Massachusetts **3% Priority Program**Operations Manual

Participating Agencies

Executive Office of Health and Human Services Department of Housing and Community Development

Department of Developmental Services
Department of Mental Health
Executive Office of Elder Affairs
Massachusetts Rehabilitation Commission
MassDevelopment
MassHousing
Massachusetts Housing Partnership

Interagency Agreement for the Operations of 3% Priority Units

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Interagency Agreement for the Operations of 3% Priority Units

1. Purpose

The Massachusetts 3% Priority Program (3% Program) supports the Commonwealth's efforts to help people with disabilities and elders live in the least restrictive setting possible. Through this program, the Commonwealth is providing priority access for people with disabilities and elders to community-based housing coupled with the services needed for them to be successful members of the community. This program represents an opportunity to create a unique interagency collaboration across state agencies.

This Interagency Agreement for the Operations of 3% Priority Units (3% Operations Manual) is intended to help property managers, state agency staff and other involved stakeholders understand the various roles and responsibilities with regards to the administration and operation of the 3% Program. This 3% Operations Manual also details the processes and timelines for filling unit vacancies, making referrals, completing housing applications, reporting information about the 3% Program, and addressing lease violations.

2. Background

In 1990, the Executive Office of Health and Human Services (EOHHS), the Departments of Mental Health (DMH) and Developmental Services (DDS), and MassHousing, entered into a Memorandum of Understanding (MOU) that required owners of properties financed by MassHousing to "set-aside" 3% of all low-and moderate-income units for applicants referred by DMH and DDS.

In 2020, the 3% Program was created to replace¹ and expand the scope of the previous program to include all the State Housing Agencies (i.e., the Department of Housing and Community Development, MassDevelopment, Mass Housing Partnership and MassHousing), and certain EOHHS agencies providing services to persons with disabilities and elders, including the Executive Office of Elder Affairs (EOEA), Massachusetts Rehabilitation Commission (MRC), and the Department of Developmental Services (DDS) and Department of Mental Health (DMH).

MassHousing has agreed to act as the point of contact between the State Housing Agencies, the

¹ Certain multi-family borrowers that own developments in MassHousing's multi-family portfolio have written agreements that were executed as part of their loan closing transaction. These Existing Agreements will continue to create priority access to consumers referred by DMH and DDS. MassHousing will permit certain borrowers subject to Existing Agreements to participate in the 3% Priority and to execute 3% Priority Agreements.

participating property management companies and the involved EOHHS agencies. In this role MassHousing shall designate a staff person to serve as the 3% Program Coordinator.

3. Applicability of the 3% Priority Program

The *Operations Manual* applies to those properties that have entered into an agreement with the State Housing Agencies to participate in the 3% Program. If the property has an existing agreement with MassHousing to give priority access to consumers referred by DMH and DDS, this *Operations Manual* does not apply. Certain rental developments and units may be excluded. Please refer to your loan closing documents for details.

4. Roles and Responsibilities of Key Entities

<u>DDS/DMH/EOEA/MRC</u>: Staff from local and central offices (or their designees) are responsible for identifying potential applicants for housing, helping to complete housing applications and collecting required documentation, confirming eligibility for the 3% Program through a Referral Verification Letter, providing appropriate services to residents, and working with property managers to resolve any problems, as described in the *Massachusetts 3% Priority MOU*. These agencies are referred to as EOHHS Contacts in this document.

<u>MassHousing</u>: The 3% Program Coordinator is responsible for randomly ordering the applicants for the 3% Program units and notifying the EOHHS Contacts and Property Manager of that order.

<u>DHCD/MassDevelopment/MHP/MassHousing</u>: Notify Property Manager to list 3% Program units on MassAccess.

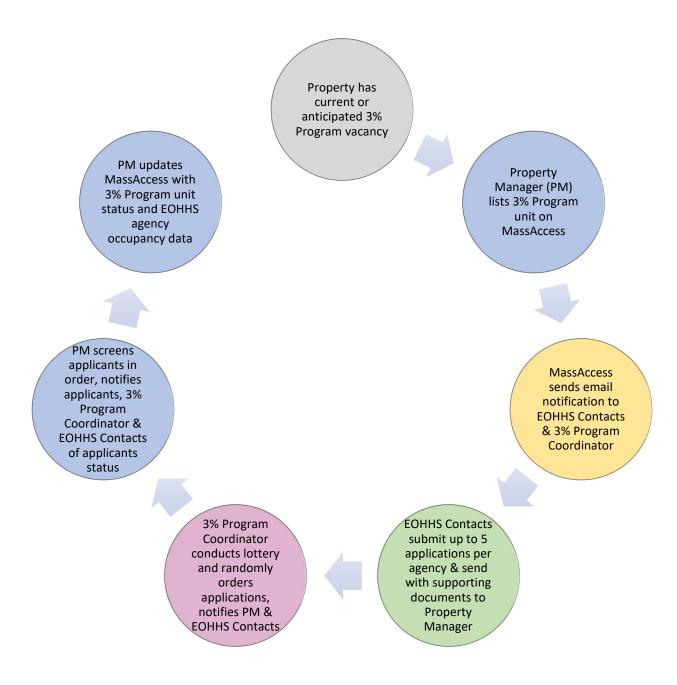
<u>Property Manager</u>: Participating property managers are responsible for listing the availability or occupancy of 3% Program units on MassAccess, in accordance with Section 6 below. Property Managers may assign these tasks to other Management staff, i.e. Occupancy Specialists or Resident Services Coordinators.

Note About Housing Affordability

The 3% Priority Program includes rental developments funded or overseen by the State Housing Agencies for households earning up to 80% of area median income (AMI). Certain rental developments may be subject to additional limits on household income, based on the restrictions associated with various funding sources.

Rents for the 3% Program units may be based on a percentage of the household's income, e.g. project-based Section 8, or may be set based on AMI, e.g. low income housing tax credit.

5. Overview of Process for Filling Vacancies



6. Current or Anticipated Vacancies

There are clear protocols for how the involved parties handle vacancies in properties participating in the 3% Priority Program.

<u>Step 1:</u> When a property has a current or anticipated vacancy, including initial lease-ups of previously unoccupied units, the Property Manager lists the unit on MassAccess.

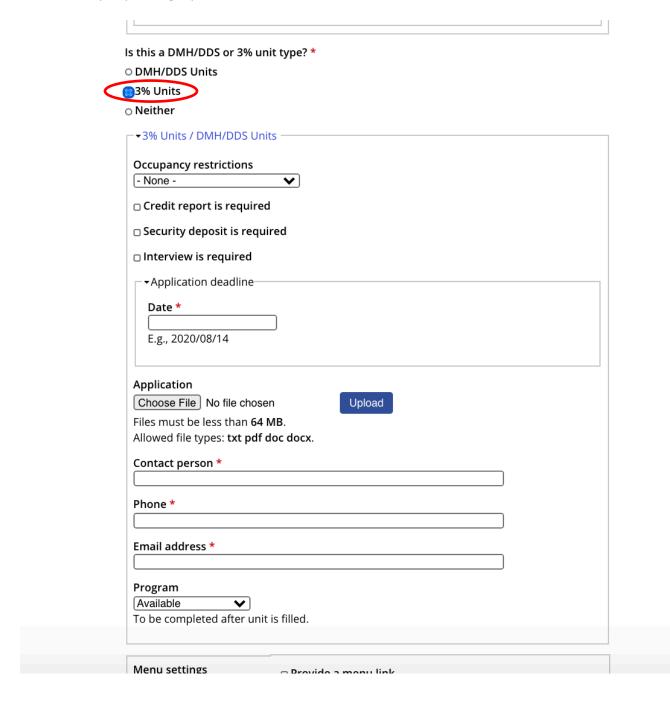
The information on MassAccess will include the following:

- Property address and contact information
- Any age-related occupancy restrictions
- Whether the property has project-based subsidy, and any other applicable income and rent restrictions
- Monthly rental amount (if no subsidy)
- Salient unit characteristics, including bedroom size, accessibility features, and date available for occupancy
- The Application Deadline by which Pre-Applications must be received. The Property Manager must allow at least 10 business days before the application deadline.

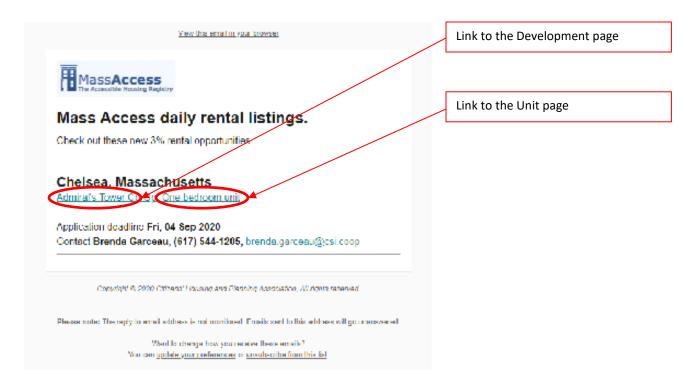
To list a unit, the Property Manager must first log into the Development page on MassAccess and select Manage Unit Types:



Next, the Property Manager provides the unit details and selects 3% Units:



<u>Step 2:</u> MassAccess automatically sends an email notification to the pre-determined EOHHS Contacts and the 3% Program Coordinator regarding the availability of the 3% Program unit.



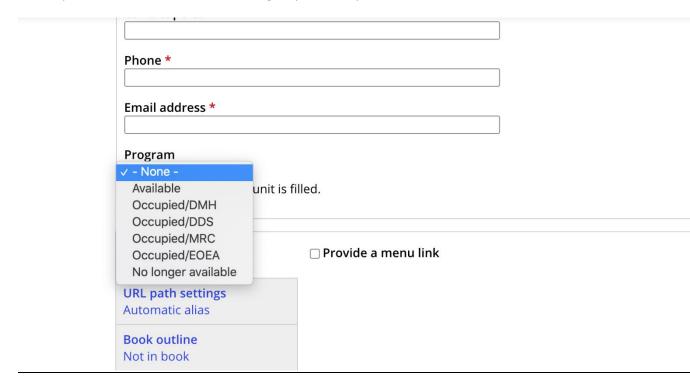
Step 3: By the Application Deadline, EOHHS Contacts are expected to return 5 complete Common Rental Pre-Applications (Appendix A) or property-specific applications, as determined by the Property Manager, per Agency unless a particular Agency has an insufficient number of potential applicants who have expressed interest in housing consistent with the unit characteristics, location, and restrictions (including applicable income and rent restrictions) of the available 3% Program unit. EOHHS Contacts must also send with the Pre-Applications/applications, Releases of Information and the 3% Priority Program Referral Verification Letter (Appendix B). All documents should be sent electronically to the Property Manager with a Cc to the 3% Program Coordinator.

<u>Step 4:</u> The day after the application deadline, the 3% Program Coordinator conducts a lottery to randomly order the 3% Program applicants, and then notifies the Property Manager and EOHHS Contacts of the order.

<u>Step 5:</u> The Property Manager screens the applications in the prescribed order to determine eligibility and may be invited to the management office for an interview. The Property Manager notifies applicants, EOHHS Contacts and the 3% Program Coordinator of each applicant's status.

- If the applicant is required to attend an interview or other in-person meetings with management, EOHHS agency or provider staff are expected to accompany the applicant and otherwise facilitate communication.
- o If this process does not result in any applicants referred by any of the EOHHS agencies being housed, the Property Manager may make the unit available to the next eligible applicant on the property's existing waiting list. The next available vacant unit at the property shall be made available to the EOHHS agencies through the process described above.

<u>Step 6:</u> The Property Manager changes the status of the 3% Program unit in MassAccess from vacant to occupied and indicates which EOHHS Agency has occupied the unit.



7. Housing Applications

Housing applications require at a minimum:

- Complete, signed, and dated property application
- o Proof of age such as birth certificate or photo identification for all family members
- Social Security card for all family members
- Proof of income and assets for all family members
- Release of information to allow the EOHHS Agency to share information about the applicant with the Property Manager and 3% Program Coordinator

8. Waiting Lists

Each EOHHS agency shall maintain its own waiting list of potential applicants.

Properties will not maintain waiting lists for 3% Program units. The Property Manager will discard the non-selected 3% Program applications and initiate a new process for subsequent 3% Program units.

If a property is otherwise accepting applications, non-selected 3% Program applicants may request to be placed on the property's waiting list.

9. Unit Tracking

An inventory of 3% Program units and respective EOHHS Agency occupancy will be maintained in MassAccess and shared with EOHHS Contacts on a quarterly basis.

10. Dispute Resolution and/or Lease Violations

Property Managers will discuss any problems, should they occur, directly with the resident. If the resident violates the lease, the Property Manager will offer to meet with the resident and any identified Service Provider and the EOHHS Contact or a local EOHHS Agency designee of the EOHHS Contact to discuss what steps can be taken to correct the situation.

The EOHHS Contact will:

- o remain engaged with the Property Manager through the resolution of the dispute;
- immediately make all reasonable efforts to offer, and strongly encourage the tenant to accept, all necessary stabilizing services; and
- o as needed, consult with the local Tenancy Preservation Program provider.

If the Property Manager concludes that the new services or plan will not sufficiently correct serious or chronic lease violations, the Property Manager may proceed with an eviction process, pursuant to applicable legal requirements.

If new services and/or new reasonable accommodations are put in place and said serious or chronic lease violations continue, the EOHHS Contact or local EOHHS Agency designee will immediately make every reasonable effort to locate and then strongly encourage the tenant to accept either a temporary or permanent housing alternative.

If eviction proceedings occur, the Service Provider and EOHHS Contact or local EOHHS Agency designee will answer all questions relating to services offered and delivered with respect to the specific tenancy problem in dispute, in order for the judge to make a decision as to whether the Property Manager and EOHHS agency made all reasonable efforts to assist the resident in maintaining a satisfactory tenancy. However, no parties shall be required to disclose any information considered to be confidential or private under state or federal laws or applicable court decisions.

11. Eviction Debriefing

If an eviction of a 3% Program resident occurs, the 3% Program Coordinator will convene a meeting with the Property Manager, the EOHHS Contact or local EOHHS Agency designee, and Service Provider to understand what went wrong and how it might be avoided in the future. Information regarding evictions will be reported to the 3% Priority Program Steering Committee on a quarterly basis.

12. Timeliness Standards

All parties agree to comply with the following timeliness standards.

Property Manager completes 3% Priority Program Online Vacancy Form in MassAccess	At least 10 days before the Application Deadline
EOHHS Contacts electronically submit up to 5 Applications, with Releases of Information and the 3% Priority Program Referral Verification Letter to Property Manager, with a Cc to the 3% Program Coordinator	By the Application Deadline
3% Program Coordinator conducts lottery and informs Property Manager and EOHHS Contacts of the order of 3% Program applicants	Within one business day after the Application Deadline
Property Manager screens Applications in prescribed order, determines initial eligibility, and notifies applicants and EOHHS Contacts of screening results for respective referred applicants	Within 30 days of application deadline
Property Manager determines final eligibility and offers unit to applicant, and notifies respective EOHHS Contact	By the 3% Unit occupancy availability date
Property Manager updates the unit's occupancy status on the 3% Priority Program Online Vacancy Form in MassAccess	Within 1 week after lease is signed

APPENDIX A: Common Rental Pre-Application [see next page]

COMMON RENTAL PRE-APPLICATION

(Affordable Programs)

UPON REQUEST, THE MANAGEMENT AGENT WILL PROVIDE HELP IN EXPLAINING THIS DOCUMENT. IF NECESSARY, PERSONS WITH DISABILITIES MAY ASK FOR THIS APPLICATION IN LARGE PRINT TYPE, OR OTHER ALTERNATE FORMATS AND ADDITIONAL ASSISTANCE CAN BE PROVIDED.

Instructions for Head of Household:

- 1. Complete all sections of this application by either typing or handwriting your information (in ink). Please do not leave any section blank and if the section does not apply to you, put "N/A". If you are submitting a handwritten application and you need to make a correction, put one line through the incorrect information, write the correct information above, and initial the change. Do not use correction fluid of any kind (e.g. "Whiteout"). Incomplete applications will not be accepted. Please make sure that you sign and date the last page.
- 2. The Rental Pre-Application must be completed in its entirety. All household members 18 years of age and older who are applying for housing must sign and date the Application. All information must be complete and correct. False, incomplete or misleading information will cause your household's application to be denied.
- 3. Once your Pre-Application is complete and on file with the Management Agent, it is your responsibility to contact the Management Agent in writing whenever there is a change in your address, telephone number, income situation or household composition (if you need to add or remove a person from your Pre-Application). It is your responsibility to respond to any waiting list application updates sent to you by the Management Agent.

Filling out a Pre-Application does not guarantee eligibility or qualification for an apartment at this development.

After the Management Agent receives your completed Pre-Application, they will make a preliminary determination of eligibility based on program and property criteria. If your household appears to be eligible for housing, your household will be placed on a waiting list, but this does not mean that your household will be offered an apartment. Every household must be screened to qualify for an apartment. When your name nears the top of the waiting list, you will be contacted to provide additional information for eligibility, screening and suitability.

If your household does not appear eligible, you will receive a letter denying your Pre-Application and you will not be placed on the waiting list. You will have the right to appeal this decision. Instructions for the appeal process will be provided with the appeal letter.

The Pre-Application process will be completed in accordance with the Management Agent's standard procedures, which are summarized in each development's site-specific copy of the Tenant Selection Plan. Upon request to the Management Agent, you have the right to receive both the Tenant Selection Plan and the Tenant Selection Plan Resource Guide, which summarize eligibility and screening requirements for occupancy in the development.

If you do not receive any information from the management agent within 30 calendar days of submitting this application, please contact the management agent directly.



This is an important document. If you require language interpretation, please call the management agent for this development directly.

Este es un documento importante. Si usted requiere interpretación de idioma, por favor llame directamente al agente de gestión para la propiedad.

这是一份重要文件,如果您需要翻译,请直接致电该物业的代理。

Este é um documento importante. Se precisar de interpretação de linguagem, favor chamar diretamente o agente de administração da propriedade.

Este é um documento importante. Caso você precise de interpretação de idiomas, por favor, ligue diretamente para o agente responsável por gerenciar a propriedade.

"Это важный документ. Если Вам необходима интерпретация языка, обратитесь, пожалуйста, непосредственно к административному агенту по поводу данного объекта."

Se yo dokiman enpòtan. Si ou bezwen sèvis entèpretasyon, tanpri rele ajan jesyon an, pou pwopriyete an, dirèkteman.

Questo è un documento importante. Se si ha bisogno di un interprete per la lingua, chiamare l'agente responsabile, per la proprietà, direttamente.

Đây là một tài liệu quan trọng. Nếu quý vị cần phiên dịch, vui lòng gọi trực tiếp cho đại lý bất động sản.

នេះជាឯកសារសំខាន់។ ប្រសិនបើអ្នកគ្រូវការការបកស្រាយភាសា, សូមទូរស័ព្ទទៅភ្នាក់ងារគ្រប់គ្រងសម្រាប់អចលនទ្រព្យនេះដោយផ្ទាល់។



Date/Time Stamp

Common Rental Pre-Application

	ame of Development APPLYING TO:		
	evelopment Address:		
	anagement Agent:		
D	evelopment Phone Number:		
	s form must be filled out in English. Please type appleting each item. Name and address of Head of Household		uired. Read the instructions before
La	st Name	First Name	Middle Initial
N	ailing Address		Apt. #
Ci	ty	State	Zip
() -		□Home □Cell □Work
A	rea Code Telephone Number		
Eı	nail		
2.	How many bedrooms does the househo	ld require?	0 1 2 3 4 5
3.	Do you or does any member of your hou wheelchair accessibility, visual aids (Brai		_
	If yes, please describe:		
4.	List all the states where all household m	embers have lived:	
5.	Are you or any household member requ	ired to register as a Sex Offender	under Massachusetts or any other

If yes, list the name of the person(s); the state where registration(s) needs to be filed and the length of time for which the registration is required.

6.	Does the household have a Federal or State mobile housing voucher? Agency:	□Yes	□No
	The Management Agent will not discriminate based on mobile voucher holder status. This question the sole purpose to: (1) determine an applicant household's ability to pay rent for a unit that project based rental subsidy; or (2) advise applicant households who are applying for a unit we rental subsidy that if they move into such a unit that already has subsidy with the unit, they we their voucher agency to give up their mobile voucher.	t does no vith proje	t have ct-based
7.	As of January 31, 2010 were you 62 or older and receiving HUD rental assistance at anoth	er locatio	on? □No
	List all manages who will live with very /include web arm shildness and live in cides\ 16 years		

8. List all persons who will live with you, (include unborn children and live-in-aides). If you anticipate any household composition change in the next 12 months, please include all persons you expect to live with you.

#	Relationship	Last Name	First Name + Middle Initial	Social Security Number * (###-##-###)	Birthdate (mm/dd/yyyy)	Student? (Y/N) Full Time (FT) or Part Time (PT)	Disabled (Y/N)
1	Self						
2							
3							
4							
5							
6							

^{*}Not providing a Social Security number for the Pre-Application will not preclude you from being put on the waitlist

9. Ethnicity, race and disability status of household members
(Optional Information/Your Answers Will Not Affect Your Application)

	Name	Ethnicity (Hispanic/Non- Hispanic/Decline)	Race (White/Black/Asian/American Indian/Native Hawaiian/Other/Decline)	Disabled (Y/N)
1				
2				
3				
4				
5				
6				

^{***}The Management Agent will not discriminate based on Disability status.



10. Total Income: A household's income is the total anticipated amount of money received by ALL members of the household over the next 12 months based on their current income and any income earned from assets (starting from the date of application and projecting forward 12 months). This excludes income earned by live-in-aides.

10a. Total GROSS (before taxes) monthly income: \$

Income means money from <u>ANY</u> source including Wages (tips, bonus and commission, if applicable) Military Pay, Veterans Benefits, Disability Insurance Payments, SSA, SSI Federal, SSI State, Child Support, Alimony, Pension, Adoption Subsidy Payments, Education Grants, Stipends, Scholarships, Trade Union Benefits, Unemployment, Self- Employment Income, Public Assistance, Interest earned from Assets, Annuities, Workers Compensation, and Recurring Contributions such as: money someone gives you to pay your bills OR gives you as spending money OR the person uses to pay your bills directly.

10b. Value of household assets: \$

Income earned from assets: \$

Assets include checking and saving accounts, investments, stocks or bonds, mutual funds/trust accounts, certificates of deposit, IRA accounts (for example, 401K, Roth Keogh or other retirement investments), whole life insurance policy, and real estate of all household members. If any household member currently owns property, the total amount of equity in the home shall be added to their total value of assets.

11. Priorities and Preferences

<u>Some</u> of the properties that you are applying to may have eligibility requirements, whereby specific priorities/preferences <u>may</u> apply. In order to be considered for certain priorities/preferences, please check below ALL that apply: (Please note: The selection of priorities/preferences could impact where you are placed on the waitlist). Some developments may have additional preferences that are not included on this list. You may contact the development directly to inquire about any additional preferences that may apply.

\square Homeless due to Displacement by Natural Forces
\square Homeless due to Displacement by Urban Renewal
☐ Homeless due to Displacement by Sanitary Code Violations
☐ Involuntary Displacement by Domestic Violence
☐ Homeless Veterans
☐ Local Preference – Residents of
☐ Local Preference – Works in
☐ Local Preference – Child of household attends school in
☐ HUD VAWA Certification (Violence Against Women Act)
☐ Rent Burdened 50% of Income
☐ Rent Burdened 40% of Income
☐ Victim of Hate Crime
□ Other
□ Other
□ Other



As your application nears the top of the waiting list, management will require documentation to verify the priority/preference selected.

In completing this Pre-Application, the Applicant has the right to include the name, address, telephone number, and other relevant information of a family member, friend, or advocate as the contact person to provide assistance to the Applicant in connection with this Pre-Application. (Federally assisted housing must include form HUD-92006, Supplemental and Optional Contact Information for HUD-Assisted Housing Applicants)

Contact Person Name Address Telephone #

Certification of applicant: (All adult applicants, 18 or older, must sign the Pre-Application.)

I/We certify that all information in this application is true to the best of my/our knowledge and I/we understand

- ✓ that false statements or information will lead to rejection of this Pre-Application or termination of tenancy after occupancy;
- ✓ that in consideration for being permitted to apply for this apartment, I, Applicant, do represent all information in this application to be true and that the owner/manager/employee/agent may rely on this information when investigating and accepting this Pre-Application;
- ✓ that the owner/manager/agent will rely on the information provided by the Applicant, once verified, to make a determination that Applicant is eligible and qualified for housing.
- ✓ that I, the Applicant, must notify the properties, for which I have submitted a Pre-Application, of any
 change of address in writing and I understand that my Pre-Application may be cancelled if I fail to do
 so.

Applicant hereby authorizes the owner/manager/agent to make independent investigations to determine my credit, financial standing, criminal background, including sex offender registration history, landlord history, and personal references. No determination of actual suitability for housing will be made until the applicant comes to the top of the waiting list, completes the full rental application and screening is completed by the Agent and suitability for housing is determined.

Applicant authorizes landlords, personal references and credit and screening agencies to release any and all information to the owner/manager/employee or their agents or background checking agencies.

Applicant hereby releases, remises and forever discharges, from any action whatsoever, in law and equity, and all owners, managers and employees or agents, both of landlord and their credit checking agencies in connection with processing, investigating, or credit checking this application, and will hold harmless from any suit or reprisal whatsoever, except as otherwise limited by laws relating to the use of personal information, credit history or criminal background.

X		
Signature of head of household	Date	
_ X		
Signature of spouse or co-head of household	Date	
X		
Signature of co-head of household	Date	
_X		
Signature of co-head of household	Date	



PENALTIES FOR MISUSING THIS CONSENT: Title 18, Section 1001 of the U.S. Code states that a person is guilty of a felony for knowingly and willingly making false or fraudulent statements to any department of the United States Government. HUD and any owner (or any employee of HUD or the owner) may be subject to penalties for unauthorized disclosures of improper use of information collected based on the consent form. Use of the information collected based on this verification form is restricted to the purposes cited above. Any person who knowingly or willingly requests, obtains or discloses any information under false pretenses concerning an applicant or participant may be subject to a misdemeanor and fined not more than \$5,000. Any applicant or participant affected by negligent disclosure of information may bring civil action for damages, and seek other relief, as may be appropriate, for misusing the social security number as provided under the Social Security Act at 208 (a) (6), (7) and (8). Violation of these provisions are cited as violations of 42 U.S.C. 408 (a) (6), (7) and (8).

RIGHT TO REASONABLE ACCOMMODATION

The Agent for this property provides persons with disabilities the opportunity to request a reasonable accommodation in order to apply to and participate in such programs and activities. The Agent for this property will consider a reasonable accommodation, upon request, for qualified people with disabilities when an accommodation is necessary to ensure equal access to the development, its amenities, services and programs. Reasonable accommodations may include changes to the building, grounds, or an individual unit; changes to policies, practices, and procedures; and mitigating circumstances.

LIMITED ENGLISH PROFICIENCY

The Agent provides people whose primary language is not English and as a result have limited English proficiency, the opportunity to request free language assistance in order to apply to or participate in its programs and activities.

FAIR HOUSING/EQUAL OPPORTUNITY INFORMATION

The Agent for this property does not discriminate on the basis of race, color, religion, national origin, gender, disability, familial status, marital status, sexual orientation, genetic information, veteran/military status, receipt of public assistance, ancestry, age, gender identity or other basis prohibited by federal, state, or local law in the access or admission to its programs or employment or its programs, activities, functions or services.

Please Note: If you do not receive any information from the management agent within 30 calendar days of submitting this application, please contact the management agent directly.



APPENDIX B: 3% Priority Program Referral Verification Letter Template

[Letterhead of Local/Regional EOHHS Agency Contact]

[Property Management Company] [Property Address]
[date]
Dear [Property Mgmt Representative],
I'm writing to confirm and support the application for a 3% Program unit for [Applicant's Name] . [Applicant] is eligible for and does receive services from the [EOHHS agency] [Local Office or Designee]; this housing application has full [Agency] support.
[Name of Applicant]'s [Job Title] is [Name of Staff Contact] from [EOHHS Agency Local Office or Service Provider]. She/He can be reached at [phone] or [email]. In addition, if [Staff] isn't available, I can be reached at [phone] or [email] and can also serve as a contact.
Thank you for this opportunity.
Sincerely,
[Name of Local/Regional EOHHS Agency Contact] [Title]
Cc: [Name of Staff Contact]

