

City of Somerville
Mayor's Office of Strategic Planning and Community Development (OSPCD)

Inclusionary Appeals Policy – Last Revised: 8/15/2025

This policy outlines the standardized appeals process for applicants to the City of Somerville's Inclusionary Housing Program. Applicants may appeal decisions regarding eligibility, waitlist status, rental screening, or other determinations. Appeals are heard by the entity that issued the decision (the City of Somerville, the Property Manager, or the Lottery Agent). It is the role of the City to ensure that appeals are heard in accordance with the agreements that have been made between the City and other entities.

I. Appeal Submission Requirements

Applicants to the Inclusionary Housing Program may submit an appeal only after receiving a written notice of denial. The notice must clearly state the reason for the denial and reference the specific program policies or eligibility criteria applied. The denial notice must also include the Inclusionary Appeals Policy. Applicants are encouraged to submit a complete and well-organized appeal to the entity that issued the denial which clearly articulates any alleged errors or procedural concerns.

Submission Criteria:

Deadline: Appeals must be submitted within 10 business days from the date on the denial notice (email or mail). Late submissions will not be reviewed unless an extension is granted in advance for good cause.

Method of Submission: Appeals must be submitted in writing via email to the entity that issued the denial, with inclusionary@somervillema.gov copied and the subject line: "Appeal – Attention: Housing Programs Coordinator." Individuals who are Limited English Proficient (LEP) or require a reasonable accommodation may submit a verbal request for assistance with filing an appeal by contacting the Inclusionary Housing Program at (617) 625-6600 x2566.

Required Contents of the Appeal

A complete appeal must include the following elements:

- Applicant's full name and contact information
- Property name or address associated with the application
- Clear statement of the issue being appealed (e.g., eligibility denial, lottery exclusion)
- Detailed explanation of the grounds for appeal, including but not limited to:
 - Specific errors in the application of policy or procedure
 - Any extenuating or overlooked circumstances
 - Description of how the error impacted the outcome
- Supporting documentation (if applicable), including but not limited to:
 - Email correspondence
 - Legal or financial documents
 - Evidence of program compliance
 - Additional income certification documentation
- Requested remedy (e.g., reconsideration of eligibility, correction of lottery exclusion)

Applicants are encouraged to focus on their strongest and most relevant arguments. Appeals that merely restate the original application or express disagreement without evidence of error will not be considered sufficient for review.

II. Types of Denial and Appeal Procedures

Applicants participating in affordable housing programs may encounter various points at which their eligibility or placement is reviewed. In the event of a denial, applicants have the right to appeal under specific circumstances. The following outlines the types of determinations that can be appealed, who may appeal them, and the process for review.

(1) Pre-Lottery Eligibility Determination

Appealable By: Applicants who are deemed ineligible prior to the lottery.

Grounds for Appeal:

- Submission of incomplete applications.
- Failure to meet income or household composition requirements.
- For ownership opportunities (e.g., condos), failure to demonstrate first-time homebuyer status or provide a valid mortgage preapproval letter as required by program policy.

Appeal Heard By: City of Somerville Housing Division

Decision Timeline: 10 business days from receipt of complete appeal; extensions may be granted by the Housing Division Director for good cause, if requested within the same 10-business-day window.

Unit Hold During Appeal: Not applicable (no specific unit assigned pre-lottery).

Outcome: If successful, the application is reinstated and entered into the lottery.

Special Notes:

- Applicants who submit their application more than 5 business days before the deadline may receive feedback and revise/resubmit before the deadline.
- Applicants must provide accurate information and complete the application by the deadline.
- Applications received after the deadline will be denied as late submissions.

(2) Post-Lottery Eligibility or Income Certification Denial

Appealable by: Lottery-selected applicants, or applicants selected from the legacy individual property waitlists or the Consolidated Rental Waitlist, who are deemed ineligible during the document or income review process.

Grounds for Appeal: Errors in eligibility or income determination during review.

Appeal Heard By: City of Somerville Housing Division

Decision Timeline: 10 business days from receipt of complete appeal; extensions may be granted by the Housing Division Director for good cause, if requested within the same 10-business-day window.

Unit Hold During Appeal: Unit will be held if applicant is in first position for a specific unit, unless withdrawn or denied in writing.

Outcome: If successful, the applicant proceeds with the housing opportunity.

Special Notes: Unit hold policy ensures opportunity is preserved during the appeal.

(3) Waitlist Removal or Position Dispute

Appealable By:

- Applicants removed from or disputing placement on the Consolidated Rental Waitlist.
- Applicants removed from or disputing placement on legacy waitlists for individual properties prior to the Consolidated Rental Waitlist.

Grounds for Appeal: Administrative errors, miscommunication, or special circumstances (e.g., disability, violence).

Appeal Heard By:

- Consolidated Waitlist: City of Somerville Housing Division.
- Legacy Waitlists: Property Manager or Lottery Agent.

Decision Timeline: 10 business days from receipt of complete appeal; extensions may be granted by the Housing Division Director for good cause, if requested within the same 10-business-day window.

Unit Hold During Appeal: Not applicable (concerns waitlist position, not a specific unit).

Outcome: If successful, reinstatement or corrected placement at original position.

Special Notes: None.

(4) Rental Screening Denial (e.g., credit, suitability)

Appealable By: Applicants denied by a Property Manager based on credit history, references, or background.

Grounds for Appeal:

- Disputes over screening results.
- Requests to provide explanation or use a guarantor.

Appeal Heard By: Property Manager or Lottery Agent, with Housing Division oversight per Compliance MOU (within the Rental & Screening Criteria Attachment).

Decision Timeline: 10 business days from receipt of complete appeal; extensions may be granted by the Housing Division Director for good cause, if requested within the same 10-business-day window.

Unit Hold During Appeal: Unit will be held if applicant is in first position for a specific unit, unless withdrawn or denied in writing.

Outcome: If successful, reinstatement of eligibility for the unit.

Special Notes:

- Applicants cannot be denied solely for lack of credit.
- Applicants may submit explanations or request to use a guarantor.

(5) Unit Selection or Housing Offer Dispute

Appealable By: Applicants disputing housing assignment or claiming they were unfairly bypassed.

Grounds for Appeal: Errors in selection, discrimination, or procedural violations.

Appeal Heard By: Entity that issued the offer (City, Property Manager, or Lottery Agent).

Decision Timeline: 10 business days from receipt of complete appeal; extensions may be granted by the Housing Division Director for good cause, if requested within the same 10-business-day window.

Unit Hold During Appeal: Unit will be held if applicant is in first position for a specific unit, unless withdrawn or denied in writing.

Outcome: If successful, correction of offer or reinstatement of opportunity.

Special Notes: None

(6) Early Lease Termination Fee Waiver Denial

Appealable By: Tenants denied a fee waiver by the property manager.

Grounds for Appeal: Disputes over denial of early lease termination fee waiver.

Appeal Heard By: City of Somerville Housing Division.

Decision Timeline: 10 business days from receipt of complete appeal; extensions may be granted by the Housing Division Director for good cause, if requested within the same 10-business-day window.

Unit Hold During Appeal: Not applicable.

Outcome: Case-by-case determination after Housing Division review.

Special Notes: None

III. Appeal Decision and Notification

Once a complete appeal has been received, the Housing Division or the entity which issued the denial will conduct a thorough administrative review to determine whether an error occurred and whether the original decision should be reversed or modified.

Review Process

- (1) Appeals are evaluated based on:
 - Correct application of program policies
 - Adherence to required procedures
 - Reasonableness
 - Any new or clarifying information submitted with the appeal
- (2) Standard of Review: The review will assess whether the original determination was materially impacted by an error, oversight, or misapplication of policy.

Notification of Decision

The Housing Division or the entity that issued the denial will issue a written response within 10 business days of receiving a complete appeal. If additional time is needed due to complexity or the need for further documentation, the applicant will be notified in writing with an updated estimated timeframe.

If the denial was issued by a property manager or lottery agent, the applicant may appeal that decision to the Housing Director.

The decision issued through this process by the Housing Director or the Housing Division constitutes the final level of administrative review for the Inclusionary Housing Program.

IV. Fair Housing and Special Circumstances

Appeals involving discrimination based on protected class status will be referred to the City's Fair Housing Specialist and may also be directed to MCAD and HUD.

V. Resources for Appeal Assistance

The following agencies may be able to provide free assistance with the household's appeal:

- **Cambridge and Somerville Legal Services:** (617) 603-2700
60 Gore Street, Suite 203, Cambridge, MA 02141
- **Community Action Agency of Somerville:** (617) 623-7370
66-70 Union Square, Suite 104, Somerville, MA 02143
- **City of Somerville Office of Housing Stability:** (617) 625-6600 x2580
50 Evergreen Avenue, 1st floor, Somerville MA 02145

It is in the mutual best interest and the objective of the City of Somerville to not only promote the development of affordable housing, but to ensure that constituents are guided efficiently and effectively through the various stages of the opportunity. The effective date of this policy is August 15, 2025.

Executed: August 15, 2025