

PP 36

REV:2/00

**SITE NAME: Waterford Place**  
**MHFA # 87-015**

**TENANT SELECTION PLAN**  
**Restructured-SHARP**

**Introduction**

The objective of this Tenant Selection Plan is to consolidate relevant policies and procedures affecting tenant selection pursuant to applicable federal and state laws and the Tenant Selection Regulations published by the MassHousing. The Plan sets out a procedure for processing and selecting applicants, including the establishment of preferences and priorities, occupancy standards, rejection standards, reviews and appeals of rejection decisions, and notice requirements. Where, however, a specific subsidy program contains rules or regulations that conflict with the provisions herein, the program's rules and regulations shall govern.

The Plan is designed to promote fairness and uniformity in tenant selection. It is also designed to promote efficiencies in the process by which applications are processed. One of the principle elements of this plan is that it allows management agents to make a preliminary determination of eligibility based on the applicant's self-certification of income and priority status. Initial acceptance of applicant self-certification generally allows the management agent to focus on other administrative duties rather than investing significant staff time in verifying such information at initial application and once again when the applicant is accepted from the waiting list. This election for preliminary determination of eligibility by the management agent should only be exercised if the anticipated waiting period for a unit offer exceeds ninety days. In most cases, the waiting period exceeds ninety days, and therefore warrants the effort to save staff time by making a preliminary determination of eligibility.

**Elements of the Tenant Selection Plan**

**A. Right to apply**

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



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## B. Statement of Non-discrimination

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

- In carrying out this Tenant Section Plan, the Agent will not discriminate on the basis of race, color, creed, religion, national or ethnic origin, citizenship, ancestry, class, sex, sexual orientation, familial status, disability, military/veteran status, source of income, age or other basis prohibited by local, state or federal law in any aspect of tenant selection or matters related to continued occupancy. The Affirmative Fair Marketing Plan and Contract establish the minimum minority occupancy goal for the development based on the percentage of minorities in the area. The agent will also affirmatively market to persons with disabilities, as specified in its Affirmative Fair Marketing Plan and contract.
- **Applicants with Disabilities and Reasonable Accommodations** - The Agent will make reasonable accommodations in policies or reasonable modification of common or unit premises for all applicants with disabilities (as defined in the above listed Acts or any subsequent legislation) who require such changes to have equal access to any aspect of the application process or to the development and its programs and services. The Agent will, for example, arrange for sign language interpreters or other communications aides for interviews during the application process.



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

***SITE*** Waterford Place  
***ADDRESS*** 180 Shawmut Avenue  
 Boston , MA 02118  
***PHONE*** 617-482-2747  
***TDD*** To be determined  
***FAX*** 617-426-0044  
***EMAIL*** [sjones@wincco.com](mailto:sjones@wincco.com)

### C. Selection Criteria

To be considered for selection, applicants must submit a completed application and relevant consent forms. To determine threshold eligibility, the application may be accepted as a self-certifying statement. No third party verification will be required until final screening for occupancy. Information needed to determine an applicant's eligibility shall be verified within 90 days of formal acceptance for occupancy.

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

Eligibility will be determined on the following basis:

1. Maximum Income – Household annual income must not exceed current income limits for the program to which application is made. (See Eligibility Criteria, Attachment 1) Annual income may be below program limits but not so low as to make payment of basic rent obligations impractical. Minimum rent obligations are not applicable to participants in low rent programs, such as Section 8.
2. Other Eligibility Criteria Pursuant to Program Characteristics – Household characteristics, such as the number of family members or their age, must be appropriate to the size of the unit and pursuant to the subsidy program guidelines. See Attachment 1 for detailed requirements applicable to this development.
3. Selection Criteria Based on the General Requirements of Tenancy - This Tenant Selection Plan sets forth the essential requirements of tenancy and the grounds on which tenants will be rejected for failing to meet such requirements. Rejection of an applicant is appropriate where the Agent has a reasonable basis to believe that the tenant cannot meet these essential requirements, which may be summarized as follows:



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- a.) to pay rent and other charges under the lease in a timely manner;
- b.) to care for and avoid damaging the unit and common areas, to use facilities and equipment in a reasonable way, and to create no health or safety hazards;
- c.) not to interfere with the rights and enjoyment of others and not to damage the property of others;
- d.) not to engage in any activity that threatens the health, safety or right to peaceful enjoyment of other residents or staff, and not to engage in activity on or near the premises that involves illegal use of controlled substances or weapons; and any criminal activity on or off the premises that would be detrimental to the housing should it occur on the premises, and
- e.) to comply with necessary and reasonable rules and program requirements of the housing provider.

Exhibit 2 to MassHousing's Tenant Selection Regulation lists circumstances that create the presumption that an applicant is not eligible for tenancy. Exhibit 2 is Attachment 2 to this plan. Under the circumstances identified therein, there is a reasonable risk that the applicant will not be able to meet the essential requirements of tenancy.

This plan provides for the consideration of mitigating factors that rebut the presumption that an applicant will be unable to meet the requirements of tenancy. Mitigating factors may include a showing of rehabilitation or rehabilitating efforts. Mitigating factors must be balanced against the potentially disqualifying behavior or circumstances. In considering both the disqualifying behavior and mitigating factors, the Agent will determine if there is a reasonable risk that the applicant will be unable to meet the essential requirements of tenancy. Among the factors that should be considered are:

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



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

4. Screening Procedures - To obtain information about an applicant's ability to meet the essential requirements of tenancy, the Agent will secure background information from one or more of the following sources:

- (a) References from landlords in the last five years or from the last two successive tenancies, whichever is more inclusive;
- (b) Credit references furnished by a credit bureau. Information to be considered should not be more than five years old;
- (c) Personal references provided by the applicant;
- (d) Visits to the applicant's current residence to assess housekeeping habits if there is an indication that this has been an issue in the past or if such visits are required in connection with all applicants for housing;
- (e) Record of prior criminal history. An Owner or its agents may obtain the Criminal Offender Record Information (CORI) reports as part of the tenant selection process, but access and use of the CORI reports are subject to the provisions of 803 CMR 25 et seq. An Owner or its agent should ensure that none of the information it obtains is collected in violation of the law.
- (f) Verification of income either from a present employer, appropriate agency, financial institution or other appropriate party.
- (g) Verification of a disability from an applicable professional when the applicant requests a modification to a unit, eligibility for a preference based on disability status, or a reasonable accommodation. Inquiries concerning a person's disability or disabilities in this regard should be limited to verification of the disability and the need for an accommodation or the qualification for a program. The Agent will ask questions about the nature or severity of a disability are only as they relate to the specifics of



an accommodation request. The Agent will not make inquiries regarding an applicant's ability to comply with the terms of the lease, including caring for the unit, unless past tenancy history or other evidence suggests that applicant is unable to satisfy some term of the lease.

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

Mitigating circumstances will be verified and the individual performing the verification 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 an applicant claims that prior unacceptable tenancy-related behavior resulted from alcohol abuse or use of illegal drugs, acceptable verification of mitigating circumstances would have to establish that:

- (As applicable) There is no current illegal use, within the last year, of controlled substances. If such use is documented, applicant must present evidence that such use has stopped and is unlikely to recur.
- (As applicable) There is no current abuse of alcohol and abuse is unlikely to recur.
- 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.
- In any case of confirmed, continued, unacceptable tenancy-related behavior, despite the cessation of drugs or alcohol use an applicant may be rejected.

An Agent may consider an applicant's credit history, but such may be used in lieu of rental history to determine an applicant's ability to pay rent only when rental history is not available. Where bad credit is the basis for rejection, mitigating circumstances may include: (i) a representative payer or other reliable third party who would take written responsibility for payment, or (ii) evidence that such poor credit was the result of a disability that is now under



control, or (iii) evidence that credit problems were the result of other circumstances that no longer exist and there is reason to believe that applicant will now pay the rent promptly and in full. An applicant's ability and willingness to pay rent must be demonstrated through an identifiable source of sufficient income to pay rent and prior rental history. The lack of credit history, as opposed to poor credit history, is not sufficient justification to reject an applicant. An Agent must also take into account rent burden if an applicant can demonstrate a history of satisfying a higher rent burden than the Agent normally employs. (See Rejection Standards)

The management agent shall have the right to request information reasonably needed to verify the mitigating circumstances, even if such information is of a confidential nature (e.g. doctors' reports). If the applicant refuses to provide or give access to such further information the management agent may choose not to give further consideration to the mitigating circumstance.

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

- (a) Physical Examinations. The Agent will not require physical examinations or medical testing as a condition of admission.
- (b) Meals and Other Services. The Agent will not require tenants to participate in a meals program that has not been approved by MassHousing.
- (c) Donations or Contributions. The Agent will not require a donation, contribution or membership fee as a condition of admission, except that cooperative housing projects may charge a membership fee. Owners may not require any payments not provided in the lease.
- (d) Disability Status. Except as provided in section 4 (g) above, it is unlawful to make an inquiry to determine if an applicant for a dwelling unit, a person intending to reside in that dwelling unit after it is rented or made available, or any persons associated with the applicant, has a disability or handicap, or to make inquiry as to the nature or severity of an identified disability or handicap.

**D. Application to Housing**

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



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- In Person
- By Mail
- By Fax

The application form:

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

In addition to the application form, the Agent shall also require an Applicant's Consent for Release of Information (See Attachment 4). This form is necessary to allow the Agent to obtain third-party verifications or references.

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

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

Every application must be completed and signed by the head of the household. Household members 18 years or older, including any personal care attendant (PCA), must sign a release to conduct criminal, credit, and landlord history references, provided that credit information for personal care attendant is not necessary because their income is not included in the household income calculation. Personal care attendants are defined as a person who resides with a household member with a disability and who (a) provides necessary assistance in activities of daily living to such household member insofar as he or she requires such assistance on account of his or her disability; (b) is not obligated for support of the household member; (c) is paid for the fair value of such assistance; and (d) would not be residing in the unit except to provide such necessary assistance to the household member. All members of the household must be listed on the application form.



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

The Agent shall not disclose any personal information contained in its records to any persons or agencies other than the MassHousing, or other authorized government agency 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 the 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 or to gather information to process reasonable accommodations requests under Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and the Fair Housing Act.

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

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

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

3. Provisions Relating to Rejection of an Application - If the applicant is not accepted, or is not placed on the waiting list for admission, the Agent shall follow the procedures outlined in section 2 above, but shall include the following in its written response (See Attachments 6a and 6b) to the applicant:



- the reason(s) for the rejection,
- notice that the applicant has five business days to respond in writing or to request a conference with the Agent (and MassHousing) to contest the rejection, and
- notice that the applicant has the right to request a reasonable accommodation if the applicant believes that, with such an accommodation, the applicant would be eligible for admission and that the applicant was rejected for a reason arising from the applicant's disability.

Every rejection notice shall include a copy of the MassHousing conference procedure (See Attachment 6c).

The Agent has consulted with counsel and established a policy for maintaining records relating to rejection of applications for housing. That policy satisfies MassHousing requirements that the records shall be maintained for a period of not less than three years. "Records", as used herein, include:

- all original applications,
- the Agent's eligibility determination (acceptance and rejection notices), and
- any materials relating to such decisions
- or appeals by the applicants

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

For those developments with project-based Massachusetts Rental Voucher Program (MRVP) units, the local housing agency shall be responsible for taking and processing applications for assistance under the project-based MRVP. The local housing agency shall select applicants for assistance in accordance with EOCD's Regulations for Eligibility in State-Aided Public Housing and Regulations Prescribing Standards and Procedures for Tenant Selection and Tenant Transfers.

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

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



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1. Tenants currently receiving project-based MRVP and who are overhoused shall be listed on the waiting list for overhoused households (see Section G). After chosen for transfer to a smaller unit, the tenant may continue to receive project-based MRVP subsidy, consistent with rent levels appropriate for the smaller unit.
2. Current tenants who are paying more than 50% of income in rent shall be listed on the waiting list for such households described in Section G. In order to avoid displacement of such tenants who are eligible for project-based MRVP, they may receive preference for a vacant project-based MRVP unit of appropriate size, within the constraints of the bedroom distribution specified in the subsidy contract.
3. Current tenants living in overcrowded units shall be listed on the waiting list for such households described in Section G. In order to avoid the displacement of such tenants who are eligible for project-based MRVP assistance, they may receive preference for a vacant project-based MRVP unit only if their transfer to a larger bedroom unit without project-based MRVP would result in their paying more than 50% of their income in rent.

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

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



In general, applications will be processed in accordance with the following steps:

- **Review for completeness** - Applications will first be reviewed for completeness. Incomplete applications will be rejected, 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 compliance with any categorical eligibility requirements such as age or disability, if applicable. Applications determined ineligible, pursuant to program guidelines, will be rejected in accordance with procedures outlined above.
- **Preliminary determination of program eligibility** - When there are more applicants on the waiting list than units currently available, the Agent will make a preliminary determination of eligibility, based on the applicant's self-certified statement as to his or her income, assets, age, disability status, and preference or priority status. Applicant will be notified of the status of his/her application in accordance with procedures outlined above.
- **Waiting list placement** - Once a fully completed application is determined to meet income eligibility requirements and the household composition is determined appropriate for a unit at the development, the applicant will be placed on the appropriate waiting list(s). Applicants eligible for handicapped accessible units may choose to be on lists for accessible and standard units. Assignment to a position on the waiting list will be based on this preliminary determination and will be formally verified as the applicant's 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 applicant 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 may be:
  - reassigned to another waiting list, i.e., smaller or larger bedroom size;
  - reassigned to a different preference status; or
  - determined ineligible.



## E. Required State Preferences

1. **Priority Categories:** MassHousing has determined that preferences shall be ranked into the following priority categories, consistent with existing federal guidelines. Management shall use the following priority categories in descending order in determining the order of an applicant's placement on the waiting list:

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

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

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

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

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

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

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

D. 4th Priority – Involuntary Displacement by Domestic Violence: "Domestic Violence" means actual or threatened physical violence directed against one or more members of the applicant's family by a spouse or other member of the applicant's household. An applicant is involuntarily displaced by domestic violence if:

- 1) The applicant has vacated a housing unit because of domestic violence; or



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

This priority applies only to households with one or more children under the age of 18.

**2. 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;

- A. government action, or
- B. a Presidentially declared disaster.

**3. Additional Optional Agent Preferences (as allowed under applicable program rules)**

- Specify - for current residents of housing either financed or administered by the MassHousing who seek relocation resulting from:
  - providing testimony to law enforcement or management agents,
  - circumstances involving flight from domestic violence or racial/ethnic harassment, or
  - the need to satisfy a reasonable accommodation request.

Specify - other

**4. Statutory Program Preferences for Section 8  
NOT APPLICABLE**

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 \_\_\_\_ family units and \_\_\_\_ elderly or disabled units.



## 5. Certification for implementation of Title VI

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

- Yes  
 No

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

The development has selected the "Near Elderly" Preference  Yes  
 No

## 6. Section 13A

This development was designed for elders and has never had more than 20% of its units occupied by persons less than 55 years of age. Further, the development has adopted an elderly preference.

- Yes  
 No

Notwithstanding the implementation of an elderly preference, accessible units for persons with physical disabilities will be made available to persons under 62 years of age if no persons 62 years or older need the features of an accessible unit. Similarly, developments participating in the DMH/DMR set-aside program must continue to set aside units for DMH and DMR clients, regardless of age.

### F. Waiting Lists

The Agent will administer its Waiting List in accordance with the following policies.

- Waiting lists will be maintained in either a bound ledger or on a computer report. A printed copy of the waiting list will be prepared, prior to the annual update, and maintained for three years.
- Waiting lists will be organized by type of unit, (subsidy, physically adapted unit, etc). A separate list is required for every type of unit. "Type of unit" is defined in several ways, including:

- 1.) The number of bedrooms, as well as the number of bathrooms, or ancillary rooms, such as a den or dining room.



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- 2.) The building structure, such as a town-house versus a garden-style unit.
  - 3.) The physical characteristics of the unit, such as accessible features.
  - 4.) The type of subsidy attached to the unit, such as project-based subsidy.
  - 5.) The distinction between subsidy types such as interest subsidy (basic rent units) and deep subsidy (low rent units).
  - 6.) Units which are intended for occupancy by elderly persons.
- Each applicant must be placed on the appropriate waiting list(s) 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 for tenancy, but no appropriately sized unit is available, the Agent will place the family on a waiting list for the project. Households that are eligible for more than one size of unit (by bedroom size) may choose to be placed on multiple waiting lists as appropriate and The Agent will respect the bedroom size option chosen by the applicant unless such choice violates the state sanitary code, other applicable laws, or the development Occupancy Policy. Persons using a wheelchair or requiring similar accommodations may apply for a standard unit, as well as an accessible unit, in their discretion.
  - The Agent's records will indicate the date the applicant is placed on the waiting list. All records, including the application, must be retained for a period of three (3) years.
  - (Optional) Agent may require applicants to contact the project every six months to remain on the waiting list. Upon failure to respond to the Agent's notice to contact the project, the applicant 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. Before closing a waiting list the Management Agent must receive written approval from MassHousing to do so. Thereafter, the Management Agent will post a notice at the development that indicates: (a) the date the list will be closing and (b) the MassHousing telephone number, fax number and TDD number for verification. Notice must be in 14 point (or larger) print and in an accessible location(s).
  - When an applicant pool is no longer adequate due to the closure of the waiting list, the list shall be re-opened. MassHousing must receive written notification of the list's reopening and public notice shall be placed in area publications, and as otherwise required by the development's Fair Marketing Plan and Contract.
  - Waiting lists will be updated every twelve months.
- Note: Prior to removing an Applicant's name from the waiting list, the Agent will send written notice of the action, or notice in requested alternate format, to the Applicant, at the Applicant's address of record. A copy of the standard notice of removal is attached to this plan. (See Attachment 8)





### **G. Transfer Procedure for Existing Residents**

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

1. Size of Family or special condition—
  - Residents are housed in over-crowded conditions and have requested a larger unit appropriate for their household size;
  - Residents are housed in units providing a greater number of bedrooms than warranted for their household size (such transfers are not volitional, and refusal to relocate by the household will result in termination from the subsidy program upon thirty days notice);
  - Residents who require the features of an accessible unit, provided that documentation of the need has been supplied; and
  - Residents who occupy, but do not need the features of an accessible unit if another resident or applicant needs an accessible unit (such transfers are not volitional, and refusal to relocate by the household will result in termination from the subsidy program upon thirty days notice).
2. Economic Circumstances – Residents who are paying more than fifty percent of their monthly income for the cost of rent and utilities.
3. Owner Optional Preferences – (specific description is required if an optional preference is elected.)

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

### **H. Additional Policies Regarding Special Use Units -**

- 1.) Accessible Units – These are defined as unit which have been constructed according to the ADAAG and AAB codes for accessible units. Accessible units shall be listed at the Massachusetts Access Registry. If there are no applicants who need the features of an accessible unit, the Agent shall notify the Registry of the vacancy. If an accessible unit must be offered to someone who does not need the accessibility



features, the lease shall include a clause requiring the tenant to relocate to the first available comparable unit if a tenant or eligible applicant requires the unit's accessible features.

- 2.) DMH/DMR Set-Aside Agreement – These units are restricted, by agreement with MHFA and the Departments of Mental Health (DMH) and Mental Retardation (DMR), for use by eligible DMH/DMR clients. The agreement reserves three percent (3%) of the low-income units (or moderate income units, where applicable, for eligible applicants referred by DMH/DMR). Indicate “yes” if applicable.

[YES ] As a DMH/DMR set aside development, **3 percent (3 %)** of the low rent (or low and moderate rent) units will be reserved for eligible DMH/DMR clients.

**I. 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 regulation, or policies. The Agent agrees that, upon reasonable notice, they will amend this plan to satisfy such changes.

### CONCLUSION

The Agent acknowledges that this plan may not address every activity relating to selection. Questions concerning this plan, and any of its applications, should be directed to the Management Agent, or to the MassHousing Asset Management Department.

**NOTE:** *the following attachments must be included in the plan:*

*Attachment 1 – Eligibility Criteria*

*Attachment 2 – Exhibit 2 to the Tenant Selection Regulation*

*Attachment 3 – model application form*

*Attachment 4 – Applicant's Consent for Release of Information*

*Attachment 5 - Notification of Decision on Application*

*Attachment 6a,b,c – Notice of Rejection, including required Conference Procedure*

*Attachment 7 – Annual Waiting List Update*

*Attachment 8 – Notice of Removal*

As an authorized representative of the Agent, I have reviewed this plan and request that MassHousing approve it for use at the entitled development. The plan shall be effective as of the date approved by MassHousing.



Signed: Stephanie Lewis, Agent Date: 5-7-07  
Agent Signature Winn Management

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
MassHousing Approval



CCBA Waterford Place, LLC  
MH# 87-015  
Restructured-SHARP  
05/02/07



EQUAL HOUSING  
OPPORTUNITY