



INNOVATIVE RESIDENTIAL DEVELOPMENT I MODERATE-INCOME HOUSING GUIDELINES

December 1, 2015

1. INTRODUCTION

This Guidance Document interprets and explains the Housing Requirements of 974 CMR 5.02(1)(j)-(k). It provides supplemental information for projects that are required to provide Moderate Income Dwelling Units (MIDU) under an Innovative Residential Development Unified Permit in the Residential I District (IRD-RI). Further, this document clarifies the relationship between 974 CMR 5.02(1)(j)-(k) and G.L. c. 40B, §§ 20-23, specifically the Department of Housing and Community Development's (DHCD) "Guidelines for Chapter 40B Comprehensive Permit Projects." It does not replace or substitute for any laws, bylaws, or regulations.

There are five key elements in any affordable housing program, including IRD-RI Housing Requirements:

- a. What household income limits apply to the affordable units?
- b. How is affordability determined?
- c. Who is eligible to purchase or rent the affordable units?
- d. What housing quality standards must the affordable units meet?
- e. How long must the affordable units remain affordable, and how will affordability be preserved?

The purpose of the Guidance Document is to answer these questions. While there is some overlap with DHCD's Chapter 40B Guidelines, there are also significant differences. Notably, there is no federal or state "subsidizing agency" for MIDUs, so the Devens Enterprise Commission (DEC) has responsibility for ensuring that developers comply with MIDU Housing Requirements. In addition, there is no profit cap on IRD-RI projects. That said, IRD-RI projects share some features with Chapter 40B developments, e.g., having to comply with the federal Fair Housing Act.

2. DEFINITIONS

Terms defined under 974 CMR 5.02(1) shall have the meanings provided therein. The following additional terms shall have the following meanings for purposes of this document.

Affirmative Fair Housing Marketing Plan (AFHMP). A written plan that includes the developer's resident selection plan, marketing plan, procedures for administering the initial lottery, and determining the qualification of potential buyers or tenants. An AFHMP includes actions that

provide information, create maximum opportunity, and otherwise attract eligible people protected under state and federal civil rights laws that are less likely to apply.

Affordable Housing Restriction. A contract, mortgage agreement, deed restriction, or other legal instrument, acceptable in form and substance to the Devens Enterprise Commission (DEC), that effectively restricts occupancy of an affordable housing unit to Qualified Household, and which provides for administration, monitoring and enforcement of the restriction during the term of affordability. An affordable housing restriction shall run with the land in perpetuity or for the maximum period of time allowed by law, and be enforceable under the provisions of G.L. c.184, §§ 31-32. The Affordable Housing Restriction should be attached to the Regulatory Agreement.

Chapter 40B Guidelines. The Department of Housing and Community Development's (DHCD) "Guidelines for Chapter 40B Comprehensive Permit Projects."

Developer. The applicant for and recipient of a Unified Permit for an Innovative Residential Development in the RI District

Household. A single person living alone, or two or more persons who will live regularly in the unit as their principal residence and who are related by blood, marriage, or law, or who have otherwise evidenced a stable inter-dependent relationship.

Local Action Units. Dwelling units in an IRD-RI that are eligible for the Chapter 40B Subsidized Housing Inventory through the Local Initiative Program (LIP), as provided for in the Chapter 40B Guidelines.

Lottery Administrator. The individual or firm, acting on the Developer's behalf, with responsibility for carrying out the outreach, marketing, application process, and lottery procedures under the AFHMP.

Moderate Income. One-hundred percent (100%) or below of AMI. See 974 CMR 5.02(1)(l).

Monitoring Agent. A qualified individual or agency that administers, monitors, and oversees enforcement of a Project's affordability requirements pursuant to the Monitoring Services Agreement.

Monitoring Services Agreement. An agreement between the Developer, the Devens Enterprise Commission, and the Monitoring Agent outlining their respective roles and responsibilities relative to enforcement of the Regulatory Agreement's affordability requirement for Moderate Income Dwelling Units (MIDU). The Monitoring Services Agreement should be an attachment to the Regulatory Agreement.

Project. An Innovative Residential Development approved by the Devens Enterprise Commission under the provisions of 974 CMR 5.02.

Resale Price Certificate. A Certificate that sets forth the Resale Price Multiplier to be applied upon resale of a Moderate Income Dwelling Unit (MIDU). The Resale Price Certificate must be issued by the Devens Enterprise Commission at the time of sale of the Initial Sale of the Affordable Unit; subsequent Resale Price Certificates are issued by the Monitoring Agent.

Qualified Household. A homebuyer or renter whose verified household income qualifies as Moderate Income and who meets the MIDU asset limitation.

Regulatory Agreement. An agreement between the Developer and the Devens Enterprise Commission which memorializes the rights and responsibilities of both parties relative to the development of housing pursuant to an Innovative Residential Development RI Unified Permit. A completed and executed Regulatory Agreement is required prior to the issuance of a Building Permit for work on the Project.

3. HOUSING AFFORDABILITY

3.1. Income Limits

To comply with 974 CMR 5.02(1)(k), each MIDU must be sold or leased to a Qualified Household. It is the developer's responsibility to verify that the annual household income of buyers and renters does not exceed the applicable Moderate Income limit for their household size and that they also meet the assets limitations below. The developer or developer's agent shall make a preliminary determination of income and asset eligibility during review of applications to purchase or rent units in the IRD-RI project and a final determination within 60 days of the closing for homeownership units or within 60 days of signing a lease agreement for rental units. Documentation shall be maintained with the Project's Affirmative Marketing Plan.

3.1.1. Calculation of MIDU Income Limits

The maximum household income for MIDUs shall not exceed 100 percent of the Area Median Income (AMI), adjusted for household size, for the Boston HUD Metro Fair Market Area (HUD HMFA), as determined by HUD for the Public Housing and Section 8 Programs. HUD publishes updated income limits every year. The release date varies, but generally occurs between January and March of a given year. Income limits can be found at HUD's Office of Policy Development and Research (PDR) website:

<http://www.huduser.org/portal/datasets/il.html>.

HUD regulates income limits for programs in which the maximum allowable household income is lower than 100 percent of Area Median Income, adjusted for household size. Accordingly, the allowable income for an IRD-RI Project must be calculated and updated annually by the developer and approved by the DEC. The procedure for calculating the IRD-RI maximum household income limit is illustrated in the following table, which uses HUD's FY 2015 Public Housing and Section 8 Income Limits as a guide. To estimate 100 percent of AMI, divide the HUD Very Low-Income (50 percent) Limit, adjusted for household size, by 0.50.

Table 1. Calculation of Moderate Income for IRD-RI Projects

Boston HUD HMFA FY 2015		
Household Size	HUD Very Low Income Limit (50% AMI)	IRD-RI Moderate Income Limit (HUD Limit/0.50)
1	\$34,500	\$69,000
2	\$39,400	\$78,800
3	\$44,350	\$88,700
4	\$49,250	\$98,500
5	\$53,200	\$106,400
6	\$57,150	\$114,300

3.1.2. MIDU Asset Limitation

A household that has an ownership interest in a principal residence elsewhere shall not be deemed a Qualified Household unless such residence is not permanently affixed to a foundation, i.e., a mobile home.

Any developer of an IRD-RI that includes housing units eligible for the Chapter 40B Subsidized Housing Inventory (“SHI Units) should review the Chapter 40B Guidelines and consult with DHCD about income eligibility and other compliance procedures for SHI Units. While this Guidance Document attempts to align the procedures for MIDUs with those used under Chapter 40B, there are some important differences, including but not limited to determining the applicable income limits.

3.2. Homeownership MIDUs

3.2.1. Buyers of MIDU for-sale units must meet the following requirements:

- a. They must be a Qualified Household as of the day they purchase the unit, and provide documentation of the same;
- b. They must agree to occupy the MIDU as their principal residence; and
- c. They must agree that upon resale of the MIDU, the sale price will be controlled by an Affordable Housing Restriction which shall be in the form of a Deed Rider (see Resale Provisions, below).

3.2.2. Maximum Affordable Sale Price

As defined in 974 CMR 5.02(c), the MIDU shall be not higher than a price affordable to a household earning 90 percent AMI. This means the affordable sale price will be calculated using a somewhat lower income than Moderate Income. The purpose in using a lower income to set the affordable price is to create a “window of affordability” that enables a wider range of households to qualify for and actually afford the units. As with “Moderate Income” under 974 CMR 5.02, HUD does not publish 90 percent income limits adjusted for household size, so the 90 percent income limits must be calculated and updated annually by the developer and approved by the DEC. The procedure for calculating the 90 percent income limit to set the maximum affordable sale price

is shown below. To set the 90 percent limit, multiply the Moderate-Income Limit in Table 1, adjusted for household size, by 0.90.

Table 2. Calculation of Income Base for Setting Maximum Affordable Purchase Price			
Boston HUD HMFA FY 2015			
Household Size	HUD Very Low Income Limit (50% AMI)	IRD-RI Income Limit (From Table 1)	IRD-RI 90 Percent Income (Income for Calculation of Maximum Affordable Sale Price)
1	\$34,500	\$69,000	\$62,100
2	\$39,400	\$78,800	\$70,900
3	\$44,350	\$88,700	\$79,850
4	\$49,250	\$98,500	\$88,650
5	\$53,200	\$106,400	\$95,750
6	\$57,150	\$114,300	\$102,850

3.2.3. Sale Price Criteria

MIDU sale prices shall be established at the time of the initial marketing of the affordable units. Thereafter, the prices of homes cannot be increased for lottery winners, even if interest rates and HUD income guidelines change. For an IRD-RI to be built in phases, the sale price of units sold in subsequent phases will be calculated prior to the start of marketing for each phase, or approximately six months prior to expected occupancy of the units. In such cases, each phase will require its own affirmative fair marketing efforts and lottery.

Affordable sale prices shall be calculated according to the following assumptions:

- a. A monthly payment for principal, interest, property taxes, and insurance (PITI), and homeowner’s association or condominium fee, the sum of which does not exceed 30 percent of the Moderate-Income purchaser’s gross monthly income;
- b. A 30-year fully amortizing fixed-rate mortgage with an interest rate not lower than .25 percent above the latest prevailing rate for a 30-year fixed rate mortgage as reported in Freddie Mac's Weekly Mortgage Market Survey;
- c. The appropriate household size (to determine the correct Moderate Income limit) equal to the number of bedrooms in the unit plus one. Example: for a three-bedroom unit, the sale price should assume the income limit for a household of four.

Table 3. Example: Maximum Affordable Sale Price Moderate-Income Condominium		
PRICING ASSUMPTIONS		Annual Payment (Per \$1,000)
Term of mortgage	360 months	
Mortgage Interest Rate	3.94%	\$54.03
Property tax rate	1.671% sale price	\$16.71
Private Mortgage Ins. (PMI)	1.00% mortgage amount	\$9.50
Condo fee	1.00% sale price	\$10.00
Property Insurance (for condos)	0.4% sale price	\$4.00
		\$100.24
Number of Bedrooms:	3	
Household Size:	4	
Eligible Buyer's Income (100%)	\$98,500	Maximum Affordable Sale Price
Target for Pricing (90%)	\$88,650	\$282,200

In addition to these basic pricing requirements, the mortgage loans for MIDUs must meet the following minimum standards:

- a. A down payment of at least 3 percent, at least half of which must come from the buyer's own funds.
- b. Be made by an institutional lender. Developers should work with area banks to provide competitive financing to MIDU first-time homebuyers.
- c. No more than 2 points.
- d. Non-household members shall not be permitted as co-signers of the mortgage.

Sale prices shall be included in the developer's AFHMP and shall be reviewed and approved by the DEC prior to initiating the marketing process. Prior to the initial sale of any MIDU, the DEC's monitoring agent shall review and approve the terms of the buyer's mortgage financing.

3.2.4. Sale of MIDUs to Non-Profit Organizations

MIDUs may be sold by a developer to a non-profit organization that will serve the housing needs of a moderate or low income or special needs population, including, without limitation, housing for veterans or disabled persons ("Non-Profit Housing") without the sale or the buyer being required to be subject to the provisions of Sections 3.2.1, 3.2.2, or 3.2.3 hereof. Such sale by the developer may either be directly to the non-profit organization or to Massachusetts Development Finance Agency, which may then sell or lease the units to the non-profit organization. This waiver does not exempt the sale or rental of such units from the obligations of federal and state fair housing laws.

3.3. Rental MIDUs

3.3.1. Renters of MIDU rental units must meet the following requirements:

- a. They must be income-eligible households the day they lease a unit in the Project, and provide documentation of the same;
- b. They must remain income-eligible in order to continue to occupy a MIDU apartment;
- c. They may not sublet their apartment to another household even if the sublet is to a Moderate Income household; *and*
- d. They must agree to abide by the terms and conditions of their lease; *or*
- e. For MDIUs that are owned or rented for Non-Profit Housing purposes, the rental of such units and the persons or household to occupy the unit(s) are not required to meet the requirements of Sections 3.3.1, 3.3.2 or 3.3.3 hereof but must, however, meet the eligibility requirements of the non-profit organization.

3.3.2. Maximum Affordable Rents

As with the Maximum Affordable Sale Price, MIDU rents shall be not higher than the rent affordable to a household earning 90 percent AMI. Using the 90 percent income limits in Table 2 as a guide, the following table illustrates the maximum monthly rent for MIDUs by number of bedrooms.

Table 4. Maximum Affordable Monthly Rent				
Boston HUD HMFA FY 2015				
Household Size	HUD Low-Income Limit (50% AMI)	IRD-RI 90 Percent Income (From Table 2)	Number of Bedrooms (Household Size -1) ¹	IRD-RI 90 Maximum Affordable Monthly Rent (including utilities)
1	\$34,500	\$62,100	0-1	\$1,553
2	\$39,400	\$70,900	1-2	\$1,773
3	\$44,350	\$79,850	2	\$1,996
4	\$49,250	\$88,650	3	\$2,216

“Affordable Monthly Rent” at 30 percent of monthly income assumes both rent and basic utilities: heat, electricity, gas for cooking, water, and sewer. Whether the rents include utilities must be clear in the marketing plan for the MIDUs. If the rents do not include utilities, the developer should check with DHCD (Public Housing Division) to confirm the utility allowances for the Devens area and adjust the rents accordingly.

¹ Note: a two-bedroom unit may be suitable for a two-person household depending on the relationship between the two household members. Examples: a parent with a teenage child or a person with a disability who needs a live-in personal care assistant. Similarly, a three-bedroom unit may be most appropriate for a three-person household where one is a single parent and the other two are children over age 5. When in doubt, consult HUD’s Section 8 Guidelines ([Housing Choice Voucher Program Guidebook](#), Chapter 10) or consult with DHCD.

3.3.3. Leases

Tenants of MIDUs must be offered a one-year (minimum) renewable lease. To the maximum extent possible, lease provisions shall conform to those required by DHCD for Local Action Units under the Local Initiative Program. The lease must be approved by the DEC in advance and should contain all of the following (Reference: Chapter 40B Guidelines, Chapter VI(B)(7)):

- a. Written guarantee that the tenant will not be evicted for any reason other than a substantial violation of a material provision of the lease.
- b. That the tenant will be given a minimum of 60 days' written notice that a lease will not be renewed.
- c. That the tenant is required to provide sufficient information to the owner's agent or property manager to determine and document that the tenant is a Qualified Household.
- d. That the tenant is required to provide the names and the number of people in the household and their relationship to one another annually and whenever a change of household occurs.
- e. That the tenant will remain eligible to occupy the unit at the MIDU monthly rent as long as their income does not exceed 140 percent of the Moderate Income. If their income increases significantly, i.e., more than Moderate Income x 1.4, the tenants may still remain in their unit as long as their rent is adjusted to market rate and the next market-rate unit that becomes vacant is rented to a Moderate Income household. (See also, Section 5.1.2, "Floating Units".)

4. PRESERVATION OF AFFORDABILITY

Before applying for a building permit for any units in a Project required to provide MIDUs, the developer must submit a draft regulatory agreement and deed rider for review. In both cases, the documents can be modeled after those developed by DHCD for LIP projects. This section explains basic differences between the scope and MIDU and LIP.

4.1.1. Homeownership Units

The affordability of MIDU homeownership units shall be protected in perpetuity with an affordable housing deed rider that is substantially the same as deed rider used by the Local Initiative Program (LIP). The MIDU Deed Rider will be executed by the developer, the DEC, the monitoring agent, and homebuyer, and recorded with the Registry of Deeds. To operate clearly and effectively, the MIDU Deed Rider must replace the LIP income limits with MIDU income limits and reassign DHCD's duties to the DEC, developer, or monitoring agent, as applicable, or eliminate DHCD's duties where they are not needed. Like the LIP Deed Rider, the MIDU Deed Rider must meet these minimum standards:

- a. Runs with the land and recorded with the applicable Registry of Deeds, in perpetuity;
- b. Identifies the monitoring agent;

- c. Effectively restricts MIDU purchase to Qualified Households;
- d. Requires that tenants of rental units and owners of homeownership units shall occupy the units as their domiciles and principal residences;
- e. Provides for effective administration, monitoring, and enforcement of the restriction;
- f. Specifies the terms and conditions for resale of a homeownership unit, including definition of the maximum permissible resale price.
- g. Subjects the units to an Affirmative Fair Housing Marketing Plan (AFHMP) for approval by the DEC for the term of the restriction.

4.1.2. Rental Units

The long-term affordability of MIDU rental units shall be secured by a Regulatory Agreement that is substantially the same as the LIP “Regulatory Agreement and Restrictive Covenants for Rental Project” (Rental Deed Restriction), except that DHCD need not be a party to the agreement. The Regulatory Agreement must provide for enforcement of 974 CMR 5.02(1)(j)-(k) and obligate the Developer to ensure that an Affordable Housing Restriction – the MIDU Deed Rider – is properly executed and recorded as part of the initial sale and resale procedures.

The developer is responsible for presenting the DEC with a draft Regulatory Agreement and Deed Rider for the DEC’s review at least 60 days prior to applying for a building permit for any MIDU. In addition, closing documents for MIDU homeownership units shall be presented to the DEC’s monitoring agent at least 20 days prior to closing.

4.1.3. Non-Profit Housing

Sale and rental of MDIUs to non-profit organizations for Non-Profit Housing and the rental of such units to the members of such population shall not be subject to or require a Deed Rider or a Regulatory Agreement as provided in this Section 4.

5. BASIC DESIGN STANDARDS

Viewed from the exterior, MIDUs must be indistinguishable from market-rate units. Each MIDU must have complete living facilities: at minimum, a stove, kitchen cabinets, plumbing fixtures, a refrigerator, microwaves, and laundry facilities. In an IRD-RI that includes rental units, the interiors shall be substantially the same in order to ensure that MIDUs can float (see Section 5.1.2).

5.1.1. Unit Characteristics

MIDUs shall meet or exceed the basic LIP unit design and construction standards described in the Chapter 40B Guidelines [Chapter VI, Section B(4)] unless waived in the Unified Permit.

5.1.2. Floating Units

Where MIDU units are constructed in a Project that includes market-rate (unrestricted) units, the MIDUs shall be designed as “floating” units, i.e., the market-rate and affordable units should be designed for interchangeability. This will allow MIDU tenants whose incomes increase during

their lease period to remain in their unit even if their income exceeds 140 percent of Moderate Income. (See also, Section 3.3.3, “Leases”.)

6. AFFIRMATIVE FAIR HOUSING MARKETING PLAN

Buyer and tenant selection shall be in accordance with an Affirmative Fair Housing Marketing Plan (AFHMP) that meets all applicable state and federal requirements and is approved by the DEC. For Non-Profit Housing units, the DEC will not require that an AFHMP or lottery selection or monitoring plan be submitted to the DEC for approval. Nothing herein shall be construed to mean the developer and non-profit organization is exempt from federal or state fair housing laws.

The developer shall prepare an affirmative marketing plan that conforms, to the greatest extent possible, to DHCD’s Chapter 40B Guidelines and submit the same to the DEC for review and approval. The DEC’s review will be guided by Appendix A, “Affirmative Fair Housing Marketing and Resident Selection Plan (AFHMP)” and DHCD’s Chapter 40B Guidelines. This section of the Guidance Document describes the essential steps developers must take to prepare an AFHMP that may qualify for approval by the DEC.

6.1.1. Qualifications

The federal Fair Housing Act (FFHA) is a more complicated piece of civil rights legislation than many people realize. HUD recently issued new FFHA regulations, and due to recent updates to the state’s “Analysis of Impediments to Fair Housing,” the state housing agencies have joined together to strengthen their fair housing requirements. **The developer should hire a qualified, experienced consultant to create the AFHMP and serve as lottery administrator for the Project.** The DEC will require evidence that the preparer is both experienced and knowledgeable about the FFHA, that the preparer has participated in one or more fair housing/affordable unit monitoring trainings conducted by MassHousing or the Massachusetts Housing Partnership, and that the preparer has not had any findings of noncompliance from a state or federal agency in the past five years.

6.1.2. Basic Elements

The AFHMP must contain all of the content described in DHCD’s Chapter 40B Guidelines (Chapter III, Section C). This includes all of the outreach and marketing materials, lottery application and application review forms, MIDU sale prices and rents, and handouts that will be used at public information meetings. The plan must also identify the racial and ethnic populations in the Devens area establish whether foreign language translations of documents and interpreters at meetings will be required.

It is critical to understand that the success of an AFHMP hinges, in part, on the extent of marketing and outreach in the local area and the larger region. All of the outreach measures described in Chapter III, Section C(6) of DHCD’s Chapter 40B Guidelines are required for IRD-RI Projects. Particular attention must be paid to language that could unwittingly discourage otherwise qualified households from applying to participate in the lottery.

6.1.3. Local Preference Policy

- a. Up to 70 percent of the MIDUs should be offered to Qualified Households on a local preference basis. “Local preference” means that for purposes of the lottery, the following groups will be placed in an applicant pool with preferred access to the affordable units:
 - i. Current Resident of the Devens Enterprise Zone or the Town of Ayer, Town of Harvard, or the Town of Shirley (Host Communities). Documentation of residency should be provided, such as rent receipts, utility bills, street listing or voter registration listing.
 - ii. Devens Employees: Employees of any of the businesses or other public, non-profit or for-profit employer establishments at Devens or in any of the Host Communities.
 - iii. Households with children currently or recently attending school at Devens or in any of the Host Communities, e.g., “School Choice” students.
 - iv. Current Resident of the Devens Region as defined in Chapter 498 of the Acts of 1993. (See map attached to this Guidance Document.) Documentation of residency should be provided, such as rent receipts, utility bills, street listing or voter registration listing.
- b. Lottery procedures to safeguard against disparate impacts on racial and ethnic minorities shall be in accord with DHCD’s Chapter 40B Guidelines.
- c. MDIUs provided as Non-Profit Housing shall not be subject to this Local Preference Policy.

6.1.4. Lottery and Application Process

The AFHMP shall provide for a lottery to select eligible Moderate Income households to purchase or rent units in the Project. The lottery must conform in all respects to DHCD’s lottery and application requirements, which are set forth in Chapter III, Section F, of the Chapter 40B Guidelines. The developer’s AFHMP submission to the DEC must demonstrate how the buyer and tenant selection procedures will comply with the Chapter 40B Guidelines, both at the initial sale or rent-up period and on an ongoing basis. For purposes of this Guidance Document, the Chapter 40B Guidelines are a “safe harbor” for meeting FFHA requirements and the regulations promulgated thereunder.

7. WAIVERS

The DEC may waive, in writing, any provision of these Guidelines when exceptional circumstances exist and strict compliance would not be in the public interest and would be inconsistent with the purposes of 974 CMR 5.02.

Appendix A
Affirmative Fair Housing Marketing and Resident Selection Plan (AFHMP) Checklist

City/Town: <u>Devens Regional Enterprise Zone</u>	Reviewer: _____	
Project Name: _____	Date of Review: _____	
Address: _____		
RENTAL <input type="checkbox"/>	OWNERSHIP <input type="checkbox"/>	BOTH <input type="checkbox"/>

Note: The checklist below is intended to assist with AFHMP review but does not replace the requirements of the DHCD AFHMP guidelines, available at <http://www.mass.gov/hed/docs/dhcd/hd/fair/afhmp.pdf> (see also section III of the DHCD Comprehensive Permit Guidelines at <http://www.mass.gov/hed/docs/dhcd/legal/comprehensivepermitguidelines.pdf>). The AFHMP guidelines must be consulted in their entirety.

DEVELOPER/CONTRACTOR INFORMATION:

Are the developer staff and contractor qualifications consistent with the Guidelines? YES NO
Did developer/contractor representative(s) certify that the AFHMP is consistent with the Guidelines? YES NO

MARKETING:

Will the application period run for at least 60 days? YES NO

Will advertisements be placed in local and regional newspapers? YES NO
If YES, which newspapers: _____

Will advertisements be placed in newspapers that serve minority groups and other protected classes? YES NO
If YES, which newspapers: _____

Will advertisements run at least two times over a 60-day period? YES NO

Are sample ads included? YES NO

Is marketing comparable in local, regional and minority newspapers? YES NO
If NO, explain: _____

Are outreach notices to be sent to local fair housing commissions? YES NO
To other local/regional religious institutions, housing authorities, social service agencies, nonprofits, etc? YES NO
If YES, where: _____

Is the outreach appropriate to the type of housing proposed (e.g., marketing to senior centers for elderly housing)?
YES NO Explain: _____

Are applications made available at public, wheelchair accessible locations including one that has some night hours?

YES NO

Does the advertisement and other marketing include a telephone number, including a TTY/TTD phone number, to call to request an application via mail? YES NO

Does the advertisement and other marketing indicate that applications may be submitted by mail, fax or e-mail?

YES NO

Does marketing include non-English publications? YES NO

If YES, which languages: _____

What is the basis for determining the languages? Explain: _____ Will available Metro Boston Area affordable units be reported to Metrolist? YES NO

Will available affordable and available accessible units be listed with MassAccess (CHAPA's Housing Registry)?

YES NO

Will available affordable ownership units be listed with MassAccess? YES NO

Will available affordable ownership units be listed with MAHA's lottery website? YES NO

Are Fair Housing logo and slogan included in all marketing materials? YES NO

Do applicant materials include a statement of the housing provider's obligation to not discriminate in the selection of applicants? YES NO

Do applicant materials state that persons with disabilities may request reasonable accommodations in rules, policies, practices or services or reasonable modifications in the housing? YES NO

Do informational materials provide notice of free language assistance to applicants, translated or to be translated into the languages of LEP populations anticipated to apply? YES NO

Does marketing refrain from describing characteristics of desirable applicants/residents (e.g., "for four persons only", "active lifestyle community," "empty nesters")? YES NO

If NO, explain: _____

Does marketing convey unlawful preferences or limitations (e.g., only white models)? YES NO

If YES, explain: _____

Does marketing include reference to local residency preferences? YES NO [NOTE: not permitted]

Does marketing indicate resident selection by lottery or other random selection procedure? YES NO

RESIDENT SELECTION:

Are copies of a sample application and information packets for potential applicants included and acceptable? YES NO

Are info sessions scheduled to allow for maximum opportunity to attend (i.e., evenings, weekends, accessible location)? YES NO

Are the eligibility criteria consistent with the Guidelines? YES NO

Is resident selection based on a lottery? YES NO

If NO, is it based on a fair and equitable procedure (i.e., not “first come, first served”) approved by the subsidizing agency? YES NO Explain: _____

If a lottery to be utilized, will the lottery be held at a public, wheelchair accessible location? YES NO

Are the lottery procedures consistent with the Guidelines? YES NO

Is the community choosing to implement a local selection preference? YES NO

If YES, is the need for the local preference demonstrated consistent with the Guidelines? YES NO

Explain: _____

[NOTE: 70% local preference is maximum permitted but percentage must be justified based on documented local need]

Does the demonstrated need correspond to the housing type and eligibility criteria of the project? (e.g, wait list at another rental development used to demonstrate need is for apartments to be rented at similar rents and for residents at similar income levels) YES NO Explain: _____

Are all the proposed preference types consistent with the Guidelines? YES NO

Are the geographic boundaries of the local preference area smaller than the municipal boundaries? YES NO

[NOTE: not permitted]

Does the AFHMP include efforts to address potential discriminatory effects of a local selection preference (e.g., will minority applicants be moved into the local selection pool to ensure it reflects the racial/ethnic balance of the region and/or other efforts consistent with the Guidelines)? YES NO Explain: _____

Is the working preference the only local preference? YES NO

If YES, are persons with disabilities and/or 62 years of age or older that live in the community given the benefit of the preference? YES NO

Are there durational requirements for living or working in the community? YES NO [NOTE: Not permitted]

Are local preference units subject to different or more beneficial terms (e.g., reduced prices) than other affordable units? YES NO

If YES, explain: _____

Are household size restrictions and preferences consistent with the Guidelines? YES NO

Does the AFHMP provide persons with disabilities in need of accessible units first preference for such units?

YES NO

Does the AFHMP address adaptable units consistent with the Guidelines? YES NO

Does the AFHMP provide for criminal background checks consistent with the Guidelines (e.g., not imposed prior to the lottery and consistent with DHCD model CORI policy)? YES NO

Does the AFHMP require any deposits or fees to be paid? YES NO

If YES, are they consistent with the Guidelines? YES NO

WAIT LISTS

After the lottery, are households that are not awarded a unit placed on a wait list in the order that they were drawn from the *general* pool? YES NO

For rental projects, is the procedure for ordering new applicants upon re-opening of the wait list based upon a random selection procedure after a minimum application period of no less than 10 business days? YES NO

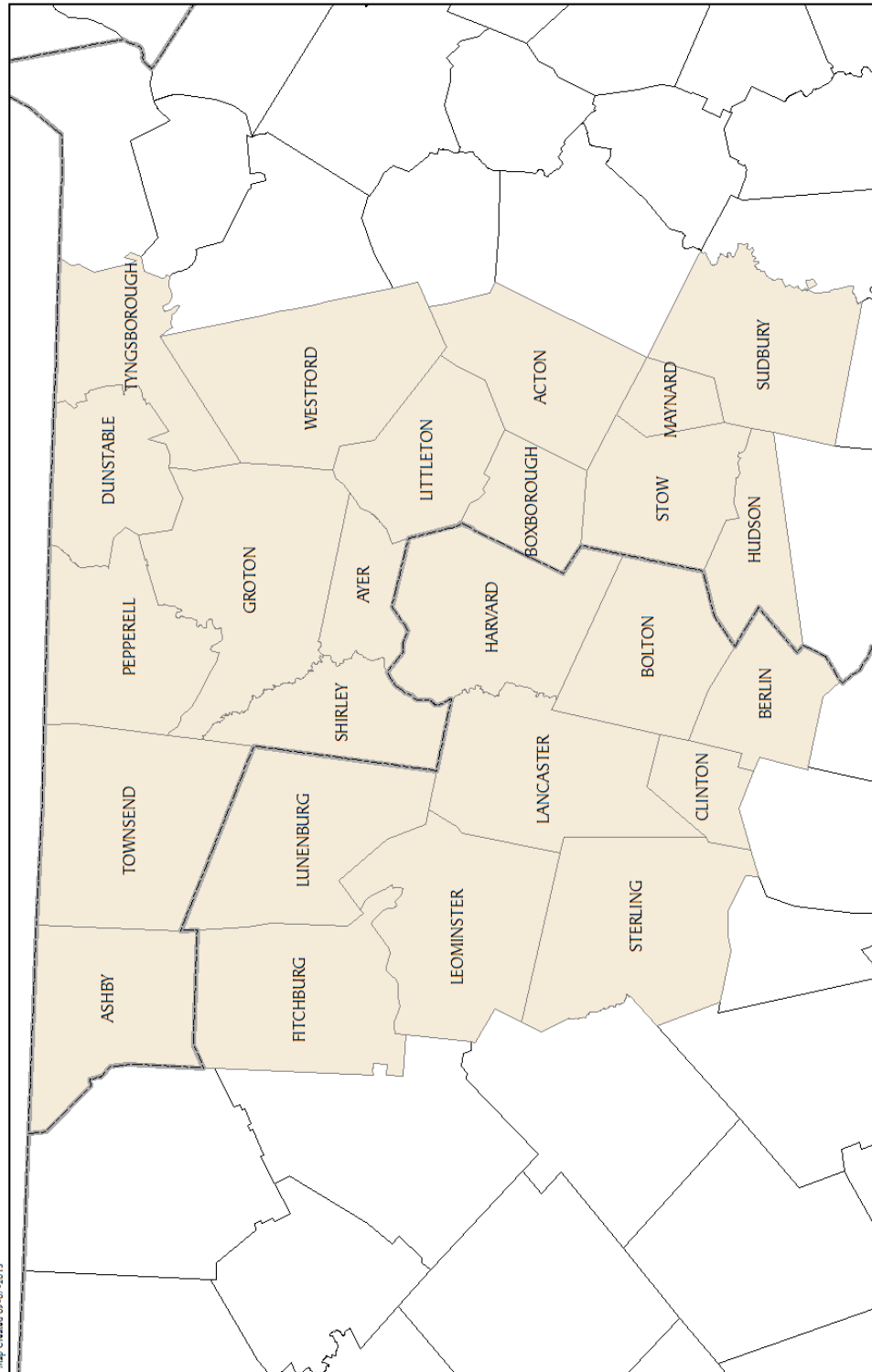
If NO, explain: _____

Is there a procedure for wait lists that do not close, and does it address persons with disabilities consistent with the Guidelines? YES NO Explain: _____

Does the ongoing affirmative and general marketing/outreach materials provide explicit notice of the availability of reasonable accommodations in the application process and a corresponding telephone number? YES NO

For ownership projects, does the AFHMP include a method for ensuring continued compliance w/ the Guidelines upon resale? YES NO

OVERALL COMMENTS



Map Created 09-07-2015



For Use in Administering the Local Preference Policy
under Section 6.1 of this Guidance Document

DEVENS REGION
Source: Chapter 49B, Acts of 1993
MassGIS, "Community Boundaries", updated 03/2015