

Whenever vacancy in a contracted unit occurs, the Agent shall inform the local housing agency, which shall refer eligible applicant(s) on its waiting list for the appropriate bedroom size unit to the Agent for processing. The Agent shall be responsible for screening and selecting tenants from households referred by the local housing agency, and shall offer referred households units for lease unless reasons exist for rejection as described in the MassHousing Rejection Standards (Attachment 2).

For a current tenant to receive a Housing Choice Voucher subsidy, the Agent must refer the tenant to the local housing agency, which shall determine eligibility and placement on the waiting list for contracted units as provided above.

#### **E. Preferences, Priorities and Targeting**

This Section describes the preferences, priorities, and targeting that shall be applied in the selection of residents under the Plan for all MassHousing Financed Developments. Applicants with preferences are selected from the waiting list and receive an opportunity for an available unit earlier than those who do not have a preference. Preferences affect only the order of applicants on the waiting list. They do not make anyone eligible who was not otherwise eligible, and they do not change the Agent's right to apply or modify the tenant selection criteria found elsewhere in this plan.

As required in Section D above, the Agent shall inform each applicant about available preferences, and provide an opportunity for each applicant to show that they qualify for available preferences.

1. Required MassHousing Preferences. The Agent shall apply preferences required under Section 7 of the MassHousing enabling statute (M.G.L. c. 23A App., Section 7) in determining the placement of an applicant on the waiting list. In applying such preferences, the Agent shall use the following priority categories in descending order and shall document the sources of information obtained to verify qualification for preferences:
  - (a) 1st Priority - Homelessness due to Displacement by Natural Forces: An applicant, otherwise eligible and qualified, who has been displaced by:
    - (i) fire not due to the negligence or intentional act of applicant or a household member;
    - (ii) earthquake, flood or other natural cause; or



- (iii) a disaster declared or otherwise formally recognized under disaster relief laws.
  
- (b) 2nd Priority - Homelessness due to Displacement by Public Action (Urban Renewal): An applicant, otherwise eligible and qualified, who will be displaced within 90 days, or has been displaced within the three years prior to application, by:
  - (i) any low rent housing project as defined in M.G. L. c. 121B, § 1, or
  - (ii) a public slum clearance or urban renewal project initiated after January 1, 1947, or
  - (iii) other public improvement.
  
- (c) 3rd Priority - Homelessness due to Displacement by Public Action (Sanitary Code Violations): An applicant, otherwise eligible and qualified, who is being displaced, or has been displaced within 90 days prior to application, by enforcement of minimum standards of fitness for human habitation established by the State Sanitary Code or local ordinances, provided that:
  - (i) neither the applicant nor a household member has caused or substantially contributed to the cause of enforcement proceedings; and
  - (ii) the applicant has pursued available ways to remedy the situation by seeking assistance through the courts or appropriate administrative or enforcement agencies.
  

Note: For purposes of this subsection, “enforcement” is interpreted as a formal condemnation of the apartment. Citation for code violations does not, without more, constitute a condemnation.

  
- (d) 4th Priority – Involuntary Displacement by Domestic Violence: “Domestic Violence” as defined in M.G.L. c. 209A 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:
  - (i) The applicant has vacated a housing unit because of domestic violence; or



- (ii) The applicant lives in a housing unit with a person who engages in domestic violence.

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

Priority for Involuntary Displacement by Domestic Violence applies only to households with one or more children under the age of 18.

**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 owner’s Occupancy Standards set forth in Exhibit 1, 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 by DHCD in the Guidelines, thereby eliminating the need for such a preference.**

2. HUD Section 236 Program - Required HUD Regulatory Preferences

- (a) If the Development is receiving subsidy under the Section 236 Program, or otherwise remains subject to regulatory oversight under the Section 236 Program, the Agent shall apply preferences in determining the order of an applicant’s placement on the waiting list for a basic rent unit assisted under the Section 236 Program. Pursuant to 24 CFR Part 236 and HUD Handbook 4350.3 REV-1, preference shall be provided to applicants displaced as a result of:
  - (i) government action, or
  - (ii) a Presidentially-declared disaster.
  
- (b) In addition to the above, if the Development is also receiving Rental Assistance Payments, the Agent shall apply secondary preferences (in descending order of priority), as follows:
  - (i) Applicants eligible for Rental Assistance Payments;
  - (ii) Applicants eligible to pay less than the Section 236 “market rent” approved for the Development; and
  - (iii) Applicants with income sufficient to pay the Section 236 “market rent” approved for the Development.



For purposes of this subsection, the Section 236 “market rent” shall be the market rent as it appears on the most recently approved Section 236 rent schedule for the Development.

Documentation or sources of information, required to verify an Applicant’s qualification for a preference under this Section, shall be determined by HUD.

CHECK AS APPLICABLE:

The Development is a Section 236 Program Development and is subject to the preference set forth in subsection E.2(a) above.

The Development is a Section 236 Program Development and receives Rental Assistance Payments, and is subject to the preference set forth in subsection E.2(a) and 2(b) above.

Note: Section 236 preferences take precedence over the preferences for MassHousing financed Developments (see Section E.1 above.

The Development is not a Section 236 Program Development and is not subject to the preferences set forth in subsection E.2

3. Additional Optional Owner Preferences (as allowed under applicable program rules). If specified below, the Agent shall apply Additional Optional Owner 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 elsewhere in this section (Section E) and shall be applied in descending order as set forth below.

CHECK AS APPLICABLE:

For current residents of housing either financed or administered by MassHousing who seek relocation resulting from:

providing testimony to law enforcement or management agents;

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



- circumstances involving flight from domestic violence or racial/ethnic harassment;

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

- the need to satisfy a reasonable accommodation request.

Documentation/Sources of Information Required to Verify Qualification for Preference (Substantiation of such preferences must be documented): \_\_\_\_\_  
\_\_\_\_\_

Local (Resident) Preference

- Current residents: A household in which one or more members is living in the city or town in which the Development is located (the “Municipality”) at the time of application. Documentation of residency should be provided, such as rent receipts, utility bills, street listing or voter registration listing.

- Municipal Employees: Employees of the Municipality, such as teachers, janitors, firefighters, police officers, librarians or town hall employees.

- Employees of Local Businesses: Employees of businesses located in the Municipality.

- Households with children attending the Municipality’s schools, such as METCO students.

- Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Geographic Boundary(ies): \_\_\_\_\_  
(not smaller than municipal boundary(ies))



Applicable Percentage: \_\_\_\_\_ % (not greater than 70%)

Duration of Preference: \_\_\_\_\_ Initial Rent Up Only

\_\_\_\_\_ Other (specify term)

**NOTE: Local (Resident) Preferences are subject to DHCD Guidelines, and may require approval by DHCD and the Municipality in addition to approval by MassHousing’s Compliance and Diversity Division. Residency preferences for HUD Assisted Developments are also subject to HUD requirements and require HUD approval. (See HUD Handbook 4350.3 REV-1, Section 4-6.C.1.c). These required approvals (identified below) must be obtained by the Owner or Agent prior to adoption of a residency preference under this Plan. All preferences must comply with non-discrimination, equal opportunity, and Fair Housing requirements, and the Development’s Affirmative Fair Marketing Plan must demonstrate what efforts will be taken to prevent a disparate impact or discriminatory effect on non-local residents of protected classes. Specifically, to prevent such disparate impact or discriminatory effect, if the Development adopts a Local (Resident) Preference, applicants may not be admitted or added to a waiting list for the duration of the Preference EXCEPT through the use of a lottery process described in Section F below or as otherwise permitted in writing by MassHousing.**

Approval for Local (Resident) Preference:

Required	Obtained (attach relevant approval for each)	
<input type="checkbox"/>	<input type="checkbox"/>	MassHousing Compliance & Diversity
<input type="checkbox"/>	<input type="checkbox"/>	HUD
<input type="checkbox"/>	<input type="checkbox"/>	DHCD
<input type="checkbox"/>	<input type="checkbox"/>	_____ (Municipality)

Homeless (general, not otherwise covered by homeless preferences above)

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



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Other - Specify

Preference Description: \_\_\_\_\_

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

HUD Approval Required/Date Obtained: \_\_\_\_\_

Preference Description: \_\_\_\_\_

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

HUD Approval Required/Date Obtained: \_\_\_\_\_

4. Housing for Older Persons

If specified below, 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).

- (a) Housing provided under Federal or State Program specifically designed and operated to assist elderly persons (*see* 24 CFR 100.302).
- (i)  Owner-Adopted Preferences for Elderly, Disabled, Nonelderly Disabled and Near Elderly Disabled Families – as permitted under Section 651 of Title VI, Subtitle D of the Housing and Community Development Act of 1992 (“Title VI-D”).



Owners of qualifying developments receiving Section 8 assistance 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-D criteria (see certification below) and such preferences do not otherwise violate Fair Housing Act or Age Discrimination Act standards (*see* HUD Handbook 4350.3 REV-1, Section 3-18.A).

**Certification for Implementation of Title VI-D  
Elderly Preference**

- (A) The undersigned certifies that the Development has adopted the HUD Title VI-D Elderly preference, and that it is both qualified and has the supporting documentation on site as specified in HUD Handbook 4350.3 REV-1, Section 3-18.A to support the adopted elderly preference.

Yes  
 No

The number of units **set aside** at the Development for non-elderly disabled families is 10%.

Note: For purposes of this subsection (A) only, a non-elderly disabled family is one in which the head of household, co-head, or spouse is disabled and 18 to 49 years of age.

- (B) The Development has adopted the “near-elderly disabled family” preference.

Yes  
 No

Note: For purposes of this subsection (A) only, a near-elderly disabled family is one whose head, spouse, or sole member is a person with disabilities who is at least 50 years of age but below the age of 62; or two or more persons with disabilities who are





at least 50 years of age, but below the age of 62, living together; or one or more persons who are at least 50 years of age, but below the age of 62, living with one or more live-in aides.

- (ii)  Owner-Adopted Elderly Restrictions in Certain Federally Assisted Housing Projects that were Designed to Serve the Elderly – as permitted under Section 658 of Title VI-D.

Owners of qualifying Section 236, Section 221(d)(3) BMIR and Section 202 developments may restrict occupancy to such developments to elderly families in accordance with the rules and standards in effect at the inception of the development (*see* HUD Handbook 4350.3 REV-1, Section 3-18.B).

**Certification for Implementation of Title VI-D Elderly Restriction**

- (A) The undersigned certifies that the Development has adopted the HUD Title VI-D Elderly Restriction and it is both qualified and has the supporting documentation on site as specified in HUD Handbook 4350.3 REV-1, Section 3-18.B to support the adopted restriction.

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No

Specify Program and Restriction(s): \_\_\_\_\_

\_\_\_\_\_

- (iii)  Elderly Preferences and Restriction – Projects Not Covered by Title VI-D (*see* HUD Handbook 4350.3 REV-1, Section 3-19).

Specify Program and Restriction(s): \_\_\_\_\_

