employer, appropriate agency, financial institution or other appropriate party.

## Management Actions To Fill Vacant Units

### In House Transfer Selection Process

In the filling of vacant units, first priority is given to current residents of households of the development who meet any of the following transfer conditions:

- Current Residents in under housed conditions who have requested a transfer- ie household size appropriate for larger size unit.
- Current Residents in over housed conditions. ie household size appropriate for smaller size unit. Note Resident who refuse to transfer when an appropriate size unit is available will be charged market rent for the over sized unit they occupy.
- Residents who need a transfer as a reasonable accommodation will be required to be documented by a relevant professional. Current residents who occupy, but do not need the features of an accessible unit will be given 30 days notice to transfer to a similar non-accessible unit if need for the accessible unit arises.

*NOTE:* HDCP Unit Addendum must be signed at time of move-in.

- Residents who require an accessible unit, but have accepted a standard unit, may elect to be placed on an internal transfer list for an available accessible unit. Selection will be based on the date of the request.

### Special Use Units

#### Accessible Units

Handicapped applicants in need of architecturally adapted units are processed separately, to assure maximum utilization of adapted units by persons who require accessible features.

{ Accessible units shall be listed at the Mass Access Registry.

{ Accessible units shall be offered first to internal transfers who need the features and then to eligible applicants who need the features.

{ If an accessible unit must be offered to someone who does not need the features, the lease shall include a clause requiring the resident to move to the first available comparable unit if an internal transfer or an eligible applicant requires the features. *NOTE:* HP Unit Addendum must be signed at time of move-in.

## CBH Units

Two CBH units ( One 1BR unit and One 2BR unit) will be rented to applicants eligible for both the State's Community Based Housing (CBH) program and Section 8. Eligible applicants for the CBH units are households in which a family member:

- Has a physical or mental impairment that is of a permanent or long and continued duration and that substantially limits one or more major life activities. Major life activities include: self care, learning, receptive and expressive language, mobility, cognitive functioning, emotional adjustment and economic self-sufficiency; and
- Is institutionalized or is at risk of institutionalization in a nursing facility, hospital, or long term rehabilitation; and
- Is *not* currently a client of DMH or DMR who is eligible for the Facilities Consolidation Fund.

An applicant for CBH will provide a certificate from the Massachusetts Rehabilitation Commission or its designee(s) which reliably establishes the applicant's eligibility as a PCE. Typically, the certification form is filled out by the PCE's physician, licensed social worker or other professional familiar with the PCE's disability and related housing needs including MRC staff. The agent can also provide the form to an potential CBH applicant to return completed. These applicants will be identified either by SMOC from their existing Section 8 waiting list or from marketing and outreach coordinated through the Massachusetts Department of Housing and Community Development (DHCD) and the Massachusetts Rehabilitation Commission (MRC) using the following marketing activities:

- SMOC will initially screen households from their existing Section 8 and regular waiting lists to identify households who may meet the CBH eligibility requirements. Once initially screened, SMOC will send a letter to the applicant notifying them that they are eligible to fill out an application for a CBH unit and contact the Management Agent.
- DHCD and/or the Management Agent will notify MRC of CBH unit availability. MRC in turn will notify the other state human services agencies. These agencies will notify their provider agencies and staff in the community in which the development is located and in surrounding areas. These agencies will have their case managers, families, advocates and others make referrals to the Management Agent.
- Applications will be handled on a "First Come, First Serve" basis for the two CBH Section 8 units. The first applicant who comes in either from the SMOC waiting lists or through a MRC referral, completes an application and is determined to be eligible for CBH, Section 8 and SMOC Preference, should SMOC Preference apply

to the specific unit, will have the first choice of the unit size for which he or she applied. This will occur until all unit types and units are assigned.

- Every eligible applicant will be screened in accordance with the screening guidelines.
- If an applicant is approved by the Agent, the application is sent back to SMOC for final Section 8 approval.
- Once an applicant receives final Section 8 approval by SMOC, SMOC will notify the Agent to proceed with placement.
- The Agent shall notify SMOC of all residents who are placed in the CBH units as well as those who were not placed. The residents not receiving an assignment shall not lose their place on the master waiting list kept by SMOC.

## Verification Requirements

Verification occurs when it is likely the applicant will be offered a unit within the next 90 days. Management will obtain all required verifications. Decisions to accept or reject an application may be made on a tiered screening basis.

### Types of Verifications Required

- Eligibility for admission (income, assets, asset income, family composition, age or disability status where applicable, social security number or waiver, alien status);
- Compliance with Selection Criteria (ability and willingness to pay rent and abide by lease, history of tenancy, or other living arrangements, caring for a home, criminal activity of any family member);
- All Qualified Applicants, at the time of in-person interviews may be requested to submit *consecutive rent receipts* for six (6) months prior to the interviews for examination by Management for the purpose of verifying residence, rental amount and timely payment history. The exception to this is Qualified Applicants who have been residing with friends or relatives and who have no prior leasing experience for the last year or more.
- *Acceptable references from current and former landlords* covering a period of five (5) years or from the last two successive tenancies, whichever is greater. Qualified applicants who have no prior leasing experience of their own and no credit or stable employment history will be given all due consideration with regard to personal references.

- Credit history;
- Allowances, (age, disability, student status, child care costs, disability expenses, medical costs {elderly households});
- Programmatic Preferences, if any, or other preferences as may apply.

All of the above information must be documented and appropriate verification forms or letters placed in the applicant/resident file.

### **Duration of Validity for Verification Information**

Only verified information that is less than 90 days old may be used for certification or recertification. Verifications may be extended for an additional 30 days, provided that original source has verbally confirmed no change in status. (A record of the update must be placed in the applicant/resident's file.) Information obtained which is subject to change, and for which verification are more than 120 days old, must be re-verified. Verified information not subject to change (date of birth, alien status) need not be re-verified.

### **Forms of Verification**

Verifications shall be attempted in the following order;

- Third party written
- Third party oral with a record kept in the file
- Review of documents provided by the applicant
- (In the absence of any of the above) Affidavits' from the applicant(s)

Each file will be documented to show that the staff attempted to obtain third-party written documentation before relying on a lesser acceptable form of information.

## **Rejection Standards**

### **Mandatory Provisions**

The following *mandatory* provisions prohibit admission to applicants who fit into the following categories

- Any household member has been evicted from Federally-assisted housing for drug-related criminal activity, for three years from the date of eviction. If the evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program or circumstances leading to the eviction no longer exist, the Owner may, but is not required to, admit the household.
- Any household member is currently engaging in illegal drug use.

- The Owner determines that there is reasonable cause to believe that a household member's illegal use or a pattern of illegal use of a drug may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. (Examples of evidence of illegal activities may include a conviction record, former landlord references, etc.)
- Any member of the household is subject to a lifetime registration requirement under a state sex offender registration program. In accordance with Federal law, Owners shall establish standards that prohibit admission to any Federally-assisted property to sex offenders subject to a lifetime registration requirement under a state sex offender registration program. During the admissions screening process, the Owner must perform the necessary criminal history background checks in the state where the housing is located and in other states where the household members are known to have resided.
- The Owner determines that there is reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

### Other Provisions

In addition to the above mandatory screening standards and guidance in HUD Handbook 4350.3, Occupancy Requirements of Subsidized Multifamily Programs, Owners of Federally-assisted housing have the discretion to prohibit the admission of a household with a household member who is currently engaging in, or has engaged in during the previous five years before the admission decision in:

- Drug-related criminal activity;
- Violent criminal activity;
- Other criminal activity that would threaten the health, safety, or right to peaceful enjoyment of the premises by other residents; or
- Other criminal activity that would threaten the health or safety of the PHA or Owner or any employee, contractor, subcontractor or agent of the PHA or Owner who is involved in the housing operations.

Moreover, the Owner has the discretion to reconsider an applicant who was previously denied admission to Federally-assisted housing because of a determination concerning a member of the household who has been engaged in criminal activity. The Owner may admit the household if the household member is not currently engaged in, and has not engaged in, the criminal activity described above during a five year period before the admission decision.

Sufficient evidence must be submitted by the household member which includes (1) a certification that states that she or he is not currently engaged in such criminal activity and has not engaged in such criminal activity during the specified period

and (2) supporting information from such sources as a probation officer, a landlord, neighbors, social service agency workers or criminal records that were verified by the Owner.

### **Additional Rejection Standards**

An applicant and the applicant household shall be disqualified for any of the following reasons:

- The applicant or household member has disturbed a neighbor or neighbors in a prior residence by behavior, which if repeated by a tenant would substantially interfere with the rights of other tenants to peaceful enjoyment of their units.
- The applicant or a household member has caused damage or destruction of property at a prior residence, and such damage or destruction of property, if repeated by a tenant, would have a material adverse effect on the housing development or any unit in such development.
- The applicant or a household member has displayed living habits or poor housekeeping at a prior residence, and such living habits or poor housekeeping, if repeated by a tenant, would pose a substantial threat to the health or safety of the tenant or other tenants or would adversely affect the decent, safe and sanitary condition of all or part of the housing.
- The applicant or household member in the past has engaged in criminal activity, or activity in violation of M.G.L. c. 152B, §4, which if repeated by a tenant would interfere with or threaten the rights of other tenants to be secure in their persons or in their property or with the rights of other tenants to the peaceful enjoyment of their units and the common areas of the housing development.
- The applicant or any household member who will be assuming part of the rent obligation has a history of non-payment of rent and such non-payment, if repeated by a tenant would cause monetary loss; provided, however, that if the applicant or household member paid at least 50% of his/her household's monthly income for rent each month during a tenancy but was unable to pay the full rent, an eviction for non-payment of the balance shall not disqualify such individual from housing pursuant to this paragraph.
- The applicant or a household member has a history of failure to meet material lease terms or the equivalent at one or more prior residences, and such failure if repeated by a tenant would be detrimental to the housing development or to the health, safety, security or peaceful enjoyment of other tenants.
- The applicant has failed to provide information reasonably necessary for the housing provider to process the applicant's application.

- The applicant has misrepresented or falsified any information required to be submitted as part of the applicant's application or a prior application submitted within the last three years, and the applicant fails to establish that the misrepresentation or falsification was unintentional.
- The applicant or a household member has directed abusive or threatening behavior which was unreasonable and unwarranted towards a management agent's employee during the application process or any prior application process within three (3) years.
- The applicant does not intend to occupy housing, if offered, as his/her sole residence.
- The applicant or household member is a current illegal user of one or more controlled substances as defined in M.G.L. c. 94C §1. A person's illegal use or possession of a controlled substance within the preceding twelve months shall create a presumption that such person is a current illegal user of a controlled substance, but the presumption may be overcome by a convincing showing that the person has permanently ceased all illegal use of controlled substances. This disqualification of current illegal users of controlled substances this shall not apply to applicants for housing provided through a treatment program for illegal users of controlled substances.
- Prior rental payment history - Those applicants whose receipts evidence a late payment record (more than ten (10) days past due on two or more occasions) will be rejected on the basis of poor rental habits.

### **Credit Check**

- All accounts will be reviewed. If there are negative reports and applicant is otherwise acceptable, applicant will be provided with an opportunity to provide additional information to explain the negative report. Such information shall be in writing and shall provide written evidence, where possible, to explain the negative report. If these are satisfactory, applicant may be accepted.
- If applicant is rejected based on poor credit references, he/she will be provided with the name, address and telephone number of the credit bureaus, and be given the opportunity to have the report corrected, if erroneous. This should be done in accordance with the particular credit bureau's instructions.
- An unsatisfied judgment shall be deemed to constitute poor credit resulting in rejection of the applicant.

Note: Lack of credit history is not sufficient justification to reject an applicant.

## Waiting List

It is the policy of Management to administer its Waiting List as required by governing regulations and guidelines in accordance with the following policies:

- Waiting lists must be maintained in either bound ledger or on a computer report. A printed copy of the waiting list should be prepared, prior to the annual update, and maintained for three years.
- Waiting list must be organized by bedroom size, unit type and income level
- Each applicant must be placed on the waiting list chronologically according to the date of the completed application within the applicable preference categories. Non-preference applicants shall be placed on the waiting list per the date of the completed application.
- If an applicant is eligible, but no appropriate size unit is available, the Agent must place the family on a waiting list for the project and notify the family when a suitable unit may become available. Households that are eligible for more than one type of unit (by bedroom size) may choose to be placed on multiple waiting lists as appropriate and Agents must respect the bedroom size option chosen by the applicant unless such choice violates the state sanitary code or other applicable laws. Persons using a wheelchair may apply for a standard unit, as well as an accessible unit, at their discretion.
- The Agent's records will indicate the date and time the applicant is placed on the waiting list. All records, including the application, must be retained for a period of three (3) years.
- Applicants are required to contact the project every six months to stay on the waiting list. Upon failure to respond to the Agent's notice to contact the project, the application may be removed from the waiting list.
- 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. In order to close the list, HUD must receive written notification and the Agent/management agent must post a notice at the development which indicates: (a) the date the list will be closing and (b) the HUD telephone. When an applicant pool is no longer adequate due to the closure of the waiting list, the list shall be re-opened. HUD must receive written notification and public notice shall be placed in area publications. The housing provider shall ensure that interested persons, including persons with disabilities, receive information regarding the re-opening of the waiting list.

- Waiting lists must be updated every twelve months.

### **The Management Will Keep the Following Materials on File for at Least 3 Years:**

- Applications
- Initial Rejection Notice
- Any Applicant Reply
- Management's Final Response
- All interview and verified information on which the rejection was based

## Appeal Process

Applicants for units who are determined to be ineligible will be notified in writing informing the applicant of the basis for the determination, and informing them that they may appeal the determination by submitting additional information to the marketing agent within fourteen business days after receipt of the notice.

Format and Conference letters may be found in your Administrative Manual Volume 2, Section 5.

## Applicant Conference Procedures

- ❖ Management will promptly contact the applicant to schedule a time for the informal hearing.
- ❖ The following procedures shall apply at the informal hearing:
  - The hearing will be conducted by an employee of Peabody Properties selected to act as hearing officer.
  - Each party shall have the right to be represented by counsel, at their own expense.
  - Each party shall have the right to present and establish all facts by oral testimony and/or by documentary evidence.
  - The applicant and the managing agent shall have the right to cross-examine witnesses. However, neither party is required to produce live witnesses at the informal hearing.
  - The applicant shall have the right to review his entire application file prior to the informal hearing unless other arrangements are made by agreement. The applicant must be given an opportunity to review the application file at least thirty minutes prior to the informal hearing. Any document not made available to the applicant prior to the informal hearing may not be relied upon by the managing agent at the hearing.
  - Within ten (10) working days after the informal hearing, the hearing officer shall issue a written decision on the applicant's request for review of the managing agent's determination of ineligibility.
  - The written decision must briefly set forth the reasons for the decision, and must be based solely on the evidence presented at the hearing and applicable statutes and regulations.
  - The hearing officer shall promptly mail a copy of the written decision to the parties and their counsel, if any, upon issuance of the decision.

## HOME Program – Conflict Of Interest Addendum

Pursuant to HOME Rule at 24 CFR Part 92.356(f) “ No Owner, developer or sponsor of a project assisted with HOME funds ( or officer , employee, agent, or consultant of the owner, developer or sponsor) whether private , for profit or non- profit ( including a community housing development organization (CHDO) when acting as an owner, developer, developer or sponsor) may occupy a HOME --assisted unit affordable housing unit in a project.”

If needed a wavier may be applied for from DHDC which will adhere to the following guidelines:

### **Threshold requirements.**

Upon the written request of the participating jurisdiction, HUD may grant an exception to the provisions of 24 CFR Part 92.356 (c)of this section on a case-by-case basis when it determines that the exception will serve to further the purposes of the HOME Investment Partnerships Program and the effective and efficient administration of the participating jurisdiction’s program or project.

An exception may be considered only after the participating jurisdiction has provided the following:

- A Disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and
- An opinion of the participating jurisdiction’s or State recipient’s attorney that the interest for which the exception is sought would not violate State or local law.

### **Factors to be considered for exceptions.**

In determining whether to grant a requested exception after the participating jurisdiction has satisfactorily met the requirements of the above threshold, HUD will consider the cumulative effect of the following factors, where applicable:

- Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project which would otherwise not be available;
- Whether the person affected is a member of a group or class of low-income persons intended to be the beneficiaries of the assisted activity and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;
- Whether the affected person has withdrawn from his or her functions or responsibilities or the decision making process with respect to the specific assisted activity in question;
- Whether the interest or benefit was present before the affected person was in a position as described in 24 CFR Part 92.356 (c);

- Whether undue hardship will result either to the participating jurisdiction or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and
- Any other relevant considerations.

## **Limited English Proficiency (LEP) Services**

Management 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 the Tenant Selection Plan.