

CHERITON GROVE CORPORATION

CHERITON GROVE APARTMENTS

20 CHERITON ROAD

WEST ROXBURY, MA 02132

617-325-1913

TENANT SELECTION POLICY

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Tenant Selection Policy

Cheriton Grove Apartments is a HUD 202/Section 8 Development designed for the elderly and disabled. All applicants must be over 62 years of age or the head of household or spouse must be disabled. In addition, QHWRA requires that forty (40%) percent of turnover units must go to applicants whose income is at or below thirty (30%) of median. In order to facilitate this requirement, Cheriton Grove has added QHWRA to the waiting list format. Initial identification of income is made with the initial application and with annual updates thereafter. Eligibility for this requirement will be formally determined during the income-verification process.

Within those mandatory guidelines, Cheriton Grove Corporation strongly encourages diversification of its residential community through good faith affirmative fair marketing efforts. In the Tenant Selection process, Cheriton Grove Corporation does not discriminate on the basis of race, color, religion, sex, sexual orientation, national origin, ancestry, age, familial status or physical or mental disability.

This Tenant Selection Policy has been adopted to comply with the terms of applicable state and federal regulations and is subject to modification or amendment based on subsequent changes to those regulations.

1.0 RIGHT TO APPLY

No person may be refused the right to submit an application, unless the waiting list for that bedroom size and type being sought has been closed in accordance with the United States Department of Housing and Urban Development (HUD) Policies. Applications may be obtained by coming to the management office located at 20 Cheriton Road, West Roxbury, Massachusetts or, upon request, applications may be mailed to the prospective applicant.

2.0 APPLICATIONS

2.1 COMPLETION OF APPLICATIONS

All Applicants will be required to complete an application, in the form then approved for use by HUD and to disclose Social Security numbers of all household members over the age of six. No Applicant will be considered without a completed application, including any and all reasonable documentation requested by the Management Company and/or Cheriton Grove Corporation in connection with such application.

The application form used must include:

- a. all information necessary to determine if the Applicant is eligible for the subsidy program, if any, then in effect;
- b. an opportunity for the Applicant to state whether he/she needs and wants an accessible unit (one that meets the applicable Uniform Federal Accessibility Standards (UFAS), Americans with Disability Act Accessibility Guidelines (ADAAG), and Massachusetts Architectural Board (AAB) guidelines for a person who utilizes a wheelchair);
- c. notice of the right to request a reasonable accommodation of a disability;
- d. the Equal Opportunity Housing logo and slogan as well as the accessibility logo or slogan;
- e. the statement that "Cheriton Grove Corporation does not discriminate on the basis of race, color, religion, sex, sexual orientation, national origin, ancestry, age, familial status or physical or mental disability";
- f. opportunity for the Applicant to indicate if he/she believes they are eligible for any of the preferences required by state or federal statute. These preferences are:
 - i. involuntarily displaced;
 - ii. occupying substandard housing; and/or
 - iii. paying in excess of fifty (50%) percent of income for rent;
 as stated in the Code of Federal Regulations and further defined in the appropriate HUD Handbook.
- g. a notice that management will communicate with the Applicant in the manner or format requested by the Applicant if necessary because of a disability.

2.2 REQUEST FOR REASONABLE ACCOMMODATION

- a. Cheriton Grove Corporation is not permitted to inquire whether an Applicant has a disability. However, the Applicant has the right to request a reasonable accommodation based upon a mental or physical disability by completing a Request for Reasonable Accommodation Request on the form then in effect, together with all reasonable documentation required to support such request.
- b. The Applicant may request a reasonable accommodation, by way of a modification of existing rules, policies, practices, or services, when such accommodations may be necessary to afford a person with disabilities equal opportunity to use and enjoy a dwelling unit including public and common areas, so long as such modifications do not result in undue administrative and financial burdens to the Cheriton Grove Corporation or require a fundamental alteration in the nature of the program. As outlined in the HUD Handbook, Cheriton Grove Corporation may economize by considering all means of accommodating a request for accessibility without having to make structural changes.
- c. No request for reasonable accommodation will be considered until the Applicant has submitted all documentation reasonably requested by Cheriton Grove Corporation and/or the Management Company in connection with such request.

2.3 NOTIFICATION

Upon receipt of an application by Management, it is date and time stamped, and preliminarily reviewed to determine eligibility in accordance with Section 2.5 outlined below. Once initial eligibility is determined, the application will then be entered into the computer and within a reasonable time, a letter is sent to the Applicant informing them of the waiting list that they have been placed upon, the number that they are on the list and notifying them of their responsibility to report changes in address, phone number, household income and/or household composition.

2.4 PREFERENCES

Applicants will be assigned a preference status in accordance with the requirements of the HUD Handbook (4350.3) and are required to cooperate with the efforts of the Management Company to obtain verification of such preferences. All preferences will be assigned equal weight. Cheriton Grove Corporation follows the federal guidelines for the assignment of such preferences, which are currently as follows:

STATUTORY PREFERENCES

- Preference 1:* Elderly/Disabled with Priority
- Preference 2:* Elderly/Disabled without Priority
- Preference 3:* Non-Elderly/Disabled with Priority
- Preference 4:* Non-Elderly/ Disabled without Priority

a. Involuntarily Displaced

- i.** Applicant has been required to move from current housing due to a natural disaster (fire, flood, etc.) within the past two (2) years and has not yet found permanent replacement housing; and/or
- ii.** Applicant has been displaced due to government action or action of a private landlord beyond the Applicants' control and has not yet found permanent replacement housing (this priority does not apply if the Applicant has been evicted by the landlord because the rent was not paid or because the lease was violated or Applicant moved due to the fact that the landlord raised the rent); and/or
- iii.** Applicant has been informed that they will be required to move within the next six (6) months due to government action or action of a private landlord beyond the Applicants' control (this priority does not apply if the Applicant is being evicted due to a violation of the lease or rental agreement or due to an increase in the rent); and/or
- iv.** Applicant is residing in a household where actual or threatened physical violence from another household member occurs; and/or
- v.** Applicant has been displaced to avoid reprisals for cooperating with law enforcement officials; and/or
- vi.** Applicant has been a victim of hate crimes based upon race, color, religion, natural origin, disability and/or familial status; and/or

vii. Applicant has been displaced because of a disability which makes critical elements of current unit inaccessible; and/or,

viii. Applicant has been displaced due to disposition by the United States Department of Housing and Urban Development of a multi-family property; and/or,

b. Substandard Housing

i. Applicant is living in substandard condition by virtue of dilapidation or various specific design or construction shortcomings or flaws, which may include the following:

- No indoor plumbing/no usable toilet/no usable tub or shower
- No electrical service or no safe electrical service;
- Unsafe or inadequate heating;
- No kitchen;
- Housing is dilapidated or unsafe;
- Housing is a shelter for the homeless or other place not ordinarily used for and/or designed for sleeping; and/or,

c. Rent Burden

i. Applicant pays fifty (50%) percent or more of their gross annual income for rent and utilities for longer than the past ninety (90) days.

2.5 PRELIMINARY VERIFICATION FOR ELIGIBILITY

In connection with the application, Applicants will be required to provide information regarding household income and household composition and other factors that are used to determine eligibility.

a. Household Income

Income eligibility is determined in accordance with Federal income limits for the Boston metropolitan geographical area in which the development is located, as established by the United States Department of Housing and Urban Development.

b. Citizenship

Assistance in this housing is restricted to United States citizens or nationals; and non-citizens who have eligible immigration status at the time of application. All family members, regardless of age, must declare their citizenship or immigration status, which information must be verified by the management company with the Department of Homeland Security. Eligibility is determined in accordance with definitions set forth in the applicable federal regulation.

c. Social Security Numbers

Applicants must disclose Social Security Numbers for all family members at least six (6) years of age and older, by providing a valid Social Security card Issued by the Social Security Administration or an alternative acceptable to the United States Department of Housing and Urban Development, or, if no Social Security Number has been assigned, the member must complete a certification that no Social Security Number has been assigned.

d. Household Composition and Unit Size

i. On the basis of the information submitted by the Applicant in the application, Management will determine the appropriate size unit, in accordance with the standards contained in the HUD Handbook. No more than two (2) persons, regardless of age, shall be allowed to occupy a bedroom in a dwelling unit.

ii. Acceptance of a unit at maximum occupancy does not give the resident the right to claim overcrowded conditions and request a transfer to a larger unit, unless the family size has changed.

iii. The following is a table of maximum and minimum number of persons per unit that will govern the number of bedrooms required to accommodate a family of a given size or composition.

Number of Bedrooms By Type	Minimum Number of Persons	Maximum Number of Persons
Studio (15)	1	2

One Bedroom (45)	1	2

Applicants may request that the standards adopted by Cheriton Grove Corporation be waived, so long as such request does not conflict with applicable local, State or Federal regulation and the Applicant has submitted the requested documentation to support a request for a reasonable accommodation.

e. A preliminary review of credit, criminal and landlord history, and any other eligibility requirements from HUD, the Cheriton Grove Corporation or other regulatory agency having oversight responsibility, will be conducted to determine initial eligibility, and may be reviewed again at the time that an apartment is offered, if more than 90 days has elapsed from the time the initial review was conducted.

3.0 WAITING LIST POLICY

3.1 GENERAL WAITING LIST MAINTENANCE

a. Developing a Waiting List

The management office keeps two (2) waiting lists for units that may become available for occupancy, which are updated on a periodic basis: external and internal. Within each waiting list, the Applicants or Residents are also divided according to the unit size requested. Each Applicant or Resident must be placed on only one of these two (2) waiting lists, chronologically according to the date that the completed application is received by the management office (within the preference categories, only if applicable) and will be placed only once on that list. All other Applicants shall be placed on the waiting list based upon the date the completed application is received by the management office.

b. *Waiting List Maintenance*

The format for waiting list maintenance is at the discretion of Cheriton Grove Corporation and/or its managing agent. An acceptable format must be developed that allows for the effective tracking of an Applicant from initial application to occupancy or purge. Confidential information must be adequately secured to ensure the privacy of all Applicants. All applications, including those rejected or withdrawn, must be retained by the management office for a period of at least three (3) years from the date of removal from the waiting list.

c. *Annual Waiting List Update*

The waiting list for this development shall be updated every twelve (12) months. Each Applicant shall be notified in writing, or in the manner or format requested by Applicants with disabilities, of any change to their position on the waiting list. The Applicant will be sent a form which will allow him/her the opportunity to indicate their interest in remaining on the waiting list and to update pertinent information. Such information may include Applicant's current address, telephone number, household income and composition and required bedroom size. The Applicant shall be allowed thirty (30) days from the date of the letter in which to respond and shall be notified that failure to respond will result in the application being removed from the waiting list. Management shall consider reasonable accommodation and/or mitigating circumstances with respect to an Applicant's failure to respond to the annual waiting list update as specified in the applicable HUD Handbook.

d. *Closing and Re-Opening Waiting Lists*

i. The waiting list may be closed for a specific unit size or type if the projected turnover rate indicates that an Applicant would be unable to obtain a unit within one (1) year of the date of determination. In order to close the list, HUD must receive written notification and Cheriton Grove Corporation/Management Company shall post a notice at the development which indicates (a) the date that list will be closing and (b) the HUD telephone and TDD number for verification.

ii. When an appropriate Applicant pool is no longer available due to the closure of the waiting list, the list shall be re-opened. HUD must receive written notification, and public notice shall be placed in area publications. Cheriton Grove Corporation shall ensure that interested persons, including persons with disabilities, receive information regarding the re-opening of the waiting list.

3.2 INCOME TARGETING RULE

a. Cheriton Grove Corporation is required to ensure that, during a fiscal year, at least forty (40%) percent of the units that become available, together with initial certifications of in-place tenants, serve extremely low income families. If Cheriton Grove Corporation has been unable to achieve the forty (40%) percent target for admissions and initial recertification's, despite actively marketing available units to extremely low income families, Cheriton Grove is permitted to rent to other eligible families after a reasonable marketing period has expired.

b. In order to achieve compliance with the Income Targeting Requirement, Cheriton Grove Corporation will alternate between the first extremely low income applicant on the waiting list and the applicant on the top of the waiting list. Cheriton Grove Corporation will select the first extremely low income applicant on the waiting list (which may mean “skipping over” some applicants with higher income) for the available unit and then select the next eligible applicant at the top of the waiting list (regardless of income level) for the next available unit. As subsequent units become available, tenant selection continues to alternate in this manner.

3.3 INTERNAL WAITING LIST

Any current Resident, who is in compliance with the terms of his/her Occupancy Agreement and/or Rules and Regulations then in effect, may request, in writing on the current Movement Request Form, to be placed upon the internal waiting list, based upon the criteria indicated within the Cheriton Grove Corporation Tenant Movement Policy, current version. This list is prioritized by date of receipt of request, including receipt of any documentation requested in connection with a reasonable accommodation request, and need.

3.4 EXTERNAL WAITING LIST

Each Applicant must be placed on the external waiting list chronologically according to the date that the completed application is received by the management office (within the preference categories, only if applicable) and shall be listed only once on that list. All other Applicants shall be placed on the waiting list based upon the date the completed application is received by the management office.

3.5 RESIDUAL RESIDENCY POLICY

In certain limited circumstances, a remaining adult member of a resident's family and/or household may apply to become the main occupant under the Lease Agreement based upon the fact that the current resident plans to vacate the unit or the resident, through death or disability, no longer resides in the unit. This policy is set forth in Exhibit A attached hereto and incorporated herein by this reference.

4.0 NOTIFICATION OF POSSIBLE RESIDENCY

4.1 NOTIFICATION TO APPLICANT

a. When a unit becomes available, the management office will check the internal waiting list to confirm whether a current Resident is waiting for that size unit. If so, then a letter shall be sent to the next Resident appearing on the internal waiting list, informing the Resident of the availability of the unit and the date that this unit may become available. If the Resident is required to move, based upon household composition or household income, and declines the transfer, s/he will be required to pay the market rate rent for the current unit, effective thirty (30) days from the required response date in the notification letter. The Resident must respond to this notification on or before two (2) business days of receipt of notification. If the Resident accepts the transfer, s/he will be required to move into the transfer unit on or before the date designated by the Management, following the mandatory inspection of both the current and transfer units. If the Resident declines the unit, the Resident will be removed from the internal waiting list.

b. If the Management determines that there is no current eligible Resident on the internal waiting list, it will send written notification to the top five (5) Applicants on the appropriate external waiting list, requesting that the Applicants respond by a date specified in that notification. Such notification shall be given in accordance with their priority on the waiting list. Applicants who decline an offer of a unit shall be removed from the external waiting list.

4.2. VERIFICATION OF INFORMATION

For each Applicant that responds, s/he will be required to complete a release, allowing the management office to obtain verification of household income, household composition, credit history, landlord information, the existence of a prior criminal record and residential history, during an initial interview at the management office. The information that may be requested by the management office includes:

- a.** Verification from any person(s) from whom the Applicant rented a dwelling unit within the last five (5) calendar years regarding rental payment history, relationship with other residents and/or management staff, maintenance of unit, common areas and/or development grounds, as well as compliance with the terms of tenancy; (if the Applicant is unable to provide an appropriate rental history, three (3) character references from professional organizations must be submitted.)
- b.** Verification regarding past credit history of the Applicant or any prospective occupants of the unit. In the event that the Applicant is unable to provide an established credit history, Applicant may be required to provide verification of payment history with a major creditor, which may include utility companies or financial institutions;
- c.** Persons that may be contacted to provide references for the Applicant or any prospective occupants of the unit;
- d.** Verification of income by a present or past employer, agency or financial institution providing funds to the Applicant or other party as permitted by the HUD Handbook;
- e.** Verification of any preference by the appropriate agency or institution; and/or
- f.** Verification of past criminal and eviction history.

The management office will then mail the verification forms and/or request that an outside agency obtain credit history, prior criminal history and/or residential history on or about seven (7) to ten (10) days after the Applicant completes such release.

For each Applicant requesting a reasonable accommodation, he/she will be required to complete the request form and to submit written documentation to substantiate the need for a reasonable accommodation, including the connection or nexus between the condition and the modification requested. The existence of physical or medical disability must be verified in writing by a medical provider and Cheriton Grove Corporation may request, where appropriate, this medical provider to verify the need for an additional bedroom. Additionally, in order to verify this information, the Management Company may also review any charts, records or other information, which is available to the general public.

In addition to the verifications obtained by the management office, a representative of the management office may inspect the unit currently occupied by the Applicant at an agreed upon date and time.

4.3. SCREENING BY MANAGEMENT

a. Once all requested verifications are received by the management office, the management office will then meet with the Applicant and all prospective occupants of the unit to discuss issues relating to the application and prospective occupancy, including, without limitation, policies and procedures regarding the operation of the cooperative and the responsibilities of residents.

b. The Management Company will then decide whether to approve or reject the application. If rejected, a denial letter will be sent to the Applicant explaining the reason for denial, as set forth in Subsection 4.5 below. If the application is accepted, then the Applicant will be sent an acceptance letter in accordance with Subsection 4.4 below.

4.4 DELIVERY AND REVIEW OF DOCUMENTS

a. If the Applicant is approved by the Management Company, the management office will send written notification to the Applicant, requesting that the Applicant come to the management office to establish a move-in date as well as to review and sign any and all documentation in connection with the creation of the residency.

b. The Applicant will be required to sign any and all documentation in connection with the creation of the residency, to pay the first month rent and to inspect the unit prior to move-in. The management office will provide copies of such documentation, once it is fully executed by Cheriton Grove Corporation or its agent, to the Applicant.

4.5 NOTIFICATION OF REJECTION

Cheriton Grove Corporation shall notify in writing all Applicants whose applications have been rejected under the standards set forth in Section 5 below. Any such notification shall contain a notice to all rejected Applicants of the right to request reasonable accommodations, including consideration of mitigating circumstances relevant to the reason for rejection and their right to a conference as set forth in Section 6 below.

5.0 STANDARDS FOR REJECTION

5.1 REASONS FOR DISQUALIFICATION

An Applicant and the Applicant household shall be disqualified for housing financed by HUD, for any of the following reasons:

a. The Applicant or household member has disturbed a neighbor or neighbors in a prior residence by behavior, which if repeated by a tenant in federal or state financed housing, would substantially interfere with the rights of other tenants to peaceful enjoyment of their units.

- b.** The Applicant or household member has caused damage or destruction of property at a prior residence, and such damage or destruction of property, if repeated by a tenant in federal or state financed housing, would have a material adverse effect on the housing development or any unit in such development.
- c.** The Applicant or a household member has displayed living habits or poor housekeeping at a prior residence, and such living habits or poor housekeeping, if repeated by a tenant in federal or state financed housing, would pose a substantial threat to the health or safety of the tenant or other tenants or would adversely affect the decent, safe and sanitary condition of all or part of the housing development.
- d.** The Applicant or household member in the past has engaged in criminal activity, or activity in violation of G.L. c. 151B.4, which if repeated by a tenant in federally financed housing, would interfere with or threaten the rights of other tenants to be secure in their persons or in their property or with the rights of other tenants to the peaceful enjoyment of their units and the common areas of the housing development.
- e.** The Applicant or any household member who will be assuming part of the rent obligation has a history of non-payment of rent and such non-payment, if repeated, would cause monetary loss; provided however, that if the Applicant or household member paid at least 50% of his/her household's monthly income for rent each month during tenancy but was unable to pay the full rent, an eviction for non-payment of the balance shall not disqualify such individual from housing pursuant to this paragraph.
- f.** The Applicant or a household member has a history of failure to meet material lease terms or the equivalent at one or more prior residences, and such failure if repeated by a tenant of federally financed housing, would be detrimental to the housing development or to the health, safety security or peaceful enjoyment of other tenants.
- g.** The Applicant has failed to provide information reasonably necessary for the housing provider to process the Applicant's application.
- h.** The Applicant has misrepresented or falsified any information required to be submitted as part of the Applicant's application, and the Applicant fails to establish that the misrepresentation or falsification was unintentional.
- i.** The Applicant does not intend to occupy the housing, if offered, as his/her primary residence.
- j.** The Applicant or household member is a current illegal user of one or more controlled substances as defined in G.L. c. 94C.1. A person's illegal use of a controlled substance within the preceding twelve (12) months shall create a presumption that such person is a current illegal user of a controlled substance, but the presumption may be overcome by a convincing showing that the person has permanently ceased all illegal use of controlled substances. This disqualification of current illegal users of controlled substances shall not apply to Applicants for housing provided through a treatment program for illegal users of controlled substances.

- k.** There is a reasonable risk that the Applicant may be unwilling or unable to pay the rent charges as agreed.
- l.** Any household member has been evicted from federally assisted housing for drug related criminal activity, for the period of three (3) years from the date of eviction, although Management may admit the household if either the evicted household member has successfully completed an approved supervised drug rehabilitation program or the circumstances leading to the eviction no longer exists, i.e., the criminal household member has died or is in prison.
- m.** Any household member is subject to a lifetime registration requirement under a state sex offender registration program.
- n.** Cheriton Grove Corporation or Management Company determines that there is reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- o.** Any household member is currently engaging in or has engaged in drug related criminal activity during a reasonable time before the admission decision.
- p.** A household member is currently engaging in or has engaged in violent criminal activity, which is defined as criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage during a reasonable time before the admission decision.
- q.** A household member is currently engaging in or has engaged in other criminal activity which would threaten the health, safety or right to peaceful enjoyment of the premises by other residents during a reasonable time before the admission decision.
- r.** A household member is currently engaging in or has engaged in other criminal activity that would threaten the health or safety of Cheriton Grove Corporation, Management Company, or any employee, contractor, subcontractor or agent of Cheriton Grove Corporation during a reasonable time before the admission decision.
- s.** Applicant does not meet the eligibility guidelines for housing for the Section 202 program (i.e., the applicant(s) is/are not 62 years of age or older and/or the head of household or spouse is not disabled or the applicant does not meet the income eligibility guidelines).

5.2 MITIGATING CIRCUMSTANCES

Prior to disqualifying an Applicant pursuant to Paragraph 5.1 (a) through (s) above, the Management will permit the Applicant to show whether there are mitigating circumstances, which may include a showing of rehabilitation efforts, sufficient so that when the potentially disqualifying behavior is weighed against the mitigating circumstances, the Management is reasonably certain that the Applicant will not engage in any similar conduct in the future. Cheriton Grove Corporation or Management Company, in determining whether or not to deny housing based upon illegal use of drugs or abuse of alcohol, may consider whether or not the household member who has been or was engaged in such behavior is participating in or has completed a supervised drug or alcohol rehabilitation program and

may require that the applicant or resident provide evidence of current participation or successful completion of that program. Cheriton Grove Corporation or Management Company may require, as a condition of occupancy, that the prospective applicant exclude the household member from housing. In making this determination, the Management shall consider all relevant circumstances including:

- a. the severity of the potentially disqualifying conduct and/or the seriousness of the offending action;
- b. the amount of time which has elapsed since the occurrence of such conduct;
- c. the degree of danger, if any, to the health, safety and security of others or to the security of the property of others or to the physical conditions of the development and its common areas if the conduct were to recur;
- d. the disruption and inconvenience which a recurrence would cause to Cheriton Grove Apartment;
- e. the likelihood that the Applicant's behavior in the future will substantially improve;
- f. the effect on the community of denial or the failure of the responsible entity to take such action;
- g. the extent of participation by the leaseholder in the offending action;
- h. the effect of denial of admission on household members not involved in the offending activity;
- i. the demand for assisted housing by families who will adhere to lease responsibilities;
- j. the extent to which the Applicant has personal responsibility and/or has taken reasonable steps to prevent or mitigate the offending action;
- k. the effect of Cheriton Grove Corporation or Management Company's action on the integrity of its program.

The greater the degree of danger, if any, to the health, safety and security of others or to the security of property of others or the physical condition of the housing development, the Applicant must make a greater showing that a recurrence of behavior, which would have been disqualifying, will not occur in the future.

5.3 RENTAL/CREDIT HISTORY

Cheriton Grove Apartment's decision about an Applicant's ability or willingness to pay rent, must be based primarily on prior rental history. Credit references may be used along with rental history, or in lieu of rental history, if it is not available. Cheriton Grove Apartment does not deny Applicants solely on the basis of no credit history, in compliance with the requirements of the HUD Handbook (4350.3 Section 6 paragraph 2-25(c)).

5.4 CORI REPORTS

HUD authorizes the use of Criminal Record Information (CORI) reports as part of the tenant selection process. Access and use of CORI reports are subject to the provisions of 803 CMR 5.0 et seq.

6.0 REQUEST FOR MEETING BY REJECTED APPLICANT

The following procedure is to be made available to Applicants who are rejected, determined to be ineligible, or reclassified to a lower tenant-selection priority category.

6.1 THE TIME FOR REQUESTING A MEETING

Where the Management Company has given Applicant a written notice of rejection, ineligibility, or reclassification to a lower tenant selection priority category, Applicant has the right to respond to the owner in writing or to request a meeting within fourteen (14) days to dispute the rejection.

6.2 THE APPLICANT'S REQUEST

The Applicant's written request must be mailed or personally presented to the management office within fourteen (14) days after the notice of rejection is received by the Applicant. The Management Company will then set up a meeting with a person from the management staff other than the one who was involved with the initial decision to deny admission or assistance.

6.3 SETTING UP THE MEETING

The Management Company will contact Applicant and establish a mutually convenient date and place to hold the conference.

6.4 THE DECISION OF THE MANAGEMENT STAFF CONDUCTING MEETING

At the meeting, the Management staff person listens to the information provided by Management Company and the Applicant. The Management must advise the Applicant in writing of the final decision on eligibility within five (5) business days of the meeting to the Applicant.

EXHIBIT A

CHERITON GROVE CORPORATION CHERITON GROVE APARTMENTS 20 CHERITON ROAD WEST ROXBURY, MA 02132

RESIDUAL RESIDENCY PROCEDURE MANUAL

This manual describes the process by which a remaining adult member of a resident's family and/or household may apply to become the head of household under the Lease Agreement based upon the fact that the current resident plans to vacate the unit or the resident, through death or disability, no longer resides in the unit. This fact may be discovered during the annual recertification process, eviction proceedings, or through reports of neighbors, management personnel or the vacating resident. It is not always easy to determine the remaining occupant's "status". An occupant's status controls what rights (s)he has to remain in the unit, and what procedures the Management Company and Cheriton Grove Corporation must use to evict him or her.

A1. STATUS OF PERSONS OCCUPYING HOUSING AT CHERITON GROVE CORPORATION

Cheriton Grove Apartment's residents are those **Applicants** found eligible for housing who have signed an Occupancy Agreement then in effect with Cheriton Grove Corporation. A **residual occupant** is a member of a resident household who remains in the unit after the resident has vacated, and who is found to be eligible to become a resident in Cheriton Grove Apartments.

Remaining members of resident households must be distinguished from trespassers and guests.

a. Trespassers are individuals who have **no** permission to be on Cheriton Grove Apartment property, either from a resident or Cheriton Grove Corporation personnel or their duly authorized representative, including persons whose permission to enter has been revoked, either explicitly or impliedly, by the actions of the resident or the management company.

b. Guests are persons who are invited on to Cheriton Grove Apartment property by a resident, with or without Cheriton Grove Corporation permission, subject to the limitations contained in the Occupancy Agreement signed by the resident and the Rules and Regulations adopted by Cheriton Grove Corporation.

A2. RIGHTS OF TRESPASSERS, GUESTS, AND REMAINING MEMBERS OF RESIDENT HOUSEHOLDS

a. After being warned to leave the premises, trespassers may be evicted by constable or police without obtaining court approval or Cheriton Grove Apartment may elect to bring a court proceeding to oust these individuals. Guests, or persons on the premises with the resident's permission, may only be evicted through court action. However, guests are not entitled to a conference or hearing and no "cause" is needed to evict them.

b. Remaining members of resident households are entitled to apply to become residual residents, and if they are found to be ineligible, they have a right to a conference hearing, if so provided or required, pursuant to the regulations promulgated by the Massachusetts Housing Finance Agency.

A3. MAKING THE DETERMINATION OF STATUS

a. In order to determine whether a person is a remaining member of a resident household, and thus eligible to apply for residual tenancy, the Management Company must determine whether the person in the unit resided with the former resident as a household member prior to the time the former resident left the unit. The easiest way to determine this is to find out whether the occupant is listed on the former resident's most recent recertification as part of the family composition. If the occupant is listed, he or she is eligible to apply. In this case, the Management Company should follow the Residual Tenancy Procedure set forth below.

b. If there is any doubt as to the occupant's status after the initial investigation, (s)he should be allowed to apply for residual residency. This does not mean that the occupant will automatically become a residual resident. (S)he will not be allowed to remain indefinitely in the unit (s)he is currently occupying if it is inappropriate. The only benefit of residual residency is that the residual resident remains housed during the application process, and (s)he does not go onto a waiting list once found eligible, unless the size of the household composition or the family income makes him or her ineligible for the unit in which they are residing.

c. If the Management Company determines that an occupant is not an eligible residual resident, the matter will be given to Cheriton Grove Apartment's attorney for the appropriate legal proceedings.

A4. RESIDUAL TENANCY PROCEDURES

Once the Management Company has determined that an occupant, who is also eligible under the Section 202 program, may be a remaining member of a resident household and should be allowed to apply for residual tenancy, the Management Company should follow the following procedures.

a. Send the occupant a notice requesting a conference. If the occupant's name is unknown, the notice should be addressed to 'Occupant.' The notice should be delivered directly to the unit, with a copy sent by first class mail. See Form RT A.

b. If the occupant does not respond, a Notice to Quit will be sent, based upon a violation of the Occupancy Agreement, addressed to the resident. See Form RT B.

- c.** If the occupant attends the conference, he or she must complete the application for residency, including releases authorizing verification of income, credit history, prior rental history, existence of a prior criminal history and such other documents as requested by the Management Company as provided for any person applying for housing at Cheriton Grove Apartment. In addition, the occupant will be required to sign the Use and Occupancy Agreement attached.
- d.** If the occupant is found eligible to become a residual resident and his or her application approved by the Board of Directors, then the Management Company and the occupant will be notified that (s)he must sign a Occupancy Agreement and such other documents then in effect as are required by the Management Company for the unit (s)he is occupying. In addition, if the unit is of an inappropriate size, then the occupant will be placed on the internal waiting list maintained for that size and type of unit.
- e.** If the occupant is deemed to be ineligible to become a residual resident, then (s)he shall be notified of such denial in writing, including the reason for the refusal and a statement of his or her rights, if applicable, to request a conference according to the regulations promulgated by the Massachusetts Housing Finance Agency. The occupant will be required to vacate the premises on or before thirty (30) days from the date of receipt of either the notice of denial or the decision of the conference officer from the Massachusetts Housing Finance Agency upholding the decision of the Management Company.
- f.** The occupant, during the application process and any conference proceedings thereafter, shall be required to pay use and occupancy charges for as long as he or she occupies the unit and shall be bound to abide by the terms of the Use and Occupancy Agreement, a copy of which is attached hereto and incorporated herein.

RESIDUAL RESIDENCY POLICY

The Residual Residency Policy is designed to assure that the rights of the remaining members of a resident household, who qualify as eligible residents, are protected. The policy also sets forth the procedures to be followed by the Management Company and the occupant(s) who wish to become a resident, when the person who originally signed the Occupancy Agreement is no longer present in the home. All remaining members of the immediate family, as defined in the corporation's Articles of Organization, may apply to become residual residents, unless extenuating circumstances exist, they will only be found eligible if they meet the following criteria.

A5. WHO IS ELIGIBLE

In order to be eligible to assume that status of resident under this policy, the individual requesting Resident status must meet one of the following requirements:

- a.** An adult who has been recorded as part of the family composition for not less than two years and whose income has also been recorded and considered in the rent computations during this period of time, unless they were without declarable income or a full-time student, and who is otherwise eligible for residency under the Section 202 program;
- b.** In the event that the occupant family consists only of minor children, an appropriate adult, who is otherwise eligible for residency under the Section 202 program who is willing to assume guardianship and has been appointed as such by a court of competent jurisdiction; or
- c.** In the event that the occupant is an incapacitated adult who is unable to fulfill the responsibilities of a Cheriton Grove Apartment resident, an appropriate adult, who is otherwise eligible for residency under the Section 202 program, willing to assume legal guardianship or conservatorship and has been appointed as such by a court of competent jurisdiction.

In addition to meeting one of the criteria above, the Applicant Company must also meet the eligibility requirements for Applicants as set forth in the Tenant Selection Plan.

A6. HOW TO APPLY TO BECOME A RESIDENT UNDER THIS POLICY

STEPS

- a.** The residual occupant must meet with the Management Company, in the case of a proposed voluntary vacancy on the part of the current resident, at least sixty (60) days prior to the proposed vacancy, or in the case of the death or incapacity of the current resident, no later than fifteen (15) days after the departure of the resident. At the meeting, the Residual Residency Policy will be explained to the occupant, and the occupant will be asked to complete an application, which will contain an acknowledgment by the Applicant that during the application, he/she will be required to abide by the terms of the Occupancy Agreement.
- b.** The occupant must complete an Application, together with reoccupancys to allow the Management Company to verify credit, criminal record, rental history, income and other information.

c. After the occupant has completed and signed the documents listed above and has filled out an application, the Management Company will then obtain the necessary information for the evaluation of the application. If the occupant is found ineligible, he/she will also be notified of their right to a conference hearing, if applicable, under the rules and regulations promulgated by the Massachusetts Housing Finance Agency.

A7. IF DETERMINED ELIGIBLE

a. If the unit currently occupied is of appropriate size for the household composition and the appropriate type based upon the household income, the occupant will execute a Occupancy Agreement and such other documents as are required by the Management Company and Cheriton Grove Corporation; and,

b. If the unit currently occupied is not of appropriate size or type, the Management Company will place the residual resident on the internal waiting list for the appropriate type and size of unit and the occupant will at the same time initiate a transfer request for an apartment of the appropriate size. This transfer request will be processed as set forth in the Resident Selection Plan. If there is a need to adjust bedroom unit size, the residual resident will go on the appropriate list chronologically by the original date of the application by the former resident.

A8. IF DETERMINED INELIGIBLE

If applicable, the occupant will be granted a conference hearing if it is requested pursuant to the conference procedure attached hereto. If a conference is not requested, the Management Company will instruct the corporation's attorneys to send the occupant notice to vacate the premises.

RR FORM A

NOTICE TO RESIDUAL OCCUPANT

DOCUMENT IMPORTANTE. RESPECTO A PROCEDIENTES PARA DESALOJARLE

Date: _____ / _____ / _____

~ Certified Mail # _____

~ Hand delivered on _____

~ First class mail on _____

Dear _____:

It is our understanding that you are occupying the above apartment, which is subject to an Occupancy Agreement with a Cheriton Grove Apartment resident who no longer resides there. You are requested to attend a conference with representatives of Cheriton Grove Corporation and/or their duly authorized representative(s) to discuss your possible eligibility for continued occupancy. The conference will be at (time, date, and place): _____ AM/PM on _____ / _____ / _____ in _____. If this appointment is inconvenient, please immediately call the office at (617) 325-1913 to schedule a new appointment.

If Cheriton Grove Corporation and/or their duly authorized representative(s) determine that you are a remaining member of a resident family, you are entitled to apply to become a resident. Should your application be rejected and if it is applicable, you can request a hearing under the conference procedure established by Cheriton Grove Corporation to challenge the decision.

Because you are not a resident, you must take action in order to be eligible for continued occupancy. If you fail to respond, Cheriton Grove Corporation will commence an appropriate action in court.

Sincerely,

Cheriton Grove Corporation
by its Managing Agents,
The Community Builders, Inc.

R FORM B

NOTICE TO QUIT/NOTICE TO VACATE

DOCUMENTO IMPORTANTE. RESPECTO A PROCEDIENTES PARA DESALOJARLE

Date: _____ / _____ / _____

To: _____

You are hereby notified to quit and deliver up on or before _____ / _____ / _____ from your receipt of this notice the premises which you occupy, to wit:

Unit # _____ at 20 Cheriton Road, West Roxbury, Massachusetts, together with all the Owner's appurtenances thereto belonging.

If you fail to so vacate, Cheriton Grove Corporation will commence an appropriate action in court. You are hereby notified to produce this notice at any Court where this case may be heard.

Sincerely.

The Community Builders, Inc.
Managing agents for
Cheriton Grove Corporation
By it's Attorney

Catherine F. Downing, Esq.

cc: Cheriton Grove Corporation
The Community Builders, Inc.

USE AND OCCUPANCY AGREEMENT

In consideration for the continued use and occupancy of Unit # _____, located at 20 Cheriton Road, West Roxbury, Massachusetts, I the undersigned, agree to pay the amount of _____ (\$_____.00) dollars per month. This amount is based upon the rent amount for this unit under the previous Occupancy Agreement. I understand and agree to the fact that payment of this amount for use and occupancy does not in any way invest in me any property rights, legal or otherwise, nor does this payment create a legal tenancy.

I further understand and agree that if and when I have been accepted as a resident under an Occupancy Agreement and my share of the rent has been determined, Cheriton Grove Corporation will credit my account the difference between the use and occupancy charge (noted above) and my newly established monthly rental amount, if any. In addition to the payment of use and occupancy, I agree to abide by the terms of the former Occupancy Agreement, signed by the authorized resident. The acceptance of such monies, the completion of any documents in connection with my application for residual residency and/or the reference to the former "Occupancy Agreement" shall not be deemed to create a tenancy with me, nor shall it operate to waive the rights of Cheriton Grove Corporation, unless otherwise agreed to in writing, signed by Cheriton Grove Corporation or their authorized management agent.

The Community Builders, Inc.

Occupant

_____/_____/_____
Date

_____/_____/_____
Date

If Spanish speaking:

Yo certifico que yo he leído o me ha sido traducido todo acerca esta declaración y yo entiendo y apruebo todos estos puntos.

The Community Builders, Inc.

Occupant

_____/_____/_____
Date

_____/_____/_____
Date