



**TENANT SELECTION PLAN
(with Affirmative Fair Housing Marketing Plan)**

DEVELOPMENT NAME:

MassHousing No.

[A] INTRODUCTION

This Tenant Selection Plan (the “Plan”) for
(the “Development”), a _____ unit multifamily housing development located at _____
has been prepared by _____
(the "Agent"), as the
management agent for _____ ("the Owner").

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.

[B] APPLICABLE HOUSING ASSISTANCE PROGRAMS/REQUIREMENTS

MassHousing Requirements. As a recipient of mortgage loan financing from the Massachusetts Housing Finance Agency (the “Agency” or “MassHousing”), the Plan is made subject to approval by MassHousing, and compliance with the Tenant Selection Regulations published by MassHousing, as such regulations may be amended from time to time. The Plan is further subject to, and incorporates in its entirety, the requirements set forth in the Tenant Selection Plan Reference Guide (the “TSP Reference Guide”) available in MassHousing’s Rental Portal Document Library, at masshousingrental.com, as may be amended from time to time. These requirements are collectively referred to as the “MassHousing Requirements.” Unless otherwise defined herein, all capitalized terms used herein shall have the meaning given such terms in the TSP Reference Guide.

Other Program Requirements. In addition, the Development is currently the recipient of rental housing subsidy under one or more subsidy programs, and is subject to applicable laws, regulations and guidelines (together with the MassHousing Requirements, the “Applicable Program Requirements”), as follows:



Federal Assistance (check all that apply)	State Assistance (check all that apply)
<input type="checkbox"/> Section 8 Rental Subsidy (Project Based Only)	<input type="checkbox"/> Massachusetts Rental Voucher Program (MRVP) (Project Based Only)
PHA/Contract Administrator:	Administering Agency:
Waiting List/Program Eligibility Determination: <input type="checkbox"/> Owner maintained <input type="checkbox"/> PHA maintained	Waiting List/Program Eligibility Determination: <input type="checkbox"/> Owner maintained <input type="checkbox"/> Administering Agency maintained
Type/Source (if known): <input type="checkbox"/> New Construction (Part 880) <input type="checkbox"/> Substantial Rehabilitation (Part 881) <input type="checkbox"/> Moderate Rehabilitation for SRO Dwellings (Part 882) <input type="checkbox"/> Housing Finance Agency (Part 883) <input type="checkbox"/> Section 515 Rural Projects (Part 884) <input type="checkbox"/> Loan Management Set Aside or Property Disposition (Part 886) <input type="checkbox"/> Project Based Vouchers (Part 983) <input type="checkbox"/> Other: _____	<u>DHCD Subordinate Loan Programs</u> <input type="checkbox"/> HOME Investment Partnership Program* <input type="checkbox"/> Affordable Housing Trust Fund (AHTF) Program <input type="checkbox"/> Housing Stabilization Fund (HSF) Program * <input type="checkbox"/> Housing Innovation Fund (HIF) Program <input type="checkbox"/> Commercial Area Transit Node Program (CATNHP) * <input type="checkbox"/> Community Based Housing (CBH) Program <input type="checkbox"/> Capital Improvement and Preservation Fund (CIPF) * <input type="checkbox"/> Facilities Consolidation Fund (FCF) Program <input type="checkbox"/> Non-Federal Investment Trust Fund (NFIT) *
<input type="checkbox"/> Section 202	<input type="checkbox"/> Section 13A
<input type="checkbox"/> Section 236 (including 5-year post-maturity compliance period, if applicable)	<input type="checkbox"/> SHARP
<input type="checkbox"/> Rental Assistance Payments Program <input type="checkbox"/> Rent Supplement Program	Other Federal/State/Local Housing Assistance programs
	<input type="checkbox"/> Low Income Housing Tax Credits <input type="checkbox"/> HFA Risk Sharing Program <input type="checkbox"/> FHA Mortgage Insurance (MAP or Other)
NOTE: For purposes of the Plan, a development participating in any of the above Programs are included within the definition of "Federally Assisted Housing" found in 24 CFR 5.100, and are subject under the Plan to requirements applicable to Federally Assisted Housing units.	Other: _____ <input type="checkbox"/> check here if program specific attachment is included) <i>* (DHCD Program Rider attached)</i>



[C] NONDISCRIMINATION AND AFFIRMATIVE FAIR HOUSING MARKETING PLAN

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, and attached to the Plan and incorporated herein as Attachment A. 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.

[D] FOR APPLICANT INFORMATION AND REASONABLE ACCOMMODATION REQUESTS:

AGENT:	_____	PHONE:	_____
ADDRESS:	_____	TDD:	_____
	_____	FAX:	_____
ATTN:	_____	WEBSITE:	_____
EMAIL:			

[E] APPLICATIONS: Applications, in the form(s) approved by MassHousing, shall be distributed and accepted in the manner(s) indicated below:

- In Person
- By Mail (required)
- By Fax
- By Electronic Submission

Applications shall be received and processed pursuant to applicable procedures in the TSP Reference Guide, as modified by any Applicable Program Requirements, provided that such Applicable Program Requirements shall not limit or subordinate applicability of (i) the MassHousing Required Preferences or the MassHousing Rejection Standards (Attachment B). If the Development includes Federally Assisted Housing units, applicant screening for such units shall include an Enterprise Income Verification (EIV) Existing Tenant Search, which shall be completed pursuant to Agent’s policies for obtaining and using the EIV Existing Tenant Search Report (Attachment C). The form of application(s) approved by MassHousing for use with this Plan are attached (Attachment D). Unless the Development has been



specifically exempted from such requirement, every notice for rejection of an applicant shall include a copy of the MassHousing Conference Procedures (Attachment E).

The Development is exempt from the MassHousing Conference Procedures.

The Development is Federally Assisted Housing or has adopted the Bracketed Inserts found on the MassHousing Rejection Standards.

[F] DEVELOPMENT ELIGIBILITY REQUIREMENTS AND OCCUPANCY STANDARDS

Square Footage: Enter the average square foot range for each bedroom size.
Occupancy Standards: Enter the minimum and maximum number of occupants per bedroom size based on the average square footage for each unit type. The number of occupants per unit is subject to exception as may be required for Fair Housing compliance, reasonable accommodation or as permitted by a subsidy program. This includes consideration of household members that are expected to share a bedroom under DHCD Guidelines in determining the minimum number of occupants per bedroom in a unit with more than 1 bedroom.
Unit Distribution: Enter the Total Units for each bedroom size and then further identify the units by Program Type as identified in the controlling documents. **Note:** Total units by Program Type should be equal to the total number of units in the development including the unsubsidized market units.
Income Eligibility: Enter the applicable percentage area median income (AMI) limitation by Program Type

Average Square Footage – Bedrooms:	0-BR ____ sf	1-BR ____ sf	2-BR ____ sf	3-BR ____ sf	4-BR ____ sf	5-BR ____ sf	6-BR ____ sf	Total
Average Habitable Area per Unit	____ sf	____ sf	____ sf	____ sf	____ sf	____ sf	____ sf	
Minimum/Maximum Occupants	1/____	1/____	2/____	3/____	4/____	5/____	6/____	
Total Units								
Unsubsidized Market								
Affordable Units								
Section 8 ____ % AMI								
Section 236 ____ % AMI								
Section 13A ____ % AMI								
MRVP Project Based ____ % AMI								
Low Income Housing Tax Credits ____ % AMI								
Workforce Housing ____ % AMI								
Other: _____ ____ % AMI								
Other: _____ ____ % AMI								
Other: _____ ____ % AMI								
DMH/DDS 3% priority Units								



Occupancy is usually based on two people per bedroom unless the square footage allows or requires otherwise. A husband and wife, or those in a similar living arrangement, shall be required to share a bedroom, unless the consequence of sharing would be a severe adverse impact on his or her mental or physical health and the Agent receives reliable medical documentation as to such impact of sharing. Household size must comply with unit size based on the current State Sanitary Code Minimum Square Footage Requirements or any applicable Federal regulations or requirements.

Massachusetts State Sanitary Code Minimum Square Footage Requirements

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

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

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

[G] OCCUPANCY RESTRICTIONS (AGE/FAMILY STATUS)

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). **[indicate yes or no]:** _____

[If yes, complete below as applicable]

- Housing provided under Federal or State Program specifically designed and operated to assist elderly persons (see 24 CFR 100.302)
 - The Development has adopted the HUD Title VI-D Elderly preference.

The number of units **set aside** at the Development for non-elderly disabled families is _____.
 - The Development has adopted the “near-elderly disabled family” preference.
 - OTHER: Specify Program and Restriction(s):

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



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

- All applicants for occupancy in the Development must be 55 years of age or older.
- At least one person in each applicant household for occupancy in the Development must be 55 years of age or older.
- Other (NOTE: attach policies and procedures specifying how minimum occupancy requirement will be maintained)

PREFERENCES (MASSHousing STATUTORY, SECTION 236 PROGRAM AND OWNER-ADOPTED PREFERENCES)

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, as more particularly defined in the TSP Reference Guide, 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.
- (b) 2nd Priority - Homelessness due to Displacement by Public Action (Urban Renewal).
- (c) 3rd Priority - Homelessness due to Displacement by Public Action (Sanitary Code Violations).
- (d) 4th Priority – Involuntary Displacement by Domestic Violence, Rape, Dating Violence, Sexual Assault or Stalking.

Note: The Larger Household Preference, as required by DHCD Guidelines for inclusion of affordable housing units in the Subsidized Housing Inventory (SHI), is omitted here from the list of required preferences. This is to avoid unnecessary confusion because, with the application of the Occupancy Standards set forth in Section F, 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
[check as applicable - if checked, takes priority over any other preference set forth in the Plan]



The Development is receiving subsidy under the Section 236 Program, or otherwise remains subject to regulatory oversight under the Section 236 Program. Preference in the selection of applicants for a basic rent unit assisted under the Section 236 Program shall be given to applicants displaced as a result of:

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

The Development is also receiving Rental Assistance Payments, and 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.

3. Owner Adopted Preferences. 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 rules. Unless otherwise indicated below, such preferences are subordinate to the required preferences set forth above and shall be applied in descending order as set forth below. ***[check and complete, as applicable]***

(a) or applicants who seek 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 provided such applicants are: [check as appropriate]:

- current residents of housing either financed or administered by MassHousing;
- current residents of housing owned and operated by affiliates of the Owner and under control of the Agent;
- n/a – no limitation.

Documentation/Sources of Information required to Verify Qualification for Preference: The Agent shall obtain from the applicant such documentation as specified in 24 CFR 5.2007(b).

NOTE – No HUD approval required for this preference.

(b) Preference Description:

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



HUD Approval Required/Date Obtained: _____

- (c) Preference Description:

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

HUD Approval Required/Date Obtained: _____

[I] INCOME TARGETING (PROJECT BASED SECTION 8 ONLY)
[check and complete, as applicable]

1. Applicability of Mandatory Income Targeting:

- The Development contains ____ units receiving project-based Section 8 housing assistance payments, which are subject to Mandatory Income Targeting.

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

- The assisted units in the Development were available for occupancy under a Section 8 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 low income. Pursuant to the HAP Contract, best efforts shall be used to lease not less than (____%), or _____ [insert number of very low income units], of the assisted units to families whose income does not exceed very low income; the remaining (____%) or _____ [insert number of low income units] of the assisted units shall be available to families whose income does not exceed low income, subject at all times to Mandatory Income Targeting requirements above.

- In accordance with 24 CFR 5.653(d)(3), the Development has received permission from HUD by letter dated _____ allowing the Development to lease up to _____% of the assisted units to low income tenants other than very low income families (attach approval letter), subject at all times to Mandatory Income Targeting requirements above.

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

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



- Method 1 – Admit only extremely low-income families until the 40% target is met.
- Method 2 – Alternate between the first extremely low-income applicant on the waiting list and the applicant at the top of the waiting list.
- 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.
- Other - _____
_____ (specify methodology)

[J] INITIAL RENT-UP/LOTTERY OR USE OF EXISTING WAITING LIST

This Plan is authorized for use in the following *[check as applicable]*:

Initial Rent-up/Lottery. The selection of residents for initial rent-up of the Development following completion of construction, or the re-occupancy of a significant number of housing units following the substantial rehabilitation of a development, and requires a lottery 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:

(if completed) attached hereto as Attachment F (Procedures for Housing Lottery) as reviewed and approved by MassHousing and/or HUD.

(if not completed) which shall be submitted to MassHousing for approval at least sixty (60) days prior to commencement of initial rent-up. These procedures, upon approval by MassHousing, shall be incorporated into this Plan as Attachment F (Procedures for Housing Lottery).

Use of Existing Waiting List. The selection of residents for housing units utilizing an established waiting list for the Development in place as of the date of this Plan. In the event that any new preferences or priorities are required or adopted under this Plan, the Agent shall promptly notify all applicants on the waiting list and allow them the opportunity to provide evidence that they qualify for such preferences or priorities.

[K] VACANCIES AND TRANSFERS OF EXISTING RESIDENTS

In filling vacant units, the Agent shall (*select one*):



- offer current residents from the internal waiting list, **prior to** applicants on the external waiting list, the option to relocate to another unit in the Development, provided such residents meet the conditions of transfer found in the TSP Reference Guide, Section H.2.
- offer current residents from the internal waiting list, on alternating basis with applicants on the external waiting list, the option to relocate to another unit in the Development, provided such residents meet the conditions of transfer found in the TSP Reference Guide, Section H.2.
- offer current residents from the internal waiting list, on a rotating basis of _____ for every _____ person on the external waiting list, the option to relocate to another unit in the Development, provided such residents meet the conditions of transfer found in the TSP Reference Guide, Section H.2.

Priority in transfers of existing residents shall be given, in the order specified below, to:

- (a) residents requesting a transfer due to a reasonable accommodation request for a specific unit type; and
- (b) residents who are victims of harassment based on protected status, and those in need of an emergency transfer due to domestic violence, dating violence, sexual assault or stalking.
- (c) (List Other)
- (d) (List Other)

NOTE: Applicants who are eligible for an Owner Adopted Preference under Section H.3 above 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 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.

Emergency Transfer Plan *[check as applicable]:*

- The Development includes Federally Assisted Housing units, Low-Income Housing Tax Credit units, or such other units subject to 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, and the Owner has adopted, as required or voluntarily, an Emergency Transfer Plan (Attachment G) which is substantially in the form of the HUD Model Emergency Transfer Plan or otherwise satisfies the requirements of 24 CFR 5.2005(e).

[L] ADDITIONAL POLICIES - USE OF PRIOR CRIMINAL HISTORY (OPTIONAL)

_____ If checked, the Owner and Agent have adopted certain additional policies (Attachment H) relating to the receipt and use of prior criminal history in applicant screening, including the application of mitigating circumstances, in making determinations on suitability of applicants for tenancy. Such policies shall be applied by Agent, provided they are consistent with applicable law and do not alter or derogate from, the requirements of the Plan.



[M] MISCELLANEOUS

1. 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.
2. Review and Modification of Tenant Selection Plan. The Agent shall review periodically, but not less than once per calendar year, the Plan for compliance with the MassHousing Tenant Selection Regulations and Subsidy Program Requirements. The Agent may modify the Plan and the policies related to the selection of tenants at any time, subject to prior approval by MassHousing. The Agent shall send notice of the modification and a description of the changes made to the Plan to applicants on the waiting list within thirty (30) calendar days of the effective date of the modification. MassHousing may also require that the Agent, upon thirty (30) calendar days' notice, amend the Plan as directed by MassHousing. Any changes made in a Tenant Selection Plan shall be prospective unless otherwise required by MassHousing or applicable law.
3. 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.

[The remainder of this page intentionally left blank.]



CERTIFICATION/REQUEST FOR APPROVAL

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

DEVELOPMENT NAME: _____

MASSHOUSING NO.: _____

AGENT: _____

By: _____

Name: _____

Title: _____

Date: _____

APPROVED:

MASSACHUSETTS HOUSING FINANCE AGENCY

By: _____
Anne Marie MacPherson, CPM, CPC
Senior Manager of Asset Management

Date: _____

Attachments

- 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 (if applicable)
- Attachment F: Procedures for Housing Lottery (if applicable)
- Attachment G: Emergency Transfer Plan (if applicable)
- Attachment H: Additional Policies - Use of Prior Criminal History (if Applicable)
- Attachment I: Request for Sex Offender Registry Information
- Attachment J: Consent for Release of Information
- Attachment K: Notification of Decision on Application
- Attachment L: Rejection Notice
- Attachment M: Annual Waiting List Update
- Attachment N: Notice of Removal from Waiting List
- Attachment O: Other (specify)



ATTACHMENT A

APPROVED AFFIRMATIVE FAIR HOUSING MARKETING PLAN

[see attached]



ATTACHMENT B

MASSHOUSING REJECTION STANDARDS Exhibit 2 to the Tenant Selection Regulations

An applicant and the applicant household shall be disqualified for a unit in a MassHousing administered or financed development for any of the following reasons:

- a) The applicant or a household member has disturbed a neighbor or neighbors in a prior residence by behavior, which, if repeated by a tenant in MassHousing administered or financed housing, would substantially interfere with the rights of other tenants to peaceful enjoyment of their units.
- b) 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 in MassHousing administered or financed housing, would have a material adverse effect on the housing development or any unit in such development.
- c) 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 in MassHousing administered or financed housing, 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.
- d) The applicant or a household member in the past has engaged in criminal activity, or activity in violation of M.G.L. c. 151B, §4, which, if repeated by a tenant in MassHousing administered or financed housing, 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 **[*, or would threaten the health and safety of the owner or MassHousing, or any employee, contractor, subcontractor or agent of the owner or MassHousing who is involved in the housing development. Notwithstanding the foregoing, and pursuant the Violence Against Women Reauthorization Act of 2013 (42 U.S.C. 1403e-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. *]**
- e) 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 in MassHousing administered or financed housing, 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. If the applicant or household members assuming part of the rent obligation are unable to provide a favorable prior landlord reference, the credit report of the applicant or



household member may be used to determine the applicant's ability to pay rent. In such circumstances, a bad credit history may be used as the basis of rejection, but the applicant may provide evidence of mitigating circumstances, which may include (i) a representative payer or reliable third party who would take responsibility for payment; (ii) evidence that such poor credit was a result of a disability that is now under control; or (iii) evidence that credit problems were the result of other circumstances that no longer exist and there is reason to believe that the applicant will now pay the rent promptly and in full. Lack of credit history, as opposed to poor credit history, is not sufficient justification to reject an applicant.

- f) 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 of MassHousing administered or financed housing, would be detrimental to the housing development or to the health, safety, security or peaceful enjoyment of other tenants.
- g) The applicant has failed to provide information reasonably necessary for the housing provider to process the applicant's application.
- h) The applicant has misrepresented or falsified any information 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.
- i) 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.
- j) The applicant does not intend to occupy housing, if offered, as his/her primary residence.
- k) **[* The applicant or household member has been evicted from federally assisted Housing for drug-related criminal activity, for three years from the date of eviction; provided, however, that if the evicted applicant or 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 (for example, the criminal household member has died or is imprisoned), the owner may, but is not required to, admit the household. *]**
- l) 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 **[* or by applicable federal law]**. 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 shall not apply to applicants for housing provided through a treatment program for illegal users of controlled substances.
- m) **[* There is reasonable cause to believe that the applicant or household member's 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.) *]

- n) [* The applicant or 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. *]
- o) [* There is reasonable cause to believe that the applicant or household member's abuse or pattern of abuse of alcohol may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents. *]

***Note:** Bracketed Inserts are required criteria for admission to Federally Assisted Housing developments, but may be adopted by non-federally assisted MassHousing developments at the option of the Owner and Agent. If the Owner and Agent elect to adopt any or all of the bracketed inserts for a non-federally assisted MassHousing development, they must do so consistently with respect to all applicants.



ATTACHMENT C

APPROVED POLICIES FOR ACCESSING AND USING EIV EXISTING TENANT SEARCH REPORT DURING TENANT SELECTION SCREENING

Only approved EIV System Users may access the Existing Tenant Search Report in HUD's Web Access secured System (WASS). However, the report may be viewed by either an approved EIV System User or Non-System User. Both types of users are required to complete a Security Awareness Training program that covers HUD's Security Requirements and the Privacy Act of 1974 as amended.

In accordance with HUD regulations, an executed Form HUD 9887 is not required to access the EIV Existing Tenant Search Report.

At the time of application processing, the Existing Tenant Search Report will be viewed in EIV to determine if the applicant or any applicant household member is currently residing at another location in HUD's Multi-Family (MF) or Public and Indian Housing (PIH) divisions.

Both the HUD MF Tenant Rental Assistance Certification System (TRACS) and PIH's Information Center (PIC) databases will be queried in EIV at the time the search is conducted.

Prior to scheduling the applicant interview, each applicant household member will be searched using his/her social security number (SSN). The report/s will be printed and securely retained with the application during application processing.

If the Existing Tenant Search Report identifies the applicant or any applicant household member is receiving rental assistance in another location, the information contained in the report will be addressed with the household member. The household member will be given an opportunity to explain any circumstances relative to his/her being assisted at the other location.

The applicant household member may be approved for admission to the Development, as permitted by HUD rules, in cases where the applicant wants to move from his/her existing location or where two assisted families share custody of a minor child. In such cases, written correspondence will be conducted to follow up with the respective PHA or owner/agent of the existing location to confirm the individual's program participation status prior to admission, including the coordination of move-in/move-out dates and the termination of HUD assistance to the applicant household member/s at the existing location prior to occupancy at the Development.

Conversely, if the Existing Tenant Search Report identifies the applicant or any applicant household member is not receiving assistance at another location, the report/s will be printed and retained with the application during application processing.

Once approved for occupancy at the Development, the report/s and any written correspondence pertaining to the report/s will be securely retained in the tenant file for the entire term of tenancy plus three years upon move-out. After the three-year period has expired, disposal of the EIV Existing Tenant Search Report is in accordance with the Agent's policy for document disposal.



ATTACHMENT D

APPROVED FORM OF APPLICATION

[see attached]



ATTACHMENT E

MASSHOUSING CONFERENCE PROCEDURES

- Option: The Agent will provide a pre-conference meeting with the applicant to resolve issues before formally offering a conference.(Define procedures below.)

The following conference procedure is to be made available to applicants to MassHousing-financed developments who are rejected or reclassified to a lower tenant-selection priority category.

1. THE TIME FOR REQUESTING A CONFERENCE:

An applicant who wishes to contest the rejection of his or her application or reclassification to a lower tenant-selection preference category must request a conference within five (5) business days from the applicant's receipt of the notice of rejection or reclassification.

2. THE APPLICANT'S REQUEST:

The request for a conference must be made in writing, or in an alternative format necessary because of a disability, to the development's management agent (the Agent). It may be mailed or delivered by hand. The Agent must immediately notify MassHousing's General Counsel by mail or electronic mail of the applicant's request.

3. MASSHOUSING'S APPOINTMENT OF CONFERENCE OFFICER AFTER RECEIVING APPLICANT'S REQUEST:

Within three (3) business days of receipt of applicant's request from the Agent, MassHousing shall appoint an impartial conference officer and notify the Agent and the applicant thereof, in alternate format if necessary.

4. SETTING UP THE CONFERENCE:

The conference officer shall establish a mutually convenient date and place to hold the conference, but in no event will the conference be held later than twenty (20) days from the date of the written rejection notice unless otherwise agreed to by the applicant, the Agent and the General Counsel of MassHousing. The Agent shall make any necessary reasonable accommodations, such as a sign language interpreter. Failure of an applicant to appear on the scheduled conference date will result in a decision upholding the Agent's rejection of the application.



5. THE CONFERENCE:

The conference is an informal proceeding intended to determine whether the Agent's rejection of an applicant or reclassification of an applicant's selection priority is reasonable in light of the evidence presented. At the conference, it is the Agent's burden to present evidence in support of its decision, but the rules of evidence applicable in a court of law shall not apply. Both the Agent and the applicant are permitted, but not required, to have a representative or advocate present during the conference proceedings. Generally, conference proceedings will be limited to one half hour in length and each party should be prepared to present its case within the time allotted.

6. THE DECISION OF THE CONFERENCE OFFICER:

The conference officer must determine whether the Agent reasonably rejected or reclassified the applicant in accordance with the selection criteria, program requirements and/or MassHousing policies. The conference officer's decision must be in writing, and, if necessary, in an alternate format, must be dated, and must state his or her findings of fact and the basis for his or her decision. Unless the parties mutually agree otherwise, the conference officer shall only consider evidence presented at the conference. A copy of the conference officer's decision will be forwarded within five (5) business days of the conference to the Agent and the applicant.

7. APPEAL OF CONFERENCE OFFICER'S DECISION:

The decision of the conference officer may be appealed to the General Counsel within five (5) business days of receipt of the decision. The appealing party (appellant) must simultaneously notify the Agent of the appeal and provide copies of any statement submitted in support of such appeal. The Agent may submit a response to the appeal within three (3) business days. In determining whether to uphold or overturn the conference officer's decision, the General Counsel will consider only the evidence presented at the conference, unless the Agent and the applicant agree to supplement the record. The General Counsel's decision will be in writing or in an alternate format, if necessary, and will state the specific reasons for his or her decision. A copy in alternate format, if necessary, of the decision will be forwarded to both the Agent and the applicant within eight (8) business days of the request for an appeal.

8. WAIVER OF TIME LIMITS:

For good cause shown, MassHousing may in its discretion waive any of the applicable time limits stated herein.



ATTACHMENT F

PROCEDURES FOR HOUSING LOTTERY

[see attached, if applicable]



ATTACHMENT G

EMERGENCY TRANSFER PLAN

[see attached, if applicable]

