



FAIR HOUSING MARKETING AND HOMEBUYER SELECTION HANDBOOK

*Policies and Procedures for Homebuyer Selection and
Occupancy of Inclusionary Development Policy Units*

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1. OVERVIEW

Purpose:

This Handbook provides an overview of the process to market and sell your Inclusionary Development Policy (“IDP”) units. It also provides links to important resources. The Affirmative Fair Housing Marketing Program (“Fair Housing”) will provide more in-depth training on different parts of the process. You can reach them by emailing affirmativemarketing@boston.gov.

Process:

IDP units are filled via lottery and are subject to fair housing rules to ensure equal access for all applicants. In addition, each project is subject to an Affordable Housing Agreement (“AHA”) that sets the specific terms applicable to that project.

Developer Responsibility:

As the developer, owner, or their designated agent,¹ you are responsible to conduct outreach, provide information, and collect applications prior to the lottery. After the lottery, you will work directly with each household to collect paperwork, evaluate eligibility, and submit any required files. You will also keep lottery results updated.

Marketing and Homeowner Selection Plan:

At the beginning of the marketing process, you will meet with the Fair Housing team and complete the Fair Housing Marketing and Homeowner Selection Plan (“Plan”) in accordance with the Project’s AHA. To register your project and request the Plan template, please fill out this [form](#). The Plan is a short contract that describes how you will conduct your marketing and tenant screening. The Plan also captures any updated information about the Project should anything have changed since the AHA was executed.

Compliance Steps:

During the marketing and homeowner selection process there are several key checkpoints called Compliance Steps, which help ensure that the process is being conducted fairly.

This Handbook and the Plan are continually updated based on changes in law and policy or public feedback so always register your project and request the plan template using this [form](#) to ensure you have the most recent versions and reference the Handbook throughout the process. If you have any questions or need further information, please contact Fair Housing at affirmativemarketing@boston.gov.

¹ Please note that because different parties complete different parts of the unit-filling process, we use the term “you” in this Handbook to include owners, agents, developers, and anyone else taking part in this process. In the Plan, we ask you to identify each of the different parties involved and to provide their direct contact information so we can follow up on issues with any part of the process.

1.1 ENSURING EQUAL ACCESS TO HOUSING

The Boston Fair Housing Commission (“Commission”) is responsible for ensuring fair and equitable access to housing opportunities for people living and working in the City of Boston. The Commission is a Fair Housing Assistance Program that is authorized to enforce local, state, and federal fair housing laws. The following Commission guidelines below apply to all parts of the process of advertising and filling IDP units:

- **You are prohibited from discriminating** on the basis of race, color, religion, sex, national origin, genetic information, ancestry, sexual orientation, gender identity, age, familial status, children, marital status, veteran status or membership in the armed services, the receiving of public assistance, or physical or mental disability, or other basis prohibited by local, state or federal law in any aspect of tenant selection or matters related to continued occupancy. This includes a prohibition on discrimination based on limited English proficiency (“LEP”), either through the use of language-related criteria, or through a failure to provide housing-related language assistance services to persons with LEP.
- As part of ensuring equal access to housing for all, **you are required to affirmatively market to minorities and persons with disabilities and to provide equal access to all applicants.** Examples of this include providing interpretation and translation to persons with limited English proficiency; adding captioning to a video for applicants who are hard of hearing; and helping to fill out paperwork for someone with cognitive challenges

Contact the Commission by emailing fairhousing@boston.gov or calling 617-635-2500.

1.2 FAIR HOUSING PRACTICES CERTIFICATION

All staff must be certified in relevant fair housing practices including Federal, State, and local fair housing laws. before commencing this process. All staff must be aware of and comply with all Federal, State, and local laws and policies protecting victims of domestic violence, sexual assault, and stalking. This applies to all frontline staff as well as supervisors and managers who are involved in the marketing, application, lottery or homeowner selection process. The following organizations provide this training and offer certificates of completion. Please keep these certificates for staff on file.

- [Office of Fair Housing and Equity](#)
- [Mel King Institute](#)
- [Massachusetts Commission Against Discrimination](#)
- [Greater Boston Real Estate Board](#)
- [Metro Housing Boston](#)
- [Mass Fair Housing](#)



[Casa Myrna](#) can also provide information and training about housing and domestic violence.

In addition, **all staff must be familiar with the particular Plan** applicable to your project. If roles change and new parties are engaged to complete the process, the Plan must be updated and all relevant parties trained to abide by the terms of the updated Plan.

1.3 MANAGING EXPECTATIONS

You are responsible for managing expectations for applicants and prospective applicants around eligibility, timelines, and requirements (both programmatic and project-based), without steering anyone away.

- At each step of the process, clearly **distinguish between project requirements and IDP program requirements**.
- At each stage of the process, **communicate information clearly** to people interested in income-restricted housing. This information must be expressed professionally, patiently, and courteously.
- Based on prior applicant feedback, it is important to **avoid congratulating applicants** for completing applications, being ranked well, or completing other steps in the process. This type of congratulatory language often leads applicants to incorrectly infer they will be receiving a unit.
- To help prospective applicants understand if the property is a good fit for them, please **clarify the windows of affordability**, but **do not conduct any screening** until after the lottery.²
- Agents must also communicate with and **manage the expectations of Project owners**. As a matter of practice, Fair Housing will copy project owners on all correspondence and track permitting data.

1.4 COMPLIANCE STEPS

There are several checkpoints—called Compliance Steps—built into the process that help ensure that all applicants have equal opportunities to access IDP units. These include:

[IDP Compliance 1: Advertising and Outreach](#)

[IDP Compliance 2: Application List](#)

[IDP Compliance 3: Ranked and Sorted Lottery Lists](#)

² Internal City of Boston analysis suggests that income-screening done prior to the lottery drawing often results in the mistaken exclusion of eligible applicants.

1.5 HANDLING APPLICANT DATA CONFIDENTIALLY

Throughout this process, you will be handling sensitive personally identifiable information of applicants. It is imperative that you protect the privacy of applicants. All parties handling this information are forbidden from selling or exchanging data with third parties for commercial or marketing purposes.

Personal information gleaned through the screening process must be **treated as confidential** and may only be shared with people on an as-needed basis. If ever you are unsure about what information and with whom you can share, please email Fair Housing at affirmativemarketing@boston.gov.

1.6 USE OF STANDARDIZED DOCUMENTS

Fair Housing has created easy-to-use templates for all basic documents, which they will customize for your project. At each stage of the process, you are required to communicate with constituents through standardized documents. Please **use the templates as issued to you by Fair Housing**, without any alterations or handwritten notes.

Standardized Applicant Correspondence:

- Notice of Application Receipt
- First Time Homebuyers Best Practices Flyer
- Notice of Incomplete Application
- Notice of Scheduled Lottery/Notice of Scheduled Lottery with Contingencies
- Post-lottery Notice of Incomplete Application
- Request for Disability-related Supporting Documents
- Notice of Ineligibility
- Notice of Lottery Results
- Confirmation of Appeals
- Appeals Outcome
- Invitation to Move Forward

Standardized Templates:

- Standardized Ad Template
- Standardized Lottery Application
- Appeals Form

1.7 TIMELINE OVERVIEW

Marketing must begin six months before the anticipated Certificate of Occupancy (CO) date in order to prevent vacant units and lessen the likelihood of exhausting the applicant pool. If there are staggered Certificates of Occupancy, marketing should start before the **first** anticipated CO.

CO dates often change, and Fair Housing will confirm these dates with the Inspectional Services Department, but **if there are any date changes, you must contact Fair Housing** at affirmativemarketing@boston.gov.



The **Application Period for IDP units lasts for 14 days**. This period starts on a Monday and ends 14 days later on a Sunday. If the Monday is a holiday, the period starts on the following Tuesday and ends 14 days later on a Monday. These dates will be specified in IDP Compliance I: Advertising and Outreach.

1.8 CORRESPONDENCE TIMELINES

In order to give applicants a fair chance to respond to important notices, you must **allow all applicants at least 5 business days to respond to your emails**. This applies to emails sent before 2 PM on a given date. If an email is sent after 2 PM, the applicant receives an additional day to respond.

You must **allow all applicants at least 10 business days to respond to your letters**. Mailed correspondence dates start from the date a letter is postmarked.

You may allow more time, but you must be consistent with all applicants, unless longer time is afforded to someone as a reasonable accommodation.

You must respond to all applicant inquiries within 2 business days. You must keep records of your correspondence with applicants for three years, including documentation of unsuccessful attempts to reach applicants. The Boston Fair Housing Commission may request copies of this information during the three-year period.

Fair Housing requires 10 business days to review and approve Compliance submissions. Most matters are handled more quickly, but in order to avoid delays, please build in time for Fair Housing to process your paperwork.

1.9 CORRESPONDENCE GUIDELINES

Email Preferred: Whenever there is a working email address available, and the applicant has not specified otherwise in writing, please use email rather than postal mail to correspond with applicants.

Non-working Email documentation: If the email address given to you by the applicant does not work, keep a copy of the email message showing this (such as a bounce-back message) on file for three years.

Applicants Living in Shelter: It can be challenging for applicants to receive and respond to correspondence while in shelter. During the application review stage, Fair Housing will identify applicants living in shelter and provide you with contact information for the shelter. **If correspondence to applicants living in shelter goes unanswered, you must at a minimum reach out to the shelter contact** before deeming them non-responsive.

2. REGISTERING YOUR PROJECT AND COMPLETING YOUR AFFIRMATIVE FAIR HOUSING MARKETING AND HOMEOWNER SELECTION PLAN (THE PLAN)

2.1 PRE-MARKETING MEETING

Once you [register your project](#) with Fair Housing, we will reach out to set up a pre-marketing meeting. This is a chance to ask questions and review the process and Plan. Fair Housing may waive this requirement based on your prior successful experiences with this process.

2.2 TIPS FOR COMPLETING YOUR PLAN

The Plan is a **public document** that should be easy to understand. Avoid acronyms and use plain language. If you have a compliance division, partner with them to draft the Plan.

The Plan should be written specifically for this Project:

- Do not cut and paste information from other plans
- Do not reference other plans unless asked to

Avoid vague statements about what you may do and instead state exactly what you plan to do.

Keep contact information updated to prevent unnecessary delays.

2.3 GENERAL PRINCIPLES FOR SCREENING

Equitable Treatment: Screening for IDP units **cannot be more stringent than for market-rate units**. For example, agents may only conduct criminal background checks on households applying for IDP units if they also conduct the same checks on market-rate applicants.

No Screening Fees: Agents may not ask applicants to pay any screening fees.

Screening Services: If an Agent uses a tenant screening service such as CoreLogic, Yardi Rent Grow, or SafeRent, **default settings on screening platforms must be adjusted** to comply with Fair Housing Rules. **Auto generated rejection notices are prohibited.**

2.4 ALLOWABLE SCREENING CRITERIA

You cannot deny anyone because of having been a victim of domestic violence, dating violence, or stalking if they otherwise qualify for admission. For more information, see the Violence Against Women Act ([42 U.S.C. 1437f](#) and [42 U.S.C 1437d](#)) and regulations at [24 CFR Part 5, Subpart L](#).

Criminal History Checks

If you are conducting a criminal history check, in most circumstances³, **you may not consider:**

³ If there is a direct relationship between a conviction and the housing sought and or **unreasonable risk of substantial harm** to the safety of others, then an exception can be made.

- **Arrests that did not result in a conviction.** This includes dismissed charges, diversion programs, and similar non-convictions.
- **Convictions that are subject to a form of judicial relief,** such as expungement, sealing, and certificates for relief from disabilities.
- **Juvenile records.**
- **A conviction more than five years old.**

In any rejection based on criminal history you **must consider mitigating factors** such as:

- Evidence of rehabilitation (including participating in employment, education work training, and community involvement).
- The time that has elapsed since the conviction occurred, and/or the age of the person at the time the conviction occurred.
- Whether the conviction arose from a person's disability, including substance addiction.
- Whether the applicant has a support network.
- Whether the conviction arose out of a person's experience as a survivor of domestic abuse, sexual assault, dating violence, and/or stalking.

2.5 PREFERENCES & REQUIREMENTS

The City of Boston mandates certain preferences and requirements for all IDP units. Your project Affordable Housing Agreement (“AHA”) will detail the applicable preferences and requirements for your Project.

Documentation requirements for preferences are included in the [Income Certification](#) section of this Handbook.

Applicable to All Units Built Out for People with Disabilities:

- **Disability Preference:** This might include features designed to support mobility impairments, provisions for people who are Deaf/hard of hearing, or provisions for people who have visual impairments.

Applicable to All Projects:

- **Boston Residency Preference:** Boston residents have priority status for IDP units over other applicants.
- **First Time Homebuyer Preference:** The BPDA considers a first-time homebuyer to be “a buyer who has never owned a residential property.”

Applicable to Projects with Multi-Bedroom Units:



- **Minimum One Person Per Bedroom Preference:** The City has established a preference for households with one person per bedroom.
- **Minimum One Person Per Bedroom Minus One Requirement:** The minimum household size for any given unit is equal to the number of bedrooms minus one. For example, a 4-bedroom unit would require a household of no fewer than three people.

Applicable Only to Projects that have Opted in:

- **Senior Housing (Preference or Requirement):** There are several options for specifying housing for older persons,⁴ and your project AHA will detail which of these apply to your project. Note that some projects have a set minimum senior age of 55 years while others specify 62 years. Some require all members of the household to have reached the specified age and some require only one member to have reached the specified age.
- **Artist Housing (Preference or Requirement):** Artist Housing applies to projects with space built out for artists to live and work on-site. Artists units are subject to specific design and other guidelines overseen by the Mayor's Office of Arts and Culture, which also certifies artists. Please see the [Artist Housing](#) section of the Appendix and the Mayor's Office of Arts and Culture [Artist Housing Guidelines](#) for further information.
- **Urban Renewal Preference:** This preference applies to those persons displaced from a specific property and/or displaced from the relevant [Urban Renewal](#) Plan Area by clearance and redevelopment activities carried out by the Boston Planning and Development Authority. Required documentation includes proof of displacement by the BPDA from the relevant Urban Renewal Area during the official Urban Renewal Period. Please see the [Urban Renewal](#) section of the Appendix for further information.

⁴ Senior housing is an exemption to the Fair Housing Act, as amended (46 U.S.C 3601 et seq) and corresponding regulations (24 CFR Part 100, Subpart E)

3. ADVERTISING AND OUTREACH

3.1 PRE-LOTTERY TRAINING

After your Plan has been approved by the Fair Housing Team, the Fair Housing Team will schedule a one-hour Pre-Lottery training with your team to cover **IDP Compliance 1: Advertising and Outreach** (including Advertising and Outreach requirements), and **IDP Compliance 2: Application List** (including how to log in to AgilePoint and prepare for the lottery).

3.2 ADVERTISING YOUR INCLUSIONARY DEVELOPMENT POLICY UNITS

Begin advertising and outreach six months prior to expected Certificate of Occupancy; if you begin sooner and exhaust any pool of applicants up to 80% of Area Median Income, you will need to re-market.

3.3 SUBMITTING IDP COMPLIANCE 1: ADVERTISING AND OUTREACH

All IDP Projects must meet key advertisement requirements. Please see the [Optional Advertising](#) section for information on additional outreach and advertising.

1. **Prepare your ad using the standardized ad template** and enter the project information in the pre-marked fields and then **submit IDP Compliance 1: Advertising and Outreach** to Fair Housing for Review.
 - a. Make sure to **confirm accuracy of details** such as contact information, income-minimums, and location. Inform Fair Housing immediately if there are any issues with the ad, as this could delay the process.
2. **List the project on [Metrolist](#).** Fair Housing will confirm that the ad is listed correctly in both places as well as sharing the ad with community partners and other lists.
3. **Attend four 15-minute Informational Meetings**
 - a. Fair Housing will set up several short meetings for the community to learn more about your project. Meetings are currently held at City Hall on Tuesdays between 10 AM and 2PM, as well as in the community near your project.
 - b. Fair Housing will advertise and organize the meetings but you are responsible to **ensure a knowledgeable staff member attends**. This should be someone who is trained in fair housing practices and is prepared to answer questions about the particular project and your unit-filling process. All meetings will be hybrid so **you can attend virtually**.

4. If your project includes **Artist Units**, you must also coordinate and host two one hour informational sessions for certified artists with the **Mayor's Office of Arts and Culture (MOAC)** and Fair Housing.
5. If there are not enough housing lottery applicants for units built out for persons with disabilities, the built-out units must be relisted on [Metrolist](#) and [Housing Navigator](#) for 15 days.
 - a. To advertise, the agent must contact FairHousing at affirmativemarketing@boston.gov and use the standardized ad for relaunching built-out units.
 - b. If there are still no applicants in need of the special built-out features, you must revert to the lottery generated list.

3.4 OPTIONAL ADVERTISING AND OUTREACH

In addition to the required advertising and outreach activities, you are welcome to conduct additional outreach. You must also **seek approval from Fair Housing for all additional outreach materials** via IDP Compliance 1: Outreach and Advertising, as all outreach must follow fair housing rules. Seeking approval as early as possible will prevent delays.

Optional activities include:

- Postings on Websites other than Metrolist and Housing Navigator
- Emails to distribution lists
- Postings in Newsletters

4. COLLECTING APPLICATIONS

4.1 COLLECTING APPLICATIONS

Fair Housing will set up a **standardized online and paper application form** for you. You must **use the standardized application** and related forms, spreadsheets, and correspondence.

When you receive an application, **send confirmation of application receipt** using the standardized letter.

Most applications are submitted online, but **for applicants who cannot access the online system, Fair Housing makes paper applications available** at in-person informational sessions and on our website. You will need to input these paper applications into the online application form. Fair Housing will provide training on how to do this.

All applications submitted online are **automatically entered into an Application List on AgilePoint**. You will be able to access this database to confirm/edit applications when an applicant requests you do so. Fair Housing will provide training on how to do this. This is also where you will record correspondence with applicants, including attempts to reach applicants.

4.2 SUPPORT FOR APPLICANTS WITH DISABILITIES & LIMITED ENGLISH PROFICIENCY

This section explains your obligations under the Fair Housing Act⁵ and the Americans with Disabilities Act.⁶ If you have any concerns or questions about how to support applicants, please **contact Fair Housing at affirmativemarketing@boston.gov**. We are happy to help you navigate situations or answer general practice questions.

People with physical, mental, and/or cognitive disabilities may require additional support in navigating paperwork and technologies. All information should be made equally available to people with cognitive, vision, and hearing impairments as well as those with limited English proficiency.

⁵ The Fair Housing Act, as amended in 1988, prohibits housing discrimination on the basis of disability. Its coverage includes private housing, housing that receives Federal financial assistance, and State and local government housing. It is unlawful to discriminate in any aspect of selling or renting housing or to deny a dwelling to a buyer or renter because of the disability of that individual or an individual associated with the buyer or renter, or an individual who intends to live in the residence. Other covered activities include, for example, financing, zoning practices, new construction design, and advertising.

⁶ The Americans with Disabilities Act of 1990 as amended, prohibits discrimination on the basis of disability in employment, State and local government, public accommodations, commercial facilities, transportation, and telecommunications.

Below are some ways to help ensure that outreach, informational sessions and correspondence are accessible:

1. Always use our standardized correspondence for the IDP unit-filling process. For other written communication, use plain language that is easy to understand and provide translations as needed.
2. Ensure that there is accurate captioning on all video sessions.
3. Provide language interpretation. For pre-scheduled events, use a live interpreter. A professional phone interpreter service is acceptable for ad hoc calls.
4. Provide assistance for people who are Deaf or Hard of Hearing in the form they request.

Please note that other actions may be necessary depending on applicant needs.

4.3 REASONABLE ACCOMMODATIONS OF DISABILITIES

You are required to provide Reasonable Accommodations for disabilities. A Reasonable Accommodation is a **change to your normal policies or procedures** that allows someone with a disability to have equal access.

If someone mentions a disability, you must work with them to see if there is a reasonable accommodation that would help them access housing. An applicant does not need to use the term “reasonable accommodation,” they just need to **mention their disability and the fact that it is connected to a problem** they are having. Fair Housing will provide training on documenting disabilities.

A **disability⁷** can be any type of health or mental health condition that impedes an applicant’s ability to access housing. Below are a few examples of reasonable accommodations:

- A building with a no-pets policy allowing a service animal for a resident with a disability
- A project with first-come, first-serve parking assigns a close parking space to someone with a mobility impairment
- An agent completes all paperwork for someone with a cognitive disability

More information on reasonable accommodations is available from the [Massachusetts Office on Disability](#).

⁷ If the disability is not self-evident, you may request supporting documentation as explained in the Appendix section on [Verification of Documentation for Units Build Out/Reasonable Accommodation Requests for Disabilities](#).

4.4 SUBMITTING IDP COMPLIANCE 2: APPLICATION LIST

Prior to the lottery, you will conduct a threshold review of the applications to **confirm completeness and identify duplicates**. Internal City of Boston analysis suggests that income-screening done prior to the lottery drawing often results in the mistaken exclusion of eligible applicants.

No applicant screening is allowed during review of the Application List.

Throughout the review of the Application List, all correspondence with applicants—including phone calls and attempts to make contact—should be recorded in the Application List.

- **A complete application includes the following:**
 - Full names of all household members and number of bedrooms requested
 - Household age ranges (used to check for duplicates)
 - Mailing address, phone number, and email address (if available)
 - Any preference related data
 - Any assistance needs related to language, technology or disabilities, including reasonable accommodations, personal care attendant needs, and extra room needed for disability-related equipment
 - Any demographic information reported by applicants.
- For **incomplete applications, you must contact the applicant and provide specific details** about why the application is incomplete. Please abide by the rules in the [Correspondence Timelines](#) and [Correspondence Guidelines](#) sections of this Handbook.
- A **duplicate entry** is when one household appears listed more than once. If a duplicate appears based on a check of name, address and age range, then mark the extra application(s) as duplicates, leaving one as eligible for the lottery. Do not remove any applications from the list. Most duplications are due to error rather than fraud, but if you suspect intentional duplicate entries please contact Fair Housing at affirmativemarketing@boston.gov.
- Once you have finished the Completeness Screening, **submit IDP Compliance 2: Application List.**

5. HOLDING THE LOTTERY

5.1 LOTTERY SCHEDULING AND OUTREACH

In order to ensure fairness and transparency in IDP housing lotteries, the following steps must be completed for each lottery.

1. After approval of IDP Compliance 2: Application List, **Fair Housing will assign an Application number** for each eligible application. **Fair Housing will then coordinate with you to schedule a date and time for the lottery.** Please note that lotteries are always scheduled at least a week after approval of IDP Compliance 2: Application List in order to allow time to advertise the lottery and coordinate times.
1. **You must inform everyone of the lottery in writing** using the standardized Notice of Scheduled Lottery (using the notice with Contingencies for anyone who was contacted for additional information but has not responded). This should be done by email for the applicants who have provided an email address and by postal mail for those who have not provided an email address or whose email has bounced back.
2. **Fair Housing will then conduct and record the lottery** and share the recording and the presentation with you. Lotteries are not open to the public to attend.
3. **You are responsible for sharing the recording and presentation with all applicants in an accessible manner.** This most often involves arranging for interpretation and translation of the recording and presentation as needed. Applicants with disabilities may need other special accommodations. Please contact Fair Housing at affirmativemarketing@boston.gov with any questions.

6. SORTING AND RANKING THE LOTTERY LIST

6.1 POST-LOTTERY TRAINING

After the Fair Housing Team has approved your IDP Compliance 2: Application List check, the Fair Housing Team will arrange a one-hour Post-Lottery Training to cover the last two compliance steps: IDP Compliance 3: Ranked and Sorted Lottery List, and IDP Compliance 4: Occupancy Reports.

6.2 SORTING THE LOTTERY RESULTS INTO UNIT-BASED LISTS BY AMI

After the lottery, **Fair Housing will sort eligible applicants into different pools** by number of bedrooms requested and if they need a unit built out for persons with disabilities and any other special unit designation type (e.g., artist unit, compact unit). **These pools are then sorted into separate lists on a spreadsheet by maximum AMI⁸.**

For example, applications for a single project might be broken into one tab each for Studios at 70% AMI, One Bedrooms at 70% AMI, and One Bedrooms at 80% AMI.

Applicants who apply for more than one unit type, (e.g., 1-bedroom and 2-bedroom) will be **listed under each unit type for which they applied**. Applicants who may be eligible for preferences tied to units built out for persons with disabilities will be **included in the list for ADA units as well as in the general pool**.

The same application might appear in more than one list based on indicated interest in different units and income eligibility. For example, a household of one person interested in both studios and 1-bedrooms could be listed for both unit types.

6.3 RANKING APPLICATIONS WITHIN LOTTERY LISTS

At the lottery, **each application is assigned a lottery number**, which is used to determine the ranking of that application. Applications are ranked by preference and then by lottery number.

The applications in each list are ranked by preference in the following order:

1. ADA Preference (only for units built out for persons with disabilities when the household member's disability matches the built-out features and/or program services of/attached to the unit)
2. Displaced by Urban Renewal (if applicable)
3. Artists Housing Preference or Requirement (if applicable)

⁸ Note that AMI will be certified at a later point in the process during Income Certification after an applicant has been Invited to Move forward, toured a unit, and expressed interest in the unit. For purposes of income categorization at this point, Fair Housing adds a buffer of \$5000 above and below each household's estimated income in order to account for estimation errors.

4. Boston Resident status
5. Household size preference for at least one person per bedroom
6. First Time Homebuyer preference

After the lists have been ranked by the above preferences, they are then ranked by lottery number.

6.4 SUBMITTING IDP COMPLIANCE 3: RANKED AND SORTED LOTTERY LISTS

After Fair Housing has sorted and ranked the Lottery Results into unit-based lists by AMI, you must **review the lists and certify that you understand how the sorting and ranking has been performed**. You must be equipped to answer applicant questions about the process.

After reviewing the lottery lists provided to you by Fair Housing, you must **submit your ranked Lottery Lists** in IDP Compliance 3: Ranked and Sorted Lottery Lists. This must be submitted as the single Google Sheet file shared with you by Fair Housing, containing a separate page for each unit type at a specific area median income (AMI) and each unit type at a specific AMI built out for persons with disabilities. **This must be done within 10 days of the lottery.**

6.5 POSTING THE LOTTERY RESULTS ONLINE

For all lotteries occurring after September 13, 2023, **Lottery Results will be posted online on the Affirmative Marketing Website** after your IDP Compliance 3: Ranked and Sorted Lottery List has been approved. **You must ensure that the Lottery Results are kept updated at all times** as each Application moves through the process from Invitation to Move Forward, to Income Certification. **The list must remain current until all income-restricted units in the development have been sold.**

View [sample Lottery Results](#), which includes a guide for how to read and manage the Lottery Results.

7. PROCEDURE FOR FILLING UNITS

7.1 INVITING APPLICANTS TO MOVE FORWARD

After the Lottery Results have been posted online, you may begin to invite applicants from the lists to move forward. **It is our recommendation that you invite no more than six to eight households per unit** to move forward at a time.

Applicants must be sent the standardized Invitation to Move Forward.

- As noted in our standardized correspondence, it is crucial to inform **applicants this is a preliminary stage** and instruct them **not to give notice on their current apartment**.
- As indicated in the standardized correspondence, you must **tell all applicants how many other households are being processed for the same unit and where they have been placed on the list**. For example, when contacting the eighth applicant on a list, the Invitation to Move Forward will indicate that there are seven other applicants ranked higher who have also been invited to see the unit.

The date that an Applicant has been Invited to Move Forward **must be logged in the Lottery List** so that Applicants can track the status of their Application online.

7.2 SHOWING THE UNITS

If unit construction is completed by the time you are sending Invitations to Move Forward, you need to provide applicants with detailed project information and find a mutually convenient time to **show the unit before requiring any paperwork**. Failure to show applicants apartments is a leading cause of delays in filling units.

If the unit is still in construction or is occupied, **you must share renderings, detailed floor plans, unit plans, and finishes** with the applicant. Applicants having an inaccurate understanding of the unit plan is a frequent source of Applicants opting to not sign a lease.

Because this is a key step in the process, which Applicants should be able to track, you are required to **use the Lottery Results sheet to log whether or not an applicant has toured the unit or been shown renderings**.

7.3 UNIT SELECTION

Whenever there is more than one unit with the same number of bedrooms at the same maximum income limit, **applicants must be given a choice of these units**. Applicants can indicate their choice using the standardized Unit Selection Form.

7.4 REQUESTING SUPPORTING DOCUMENTS

After an applicant has been shown a unit or given the required unit information available, you may solicit supporting documents to screen applicants against a landlord pre-screen as well as BPDA

Income Certification Requirements. The documents required by the BPDA are listed in the following section.

Please note the following requirements when working with Applicants to gather supporting documents:

- **Deadline to respond:** Applicants must be informed in writing of the response deadline, which must be at least **five business days** from the date an email is sent (for emails sent before 2 PM on a given day), or **10 business days** from the date a letter is postmarked to **respond**.
- **Incomplete Documentation:** Applicants must be told that they do not have to have all documents at this point and that a good faith effort to gather those documents is sufficient.
- **No-fault Delays:** Applicants may not be denied if third parties (such as the IRS, prior landlords, etc) are causing the delay.

The date that documents have been requested from an applicant as well as the **deadline to respond** given to the applicant **must be logged in the Excel Lottery Results sheet** so that applicants can track the status of their application online.

7.5 BPDA INCOME CERTIFICATION

After you have reviewed documents from the applicant and confirmed the applicant's eligibility, the BPDA will officially certify their income eligibility.

The following documents are currently required to complete the income certification process. Further details about income requirements are [published by the BPDA](#).

- **BPDA Affidavit of Eligibility:** The bottom of each page must be initialed and all fields must be completed. This document is updated regularly so make sure to check with BPDA for the most recent version.

Proof of Income

- **Paychecks:** Two most recent consecutive pay stubs (for every household member 18 years or older). If the applicant receives bonuses and/or commission or is employed seasonally, a letter from the employer is required explaining this structure.
- **Profit and Loss Statement:** If self-employed, a year-to-date profit and loss statement for every member of the household 18 years old or older. This profit and loss statement can be self-prepared or prepared by an accountant.
- **Unemployment Proof:** If anyone in the household who is over 18 years of age is unemployed, you will need a No Income Affidavit.
- **Two most recent Federal Tax Returns** (as known as Form 1040 or Form 1040EZ) and attached forms (such as W-2 or 1099 forms)
- **Two most recent State Tax Returns**

Proof of Assets

- Copies of the most recent statements⁹ for all assets held by each household member over the age of 18 (e.g. bank statements, mutual fund statements, retirement/401(k) statements).

Applicants need to provide a written explanation for any deposits over \$100 that are not from employment using the Deposit Explanation Form.

Proof of Residency

People who self-certify as a Boston Resident in their housing lottery application must provide two forms of proof of residency from the list dated within the previous 60 days.

- A dated **letter from transitional housing or a homeless shelter** (only one form of proof is necessary if homeless), This includes households whose last known permanent address was in Boston, but they were placed in family shelter outside of the City.
- Signed lease (At-will lease counts)
- Car registration/insurance cover page
- Renter's Insurance
- Heating bill (Gas, Electric, Oil)
- Cable / Data / Internet bill
- City of Boston voter registration / Resident listing
- Cell / Landline phone bill

7.5 NOTIFYING INELIGIBLE APPLICANTS

If an applicant is rejected, you must **send the rejected households a Notice of Ineligibility using the standard template**. The Notice includes guidance on appealing and filing a discrimination complaint.

This Notice must:

- Detail the **specific reason for rejection**
- Provide an **opportunity to appeal** within a minimum of 10 business days from the date of the email or letter

⁹ Statements must include all pages and pictures or screenshots of statements are not acceptable substitutes. If an applicant is having trouble accessing a statement online we recommend having them contact their bank directly.

The date that an Applicant has been sent a Notice of Ineligibility **must be logged in the Google Sheet Lottery Results** so that Applicants can track the status of their Application online.

7.6 APPEALS OF NOTICES OF INELIGIBILITY

After an Applicant has received a Notice of Ineligibility, they must be given the opportunity to appeal the decision using the standardized Appeals Form.

- **Appeals Timing:** The Appeals period must be a **minimum of 10 business days** from the date you send a Notice of Ineligibility.
- **Unit Holds during Appeals:** Appeals must be completed before unit offers are made, or units must be held in reserve until the appeal is resolved. The appeals process must be extended if an applicant faces delays in getting necessary documents due to external factors. You may continue to process other applicants for the unit during the appeal period as long as you clearly inform them of this.
- **Appeals Hearing:** An Appeals Committee, chaired by a senior member of the property management company who is not involved in day-to-day operations, must review the appeal. At least one member of the Appeals Committee must be a neutral party.
- **Applicant Supporting Information:** The rejected applicant or their representative may present supporting information relevant to the reason for rejection at the hearing.
- **Decision:** The Appeals Committee should issue a decision using the standardized Appeals Outcome. This needs to include the applicant's new status, if any, and provide reasons for the decision

7.7 SUPPORTING HOMEBUYERS THROUGH CLOSING

- Pre-approval
- Downpayment
- Offer Signed
- Offer Deposit Received
- AGENT Completes Preliminary BPDA Application Review
- Reminder to Hire Attorney
- Inspection Deadline
- Purchase & Sale Agreement Due
- P&S Deposit Received
- Mortgage Application Deadline
- Mortgage Application
- Property Management Completes Condo Questionnaire
- Loan Estimate
- Appraisal
- Title Insurance

- HO6 Insurance
- Buyer Contact Property Management Co.
- Mortgage Commitment
- MPI Sends Mortgage Commitment Letter to BPDA
- Closing Disclosure
- BPDA Closing Documents
- Walk Through
- Mortgage Rate Lock Expiration
- Closing

REFERENCES

- [BPDA Income Limits, Rents, + Prices](#)
- [Comparable Unit Policy](#)
- [Massachusetts State Sanitary Codes](#)
- [The Fair Housing Act](#)
- [Inclusionary Development Policy](#)
- [Boston Resident Preference policy](#)
- [Right to Interpretation](#)

APPENDIX

ARTIST HOUSING PREFERENCE AND REQUIREMENTS

Artist Housing provides appropriate, useful live, work, and presenting space for artists on-site (either in-unit or elsewhere within the same development parcel).

This housing is **available to artists who have an [Artist Housing Certificate](#)** from the Mayor's Office of Arts and Culture ("MOAC"). These certificates confirm that the applicant was active in their artistic practice in the past three years and qualifies the applicant for artist live/work housing. These certificates are valid for eight years.

Projects seeking to provide for artists must demonstrate a real commitment to providing spaces and amenities for all working artists and must utilize Boston's Artist Housing Certification process. This includes **specific design, fit out, and operational considerations** as set out in the [MOAC Artist Housing Guidelines](#).

In order to prioritize one population over another while abiding by Fair Housing rules, there needs to be something that serves that particular population (e.g. workspace in-unit, shared workspace on-site, gallery or presenting space). In this way, housing with a preference or requirement for artists is similar to accessible units delivered for residents with mobility disabilities—there has to be demonstration of a specific design or operational provision to allow for a population to be prioritized in the allocation of units.

You can use targeted marketing and outreach to reach artists; however, research shows that targeting 'artist' residents is sometimes coded for 'white' populations.¹⁰ Therefore **you must follow specific guidelines on when and how artist housing can be marketed.**

¹⁰ [The Rise of White-Segregated Subsidized Housing](#), [Who Lives in Affordable Artist Housing? White People](#), [The Artist Loft: Affordable Housing \(for White People\)](#), [Art Space and Race](#)

URBAN RENEWAL PREFERENCE

This preference applies to those persons displaced from a specific property and/or displaced from the relevant Urban Renewal Plan Area by clearance and redevelopment activities carried out by the Boston Planning and Development Authority. Required **documentation includes proof of displacement by the BPDA from the relevant Urban Renewal Area during the official Urban Renewal Period**

In order to qualify for this preference applicants must provide proof that they resided in and were displaced from the relevant Urban Renewal area and that this occurred during the Urban Renewal period. Proof may be presented via the following documents:

- utility bills
- voting record
- bank statement
- record of birth
- any other official documents.

Please consult with Fair Housing at affirmativemarketing@boston.gov for detailed information about how to apply this preference.

VERIFICATION OF DOCUMENTATION FOR UNITS BUILT OUT/REASONABLE ACCOMMODATION REQUESTS FOR PEOPLE WITH DISABILITIES

When units are built for people with disabilities or if a household needs additional room for a PCA, medical equipment, or another disability-related need, properties must collect and review paperwork from a licensed professional treating the household member for the disability.

Applicants cannot be compelled to overshare medical details. They must be informed that their provider needs only to draw a clear connection between the disability and the **unit-level** features.

The licensed professional treating the household member for the disability can provide support for the application in one of two ways:

1. A dated letter on letterhead that includes their license number. The letter cannot be more than one year old and must include a diagnosis and draw a clear connection between the household member's disability and the unit-level features

Agents must review the supporting documentation before submitting it to BFHC and CPWD through [the agent's form](#).

You must confirm that there is a clear connection between a disability and unit-level features.

Failure to do this results in significant delays in getting the paperwork approved. To that end, the City now incorporates the date we received the appropriate documentation in the approval issued to applicants and the BPDA.

2. The provider completes [this form](#).

Do not share the above form with applicants until you've completed [the agent's form](#). Without the agent's documentation portion, we cannot connect applicants to units/properties or the unit-level features.

Confidentiality is paramount. When someone shares information about a disability because they need support or because they must do so to access a housing opportunity, that information cannot be shared with anyone.