

City of Marlborough Public Meeting Posting

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Meeting Name: City Council Urban Affairs Committee

Date: April 19, 2023

Time: 7:30 PM

Location: City Council Chamber, 2nd Floor, City Hall, 140 Main Street

2023 APR 12 PM 4:09

This meeting will be held in the City Council Chamber. Public attendance is permitted. The meeting will be televised on WMCT-TV (Comcast Channel 8 or Verizon/Fios Channel 34) or you can view the meeting using the link under the Meeting Videos tab on the city's website, home page (www.marlborough-ma.gov).

04-10-23 – Order No.23-1008721D: Communication from Mayor Vigeant re: Veto of City Council Order No.22-23-1008721C: Ordinance Amendments to Chapter 650 'Zoning' relative to certain provisions concerning mixed use and affordable housing.
-REFER TO URBAN AFFAIRS & TABLED UNTIL APRIL 24, 2023

THE LISTING OF TOPICS THAT THE CHAIR REASONABLY ANTICIPATES WILL BE DISCUSSED AT THE MEETING IS NOT INTENDED AS A GUARANTEE OF THE TOPICS THAT WILL HAVE BEEN DISCUSSED. NOT ALL TOPICS LISTED MAY IN FACT BE DISCUSSED, AND OTHER TOPICS NOT LISTED MAY ALSO BE BROUGHT UP FOR DISCUSSION TO THE EXTENT PERMITTED BY LAW.

The public should take due notice that the Marlborough City Council may have a quorum in attendance due to Standing Committees of the City Council consisting of both voting and non-voting members. However, members attending this duly posted meeting are participating and deliberating only in conjunction with the business of the Standing Committee.

Electronic devices, including laptops, cell phones, pagers, and PDAs must be turned off or put in silent mode upon entering the City Council Chamber, and any person violating this rule shall be asked to leave the chamber. Express authorization to utilize such devices may be granted by the President for recordkeeping purposes.



IN CITY COUNCIL

Marlborough, Mass., APRIL 10, 2023

ORDERED:

That the Communication from the Mayor, re: Veto of City Council Order 22/23-1008721C, Ordinance Amendments to Chapter 650 "Zoning", relative to certain provisions concerning mixed-use and affordable housing, be and is herewith referred to **URBAN AFFAIRS COMMITTEE & TABLED UNTIL APRIL 24, 2023.**

ADOPTED

ORDER NO. 22/23-1008721D

3



City of Marlborough
Office of the Mayor

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CITY OF MARLBOROUGH

MAR 24 PM 4:42
Arthur J. Vigeant
MAYOR

Patricia M. Bernard
CHIEF OF STAFF

Candace McGrath
EXECUTIVE ADMINISTRATOR

140 Main Street
Marlborough, Massachusetts 01752
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www.marlborough-ma.gov

March 24, 2023

City Council President Michael Ossing
Marlborough City Council
140 Main Street
Marlborough, MA 01752

RE: Veto of City Council Order No. 22/23-1008721C – Proposed Zoning Ordinance Amendments re: Mixed Use; Affordable Housing

Honorable President Ossing and Councilors,

I am hereby notifying you of my veto of City Council Order No. 22/23-1008721C Proposed Zoning Ordinance Amendments regarding mixed use and affordable housing.

The proposed language is placing added restrictions and will not only prohibit downtown development but all housing developments within the City.

Developers that are including affordable units need to make up the cost somewhere to make it lucrative in order to build residential or mixed-use with residential which would require more units or higher rents. If you increase the percentage of affordable units for larger projects, you are ultimately driving up the cost of the project and the rental prices for the market rate units. There are already approved projects downtown that are not subject to these new affordable unit requirements, and they have not been constructed.

Currently a studio apartment is averaging \$1,800, one-bedrooms are \$1,800 - \$2,500 and two bedrooms are \$2,500 - \$3000 per month. The majority of Marlborough's beautiful historic homes have been turned into multi-family units. Although affordable, these units are not allowed to be included on our subsidized housing inventory (SHI) list.

Persons from out of Marlborough who hold a section 8 voucher can apply for the lottery. Section 8 voucher holders are getting subsidized rent (30% of their income goes towards rent and the rest is subsidized by HUD Federal) and can apply for an affordable unit in Marlborough. There is not always a guarantee that a Marlborough resident will get preference due to other variables (minority, disability, larger households receive priority). Note at the time of writing this letter, there are six Marlborough residents who received preference of out 20 applications.

The local preference information is superseded by Adjustments in the Local Preference Pool (page 17 of the Affordable Housing Lottery Information Packet for the Green District that reads as follows:

As stated by the Massachusetts Department of Housing and Community Development, "If the percentage of minorities in the local preference pool is less than the percentage of minorities in the surrounding HUD (U.S. Department of Housing and Urban Development) defined area, the following adjustments will be made to the local preference pool. The Developer will hold a preliminary lottery drawing comprised of all minority applicants who did not qualify for the local preference pool and rank the applicants in order of the drawing. Minority applicants should then be added to the local preference pool in order of their rankings until the percentage of minority applicants in the local preference pool is equal to the percentage of minorities in the surrounding HUD-defined area." The Percent Minority of the Metropolitan Statistical Area of Boston-Cambridge-Newton is 33.4%. This is the minimum percentage of minority applicants that must be in the local preference pool. Minority applicants are defined as a person who is a member of the following groups: Black or African American; Asian, Native American or Alaska Native; Native Hawaiian or Pacific Islander; or other (not White); and the ethnic classification Hispanic or Latino.

Before adopting these changes, information about the demand for new units and how it will affect new construction in our community should be reviewed. There is an ongoing lottery process for the new affordable units at the Burrow that concludes in April.

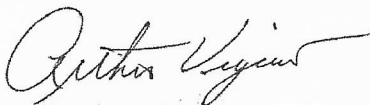
The City of Marlborough's affordable housing stock continues to exceed the 10% threshold under 40B requirements.

I recently met with President Ossing and Urban Affairs Chair Robey to ask them to put the proposed zoning ordinance amendment *on hold* until we finalize the compliance with the MBTA Communities Zoning Law that Solicitor Grossfield is working on, and we plan on sending down in the coming weeks. This law has its own limits on how many affordable units can be required.

Although these goals may be admirable, these proposed changes for mixed use and affordable housing will be detrimental to all development and in opposition of what we have all worked towards achieving.

I am hopeful that we can further our discussions and am available for any questions.

Sincerely,



Arthur G. Vigeant
Mayor

Enclosures

Information Packet

The Burrow

1000 Green District Boulevard

Marlborough, MA

An Affordable Housing Lottery

Facilitated on behalf of Green District Owner, LLC

This packet contains specific information on the affordable housing program and application process for the affordable rental apartments being offered at The Burrow in Marlborough, MA. The Burrow invites you to read this information and submit an application.

Please hold on to this packet until you have leased an apartment as it will be a useful guide throughout the entire process.

The first apartments will be ready for occupancy shortly after the lottery date.

APPLICATIONS MUST BE RECEIVED BY 2:00 PM, APRIL 10, 2023. APPLICATIONS POSTMARKED BY THE DEADLINE MUST BE RECEIVED NO LATER THAN 5 BUSINESS DAYS FROM THE DEADLINE.

Additional Applications available at
www.sebhousing.com

For Affordable Unit Information call (617) 782-6900 X1

For TTY Dial 711

Information Packet created by:

SEB Housing, 257 Hillside Ave, Needham, MA 02494

Free Translation Available. **Traducción gratuita disponible**



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There will be an Informational Session where questions about the lottery and property can be addressed. It will be held on March 9, 2023 at 6:00pm via Zoom Go to zoom.com/join or call (646) 558-8656 and enter Meeting ID: 818 9317 7595.
Passcode: 088159

GENERAL OVERVIEW AND RENTS

The Burrow is a brand-new development located at 1000 Green District Boulevard in Marlborough. There will be 24 affordable apartments within The Burrow that will be rented to households with incomes at or below 80% of the area median income through this application process. Units feature walk-in closets, premium appliances, and in-unit laundry. The community's indoor amenities include a fitness center, golf simulator, co-working space, dog washing and grooming facilities, and bike sharing. Outdoor amenities include a pool, fire pit, roof deck, and an outdoor kitchen and grilling area. The community provides easy access to interstate 495 as well as the many businesses and restaurants on Route 20. The unit mix of the affordable units is as follows:

# of Units	# of Bedrooms	# of Bathrooms	Ave. Size <i>(subject to change during construction)</i>	Rent*
2	Studio	1	600 square feet	\$1,779
13 <i>(1 unit is Disabled-Accessible)</i>	1	1	730 square feet	\$2,034
7 <i>(2 units are Disabled-Accessible)</i>	2	2	1,100 square feet	\$2,226
2 <i>(1 unit is Disabled-Accessible)</i>	3	2	1,380 square feet	\$2,387

* The rents are set annually using a calculation that determines the "affordable" rent, which is based on the Area Median Incomes for the Boston-Cambridge-Quincy MSA, therefore the rents of units are subject to change. Tenants are responsible for paying the full amount of rent each month. Rents are not based on each applicant's income (unless they already have a Section 8 voucher already or similar). Tenants will be responsible for paying gas (cooking, heat, and hot water), electricity, water, and sewer. One parking space is available for residents and is included in the rent.

Since it is possible that there will be more interested and eligible applicants than available units, the Developer will conduct a lottery to rank the eligible applicants for the program. The application and lottery process as well as the eligibility requirements are described in this information packet.

The Burrow does not discriminate in the selection of applicants on the basis of race, color, national origin, religion, disability, age, ancestry, children, familial status, genetic information, marital status, public assistance reciprocity, religion, sex, sexual orientation, gender identity, veteran/military status, or any other basis prohibited by law. Persons with disabilities are entitled to request a reasonable accommodation in rules, policies, practices, or services, or to request a reasonable modification in the housing, when such accommodations or modifications may be necessary to afford persons with disabilities an equal opportunity to use and enjoy the housing.

Q: How long will the designated apartments remain affordable?

A: As a **current resident only**, you are considered income eligible for an affordable unit as long as your household earns an income that does not exceed 140% of the current applicable income limit for a household of your size (*see Yearly Eligibility and Rent Review for more details*). If the AMI increases or the utility allowances decrease, the rent may increase as further described in the Regulatory Agreement.

ELIGIBILITY REQUIREMENTS

Q: Who is eligible to apply for the affordable apartments at The Burrow?

A: In order to qualify for an affordable unit:

- 1.) Households must have income and assets that qualify within the parameters as highlighted in this section.
- 2.) Household priority will be given based on household composition. For questions on household size and composition, please read **"Household Size and Composition"**.
- 3.) Households cannot own a home upon move-in. All homes must be sold before leasing a unit.
- 4.) Households, or their families, cannot have a financial interest in the development and a household member cannot be considered a Related Party.

Additionally, some of the apartments will be disabled-accessible. All households may apply for the disabled-accessible apartments but households in need of an accessible apartment will get top priority, regardless if the apartment is designated as local preference or not. For questions on priority by need of a disabled accessible apartment, please read **"Disabled-Accessible Unit Information"**.

Q: What are the income eligibility requirements?

A: To be eligible to lease an affordable apartment, annual household income must be within a particular range, set by maximum and minimum income levels as follows:

Maximum Income

Household Size	Maximum Income Limit
1	\$78,300
2	\$89,500
3	\$100,700
4	\$111,850
5	\$120,800
6	\$129,750

**subject to change with HUD's publication of 2023 AMI*

To be eligible to apply to lease an affordable apartment, the combined annual income for all income sources of all income-earning members in the household must be at or below eighty percent (80%) of median income for Boston-Cambridge-Quincy MSA. **All sources of income are counted, please see details below.**

Minimum Income (and Assets)

Per the Leasing Office's policy, the rent to income ratio required to lease a unit is 40% (i.e. applicant's monthly income must be approximately 2.5 times the monthly rent). Applicants may make less than the minimum incomes shown below if they have sufficient savings from which they can draw down otherwise, applicants will not be found to be eligible for a lease if they make less than the incomes shown below. Applicants who receive a housing subsidy (like Section 8) are not subject to the minimum income requirements but, like all other applicants, will also have to pass reviews on credit scores, tenant history, and criminal background checks in accordance with DHCD's requirements regarding same. Applicants with a housing subsidy are encouraged to contact the housing agency who issues their housing subsidy to confirm that the rents are within the agency's payment standards to ensure that they will not be prohibited by the housing agency from using the housing subsidy at this property.

Please see "Leasing Office Review" in the step-by-step process for more details. Again, these minimum incomes are not required by the affordable housing program, they are just estimations of minimum incomes required by the leasing office.

Unit Size	Approximate Minimum Income (plus assets) required for households without a housing subsidy
Studio	\$53,370
1 BR	\$61,020
2 BR	\$66,780
3 BR	\$71,610

Q: How is a household's income determined?

A: A household's income is the total anticipated amount of money received by ALL members of the household over the next 12 months (starting from the date of application and projecting forward 12 months) based on their current income and assets. In an effort to provide as accurate an income estimation as possible, the Lottery Agent will also review historical income data to provide a basis for future income estimates. Any monies you anticipate receiving in the next 12 months will be counted as income and monies received over the previous 12 months will be analyzed to help estimate future income. This includes, but is not limited to, Social Security, alimony, child support, overtime pay, bonuses, unemployment, severance pay, part-time employment, matured bonds, monies to be received in court settlements, and actual or imputed interest and dividends on bank accounts and other assets. ALL SOURCES OF INCOME ARE COUNTED with the exception of income from employment for household members under the age of 18 and any income over \$480/year for full time students who are dependents (but note that all such income must still be documented even if it is exempt from the household income calculation).

It will be assumed that all applicants will continue to receive any monies they have received over the past 12 months unless supporting documentation proves otherwise. It is also not up to the household to determine what monies received over the past year should and should not be counted as their calculated income. Therefore, all monies should be listed on the application and the inclusion of these monies in determining a household's eligibility will be based on affordable housing guidelines.

Allowable Assets

There is no asset limit for applying households for this development. However, the higher of the actual income earned from assets, or the imputed income of 0.06% of all assets, will be counted as income. Household Assets are calculated at the time of application. Assets may include cash, cash in savings and checking accounts, net cash value of stocks, net cash value of retirement accounts (such as 401k), real property, bonds, and capital investments.

If any household member currently owns property, the total amount of equity in the home shall be added to their total value of assets.

Example: A household has \$8,000 in savings, \$30,000 in a retirement account that they are not drawing down from (\$20,000 net cash value) and a home assessed at \$300,000 on which they currently have \$278,000 remaining on the mortgage (\$22,000 in equity).

<i>Their assets total is:</i>	$\$8,000 + \$20,000 + \$22,000 = \$50,000$
<i>Actual Income from assets is:</i>	$\$300 + \$0 + \$0 = \$300 (A)$
<i>Imputed Income at 0.06% is:</i>	$0.06\% \text{ of } \$50,000 = \$30 (B)$

For this household, \$300 would be added to their income they receive from all other income sources (employment, Social Security, Alimony etc.) as the program takes the greater of (A) actual income from assets OR (B) imputed income from assets.

Q: I cannot withdraw money from my 401k or retirement fund, do I have to include it when I list my assets?

A: Yes. You need to include the *net cash value* of all your current retirement funds. We realize that most retirement funds assess large penalties for early withdrawal but this does not technically mean that you “cannot” withdraw your funds. The post-penalty amount is what you need to provide along with supporting documentation.

Q: If I cannot qualify for a Lease based on my own income or credit history, can I have a co-signer on my Lease?

A: No. Only people who will live in the apartment can sign the lease. Applying households must be able to meet the income qualifications on their own. If someone outside the household is going to help pay the rent, the amount to be paid must be listed as “Periodic Payments” on the Income Table in the Program Application. These payments will be counted towards the applying household’s income.

Q: Do I have to be a resident of the City of Marlborough to apply?

A: No. All households that meet the income guidelines specified above may apply for an affordable apartment. Applicants that meet the Local Preference requirements will be given the opportunity to lease some, but not all, of the affordable apartments first. For more information on Local Preference, please see page 17 of this Info Packet.

HOUSEHOLD SIZE AND COMPOSITION

Q: How is appropriate household size determined?

A: According to the Massachusetts Department of Housing and Community Development guidelines:

Within an applicant pool, priority as set forth below, shall be given to households requiring the total number of bedrooms in the apartment based on the following **criteria**:

1. There is at least one occupant and generally no more than two occupants per bedroom (based on State Sanitary Code).
2. A married couple, or those in a similar living arrangement, shall be required to share a bedroom. Other household members may share but shall not be required to share a bedroom.
3. A person described in the first sentence of (2) shall not be required to share a bedroom if a consequence of sharing would be a severe adverse impact on his or her mental or physical health and the lottery agent receives reliable medical documentation as to such impact of sharing.

TYPE III

(Priority for a 3BR or 2BR Apartment)

- All 6 person households
- All 5 person households
- All 4 person households
- 3 person household: 1 head-of-household plus 2 members
- 3 person household: 2 heads-of-household under **criteria 3** (described above) plus 1 member

TYPE II

(Appropriately sized for a 2BR unit and may apply for a 3BR unit but will not receive a priority for a 3BR unit).

- 3 person household: 2 heads-of-household plus one member
- 2 person household: 2 heads-of-household under **criteria 3** (described above)
- 2 person household: 1 head-of-household plus one member

TYPE I

(Appropriately sized for a Studio or 1BR unit and may apply for a 2BR or 3BR unit, but will not receive a priority for a 2BR or 3BR unit).

- 2 person household: 2 heads-of-household
- 1 person household

Households with a total number of members which exceed the Massachusetts State Sanitary Codes for that particular sized apartment will not be allowed to rent an apartment. In *“The Lottery”* in the Step-By-Step Process, you will find a detailed explanation on how priority is given to certain household sizes and compositions.

Household Size and Composition

Frequently Asked Questions

Q: Does the unborn child of a currently pregnant household member count towards our household size for income eligibility purposes?

A: Yes. A household may count an unborn child as a household member. You will have to submit proof of pregnancy with all the income and asset documentation that needs to be submitted with your application.

Q: If I am currently going through a divorce/separation or planning on being divorced / separated soon, can I still apply?

A: For non-homeowners, you will need to provide proof that the separation or divorce process has begun or has already been finalized. The **Program Application** will guide you through the documentation you will need to provide.

If you have only begun considering a divorce or separation, and no legal action has been taken, you cannot apply as a single head-of-household and your application will be reviewed as if your current spouse will be moving into the affordable apartment with you. **For homeowners going through a divorce**, the home must be sold or the divorce must be finalized (as you must be off the deed) before you move-in.

STEP-BY-STEP PROCESS AND TIMELINE

Q: What is the application, selection, and move-in process for the affordable apartments at The Burrow?

A: The process is essentially a two-step process.

The **first step** is to qualify for the Affordable Housing Program and be given a position on the Waiting Lists.

The **second step** is to be found Lease Eligible and reserve a unit (and unit availability will be determined by your position on the Waiting Lists).

The following pages explain each step in greater detail.

Step 1a: Applying for the Housing Program

Through April 10, 2023 at 2:00pm

Step 1b: The Lottery

April 27, 2023 at 6:00pm via Zoom. Go to zoom.com/join or call (646) 558-8656 and enter Meeting ID: 857 2736 5609, Passcode: 276410

Step 1c: Waiting Lists

Established a day after the Lottery

Step 2a: Notification of Lottery Results and Lease Application Invitation

1-4 days after the lottery

Step 2b: Leasing Office Review and Unit Selection

1-14 days after the lottery

Step 2c: File Update

Required for households moving into units coming online 6+ months from the lottery

Yearly Eligibility and Rent Review

30-90 days prior to lease renewal

There will be an Informational Session where questions about the lottery and property can be addressed. It will be held on March 9, 2023 at 6:00pm via Zoom. Go to zoom.com/join or call (646) 558-8656 and enter Meeting ID: 818 9317 7595.

Passcode: 088159

Step 1a: Applying for the Affordable Housing Program

Once a household reads this Information Packet in its entirety, they will need to fill out a Program Application. The applying household must include all income, asset, tax documentation as directed by the Program Application for every person that will be residing in the apartment. The Program Application must be signed and dated.

The Program Application and Required Documentation must be received (not postmarked) by the Lottery Agent by 2:00pm on April 10, 2023. All applications should be sent to:

SEB Housing
Re: The Burrow
257 Hillside Ave
Needham, MA 02494
info@sebhousing.com

To ensure applications arrive in time, we recommend sending them in at least a week prior to the application deadline. **Late applications will not be accepted.** If you want to ensure your application is received, we recommend sending it by certified mail. The Lottery Agent, Management Agent, Owner and other affiliated entities are not responsible for lost or late applications.

Once a completed Program Application is received with ALL Required Documentation, SEB Housing will determine initial eligibility and compliance.

If the applicant is determined to be eligible for the Lottery, they will receive an **Application Number** in the order in which their completed application was received. The purpose of the Application Number is simply to keep all household's names unknown when the Application Numbers are drawn at the lottery.

Households that are deemed ineligible by the Lottery Agent will be notified by mail (or by email if an email address is provided).

Entrance into the Lottery does not guarantee that a household is eligible for an affordable apartment. Please read all of the following steps for further details on the review process.

Q: What happens if I don't submit all necessary documentation or fail to correctly complete my Affordable Housing Program Application?

A: Households that submit incomplete documentation will be mailed a notice detailing the additional documentation that is needed to make their application complete. Their application will remain in an "Incomplete Application Pool" until all requested materials have been received. Households with applications in the Incomplete Application Pool will not be entered into the Lottery. Households not entered into the lottery may be added to the Waiting Lists (created the night of the lottery) by completing a Waiting List Application at the Leasing Office after the lottery date

Step 1b: The Lottery

The Lottery will be held on April 27, 2023 at 6:00pm via Zoom. Go to zoom.com/join or call (646) 558-8656 and enter Meeting ID: 857 2736 5609, Passcode: 276410. Households do not need to be present for the Lottery drawings. All Households will be notified of the results by the Lottery Agent (*see Notification of Lottery Results in the following pages*).

There will be one lottery with two Drawings*, a Local Preference Drawing and an Open Drawing. For Local Preference households, Application Numbers are placed in both Drawings. For all other households, Application Numbers are placed only in the Open Drawing.

*A third minority Drawing will be required to add non-local preference minority households into the local preference drawing if the minority representation in the local preference pool is not 33.4% or higher. Please see the bottom of page 17 for those details.

The Application Numbers of households who qualify for disabled-accessible apartments will be added in with the other Application Numbers in the Open Drawing and (when applicable) the Local Preference Drawing.

For the Lottery, a representative from SEB Housing will pull Application Numbers from a box. The Application Numbers are selected randomly and placed in the order drawn on the Lottery Result List.

The order drawn does not necessarily reflect the order that households will get to select apartments as Application Numbers of smaller households are mixed in with Application Numbers of appropriately sized households.

Regardless of the order drawn, all households of appropriate size for each apartment size will be given the opportunity to lease an apartment before any smaller household.

For example: A one-person household is the first household drawn in the Lottery. They will be given the first opportunity to lease a one-bedroom apartment. However, if they wish to lease a two-bedroom apartment, they will have to wait until all appropriately sized households (including those drawn after them in the Lottery) are given the opportunity to lease a two-bedroom apartment.

To help clarify the actual order that applicants will be given the opportunity to lease apartments, Waiting Lists will be created from the Lottery Results Lists (*see next step*).

Step 1c: The Waiting Lists

The Waiting Lists will be compiled immediately after the lottery. The separate Waiting Lists created from the two Lottery Drawing Results Lists illustrate the order households will get to choose units based on unit size, local preference, and need for a disabled-accessible unit. The position each household has on the Waiting Lists is determined by the order in which their Application Number is drawn relative to households of similar qualifications (i.e. local preference households will be given priority for some units, and households in need of the special features of a disabled accessible unit will get priority for that unit)

Waiting List for One (1) 3BR apartment (Local Preference)

Top Tier: All Type III Local Preference Households

Second Tier: All Type III Non-Local Preference Households

Third Tier: All Type II Local Preference Households

Fourth Tier: All Type II Non-Local Preference Households

Fifth Tier: All Type I Local Preference Households

Bottom Tier: All Type I Non-Local Preference Households

Waiting List for Five (5) 2BR apartments (Local Preference)

Top Tier: All Type II and III Local Preference Households

Second Tier: All Type II and III Non-Local Preference Households

Third Tier: All Type I Local Preference Households

Bottom Tier: All Type I Non-Local Preference Households

Waiting List for Ten (10) 1BR apartments (Local Preference)

Top Tier: All Local Preference Households

Bottom Tier: All Non-Local Preference Households

Waiting List for Two (2) 1BR apartments

All Households (with no priority between household types)

Waiting List for Two (2) Studio apartments

All Households (with no priority between household types)

Waiting List for One (1) 3BR Disabled Accessible (DA) Unit

Top Tier: All Type III Households requiring the features of the DA unit

Second Tier: All Type II Households requiring the features of the DA unit

Bottom Tier: All Type I Households requiring the features of the DA unit

Waiting List for Two (2) 2BR Disabled Accessible (DA) apartments

Top Tier: All Type II and III Households requiring the features of the DA unit

Bottom Tier: All Type I Households requiring the features of the DA unit

Waiting List for One (1) 1BR Disabled Accessible (DA) apartment

Top Tier: All Households requiring the features of the DA unit (with no priority between household types)

**Please see the last Q&A on page 17 that details how certain non-Local Preference households may be able to qualify for local preference.*

Step 2a: Notification of Lottery Results and Lease Application Invitation

The Lottery Results establish the Waiting Lists. Every household with an Application Number will have a position on at least one Waiting List. Households that qualify for every drawing will have a position on every Waiting List.

Leasing Offices typically need to screen 3 to 4 times as many applicants as there are units in order to find enough qualified tenants for their available affordable units. Therefore, from each Waiting List, approximately 3 to 4 times as many households as there are units available for that Waiting List will be invited to move immediately forward in the process of completing a Lease Application (see next step).

All households invited to move forward in the process must complete a lease application and a Unit Selection Preference Worksheet by the given deadline date (which will be approximately 7 days after the lottery date) or they will be removed from the Waiting List.

Households will be removed from the Waiting Lists if the Leasing Office deems that they are not eligible for a lease based on their Lease Application, if a household fails to meet future deadlines for documentation submittal and lease signing, or if a household notifies the Leasing Office that they are no longer interested in leasing an apartment.

No fees will be charged for processing the Lease Applications for the affordable units.

As more households will be required to complete the Leasing Office Review than units available, some households may complete the Leasing Office Review and will not be given the chance to reserve one of the affordable units. The property will also notify these households that they are not currently being offered a unit but will remain on the Waiting Lists.

Households who have been invited to complete a Lease Application based on their positions on a list for a Disabled-Accessible unit and a regular unit must likewise rank both the disabled-accessible units and regular units in order of preference.

Households with positions lower on the Waiting Lists will have to wait for the removal of households with a higher position than them before being given an opportunity to lease an apartment. If more households are needed to reserve all units, households will be notified at least 4 days in advance of the date they must go to the Leasing Office for lease screening. Failure to complete a Lease Application by the given date will result in the removal of their Application Number from the Waiting List.

Step 2b: Leasing Office Review and Unit Selection

The Lease Application review will be the same review that households for market-rate apartments undergo, where factors such as Employment history, Credit score/reports, Former lease history, Criminal Background Screening and sufficient income are considered.

After the deadline when all households must complete a Lease Application, the Leasing Office will use the Unit Selection Preference Worksheets and the Waiting Lists (as determined by the lottery) and match the top households for each unit type with their most preferred and available units. The top households will then be notified by the Leasing Office of the unit number and type they are being offered. **Households must sign a reservation form within 3 days of being notified by the Leasing Office of their unit match.**

Upon move-in, the resident pays their first month's rent.

Please note, a criminal background does not necessarily disqualify a household. Background checks will meet DHCD's Model Policy Regarding Applicant Screening on the Basis of Criminal Records. In any instance where policy and procedures in the Property Manager's Policy differ from the policy and procedures in the DHCD Model Policy, the policy and procedures of the DHCD Model Policy will be followed. The specifics of the Criminal Background Screening will be provided by the Leasing Office at this step.

Q: If I cannot qualify for a Lease based on my own income or credit history, can I have a co-signer on my Lease?

A: No. Only people who will live in the unit can sign the lease. Applying households must be able to meet the income qualifications on their own. If someone outside the household is going to help pay the rent, the amount to be paid must be listed as "Periodic Payments" on the Income Table in the Program Application. These payments will be counted towards the applying household's income. Guarantors will NOT be allowed.

Step 2c: File Update

**(applicable for applicants with move-in dates after
October 27, 2023 [6 months after the lottery date])**

Households with move-in dates prior to October 27, 2023 will skip this step.

As all income and asset documentation must be 60 days current from the date of request and approximately 6 months current at the time of move-in, households with move-in dates after October 27, 2023 will be required to re-submit income, asset and tax documentation to SEB Housing prior to move-in.

All households must maintain affordable housing eligibility until they move in!

Once a household has been approved by the Leasing Office, given a move-in date and put down their deposit, SEB Housing will contact them about preparing for this File Update. The File Update will be done approximately 60 days prior to their move-in date. Households failing to complete the File Update, or households who are found to be program ineligible at their move-in date, will not be allowed to move into their affordable apartment.

YEARLY ELIGIBILITY AND RENT REVIEW

After a household has moved in, and approximately 90 days before lease renewal, tenants of affordable apartments will need to submit updated income and asset documentation to the Leasing Office so they can ensure continued eligibility under the affordable housing guidelines. Tenants will not be able to renew Leases until all required documentation has been submitted. Records of taxes, pay-stubs, bank statements and asset statements should be maintained while living in the affordable apartment.

Q: How long can I lease my affordable apartment?

A: As a **current resident only**, you are considered income eligible for an affordable apartment as long as your household earns an income that does not exceed **140% of the current year's income limit** for a household of your size.

Using the Current Income Limits as an example:

Household Size	Current Income Limit for New Applicants (80% AMI Units)	Income Limit for Current Tenants (140% of Current Income Limit)
1	\$78,300	\$109,620
2	\$89,500	\$125,300
3	\$100,700	\$140,980
4	\$111,850	\$156,590
5	\$120,800	\$169,120
6	\$129,750	\$181,650

According to the table above for the years shown, if a household's income exceeds the Income Limit for Current Tenants at the time of their renewal, their apartment shall still remain affordable until the next available market rate apartment with the same or greater number of bedrooms is rented at an affordable price to an affordable program-qualified tenant, at which point the apartment of the tenant with earnings exceeding the Income Limit for Current Tenants will be rented at market rates. The household with earnings exceeding the Income Limit for Current Tenants can choose to stay in their apartment, yet would then have to pay the market rate rent.

Q: Will my rent increase each year, and if so, by how much?

A: Rents may increase a few percentage points if local Area Median Income increases or if the costs of utilities decrease. Relatedly, rents may decrease if the local Area Median income decreases or if the costs of utilities increases.

LOCAL PREFERENCE INFORMATION

Q: What is Local Preference?

A: The City of Marlborough has established a local preference for 70% of the affordable apartments. Local Preference will be given as described in the step-by-step process. An applicant qualifies for local preference if the applicant or a member of their household fit into one of the following categories:

- a current resident of Marlborough
- an employee of the City of Marlborough (including Marlborough Public Schools)
- an employee of a business located within the City of Marlborough
- A parent or guardian with children attending the Marlborough Public Schools

Q: Do households which meet all Local Preference criteria get priority over households which meet only one?

A: No. As long as a household meets any one of the Local Preference criteria, they will qualify for Local Preference.

Q: What if a household does not qualify for Local Preference?

A: Households without Local Preference will be entered into the Open Lottery and will be given positions on the Waiting Lists based on where they are drawn in the Open Lottery drawing. Non-Local Preference households will also be given positions on the Local Preference Waiting List to ensure that need of a unit sizes get appropriately addressed (see question above, and the Waiting Lists on page 12).

Q: Does Local Preference get priority over a household in need of a disable-accessible (DA) apartment?

A: No. The DA apartments will be made available to all households in need of a DA apartment regardless of household size and composition.

Adjustments in the Local Preference Pool

As stated by the Massachusetts Department of Housing and Community Development, "If the percentage of minorities in the local preference pool is less than the percentage of minorities in the surrounding HUD (U.S. Department of Housing and Urban Development) defined area, the following adjustments will be made to the local preference pool. The Developer will hold a preliminary lottery drawing comprised of all minority applicants who did not qualify for the local preference pool and rank the applicants in order of the drawing. Minority applicants should then be added to the local preference pool in order of their rankings until the percentage of minority applicants in the local preference pool is equal to the percentage of minorities in the surrounding HUD-defined area." The Percent Minority for the Metropolitan Statistical Area of Boston-Cambridge-Newton is 33.4%. This is the minimum percentage of minority applicants that must be in the local preference pool. Minority applicants are defined as a person who is a member of the following groups: Black or African American; Asian; Native American or Alaska Native; Native Hawaiian or Pacific Islander; or other (not White); and the ethnic classification Hispanic or Latino.

DISABLED-ACCESSIBLE UNIT INFORMATION

Q: Who qualifies for a disabled-accessible (DA) apartment?

A: According to *Mass Access: The Accessible Housing Registry*, "units that are barrier-free are accessible to people with disabilities that are wheelchair users, but could also be used by people of different types of disabilities. For example, a person of very short stature, a person with a brain injury or stroke, severe cardiac or respiratory problems, or a person with limited standing, walking, or reaching ability, may use the design features of a wheelchair accessible unit." Verification from a doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability may be requested.

Q: How are disabled-accessible apartments awarded?

A: There are specific Waiting Lists for the accessible units that will only be populated with households who need the features of the unit. The households with the top positions on those Waiting Lists will be given the first opportunity to lease the DA apartments.

Q: Can households that qualify for a DA apartment also apply for a non-DA apartment?

A: Yes. Households that qualify for a DA apartment will also have positions on the Waiting Lists for non-DA apartments depending on what unit size they are applying for. If they reach the top position on a Waiting List for a non-DA apartment before they reach the top position for a DA apartment, they will have to decide if they want to lease a non-DA apartment or wait until they have a top position on a Waiting List for a DA apartment.

Q: What happens if there are fewer disabled-accessible qualified applicants than disabled-accessible apartments at the time of the Lottery?

A: If there are not enough qualified applicants on the Waiting List for the DA apartment, the apartments will be made available to the top applicants on the Waiting List that have the same unit sizes (and, if applicable, local preference priority).

Q: Who is entitled to request a reasonable accommodation?

A: Persons with disabilities are entitled to request a reasonable accommodation in rules, policies, practices, or services, or to request a reasonable modification in the housing, when such accommodations or modifications may be necessary to afford persons with disabilities an equal opportunity to use and enjoy the housing. To request a reasonable accommodation, please email info@sebhousing.com or call 617-782-6900 x1 or postal mail SEB Housing, 257 Hillside Ave, Needham MA 02494