Mayor's Office of Housing and Community Development

Housing Preferences and Lottery Procedures Manual

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1. Introduction

This manual outlines the operation and procedures of several City Affordable Housing preference programs. Its purpose is to provide City staff, Project Sponsors and potential City housing residents with an understanding of the preference programs, their processes and application in allocating City Affordable Housing Units to tenants or homebuyers.

In 2008, the City enacted Ordinance 232-08, to establish a preference in occupying units or receiving assistance under all City Affordable Housing Programs to Residential Certificate of Preference Holders under the San Francisco Redevelopment Agency's (SFRA) Property Owner and Occupant Preference Program. In 2013, the City enacted Ordinance 277-13, to establish a second preference in occupying units or receiving assistance under all City Affordable Housing Programs to certain San Francisco residents displaced by an eviction under the Ellis Act.

Citing a growing number of San Francisco tenants being displaced directly through evictions and indirectly as a result of rapid rent increases, the San Francisco Board of Supervisors passed Ordinance 204-15 in November 2015, expanding and clarifying the existing preference program for allocating City Affordable Housing Units to certain displaced occupants. The 2015 ordinance expanded the Ellis Act Housing Preference to include a more broadly defined Displaced Tenant Housing Preference, which also includes Owner Move In Displaced Tenants. In addition, the 2015 ordinance created a new preference category for residents of the Neighborhoods in which Affordable Housing Units are located. These preferences apply to all Affordable Housing programs administered or funded by the Mayor’s Office of Housing and Community Development (MOHCD).

In 2016, the City enacted Ordinance 0164-16 which created a new category of preference for Tenants Displaced by Fire as well as a preference for applicants that live or work in San Francisco.

2. Definitions

“Certificate of Preference” or “COP”

A Certificate of Preference (COP) is a document that was issued by the San Francisco Redevelopment Agency (“SFRA”) to residents displaced by the Agency in the 1960’s and 70’s when it was implementing its federally-funded urban renewal program. This Certificate gives holders preferential consideration for Agency-sponsored and City-sponsored housing opportunities in San Francisco. In 2012, the responsibility of overseeing the Certificate of Preference Program was transferred to the Mayor’s Office of Housing and Community Development (MOHCD).

“COP Holder”

Any individual who has been issues a Certificate of Preference which has not yet been fully exercised.

“City Affordable Housing Programs

As defined in Ordinance 205-15, “City Affordable Housing Programs" shall mean, unless specified otherwise, all programs related to the provision of affordable housing administered or funded by the Mayor’s Office of Housing and Community Development, including but not limited to Tax Exempt Bond Developments. "City Affordable Housing Programs" does not include programs or affordable housing units exclusively supported by the Department of Housing and Urban Development, the San Francisco Human Services Agency, the San Francisco Department of Public Health, or the San Francisco Housing Authority.

“City Affordable Housing Programs” include:

- City Affordable Housing Units that received support from the former San Francisco Redevelopment Agency (SFRA).
- Former SFRA Inclusionary and Below Market Rate (BMR) units with affordability restrictions required by City contract or Redevelopment Area Plan.
- City Affordable Housing Units administered or funded by the Mayor's Office of Housing and Community Development (MOHCD).
- Inclusionary Housing Units (BMR units), which are defined as "Affordable Units" in Planning Code Section 401.
- MOHCD Loan Assistance programs for first-time homebuyers.
- Programs and residential units funded by:
    - The Mayor's Housing Affordability Fund
    - The HOPE SF Fund
    - The Affordable Housing and Home Ownership Bond Program (Proposition C)
    - The Citywide Affordable Housing Fund

"City Affordable Housing Project"

Any real estate project that includes one or more City Affordable Housing Units including market rate housing projects that include Below Market Rate (BMR) units.

"City Affordable Housing Unit"

Any Housing Unit funded or created pursuant to a City Affordable Housing Program. The term Affordable Housing is used synonymously with the term City Affordable Housing in this procedures manual.

"Displaced Tenant"

Any person who applies to MOHCD and who MOHCD determines qualifies as an Ellis Act Displaced Tenant, an Owner Move In Displaced Tenant or a Tenant Displaced by Fire as defined below.

"Displaced Tenant Housing Preference"

A preference established in Administrative Code Chapter 47 for certain tenants who are being or have previously been evicted under the Ellis Act or through an Owner Move In eviction, or have been displaced due to a fire, to receive preference in occupying units or receiving assistance under City Affordable Housing Programs.

“Ellis Act Eviction”

An eviction pursuant to the Ellis Act (California Government Code Section 7060 et. seq.). The Ellis Act was enacted by the California legislature in 1986 to require municipalities to allow property owners to leave the residential rental housing business. More information is available on the Rent Board Website: http://www.sfrb.org/index.aspx?page=966

“Ellis Act Displaced Tenant”

A tenant residing in San Francisco who, on or after January 1, 2010, receives a Notice of Intent to Withdraw Rental Units ("Notice of Intent to Withdraw") pursuant to the Ellis Act, Government Code Section 7060 et seq., and corresponding provisions of the Rent Ordinance.

“Eviction Notice”

Also known as a “Notice to Vacate” or “Notice of Termination of Tenancy.” The eviction notice is an official written notice from a property owner to one or more tenants of their anticipated termination of tenancy. If a landlord is seeking to evict a tenant, the Rent Board mandates that the notice to vacate must state the grounds under which possession of the unit is sought.

“Household”

Any person or combination of persons who reside or intend to reside in the same Housing Unit.

“Housing Unit”

A room or suite of two or more rooms that is designed for, or is occupied by, one individual, family, or collection of individuals. Dwelling units, apartments, single family homes, condominiums, single room occupancy (SRO) hotel rooms, lodging rooms, housekeeping rooms, and congregate residences are all considered Housing Units for the purpose of this program.

“Neighborhood"

Any one of the 11 Supervisorial Districts as defined and established in the San Francisco Charter, Appendix E, plus a buffer such that for each unit or project that is part of a City Affordable Housing Program, "Neighborhood" means the Supervisorial District in which the unit or project is located, plus a ½ mile buffer around the parcel containing the unit or project.

"Neighborhood Resident"

Any person who has a primary residence in a certain Neighborhood at the time he or she applies for a unit or assistance.

“Notice of Intent to Withdraw” or “NOI”

Shorthand for Notice of Intent to Withdraw Residential Units from the Rental Market delivered to the Rent Board to initiate an Ellis Act Eviction. The NOI and the Eviction Notice are separate legal notices.

“Office of Community Investment and Infrastructure” or “OCII”

The successor agency of the San Francisco Redevelopment Agency.

“Owner Move in Displaced Tenant”

A tenant residing in San Francisco who, on or after January 1, 2010, receives a notice from his or her landlord that they plan to recover possession of the unit under Section 37.9(a)(8) of the Rent Ordinance.

“Owner Move In Eviction”

Any eviction initiated subject to Section 37.9(a)(8) of the Rent Ordinance.

“Owner Move In Eviction Notice”
Written notice to tenants of that a landlord plans to recover possession of the unit under Section 37.9(a)(8) of the Rent Ordinance.

“Project Sponsor”
In this procedures manual, Project Sponsor is a general term that refers to the entity responsible for leasing or selling units in a residential building containing one or more City Affordable Housing Units. The Project Sponsor may be the entity who received planning approval for the building’s construction, the housing developer primarily responsible for building construction, the building owner, a leasing/selling agent or a property management entity.

“Rent Board”
The City and County of San Francisco Rent Board.

“Tenant Displaced by Fire”
A tenant residing in San Francisco who is required to vacate his or her unit by a public safety official due to fire, and who can provide sufficient evidence to MOHCD that demonstrates that he or she cannot return to the unit within a period of six (6) months from the date of the order to vacate the unit or Fire Displacement Verification Form.

3. Certificates of Preference

Certificate of Preference (COP) Holders are individuals previously displaced by former Redevelopment Agency action in Redevelopment Project Areas per the San Francisco Redevelopment Agency's Property Owner and Occupant Preference Program, as reprinted September 11, 2008 and effective October 1, 2008 and on file with the Clerk of the Board in File No. 080521 (“The COP Program Manual”).

COP Holders are given the first level of preference in occupying City Affordable Housing Units and the preference applies to 100% of City Affordable Housing Units available for initial sale, re-sale, initial lease up and subsequent leasing.

3.1. Applying For A Certificate Of Preference

To obtain a Certificate of Preference, applicants should contact MOHCD through its website, www.sfmohcd.org, or by calling 415-701-5613. Applicants will need to provide the following information:

1) A current phone number and address.
2) The address from which the family was displaced.
3) The name(s) of the head(s) of Household at the time of displacement.

Applicants may be asked to submit additional documentation, such as a copy of their birth certificate and driver's license.

3.2. Eligibility

Individuals holding 'Residential Certificates of Preference' as defined in the COP Program Manual are eligible for priority consideration in all City Affordable Housing Projects. Holders of 'Business Certificates of Preference' as defined in the COP Program Manual are not eligible for priority in residential Housing Units.

While the Household composition may change after the application, the COP Holder must sign the lease or purchase contract and occupy the unit or the Household will lose its preference status.

3.3. Exercising a COP

To receive preference as a COP Holder, an applicant must indicate on their housing application that they are a COP Holder. MOHCD maintains a list of current COP Holders and will confirm that the applicant possesses a valid COP that has not yet been exercised.

Project Sponsors that fill unit vacancies off of a waitlist must accept applications from approved COP Holders at any time, regardless of whether the waitlist is closed to other applicants. If the COP Holder meets the income or other eligibility requirements for an Affordable Housing Unit in the building, they shall be placed at the top of the waitlist.

The COP Program Manual outlines a sequence for prioritizing between multiple COP Holders applying for the same SFRA Assisted Housing Units. For non SFRA Assisted Housing Units, all COP Holders shall have priority over other applicants and, in the event that there are multiple COP applicants, priority among them shall be established by their lottery ranking (as described in Section 9.2 below).

Certificate of Preference Holders must also meet the income eligibility and other eligibility requirements for the Housing Unit or building in order to exercise their certificate. Possession of a COP does not guarantee that the COP Holder will be eligible for a City Affordable Housing Unit.

The COP Program allows each COP Holder to exercise his or her COP once to receive priority for a rental or cooperative unit and once for a homeownership unit. When a COP Holder signs a lease for an affordable rental unit (or purchases a cooperative share) their Certificate is considered ‘exercised’ for rental purposes. When a Household closes escrow on a homeownership unit their COP is considered exercised for homeownership. Once a COP Holder’s certificate has been exercised for a given type of project (ownership or rental), no further preference is available for projects of that type. While the COP Program Manual only refers to use of COPs for preference in Agency Assisted housing, use of a COP in a non-Agency Assisted City Affordable Housing Project also constitutes ‘exercise’ of the COP.

3.4. Certificate Expiration

The Residential A and C certificates are scheduled to expire in January 2021 through the Office of Community Investment and Infrastructure (OCII) Commission (former Redevelopment Agency Commission) has the option (in accordance with State laws) to extend the expiration date one last time to 2026. For more information, see the COP Manual.

The Residential G certificates are valid until five years after the actual Agency displacement date.

3.5. Questions

COP-related inquiries should be addressed to the Mayor's Office of Housing and Community Development at (415) 701-5613, via TDD at (415) 701-5503 or at http://sfmohcd.org/certificate-preference.

4. Rent Burdened and Assisted Housing Residents (applies to some OCII projects only)

Many projects sponsored by the Office of Community Infrastructure Investment (OCII – formerly the San Francisco Redevelopment Agency) have Development and Disposition Agreements which include a preference for rent burdened San Francisco Households and assisted housing residents. This preference is not available for non-OCII projects. Rent Burdened Households and Assisted Housing Residents share a single lottery preference position (generally second position), meaning that Households with either of these preferences are included in a single preference pool.

4.1. Eligibility

4.1.1. Rent Burdened Households

San Francisco Households that are currently spending more than 50% of their income for housing are eligible for the Rent Burdened Households preference in projects with Development and Disposition Agreements which contain this preference.

Example:
Household of 2 earns $2,500 gross income per month
Rent Payment = $1,500 per month
Total rent-to-income ratio = 60%

4.1.2. Assisted Housing Residents

Households residing in public housing or Project-Based Section 8 housing within the City of San Francisco are eligible for the Assisted Housing Residents preference.

This preference does not apply to Section 8 Voucher holders.

4.2. Applying for the Preference

To apply for the Rent Burdened or Assisted Housing Residents preference, applicants need only indicate on their application form that they believe that they are eligible and provide the required documentation.

4.3. Documentation

4.3.1. Rent Burdened Households

To be considered a Rent Burdened Household, applicants must include a copy of their current lease agreement plus proof of the last 3 months rent payments (i.e. cancelled checks or debits from their bank account) with the lottery application. A Request for Verification of Rent will be completed post-lottery.

4.3.2. Assisted Housing Residents

To be considered an Assisted Housing Resident, applicants must include a copy of their current lease agreement with their lottery application.

4.4. Questions

Inquiries related to the Rent Burdened or Assisted Housing Resident Preferences should be addressed to the Mayor's Office of Housing and Community Development at (415) 701-5613, via TDD at (415) 701-5503.

5. Displaced Tenant Housing Preference

The Displaced Tenant Housing Preference (DTHP) program (DTHP Program) is intended to benefit tenants displaced by Ellis Act Evictions, Owner Move In Evictions or Fires. The preference applies to 20% of units within a project for initial sale, re-sale, initial leases and subsequent leases. The preference is only applied to projects with 5 or more City Affordable Housing Units.

5.1. Applying for the Certificate

Inquiries about applying for a DTHP Program certificate should be addressed to the Mayor's Office of Housing and Community Development at (415) 701-5613, via TDD at (415) 701-5503 or at dthpcertificate@sfgov.org.

Each qualified tenant is entitled to a separate certificate. Certificates will be issued to individual applicants, rather than to families or groups of individuals. Multiple individuals may not apply for the DTHP certificate with a single application. Youth under 18 years of age seeking to live in Affordable Housing with a DTHP certificate holder do not need their own certificate in order to receive the DTHP priority. An entire Household is entitled to priority placement so long as at least one member of that Household holds a DTHP certificate.

The DTHP application forms and a list of required supporting documents are available for download from the MOHCD website. Applicants may also pick up hard copies of the application forms at the Mayor's Office of Housing and Community Development, located at 1 South Van Ness Avenue, 5th Floor.

Only applications that are accurate and complete, with all required documentation attached, will be accepted for review. Applicants may submit their application and attachments by email to dthpcertificate@sfgov.org, or by mail/in-person at the Mayor's Office of Housing and Community Development. Applications submitted by mail or in person should be addressed as follows:

Displaced Tenant Housing Preference Program
Mayor's Office of Housing and Community Development
1 South Van Ness Ave, 5th Floor
San Francisco, CA 94103

MOHCD will determine whether or not applicants are eligible within twenty-one (21) calendar days after receiving their complete applications with required documentation. Approved applicants will be issued an official DTHP certificate. Applicants deemed ineligible will receive a written denial letter including reasons for the determination and information on how to appeal the decision. The appeals process is described below.

5.2. Eligibility

Tenants can apply for and use the DTHP certificate while they are still residing in the unit that they are being evicted from so long as the Notice of Intent to Withdraw (NOI) or Eviction Notice for that unit was filed and has not been rescinded.

While the Household composition may change after the application, the DTHP certificate holder must sign the lease or purchase contract and occupy the unit or the Household will lose its preference status.

5.2.1. Ellis Act Displaced Tenants

To be eligible for the DTHP Program, Ellis Act Displaced Tenant applicants must meet the following criteria:

(1) The tenant must have resided in a San Francisco rental unit for which a Notice of Intent to Withdraw (NOI) was filed with the Rent Board.
(2) The NOI must have been filed on or after January 1, 2010.
(3) If the NOI was rescinded by the landlord, the Tenant must demonstrate that they moved out prior to the date it was rescinded.
(4) The Tenant must be at least 18 years of age at the time that they apply for the DTHP Certificate – though they may have been under 18 at the time the NOI was received.

5.2.2. Owner Move In Displaced Tenants

To be eligible for the DTHP, Owner Move In Displaced Tenants must meet the following criteria:

(1) The tenant must have resided in a San Francisco rental unit for which an Eviction Notice was served.
(2) The Eviction Notice must have been served on or after January 1, 2010.
(3) The Eviction Notice must have stated that the reason for the termination of tenancy is to enable owner or relative move in and/or referenced Section 37.9(a)(8) of the Rent Ordinance.
(4) If the Eviction Letter was rescinded by the landlord, applicants must demonstrate that they moved out prior to the date it was rescinded.
(5) The applicant was at least 18 years of age at the time that they applied for the DTHP Certificate.

5.2.3. Tenants Displaced by Fire

To be eligible for the DTHP, Tenants Displaced by Fire must meet the following criteria:

(1) The tenant must have resided in a San Francisco rental unit which experienced a fire prior to December 31, 2020.

(2) The tenant must have been required to vacate the unit by a public safety official due to fire.

(3) The tenant must provide sufficient evidence to MOHCD that demonstrates that he or she cannot return to the unit within a period of six months from the date of the order to vacate the unit or provide a Fire Displacement Verification Form.

(4) The tenant must be at least 18 years of age at the time that they apply for the DTHP Certificate.

5.2.4. Prior Certificate Holders

Prior to April 2016, the City issued Ellis Act Housing Preference (EAHP) certificates. As of May 2016, these certificates were rescinded and holders were issued new Displaced Tenant Housing Preference (DTHP) certificates conferring the same rights as the EAHP Certificates; however, the expiration dates for some certificates have been extended. EAHP certificate holders displaced prior to Jan. 2, 2016 received certificates that expire on January 2, 2022.

5.3. Rescission of NOI or Eviction Notice

If the landlord rescinds the NOI or Eviction Notice, then the tenant is not eligible to apply for the DTHP certificate unless they can demonstrate that they moved out prior to the date of the rescission. If the landlord rescinds the NOI or Eviction Notice following issuance of a DTHP certificate, and a DTHP certificate holder is still residing in the original unit, then the DTHP certificate will be rescinded by MOHCD.

If the NOI or Eviction Notice is rescinded after the tenant has moved out of their unit, then the tenant will be eligible to apply for the DTHP certificate. If the tenant has already been issued a DTHP certificate, the certificate will not be rescinded. Similarly, if the NOI or Eviction Notice is rescinded after the certificate holder has moved into an Affordable Housing Unit, the NOI rescindment will not affect their tenancy.

5.4 Documentation

5.4.1. Ellis Act Evictions

Proof of Eviction

Prior to initiating an Ellis Act Eviction, property owners must file a Notice of Intent to Withdraw (NOI) with the San Francisco Rent Board. The Rent Board provides MOHCD with a regularly updated list of all tenants whose units have been subject to Ellis Act NOIs. No further documentation will be necessary to establish that a rental unit was subject to an NOI that has not been rescinded.

Proof of Occupancy

If an applicant for DTHP is listed on an NOI, then, no further documentation will be required to establish that applicant's occupancy at the time of the Ellis Act Eviction. If an applicant was not listed on an NOI, the applicant must establish that he or she was a resident of the withdrawn unit at the time of the eviction by providing any two of the following items:

- ☐ The Eviction Notice for the withdrawn unit
- ☐ Telephone bill (land line only)
- ☐ Cable or internet bill
- ☐ Gas bill
- ☐ Electric bill
- ☐ Garbage bill
- ☐ Water Bill
- ☐ Paystub

- Public benefits records
- School records

All documentation must list the applicant's name and the address of the withdrawn unit and be dated within 45 days of the date that the NOI was filed with the Rent Board or served on the Tenants.

5.4.2. Owner Move In Eviction

Proof of Eviction

Property owners proceeding with Owner Move In Evictions are required to file with the San Francisco Rent Board (Rent Board) a copy of the Eviction Notice provided to tenants. The Rent Board provides MOHCD with a regularly updated list of all tenants for whom it has received an OMI Eviction Notice on or after January 1, 2010. In most cases, no further documentation will be necessary to establish that a Tenant has received an OMI Eviction Notice.

In cases where the property owner has served the tenants with an OMI Eviction Notice but failed to file the notice with the Rent Board, the tenant must provide a copy of the Eviction Notice and/or other documentation sufficient to establish in MOHCD's reasonable discretion that the tenant received a valid OMI Eviction Notice on or after January 1, 2010. The date that an OMI Eviction Notice is filed with the Rent Board is used to determine the period of eligibility for a DTHP for the applicable tenants. If an OMI Eviction Notice was not filed, the date that the OMI Eviction Notice was served on the tenants will serve as the date of the Notice for purposes of calculating such tenants' period of eligibility. If the Eviction Notice does not include a date of service and the applicant is not otherwise able to provide proof of the date of service, the date of the Notice will be deemed to be 60 days prior to the date on which the Eviction Notice indicates that the tenancy will terminate.

Proof of Occupancy

If an applicant for the DTHP is listed on the eviction notice, then, no further documentation will be required to establish that applicant's occupancy at the time of the OMI Eviction. If an applicant was not listed on the eviction notice, the applicant must establish that he or she was a resident of the withdrawn unit at the time of the eviction by providing any two of the following items:

- ☐ The Eviction Notice for the withdrawn unit
- ☐ Telephone bill (land line only)
- ☐ Cable or internet bill
- ☐ Gas bill
- ☐ Electric bill
- ☐ Garbage bill
- ☐ Water Bill
- ☐ Paystub
- ☐ Public benefits records
- ☐ School records

All documentation must list the applicant's name and the address of the withdrawn unit and be dated within 45 days of the date that the eviction notice was filed with the Rent Board or served on the Tenants.

5.4.3. Tenants Displaced by Fire

Proof of Displacement

An applicant must establish displacement by providing either of the following signed by a public safety official: (1) an order to vacate for the unit in question; or (2) a Fire Displacement Verification form.

Proof of Occupancy

An applicant must establish that he or she was a resident of the effected unit at the time of the qualifying fire by providing any of the following: (1) a copy of the order to vacate; (2) a copy of a lease for the unit in question; or (3) any two of the following items:

- ☐ Telephone bill (land line only)
- ☐ Cable or internet bill
- ☐ Gas bill
- ☐ Electric bill
- ☐ Garbage bill
- ☐ Water Bill
- ☐ Paystub
- ☐ Public benefits records
- ☐ School records

All documentation must list the applicant's name and the address of the effected unit and be dated within 45 days of the date of the qualifying fire.

5.5. Exercising a DTHP Certificate

A DTHP certificate entitles the holder to receive a priority to rent or purchase only one Affordable Housing Unit (or a cooperative share in one unit). For new developments going through the initial lease-up or sale process, the DTHP priority applies to only twenty percent (20%) of the units. For re-rental and re-sale units, the DTHP preference will apply whenever fewer than 20% of units in a project are occupied by Households that used DTHP certificates when they leased or purchased their units.

The DTHP will not apply to every City Affordable Housing Project. The DTHP does not preempt existing preference programs incorporated into Marketing Plans or Developer Agreements approved before the DTHP was adopted, and some projects include state

or federal financing that limits which local preferences may be applied in resident selection.

Project Sponsors that fill unit vacancies off of a waitlist must accept applications from approved DTHP certificate holders at any time, regardless of whether the waitlist is closed to other applicants. If the DTHP certificate holder is found eligible for an Affordable Housing Unit in the building, they shall be placed at the top of the waitlist, immediately after any COP Holders.

A Displaced Tenant holding a DTHP certificate must also meet the income eligibility and other eligibility requirements for the Housing Unit or building in order to exercise their certificate. Possession of a DTHP certificate does not guarantee that the holder will be eligible for a City Affordable Housing Unit.

When a DTHP holder accepts and occupies a unit that the holder obtained by exercising the DTHP certificate, the DTHP certificate is exercised and the holder's DTHP priority terminates. Thereafter, the DTHP certificate is null and void for any future use.

- In the case of a rental or cooperative share opportunity, to exercise a DTHP certificate means to secure successfully a tenancy in, or the purchase of a cooperative share in, the Housing Unit, as shown by the execution of a lease or other evidence of occupancy.
- In the case of a homeownership opportunity, to exercise a DTHP certificate means to execute a deed and/or promissory note and the closing of escrow.

A DTHP certificate holder may apply for an unlimited number of housing opportunities until the DTHP holder exercises the DTHP certificate, and, in general, may turn down offers for City Affordable Housing Units without affecting the holder's priority status.

If a Household intending to reside together contains multiple holders of DTHP certificates, the Household only needs to exercise one of the certificates for a specific housing opportunity. It is up to the members of that Household to determine which certificate will be exercised upon occupancy.

A DTHP certificate is not transferable by any means, whether voluntarily, by inheritance, by operation of law, or otherwise.

A Displaced Tenant is not entitled to DTHP priorities until a DTHP certificate has actually been issued to such tenant.

5.6. Certificate Expiration

DTHP certificate holders may apply the preference for up to six (6) years from the date the landlord filed the NOI or Eviction Notice with the Rent Board. For Displaced Tenants with an NOI or Eviction Notice filed prior to January 2, 2016 the expiration date will be January 2, 2022. Expiration dates will be clearly marked on the certificate.

For Tenants Displaced by Fire, DTHP certificates expire 3 years after the date of the qualifying fire.

After expiration, the DTHP certificate becomes null and void.

5.7. Questions and Appeals

Inquiries about documentation required for the DTHP certificate application, and other questions regarding the application process, should be addressed to the Mayor's Office of Housing and Community Development at (415) 701-5613, via TDD at (415) 701-5503 or at dthpcertificate@sfgov.org.

Disputes

Applicants who wish to dispute MOHCD's initial eligibility determination may request, in writing, that the Director of Homeownership & Below Market Rate Programs review and reconsider their application within 30 days after the date of MOHCD's determination. Any supplementary materials or additional information demonstrating eligibility should be submitted at the same time as the request for reconsideration. Requests for reconsideration may be emailed to dthpcertificate@sfgov.org with the subject heading "Request for DTHP Application Reconsideration."

Requests for reconsideration may be delivered by mail or in person to:

Director of Below Market Rate Programs
Displaced Tenant Housing Preference Program
Mayor's Office of Housing and Community Development
1 South Van Ness Ave, 5th Floor
San Francisco, CA 94103

Upon receipt of the request for reconsideration, the complete application package will be reviewed by the Director of Homeownership & Below Market Rate Programs, and a final MOHCD determination of whether or not the applicant is eligible shall be made within seven (7) calendar days.

Appeals

Applicants who wish to dispute the final MOHCD determination made by the Director of Homeownership & Below Market Rate Programs are entitled to a hearing at the Rent Board.

The request for a Rent Board hearing must be in writing within 7 days of receipt of notice of the decision of the Director of Homeownership and Below Market Rate Programs and may be delivered via email to dthpcertificate@sfgov.org with the subject heading "Request for DTHP Rent Board Hearing "

Requests for a Rent Board hearing may be delivered by mail or in person to:

Request for DTHP Rent Board Hearing
Displaced Tenant Housing Preference Program
Mayor's Office of Housing and Community Development
1 South Van Ness Ave, 5th Floor
San Francisco, CA 94103

Upon receiving the written request for a Rent Board hearing, MOHCD will provide the Rent Board with all application materials and any supplementary information from the applicant, as well as contact information for the applicant and any named representatives indicated in the request for Rent Board hearing. The Rent Board will then send a Notice of Hearing at least 10 days before the hearing date to MOHCD and to the applicant and their named representatives.

Requests for postponements must be submitted in writing to the Rent Board and will be granted only when there is good cause. Evidence supporting the good cause must be submitted with the request for postponement.

On the hearing date, the applicant and MOHCD may each appear to present evidence and argue their position. The hearing process is designed so that no one needs an attorney, although parties are entitled to have an attorney or other authorized representative assist them at the hearing. The parties or their representatives are permitted to present testimony and evidence, and to cross-examine the other parties and their witnesses. The Administrative Law Judge may also ask questions of the parties and witnesses to ensure that all pertinent facts are brought out. The record may be held open for the submission of additional evidence after the hearing.

After the record is closed, the Rent Board Administrative Law Judge will issue a written decision that will be mailed to all the parties and their representatives. If no appeal is

filed, the decision becomes final. If an appeal is filed, portions of the decision may be stayed until the Rent Board Commission acts on the appeal.

For more information on the hearing process, including deadlines and procedures for filing appeals, refer to the Rent Board website at http://sfrb.org.

6. Neighborhood Resident Housing Preference

The Neighborhood Resident Housing Preference (NRHP) is designed to benefit residents living in the same Neighborhood as a City Affordable Housing Project, Households living in the same Supervisorial District or within a ½ mile radius of a project will be considered to live in the same Neighborhood of such project for purposes of the NRHP.

The NRHP applies only to new residential development during the initial lease-up or sale process and is limited to 40% of the units in the development. The preference is only applied to projects with 5 or more City Affordable Housing Units.

6.1. Applying for Preference Status

An applicant who is eligible for the NRHP must indicate interest in being considered for the preference when applying for a City Affordable Housing Unit and must provide proof of residency along with the lottery application for that unit. MOHCD will use its Geographic Information System (GIS) to determine which applicant addresses are eligible for the preference. After the application deadline, and no less than seven (7) days prior to the housing lottery, MOHCD will post on the MOHCD website and, when available, project website, the list of applicants (identified by their unique 'lottery ticket' numbers) who have qualified for the NRHP for that lottery.

6.2. Eligibility

To be eligible for the NRHP, a Household applicant must include at least one member who, at the time that the applicant submits the application, has a primary residence that is:

> (1) Located within the same Supervisorial District as the unit or project to which the applicant has applied. (Supervisorial Districts are defined and established in the San Francisco Charter, Appendix E.)
>
> Or
>
> (2) Located within a ½ mile buffer around the location of the unit or project to which the applicant has applied. For NRHP eligibility purposes, the ½ mile buffer shall be defined as a zone extending from the edge of the parcel or parcels containing the unit or project to include all parcels that intersect the ½ mile buffer either whole or in part.

An applicant who lives at an eligible address as of the date of submitting a housing application, but later moves outside the Neighborhood, may still qualify for NRHP. Applicant Households made up of individuals who do not currently live together at the time of application may be eligible for NRHP so long as at least one member lives at an eligible address at the time of application.

While the Household composition may change after the Household's application, Household members who qualified a Household for the NRHP must sign the lease or purchase contract for the City Affordable Housing Unit and occupy such unit or the Household will lose its preference status (the Household may remain on the general lottery list and on any other preference lists for which it remains qualified).

Eligibility for the NRHP does not guarantee that the holder will be eligible for a City Affordable Housing Unit. All applicants will still be required to meet all other

eligibility requirements of the unit (e.g. income eligibility, household size requirements, etc.).

6.3. Documentation

In order to benefit from the Neighborhood Resident Housing Preference (NRHP) an applicant Household must provide documentation at the time of its lottery application sufficient to establish, in MOHCD's reasonable discretion, that at least one member of the Household resided at the listed eligible address at the time of the application. Applicants who do not submit documentation or whose documentation is not current, will not be eligible for the NRHP.

Acceptable documentation will include, but not be limited to, any one (1) of the following:

- Telephone bill (land line only)
- Cable or internet bill
- Gas bill
- Electric bill
- Garbage bill
- Water Bill
- Paystub
- Public benefits records (e.g. SSI/SSP, MediCal, GA, Unemployment Insurance, CalFresh)
- School records

All documentation must list the applicant's name and current address and be dated within 45 days of the date of the application.

Applicants who are homeless at the time of application may demonstrate eligibility for the NRHP by providing a letter from a case manager or homeless shelter attesting to

the fact that the applicant is homeless and identifying where they are currently staying. Letters must be signed, dated and on official letterhead from an agency that provides health, mental health or housing services to the homeless.

In the event that MOHCD determines that any applicant has provided falsified documentation of any kind, the application will be disqualified, removed from consideration and will not be included in the lottery.

6.4. Questions and Appeals

Inquiries about eligibility for the NRHP and other questions regarding the application process should be addressed to the Mayor's Office of Housing and Community Development at (415) 701-5613, via TDD at (415) 701-5503 or at nrhp@sfgov.org.

6.4.1. Disputes

Applicants who wish to dispute MOHCD's determination regarding eligibility for the NRHP may request, in writing, that the Director of Homeownership & Below Market Rate Programs review and reconsider their preference eligibility. A request for review must be received by MOHCD at least 48 hours prior to the scheduled lottery. In some cases, applicants may be granted preliminary NRHP status while MOHCD completes further research on the eligibility of the address in question. If MOHCD determines that a disputed address does not qualify for preference after the lottery, the applicant will be removed from the NRHP lottery pool. (The applicant could remain on the general lottery list and any other preference lists for which they are eligible.) Final determination on the eligibility of an address must be made before a Household is offered a unit for lease or purchase.

Any supplementary materials or additional information demonstrating eligibility should be submitted at the same time as the request for reconsideration. Requests for reconsideration may be emailed to nrhp@sfgov.org with the subject heading "Request for Neighborhood Preference Reconsideration."

Requests for reconsideration may be delivered by mail or in person to:

Director of Below Market Rate Programs
Mayor's Office of Housing and Community Development
1 South Van Ness Ave, 5th Floor
San Francisco, CA 94103

Upon receipt of the request for reconsideration and all related materials, the complete application package will be reviewed by the Director of Homeownership & Below Market Rate Programs, and a final MOHCD determination of whether or not the applicant is eligible shall be made within fourteen (14) calendar days after receipt of the request (Final MOHCD Determination).

6.4.2. Appeals

Applicants who wish to dispute the Final MOHCD Determination must request a hearing conducted by a Rent Board Administrative Law Judge within three (3) business days of the date of the Final MOHCD Determination.

7. Live/Work Preference

MOHCD has adopted a policy of applying a preference in selecting residents for City Affordable Housing Projects to Households that live or work in San Francisco whenever possible (Live Work Preference or LWP).

7.1. Applying for the Preference

To be eligible for the LWP, an applicant must indicate on his or her application that he or she currently lives or works at least 75% of his or her working hours in San Francisco and must provide proof of residency or employment along with the application. If

acceptable proof is not provided with the application, applicants will not be eligible for the LWP regardless of the location of residency or employment. Project Sponsors will provide this documentation to MOHCD for determination of eligibility for the live/work preference.

7.2. Eligibility

Any applicant Household with at least one member who currently lives in the City of San Francisco or works for at least 75% of their working hours within the City may be eligible for the LWP.

Applicants who live at an eligible address on the date that they submit their housing application but later move outside the City will receive the live/work preference.

Applicant Households made up of individuals who do not currently live together at the time of application may be eligible for LRP so long as at least one member lives at an eligible address or works at least 75% of their working hours in the city at the time of application.

While the Household composition may change after the Household's application, Household members who qualified a Household for the LWP must sign the lease or purchase contract for the City Affordable Housing Unit and occupy the unit or the Household will lose its preference status (the Household may remain on the general lottery list and on any other preference lists for which it remains qualified).

7.3. Documentation

To be considered a Household that lives or works in San Francisco, at least one member of the Household must provide the following proof of either residency or employment:

A. Residency: To establish residency, the Household member must provide supporting documentation verifying that he or she lives in San Francisco, including at least one of the following:

- ☐ Telephone bill (land line only)
- ☐ Cable or internet bill
- ☐ Gas bill
- ☐ Electric bill
- ☐ Garbage bill
- ☐ Water Bill
- ☐ Paystub
- ☐ Public benefits records (e.g. SSI/SSP, MediCal, GA, Unemployment Insurance, CalFresh)
- ☐ School records

All documentation must list the household member's name and current address and be dated within 45 days of the date of the application.

Applicants who are homeless at the time of application may demonstrate eligibility for the live/work preference by providing a letter from a case manager or homeless shelter attesting to the fact that the applicant is homeless and identifying where they are currently staying. Letters must be signed, dated and on official letterhead from an agency that provides health, mental health or housing services to the homeless.

B. Employment. To establish that a Household member is employed in San Francisco for purposes of the LWP, such member must provide supporting documentation verifying that the he or she is employed in San Francisco.

The Project Sponsor shall verify that a Household member works in San Francisco by reviewing the Household member's paystubs. If the member's employer is not based in

San Francisco, or if the paystubs do not reflect a San Francisco work address, the Household member must supply a letter from the employer stating that the person works primarily in San Francisco and that at least 75% of their working hours are in San Francisco.

In the event that MOHCD determines that any applicant has provided falsified documentation of any kind, the application will be disqualified, removed from consideration and will not be included in the lottery.

7.4. Questions

Inquiries about eligibility for the LWP and other questions regarding the application process should be addressed to the Mayor's Office of Housing and Community Development at (415) 701-5613, via TDD at (415) 701-5503 or via email at sfhousinginfo@sfgov.org.

8. Priorities for Accessible Units

It is MOHCD's policy to give first priority in allocating units with accessibility features (accessible units) to Households with documented need for one or more of the specific accessibility features present in the available unit.

Applicants in need of an available accessible unit will be evaluated and offered the unit in lottery rank order. If no applicant has a documented need for an accessible unit, the units will be offered to other eligible applicants according to the same lottery preference ranking used for other City Affordable Housing Units.

Applicants who request priority for accessible units will also be included in the general lottery pool and any preference lottery pools for which they are eligible.

8.1. Applying for an Accessible Unit

Households with a member who needs accessibility features may indicate the need for an accessible unit on the lottery application and provide a short description of the accessibility features needed.

8.2. Eligibility

The specific accessibility features included in designated accessible units will vary from one unit to another. To be eligible for a specific accessible unit, an applicant must include a Household member with a documented need for the specific features included in the available accessible unit. For example, an applicant who uses a wheelchair would not receive priority for a unit designed for a person with visual impairments.

While the Household composition may change after the application, the Household member with documented needs for an accessible unit must sign the lease or purchase contract and occupy the unit, or the Household will lose its priority status.

8.3. Documentation

Applicants requesting accessible units will be asked to provide a letter from their doctor or other licensed medical professional stating that the applicant has a medical condition or disability and needs the features of the unit as an accommodation to his or her condition. The letter does not need to state the nature of the medical condition that leads to the need for the accessibility features. Documentation will be requested after the lottery as part of the applicant eligibility screening process.

In the event that MOHCD determines that any applicant has provided falsified documentation of any kind the application will be disqualified, removed from consideration and will not be included in the lottery.

9. The Lottery and Selection Process

9.1. Preference Order

Project Sponsors with occupied projects or projects required to have an affirmative plan for initial and ongoing marketing of the City Affordable Housing Units and a written tenant selection procedure for initial and ongoing renting of the units based on MOHCD's then-current form of marketing and tenant selection plan (Marketing Plan) are required to work closely with MOHCD to incorporate the then-current preferences and selection process procedures to the extent that they are consistent with the requirements of existing project financing. Where there are conflicts, this policy is not intended to and does not preempt the requirements of state or federal financing or housing subsidy programs.

The procedures outlined here are, however, intended to guide the development of Marketing Plans for new City Affordable Housing Projects seeking MOHCD approval. However, even for new projects, regulations for state or federal financing sources often prevent the application of locally imposed selection preferences or outline selection procedures that may contradict the procedures outlined here. In these cases, MOHCD may approve Marketing Plans that outline selection procedures or preferences that differ from the ideal described below.

Table: Summary of the Order of Preferences

	New and Vacant Buildings	Rerentals and Resales

Inclusionary BMR Projects	1. Certificate of Preference 2. Displaced Tenant Housing Preference (up to 20% of City Affordable Housing Units) 3. Neighborhood Preference (up to 40% of City Affordable Housing Units) 4. Live or Work in San Francisco 5. General Pool * Accessible Units Priority	1. Certificate of Preference 2. Displaced Tenant Housing Preference (if less than 20% of units were filled by tenants using DTHP certificates. 3. Live or Work in San Francisco 4. General Pool * Accessible Units Priority
OCII Projects * Pending approval by OCII Commission	1. Certificate of Preference 2. Rent Burdened/Assisted Housing Residents 3. Displaced Tenant Housing Preference (up to 20% of City Affordable Housing Units) 4. Neighborhood Preference (up to 40% of City Affordable Housing Units) 5. Live or Work in San Francisco 6. General Pool * Accessible Units Priority	1. Certificate of Preference 2. Rent Burdened/Assisted Housing Residents 3. Displaced Tenant Housing Preference (if less than 20% of units were filled by tenants using DTHP certificates. 4. General Pool * Accessible Units Priority

Other City Affordable Housing Projects	1. Certificate of Preference 2. Displaced Tenant Housing Preference (up to 20% of City Affordable Housing Units) 3. Neighborhood Preference (up to 40% of City Affordable Housing Units) 4. Live or Work in San Francisco 5. General Pool * Accessible Units Priority	1. Certificate of Preference 2. Displaced Tenant Housing Preference (if less than 20% of units were filled by tenants using DTHP certificates. 3. General Pool * Accessible Units Priority

For the purpose of determining the number of units to which the Displaced Tenant Housing Preference (DTHP) and Neighborhood Resident Housing Preferences (NRHP) are applied, fractional units are ignored. For example, in a project with ten (10) City Affordable Housing Units, up to two (2) units would be set aside for Households with DTHP certificates and an additional four (4) would be set aside for applicants with the Neighborhood Resident Preference. But in a project with 9 units, there would be only one (1) DTHP unit and three (3) Neighborhood Resident Preference units. Neither preference will be applicable to City Affordable Housing Projects with fewer than five (5) units.

9.2. Selection Process - New and Vacant Buildings

9.2.1. Marketing Plan

The Project Sponsor shall supply MOHCD with a complete and updated Marketing Plan at least sixty (60) calendar days prior to accepting lease applications and at least one hundred and twenty (120) calendar days prior to the anticipated close of escrow for ownership units or lease origination dates for rental units. The Marketing Plan as

provided to MOHCD shall not be changed without providing MOHCD with fourteen (14) calendar days written notice.

9.2.2. Outreach to COP Holders

The City shall:

- Address printed notices to COP Holders created by the Project Sponsor using an MOHCD template.
- Assistance to qualified tenants in filing COP applications or referral to an appropriate housing counseling organization.

The Project Sponsor shall:

- Create written notices to COP Holders advising them that units are available using a template provided by MOHCD.
- Mail the notices prior to the application period. For Office of Community Investment and Infrastructure (OCII) projects, Notices should be mailed at least 15 months before completion of construction as well as prior to the application period.
- Bear the full cost of the mailing.

9.2.3. Outreach to DTHP Certificate Holders

The City shall furnish the following:

- A housing email alert service which provides notices to DTHP certificate holders advising them of available City Affordable Housing Units.
- Assistance to tenants in filing DTHP applications (when possible) or referral to an appropriate housing counseling organization.

9.2.4. Outreach to Neighborhood Residents

Project Sponsors shall take proactive steps to ensure that residents of the Neighborhoods surrounding a project are informed of the availability of the City Affordable Housing Units and the existence of a Neighborhood Resident Housing Preference. Marketing Plans should outline specific steps including but not limited to:

- Posting notices on the project construction site.
- Advertising in community newspapers or websites targeting or serving the Neighborhood.
- Sponsoring community events.
- Notification in District Supervisor's Office for inclusion in E-mail Blasts to residents of the district.
- Mailings or fliers distributed to neighboring residences.

Prior to the Lottery, if Neighborhood Residents do not make up a significant share of applicants for a given project, MOHCD may determine that additional Neighborhood outreach is necessary before closing the application period and conducting the lottery.

9.2.5. Application Forms

All City Affordable Housing Project applications shall include the following questions:

- Do you have a Certificate of Preference from the San Francisco Redevelopment Agency?
- Do you have a Displaced Tenant Housing Preference Program certificate or an Ellis Act Housing Preference Program Certificate?
- To the best of your knowledge, is one or more of the Household members currently a resident of the supervisorial district including the project you are applying for or a ½ mile buffer surrounding the parcel containing the project?

- Does one or more of the Household members currently live or work in San Francisco?

Applications for projects shall include the following notice placed prominently:

> ***If eligibility for a preference cannot be verified or acceptable documentation to prove eligibility for a preference is not submitted, your Household will not receive the preference for which you indicate eligibility.***

9.2.6. Verifying Complete Applications

On an ongoing basis as applications are received, Project Sponsors will review them for completeness and communicate with applicants to request any additional required information. Once an application is complete, the Project Sponsor will assign the application a lottery ticket number. The Project Sponsor will send the ticket or a copy or scan of the ticket to the applicant for their records.

9.2.7. Pre-Lottery Application Status Reports

At least every seven (7) calendar days, from the initial date applications are accepted, The Project Sponsor shall supply MOHCD with a “status report” listing names and addresses of all Households that have submitted complete applications and assigned lottery ticket numbers.

No more than seven (7) calendar days after the application deadline, the Project Sponsor must provide MOHCD with a complete list of all applicants’ names, addresses, whether they have indicated that they have a COP or DTHP certificate and whether they provided acceptable proof of residency for the NRHP or the LWP, if applicable. MOHCD will, in turn, confirm whether each listed applicant qualifies as a COP or DTHP certificate holder, qualifies for preliminary NRHP status, or qualifies for preliminary status as living or working in San Francisco.

9.2.8. Pre-Lottery NRHP Summary Report

No less than five (5) business days prior to the lottery proceedings, MOHCD will approve a final Pre-Lottery Application NRHP Preference Report which the Project Sponsor will post publically on the project website. MOHCD will post this list on the MOHCD web site as well. This report will include no identifying information about applicants other than their lottery ticket number and will indicate for each applicant whether or not they are qualified for the Neighborhood Resident Housing Preference pool in the upcoming lottery.

9.2.9. Lottery Procedures

Lotteries for City Affordable Housing Units shall be held in a public, accessible location that is arranged and paid for by the Project Sponsor. Applicants shall be invited to attend lotteries, but attendance is not mandatory.

A representative of MOHCD shall conduct the lottery in tandem with the Project Sponsor and record the order of lottery numbers drawn. MOHCD shall employ a publically available computer program to generate a random lottery rank for each and every complete application with no regard for the various preference pools. All applicants with lottery ticket numbers shall be assigned a lottery rank.

The list of all complete applications sorted by lottery rank number constitutes the 'unranked' lottery pool. However, several additional pools must be constructed including only those applicants who qualify for specific preferences. MOHCD will produce a ranked applicant list for each relevant preference pool. Applicants will be included in all preference pools for which they are eligible. Many applicants will be included in multiple preference pools. All DTHP certificate holders will be included in the LWP pool, if applicable, regardless of their current address at the time of application. Each of the preference pools will be sorted in lottery rank order using the same lottery rank numbers (i.e. there is no separate drawing for each pool, applicants receive only one lottery rank number which determines their position on each preference list. For example, an applicant with lottery rank number 10 would be in tenth position in the

general pool but, they could also be in third position in the LWP pool and first position in the DTHP pool.)

Sample Report:

Rank	Preference Lists					
	1.COP	2. DTHP	3. Neighborhood	4. Live/Work	5. General	x. Accessable Units
	up to 100% of units	up to 20% of units	up to 40% of units	up to 100% of remaining units	Remaining units	Priority based on need
3678-92	3678-91	3678-90	3678-92	3678-92	-	3678-99
3678-90	-	3678-97	3678-97	3678-90	-	-
3678-91	-	3678-109	3678-107	3678-91	-	-
3678-95	-	3678-113	3678-104	3678-95	-	-
3678-99	-	-	3678-101	3678-99	-	-
3678-102	-	-	3678-114	3678-105	-	-
3678-97	-	-	3678-94	3678-107	-	-
3678-105	-	-	3678-110	3678-104	-	-
3678-107	-	-	-	3678-101	-	-
3678-111	-	-	-	3678-114	-	-
3678-104	-	-	-	3678-116	-	-
3678-101	-	-	-	3678-94	-	-
3678-114	-	-	-	3678-109	-	-
3678-116	-	-	-	3678-110	-	-
3678-94	-	-	-	3678-113	-	-
3678-109	-	-	-	3678-115	-	-
3678-110	-	-	-	3678-93	-	-
3678-112	-	-	-	3678-96	-	-
3678-113	-	-	-	3678-98	-	-
3678-115	-	-	-	-	-	-
3678-93	-	-	-	-	-	-
3678-96	-	-	-	-	-	-

9.2.10. Final Lottery List

No later than seven (7) days after the date on which the lottery is held, MOHCD and the Project Sponsor shall publish the final lottery list including the lottery rank assigned to each applicant ticket number in the general pool list and the resulting ranked preference lists for each preference pool.

Lottery results shall be posted on either the MOHCD or the Project Sponsor's website, and shall not include the names of applicants but only the application ticket numbers. The results of lotteries with ten (10) or fewer applicants may be announced by the Project Sponsor to each applicant rather than posting to a website.

9.2.11. Application Review

Applications shall not be reviewed for eligibility before a lottery, but only after the lottery ranking has been finalized.

The Project Sponsor shall adhere to the rank order of each of the lottery preference pool lists when reviewing applications.

For the sake of efficiency, Project Sponsors may request documentation from multiple applicants with similar rankings; however applicants will be approved or disqualified only in rank order by preference pool. Because of the complexity resulting from multiple overlapping preference pools, it is important that an available unit be offered to only one applicant. Proceeding through the list beginning with the applicant with the lowest lottery rank number in the first preference pool (generally the COP list), and moving through that list before proceeding to the next preference pool, the Project Sponsor will determine whether each applicant is eligible. Eligible applicants will be sent an acceptance letter and given the chance to select a unit before the next applicant in sequence is evaluated. An applicant that selects a unit will be removed from all subsequent preference pools and the general pool. If an applicant is disqualified or declines a unit, they will be removed from all subsequent preference pools and the general pool.

In the event that applicants utilizing DTHP certificates are approved for at least 20% of the total available City Affordable Housing Units in a Project, processing of applicants from the DTHP preference pool will be suspended and applicants from the next preference pool will be considered next. The ranked DTHP list will be maintained in case any of the selected DTHP certificate holders later withdraws, in which case the next sequential applicant on the DTHP pool list will be considered.

In the event that applicants utilizing the NRHP are approved for at least 40% of the total available City Affordable Housing Units in a Project, processing of applicants from the NRHP pool will be suspended and applicants from the next preference pool will be

considered. The ranked NRHP list will be maintained in case any of the selected NRHP applicants later withdraws, in which case the next sequential applicant on the NRHP pool list will be considered.

9.2.12. Response Deadline

An applicant who has been approved and notified in writing by the Project Sponsor shall have at least seven (7) calendar days thereafter to enter into a lease agreement for the available unit or ten (10) calendar days to enter into a purchase agreement for the available unit, as applicable. If the applicant fails to affirmatively respond, the application shall be considered 'rejected' by the applicant. Rejection of the unit by an applicant must be shown on the current status report submitted to MOHCD on a weekly basis. Written notice shall be provided to applicants whose applications are closed due to a lack of response. Applicants may 'reject' units with no consequence for their eligibility for future City Affordable Housing Units.

9.2.13. Unit Assignment

Applicants shall be assigned or have the opportunity to choose among appropriate units in the order in which they are evaluated based on the ranked preference pools.

While Household composition may change after an applicant submits an application, Project Sponsors shall verify that Household members who qualified the Household for any preferences are still included in the Household and sign the lease or purchase contract. In the event that Household composition changes in a way that results in a loss of any preference status, the Household will be removed from the relevant preference list and the available unit shall be offered to the next eligible Household.

In some cases, applicants who are eligible for the overall project may not qualify for any of the remaining available units because of Household size or income category requirements or other factors. If there is no appropriate unit available for the next eligible applicant, the applicant may maintain their position on the list while the Project Sponsor processes the next eligible applicant for whom there is an appropriate available

unit. Project Sponsors need not complete all elements of eligibility screening once they have sufficient information to determine that no appropriate unit is available for an applicant.

9.2.14. Coordination Between MOHCD and Project Sponsor

Because of the complexity in implementing the preference rules it is essential for MOHCD and Project Sponsors to coordinate closely as applicants are evaluated.

In order to prepare to process applicants in the most efficient manor, Project Sponsors may collect supporting documentation from applicants whose lottery position makes them likely to be considered soon. However, because of the complexity of the preference system, it will not always be possible to know which applicants will be considered next. (For example, if the next applicant in order is being considered for the last available Neighborhood Resident Housing Preference (NRHP) unit, the applicant to be considered after that will depend on whether this first applicant is approved and accepts a unit or not. In this case a Project Sponsor would want to request documentation from the next one or two applicants on the NRHP list as well as the first applicants in the Live/Work Preference pool.)

In order to facilitate this process, MOHCD will provide Project Sponsors with an applicant tracking tool which identifies the first applicant as well as the likely next applicants in rank order. Sponsors must use this tool to ensure that applicants are screened in the proper rank order.
The Project Sponsor will process all applicants only in preference ranked order and communicate a Resolution Status back to MOHCD for each applicant processed before moving to consider the next eligible applicant. Resolution Status may include:

- Accepted (identify unit number)
- No appropriate unit available
- Disqualified
- Disqualified – Requesting Reconsideration

- Declined/withdrawn

9.2.15. Disqualification and Appeals

Applicants who are not able to demonstrate eligibility shall be notified in writing of their disqualification. Disqualification letters shall inform applicants that they may appeal to MOHCD with a request for Reconsideration within three (3) days from the date of receipt of the disqualification letter.

In the case of an appeal or request for reconsideration, the Project Sponsor shall follow procedures outlined in this Manual and the project's Marketing Plan. Typically, this will require holding an appropriately sized unit for the disqualified Household while MOHCD evaluates the request for reconsideration (within seven (7) days from receipt of the request). However, applicants who are found to be ineligible for NRHP have the option to appeal to a Rent Board Administrative Law Judge as described in Section 6.4.2 of this Manual.

9.2.16. Final Documentation

Within fourteen (14) calendar days after execution of a lease or sale by an applicant, the Project Sponsor shall supply MOHCD with a copy of the following for all DTHP and COP applicants:

- Signed copy of lease or ownership agreement
- Copy of complete application

9.2.17. Waitlists

For projects that fill vacancies from a waitlist the Project Sponsor must put the following guidelines in place. The number of households on a waitlist should be no more than 300% of the number of affordable units. The minimum number of households on the waitlist should be no less than 30% of the number of affordable units. For example, for a project with 100 affordable units there should be a maximum of 300 households on

the waitlist and a minimum of 30 households on the waitlist. If the number of households on the waitlist drops below 30% the Project Sponsor must contact MOHCD to refresh the waitlist by submitting a new marketing plan. A marketing period will be commence, and a lottery conducted thereafter, to determine which households will fill the open vacancies on the waitlist. Households from subsequent lotteries will be placed after the households who were already on the waitlist.

Additionally, the Project Sponsor must contact the households on the waitlist in writing annually to determine if they want to remain on the waitlist. If households do not respond they will be removed from the waitlist.