

MassHousing's 2009 Revised Tenant Selection Plan

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Implementing the 2009 Revised Tenant Selection Plan

- MassHousing sent out an industry-wide notice on September 14, 2009 notifying Owner/Agents of the MassHousing 2009 Revised Tenant Selection Plan (“Plan”). The Plan is to be used by developments financed by MassHousing and subsidized under Section 8, Section 236, Rental Assistance (RAP), Rent Supplement, Section 13A and/or MRVP programs.

- The Plan includes current MassHousing requirements concerning eligibility, preferences, occupancy standards, selection criteria, as well as the requirements of Section 504 of the Rehabilitation Act (ADA), the Fair Housing Amendments Act, and other applicable laws and regulations.
- All Owners/Agents must complete and submit the 2009 Revised Tenant Selection Plan for review and approval by MassHousing.
- The Plan can be accessed at www.masshousing.com in the Rental Housing Property Manager Forms “downloads” and must be executed no later than September 30, 2010.

- Currently available on the website is a blank copy of the Plan and a highlighted copy that identifies significant changes made to the current Plan and a chart with a brief description of the changes.
- In an effort to make this more user-friendly for the industry, MassHousing's legal staff developed a chart which summarizes the changes made to the Plan.
- MassHousing will also be posting a "Frequently Asked Questions" section to the website. Any questions that you may have regarding the Plan, should be e-mailed to your Asset Manager.

- Owners/agents should have the Plan submitted to MassHousing no later than July 1, 2010 to allow for the 60-day review and approval timeframe from MassHousing staff.
- One printed copy of the Plan must be signed and mailed to MassHousing's Asset Manager for review and approval. You must also e-mail the Plan in case some minor modifications are needed.
- **If the Owner/Agent modifies this revised Tenant Selection Plan in any way, they must note the change and the page number in the cover letter submitted with the Plan.**
- All properties should continue using the existing Tenant Selection Plan until your 2009 Revised Tenant Selection Plan is reviewed and approved by MassHousing.

- We are currently in the process of modifying the Revised 2009 Tenant Selection Plan. The updated Plan will include language on EIV as it relates to tenant selection. We have also included the updated HUD regulation regarding Disclosure of Social Security numbers for all household members.
- The modified Tenant Selection Plan will be posted on the website the first week in May. The website will have a red-lined version of the Plan so that you can easily see the few changes that were made to include new language regarding EIV and Social Security numbers.
- For Owner/Agent's who already have an approved 2009 Revised Tenant Selection Plan, you can choose to incorporate the changes by using an Addendum to reflect the necessary changes or submit an updated version for signature.

- To date, MassHousing staff have reviewed and approved only “6” 2009 Revised Tenant Selection Plans, allowing most Owner/Agents the opportunity to use the modified version of the Plan which will be available the first week in May, 2010.
- There are a number of Plans currently being reviewed by Agency staff. Agency staff will discuss with the Owner/Agent what changes are needed in the plans that are currently under review.
- In addition to the terms of MassHousing’s Tenant Selection Plan, the Owner/Agent is required to follow all Federal and State regulations as they relate to your property.
- In the future, to address Federal and State regulation changes, MassHousing will review the Tenant Selection Plan annually, and if necessary, issue an industry-wide addendum addressing the regulation change.

- Make note that the Eligibility Criteria and Occupancy Standards, Attachment 1 in the Plan, must be updated on an as needed basis by the Owner/Agent because the income limits for the property change periodically. Updates do not have to be sent in to MassHousing for review and approval.
- The Asset Manager will review that Eligibility Criteria, Attachment 1, during MassHousing annual PMR/MOR review to ensure compliance with program eligibility guidelines.

- Kindly make note that while this Plan is most comprehensive in nature, it does not cover all of the federal and state policies that affect the selection of tenants.
- The Owners/Agents are responsible for following all of the regulations relative to the subsidy type for their property.
- The provisions in this Plan do not apply to unsubsidized market units.

- Make note: For federally-subsidized developments, if an owner is opting to have a local preference, HUD approval is needed. HUD's approval letter must be attached to the plan.
- As with the existing Plan, an owner can only consider an applicant's credit history, if there is not any landlord history available.
- Based on the HUD Handbook, the Agent is required to assist the applicant with completing the application, explaining the tenant selection process, defining preferences, etc.

- All applicants have the right to review a copy of the 2009 Revised Tenant Selection Plan and Management must keep a copy available for public review.
- MassHousing recognizes that this may be a cumbersome plan for a prospective applicant to review.
- To address this issue we have worked with Doreen Donovan of Corcoran and Jennison, to create a Tenant Selection Plan Summary.
- This Tenant Selection Plan Summary will be handed out with each application. It provides a general summary of the Tenant Selection Plan with property-specific information.

- Doreen will be working with a sub-committee to review the final version of the Tenant Selection Plan Summary and MassHousing plans to have the Tenant Selection Plan Summary available on the website in June of 2010.
- We are hopeful that the TSP Summary will be beneficial to both the applicant and the Owner/Agent. The information provided in the Summary addresses questions that are frequently asked of the property manager.

Over the past few years as this plan continued to progress, it was reviewed by DHCD, the Multi-Family Advisory Committee, Agency staff as well as several management companies. All of the relevant comments were incorporated into the Plan.