



Memorandum

To: Property Managers
From: Henry Mukasa, Director of Rental Management
Date: September 24, 2009
Re: Revised Occupancy Agreement for MassHousing Financed Developments

Pursuant to HUD's Violence Against Women Act (VAWA) Notice, H08-07, issued on September 30, 2008, and pursuant to the revised HUD Model Lease for subsidized programs dated December 2007, MassHousing has revised its Occupancy Agreement relating to all subsidized units in Multifamily Housing Programs, financed by MassHousing, including 13A developments.

The revised Occupancy Agreement has two significant changes (# 1 and 2) and several minor changes (# 3-6) as outlined below:

1. HUD now requires Federal assisted developments to include the Owner's Certification of Compliance with HUD's Tenant Eligibility and Rent Procedures-Form HUD-50059. Owners of HUD subsidized programs (Section 236, Project Based Section 8, Section 202/Section 8) must attach this form to the Occupancy Agreement. The HUD 50059 Form should be included as Attachment D to the Occupancy Agreement.
2. In September 2008, HUD released the mandate for owners to implement the VAWA provision. This provision extends legal protection to victims of domestic violence, dating and stalking and must now be part of the lease. Attachment E – The VAWA addendum must now be provided to both new and current residents that reside in HUD's Section 8 Project-Based subsidized properties. If they have not already done so, Owners or Management Agents must notify current residents of the VAWA modification to the lease. Residents must sign the Attachment E modification within 30 days. Residents can either accept the modification or move if they do not want to comply with the VAWA Addendum.
3. Section F19 was expanded to include carbon monoxide detectors and other safety devices.
4. Section G 6 was revised and now requires the resident to consent, in advance, to Management's entry to the unit for specific purposes. Entry is allowable during reasonable hours.
5. The revised HUD Handbook 4350.3 incorporated a change in the HUD model lease into Section 16 a. (3) which requires the tenant to advise the landlord/manager if the household monthly income cumulatively increases by \$200 or more. The former monthly income increase threshold was set at \$40 or more and this is the threshold amount that is stated in MassHousing's current Occupancy Agreement Section H (2). The amount must be revised to reflect HUD's Interim Recertification threshold of \$200. See Section H (2) a. of the MassHousing Occupancy Agreement.
6. Section J was amended to reflect the additional requirements that Management might have to consider when assigning the size and type of unit to a household. The added language reads: "In addition, requirement of applicable subsidy programs may require management to assign units in consideration of unit size, relationship of family members, age and sex of family members and family preferences. Please see Section J.

Owners and/or Management Agents must promptly execute the attached Occupancy Agreement. This document can also be accessed at www.masshousing.com in the Rental Management – Management Company downloads.

Please note that Management Agents are required to give 60-day revised lease notice to all residents residing in subsidized apartments in MassHousing financed developments. Residents must review and sign the new Occupancy Agreement within 120 days from the date of this memo.

Should you have any questions, please contact your Asset Manager.