

Comments and Responses to the BHA Federal Annual Plan Amendment 1 (April 2025 through March 2026).

The following document contains the comments and responses received on the BHA's Federal FY 2025 Annual Plan Amendment 1. BHA staff met with the Resident Advisory Board in July discussing the Amendment process and documents and sent copies of the Plans to the RAB. The Amendment was put out for public comment on July 7, 2025 and the comment period closed on August 21, 2025 with a virtual public hearing held on zoom August 18, 2025 at 6 pm.

The BHA placed an advertisement in the Boston Globe to notify the public of the Amendment and the opportunity to comment. The BHA also emailed people who signed up on the website to be contacted whenever BHA undergoes a Public Review. The Plan was made available for review at BHA's headquarters at 52 Chauncy St., and on its website www.bostonhousing.org.

Many comments are specific to Plan attachments Admissions and Continued Occupancy Policy (ACOP), and the Leased Housing Administrative Plan (Admin Plan).

ACOP

Comment: Edited 4.2.3 (p. 19). This appears to provide, for applicants on federal waiting lists who have not timely responded to an update letter, for a limited opportunity for reinstatement if they do respond within 10 days after the normal response period elapses. This is helpful and should lessen burdens for both BHA staff and applicants. However, it may be helpful to spell out exactly how this happens. For example, normally if the applicant didn't respond within the update period, the applicant would then receive a notice of withdrawal accompanied by notice of the right to seek informal review. Presumably that notice would also advise the person that, in addition, if they respond to the update within 10 days of this withdrawal/right to review letter, BHA will simply reinstate and there will be no need for an informal review hearing. If this is not how this will work, please spell this out. It should be noted that, consistent with HUD regulations, reinstatement after the 10-day period may also be available as a reasonable accommodation if the failure to timely respond was related to a disability (for example, the applicant was hospitalized during the period to respond, or had cognitive barriers which interfered with the ability to timely respond but systems are now in place to permit timely response (such as involvement of a third party with notice).

Response: Thank you for your comment. Upon the applicant contacting Department of Grievance Appeals for a hearing within the 10-day period Department of Grievance Appeals remands the case to the admission department. The admission team will then reinstate the applicant and contact the household to continue the screening process.

Comment: Edited 9.2.6 (p. 98). The prior system for the effective date for interim public housing recertifications for decreases in income/rent provided that if a change was reported in the first 15 days of the month, the change would be effective for that month, and if it was reported after the 15th, it would be effective the next month. BHA's revised procedure follows what it does for Leased Housing participants, and the example makes clear how it works. The effective date is based on the income change date, and not the reporting date, as long as it is reported within 30 days of the change, and is effective the month after the income change. If, however, the income change was not reported within 30 days, then the effective date would be the first month after the date of report. So, if income decreased in late April, but was reported in mid-May, the change would be effective as of May. While there are a few instances where the prior ACOP policy might be more favorable to the tenant (for example tenant both had the income loss in early April and reported it then, under the old policy, the decrease would be effective in April, but the new policy would have it be effective for May), on balance the pro's likely outweigh the cons. BHA should review the lease and other procedures to make sure no other revisions are necessary to make this change.

Response: Thank you for your comment. BHA will review the lease to ensure that no other revisions are necessary to implement this change.

Comment: As noted in the comments above regarding parallel Admin Plan revisions, there may be some instances where outright denial of the right to get retroactive adjustment due to lack of timely verification doesn't make sense, and BHA should have this as a "may" rather than a "must" and retain case by case discretion. This would include cases where it is not within the tenant's control to get in the needed materials because a third-party has failed to respond, as well as circumstances where timely response is affected by disability, a domestic violence situation, or the need for a person of limited English proficiency to get appropriate language assistance.

Response: Thank you for your comment. The BHA will always consider cases involving Reasonable Accommodation or Domestic Violence cases as exceptions to its policy and have the ability to exercise discretion.

Comment: Edited 9.2.8(b) (p. 99). Since the ACOP is not in redlined form, I am not sure what precise changes were made here from the prior draft, but generally speaking what's described here makes sense—i.e., that federal public housing tenants are automatically defaulted to whichever rent selection method (income-based or flat rent) results in a lower figure, but they are notified of the right to request shifting to the higher figure within 20 days if that is their preference. As provided in federal law, tenants in federal public housing on flat rent retain the right at any time to request to switch to an income-based rent if that would lead to a lower rent and reduce hardship.

Response: Thank you for your comment. The previous practice was to ask the family which option they preferred between the income based or flat rent option. This often led to confusion as the family was being asked if they would prefer to pay more or less for

rent. This change was made to eliminate that confusing question to default the family to the lower share with an option to elect the higher share by notifying BHA within 20 days of their rent share notice and requesting to pay the higher share.

Comment: Revisions in Chapter 11, Definitions (pp. 123-139). As with the Admin Plan, BHA has added some definitions or revised the same. In particular, “Earned Income” (p. 121) has been added. As noted above under the Admin Plan, this makes sense given the distinction under HOTMA for interim reporting of increases in earned income versus increases in unearned income.

Response: Thank you for your comment.

Comment: “Family” (pp. 130-131) has been revised to reflect statutory changes. As noted under the Admin Plan above, this is parallel to the Glossary change, and appears to be right, but the definition of “Family” in the body of the Admin Plan doesn’t track the full HUD definition and should be revised.

Response: Thank you for your comment.

Comment: “Health and Medical Care Expenses” (p. 132) has been added to follow HOTMA terminology. Unlike the Admin Plan, there is no separate “Medical Expense” item in the Definitions which may cause confusion. However, as recommended above, it would likely make sense to also include definitions of “Disability Assistance Expenses” and “Child Care Expenses” to track the other deductions that are relevant.

Response: Thank you for your comment. BHA will include those definitions.

Comment: “Minor” (p. 133) has apparently been revised, but as noted in comments on the Admin Plan above, it is not clear what changes were made and why.

Response: Thank you for your comment. Changes were made to reflect the HOTMA definitions.

Comment: “Unearned Income” (p. 138) has been added, and again this is important for HOTMA purposes and distinguishing between interim reporting obligations for earned and unearned income for federal housing programs. However, I would remove the reference to “5.609”, and it may make sense to say instead “applicable state or federal regulations” or just be silent (the full cite is 24 CFR 5.609, but of course cites may change).

Response: That you for your comment. We will remove the citation.

Leased Housing Administrative Plan

Comment: Pine Street Inn, Inc. (PSI) is pleased to comment on the Boston Housing Authority (BHA) FY2025 Annual Housing Plan Amendments.

For over 30 years, Pine Street Inn has worked alongside the Boston Housing Authority to provide affordable, supportive housing for individuals experiencing homelessness. Since its inception in 1969, Pine Street Inn has served individuals experiencing homelessness in Greater Boston through various responsive, community-based programs and services. PSI is the largest nonprofit housing and homeless services agency in New England. PSI provides food, clothing, shelter, day and night- time street-based outreach, access to health care, job training, affordable housing, and other critical resources for over 2,000 individuals each day and night at its 45 locations throughout Metropolitan Boston. Pine Street Inn's mission is to end homelessness by making permanent housing a reality for all.

Pine Street Inn has successfully developed and operated affordable housing for individuals experiencing homelessness and various other hardships for over 50 years. Pine Street Inn has designed housing and housing-based services for persons with disabilities, including mental illness, HIV/AIDS, chronic substance use disorder, dual diagnosis, and mobility limitations. Units meet the complex needs of the hardest-to-serve homeless individuals. With 1,100 units of housing with supportive services in the portfolio, PSI is a prominent provider in Boston's homeless services Continuum of Care (CoC).

Pine Street Inn is grateful for the Boston Housing Authority's support and collaboration in the development of our newest housing property, 900 Morrissey Boulevard. Including an Admissions and Continued Occupancy Policy (ACOP) for 900 Morrissey in the BHA's Annual Housing Plan Amendments ensures that individuals experiencing homelessness will be quickly and efficiently placed in housing when the building opens. Additionally, updating the BHA's Administrative Plan to allow projects to operate owner-maintained waiting lists, if they have an MOU with the City of Boston, further facilitates well-matched and timely housing placements and strengthens the partnership between Pine Street Inn and the Boston Housing Authority. The BHA's foresight and thorough planning regarding 900 Morrissey will be transformative for the building's future residents, and Pine Street Inn applauds and endorses these provisions.

Additionally, Pine Street Inn is appreciative of the general policy updates to the BHA's ACOP and Administrative Plan which are favorable to applicants. Allowing applicants to respond to a withdrawal letter to maintain their place on a waitlist and to reject a housing placement for good cause, without changing the status of other waitlist applications, provides individuals and families with more flexibility and individual choice in their housing placement. Additionally, clarifying procedures around tenant income changes and simplifying the housing recertification policy will reduce the administrative burden on Boston Housing Authority tenants. PSI supports these changes, which will improve tenants' quality of life and relationships with their housing provider.

Pine Street Inn is thankful for our ongoing collaboration with the Boston Housing Authority. We hope to continue this collaboration by housing individuals with BHA vouchers in permanent supportive housing, including those with mitigation vouchers. Additionally, we aim to facilitate information sharing between tenants, the BHA, and PSI to help tenants retain housing. The BHA's 16,651 vouchers are crucial to the availability of affordable housing in Boston. The BHA's knowledgeable staff, essential services, and

informed guidance are invaluable. We pledge to work together in partnership with the Boston Housing Authority to preserve, create, and provide access to affordable housing for people experiencing homelessness.

Response: We appreciated the positive comments and the continued partnership with Pine Street Inn.

Comment: Edited Table of Contents (pp. 2-12). I didn't notice any redlining or text changes here. It may make sense, for Chapter 15 (Homeownership Option, pp. 192-207), to include all of the subsections in the Table of Contents, as has been done for the other Chapters. For Chapter 19 (Glossary), pp. 261 et seq., similarly it may be helpful to list all of the terms that are defined.

Response: Thank you for your comment. We will make the necessary updates to the Table of Contents.

Comment: Edited 3.2.5(6) (pp. 14-15). The Admin Plan is not redlined to show the specific change, and the Summary of Changes has at least one typo. I understand that the proposed change is to reflect that either the tenant's rejection of a PBV offer without good cause, or the owner's refusal to accept the PBV participant referred to the unit, will result in the removal from the specific development waiting list but will not affect rights to other public housing, HCVP, or PBV offers on other development waiting lists.

Response: Thank you for comment.

Comment: Edited 5.2.1 (pp. 49-50). Here again, the Admin Plan is not redlined to show the specific change. The Summary of Changes refers to updating the definition of "family" to conform to HOTMA revisions. It would be helpful to know what specific changes were made. In addition, the definition does not appear to confirm to 42 U.S.C. 1437a(b)(3)(A) & (B), since the statute includes youth as described in 42 U.S.C. 1437f(x)(2)(B) and there is no such reference here.

Response: Thank you for your comment. Edits have been completed

Comment: Edited 8.2.1(b) (p. 95). Here again, the Admin Plan is not redlined to show the specific change, but the Summary of Changes reflects that a mandatory redetermination of the rent reasonableness is required if the HUD published Fair Market Rent (FMR) decreases by 10% or more from the previously published figure. Before now, the BHA Admin Plan provided for mandatory redetermination for FMR reductions of 5% or more. The revision tracks the current rent reasonableness regulation. See 24 C.F.R. 982.507(a)(2)(ii). Is this also required if Small Area FMRs decreased by 10% or more? One could envision a situation where the FMR did not decrease by 10% but the SAFMR decrease for a particular zip code was 10% or more.

Response: Thank for your comment. BHA will seek further guidance since HUD regulation are silent on this matter.

Comment: Edited 11.1.1(d) (p. 124). Language is added here (in blue highlighted form) to make clear that retroactive recertification will not be possible where there is failure to get in supporting documentation. GBLS would recommend that this be written in a “may”, rather than a “must”, format. There may be circumstances where the participant is not at fault in the lack of supporting information, such as where a 3rd party fails to timely provide information but the participant has been cooperative and timely. There also may be cases involving reasonable accommodation, limited English proficiency, or survivors of domestic violence who have extra barriers in providing what’s needed, but BHA may agree that in light of the household’s circumstances, retroactive relief is appropriate to reflect the true circumstances of the family.

Response: Thank you for your comment. The BHA will always consider cases involving Reasonable Accommodation or Domestic Violence cases as exceptions to its policy and have the ability to exercise discretion.

Comment: Added 14.1.6(A-B) (pp. 161-162). This provides for a voucher term and extension policy for the Family Unification Program (FUP), and mandates an automatic extension by 90 days from the original 120 day voucher term upon written or oral request as long as the extension request is submitted prior to the initial term’s expiration. Here again, because a redlined version is not provided, it is not clear what prior text was replaced. For FUP, there are provisions for written notice warning the participant of the term limit and that assistance may be requested in housing search. There is cross-reference to “c.7.2.5” for extension requests beyond those provided here. This should be clarified that it is a cross-reference to the general provisions about extension of voucher search terms in Section 7.2.5 of the Admin Plan (pp. 86-88).

Response: Thank you for your comment.

Comment: Edited 15.2.1(b)(1) (p. 194). BHA eliminated the requirement that households seeking to participate in the Section 8 Homeownership Option must be at or above 50% of Area Median Income. However, the edit made here was incomplete, as the phrase “whichever is higher” (with reference to either earning minimum wage times 2000 hours or the alternative 50% of area median) is still kept. The phrase “whichever is higher” should be deleted.

Response: Thank you for your comment. Edits have been completed.

Comment: Edited 15.2.3 (pp. 195-196). Here again, the requirement to have an income of at least 50% of area median income has been eliminated. However, there is the same error as in the prior section, and the phrase “whichever is higher” should be eliminated.

Response: Thank you for your comment. Edits have been completed.

Comment: Added 16.2.8(d) (pp. 222-223). This discusses the documentation necessary for submission to an independent entity within certain time frames for Project-Based Voucher Units that are PHA owned in terms of development activity or substantial improvements. Here again, without a redlined version, it's not possible to see what revisions were made. This appears to be consistent, however, with 24 C.F.R. 983.155(b). It would be helpful to detail what the BHA and owner obligations are with regard to relocation & continued assistance for any families who may be temporarily unable to use their units in case of substantial improvement, similar to protocols BHA has used at Amory Street and other redevelopment sites. However, these may be site-specific plans which need not be part of the Admin Plan, as long as they are consistent with general Admin Plan provisions and statutory/regulatory obligations.

Response: Thank you for your comment.

Comment: Added 16.5.1(a)(3) (pp. 236-237). This provision allows owners of project based voucher units who have entered into a Memorandum of Understanding (MOU) with the City of Boston under the Coordinated Access System (CAS) for a Homeless Service Provider (HSP) to administer their own site-based waiting lists. This would include placing and removing applicants on the waiting list. However, BHA would still make the determination that the applicant is Section 8 eligibility and would coordinate the lease-up process, similar to what it does for other PBV participants. BHA would have to approve of any owner site-based waiting list policy, retain oversight over the owner's operation of the waiting list, would conduct periodic audits, and could decertify the owner's operation of a site-based waiting list if it was found to be improper. All of this is consistent with HUD's revised PBV regulations (see 24 C.F.R. 983.251(c)(2)(iii) and (7), and BHA has provided an example of a site-based waiting list at 900 Morrissey Boulevard as an attachment to the PHA Plan Amendment and the Admin Plan. All of this seems fine, but this should be monitored over time to make sure that there are no problems and particularly that applicants are not improperly removed from waiting lists and have their basis for priority fairly reviewed, similar to that which BHA provides.

Response: Thank you for your comment.

Comment: Edited 16.5.1(a)(4) (p. 237). As provided above, this is revised to make clear that while a PBV owner's rejection of an applicant, or a PBV applicant's refusal to accept an owner without good cause, will result in the applicant being removed from that site-based waiting list, it does not affect the applicant's rights on any other PBV site-based lists, or from the Housing Choice Voucher Program (HCVP) or public housing waiting lists. As noted above, the Summary of Changes slightly misstates the revision and has one or more typos—see Section 3.2.5 (6), above, on pp. 14-15.

Response: Thank you for your comment.

Comment: In Chapter 19 (Glossary) (pp. 261-282), the Summary of Changes is a little out of order. It would make sense to organize this in alphabetic order by the particular definitions. Changes or edits include--

Added definition of “Earned Income” (p. 269) (important for HOTMA distinctions about interim reporting of income changes, which treats increases in earned income differently than increases in unearned income.

Response: Thank you for your comment.

Comment: Edited definition of “Family” (pp. 270-271). The phrasing here seems better than the discussion of “Family” earlier in the Admin Plan (see Section 5.2.1 pp. 49-50), as it includes the “youth” definition found in the statute.

Response: Thank for your comment. Correction has been made.

Comment: Added definition of “Good Cause Rejection” (p. 272). This seems a bit narrow, and should include situations where a household member is a victim or witness to violent crime or a hate crime where location in a particular location may pose a health/safety risk (don’t limit this to just VAWA).

Response: Thank for your comment. This align with 24 CFR 983.251 (e)(2)(iii).

Comment: Added a definition of “Health and Medical Care Expenses” (p. 272). However, this may cause more confusion, since there is a separate definition of “Medical Expenses” (p. 275), and it’s not clear how each is to be used. Are these related to a specific subsection of the Admin Plan (such as the Homeownership Option), are these intended for general rent determination. If so, the HUD definition of the deduction for extraordinary medical expenses (originally those above 3% of income, but being phased in to those above 10% of income under HOTMA) is a little different than this. Moreover, there is the separate “Disability Assistance Expense” deduction which can be relevant here, and there is no definition of that. In addition, it may be helpful to also include reference to “Child Care Expenses”, since this is the third area of expenses that may be relevant to rent setting. This deserves some further review.

Response: Thank you for your comment. This align PIH 2023-27.

Comment: Edited the definition of “Minor” (p. 275), but it’s not clear what change was made or why.

Response: Thank you for your comment. Changes were made to reflect the HOTMA definitions.

Comment: Edited the definition of “Project” (for the purpose of the PBV program) (p. 278) to make clear that it could be contiguous or adjacent properties/parcels. This is

relevant to various PBV exemptions from capping units and this is helpful. However, this may not be clear to the reader, and it may be helpful to add some context.

Response: Thank you for your comment.

Comment: Added a definition of “Unearned Income” (p. 281), and here again this would be to assist with distinguishing, for HOTMA interim reporting obligations, between increases in earned income that do not need to be reported in most instances mid-year and increases in unearned income that often would need to be reported if income increases by 10% or more from what was previously reported.

Response: Thank you for your comment.