

# Family Selection Committee Manual 2015

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Approved July 21, 2015 by PVHH Executive Committee, per June 28, 2015 PVHH board vote

Updated 9/30/15 to include DHCD rule compliance

Updated 10/23/15 to include equal opportunity statement per HFHI



**EQUAL HOUSING  
OPPORTUNITY**

Pioneer Valley Habitat for Humanity will not discriminate in the selection of applicants on the basis of race, color, national origin, disability, age, ancestry, children, familial status, genetic information, marital status, public assistance reciprocity, religion, sex, sexual orientation, gender identity, veteran/military status, or any other basis prohibited by law.

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# Introduction

## Mission of Habitat for Humanity

Pioneer Valley Habitat for Humanity (PVHH) builds homes, hope, and community in Franklin and Hampshire Counties. PVHH is a housing ministry dedicated to strengthening communities by empowering low-income families to change their lives and the lives of future generations through homeownership opportunities. This is accomplished by working in partnership with diverse people, from all walks of life, to build simple, decent, affordable housing.

Habitat's mission to provide homeownership opportunities to low-income families is unique as it requires partner families to work alongside the community that is reaching out to help them. Each Habitat partner family provides at least 250 hours of "sweat equity," or physical labor, toward the construction of their own home, other Habitat family homes, and special projects.

## Family Selection Committee

The Family Selection Committee is a fundamental team which supports Pioneer Valley Habitat for Humanity's success. Our Family Selection Committee is made up of volunteers who work directly with PVHH's staff and Board of Directors. This team is responsible for managing the pace and process of family selection.

The Family Selection Committee is sensitive to the issues facing applicant families, including the devastating effects of poverty. PVHH embraces people from all walks of life and extends hope to people who have lost hope. The Family Selection Committee is often the prospective homeowners' first contact with PVHH, and the selection process can open the door to a positive, trusting relationship between community members and their local affiliate.

The Board of Directors (BOD), which is ultimately responsible for overseeing all of the affiliate's work, is responsible for adopting the family selection criteria and process. The Family Selection Committee reports to PVHH's Board of Directors. The committee is responsible for recommending families for selection based on the board-approved selection criteria and process.

The committee should also conduct annual reviews of the selection criteria and selection process and advise the board on any needed changes. Furthermore, the affiliate income guidelines must be updated annually based on U.S. Department of Housing and Urban Development (HUD) income guidelines for the area. The board and committee should assess the community's need

for housing. Conducting needs assessments helps the committee most effectively apply the criteria and also educate the public, making decent housing a matter of conscience. The committee should annually meet and exchange information with referral agencies or other affordable housing providers that make or receive family referrals with PVHH.

In fulfilling its various fiduciary duties, the PVHH Board of Directors must be confident that the Family Selection Committee is following practices and procedures spelled out in detail in the following sections of the Family Selection Committee Manual. These practices and procedures have been developed to be in compliance with:

- Gramm–Leach–Bliley Act
- Massachusetts General laws Chapter 40, section B
- Fair Credit Reporting Act
- Equal Credit Opportunity Act
- Real Estate Settlement Act
- Bank Secrecy Act/Anti–Money Laundering Act
- Fair Lending Laws
- Fair Housing Act
- Federal Home Loan Bank regulations and requirements

At a minimum, the Board of Directors should require a written summary that documents the family selection process and how each candidate’s application was reviewed in a fair and objective manner in accordance with this policy and federal/state requirements.

All Family Selection Committee members must abide by the current policies and procedures as described below in the Family Selection Manual.

## **Family Selection Manual**

This Family Selection Manual serves to explain how Pioneer Valley Habitat for Humanity (PVHH) selects qualified applicant families to receive Habitat Homes. The Manual is organized to support a positive, structured, organized and well–documented homeowner selection process.

## 1.0 Partnership

Successful partnerships are built upon honesty, trust, mutual respect, and a cooperative, willing attitude. A successful partnership between PVHH and Partner Families also requires meaningful communication and an acknowledgement of the rights and responsibilities of each partner.

### **The responsibilities of the Partner Family (PF) include:**

- Accepting and signing of an “Invitation to Partner” which outlines the mutual understanding of both parties regarding the terms of the partnership.
- Completing Sweat Equity (SE) requirements, with emphasis on spending at least 100 hours building their own homes.
- Providing PVHH with an accurate and complete application, and meet income guidelines as set forth by PVHH.
- Meeting PVHH’s criteria for Housing Need.
- Keeping PVHH Family Services informed of any changes in economic circumstances, including periodic updates as requested by PVHH.

### **The responsibilities of PVHH include:**

- Ensuring that houses are built in compliance with appropriate building codes and inspected by municipal building inspectors throughout the construction process.
- Being good stewards of donated time, materials and volunteer labor in order to keep the price of homes affordable.
- Ensuring that the mortgage is appropriate for the property and that the family selection criteria include evaluation of the applicant’s ability to meet those mortgage requirements.
- Responding promptly to Partner Family’s questions and concerns.

### **After the sale of the home to the partner family, the Partner Family shall:**

- Make timely mortgage and escrow payments.
- Maintain the home and property upon which it is built.
- Continue to support PVHH’s mission to build homes for more families in need.

### **After the sale of the home to the partner family, PVHH shall:**

- Provide support for the Partner Family by a Family Support Mentor for the first year.

## 2.0 Homeowner Files

PVHH maintains files for homebuyer applicants and selected partner families.

Denied homeowner applications will be kept for 25 months, per Habitat for Humanity International policy. After 25 months, denied applicant files are destroyed. If an applicant family is interested in collecting any original documentation, they must make arrangements with the Family Selection Committee to collect the documentation by the given term or it will be destroyed with the rest of the file. No original documentation will be mailed.

All conversations with partner families with regard to applications and family selection should be documented in writing and placed in the family file.

## 3.0 Application Process

PVHH will only accept applications when looking for partners for a parcel of land on which it intends to begin construction on within a year. The family selection committee will advertise widely and provide multiple opportunities for potential partners to attend information sessions and pick up applications. Attendance at an information session is not required to receive an application, but if the applicant is unable to attend they should make alternative arrangements to learn about Habitat and the application process. At least 50% of information sessions will be held in a handicap accessible location. Advertisements will include the application deadline. All applications must be received by the deadline to be considered.

The application process will not be considered complete until:

- The applicant has attended a potential partner family information session or equivalent (alternative arrangements can be made to accommodate a disability or translation need)
- The paper application is complete
- All required information to analyze creditworthiness of applicants is received
- A home visit has been completed
- The board of directors has affirmed the work of the selection committee
- A lottery has been conducted
- The homeowner signs a partnership agreement

- Sweat equity has been completed
- A final re-certification of ability to pay is completed prior to closing

All applicants that have been deemed eligible by the family selection committee and confirmed by a vote of the board as eligible program participants will be entered into a lottery. The lottery is to be conducted according to Massachusetts Department of Housing and Community Development Guidelines for Comprehensive Permit projects.

Household size/bedroom size: There will be a preference system within the lottery process for households that will utilize all bedrooms of their home, with at least one person to bedroom, with couples presumed to share a bedroom unless medical documentation is presented to demonstrate a true need for separate bedrooms. If there is no household of number/ composition to fill all bedrooms, the earliest selection in the lottery of the size household that would fill all but one, will be given the opportunity to select a larger house size, and so on.

After the lottery one partner family household for each unit will be asked to proceed through the rest of the process to sign a partnership agreement and partner with PVHH.

All final determinations regarding the selection or denial of Partner Families will be voted by the PVHH Board of Directors.

## **4.0 Family Selection**

### **4.1 Eligibility Requirements**

Applicants must demonstrate eligibility for all 4 of the following criteria in order to be entered into a lottery for housing:

- a. Housing need**
- b. Ability to pay for the home**
- c. Willingness to partner**
- d. Meets MA Department of Housing and Community Development (DHCD) eligibility criteria**

#### **Housing Need**

One requirement for eligibility for a Habitat Home is the family's lack of adequate housing and/or the inability to access adequate housing through conventional means.

This is identified by one of the following:

- Substandard conditions in current housing which are identified as not meeting Massachusetts Sanitary Code or Building Code as determined by local Housing

Inspector, Board of Health report or a designated representative from the PVHH building committee

- Overcrowding – determined by number of persons, their ages, and gender. If there is no overcrowding then the following should be true:
  - Parents have a separate bedroom from other family members.
  - Dependent adults have a separate bedroom.
  - Female and male children do not share a bedroom.
  - If same-gender children share a bedroom the age difference is not more than five years.
  - A family member with special needs might need a separate bedroom.
  - Each family member will be able to sleep in a bedroom.
  - The family is not expected to outgrow the house within a year.
- Cost-burdened (cost of rent plus utilities – excluding phone – is greater than 35% of family's monthly income)
- Homelessness (living with friends or relatives or in temporary housing)
- Applicant has been denied a government or conventional loan for the median house price in the area

**And:** Household income is not more than 60% of the area median income (AMI). The board may restrict household income to be less than 50% for specific projects.

**And:** Household assets are not greater than \$75,000

**And:** Home buyer(s) are first time home buyers according to the definition in 42 U.S.C. § 12704(14)

Income from all adults in the household must be included when calculating income. If household composition changes the applicant must inform the selection committee. If there is a new household member who will be a borrower, the selection committee will include the income of the new household members in the final certification of ability to pay. An applicant cannot be deselected for an improvement in financial position or change in household composition unless it affects their ability to pay.

## Ability to Pay

The PVHH Family Selection Committee will review all applications to determine whether they satisfy standard “Ability to Pay” requirements. These ability to repay requirements include but are not limited to:

- An estimated monthly housing cost (principal, interest, taxes, insurance and condo or HOA fees if applicable) of 28% or less of the applicant’s gross income after purchasing a home from PVHH as calculated by PVHH based on estimates of the construction costs approved by the building committee and a maximum mortgage term of 30 years
- A debt to income ratio of 40% or less (ratio = total monthly debt payments divided by gross monthly income)
- A minimum income set by the board for a specific project or at least 30% of the Area Median Income (AMI)
- The ability to make a down payment of at least \$700 to be paid in monthly installments of \$100 after the partner family is selected

PVHH will follow guidelines for income calculation as required by major funders or relevant government agencies. For example, PVHH has received funding from the Federal Home Loan Bank of Boston for several projects and followed their published income calculation guidelines. Calculation methods will be applied consistently and fairly for all applicants in each selection cycle.

## Willingness to Partner

The third criteria to consider in the family selection process are the family’s willingness to meaningfully participate as a partner with PVHH.

Examples of objective criteria for assessing willingness to partner include, but are not limited to, the following:

- The family agrees to pay the mortgage regularly and on time after purchase.
- The family is willing to complete PVHH Sweat Equity requirements in a timely manner.
- The family is willing to work with a family mentor during construction and for one year afterwards.
- The family is willing to move into the offered home.
- The family agrees to notify the affiliate of any change in household size or composition.

- The family agrees to notify the affiliate of any changes in economic circumstances.
- The family agrees to promptly notify the affiliate of any changes in contact information.
- The family agrees to maintain the home and property after purchase.
- The family agrees to complete a first time homeowners course before purchase.

## Conflict of Interest

In addition, Individuals who have a financial interest in the offered home and their families shall not be eligible.

## 4.2 Legal Issues

**PVHH must operate in accordance with the Fair Housing Act (FHA), the Equal Credit Opportunity Act (ECOA), Fair Credit Reporting Act (FCRA), Real Estate Settlement Procedures Act (RESPA), and the Americans with Disabilities Act (ADA).**

The FHA makes it unlawful to discriminate against any person in the sale, rental, advertising, or financing of housing on the basis of race, color, religion, sex, handicap, familial status, or national origin.

The ECOA makes it unlawful for any creditor to discriminate against any applicant, with respect to any aspect of a credit transaction, on the basis of race, color, religion, national origin, sex or marital status, age (provided the applicant is old enough to enter into a contract), source of income (such as public assistance) or because the applicant has in good faith exercised any right under the federal consumer credit laws.

The ECOA defines a creditor as a person who, in the ordinary course of business, regularly participates in the decision of whether or not to extend credit. Our affiliate does this when our board reviews the Family Selection Committee's recommendations. The affiliate is also a creditor because it makes loans to the families who become PVHH homebuyers. Requests for more information/notice of incomplete application must be sent within 30 days.

The ECOA and FCRA consider an application to be complete when all information is received. According to RESPA and TIL an application is not officially completed until PVHH has received the borrower's name; borrower's monthly income; borrower's SSN; property address; estimated value of property; and loan amount. PVHH does not calculate the final purchase price till construction is complete or near completion.

The ECOA states that creditors must notify applicants within 3 business days of receiving completed applications that they have right to receive a copy of all written appraisals developed in connection with the application. This includes any estimate of the dwelling's value, not just

formal appraisal. This information must be provided upon completion or three business days before consummation, whichever is earlier. Consumer may waive deadlines, but has to be given before consummation. Creditor may charge reasonable fee for cost of valuation but not for copying, postage, etc.

Appraisal has to be provided regardless of whether credit is extended or denied or application is incomplete or even withdrawn.

The ADA prohibits discrimination based on physical disability– these regulations apply to housing eligibility as well.

## 4.3 Other Issues

### Residency Status

At least one person to be listed on the deed as a buyer of a PVHH home must be either: 1) a documented United States Citizen; or 2) a person with the documented legal right to permanently remain and be employed in the United States of America (the “Permanent Resident”). The main applicant must be the “Permanent Resident” and have permission to legally be employed in the United States of America.

Without limiting the application of the eligibility requirements set out in the paragraph above, a person may be named as a grantee on the deed for a PVHH home who is not a Permanent Resident. Every person whose name appears on the deed for a PVHH home must also sign the applicable promissory notes and mortgages for that home no matter what their legal or marital status may be.

Individuals must provide documented proof of a status sufficient to demonstrate they are able to meet the requirements to be deemed a Permanent Resident or Citizen by PVHH.

Acceptable documentation includes, but is not limited to, one or more of the following types of documents for each person. Additionally, each application must have at least one form of photo identification with a recent photo.

Applicants may choose from the following forms of identification:

- Social Security card
- Valid U.S. Passport
- Certified Copy of Birth Certificate
- U.S. Alien Registration Card or Permanent Certificate of Naturalization
- Resident card (“Green Card”)
- Certificate of U.S. Citizenship

- Native American Tribal Document
- U.S. Military card or draft record
- Voter's registration card
- Any other document that is acceptable for the Employment Eligibility Verification (Form I-9).

## Sex Offender Registry and Criminal Records Check

PVHH completes a sex offender registry check for all members of a potential partner family who will be recommended by the family selection committee to the board. Please see PVHH's board approved sex offender registry check policy for information on the process of completing these checks. At this time PVHH does not have a Criminal Records Check policy, but if one is adopted it may include completing a check before a partner family receives an invitation to partner. PVHH has sole discretion to disqualify an applicant from homeownership based on a sex offender registry finding or criminal record check.

## Judgments & Liens

Partner families cannot be currently encumbered by judgements or liens at the time of application or closing. If they are finishing payments on a medical lien, the candidate file can be revised for any other debt and previous credit history before a final decision can be determined. After a PF is selected and before the Partner Family completes the purchase of their new home, PVHH staff will check again for judgments and liens 45 days prior to closing. If a Partner Family has acquired a judgment or lien, the closing will be postponed for 90 days and the Partner Family will be referred to credit counseling. If the homeowner cannot clear the judgement or lien in 60 days, the home will be offered to another family and the PF will be invited to reapply in the future after all judgements or liens have been cleared.

## Bankruptcy

In General, applicants must wait two years after a bankruptcy and show good credit in the time since the bankruptcy is discharged. This time period may be waived if the bankruptcy was due to extraordinary circumstances beyond the family's control (e.g. death, serious illness, fire, natural disaster, etc.).

## Foreclosure

In General, applicants must wait two years after a foreclosure and show good rental history in the time since the foreclosure is discharged. This time period may be waived if the foreclosure was due to extraordinary circumstances beyond the family's control (e.g. death, divorce, serious

illness, fire, natural disaster, etc.). The applicant also needs to submit a letter of explanation with supporting documentation, outlining the reason it happened that is signed and dated by the applicant. If the foreclosure was with a previous Habitat affiliate, their application cannot be accepted, as they are considered a financial risk.

## Marital Status of Applicants

PVHH does not discriminate in its selection process on the basis of marital status. However, there are legal issues which make information regarding the marital status of applicants relevant to the application process.

Spouses of applicants must submit all their information to determine income eligibility or an affidavit detailing why that information is not available.

The state of Massachusetts does not recognize legal separation. However, PVHH must be able to safeguard its security interest in the homes it sells. Therefore, Applicants must submit an affidavit explaining their inability to provide documentation for their lawful spouse. The affidavit must state:

- That the absent spouse will not reside in the house if they are ultimately selected to partner with PVHH.
- That the absent spouse will have no legal interest in any house purchased by them from PVHH.
- That they agree to notify PVHH in the event that the spouse moves into the home subsequent to closing.
- That they understand failure to so notify PVHH could result in the termination of their right to remain in the home.

Any Selected Family who is married but separated must sign the above affidavit prior to beginning to work sweat equity.

An Applicant who is found to have provided materially false information about his or her marital status at any point either prior to or after selection shall be subject to de-selection even if the home is completed.

## 5. Family Selection Committee

The Family Selection Committee (FSC) is composed of members who are residents of the Pioneer Valley and are appointed by the PVHH Executive Director or Committee Chair. All committee members who will visit homes or review financial information must pass a CORI check according to PVHH policy.

The FSC will:

- Assign team members roles to aid in the Family Selection Process
- Meet at least quarterly with meetings cancelled or added as necessary
- Conduct a unified review process of each application
- Visit the homes of applicants for the purpose of determining the applicant's suitability for the PVHH's homeownership program

### Family Selection Procedures

1. The Application Reviewers during an application cycle will review applications received at the office at least once a week to determine if enough information has been submitted to forward the application to the Credit Reviewer and notify PVHH staff of the need for a credit check.
2. The Credit Reviewer will re-affirm that the income of the applicant is above the minimum required and below the maximum. If income eligible, the credit reviewer will evaluate the creditworthiness of the applicant.
3. The Family Selection Committee will meet at least monthly during a selection cycle to review the status of applications, assign home visitors and determine lottery eligibility. At least two committee members should attend each home visit. The results of the home visit will be reviewed at the following committee meeting.
4. The Family Selection committee will make a recommendation to the board of all applicants that meet the eligibility requirements of: willingness to partner, housing need and ability to pay.
5. The board will review a summary report for each applicant the committee considers eligible and will affirm their eligibility for the lottery, request additional information or deny an applicant. The summary report the board reviews will only refer to applicants by a unique identifying number and not their name. If the board determines an applicant ineligible they must provide the committee with the specific reason for the denial.
6. When the application deadline has passed and all applicants have been given a reasonable time period to complete their applications a lottery will be conducted by the

Family Selection Committee in accordance with DCHD guidelines. The committee chair or co-chairs will facilitate the lottery.

7. Denial at any point in the process results in a letter informing the family of the denial, the reason(s) for the denial, and includes suggestions for remediation and other possible housing options, along with an invitation to re-apply once any problem issues have been remedied.
8. Selected families will receive a call to inform them of their acceptance, followed by a letter giving the date of acceptance and scheduling of their PVHH orientation meeting.

## Application Policies

After the application and all verification forms are signed by all applicants, Family Selection Volunteers must send written request for the information needed to complete the application within 30 days of receiving the application. At this point the application is considered to be incomplete.

After the Family Selection Committee receives all requested information, the application for housing is reviewed to determine if basic income guidelines and other criteria requirements are met. If the applicant meets these basic thresholds but lacks some of the information requested on the initial letter or unknown requirements are needed (i.e.. debt payments, unknown addresses were discovered that need to be verified, etc..) a written notice to the applicant specifying the information needed will be sent, designating a reasonable period of time of up to 45 days for the applicant to provide the information, and informing the applicant that failure to provide the information requested will result in no further consideration being given to the applicant. If all information to complete an application is submitted, the application will be presented at the next FSC meeting.

The application for housing alone does not contain enough information to determine if a family qualifies for a PVHH home. Additional information may be necessary to evaluate the applicant's eligibility and if the FSC determines that more information is needed, the applicant has up to 30 days to submit the new information requested.

Note: The home visit must be conducted during this evaluating period by the Family Selection Committee.

Once the application is complete and/or new information is submitted the committee has 30 days to make a decision, report this decision to the board for review and send a letter of notification to the applicant. An application is complete when the affiliate has received all

information it regularly considers in evaluating applications. This will include the information requested during the reviewing period.

An applicant that withdraws its application or is deselected after he/she has been approved by our Board of Directors must wait a three year period before they can re-apply. A new complete application and requirements will have to be submitted.

Eligibility of an applicant is at the completion of the application. This means an application is not complete until all supporting documentation has been submitted.

An interested applicant can submit an application up to five times depending on the previous reasons of denial. If their circumstances have changed for the better and no previous signs of falsifications were suspected then the applicant is eligible to apply. If the applicants were previously suspected of fraud, PVHH is not obligated to accept their application due to the obvious unwillingness to partner.

## **Final Certification of Applicants**

PVHH will require re-certification of all program participants 45 days prior to closing. At that time all income will be verified and credit will be reviewed to ensure ability to pay. All participants must submit two months of updated paystubs for all adults working and moving into the PVHH house, three months of bank statements for all bank accounts and any proof of payment for any collections pending on their credit or new debt acquired since their application was approved.

Any income or credit changes must be communicated to PVHH immediately so that a time period can be granted to the family to correct the change depending on the circumstances. If a partner family no longer meets the ability to pay requirement, they may be disqualified even if the house has been completed. Any changes on credit that affects liens and judgments must be disclosed regardless of them showing or not showing on the credit report. Failure to do so will disqualify the family from the PVHH program even if the house has been completed.

A partner family may only be de-selected for the following reasons:

- Demonstrated fraud on the application.
- Failure to complete requirements set forth in the partnership agreement.
- Negative change in financial condition that significantly affects the ability to pay.

- Presence on a sex offender database that disqualifies an approved applicant from family homeownership, according to the affiliate's policy on sex offender registry checks.

Partner families will not be de-selected for improvements in their financial situation, but the term of the mortgage may be adjusted to accelerate repayment of the loan.

**This formally ends the Family Selection process.**

## Supporting Materials

Marketing materials, application forms, and other procedural documents will change from time to time, but are collected here for reference. The committee has discretion to update these documents as needed in coordination with PVHH staff. Provided however that, policies from outside entities cannot be changed and materials need to remain in compliance with the policy and the law. In particular, PVHH should always use the HFHI supplied application form without changes, unless a thorough legal review is undertaken.

- **Affirmative Fair Housing Marketing Plan Approved by DHCD**

- Sample flyers and press release
- Sample outreach and press lists

- **Application Package**

- Application cover letter
- Application form from HFHI – Spanish & English
- List of required documents with application
- Income guidelines 2015
- Housing Need Handout
- PVHH Sweat Equity Policy
- LIP Deed Rider Disclosure
- DHCD Capital improvement Policy
- Form I-9

- **FHLB Income Calculation Guidelines**

- **Sample letters and notices**

- Informational notice
  - Denial letter
  - Invitation to Partner Letter and Agreement
- 