

# Middleborough Housing Authority

## TENANT SELECTION PLAN

### **1. Introduction:**

This Tenant Selection Plan (The Plan) covers all state/public housing administered by the Middleborough Housing Authority (MHA), including Nemasket Apartments (Chapter 667 housing for the elderly and disabled), Riverview Apartments (Section 8 New Construction federal development administered through the state), Archer Court (Chapter 200 housing for families) and a 8 unit special needs development located at 5 Woodland Avenue, Middleborough, and participants assisted under the Massachusetts Rental Voucher Program (MRVP). Presently, the Woodland Avenue property is administered directly by the Massachusetts Department of Developmental Services.

The objective of this plan is to consolidate relevant policies, regulations, rules, and procedures affecting the selection of tenants/participants for housing assistance and to promote fairness and uniformity in tenant selection. This plan sets out a procedure for processing and selecting applicants, including the establishment of preferences and priorities, appeal rights, 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.

### **2. Requesting & Submitting an Application**

- A) No person may be refused the right to apply for housing unless the waiting list is closed.
- B) Applications may be requested by phone, mail, email, fax or in person.
- C) All applicants are provided assistance, upon request, on how to complete each application.
- D) Applications can be submitted in person or by mail. Faxed or emailed applications will not be accepted.
- E) Applications must have an original signature (no copies).
- F) In addition to the application form, the MHA shall also require an applicant to sign a Release of Information form in order to obtain third-party verifications and references.
- G) Every application must be completed and signed by the head of the household. All members of the household must be listed on the application form.
- H) Household members 17 years or older, including any personal care attendant (PCA), must sign a release to conduct criminal, credit, and landlord history references.
- I) To reduce administrative costs, the MHA may use a Preliminary Application form. A full application must be completed by the applicant prior to determining eligibility.
- J) Applicants for State Elderly Housing must be 60 years of age
- K) Applicants for Section 8 New Construction housing must be 62 years of age



### **3. Statement of Non-discrimination**

It is the policy of the MHA 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. The MHA 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.

When financially feasible, MHA will make reasonable accommodations in policies or reasonable modification of common or unit premises for all applicants with disabilities 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 MHA will, for example, arrange for sign language interpreters or other communications aides for interviews during the application process.

### **4. Incomplete Applications**

- A) Applications that do not contain an original signature, are not signed, or are missing requested information will be deemed incomplete and will not be accepted.
- B) Incomplete applications will not be date stamped, but returned to applicant for completion with information indicating why the application could not be processed.
- C) An incomplete application will be returned to an applicant only once. If an application is submitted a second time and rendered unacceptable, the application will be shredded.
- D) Applications submitted for program not administer by the MHA or for programs where the waiting list is closed, will not be processed. Such applications will be shred.

### **5. Complete/Accepted Applications**

Completed applications will be accepted and processed immediately as follows:

- A) The application will be date and time stamped by a housing authority staff member
- B) The application will be preliminarily screened for eligibility based on disability (if applicable), income and other applicable information.
- C) On the upper corner of the application, a housing authority staff member will indicate the assigned bedroom size and program(s) applied for, in addition to priorities and preferences, if applicable.
- D) A control number will be assigned in chronological order and an entry consisting of the control number, applicant's name and date are logged into the ledger books.
- E) Complete applicant information will then entered into our computer database.
- F) A receipt will be given/sent to those who applied with the control number noted. Applicants are to sign the original receipt and return it to the MHA.
- G) Within 30 days, a letter will also be given/sent to the applicant indicating their control number, approximate wait time and information regarding priorities and preferences, if applicable. The applicant is advised that they are required to notify the MHA in writing in the case of a change in mailing address. A copy of the letter is maintained in the applicant's file.

H) A case folder is set up and filed in a cabinet according to the control number.

## **6 Waiting List inquiries**

- A) Applicants wishing to know where they are on the waiting list MUST request this information in writing and must do so by using their control number. Requests can be made in writing in person, via fax, via mail, or via email.
- B) Upon receipt of such a request, a written response will be sent to the applicant indicating the number they are on the waiting list and reminding them that the placement could change based on waiting list updates, emergency applications filed, and preferences and priorities given to other applicants. A copy of the written response will be filed in the applicant's file.

## **7 Waiting List updates**

- A) Applicants who have a change in mailing address or household composition MUST report the change in writing. Once the MHA receives notification of the change, the database will be updated and the written notification will be filed in the applicant's file. If the change changes the status of the application, a written response will be sent to the applicant and filed.
- B) Annual waiting list updates will be done for all active applications at least once every twelve months. A notification will be mailed to the applicant asking them to complete a waiting list update form. The applicant will have 30 days to respond. Failure to respond to a waiting list update will result in the application being taken off of the waiting list ("terminated"). A written notification will be sent to the applicant.
- C) If at any time mail to an applicant is returned to the housing authority and the address matches the information the applicant has provided the housing authority, the application will be taken off of the waiting list ("terminated"). No further attempt will be made to contact the applicant.

## **8. Preferences & Priorities**

### **A) Preferences**

MHA shall use the following preference categories in determining the order of an applicant's placement on the waiting list:

- (a) Applicants living in Middleborough will be given a preference (B) and placed above non-residents on the waiting list
- (b) Applicants claiming a minority will be given a preference (C) and taken over applicants without a minority preference, if the MHA has not met its Affirmative Action Goals
- (c) Applicants who have a Middleborough preference (B), AND have applied for Chapter 667 housing, AND are a veteran, spouse, or widow of a veteran will be given a preference (A)

### **B) Priorities**

Pursuant to 760 CMR 5.11, the MHA follows the following Emergency Case Plan which sets forth the definition of an Emergency Case Applicant, and the circumstances under which the MHA shall grant Emergency Case status, to an otherwise eligible applicant for housing:

## **I STATEMENT OF GOALS AND POLICIES**

Through this Plan, the MHA seeks to establish a fair and uniform standard to be applied to all applicants for emergency case status.

## **II. DEFINITION OF EMERGENCY CASE APPLICANT**

An Emergency Case Applicant shall be a homeless applicant who meets the definition of “Emergency Case” who has been or is imminently faced with displacement from his/her primary residence as a result of circumstances described below, AND who:  
is without a place to live or is in a living situation in which there is a significant immediate and direct threat to the life or safety of the applicant or a household member, which situation would be alleviated by placement in an appropriate unit; **AND**

- (a) has made reasonable efforts to locate alternative housing; **AND**
- (b) has not caused or substantially contributed to the safety or life threatening situation; **AND**
- (c) has pursued available ways to prevent or avoid the safety or life-threatening situation by seeking assistance through the courts or appropriate administrative or enforcement agencies.

Primary Residence is defined by 760 CMR 5.03 as the principal home (domicile) occupied by all members of an applicant household not less than nine months of the year.

## **III DETERMINATIONS OF EMERGENCY CASE APPLICANT**

The MHA shall grant Emergency Case status to applicants who satisfy the above definition of homeless as further clarified below.

### **PRIORITY # 1 DISPLACED BY NATURAL FORCES:**

If an applicant can no longer live in your residence due to a fire, flood or earthquake, they must submit:

\_\_\_\_\_ Fire: Copy of the official Fire Report. Report must be mailed directly by the Fire Department to the Housing Authority. Report should be attested as a true copy.

**AND**

Proof that they were a resident of the affected property. They should submit such things as: rent receipts, copy of their lease or rental agreement.

**OR**

\_\_\_\_\_ Flood/Earthquake: copy of official report from the Red Cross or Federal Disaster Agency (FEMA). Report must be mailed directly to the MHA. Report should be attested as a true copy.

**AND**

Proof that they were a resident of the affected property. They should submit such things as rent receipts, a copy of your lease or rental agreement.

### **PRIORITY # 2 - HOMELESS, DISLACED BY PUBLIC ACTION (Type A):**

If an applicant has been displaced within the past three (3) years due to public works, urban renewal or public usage or improvement; they must submit the following:

\_\_\_\_\_ Copy of the official notification of land/property taking and the stated purposes thereof from the public agency involved. Notification should include legislative authority exercised and date of displacement.

**AND**

If public action is impending, notification should be sent from the public agency directly to the MHA.

**AND**

Proof that the applicant was a resident of the affected property. They should submit such things as rent receipts, copy of your lease or rental agreement.

**PRIORITY # 3 – DISPLACED BY PUBLIC ACTION (Type B):** If they have been displaced due to a public health agency's enforcement of local, state health codes they must submit:

\_\_\_\_\_ Copy of the official order of displacement due to code enforcement. Order should be sent directly to the Housing Authority by the public health department involved. Document may be known as a Declaration of Condemnation and should include the specific property involved.

**AND**

A statement of efforts taken by the applicant to remedy the situation prior to the actual condemnation and subsequent to the condemnation.

**AND**

Attach documents to demonstrate applicant action(s), such as letters to the landlord previous board of health notices or court records

**AND**

Proof that the applicant was a resident of the affected property. They should submit such items as rent receipts, copy of lease or rental agreement.

**PRIORITY # 4 – EMERGENCY CASE CATEGOR(IES):**

They must submit the information listed in order to qualify for this priority.

\_\_\_\_\_ HOMELESS: The applicant is homeless and facing an immediate and direct threat to life or safety through no fault of their own and for reasons outside their control including substandard housing conditions which directly and substantially endanger or impair the health, safety or well being of the household. If they are homeless and living in a hotel, motel or shelter, their search worker of a shelter member must send written justification, which certifies their homelessness directly to the Housing Authority. Substandard housing conditions must be verified as indicated above under Priority # 3.

**OR**

\_\_\_\_\_ SEVERE MEDICAL: An applicant household member is suffering from severe medical emergency, illness, or injury which is life-threatening and has been caused by lack of suitable housing or the lack of such suitable housing is a substantial impediment to treatment or recovery.

Their reasons need to be documented by medical records. A doctor needs to submit written certification of your medical condition, the contributing factors to that condition and the prognosis of the applicant's condition directly to the MHA.

**OR**

\_\_\_\_\_ Abuse: The applicant is in an abusive situation. Situations need to be documented through official copies of medical reports, police reports, court reports, evidence of legal action taken to prevent further abuse, evidence of counseling. Evidence would include a letter from a licensed social worker, psychologist, or the director of a social service agency where the victim of abuse has received counseling, verifying counseling as a result of the abusive situation. This letter should specify the last permanent address and name of the family, why the family is homeless, the date and type of abuse, and what if any actions were taken.

**PRIORITY # 5 – TRANSFER FOR GOOD CAUSE**

Any current tenant of the housing authority seeking a transfer from his/her present unit must qualify for the fifth selection priority transfer. They must meet the requirements as follows:

\_\_\_\_\_ MEDICAL documentation from physician that current housing circumstances are a contributing factor to the overall health of the applicant. The documentation must be sent directly to the MHA by their physician.

**OR**

\_\_\_\_\_ HOUSEHOLD SIZE, a change in your household composition now requires the resident to move to a different size apartment. They must submit copies of official documents which verify the change such as birth certificates, marriage licenses, adoption papers, or legal custody documents.

If a resident can verify the above, they must also be a tenant in good standing. All moneys due the MHA must be current and they must be in compliance with the terms of your lease.

**IV DETERMINATION OF COMPLETE APPLICATION**

An application is deemed complete if it contains all of the following:

1. Standard Preliminary Application (if not already submitted); and
2. Emergency Application with all required verifications attached; and
3. Elderly/Handicapped Housing – proof of age or handicap, if applicable; and
4. A written personal statement describing in detail how the applicant got in the emergency situation they are in. The statement must clearly describe circumstances that led to the present situation. The statement should detail what happened; why it happened; how the applicant tried to prevent it from happening, what they did once it happened, and what they have been doing since it happened. It is the applicant's responsibility to prove their situation and that they are in it due to no fault of their own; and
5. Third-party documentation of the emergency; and
6. A housing search spreadsheet to document efforts to locate alternative housing.

## **9. Applicant Screening**

### **A) Public Housing Applicants**

(1) When a public housing unit is becoming available, MHA will contact the next five or ten applicants on the waiting list. Applicants will be notified in writing when their name is approaching the top of the waiting list and asked to contact the office within seven (7) days if they are still interested. Failure to respond within seven days automatically cancels (“terminates”) the application and a written notification is mailed to the applicant.

(2) If an applicant contacts the housing authority to indicate that they are still interested in public housing, a packet is mailed to the applicant which contains a Nearing the Top of the List Application, instructions for submitting third-party verifications, requests for copies of all household members birth certificates and social security cards, CORI forms, release forms and other necessary paperwork of forms. The packet will contain instructions for the applicant to follow with regards to submitting the required paperwork and an appointment date and time will be assigned to come in for an interview with the Executive Director.

(3) At the interview appointment, the Executive Director will review the application with the applicant, check all paperwork for completeness and complete the CORI release forms according to the MHA policy. If paperwork is incomplete, the applicant will be provided with a list of information that is incomplete and the date by which the information must be submitted.

(4) Landlord references will be mailed to previous landlords, a CORI check will be initiated, and a credit check will be performed.

(5) Once all paperwork is received and complete, the Executive Director will determine eligibility and qualification based on income, age, references, credit report and CORI report.

### **B) Eligible Applicants – Public Housing**

(1) If a public housing applicant is deemed eligible and qualified and the applicant is the first applicant on the list, a letter will be mailed offering the applicant a unit and a time in which to respond.

(2) If the applicant is deemed eligible and qualified but is not the first applicant on the list, the applicant’s information will be retained in his/her file and when a unit does come available, they will only be required to update information. A new CORI check will then be done, as well.

(3) If an applicant is deemed eligible and qualified but rejects going through the qualification process and wants to stay on the list, that applicant will lose all preferences and priorities and be placed at the bottom of the waiting list.

### **C) Ineligible Applicants – Public Housing**

(1) If the MHA is considering denying a public housing applicant and the applicant is the first applicant on the list, a letter will be mailed outlining the reasons why the housing authority is considering denying the applicant and giving the applicant twenty (20) days from the date of the letter to respond with mitigating circumstances.

(2) If a public housing applicant does not submit information to be considered, the Executive Director will send a letter denying the applicant.

(3) If public housing applicant submits information to be considered by the Executive Director,

the Executive Director will review the information and make a determination on eligibility.

(4) If the Executive Director still deems the applicant as ineligible/unqualified, a letter will be sent to the applicant outlining the reasons and giving the right to request a private conference with the Executive Director.

(5) If the Executive Director still deems the applicant as ineligible/unqualified after the private conference, a letter will be sent to the applicant outlining the reasons and giving the applicant the right to request an appeal with DHCD.

#### **D) Rental Assistance (MRVP) Applicants**

(1) When a voucher is becoming available, MHA will be notified in writing when their name is approaching the top of the waiting list and asked to contact the office within seven (7) days if they are still interested. Failure to respond within 7 days automatically cancels (“terminates”) the application and a written notification is mailed to the applicant.

(2) If an applicant contacts the housing authority to indicate that they are still interested in receiving a voucher, a packet is mailed to the applicant which contains a Nearing the Top of the List Application, instructions for submitting third-party verifications, requests for copies of all household members, birth certificates and social security cards, CORI forms, release forms and other necessary paperwork or forms. The packet will contain instructions for the applicant to follow with regards to submitting the required paperwork and an appointment date and time will be assigned to come in for an interview with the Executive Director.

(3) If an applicant is deemed eligible and qualified but rejects going through the qualification process and wants to stay on the list, that applicant will lose all preferences and priorities and be placed at the bottom of the waiting list.

(4) At the interview appointment, the Executive Director will review the application with the applicant, check all paperwork for completeness and complete the CORI release forms according the MHA policy. If paperwork is incomplete, the applicant will be provided with a list of information that is incomplete and the date by which the information must be submitted.

(5) A CORI check will be initiated.

(6) Once all paperwork is received and complete, the Executive Director will determine eligibility and qualification based on income, age and CORI report.

#### **E) Eligible Applicants – Rental Assistance (MRVP)**

(1) If a rental assistance applicant is deemed eligible and qualified and the applicant is the first applicant on the list, a letter will be mailed offering the applicant a voucher and a time in which to respond. If the voucher is a Project Based MRVP notification will be sent to Middleborough Village to let them know that the recipient has been selected.

(2) If the applicant is deemed eligible and qualified but is not the first applicant on the list, the applicant’s information will be retained in his/her file and when a unit does come available, they will only be required to update information. A new CORI check will then be done as well.



#### **F) Ineligible Applicants – Rental Assistance (MRVP)**

(1) If the MHA is considering denying a rental assistance applicant and the applicant is the first applicant on the list, a letter will be mailed outlining the reasons why housing authority is considering denying the applicant and giving the applicant twenty (20) days from the date of the letter to respond with mitigating circumstances.

(2) If a rental assistance applicant does not submit information to be considered, the Executive Director will send a letter denying the applicant.

(3) If a rental assistance applicant submits information to be considered by the Executive Director, the Executive Director will review the information and make a determination on eligibility.

(4) If the Executive Director still deems the applicant as ineligible/unqualified, a letter will be sent to the applicant outlining the reasons and giving the applicant the right to request a private conference with the Executive Director.

(5) If the Executive Director still deems the applicant as ineligible/unqualified after the private conference, a letter will be sent to the applicant outlining the reasons and giving the applicant the right to request an appeal with DHCD.

#### **9. Screening Resources**

To obtain information about an applicant's ability to meet the essential requirements of tenancy, the MHA may 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. The MHA shall obtain the Criminal Offender Record Information (CORI) reports or a similar comprehensive criminal background report as part of the tenant selection process.
- 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.
- H) Verification of an emergency if the applicant has received an emergency status and more than 90 days has elapsed since being granted this status.

#### **10. Prohibited Screening Criteria**

The MHA will not screen applicants for eligibility on the basis of the following:

- A) Physical Examinations. The MHA will not require physical examinations or medical testing as a

condition of admission.

- B) Donations or Contributions. The MHA will not require or accept a donation, contribution or membership fee as a condition of admission.
- C) 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.

## **11. Privacy and Confidentiality**

It is the policy of the MHA 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 MHA shall not disclose any personal information contained in its records to any persons 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 MHA'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.

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

For a full review of our Privacy Policy, you can request one of the office.

## **12. Transfer Policy for Existing Residents**

### **A) TRANSFER FOR ADMINISTRATIVE REASONS:**

Transfer of a household from one unit to another at the discretion of the Executive Director at any time for a sound administrative reason such as: fire in or condemnation of an occupied unit; harassment or abuse of a tenant or household member; or change in the number of persons in the household so that the unit is no longer of appropriate unit size for the household. A transfer for administrative reasons may be made between units in elderly/handicapped housing and family housing in the event that transfer cannot be made to a unit of appropriate unit size in the same type of housing, provided that the household is eligible for the housing to which the transfer is made.

### **B) TRANSFER FOR GOOD CAUSE:**

Transfer of a household from one unit to another because the unit is no longer of appropriate unit size, or there is a compelling and documented medical impairment which could be substantially improved by transfer to another available unit. A transfer for good cause may be made between units in elderly/handicapped housing

and family housing in the event that transfer cannot be made to a unit of appropriate unit size in the same type of housing.

In the absence of mitigating circumstances deemed sufficient by the MHA, a transfer for good cause shall not be made unless the applicant:

- (a) has filed a transfer application complete with all supporting documentation;
- (b) is current in rent, charges and fees owed to the authority; and,
- (c) has not committed and household members have not committed any serious violations of the lease for at least two (2) years, and the applicant is not subject to eviction proceedings or to the terms of an agreement for judgment in a prior eviction proceeding.

### **13. Appeals**

If an applicant is deemed ineligible or unqualified, a letter will be sent to the applicant outlining the reasons for this determination. The applicant, according to regulation, may be given the right to present information to the Executive Director with regards to mitigating circumstances, rehabilitation, etc. If the Executive Director receives such information and still denies eligibility, the applicant will be given written instructions on further appeals.

### **14 Offers of Housing**

#### **A) PUBLIC HOUSING OFFERS**

- 1) If a public housing applicant is deemed eligible and qualified and the applicant is the first applicant on the list, a letter will be mailed offering the applicant a unit and a time in which to respond by.
- 2) If the applicant does not accept the unit, the housing authority will send a letter to that applicant notifying them that they will be taken off the waiting list.
- 3) Once the unit offer has been accepted, an appointment will be made for the applicant to come in for an interview with the Executive Director.
- 4) At that meeting the Executive Director will review the lease with the applicant before they sign it. The resident handbook will be reviewed and the resident will sign a receipt for it. Policies and procedures will be reviewed with the residents and keys will be provided once the rent is paid. A move-in inspection will be done if it hasn't been done already.
- 5) If the applicant has been granted a priority #4 due to domestic violence, the applicant will be asked to sign a form certifying that the abuser will not be allowed in the unit, unless approved by the housing authority.

#### **B) RENTAL ASSISTANCE**

- 1) If a rental assistance applicant is deemed eligible and qualified and the applicant is the first on the list, a letter will be mailed to the applicant giving them an appointment to come in for a briefing to receive their voucher.

- 2) If the applicant does not come in for their voucher, the housing authority will offer the voucher to the next eligible person on the waiting list.
- 3) When the voucher recipient comes in for their briefing, the MRVP voucher will be completely reviewed with the applicant, the applicant and the Executive Director or his/her designee will sign the voucher and a copy of the voucher will be provided to the applicant. The process of submitting a Request for Program Payment (RFPP) is reviewed with the applicant and a RFPP packet is given to them. (Also see Section 7 LEASE UP (MRVP) )

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