

Annual PHA Plan <i>(Standard PHAs and Troubled PHAs)</i>	U.S. Department of Housing and Urban Development Office of Public and Indian Housing	OMB No. 2577-0226 Expires: 03/31/2024
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Purpose. The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA’s operations, programs, and services, including changes to these policies, and informs HUD, families served by the PHA, and members of the public of the PHA’s mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families.

Applicability. The Form HUD-50075-ST is to be completed annually by **STANDARD PHAs or TROUBLED PHAs**. PHAs that meet the definition of a High Performer PHA, Small PHA, HCV-Only PHA or Qualified PHA do not need to submit this form.

Definitions.

- (1) **High-Performer PHA** – A PHA that owns or manages more than 550 combined public housing units and housing choice vouchers, and was designated as a high performer on both the most recent Public Housing Assessment System (PHAS) and Section Eight Management Assessment Program (SEMAP) assessments if administering both programs, or PHAS if only administering public housing.
- (2) **Small PHA** - A PHA that is not designated as PHAS or SEMAP troubled, that owns or manages less than 250 public housing units and any number of vouchers where the total combined units exceed 550.
- (3) **Housing Choice Voucher (HCV) Only PHA** - A PHA that administers more than 550 HCVs, was not designated as troubled in its most recent SEMAP assessment and does not own or manage public housing.
- (4) **Standard PHA** - A PHA that owns or manages 250 or more public housing units and any number of vouchers where the total combined units exceed 550, and that was designated as a standard performer in the most recent PHAS or SEMAP assessments.
- (5) **Troubled PHA** - A PHA that achieves an overall PHAS or SEMAP score of less than 60 percent.
- (6) **Qualified PHA** - A PHA with 550 or fewer public housing dwelling units and/or housing choice vouchers combined and is not PHAS or SEMAP troubled.

A. PHA Information.						
A.1	PHA Name: <u>Boston Housing Authority</u> PHA Code: <u>MA002</u> PHA Type: <input checked="" type="checkbox"/> Standard PHA <input type="checkbox"/> Troubled PHA PHA Plan for Fiscal Year Beginning: (MM/YYYY): <u>04/2022</u> PHA Inventory (Based on Annual Contributions Contract (ACC) units at time of FY beginning, above) Number of Public Housing (PH) Units <u>8533</u> Number of Housing Choice Vouchers (HCVs) <u>15,499</u> Total Combined Units/Vouchers <u>24,032</u> PHA Plan Submission Type: <input checked="" type="checkbox"/> Annual Submission <input type="checkbox"/> Revised Annual Submission					
	Availability of Information. PHAs must have the elements listed below readily available to the public. A PHA must identify the specific location(s) where the proposed PHA Plan, PHA Plan Elements, and all information relevant to the public hearing and proposed PHA Plan are available for inspection by the public. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on their official website. PHAs are also encouraged to provide each resident council a copy of their PHA Plans.					
	The specific location(s) where the public may obtain copies of the PHA Plan, Plan Elements and information about the public hearing are: BHA main administrative office, 52 Chauncy Street, Boston, MA 02111, www.bostonhousing.org, and resident councils. The BHA placed an advertisement in the Boston Globe notifying the public of the Public Hearing and where to locate Plan documents.					
	<input type="checkbox"/> PHA Consortia: (Check box if submitting a Joint PHA Plan and complete table below)					
	Participating PHAs	PHA Code	Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program	
					PH	HCV
Lead PHA:						

B.	Plan Elements					
B.1	<p>Revision of Existing PHA Plan Elements.</p> <p>(a) Have the following PHA Plan elements been revised by the PHA?</p> <p>Y N</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Statement of Housing Needs and Strategy for Addressing Housing Needs</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Financial Resources.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Rent Determination.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Operation and Management.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Grievance Procedures.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Homeownership Programs.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Community Service and Self-Sufficiency Programs.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Safety and Crime Prevention.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Pet Policy.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Asset Management.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Substantial Deviation.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Significant Amendment/Modification</p> <p>(b) If the PHA answered yes for any element, describe the revisions for each revised element(s):</p> <p>See attached Plan Supplement for B.1 Revision of PHA Plan Elements (ma002a01). In addition, BHA is attaching to the Annual Plan:</p> <ul style="list-style-type: none"> Limited English Proficiency Four Factor Analysis (ma002d01) Site-Based Resident and Applicant Race Ethnicity and Disability-related characteristics (ma002e01) Rental Assistance Demonstration attachment to annual plan (ma002f01) Leased Housing Administrative Plan (ma002h01) Admissions and Continued Occupancy Policy (ma002i01) <p>(c) The PHA must submit its Deconcentration Policy for Field Office review.</p>					
B.2	<p>New Activities.</p> <p>(a) Does the PHA intend to undertake any new activities related to the following in the PHA's current Fiscal Year?</p> <p>Y N</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Hope VI or Choice Neighborhoods.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Mixed Finance Modernization or Development.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Demolition and/or Disposition.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Designated Housing for Elderly and/or Disabled Families.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Conversion of Public Housing to Tenant-Based Assistance.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Conversion of Public Housing to Project-Based Rental Assistance or Project-Based Vouchers under RAD.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Occupancy by Over-Income Families.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Occupancy by Police Officers.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Non-Smoking Policies.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Project-Based Vouchers.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Units with Approved Vacancies for Modernization.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Other Capital Grant Programs (i.e., Capital Fund Community Facilities Grants or Emergency Safety and Security Grants).</p> <p>(b) If any of these activities are planned for the current Fiscal Year, describe the activities. For new demolition activities, describe any public housing development or portion thereof, owned by the PHA for which the PHA has applied or will apply for demolition and/or disposition approval under section 18 of the 1937 Act under the separate demolition/disposition approval process. If using Project-Based Vouchers (PBVs), provide the projected number of project-based units and general locations, and describe how project basing would be consistent with the PHA Plan.</p> <p>Please see Plan Supplement, ma002a01.</p>					
B.3	<p>Progress Report.</p> <p>Provide a description of the PHA's progress in meeting its Mission and Goals described in the PHA 5-Year and Annual Plan.</p> <p>See attached Five-Year Plan 2020-2024 Progress Report (ma002g01).</p>					

B.4	<p>Capital Improvements. Include a reference here to the most recent HUD-approved 5-Year Action Plan in EPIC and the date that it was approved.</p> <p>Ongoing capital improvements include, but not limited to, roof replacements, heating and domestic hot water (DHW) systems replacements or improvements, heating plant decentralizations, façade repairs, elevator systems upgrades and improvements, and Life Safety Improvements (replacing repairing fire alarm, fire pumps and fire protections systems) per the most recent 5-Year Action Plan in EPIC approved 5/23/2022. The proposed Five-Year Action Plan (FY2023-2027) was available during the Annual Plan public comment and hearing period and will be submitted for HUD approval when the ACC becomes available later this year.</p>
B.5	<p>Most Recent Fiscal Year Audit.</p> <p>(a) Were there any findings in the most recent FY Audit?</p> <p>Y N <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>(b) If yes, please describe:</p>
C. Other Document and/or Certification Requirements.	
C.1	<p>Resident Advisory Board (RAB) Comments.</p> <p>(a) Did the RAB(s) have comments to the PHA Plan?</p> <p>Y N <input checked="" type="checkbox"/> <input type="checkbox"/></p> <p>(b) If yes, comments must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations. See attached Response to Comments (ma002c01).</p>
C.2	<p>Certification by State or Local Officials.</p> <p>Form HUD-50077-SL, <i>Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p> <p>See attached as part of Certifications (ma002b01).</p>
C.3	<p>Civil Rights Certification/ Certification Listing Policies and Programs that the PHA has Revised since Submission of its Last Annual Plan.</p> <p>Form HUD-50077-ST-HCV-HP, <i>PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations Including PHA Plan Elements that Have Changed</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p> <p>See attached as part of Certifications (ma002b01).</p>
C.4	<p>Challenged Elements. If any element of the PHA Plan is challenged, a PHA must include such information as an attachment with a description of any challenges to Plan elements, the source of the challenge, and the PHA's response to the public.</p> <p>(a) Did the public challenge any elements of the Plan?</p> <p>Y N <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>If yes, include Challenged Elements.</p>
C.5	<p>Troubled PHA.</p> <p>(a) Does the PHA have any current Memorandum of Agreement, Performance Improvement Plan, or Recovery Plan in place?</p> <p>Y N N/A <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>(b) If yes, please describe:</p>

D.	Affirmatively Furthering Fair Housing (AFFH).				
D.1	<p>Affirmatively Furthering Fair Housing (AFFH).</p> <p>Provide a statement of the PHA's strategies and actions to achieve fair housing goals outlined in an accepted Assessment of Fair Housing (AFH) consistent with 24 CFR § 5.154(d)(5). Use the chart provided below. (PHAs should add as many goals as necessary to overcome fair housing issues and contributing factors.) Until such time as the PHA is required to submit an AFH, the PHA is not obligated to complete this chart. The PHA will fulfill, nevertheless, the requirements at 24 CFR § 903.7(o) enacted prior to August 17, 2015. See Instructions for further detail on completing this item.</p> <p>BHA is not yet required to submit an AFH, so the new requirements do not apply. However, BHA continues to fulfill the requirements at 24 CFR 903.7(o)(3): <u>"which means that it (BHA) examines its own programs or proposed programs; identifies any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement; and maintain records reflecting these analyses and actions."</u></p> <table border="1" data-bbox="181 632 1451 1081"> <tr> <td data-bbox="181 632 1451 674"> Fair Housing Goal: </td> </tr> <tr> <td data-bbox="181 674 1451 1081"> <u>Describe fair housing strategies and actions to achieve the goal</u> </td> </tr> </table> <table border="1" data-bbox="181 1106 1451 1522"> <tr> <td data-bbox="181 1106 1451 1148"> Fair Housing Goal: </td> </tr> <tr> <td data-bbox="181 1148 1451 1522"> <u>Describe fair housing strategies and actions to achieve the goal</u> </td> </tr> </table>	Fair Housing Goal:	<u>Describe fair housing strategies and actions to achieve the goal</u>	Fair Housing Goal:	<u>Describe fair housing strategies and actions to achieve the goal</u>
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Supplement to HUD Form 50075-ST(1): Revision of PHA Plan Elements and New Activities

January 5, 2023

Table of Contents

Title	Page	Revised	Not Revised
Section B.1 Revision of PHA Plan Elements			
1.Statement of Housing Needs and Strategy for Addressing Housing Needs	2	X	
2.Deconcentration and Other Policies that Govern Eligibility, Selection and Admissions	11	X	
3.Financial Resources	24	X	
4.Rent Determination	25	X	
5.Operation and Management	31	X	
6.Grievance Procedures	37		X
7.Homeownership Programs	39	X	
8.Community Services and Self-Sufficiency	44	X	
9.Safety and Crime Prevention including Violence Against Women Act Policy and Description of VAWA activities, services or programs	49	X	
10.Pet Policy	62	X	
11.Asset Management	64		X
12.Substantial Deviation	65		X
13.Significant Amendment/Modification	65		X
Section B.2 New Activities			
14.Hope VI or Choice Neighborhoods	66	X	
15.Mixed Finance Modernization of Development	67	X	
16.Demolition and/or Disposition	68	X	
17.Designated Housing for Elderly and or Disabled Families	79	X	
18.Conversion of Public Housing to Tenant-Based Assistance	82	X	
19.Conversion of Public Housing to Project-Based Assistance under RAD	83		X
20.Occupancy by Over-Income Families	83		X
21.Occupancy by Police Officers	83		X
22.Non-Smoking Policies	84		X
23.Project-Based Vouchers	86	X	
24.Units with Approved Vacancies for Modernization	89	X	
25.Other Capital Grant Programs (i.e., Capital Fund Community Facilities Grants, or Emergency Safety and Security Grants)	91		X
26.Organization Chart	92	x	

Section B.1 Revision of PHA Plan Elements

1. Housing Needs of Families in the Jurisdiction/s Served by the PHA and Strategy for Addressing Housing Needs

Based upon the information contained in the Consolidated Plan/s applicable to the jurisdiction, and/or other data available to the PHA, provide a statement of the housing needs in the jurisdiction by completing the following table. In the "Overall" Needs column, provide the estimated number of renter families that have housing needs. For the remaining characteristics, rate the impact of that factor on the housing needs for each family type, from 1 to 5, with 1 being "no impact" and 5 being "severe impact." Use N/A to indicate that no information is available upon which the PHA can make this assessment.

Housing Needs of Families in the Jurisdiction by Family Type									
Family Type*	Overall**	% of Overall*	Affordability	Supply	Quality	Accessibility	% Overcrowded*	Size	Location
Income <= 30% of AMI	68,580	54.8	5	3	2	2	N/A	1	N/A
Income >30% but <=50% of AMI	30,005	24.0	5	3	2	2	N/A	2	N/A
Income >50% but <80% of AMI	26,525	21.2	4	3	2	2	N/A	2	N/A
Elderly <80%	37,120	29.7	4	3	2	2	N/A	N/A	N/A
Families with Disabilities <100% of the poverty level***	24,844	31.6	3	4	2	2	N/A	N/A	N/A
White <80%****	33,145	41.2	4	3	2	2	N/A	N/A	N/A
Black African American Households <80%****	22,955	28.5	4	3	2	2	N/A	N/A	N/A
Hispanic Households <80%****	16,575	20.6	5	3	2	2	N/A	N/A	N/A
American Indian / Alaska Native <80%****	219	.3	5	3	2	2	N/A	N/A	N/A
Asian / Pacific Islander <80%****	7560	9.4	4	3	2	2	N/A	N/A	N/A
All Minority Households <80%****	47,309	58.8	4	3	2	2	N/A	N/A	N/A
All Households <80% AMI	125,110	100	4	3	2	2	N/A	1	N/A

*There is likely some overlap in the data. For example, elderly households will include

Supplement to HUD Form 50075-ST(1): Plan Elements

persons with disabilities who are elderly and disabled families will include both single persons and persons with children.

**Overall renter households eligible for public housing, those below 80% of Area Median Income. Total Households = 125,110

***2017 American Community Survey 1-Year Estimates, U.S. Census Bureau, Selected Economic Characteristics for the Civilian Non-Institutionalized Population By Disability Status

****From Boston Consolidated Plan - based on 2009-2013 Comprehensive Housing Affordability Strategy (CHAS) has one of more of four housing problems: lacks complete kitchen or plumbing facilities, more than one person per room, or cost burden greater than 30%. Total = 80,454

X: Consolidated Plan of the Jurisdiction/s

Indicate year: 7/1/2018 to 6/30/2023.

X: U.S. Census data: the State of the Cities Data Systems: Comprehensive Housing Affordability Strategy (CHAS) dataset 2009-2013 as presented in Boston Consolidated Plan 2018-2023

__: American Housing Survey data Indicate year:

__: Other housing market study
Indicate year:

X: Other sources: (list and indicate year of information) Analysis conducted in consultation with staff from the Mayor's Office of Housing.

B. Housing Needs of Families on the Public Housing and Section 8 Tenant- Based Assistance Waiting Lists

State the housing needs of the families on the PHA's waiting list/s. Complete one table for each type of PHA-wide waiting list administered by the PHA. PHAs may provide separate tables for site-based or sub-jurisdictional public housing waiting lists at their option.

Housing Needs of Families on the Waiting List			
Waiting list type: (select one) <u>X</u> : Section 8 tenant-based assistance __: Public Housing __: Combined Section 8 and Public Housing __: Public Housing Site-Based or sub-jurisdictional waiting list (optional) If used, identify which development / sub-jurisdiction:			
	# of families	% of families	Annual Turnover
Waiting List total	553		313
Extremely low income <=30%	512	92.59%	
Very low income >30% but <=50% AMI	36	6.51%	

Supplement to HUD Form 50075-ST(1): Plan Elements

Low income >50% but <80% AMI	5	0.90%	
Family with children*	246	44.48%	
Elderly families*	101	18.26%	
Family with disabilities*	267	48.28%	
White Hispanic	140	25.32%	
White Non-Hispanic	103	18.63%	
Black Hispanic	47	8.50%	
Black Non-Hispanic	247	44.67%	
American Indian Hispanic	4	0.72%	
American Indian Non-Hispanic	3	0.54%	
Asian/Pacific Island Hispanic	1	0.18%	
Asian/Pacific Island Non-Hispanic	8	1.45%	

* The BHA had Single applicants on the waiting list. In addition there were instances of families that fit into more than one category including disabled and minors; disabled and elderly; elderly and minors; and families that fit in all 3 categories.

**BHA ranked 7277 applications on its Section 8 Tenant-Based Waiting List based on the result of the lottery process when it re-opened the waiting list for two weeks in October 2008.

Is the waiting list closed (select one) ☐ No ☒ Yes

If yes:

HOW LONG HAS IT BEEN CLOSED? SINCE NOVEMBER 1, 2008

Does the PHA expect to reopen the list in the PHA Plan year? ☒ No ☐ Yes

Does the PHA permit specific categories of families onto the waiting list, even if generally closed?

☐ No ☒ Yes

Please Note: BHA implemented site-based waiting lists for Section 8 Project-Based and Moderate Rehabilitation Housing Programs effective May 2007 and the waiting lists are open for Priority One Applicants only, except for Elderly/Disabled Section 8 Project-Based waiting lists that have been open to non-priority elderly 62 years of age and older effective May 9, 2014. In addition, the Section 8 Tenant Based waiting list is open for Super Priority, PBV participants switching to tenant-based vouchers after a year of tenancy in good standing, and applicants of BHA supported housing programs, and Mitigation voucher applicants. Additionally, from time to time and with consideration to funding availability, the BHA accepts referral applicants for supportive housing programs under which a referral agency provides services including stabilization services and housing search as agreed upon by a Memorandum of Agreement for proposed applicants.

Housing Needs of Families on the Waiting List			
Waiting list type: (select one) ___: Section 8 tenant-based assistance <u>X</u> : Public Housing ___: Combined Section 8 and Public Housing ___: Public Housing Site-Based or sub-jurisdictional waiting list (optional) If used, identify which development / sub-jurisdiction:			
	# of families	% of families	Annual Turnover
Waiting List total	28,703		6,844
Extremely low income <=30%	27,203	94.77%	
Very low income >30% but <=50% AMI	1279	4.46%	
Low income >50% but <80% AMI	221	0.77%	
Family with children*	7,592	26.45%	
Elderly families*	6,521	22.72%	
Family with disabilities*	8,102	28.23%	
White Hispanic	6,635	23.12%	
White Non-Hispanic	5,263	18.34%	
Black Hispanic	3,118	10.86%	
Black Non-Hispanic	10,302	35.89%	
American Indian Hispanic	133	0.46%	
American Indian Non-Hispanic	235	0.82%	
Asian/Pacific Island Hispanic	70	0.24%	
Asian/Pacific Island Non-Hispanic	2,677	9.33%	
Native Hawaiian/Other Pacific Islander Hispanic	99	0.34%	
Native Hawaiian/Other Pacific Islander Non-Hispanic	57	0.20%	
N/A Race/Ethnicity	114	0.40%	

*The BHA had Single applicants on the waiting list. In addition there were instances of families that fit into more than one category including duplicates in disabled and children; duplicates in disabled and elderly; duplicates in elderly and children; and families that fit all categories.

**The number of clients, BHA processed for final eligibility for public housing.

***The totals numbers for race/ethnicity are missing client records that do not indicate a race.

Characteristics by Bedroom Size (Public Housing)

Housing Needs of Families on the Waiting List

BR Size	Total	%
1	16,493	57.46%

Supplement to HUD Form 50075-ST(1): Plan Elements

2	7,578	26.40%
3	3,630	12.65%
4	860	3.00%
5	112	0.39%
6	24	0.08%
7	6	0.02%
total	28703	

Is the waiting list closed (select one)? ☒ No ☐ Yes

If yes:

HOW LONG HAS IT BEEN CLOSED (# OF MONTHS)?

Does the PHA expect to reopen the list in the PHA Plan year? ☐ No ☐ Yes

Does the PHA permit specific categories of families onto the waiting list, even if generally closed? ☐ No ☐ Yes

Strategy for Addressing Housing Needs. Provide a brief description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. **Note: Small, Section 8 only, and High Performing PHAs complete only for Annual Plan submission with the 5-Year Plan.**

Provide a brief description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list **IN THE UPCOMING YEAR**, and the Agency's reasons for choosing this strategy.

1 Strategies

Need: Shortage of affordable housing for all eligible populations

Strategy 1. Maximize the number of affordable units available to the PHA within its current resources by:

Select all that apply

- ☒ : Employ effective maintenance and management policies to minimize the number of public housing units off-line
- ☒ : Reduce turnover time for vacated public housing units Reduce time to renovate public housing units
- ☒ : Seek replacement of public housing units lost to the inventory through mixed finance development
- ☒ : Seek replacement of public housing units lost to the inventory through section 8 replacement housing resources
- ☒ : Maintain or increase section 8 lease-up rates by establishing payment standards that will enable families to rent throughout the jurisdiction
- ☒ : Undertake measures to ensure access to affordable housing among families assisted by the PHA, regardless of unit size required
- ☒ : Maintain or increase section 8 lease-up rates by marketing the program to owners, particularly those outside of areas of minority and poverty concentration
- ☒ : Maintain or increase section 8 lease-up rates by effectively screening Section 8 applicants

Supplement to HUD Form 50075-ST(1): Plan Elements

to increase owner acceptance of program

☒ : Participate in the Consolidated Plan development process to ensure coordination with broader community strategies

☒ : Other (list below)

The BHA is engaging in partnerships with other agencies to better service the needs of our population and create family supported housing programs.

Strategy 2: Increase the number of affordable housing units by:

Select all that apply:

☒ : Apply for additional section 8 units should they become available

☒ : Leverage affordable housing resources in the community through the creation of mixed - finance housing

☒ : Pursue housing resources other than public housing or Section 8 tenant-based assistance.

☒ : Other: (list below)

Add market uses to sites where appropriate to help preserve affordable units 1:1.

BHA is eager to pursue any and all sources for the preservation and/or creation of new public housing units including using its existing Faircloth authority in conjunction with the RAD program. This may include private and public sources, funds for housing specific populations, funds for "green" (energy-efficient and healthy) affordable housing, etc. We welcome specific suggestions.

Need: Specific Family Types: Families at or below 30% of median

Strategy 1: Target available assistance to families at or below 30 % of AMI

Select all that apply

☐ : Exceed HUD federal targeting requirements for families at or below 30% of AMI in public housing. *However, given the demographics of the public housing wait list it is anticipated that new admissions at or below 30% of median area income will significantly exceed 40%.*

☐ : Exceed HUD federal targeting requirements for families at or below 30% of AMI in tenant-based section 8 assistance. *However, given the demographics of the Section 8 Tenant-Based wait list, it is anticipated that new admissions at or below 30% of median area income will significantly exceed 40%.*

☒ : Employ admissions preferences aimed at families with economic hardships

☒ : Adopt rent policies to support and encourage work

☐ : Other: (list below)

Need: Specific Family Types: Families at or below 50% of median

Strategy 1: Target available assistance to families at or below 50% of AMI

Select all that apply

☒ : Employ admissions preferences aimed at families who are working (in Leased Housing Programs)

☒ : Adopt rent policies to support and encourage work

☒ : Other: (list below)

HomeBase Program, Healthy Start in Housing, HOPWA, Housing Chronically Homeless Elders (age 62 or older), SAMHSA, BPS-Homeless Student Program, Health Starts At Home, Elder Living At Home Program –ELAHP, PACE in Public Housing; Moving On for the City of Boston, Rapid Rehousing Program, Leading the Way Home, City of Boston Coordinated Access System Referral, NED Program in Section 8, Emergency Housing Vouchers (EHVs) and other Supported Housing Programs

Need: Specific Family Types: The Elderly

Strategy 1: Target available assistance to the elderly:

Select all that apply

☒ : Seek designation of public housing for the elderly

☒ : Apply for special-purpose vouchers targeted to the elderly, should they become available

☒ : Other: (list below)

Housing Chronically Homeless Elders (age 62 or older)

When possible, develop additional units for low-income elders

Need: Specific Family Types: Families with Disabilities

Strategy 1: Target available assistance to Families with Disabilities:

Select all that apply

☒ : Implementing preference for disabled persons in family public housing

☒ : Apply for special-purpose vouchers targeted to families with disabilities, should they become available

☒ : Affirmatively market to local non-profit agencies that assist families with disabilities

☒ : Other: (list below)

- Provide preference to developers seeking Section 8 Project Based Vouchers in developments that provide services for families with disabilities.

- HOPWA in Public Housing
- Supported Housing Programs in Public Housing
- Section 8 Moderate Rehab Supported Housing Programs
- Supported Housing Programs in Section 8 including Chronically Homeless (Preference for long term shelter stayers applies to Section 8 applicants), City of Boston Coordinated Access System Referrals, Moving On for the City of Boston
- VASH Program in Section 8
- Mainstream Housing Vouchers

Need: Specific Family Types: Races or ethnicities with disproportionate housing needs

Strategy 1: Increase awareness of PHA resources among families of races and ethnicities with disproportionate needs:

Select if applicable

___: Affirmatively market to races/ethnicities shown to have disproportionate housing needs

X: Other: (list below)

As necessary affirmatively market to races/ethnicities shown to have disproportionate needs in the administration of site based waiting lists in the public housing program (see ACOP).

Strategy 2: Conduct activities to affirmatively further fair housing

Select all that apply

X: Counsel section 8 tenants as to location of units outside of areas of poverty or minority concentration and assist them to locate those units

X: Market the section 8 program to owners outside of areas of poverty /minority concentrations

X: Other: (list below)

Actively participate with the City of Boston in the development of an Assessment of Fair Housing and implementation of the Consolidated Housing Plan for the City of Boston. Effective July 1, 2019, BHA implemented Small Area Fair Market Rents (SAFMRs) as exception payment standards in those zip codes where they are necessary to make the communities accessible and affordable for voucher holders. The goal of implementing SAFMR exception payment standards is to (1) to expand choice for voucher holders and decrease the concentration of vouchers in high poverty areas; (2) to preserve people's ability to remain where they are preventing displacement and the exacerbation of gentrification and (3) to minimize the effects of artificially inflating rent in the City of Boston. The BHA has also implemented Expanding Choice in Housing Opportunities to help families with housing search outside of the areas traditionally reached by BHA voucher holders.

Supplement to HUD Form 50075-ST(1): Plan Elements

9

Other Housing Needs & Strategies: (list needs and strategies below)

(2) Reasons for Selecting Strategies

Of the factors listed below, select all that influenced the PHA's selection of the strategies it will pursue:

- ☒ : Funding constraints
- ☒ : Staffing constraints
- ☒ : Limited availability of sites for assisted housing
- ☒ : Extent to which particular housing needs are met by other organizations in the community
- ☒ : Evidence of housing needs as demonstrated in the Consolidated Plan and other information available to the PHA
- ☒ : Influence of the housing market on PHA programs
- ☒ : Community priorities regarding housing assistance
- ☒ : Results of consultation with local or state government
- ☒ : Results of consultation with residents and the Resident Advisory Board
- ☒ : Results of consultation with advocacy groups
- ☐ : Other: (list below)

2. Eligibility, Selection and Admissions Policies, including Deconcentration and Wait list Procedures

A. Public Housing

Exemptions: PHAs that do not administer public housing are not required to complete this subcomponent.

(1) Eligibility

a. When does the PHA verify eligibility for admission to public housing? (select all that apply)

___: When families are within a certain number of being offered a unit: (state number)

___: When families are within a certain time of being offered a unit: (state time)

X: Other: (describe) At the time of preliminary application as well as when the applicant nears the top of the wait list. In addition the BHA verifies eligibility for admission for proposed additions to current households' family composition, personal care attendants/live-in aides, and for residual tenancy applicants.

b. Which non-income (screening) factors does the PHA use to establish eligibility for admission to public housing (select all that apply)?

X: Criminal or Drug-related activity

X: Rental history

X: Housekeeping which may include home visits when negative housekeeping history is documented

X: Other (describe) behavior towards landlords, neighbors, BHA staff, treatment of property, credit history, utility payment history, and eligible immigration status In addition the BHA will comply with the HUD's Enterprise Income Verification (EIV) reporting for bad debts requirements and checking eviction history and termination history (where Section 8 assistance was previously terminated by a PHA) when reported through the EIV system.

c. X: Yes ___: No: Does the PHA request criminal records from local law enforcement agencies for screening purposes?

d. X: Yes ___: No: Does the PHA request criminal records from State law enforcement agencies for screening purposes?

e. ___: Yes X: No: Does the PHA access FBI criminal records from the FBI for screening purposes? (either directly or through an NCIC- authorized source) The BHA uses the Dru Sjodin –SORI- and the National Sex Offender Registry. The BHA also obtain criminal records from out of state for applicants who have resided outside of Massachusetts. The BHA obtains out of state criminal records in compliance of each state's criminal check request requirements including Puerto Rico.

(2) Waiting List Organization

Supplement to HUD Form 50075-ST(1): Plan Elements

11

a. Which methods does the PHA plan to use to organize its public housing waiting list (select all that apply)

___: Community-wide list

___: Sub-jurisdictional lists

X: Site-based waiting lists

___: Other (describe)

b. Where may interested persons apply for admission to public housing?

X: PHA main administrative office

X: PHA development site management office (obtain information)

X: Other: by mail, if out of state or as a reasonable accommodation

May obtain application information by phone, via e-mail, and by downloading forms from the BHA website (www.bostonhousing.org). Applications may be mailed for those living out of state or as a reasonable accommodation.

c. If the PHA plans to operate one or more site-based waiting lists in the coming year, answer each of the following questions; if not, skip to subsection **(3) Assignment**

1. How many site-based waiting lists will the PHA operate in the coming year? 43 public housing; and 5 mixed finance. The BHA has additional housing units within its portfolio. Application information for those sites can be found on the BHA website.

2. ___: Yes X: No: Are any or all of the PHA's site-based waiting lists new for the upcoming year (that is, they are not part of a previously-HUD- approved site based waiting list plan)?

If yes, how many lists?

3. X: Yes ___: No: May families be on more than one list simultaneously?

If yes, how many lists? All lists for which they meet the threshold eligibility criteria.

4. Where can interested persons obtain more information about and sign up to be on the site-based waiting lists (select all that apply)?

X: PHA main administrative office

X: All PHA development management offices (obtain information)

X: Management offices at developments with site-based waiting lists

X: At the development to which they would like to apply

X: Other: Obtain information by visiting the BHA's website (www.bostonhousing.org), by mail, phone, via e-mail and or online through the BHA portal (boston.myhousing.org) or the Common Housing Application for Massachusetts Public Housing (CHAMP) website. HOPE VI

Supplement to HUD Form 50075-ST(1): Plan Elements

12

and other mixed finance redevelopment sites – Mission Main, Orchard Gardens, Orchard Commons, Washington Beech, Maverick Landing, Franklin Hill, and Anne M. Lynch Homes at Old Colony Phase I, II, III, and IV and any other future public housing property converted with mixed finance - maintain and establish their own waiting lists for public housing units. Waiting lists for all Section 8 project-based voucher and Moderate Rehabilitation units, however, are maintained by BHA. In addition, the BHA will maintain the public housing and Section 8 Project-Based waiting lists for Heritage and Lower Mills as well as for any other BHA public housing property converted to Section 8 Project-Based Voucher.

(3) Assignment

a. How many vacant unit choices are applicants ordinarily given before they fall to the bottom of or are removed from the waiting list? (select one)

 X : One

 : Two

 : Three or More

b. X : Yes : No: Is this policy consistent across all waiting list types?

c. If answer to b is no, list variations for any other than the primary public housing waiting list/s for the PHA:

(4) Admissions Preferences

a. Income targeting: : Yes X : No: Does the PHA plan to exceed the federal targeting requirements by targeting more than 40% of all new admissions to public housing to families at or below 30% of median area income? However, given the demographics of the public housing wait list it is anticipated that new admissions at or below 30% of median area income will significantly exceed 40%.

b. Transfer policies:

In what circumstances will transfers take precedence over new admissions? (list below)

 X : Special Circumstances (Every eighth unit by Bedroom Size by Development will be offered to Special Circumstances Transfers including Reasonable Accommodation and Transfers related to Designated Housing)

 X : Administrative reasons determined by the PHA (e.g., to permit modernization work, address over and under housing across the portfolio, make apartments with special features available to persons with disabilities, address safety needs due to domestic violence related matters, severe medical issues, witness protection, etc.)

The Administrator of the BHA shall deem when necessary to proceed with Administrative Transfers based on a review of a proposal from Operations and Admissions, which includes information such as historical transfer data, acceptance rates, and current occupancy rates,

c. Preferences

1. ☒ : Yes ☐ : No: Has the PHA established preferences for admission to public housing (other than date and time of application)? (If "no" is selected, skip to next subsection Occupancy)

2. Which of the following admission preferences does the PHA plan to employ in the coming year? (select all that apply from either former Federal preferences or other preferences)

Former Federal preferences:

☒ : Involuntary Displacement (Disaster, Government Action, Action of Housing Owner [No-Fault Court-Ordered Eviction Only], Inaccessibility [Disabled Applicant Only], Property Disposition, Condemnation, Displacement by any low- rent housing project or by public slum clearance or urban renewal project), Victims of reprisals or hate crimes

☒ : Victims of domestic violence

☒ : Substandard housing Homelessness

☐ : High rent burden (rent is > 50 percent of income)

☐ : Imminent Landlord displacement

Other preferences: (select below)

☐ : Working families and those unable to work because of age or disability

☒ : Veterans and veterans' families

☒ : Residents who live and/or work in the jurisdiction

☐ : Those enrolled currently in educational, training, or upward mobility programs

☐ : Households that contribute to meeting income goals (broad range of incomes)

☐ : Households that contribute to meeting income requirements (targeting)

☐ : Those previously enrolled in educational, training, or upward mobility programs

☒ : Other preference(s) (list below)

- Disabled head or co-head (family housing program only) if does not require a wheelchair accessible unit.

- Designated Housing Preference (for Elderly/Disabled housing program only) if does not require a wheelchair accessible unit.

- Displaced Resident from a Unit in the City of Boston Preference.

- Supported Housing Programs made housing offers before Priority One Applicants.

- Graduates of Project-Based Units Who Have Fulfilled Supportive Service Goals.

Supplement to HUD Form 50075-ST(1): Plan Elements

14

- Displaced Due to Being Cost Burdened in Boston

3. If the PHA will employ admissions preferences, please prioritize by placing a “1” in the space that represents your first priority, a “2” in the box representing your second priority, and so on. If you give equal weight to one or more of these choices (either through an absolute hierarchy or through a point system), place the same number next to each. That means you can use “1” more than once, “2” more than once, etc.

Date and Time: Only factor among residents/clients with same priority/preference status

Former Federal preferences:

1 Involuntary Displacement (Natural Disaster, Condemnation, Government Action, Action of Housing Owner [No-Fault Court-Ordered Eviction Only], Inaccessibility [Disabled Applicant Only] Displacement by any low-rent housing project or by public slum, victims of reprisals or hate crimes

1 Victims of domestic violence

1 Homelessness

1 Graduates of Project-Based Units Who Have Fulfilled Supportive Service Goals.

1 Displaced Due to Being Cost Burdened in Boston

Other preferences: (select below)

___: Working families and those unable to work because of age or disability

X: Veterans and veterans’ families

X: Residents who live and/or work in the jurisdiction

___: Those enrolled currently in educational, training, or upward mobility programs

___: Households that contribute to meeting income goals (broad range of incomes)

___: Households that contribute to meeting income requirements (targeting)

___: Those previously enrolled in educational, training, or upward mobility programs

X: Other preference(s) (list below)

- Disabled head or co-head (family housing program only) if does not require a wheelchair accessible unit.

- Designated Housing Preference (for Elderly/Disabled housing program only) if does not require a wheelchair accessible unit.

- Displaced Resident from a Unit in the City of Boston Preference

- Supported Housing Programs made housing offers before Priority One Applicants.

4. Relationship of preferences to income targeting requirements:

Supplement to HUD Form 50075-ST(1): Plan Elements

15

X : The PHA applies preferences within income tiers: Income tiers are used in our HOPE VI redevelopment sites and at our non-HOPE VI redevelopment sites, including West Broadway and Franklin Hill. Income tiering is in effect only after existing residents in good standing have the opportunity to return to the redeveloped site, regardless of their income.

X : Not applicable: the pool of applicant families ensures that the PHA will meet income targeting requirements

(5)Occupancy:

- a. What reference materials can applicants and residents use to obtain information about the rules of occupancy of public housing (select all that apply)

X : The PHA-resident lease

X : The PHA's Admissions and Continued Occupancy policy

X : PHA briefing seminars or written materials

X : Other source (list): BHA website (www.bostonhousing.org), BHA Reasonable Accommodation Policy, Limited English Proficiency (LEP) Policy, BHA Pet Policies, Transfer Guide, Violence Against Women Act (VAWA) Policy, Rent Manual – available at management offices. For mixed-finance properties may reference the ACOP and/or Administrative Plan available with management.

- b. How often must residents notify the PHA of changes in family composition? (select all that apply)

X : At an annual reexamination and lease renewal

X : Any time family composition changes

X : At family request for revision

___ : Other (list)

(6)Deconcentration and Income Mixing:

- a. ___ : Yes X : No: Did the PHA's analysis of its family (general occupancy) developments to determine concentrations of poverty indicate the need for measures to promote deconcentration of poverty or income mixing?

- b. ___ : Yes X : No: Did the PHA adopt any changes to its **admissions policies** based on the results of the required analysis of the need to promote deconcentration of poverty or to assure income mixing?

- c. If the answer to b was yes, what changes were adopted? (select all that apply)

___ : Adoption of site-based waiting lists

If selected, list targeted developments below:

___ : Employing waiting list "skipping" to achieve deconcentration of poverty or income mixing goals at targeted developments

If selected, list targeted developments below:

___: Employing new admission preferences at targeted developments If selected, list targeted developments below:

___: Other (list policies and developments targeted below)

d. ___: Yes X: No: Did the PHA adopt any changes to other policies based on the results of the required analysis of the need for deconcentration of poverty and income mixing?

e. If the answer to d was yes, how would you describe these changes? (select all that apply)

___: Additional affirmative marketing

___: Actions to improve the marketability of certain developments

___: Adoption or adjustment of ceiling rents for certain developments

___: Adoption of rent incentives to encourage deconcentration of poverty and income- mixing

___: Other (list below)

f. Based on the results of the required analysis, in which developments will the PHA make special efforts to attract or retain higher-income families? (select all that apply)

X: Not applicable: results of analysis did not indicate a need for such efforts

List (any applicable) developments below:

g. Based on the results of the required analysis, in which developments will the PHA make special efforts to assure access for lower-income families? (select all that apply)

X: Not applicable: results of analysis did not indicate a need for such efforts

___: List (any applicable) developments below:

B. Section 8

Exemptions: PHAs that do not administer section 8 are not required to complete this sub-component.

Unless otherwise specified, all questions in this section apply only to the tenant- based section 8 assistance program (vouchers, and until completely merged into the voucher program, certificates).

Supplement to HUD Form 50075-ST(1): Plan Elements

17

(1) Eligibility

- a. What is the extent of screening conducted by the PHA? (select all that apply)
☒ : Criminal or drug-related activity only to the extent required by law or regulation
☐ : Criminal and drug-related activity, more extensively than required by law or regulation
☐ : More general screening than criminal and drug-related activity (list factors below)
☒ : Other (list below) eligible immigration status, priority and preference verification, use of the EIV database to check on past eviction & termination history
- b. ☒ : Yes ☐ : No: Does the PHA request criminal records from local law enforcement agencies for screening purposes?
- c. ☒ : Yes ☐ : No: Does the PHA request criminal records from State law enforcement agencies for screening purposes?
- d. ☐ : Yes ☒ : No: Does the PHA access FBI criminal records from the FBI for screening purposes? (either directly or through an NCIC- authorized source) The BHA uses the Dru Sjodin –SORI- and the National Sex Offender Registry. The BHA also obtain criminal records from out of state for applicants who have resided outside of Massachusetts. The BHA obtains out of state criminal records in compliance of each state's criminal check request requirements including Puerto Rico.
- e. Indicate what kinds of information you share with prospective landlords? (select all that apply)
☐ : Criminal or drug-related activity
☐ : Other (describe below)

(2) Waiting List Organization

- a. With which of the following program waiting lists is the Section 8 Tenant-Based assistance waiting list merged? (select all that apply)
☒ : None
☐ : Federal public housing
☐ : Federal moderate rehabilitation
☐ : Federal project-based certificate program
☐ : Other federal or local program (list below)
- b. Where may interested persons apply for admission to section 8 tenant-based assistance? (select all that apply)
☒ : PHA main administrative office Leased Housing Division-Admissions Department and mail. Application information can be obtained via website and applicant portal (www.bostonhousing.org), phone, and e-mail. The tenant-based waiting list has been closed since October 2008.
☒ : Other: There are several special admissions programs (supported housing programs) run by the BHA in agreement with various non- profit partners which allow applications on a referral basis to eligible families.

(3) Search Time

a. ☒: Yes ☐: No: Does the PHA give extensions on standard 60-day period to search for a unit?

If yes, state circumstances below: See Leased Housing Administrative Plan Chapter 7.2 Voucher Term Length, Tolling, Extension, Expiration and Withdrawal.

(4) Admissions Preferences

a. Income targeting

☐: Yes ☒: No: Does the PHA plan to exceed the federal targeting requirements by targeting more than 75% of all new admissions to the section 8 program to families at or below 30% of median area income?

b. Preferences

1. ☒: Yes ☐: No: Has the PHA established preferences for admission to section 8 tenant-based assistance? (other than date and time of application) (if no, skip to subcomponent (5) Special purpose section 8 assistance programs)

2. Which of the following admission preferences does the PHA plan to employ in the coming year? (select all that apply from either former Federal preferences or other preferences)

Former Federal preferences

☒: Involuntary Displacement (Disaster, Government Action, Action of Housing Owner through no fault of your own, Inaccessibility, Property Disposition), victims of reprisals or hate crimes

☒: Victims of domestic violence

☐: Substandard housing

☒: Homelessness

☒: High rent burden (rent is > 50 percent of income)

Other preferences (select all that apply)

☒: Working families and those unable to work because of age or disability

☒: Veterans and veterans' families

☐: Residents who live and/or work in your jurisdiction

☐: Those enrolled currently in educational, training, or upward mobility programs

☐: Households that contribute to meeting income goals (broad range of incomes)

☐: Households that contribute to meeting income requirements (targeting)

☐: Those previously enrolled in educational, training, or upward mobility programs

☒: Other preference(s) (list below)

1. Project-Based Voucher Residents who have completed 1 Year residency and are in good standing may opt for a tenant-based voucher when available.

2. Transfer from BHA public housing or Section 8 Moderate Rehabilitation Program or Project-Based Voucher programs because of health, safety, BHA rehabilitation programs, reasonable accommodation, and humanitarian reasons

3. One or two-persons both elderly, disabled or displaced families (including persons who are displaced as a result of expiring use) over other singles.

4. A participant in a supportive housing program for elderly or disabled persons shall be considered to be imminently in danger of homelessness and shall be eligible for Priority One status if the program participant: 1) has been a tenant in such program for not less

Supplement to HUD Form 50075-ST(1): Plan Elements

19

than twelve (12) months; AND 2) has outgrown or completed the program's services; AND 3) as a result must relocate from such housing.

5. Displaced Former Boston Resident.

6. Priority one non-elderly disabled applicants who, in accordance with the BHA's Designated Housing Plan would have otherwise been called in for screening for a BHA public housing unit will be referred to Leased Housing.

7. PBV participants who are displaced through no fault of their own.

8. Former residents returning to a new construction PBV site that was identified as replacement housing.

9. Applicants who are residents of an expiring use property, converted to PBRA, located in the City of Boston, where the BHA administers the waiting list and refers eligible applicants for vacancies.

10. Non-Elderly Disabled applicants at sites which were formerly public housing, were part of a designated housing plan, and have converted to PBV.

11. Supported Housing Programs -the BHA, in a written agreement, will partner with social service, or other agencies, to provide housing and supportive services to targeted populations.

3. If the PHA will employ admissions preferences, please prioritize by placing a "1" in the space that represents your first priority, a "2" in the box representing your second priority, and so on. If you give equal weight to one or more of these choices (either through an absolute hierarchy or through a point system), place the same number next to each. That means you can use "1" more than once, "2" more than once, etc.

Date and Time: (Only a factor among residents with same priority status)
Former Federal preferences

5 Involuntary Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition), victims of reprisals or hate crimes

5 Victims of domestic violence

Other preferences (select all that apply)

6 : Working families and those unable to work because of age or disability

6 : Veterans and veterans' families

___: Residents who live and/or work in your jurisdiction

___: Those enrolled currently in educational, training, or upward mobility programs

___: Households that contribute to meeting income goals (broad range of incomes)

___: Households that contribute to meeting income requirements (targeting)

___: Those previously enrolled in educational, training, or upward mobility programs

X : Other preference(s) (list below)

Priority	Category
1	Project-Based Voucher Residents who have completed 1 Year residency and are in good standing may opt for a tenant-based voucher when available.*

2	Special Purpose Vouchers: The BHA will admit an Applicant who qualifies for a particular category of Special Purpose Vouchers to the Section 8 program before all other Applicants on the waiting list if the BHA is not currently assisting the required number of special purpose vouchers families
3	Super Priority Transfer - from BHA public housing, Section 8 Moderate Rehabilitation Program or Project- Based Voucher programs because of health, safety, BHA rehabilitation programs, reasonable accommodation, and humanitarian reasons* BHA PH residents who qualify for Homeownership
4	Supported Housing Programs pursuant to an MOA between the BHA and a non-profit or government agency.
5	Mitigation Vouchers Priority one non-elderly disabled applicants who, in accordance with the BHA's Designated Housing Plan would have otherwise been called in for screening for a BHA public housing unit will be referred to Leased Housing.
6	<p>Priority One Applicants</p> <ul style="list-style-type: none"> • Displaced Due to Disaster • Displaced Due to Domestic Violence/ Dating Violence/Sexual Assault/ or Stalking • Displaced due to Being a Victim of Hate Crime • Displaced due Avoidance of Reprisal/Witness Protection • Displaced due to Court Ordered no Fault Eviction • Displaced due to Government Action • For Disabled Persons only, Inaccessibility of a Critical Element of their current Dwelling Unit • Displaced due to Being Cost Burdened in Boston • Graduate of Supportive Service Program (has outgrown program services and must relocate) • Homeless
	See cumulative preference points below.

*The Section 8 Tenant-Based Voucher waiting list is closed except for current BHA Project Based Voucher participants who meet the eligibility requirements as established in the Administrative Plan and are ranked above all other Section 8 Tenant-Based Housing Choice waiting list applicants, current BHA Residents who are determined to qualify for Super priority and priority one non-elderly disabled public housing applicants who in accordance with the BHA's Designated Housing Plan would have otherwise been called in for screening for a BHA public housing unit. Referrals will be accepted from Supported Housing Programs as defined in the Administrative Plan, as funding permits.

The following chart further demonstrates the BHA's priority/preference categories and how they are ranked:

Section 8 Admissions Point System

- (a) The **Priority point system** used by BHA to process new Admissions on all waiting lists is as follows:

PBV w/ 1 Year residency	95 points
Super Priority Applicants	75 points
Mitigation Vouchers	60 points
Supportive Housing Programs	50 points
Priority One Applicants	30 points
Standard Applicants	0 points

- (b) **Preference points** will be added to Priority points as follows for Applicants for Admission only:

1. Project Based Voucher Elderly	100 Points
2. Right of First Refusal	25 Points
3. No Fault Displacement	20 Points
4. Non-Elderly Disabled	10 Points
5. Preference under Olmstead	7 Points
6. Homeless Service Organizations	7 Points
7. Long Term Homelessness	7 Points
8. Single Elderly or Disabled	5 Points
9. Veterans Preference	3 points
10. Displaced Boston Resident Preference	2 points
11. Working Families, Single Disabled, Single Elderly Preference	1 points

4. Among applicants on the waiting list with equal preference status, how are applicants selected? (select one)

 X : Date and time of application (after lottery for Housing Choice Voucher Program tenant-based)

 : Drawing (lottery) or other random choice technique

5. If the PHA plans to employ preferences for "residents who live and/or work in the jurisdiction" (select one)

X : This preference has previously been reviewed and approved by HUD for Displaced Resident from a unit in the City of Boston

___: The PHA requests approval for this preference through this PHA Plan

6. Relationship of preferences to income targeting requirements: (select one)

___: The PHA applies preferences within income tiers

X : Not applicable: the pool of applicant families ensures that the PHA will meet income targeting requirements

(5) Special Purpose Section 8 Assistance Programs

a. In which documents or other reference materials are the policies governing eligibility, selection, and admissions to any special-purpose section 8 program administered by the PHA contained? (select all that apply)

X : The Section 8 Administrative Plan

X : Briefing sessions and written materials

X : Other: Section 8 Moderate Rehabilitation Administrative Plan, Reasonable Accommodation Policy, BHA Limited English Proficiency Policy, Individual program mailings (i.e. Family Self-Sufficiency (FSS) program marketing), advocacy group meetings, support service groups, www.bostonhousing.org

b. How does the PHA announce the availability of any special-purpose section 8 programs to the public?

X : Through published notices

X : Other: Press releases and Marketing to targeted support service groups

3. Financial Resources

List the financial resources that are anticipated to be available to the PHA for the support of Federal public housing and tenant-based Section 8 assistance programs administered by the PHA during the Plan year. Note: the table assumes that Federal public housing or tenant based Section 8 assistance grant funds are expended on eligible purposes; therefore, uses of these funds need not be stated. For other funds, indicate the use for those funds as one of the following categories: public housing operations, public housing capital improvements, public housing safety/security, public housing supportive services, Section 8 tenant-based assistance, Section 8 supportive services or other. Update October 2021.

Financial Resources: Planned Sources and Uses		
Sources	Planned \$	Planned Uses
1. FEDERAL GRANTS		
1a. Public Housing Operating Fund	\$66,270,065	
1b. Public Housing Capital Fund	\$29,077,308	
1c. HOPE VI Revitalization	----	
1d. HOPE VI Demolition	----	
1e. Annual Contributions for Section 8 Tenant-Based Assistance	\$330,328,172	
1f. Public Housing Drug Elimination Program (including any Technical Assistance funds)	----	
1g. Resident Opportunity/Self-Sufficiency Grants	\$535,427	
1h. Community Development Block Grant	----	
1i. HOME	----	----
1j. Project Based Section 8	\$6,386,875	
2. Prior Year Federal Grants (unobligated funds only)		
2a. CGP/DDTF	\$11,015,803	
2b. HOPE VI	----	
3. Public Housing Dwelling Rental Income	\$45,258,276	Operating
4. Other Income, Vending/Laundry, Cell Towers, Insurance settlements, Tenant Damages	\$800,000	Operating, Social Services
4a. Investment Income	\$10,000	Operating
4b. Non-dwelling Rent	\$12,000	Operating
5. Non-federal sources (list below)		
Donations	\$20,000	Social Services
Total Resources	\$489,713,926	

4. Rent Determination

A. Public Housing

Exemptions: PHAs that do not administer public housing are not required to complete this sub-component.

(1) Income Based Rent Policies

Describe the PHA's income based rent setting policy/ies for public housing using, including discretionary (that is, not required by statute or regulation) income disregards and exclusions, in the appropriate spaces below.

a. Use of discretionary policies: (select one)

___: The PHA will not employ any discretionary rent-setting policies for income based rent in public housing. Income-based rents are set at the higher of 30% of adjusted monthly income, 10% of unadjusted monthly income, the welfare rent, or minimum rent (less HUD mandatory deductions and exclusions). (If selected, skip to sub-component (2))

---or---

X: The PHA employs discretionary policies for determining income based rent (If selected, continue to question b.)

b. Minimum Rent

1. What amount best reflects the PHA's minimum rent? (select one)

X: \$0

___: \$1-\$25

___: \$26-\$50

2. ___: Yes X: No: Has the PHA adopted any discretionary minimum rent hardship exemption policies?

3. If yes to question 2, list these policies below:

c. Rents set at less than 30% than adjusted income

1. ___: Yes X: No: Does the PHA plan to charge rents at a fixed amount or percentage less than 30% of adjusted income?

2. If yes to above, list the amounts or percentages charged and the circumstances under which these will be used below:

d. Which of the discretionary (optional) deductions and/or exclusions policies does the PHA plan to employ (select all that apply)

___: For the earned income of a previously unemployed household member

___: For increases in earned income (between annual recertifications)

___: Fixed amount (other than general rent-setting policy)

If yes, state amount/s and circumstances below:

___: Fixed percentage (other than general rent-setting policy)

If yes, state percentage/s and circumstances below:

___: For household heads

___: For other family members

___: For transportation expenses

X: For the non-reimbursed medical expenses of non-disabled or non-elderly families

___: Other (describe below)

e. Ceiling rents

1. Do you have ceiling rents? (rents set at a level lower than 30% of adjusted income) (select one)

___: Yes for all developments

X: Yes but only for some developments

___: No

2. For which kinds of developments are ceiling rents in place? (select all that apply)

X: For all developments (includes family and elderly/disabled developments; excludes HOPE VI and redeveloped properties, and any property that had a subsidy conversion)

___: For all general occupancy developments (not elderly or disabled or elderly only)

___: For specified general occupancy developments

___: For certain parts of developments; e.g., the high-rise portion

___: For certain size units; e.g., larger bedroom sizes

___: Other (list below)

3. Select the space or spaces that best describe how you arrive at ceiling rents (select all that apply)

___: Market comparability study

Supplement to HUD Form 50075-ST(1): Plan Elements

26

- ☐: Fair market rents (FMR)
☐: 95th percentile rents
☐: 75 percent of operating costs
☐: 100 percent of operating costs for general occupancy (family) developments
☐: Operating costs plus debt service
☐: The "rental value" of the unit
☒: Other (list below) Set at Flat Rent levels for each bedroom size (80% of Fair Market Rent)

f. Rent re-determinations:

1. Between income reexaminations, how often must tenants report changes in income or family composition to the PHA such that the changes result in an adjustment to rent? (select all that apply)
- ☐: Never
☒: At family option (if income decreases)
☐: Any time the family experiences an income increase
☒: Any time a family experiences an income increase above a threshold amount or percentage: (if selected, specify threshold) \$200/month
☒: Other (possible when a change in family composition is reported)
☒: The BHA will process an interim certification, if the family receives any increase in earned income after they had reported a decrease in earned income, but prior to the next regular annual recertification,
☒: Receipt of Unearned Income Resulting in 10% Increase
 The BHA shall process an interim certification when the family begins receiving unearned income that increase annual income by ten percent (10%) or greater.
☒: Increase in Family Income for Family without Income
 The BHA shall process an interim certification of income when a family without income receives any increase in earned or unearned income.

If a Family's income is too unstable to project for 12 months or if a Family temporarily has no income (a "zero-income Family") or if a Family has a temporary decrease in income, the BHA may schedule special Recertification with the Family's Leasing Officer every month, or at least quarterly, until the income stabilizes and/or an Annual Income can be determined.

- g. ☐: Yes ☒: No: Does the PHA plan to implement individual savings accounts for residents (ISAs) as an alternative to the required 12 month disallowance of earned income and phasing in of rent increases in the next year?

(2) Flat Rents

1. In setting the market-based flat rents, what sources of information did the

Supplement to HUD Form 50075-ST(1): Plan Elements

PHA use to establish comparability? (select all that apply.)

☒ : The section 8 rent reasonableness study of comparable housing

☐ : Survey of rents listed in local newspaper

☐ : Survey of similar unassisted units in the neighborhood

☒ : Other (list/describe below) HOPE VI sites set their own flat rents. For updated flat rent information, contact the respective management offices. Flat rents are not applicable to redeveloped properties and any property that had a subsidy conversion.

The Boston Housing Authority will set the flat rental amount for each public housing unit that complies with the requirement that all flat rents be set at no less than 80 percent of the applicable Fair Market Rent (FMR) adjusted, if necessary, to account for reasonable utilities costs. For current program participants that pay the flat rental amount, the new flat rental amount will be offered, as well as the income-based rental amount, at the next annual rental option.

The Boston Housing Authority will place a cap on any increase in a family's rental payment that exceeds 35 percent, and is a result of changes to the flat rental amount as follows:

- Multiply the existing flat rental payment by 1.35 and compare that to the updated flat rental amount;
- The BHA will present two rent options to the family as follows:
 - the lower of the product of the calculation and the updated flat rental amount; and
 - the income-based rent.

The Flat rent amount by bedroom size will be reviewed yearly each October and any necessary changes will become effective by 1st of January. The BHA will maintain a current listing of its flat rent schedule as an appendix to the BHA Rent Manual and will provide this list to residents at least annually as part of the TSR process.

A. Financial Hardship: Residents who choose flat rents may request to change to an income-based rent at any time if the family is unable to pay the flat rent because of financial hardship. A financial hardship exists for these purposes when a family's income is reduced or their deductions are increased to the extent that an income-based rent is lower than the flat rent.

B. Section 8 Tenant-Based Assistance

Exemptions: PHAs that do not administer Section 8 tenant-based assistance are

Supplement to HUD Form 50075-ST(1): Plan Elements

not required to complete this sub-component. Unless otherwise specified, all questions in this section apply only to the tenant-based section 8 assistance program (vouchers, and until completely merged into the voucher program, certificates).

(1) Payment Standards

Describe the voucher payment standards and policies.

a. What is the PHA's payment standard? (select the category that best describes your standard)

☒ : At or above 90% but below 100% of FMR

☐ : 100% of FMR

☐ : Above 100% but at or below 110% of FMR

☐ : Above 110% of FMR (if HUD approved; describe circumstances below)

The BHA has set its payment standards by zip code depending on the median contract rent in the zip code using the flexibilities permitted by exception payment standards. Payment standards range from 90% to 110% of the Metropolitan Area Fair Market or 90% to 110% of the Small Area Fair Market Rent, depending on the current market rental data. The BHA attempts to set its payment standards by zip code in a manner that provides access to rental units in the majority of the jurisdiction served by the BHA.

b. If the payment standard is lower than FMR, why has the PHA selected this standard? (select all that apply)

☒ : FMRs are adequate to ensure success among assisted families in the PHA's segment of the FMR area

☐ : The PHA has chosen to serve additional families by lowering the payment standard

☐ : Reflects market or submarket

☐ : Other (list below) – Not Applicable

c. If the payment standard is higher than FMR, why has the PHA chosen this level? (select all that apply)

☐ : FMRs are not adequate to ensure success among assisted families in the PHA's segment of the FMR area

☒ : Reflects market or submarket

☐ : To increase housing options for families

☐ : Other (list below)

d. How often are payment standards reevaluated for adequacy? (select one)

☐ : Annually

☒ : Other (list below) As needed, but at minimum annually.

e. What factors will the PHA consider in its assessment of the adequacy of its payment standard? (select all that apply)

Supplement to HUD Form 50075-ST(1): Plan Elements

29

- ☒ : Success rates of assisted families
☒ : Rent burdens of assisted families
☒ : Other (list below) Market Conditions

(2) Minimum Rent

a. What amount best reflects the PHA's minimum rent? (select one)

- ☒ : \$0
____: \$1-\$25
____: \$26-\$50

b. ____: Yes ☒ : No: Has the PHA adopted any discretionary minimum rent hardship exemption policies? (if yes, list below)

5. Operations and Management

Exemptions from this Component: High performing and small PHAs are not required to complete this section. Section 8 only PHAs must complete parts A, B, and C(2).

A. PHA Management Structure

Describe the PHA's management structure and organization. (select one)

X: An organization chart showing the PHA's management structure and organization is on the last page of this document.

____: A brief description of the management structure and organization of the PHA follows:

DEVELOPMENT NAME	ADDRESS	BHA MANAGED	PRIVATELY MANAGED
Alice H. Taylor	260M Ruggles Street, Roxbury, MA 02120	X	
Annapolis	52 Summer Street, Dorchester, MA 02122	X	
Ashmont	374 Ashmont Street, Dorchester, MA 02124	X	
Ausonia	185 Fulton Street, Boston, MA 02109	X	
Barkley (Cathedral)	1472 Washington Street, Boston, MA 02118	X	
Bellflower	24 Bellflower Street, Dorchester, MA 02125	X	
Doris Bunte (Walnut Park)	1990 Columbus Avenue, Roxbury, MA 02119	X	
Charlestown	55 Bunker Hill Avenue, Charlestown, MA 02129	X	
Codman	784 Washington Street, Dorchester, MA 02124	X	
Commonwealth	35 Fidelis Way, Brighton, MA 02135	X	
Davison	101 Davison Street, Hyde Park, MA 02136	X	
Eva White	440 Tremont Street, Boston, MA 02116		X
Foley	199 "H" Street, South Boston, MA 02127	X	
Franklin Field	91 Ames Street, Dorchester, MA 02124	X	
Franklin Hill Aptmts.	1 Shandon Road, Dorchester, MA 02124		X
Frederick Douglass	755 Tremont Street, Roxbury, MA 02118	X	
General Warren	47 Washington St #26, Charlestown, MA 02129		X
Groveland	15 Mary Moore Beatty Circle, Mattapan, MA 02126	X	
M.C. Hailey (Bromley Park)	30 Bickford Street 1st fl., Jamaica Plain, MA 02130	X	
Hampton House	155 Northampton Street, Roxbury, MA 02118	X	
Hassan	705 River Street, Mattapan, MA 02126	X	
M.C. Hailey (Heath Street)	30 Bickford Street 1st fl., Jamaica Plain, MA 02130	X	
Heritage (PBV & RAD PBV)	209 Sumner Street, East Boston, MA 02128		X

Highland Park	50-68 Highland Ave., Roxbury, MA 02119		X
Holgate	125 Elm Hill Avenue, Roxbury, MA 02121	X	

DEVELOPMENT NAME	ADDRESS	BHA MANAGED	PRIVATELY MANAGED
Lower Mills (PBV & RAD PBV)	2262 Dorchester Avenue, Dorchester, MA 02124	X	
Malone	11 Gordon Avenue, Hyde Park, MA 02136	X	
Mary Ellen McCormack	10 Kemp Street, South Boston, MA 02127	X	
Maverick Landing	31 Liverpool Street, East Boston, MA 02128		X
J.J. Meade	5 Melville Avenue, Dorchester, MA 02124	X	
Martin Luther King Tower	280 Martin Luther King Boulevard, Roxbury, MA 02119	X	
Mission Main	43 Smith Street, Roxbury, MA 02120		X
Anne M. Lynch Homes at Old Colony Phase 1, 2A, 2B, 2C, and 3A	25 James O'Neill Street, South Boston, MA 02127		X
Orchard Commons	434 Mass Ave, Roxbury, MA 02118		X
Orchard Gardens	25 Ambrose Street, Roxbury, MA 02119		X
Pasciucco	330 Bowdoin Street, Dorchester, MA 02122	X	
Patricia White (PBV 100%)	20 Washington Street, Brighton, MA 02135	X	
Peabody/Englewood	1875 Dorchester Avenue, Dorchester, MA 02122	X	
Pond Street	29 Pond Street, Jamaica Plain, MA 02130	X	
Rockland	5300 Washington St., West Roxbury, MA 02132	X	
Roslyn	1 Cliffmont Street, Roslindale, MA 02132	X	
St. Botolph	70 St. Botolph Street, Boston, MA 02116	X	
Spring Street	23 Spring Street, West Roxbury, MA 02132	X	
Torre Unidad	80 West Dedham Street, Roxbury, MA 02119	X	
Washington/Beech	4550 Washington Street, Roslindale, MA 02130		X
Washington Manor	1701 Washington Street, Roxbury, MA 02118	X	
Washington Street	35 Fidelis Way, Brighton, MA 02135	X	
West Ninth Street	195 W. 9 th Street, South Boston, MA 02127	X	

Note: Sample contracts with management companies have been included with the Agency Plan supporting documents available in the Planning Department. In addition, the management assessment form used to evaluate performance at each site for both private management companies and in-house managers is available.

Supplement to HUD Form 50075-ST(1): Plan Elements

Resident input in the evaluation of private management companies is considered through 1-2 private meetings with the resident organizations during the term of the contracts and prior to selection of contractors during contract renewal processes. Regular interaction between Local Tenant Organizations and BHA supervisory staff informs and guides in assessing management performance at sites directly managed by the BHA.

B. HUD Programs Under PHA Management (as of April 1, 2023)

List Federal programs administered by the PHA, number of families served at the beginning of the upcoming fiscal year, and expected turnover in each. (Use “NA” to indicate that the PHA does not operate any of the programs listed below.)

Program Name	Units or Families Served at Year Beginning	Expected Turnover
Public Housing	8710*	400
Section 8 Vouchers	15549**	480
Section 8 Certificates	0	
Section 8 Project Based voucher Program	2855	100
Section 8 Mod Rehab	459	60
Section 8 New Construction / Substantial Rehab Program	0	0
Special Purpose Section 8 Certificates/Vouchers (list individually)		
Veterans Administration Supportive Housing (VASH)	568	65
Mainstream Housing Program	262	15
Non-Elderly Disabled Vouchers	486	15
Family Unification Program	191	9
NAACP – Litigation	276	15
Public Housing Drug Elimination Program (PHDEP)	N/A	N/A
Other Federal Programs(list individually)		N/A
Elderly and Disabled Resident Services Program	2441	297

Supplement to HUD Form 50075-ST(1): Plan Elements

Supportive Housing Services Program	60	13
Section 8 Family Self- Sufficiency Program	1250***	20
Resident Employment Program	94****	N/A
Public Housing Family Self- Sufficiency	52	2
Resident Services Program (ROSS funded)*****	300	N/A

* total federal development including public housing at Hope VI sites anticipated occupancy on 4/1/2023.

**This figure includes all HCVP, PBV, and VASH units and is a unit baseline for the program. The actual number of units we are able to lease is restricted by annual budget authority.

*** BHA will experience a relatively small amount of FSS client turnover until CY 2024 when the first cohort of FSS clients enrolled during BHA's FSS expansion begins to graduate. At that time graduation and turnover rates will be 5 times greater.

****Section 3 is a provision of the Housing and Urban Development (HUD) Act of 1968 that helps foster local economic development, neighborhood economic improvement, and individual self-sufficiency. The Section 3 program requires that recipients of certain HUD financial assistance, to the greatest extent feasible, provide job training, employment, and contracting opportunities for low- or very-low income residents in connection with projects and activities in their neighborhoods.

1)Section 3 Worker means any Worker who currently fits or when hired within the past five years fit at least one of the following categories, as documented:

a)The Worker's income for the previous or annualized calendar year is below the income limit established by HUD.

2)Targeted Section 3 Worker means

a)The worker is employed by a Section 3 business concern

b)Any person who currently fits or when hired within the past five years fit at least one of the following categories, as documented:

i) A resident of public housing or Section 8 assisted housing

ii) A resident of other public housing projects or Section 8 assisted housing managed by Boston Housing Authority, or

iii) A YouthBuild participant

***** If funded for 2023-2026 will increase to 400 as Mary Ellen McCormack will be added as a fifth site on the grant.

-NA- These programs provide assistance to all eligible applicants so turnover rates are not applicable.

C. Management and Maintenance Policies

List the PHA's public housing management and maintenance policy documents, manuals and handbooks that contain the Agency's rules, standards, and policies that govern maintenance and management of public housing, including a description of any measures necessary for the prevention or eradication of pest infestation (which includes cockroach infestation) and the policies governing Section 8 management.

(1) Agency-wide policies (govern both Public Housing and Section 8): (list below)

- Cash Management and Investment Policy
- Civil Rights Protection Plan
- Confidentiality & Confidentiality Agreement Policy
- Drug Free Workplace Policy
- EIV Security Manual
- Healthy Beverage Policy (aka Sugar-Sweetened Beverage Policy)
- Limited English Proficiency Policy
- Minority Participation Policy
- Procurement Policy
- Reasonable Accommodation Policy
- Resident Employment Provision
- Section 3 Policy
- Social Media Participation Policy
- Storm Policy for Staff Attendance
- Sustainability Plan
- Technology Resources Usage Policy (E-mail)
- Tobacco Free Workplace Policy
 - Vaccination and Testing Policy
- Video Surveillance System Policy
- Violence Against Women Act Policy
 - Workplace Harassment Policy

(1) Public Housing Maintenance and Management:

- (Site-Based) Admissions and Continued Occupancy Policy (ACOP)
- Community Service Policy
- Community Space Use Policy
- Deconcentration Policy
- Demolition/Disposition Policy
- Designated Housing Plan
- Non-Smoking Policy
- Pest Control Policy
- Pet Policy for the Elderly/Disabled Program
- Pet Policy for the Family Program
- Rent Manual
- Resident Relocation and Rehousing Policy

Supplement to HUD Form 50075-ST(1): Plan Elements

- Site Based Purchasing System Policy
- Standard Operating Procedures for Maintenance
- Tenant Grievance Procedures
- Tenant Participation (LTO) Policy

(2) Section 8 Management: (list below)

- Section 8 Administrative Plan
- Section 8 Moderate Rehabilitation Administrative Plan

6. Grievance Procedure

Exemptions from this component: High performing PHAs are not required to complete component 6. Section 8-Only PHAs are exempt from sub-component 6A.

A. Public Housing

1. ☒ : Yes ☐ : No: Has the PHA established any written grievance procedures in addition to federal requirements found at 24 CFR Part 966, Subpart B, for residents of public housing?

If yes, list additions to federal requirements below:

Residents seeking a grievance hearing are afforded the option of electing to have a hearing before a Grievance Hearing Panel or a Hearing Officer, subject to public health guidelines such as compliance with distance requirements onsite.

Decisions of the Grievance Panel or a Hearing Officer (except those relating to an eviction) may be appealed to a designee of the Administrator.

In addition, Grievance Procedures are developed for each redevelopment site that transition to private ownership. The BHA worked with residents and owners from these sites and created a consistent, universal Mixed Finance Site Grievance Procedure.

Also see Section 19 of the Plan Supplement: Conversion of Public Housing to Project-Based Assistance under RAD for further information on Resident Rights, Participation, Waiting List and Grievance Procedures.

2. Which PHA office should residents or applicants to public housing contact to initiate the PHA grievance process? (select all that apply)

☒ : PHA main administrative office

BHA Department of Grievances and Appeals Hearing Panel Coordinator
52 Chauncy Street, 9th Floor (617) 988-4579

☒ : PHA development management offices

☒ : Other (list below): For sites owned and managed by private companies (the "Mixed Finance" sites), management offices at those sites.

B. Section 8 Tenant-Based Assistance

1. ☒ : Yes ☐ : No: Has the PHA established informal review procedures for applicants to the Section 8 tenant-based assistance program and informal hearing procedures for families assisted by the Section 8 tenant-based assistance program in addition to federal requirements found at 24 CFR 982?

If yes, list additions to federal requirements below: Please refer to Section 8 Administrative Plan.

2. Which PHA office should applicants or assisted families contact to initiate the informal review and informal hearing processes? (select all that apply)

☒ : PHA main administrative office

BHA Department of Grievances and Appeals 52 Chauncy Street, 9th Floors
(617) 988-4579

☐ : Other (list below)

7. Homeownership Programs

A. Public Housing

1. ____: Yes X : No: Does the PHA administer any homeownership programs administered by the PHA under an approved section 5(h) homeownership program (42 U.S.C. 1437c(h)), or an approved HOPE I program (42 U.S.C. 1437aaa) or has the PHA applied or plan to apply to administer any homeownership programs under section 5(h), the HOPE I program, or section 32 of the U.S. Housing Act of 1937 (42 U.S.C. 1437z-4). (If “No”, skip to next component; if “yes”, complete one activity description for each applicable program/plan, unless eligible to complete a streamlined submission due to small PHA or high performing PHA status. PHAs completing streamlined submissions may skip to next component.)

2. Activity Description

____: Yes ____: No: Has the PHA provided all required activity description information for this component in the optional Public Housing Asset Management Table? (If “yes”, skip to next component. If “No”, complete the Activity Description table below.)

Public Housing Homeownership Activity Description (Complete one for each development affected)

1a. Development name:

1b. Development (project) number:

2. Federal Program authority:

____: HOPE I

____: 5(h)

____: Turnkey III

____: Section 32 of the USHA of 1937 (effective 10/1/99)

3. Application status: (select one)

____: Approved; included in the PHA's Homeownership Plan/Program

____: Submitted, pending approval

____: Planned application

4. Date Homeownership Plan/Program approved, submitted, or planned for submission: (DD/MM/YYYY)

5. Number of units affected:

6. Coverage of action: (select one)

____: Part of the development

Supplement to HUD Form 50075-ST(1): Plan Elements

39

___: Total development

B. Section 8 Tenant Based Assistance

1. X: Yes ___: No: Does the PHA plan to administer a Section 8 Homeownership program pursuant to Section 8(y) of the U.S.H.A. of 1937, as implemented by 24 CFR part 982? (If “No”, skip to next component; if “yes”, describe each program using the table below (copy and complete questions for each program identified), unless the PHA is eligible to complete a streamlined submission due to high performer status. High performing PHAs may skip to next component.)

2. Program Description: In accordance with the regulations promulgated by the Secretary of the United States Department of Housing and Urban Development, the Boston Housing Authority has implemented a Housing Choice Voucher Homeownership program. The mission of the Authority is to provide homeownership possibilities, self-sufficiency training and support, and facilitate community growth, while providing parameters which will attempt to minimize defaults which consequently have a negative impact on both the family and the community.

The BHA’s Section 8 Homeownership Option of the Housing Choice Voucher Program (“homeownership program” or “homeownership assistance”) is designed to promote and support homeownership by a “first-time” homeowner—a Family that moves for the first time from rental housing to a Family-owned Home. Under the Homeownership Program, HCVP Assistance payments supplement the Family’s own income to facilitate the transition from rental to homeownership.

The Leased Housing Department has partnered with the City of Boston Mayor’s Office of Housing (MOH). MOH has an established First Time Home Buyers program. By partnering with our sister agency, the Leased Housing Division has dramatically expedited the implementation of this program. The partnership has strengthened and effectively broadened the impact of homeownership opportunities within the City by providing services, support and expertise in a myriad of areas.

ELIGIBILITY ISSUES

The homeownership option has and will continue to be offered to families participating in the Housing Choice Voucher Program (HCVP) and Moderate Rehabilitation Program (Mod Rehab).

The BHA’s Section 8 Homeownership program is generally limited to first time home buyers who are current Housing Choice Voucher program Participants (including Mod Rehab) or BHA Public Housing Residents. Public Housing residents may qualify for the Homeownership Voucher once they meet eligibility requirements. Residents shall be placed on a list and given priority status to allow them to accomplish the home purchase.

Supplement to HUD Form 50075-ST(1): Plan Elements

APPLICATION PROCESS

Families applying or participating in the HCVP and the Mod Rehab program who indicate homeownership interest will have their eligibility determined by the Leased Housing Department's Section 8 personnel. At the same time, the family will be referred to a HUD approved housing counseling agency, primarily to Mayor's Office of Housing (MOH) First Time Home Buyers Program or a similarly qualified agency, for the purpose of learning about the various responsibilities of owning a home. The topics may include, but not be limited to the following: home maintenance, budgeting and money management, credit counseling, financing, homeownership opportunities, fair housing lending and real estate settlement procedures. If necessary, the Authority may offer additional homeownership counseling to participants and has discretion to require the family to participate in ongoing counseling.

Final applications for the homeownership program will be given to interested and preliminarily qualified applicants upon request. Completed final applications will be reviewed for eligibility status. If an applicant is deemed ineligible and is denied, the BHA will afford the Family the right to an informal review regarding such denial.

After the BHA has determined an applicant finally eligible to participate in the Homeownership program, the BHA will conduct a briefing session at which time it will issue applicants a homeownership "Voucher". This homeownership "Voucher" will be issued according to the BHA's Family Unit Size Subsidy Standards which are applicable to the Housing Choice Voucher Program. At this briefing session, the BHA must advise the Family of any deadlines on locating a Home, securing financing, and purchasing the Home. In establishing such time limits, the BHA should ensure that a Family who has executed a sales contract is provided reasonable time to close on the purchase of the Home.

Qualified applicants in this program must participate in and satisfactorily complete a qualified BHA approved first-time homebuyer classes before commencement of homeownership assistance.

The counseling will be provided by another entity such as a BHA- and HUD-approved housing counseling agency. HUD-approved housing counseling agencies provide free counseling. The HUD field office will provide the BHA with a list of the HUD-approved counseling agencies. If an applicant does not attend a HUD-approved housing counseling agency to provide the counseling for families participating in the homeownership program, the BHA will ensure that any BHA-approved counseling program is consistent with the homeownership counseling provided by the HUD-approved counseling agencies.

a. Size of Program

 X : Yes : No: Will the PHA limit the number of families participating in the

Supplement to HUD Form 50075-ST(1): Plan Elements

section 8 homeownership option?

If the answer to the question above was yes, which statement best describes the number of participants? (select one)

☐: 25 or fewer participants

☐: 26 - 50 participants

☐: 51 to 100 participants

☒: more than 100 participants

The BHA may limit the applicant referrals based on internal capacity.

b. PHA-established eligibility criteria

☒: Yes ☐: No: Will the PHA's program have eligibility criteria for participation in its Section 8 Homeownership Option program in addition to HUD criteria?

If yes, list criteria below:

To be eligible to participate in the BHA's Section 8 Homeownership Program the family must:

- Must be a Section 8 participant in good standing in the BHA's Section 8 program.
- Meet all eligibility criteria as described in the Section 8 Homeowner Administrative Plan which includes minimum income and employment requirements
- To qualify for the Homeownership option in the Voucher program, Family income must be above 50% of the area median income or the minimum wage time 2000 hours whichever is greater;
- Any minimum income requirement will only be applied to determine initial qualification to purchase a particular Home, not as a continuing eligibility requirement. The minimum income requirement will only apply again if the Family purchases a subsequent Home with Section 8 homeownership assistance.
- Attend homeownership counseling prior to purchase and post-purchase as offered by BHA-approved counseling agencies.
- Secure financing through a lender acceptable to the BHA.
- Be able to make the monthly payment of the family's portion of the mortgage payment.
- Sign a release allowing the BHA to exchange information with the lender and the lender with the BHA.
- Provide a down payment of at least three percent (3%) of the purchase price.

Supplement to HUD Form 50075-ST(1): Plan Elements

42

Where at least one percent (1%) of the purchase price for a down payment must come from the Family's own resources and may include funds from an FSS escrow account.

- Enter into a "Purchase and Sale Agreement" for a home within 180 days of receiving a homeownership voucher, provided the financing commitment has not expired prior to that date.
- Sign an acknowledgment form that the family becomes obligated for the whole mortgage payment in the event of termination of assistance.
- Agree that the family may not enter into an agreement to sell or refinance the home unless the BHA has first approved the sale or the refinance.
- Sign an acknowledgment form that the family will continue to comply with the appropriate provisions of the HUD Section 8 Rental Assistance regulations, family obligations and the BHA's Section 8 rental assistance and homeownership administrative plans.
- Agree to maintain the condition of the home so as to comply with HUD Housing Quality Standards (HQS) (although the BHA will not inspect the home annually for HQS compliance).

8. Community Service and Self-Sufficiency

Exemptions from this Component: High performing and small PHAs are not required to complete this component. Section 8-Only PHAs are not required to complete sub-component C.

A. PHA Coordination with the Welfare (TANF) Agency

1. Cooperative agreements:

___: Yes X: No: Has the PHA entered into a cooperative agreement with the TANF Agency, to share information and/or target supportive services (as contemplated by section 12(d)(7) of the Housing Act of 1937)?

If yes, what was the date that agreement was signed? DD/MM/YY

2. Other coordination efforts between the PHA and TANF agency (select all that apply)

X: Client referrals

X: Information sharing regarding mutual clients (for rent determinations and otherwise)

X: Coordinate the provision of specific social and self-sufficiency services and programs to eligible families

___: Jointly administer programs

___: Partner to administer a HUD Welfare-to-Work voucher program

___: Joint administration of other demonstration program

___: Other (describe)

B. Services and programs offered to residents and participants

(1) General

a. Self-Sufficiency Policies

Which, if any of the following discretionary policies will the PHA employ to enhance the economic and social self-sufficiency of assisted families in the following areas? (select all that apply)

X: Public housing rent determination policies

___: Public housing admissions policies

X: Section 8 admissions policies

X: Preference in admission to section 8 for certain public housing families

X: Preferences for families working or engaging in training or education programs for non-housing programs operated or coordinated by the PHA

___: Preference/eligibility for public housing homeownership option participation

X: Preference/eligibility for section 8 homeownership option participation

___: Other policies (list below)

b. Economic and Social self-sufficiency programs

Supplement to HUD Form 50075-ST(1): Plan Elements

44

X : Yes ____: No: Does the PHA coordinate, promote or provide any programs to enhance the economic and social self-sufficiency of residents? (If “yes”, complete the following table; if “no” skip to sub-component 2, Family Self Sufficiency Programs. The position of the table may be altered to facilitate its use.)

Services and Programs				
Program Name & Description (including location, if appropriate)	Estimated Size	Allocation Method (waiting list/random selection/specific criteria/other)	Access (development office / PHA main office / other provider name)	Eligibility (public housing or section 8 participants or both)
Elderly and Disabled Resident Services Program	2441	Open to all residents	Development Office; case manager's office	Public Housing
Veterans Administration Supportive Housing	568	Specific criteria	VA Medical Center in Boston	Section 8
Section 8 Family Self-Sufficiency Program*	1250	Open to Section 8 participants	PHA Main Office	Section 8
Leading the Way Home	1536	Specific Criteria	DHCD in Boston	Section 8
BPS Homeless Families	1136	Specific Criteria	Boston Public Schools	Section 8
Foster Youth to Independence	4	Specific Criteria	Department of Children and	Section 8
HOPWA	15	Specific Criteria	AIDS Action Committee	Public Housing
HomeBase Program	200	Specific Criteria	MBHP in Boston	Public Housing
Healthy Start in Housing	75	Specific Criteria	BPHC in Boston	Public Housing
Health Starts at Home / Housing Prescriptions	75	Specific Criteria	Boston Medical Center	Public Housing
BPS Homeless Students	35	Specific Criteria	MOH in Boston, Mayor's Office, Boston Public Schools, HigherGround, Project Hope	Public Housing
Chronically Homeless Elders	100	Specific Criteria	MOH in Boston	Public Housing

Elders Living at Home – ELAPH	40	Specific Criteria	Boston Medical Center	Public Housing
PACE	12	Specific Criteria	Uphams Corner	Section 8
JRI	20	Specific Criteria	Justice Resource Institute	Public Housing
Summer House	4	Specific Criteria	Southwest Boston Senior Services Inc. D/B/A Ethos and at Malone Development	Public Housing
Public Housing Family Self-Sufficiency Program* & **	52	Specific Criteria	Development Offices, PHA Main Office	Public Housing
Resident Services Program (ROSS Program)***	1018	Specific Criteria	Alice Taylor, Ruth Barkley, Franklin Field, Mildred Hailey primarily	Public Housing
Resident Employment Program****	86	Specific criteria	PHA Main Office Development Offices	Public Housing

*With the 2014 Notice of Fund Availability, HUD combined the 2 FSS Programs – (Public Housing and Leased Housing) into one Program; however the funding streams remain separate for the Escrow Accounts for Leased Housing and Public Housing participants.

**estimated current size Oct 2022

***estimated current size Oct 2022 of residents who received services from 10/1/21 – 9/30/22.

****Section 3 is a provision of the Housing and Urban Development (HUD) Act of 1968 that helps foster local economic development, neighborhood economic improvement, and individual self-sufficiency. The Section 3 program requires that recipients of certain HUD financial assistance, to the greatest extent feasible, provide job training, employment, and contracting opportunities for low- or very-low income residents in connection with projects and activities in their neighborhoods.

1)Section 3 Worker means any Worker who currently fits or when hired within the past five years fit at least one of the following categories, as documented:

Supplement to HUD Form 50075-ST(1): Plan Elements

46

a)The Worker's income for the previous or annualized calendar year is below the income limit established by HUD.

2)Targeted Section 3 Worker means

a)The worker is employed by a Section 3 business concern

b)Any person who currently fits or when hired within the past five years fit at least one of the following categories, as documented:

i) A resident of public housing or Section 8 assisted housing

ii) A resident of other public housing projects or Section 8 assisted housing managed by Boston Housing Authority, or

iii) A YouthBuild participant

2) Family Self Sufficiency program/s

a. Participation Description

Family Self Sufficiency (FSS) Participation		
Program	Required Number of Participants (start of FY 2013	Actual Number of Participants (As of: DD/MM/YY)
Public Housing	50	52* as of 10/13/22
Section 8	0	1250 as of 10/13/22

*includes 30 original participants

b. X: Yes ___: No: If the PHA is not maintaining the minimum program size required by HUD, does the most recent FSS Action Plan address the steps the PHA plans to take to achieve at least the minimum program size?

If no, list steps the PHA will take below:

*Not Applicable for Section 8. Minimum program requirements fulfilled.

C. Welfare Benefit Reductions

1. The PHA is complying with the statutory requirements of section 12(d) of the U.S. Housing Act of 1937 (relating to the treatment of income changes resulting from welfare program requirements) by: (select all that apply)

X: Adopting appropriate changes to the PHA's public housing rent determination policies and train staff to carry out those policies

X: Informing residents of new policy on admission and reexamination

___: Actively notifying residents of new policy at times in addition to admission and reexamination. Post changes / 45 day notice

___: Establishing or pursuing a cooperative agreement with all appropriate TANF agencies regarding the exchange of information and coordination of services

___: Establishing a protocol for exchange of information with all appropriate TANF

Supplement to HUD Form 50075-ST(1): Plan Elements

47

agencies

__: Other: (list below)

D. Reserved for Community Service Requirement pursuant to section 12(c) of the U.S. Housing Act of 1937

Boston Housing Authority
PUBLIC HOUSING
COMMUNITY SERVICE REQUIREMENTS

In compliance with the Quality Housing and Work Responsibility Act of 1998, the Boston Housing Authority has developed a policy to administer the resident community service requirement. This policy describes the community service requirement and includes the following provisions:

- Definitions of community service and economic self-sufficiency
- How residents will be notified
- Definitions of exemptions from participation
- How the exemptions will be verified, both at the beginning of the program and as an ongoing part of program administration
- How compliance will be determined
- How non-compliance will be treated
- BHA's cooperation with other organizations.

BHA's residential lease includes the community service requirement and a community service policy has been approved as part of the ACOP.

Residents became subject to the requirement on October 31, 2003.

Each year at the time of their annual recertification resident compliance with the community service requirement will be determined and exemption status will be re-verified. Residents will be notified of this at least 90 days before the recertification date and required documentation will be specified in the notice. If a resident does not complete community service as required he or she will have one additional year to make up the required service. If the non-compliant resident does not do so or leave the unit, lease termination proceedings will commence.

The policy includes a description of qualifying work and self-sufficiency activities. These activities include but are not limited to: unsubsidized employment, subsidized private or public sector employment, on the job training, job search and job readiness assistance, vocational educational training, job skills training, education directly related to employment, attendance at a secondary school or GED program or provision of child care services to an individual participating in a community service program.

9. Safety and Crime Prevention

Exemptions from this Component: High performing and small PHAs not participating in PHDEP and Section 8 Only PHAs may skip to the next component. High Performing and small PHAs that are participating in PHDEP and are submitting a PHDEP Plan with this PHA Plan may skip to sub-component D.

A. Need for measures to ensure the safety of public housing residents

1. Describe the need for measures to ensure the safety of public housing residents (select all that apply)

☒: High incidence of violent and/or drug-related crime in some or all of the PHA's developments

☒: High incidence of violent and/or drug-related crime in the areas surrounding or adjacent to the PHA's developments

☒: Residents fearful for their safety and/or the safety of their children

☒: Observed lower-level crime, vandalism and/or graffiti

☒: People on waiting list unwilling to move into one or more developments due to perceived and/or actual levels of violent and/or drug-related crime

☒: Other: Incidence of alleged civil rights violations.

2. What information or data did the PHA use to determine the need for PHA actions to improve safety of residents (select all that apply).

☒: Safety and security survey of residents

☒: Analysis of crime statistics over time for crimes committed "in and around" public housing authority

☐: Analysis of cost trends over time for repair of vandalism and removal of graffiti

☒: Resident reports

☒: PHA employee reports

☒: Police reports

☒: Demonstrable, quantifiable success with previous or ongoing anticrime/anti drug programs

☒: Other: Regular consultation with Tenant Task Forces

Review of Civil Rights Administrative Report Forms

Consultation with Boston Police Department

3. Which developments are most affected? (list below) Family and Elderly/Disabled Developments

B. Crime and Drug Prevention activities the PHA has undertaken or plans to undertake in the next PHA fiscal year

1. List the crime prevention activities the PHA has undertaken or plans to undertake:

Supplement to HUD Form 50075-ST(1): Plan Elements

49

(select all that apply)

☐: Contracting with outside and/or resident organizations for the provision of crime- and/or drug-prevention activities

☒: Crime Prevention Through Environmental Design

☒: Activities targeted to at-risk youth, adults, or seniors

☒: Crime Watch

☒: Other (describe below)

1. Utilization of video surveillance equipment in select developments including dissemination to other Law Enforcement Agencies aiding in judicial proceedings
2. Regular Crime Prevention Education
3. Key security systems
4. Lease enforcement activity
5. Employment of police force
6. Training program and new uniforms for Safety Officers
7. Directed patrols / code 19s to address drug issues and violent crimes in high risk areas including follow up "action teams" to address quality of life issues cited in Special Circumstances Transfer applications.
8. Implementation of a nasal naloxone (Narcan) Program under which BHA police will carry and administer Narcan while on duty/patrol.
9. Engagement strategies with community and other stakeholders to prevent, problem solve, and partner on a collaborative approach to crime prevention.

2. Which developments are most affected? (list below) All developments

C. Coordination between PHA and the police

1. Describe the coordination between the PHA and the appropriate police precincts for carrying out crime prevention measures and activities: (select all that apply)

☒: Police involvement in development, implementation, and/or ongoing evaluation of drug-elimination plan [BHA Police remain committed to this coordination effort despite the loss of the HUD DEP Grant.]

☒: Police provide crime data to housing authority staff for analysis and action

☒: Police have established a physical presence on housing authority property (e.g., community policing office, officer in residence)

☒: Police regularly testify in and otherwise support eviction cases

☒: Police regularly meet with the PHA management and residents

☐: Agreement between PHA and local law enforcement agency for provision of above-baseline law enforcement services

☒: Other activities: Multi-law enforcement task force partnerships geared towards addressing violent crime, youth and gang violence in identified "Hot spots" and drug interdiction.

2. Which developments are most affected? (list below) All developments [including – Hailey (Bromley Heath), Charlestown, Alice Taylor, Franklin Field, Mary Ellen

Supplement to HUD Form 50075-ST(1): Plan Elements

50

McCormack, and Barkley Apartments (Cathedral).]

D. Additional information as required by PHDEP/PHDEP Plan

PHAs eligible for FY 2005 PHDEP funds must provide a PHDEP Plan meeting specified requirements prior to receipt of PHDEP funds.

☐: Yes ☒: No: Is the PHA eligible to participate in the PHDEP in the fiscal year covered by this PHA Plan?

☐: Yes ☒: No: Has the PHA included the PHDEP Plan for FY 2005 in this PHA Plan?

☐: Yes ☒: No: This PHDEP Plan is an Attachment. (Attachment Filename:)

BOSTON HOUSING AUTHORITY VIOLENCE AGAINST WOMEN ACT (VAWA) POLICY

I. Purpose and Applicability

Notwithstanding its title, this policy is gender-neutral, and its protections are available to males who are victims of domestic violence, dating violence, or stalking as well as female victims of such violence.

The purpose of this policy (herein called "Policy") is to implement the applicable provisions of the Violence Against Women and Department of Justice Reauthorization Act of 2013 (Pub. L. 113-4) and more generally to set forth BHA's policies and procedures regarding domestic violence, dating violence, sexual assault and stalking, as hereinafter defined.

This Policy shall be applicable to the administration by BHA of all its federally subsidized public housing and Section 8 rental assistance programs under the United States Housing Act of 1937 (42 U.S.C. §1437 et seq.).

II. Goals and Objectives

This Policy has the following principal goals and objectives:

A. Maintaining compliance, including training of appropriate staff managing BHA properties, with all applicable legal requirements imposed by VAWA;

B. Participating, with others, in protecting the physical safety of victims of actual or threatened domestic violence, dating violence, sexual assault or stalking who are assisted by BHA;

C. Providing and maintaining housing opportunities for victims of domestic violence,

Supplement to HUD Form 50075-ST(1): Plan Elements

dating violence, sexual assault or stalking;

D. Cooperating, with others, in formation and maintenance of collaborative arrangements between BHA, law enforcement authorities, victim service providers, and others to promote the safety and well-being of victims of actual and threatened domestic violence, dating violence sexual assault and stalking, who are assisted by BHA; and

E. Responding in accordance with BHA policies and procedures to incidents of domestic violence, dating violence, sexual assault or stalking, affecting individuals assisted by BHA.

III. Other BHA Policies and Procedures

This Policy shall be referenced in and attached to BHA's Five-Year Public Housing Agency Plan and, where appropriate, provisions consistent with this Policy shall be incorporated in and made a part of BHA's Admissions and Continued Occupancy Policy (ACOP), BHA's Section 8 Administrative Plan (Admin Plan), and other BHA policies. BHA's annual public housing agency plan shall also contain information concerning BHA's activities, services or programs relating to domestic violence, dating violence, sexual assault and stalking.

To the extent any provision of this policy shall contradict any previously adopted policy or procedure of BHA, the provisions of this Policy shall prevail.

IV. Definitions

As used in this Policy:

A. Domestic Violence – The term 'domestic violence' includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction."

B. Dating Violence – means violence committed by a person—

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) The length of the relationship.

(ii) The type of relationship.

(iii) The frequency of interaction between the persons involved in the relationship.

C. Stalking – means –

(A) (i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; and (ii) to place under surveillance with the intent to kill, injure, harass or intimidate another person; and

(B) in the course of, or as a result of, such following, pursuit, surveillance or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to –

(i) that person;

(ii) a member of the immediate family of that person; or

(iii) the spouse or intimate partner of that person;

D. Sexual assault – means, any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent;

E. Affiliated individual - means, with respect to a person –

(A) a spouse, parent, brother, sister, or child of that person, or an individual to whom that person stands in loco parentis; or

(B) any person, tenant, or lawful occupant living in the household of that person .

F. Perpetrator – means person who commits an act of domestic violence, dating violence, sexual assault or stalking against a victim.

V. Admissions and Screening

A. Denial of Assistance. BHA will not deny admission to public housing or to the Section 8 rental assistance program to any person because that person is or has been a victim of domestic violence, dating violence, sexual assault or stalking, provided that such person is otherwise qualified for such admission.

B. Admissions Preference. Applicants for Public Housing and Section 8 housing assistance from BHA will receive a priority in admission by virtue of their status as victims of domestic violence. This priority is described for Public Housing in the BHA's ACOP and for Section 8 in its Admin Plan.

C. Mitigation of Disqualifying Information. When requested by an applicant for assistance whose history includes incidents in which the applicant was a victim of domestic violence, dating violence, sexual assault and/or stalking, BHA, may take such information into account in mitigation of potentially disqualifying information, such as poor credit history or previous damage to a dwelling. If requested by an applicant to take such mitigating information into account, BHA shall be entitled to conduct such inquiries as are reasonably necessary to verify the claimed history of domestic violence, dating violence, sexual assault and/or stalking and its probable relevance to the potentially disqualifying information. BHA may disregard or mitigate potentially disqualifying information if the applicant household includes a perpetrator of a previous incident or incidents of domestic violence, dating violence, sexual

Supplement to HUD Form 50075-ST(1): Plan Elements

53

assault and/or stalking.

VI. Termination of Tenancy or Assistance

A. VAWA Protections. Under VAWA, public housing residents, and persons assisted under the Section 8 rental assistance program, have the following specific protections, which will be observed by BHA in administration of its programs:

1. An incident or incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking will not be considered to be a “serious or repeated” violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of or assistance to the victim of that violence.

2. In addition to the foregoing, tenancy or assistance will not be terminated by BHA as a result of criminal activity, if that criminal activity is directly related to domestic violence, dating violence, sexual assault or stalking engaged in by a member of the assisted household, a guest or another person under the tenant’s control, and the tenant or an affiliated individual is the victim or threatened victim of this criminal activity. However, the protection against termination of tenancy or assistance described in this paragraph is subject to the following limitations:

(a) Nothing contained in this paragraph shall limit any otherwise available authority of BHA or a Section 8 owner or manager to terminate tenancy, evict, or to terminate assistance, as the case may be, for any violation of a lease or program requirement not premised on the act or acts of domestic violence, dating violence, sexual assault or stalking in question against the tenant or a member of the tenant’s household. However, in taking any such action, neither BHA nor a Section 8 manager or owner may apply a more demanding standard to the victim of domestic violence, dating violence, sexual assault or stalking than that applied to other tenants.

(b) Nothing contained in this paragraph shall be construed to limit the authority of BHA or a Section 8 owner or manager to evict or terminate from assistance any tenant or lawful applicant if the owner, manager or BHA, as the case may be, can demonstrate an actual and imminent threat to other tenants or to those employed at or providing service to the property, if the tenant is not evicted or terminated from assistance.

(c) Nothing contained in this paragraph shall limit any otherwise available authority of the BHA, or a Section 8 owner or manager to honor various court orders issued to either protect the victim or address the distribution of property in case of a household breaks up.

B. Removal of Perpetrator. Further, notwithstanding anything in paragraph VI.A.2. or Federal, State or local law to the contrary, BHA or a Section 8 owner or manager, as the case may be, may bifurcate a lease, or remove a household member from a lease, without regard to whether a household member is a signatory to a lease, in

Supplement to HUD Form 50075-ST(1): Plan Elements

order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in acts of physical violence against an affiliated individual or other individual. Such action against the perpetrator of such physical violence may be taken without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also the tenant or an affiliated individual. Such eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by law applicable to terminations of tenancy and evictions by BHA. If such bifurcation occurs, and the removed tenant or lawful occupant was the sole tenant eligible to receive assistance the BHA will provide any remaining household member the opportunity to establish eligibility for housing.

Leases used for all public housing operated by BHA and leases for dwelling units occupied by families assisted with Section 8 rental assistance administered by BHA, shall contain provisions setting forth the substance of this paragraph or as required by the U.S. Department of Housing & Urban Development.

VII. Verification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

A. Requirement for Verification. For those seeking protection under this Policy, the law allows, but does not require, BHA or a section 8 owner or manager to verify that an incident or incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking claimed by a tenant or an affiliated individual is bona fide and meets the requirements of the applicable definitions set forth in this policy. Subject only to waiver as provided in paragraph VII. C., BHA shall require verification in all cases where an individual claims protection against an action involving such individual proposed to be taken by BHA. If there is reason to believe that verification is incomplete or inaccurate, the BHA may require additional documentation of the incident(s). Such documentation requirement shall not place the victim in danger. As necessary, the BHA shall work with the victim to identify appropriate sources of documentation. Section 8 owners or managers receiving rental assistance administered by BHA may elect to require verification, or not to require it as permitted under applicable law.

Verification of a claimed incident or incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking can be accomplished in one of the following three ways:

1. HUD-approved form - by providing to BHA or to the requesting Section 8 owner or manager a written certification, on a form approved by the U.S. Department of Housing and Urban Development (HUD) and available from BHA, that the individual is a victim of domestic violence, dating violence, sexual assault or stalking; that the incident or incidents in question are bona fide incidents of actual or

Supplement to HUD Form 50075-ST(1): Plan Elements

55

threatened abuse meeting the requirements of the applicable definition(s) set forth in this policy. The incident or incidents in question must be described in reasonable detail as required in the HUD-approved form, and the completed certification must include the name of the perpetrator. If there is reason to believe that the certification is incomplete or inaccurate, the BHA may require additional documentation of the incident(s). Such documentation requirement shall not place the victim in danger. As necessary, the BHA shall work with the victim to identify appropriate sources of documentation.

2. Other documentation - by providing to BHA or to the requesting Section 8 owner or manager documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing the domestic violence, dating violence, sexual assault or stalking, or the effects of the abuse, described in such documentation or a record of an administrative agency or documentation signed by the applicant or tenant and a mental health professional from whom the applicant or tenant has sought assistance relating to domestic violence, sexual assault or stalking, or the effect of such actions, and states under penalty of perjury, that the mental health professional believes that the domestic violence, dating violence, sexual assault, or stalking meets the requirement found in VAWA 2013. A form is available from BHA. The professional providing the documentation must sign and attest under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse meeting the requirements of the applicable definition(s) set forth in this policy. The victim of the incident or incidents of domestic violence, dating violence, sexual assault or stalking described in the documentation must also sign and attest to the documentation under penalty of perjury.

3. Police or court record – by providing to BHA or to the requesting Section 8 owner or manager a Federal, State, tribal, territorial, or local police or court record describing the incident or incidents in question.

B. Time allowed to provide verification/ failure to provide. An individual who claims protection against adverse action based on an incident or incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking, and who is requested by BHA, or a Section 8 owner or manager to provide verification, must provide such verification within 14 business days (i.e., 14 calendar days, excluding Saturdays, Sundays, and federally-recognized holidays) after receipt of the request for verification. Failure to provide verification, in proper form within such time will result in loss of protection under VAWA and this policy against a proposed adverse action. Time for response will be extended upon a showing of good cause.

C. Waiver of verification requirement. The Administrator of the BHA or her Designee, or a Section 8 owner or manager, may, with respect to any specific case, waive the above-stated requirements for verification and provide the benefits of this policy based on the victim's statement or other corroborating evidence. Such waiver may be granted in the sole discretion of the Administrator/Designee, owner or manager. Any such waiver must be in writing. Waiver in a particular instance or

Supplement to HUD Form 50075-ST(1): Plan Elements

56

instances shall not operate as precedent for, or create any right to, waiver in any other case or cases, regardless of similarity in circumstances.

VIII. Confidentiality

A. Right of confidentiality. All information (including the fact that an individual is a victim of domestic violence, dating violence, sexual assault or stalking) provided to BHA or to a Section 8 owner or manager in connection with a verification required under section VII of this policy or provided in lieu of such verification where a waiver of verification is granted, shall be retained by the receiving party in confidence and shall not be entered in any shared database nor provided to any related entity, except where disclosure is:

1. requested or consented to by the individual in writing, or
2. required for use in a public housing eviction proceeding or in connection with termination of Section 8 assistance, as permitted in VAWA, or
3. otherwise required by applicable law.

B. Notification of rights. All tenants of public housing and tenants participating in the Section 8 rental assistance program administered by BHA shall be notified in writing concerning their right to confidentiality and the limits on such right to confidentiality.

IX. Transfer to New Residence

A. Application for transfer. The opportunity to transfer in Public Housing due to incidents of domestic violence, dating violence, sexual assault and/or stalking is described in the BHA's Admissions and Continued Occupancy Policy (ACOP). The opportunity to relocate in the Section 8 rental assistance program due to incidents of domestic violence, dating violence and/or stalking is described in the BHA Administrative Plan. Except with respect to portability of Section 8 assistance, as provided in section B below, the decision to approve or disapprove a transfer shall be made in accordance with the ACOP or Administrative Plan, as applicable. This policy does not create any additional right on the part of any public housing tenant or Section 8-assisted tenant to be granted a transfer.

B. Portability. Notwithstanding the foregoing, a Section 8-assisted tenant will not be denied portability to a unit in another location (notwithstanding the term of the tenant's existing lease has not expired, or the family has not occupied the unit for 12 months) so long as the tenant has complied with all other requirements of the Section 8 program and has moved from the unit in order to protect the health or safety of an individual member of the household who is or has been the victim of domestic violence, dating violence, sexual assault or stalking and who reasonably believes that the tenant or other household member will be imminently threatened by harm from further violence if the individual remains in the present dwelling unit.

Supplement to HUD Form 50075-ST(1): Plan Elements

X. Court Orders/Family Break-up

A. Court orders. It is BHA's policy to honor orders entered by courts of competent jurisdiction affecting individuals assisted by BHA and their property. This includes cooperating with law enforcement authorities to enforce civil protection orders issued for the protection of victims and addressing the distribution of personal property among household members in cases where a family breaks up.

B. Family break-up. Other BHA policies regarding family break-up are contained in BHA's ACOP and its Section 8 Administrative Plan.

XI. Relationships with Service Providers

It is the policy of BHA to cooperate with organizations and entities, both private and governmental, that provide shelter and/or services to victims of domestic violence, dating violence, sexual assault and/or stalking. If BHA staff become aware that an individual assisted by BHA is a victim of domestic violence, dating violence or stalking, BHA will provide the victim with written materials about such providers of shelter or services. However, and notwithstanding the foregoing, this Policy does not create any legal obligation requiring BHA either to maintain a relationship with any particular provider of shelter or services to victims of domestic violence, dating violence, sexual assault and/or stalking or to make a referral in any particular case. BHA's annual public housing agency plan shall describe those providers of shelter or services to victims of domestic violence, dating violence and/or stalking known to BHA.

XII. Notification

BHA shall provide written notification to applicants, tenants, and Section 8 owners and managers, concerning the rights and obligations created under VAWA relating to confidentiality, denial of assistance and, termination of tenancy or assistance.

XIII. Relationship with Other Applicable Laws

Neither VAWA nor this Policy implementing it shall preempt or supersede any provision of Federal, State or local law that provides greater protection than that provided under VAWA for victims of domestic violence, dating violence sexual assault, or stalking.

XIV. Amendment

This policy may be amended from time to time by BHA as approved by its Administrator following an opportunity for notice and comment by interested parties.

Description of Violence Against Women Act (VAWA) activities, services, or programs:

BHA staff provide information and referral services to victims of domestic violence. Periodic VAWA and domestic violence trainings have occurred and will continue to occur with both internal and external trainers.

Both the Public Housing Admissions and Continued Occupancy Policy and the Leased Housing Administrative Plan contain a priority for serving victims of domestic violence for admission. The BHA public housing transfer policy gives a priority for victims of domestic violence as an Administrative transfer.

The BHA public safety department provides protective services above and beyond that of the Boston Police Department to BHA victims of domestic violence to both prevent domestic violence and to enhance survivor safety. BHA Police Department Officers receive extensive police academy training and updates on domestic violence. They are able to advise victims as to seeking protective orders and resources.

A partial listing of Violence Against Women Act (VAWA) Resources is below. These resources are posted on the BHA public drive and all staff have been advised of its location alongside the VAWA policy. In addition, the BHA will create a VAWA resources link section on its website.

A partial listing of Violence Against Women Act Resources:

Asian Task Force Against Domestic Violence (Boston office)	617-338-2350x244
Asian Task Force Against Domestic Violence (Lowell, MA office)	978-454-3651
Asian Task Force Against Domestic Violence 24hr. Multilingual Hotline	617-338-2355
Association of Haitian Women in Boston	617-287-0096
AWAKE program (Children's Hospital)	617 – 355 – 6369
BARCC 24hr. Boston Area Rape Crisis Center	617-492-7273
Boston Area Rape Crisis Center (Cambridge, MA)	617-492-8306 x1262
Boston Medical Center	617-414-7734
Boston Police 24hr. Domestic Violence Unit	617-343-4350
Center for Violence Prevention and Recovery at Beth Israel Deaconess Medical Center	617-667-8141
Community Legal Services and Counseling Center (Cambridge, MA)	617-661-1010x146

Supplement to HUD Form 50075-ST(1): Plan Elements

Cooperative Economics for Women (Revere, MA)	781-289-4950
Crittenton Women's Union	617 – 661 – 7203
Department of Social Services	1-800-792-5200
Disability Abuse 24hr. Hotline	1-800-426-9009
Domestic Violence services Network (Concord, MA)	978-318-3421
Domestic Violence / Sexual Assault Program Of Newton Wellesley Hospital	617-243-6521
DOVE, Inc. (Quincy)	888-314-3683
Elder Abuse 24hr. Hotline	1-800-922-2275
Elizabeth Stone House	617 – 427 – 9801
Finding Options for Change Understanding and Safety (Lowell, MA)	978-458-6282
FINEX House	617-288-1054
Gay Mens' Domestic Violence Project	800-832-1901
Greater Boston Legal Services	617-371-1234
Greater Boston Legal Services (alternate number)	617-603-1614
HaborCOV (Chelsea, MA)	617-884-9799x137 or 617–884–9909
HAVEN at MGH	617 -724-0054
Independence House (Hyannis, MA)	508-771-6507x243
International Institute of Boston	617-695-9990x172
Jewish Family and Children's Services (Waltham, MA)	781-647-5327
Lowell Community Health Center (Lowell, MA)	978-746-3147
Massachusetts Alliance of Portuguese Speakers (Cambridge, MA)	617-864-7600
Mass Coalition for the Deaf and Hard of Hearing TTY	617-695-7600 TTY
MGH Chelsea Health Care Center (Chelsea, MA)	617-887-4224
Massachusetts Department of Transitional Assistance (Domestic Violence Specialists)	617-348-8500
Massachusetts Immigrant and Refugee Advocacy Coalition	617-350-5480x216
Massachusetts Law Reform Institute	617-357-0700x305
Massachusetts Office for Victim Assistance	617-727-5200
Mayor's 24hr. Housing Hotline	617-635-4500
Merrimack Valley Legal Services, Inc. (Lowell, MA)	978-888-0004
Multicultural AIDS Coalition	617-442-1622
Newton Wellesley Hospital (Newton, MA)	617-243-6521
Nigerian American Community Organization	617-424-7890
Nigerian American Community	617-913-5684

Supplement to HUD Form 50075-ST(1): Plan Elements

Organization (alternate number)	
Parental Stress 24hr. Hotline	1-800-632-8188
Passageway at Brigham & Women's Hospital	617 – 732 – 8753
Portal to Hope (Salisbury)	781 – 306 – 6678
REACH Beyond Domestic Violence (Waltham)	800 – 899 – 4000
Refugee and Immigrant Assistance Center	617-238-2434
Renewal House	617 – 566 – 6881
RESPOND, Inc. (Somerville)	617-623-5900
“SafeLink 24hr. Statewide Domestic Violence Hotline Operated by Casa Myrna Vazquez”	1-877-785-2020
SafeLink 24hr. Statewide Domestic Violence Hotline TTY Operated by Casa Myrna Vasquez	877-521-2601 TTY
SAHELI: Friendship for South Asian Women	866 – 472 – 4354
Samaritans 24hr. Suicide Hotline	617-247-0220
Simmons College	617-521-2480
Somerville Commissions (Somerville, MA)	617-625-6600x2406
Teen 24hr. Hotline	1-800-999-9999
The Network/La Red (ending abuse in lesbian, bisexual, and transgender communities)	617-742-4911 TTY: 617-338-SAFE (7833)
The Second Step (Newton)	617 – 661 – 7203
Transition House (Cambridge, MA)	617-868-1655
United Way Help Line	1-800-231-4377
Victim Rights Law Center	617-399-6720
Whittier Street Health Center	617-989-3249

10. Pets

Summary of the Elderly/Disabled Pet Policy and the Family Pet Policy

In compliance with HUD requirements, the Boston Housing Authority has adopted pet policies and rules for all developments authorizing the keeping of pets in BHA developments. The primary purpose of the rules is to establish reasonable requirements for the keeping of common household pets in order to provide a safe and sanitary environment. The complete BHA Family Pet Policy and BHA Elderly/Disabled Pet Policy and necessary forms are available at your Manager's office. The Elderly/Disabled Pet Policy was adopted and put into effect in October, 2000 and differs in some respects from the Family Pet Policy. The Family Pet Policy was adopted and put in effect in April, 2002. The following is only a summary of the Pet policies. The complete Elderly/Disabled Pet Policy and Family Pet Policy are supporting documents to the Agency Plan. If you have questions please consult the appropriate policy or ask your Manager.

Definitions of Pet and Assistive Animal:

A pet is defined as a domesticated animal of a species that is commonly kept as a household pet in the community, such as a cat, dog, or canary. A monkey, snake, or spider is an example of an animal that is not commonly kept as a household pet in the community. An assistance or service animal provides assistance to a person with disabilities; in compliance with 24 CFR 960.705, this policy does not apply to such animals that reside in public housing or that visit BHA properties. For further information on assistance and service animals, please refer to the BHA Assistance and Service Animal Policy, which is found in the Appendix of the BHA Reasonable Accommodation Policy.

Types and Number of Pets Allowed:

Family Developments, a maximum of two pets: a cat or a dog, and either a caged bird or birds, or a fish tank not to exceed 20 gallons will be allowed in studio, one- and two- bedroom apartments. However, in place of the fish tank or the birdcage an animal cage of equivalent size housing a reasonable number of hamsters, guinea pigs, ferrets, or gerbils may be kept. A maximum of three pets: a cat or a dog, a caged bird or birds, and a maximum 20-gallon fish tank will be allowed in apartments of three bedrooms or more. Again, in place of the fish tank or the bird cage an animal cage of equivalent size housing a reasonable number of hamsters, guinea pigs, ferrets or gerbils may be kept. A reasonable number of fish or other animals appropriately kept in an aquarium (such as a frog or iguana) will be permitted in a maximum 20-gallon fish tank. A reasonable number shall be the number of animals or fish that may be kept in a similarly sized cage or tank as recommended by a veterinarian.

Elderly/Disabled Developments, a maximum of one cat or dog is allowed per apartment. No elderly/disabled resident shall have more than two birds. No resident

Supplement to HUD Form 50075-ST(1): Plan Elements

shall have more than one aquarium, which shall not have a capacity of more than 20 gallons. A reasonable number of fish or animals suitable for keeping in an aquarium will be permitted. A resident may have a birdcage and an aquarium. Any resident who has a dog or a cat may, in addition, have either an aquarium or a bird but not both. For example you may have a poodle and a canary or a Siamese cat and a canary or a poodle and an aquarium.

Pets of vicious or aggressive disposition deemed by management to be potentially harmful to the health and safety of others are prohibited.

Family Developments, no pet will be permitted which is expected to exceed 50 pounds in weight at maturity.

Elderly/Disabled, no pet may exceed 40 pounds in weight or 20 inches in height at maturity.

All dogs and cats over the age of 6 months must be spayed or neutered unless there is certification from a licensed veterinarian that the performance of the procedure will compromise the health of the pet.

Pet Ownership Rules:

A tenant who wishes to add any new pet must apply in writing at their development management office. The Tenant is responsible for proper care, vaccinations, and clean up after their pet anywhere on BHA property, as well as the provision of identifying tags for dogs and cats. No pet is to remain unattended, without proper care for more than 24 hours. The tenant is responsible and must pay for the cost of all materials and labor required to repair any damage caused by the pet. The tenant is responsible for insuring that the rights of other tenants are not infringed upon with regard to health, safety, or peace and quiet enjoyment. The Tenant will allow the BHA to inspect their unit as required to ascertain compliance with this policy. Pets currently being kept by BHA residents that have been properly identified to site management will be grandfathered into this policy. No pet ownership fee will be charged for these pets but owners must prospectively comply with this policy.

Non-Compliance:

Violations of these rules will be considered a violation of a material term of the lease. The development manager may require the removal of a pet upon violation of these rules, or commence eviction procedures. All lease enforcement and eviction actions taken as a result of this policy will comply with the BHA's Lease and Grievance Procedures.

11. Asset Management

1. ☒: Yes ☐: No: Is the PHA engaging in any activities that will contribute to the long- term asset management of its public housing stock, including how the Agency will plan for long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs that have not been addressed elsewhere in this PHA Plan?

2. What types of asset management activities will the PHA undertake? (select all that apply)

☐: Not applicable

☒: Private management

☒: Development-based accounting

☒: Comprehensive stock assessment

☒: Other: (list below) strategic redevelopment planning; reorganization for Asset Management staffing functions

3. ☐: Yes ☒: No: Has the PHA included descriptions of asset management activities in the optional Public Housing Asset Management Table?

12. and 13. Substantial Deviation / Significant Amendment / Modification

(a) Significant Amendment and Substantial Deviation/Modification. Provide the PHA's definition of "significant amendment" and "substantial deviation/modification".

Definition of "Substantial Deviation" and "Significant Amendment or Modification":

In the Final Rule issued on 12/14/99, HUD provides that, while PHAs may change or modify their plans or policies described in them, any "significant amendment or modification" to the plan would require PHAs to submit a revised PHA plan that has met full public process requirements. The statute also requires that PHAs define "significant amendment or modification" of the Annual Plan and "substantial deviation" from the 5- Year Plan themselves, by stating the basic criteria for such definitions in an annual plan that has met full public process requirements, including Resident Advisory Board review. The BHA will consider the following actions to be significant amendments or modifications:

- A change which would significantly affect current rent or admissions policies or organization of a waiting list in the Public Housing programs;
- A change which would significantly affect current rent policies in the Section 8 Program;
- A change to admission policies or organization of a waiting list in the Section 8 Program which would impact more than 5% of the total number of HCVP vouchers in the BHA's portfolio.
- Additions of non-emergency work items not included in the current Annual Statement, 5-Year Action Plan, over \$3 million or 10% of total CFP, whichever is greater;
- A substantial change to the demolition or disposition, designation, homeownership programs or conversion activities as described in the presently approved Agency or Five-Year Plan.

An exception to this definition will be made for any of the above that are adopted to reflect changes in HUD regulatory requirements or federal statutory requirements; such changes will not be considered significant amendments by HUD.

As part of the Rental Assistance Demonstration (RAD), BHA is redefining the definition of a substantial deviation to exclude the following RAD-specific items:

- a. The decision to convert to either Project Based Rental Assistance or Project Based Voucher Assistance;
- b. Changes to the Capital Fund Budget produced as a result of each approved RAD Conversion, regardless of whether the proposed conversion will include use of additional Capital Funds;
- c. Changes to the construction and rehabilitation plan for each approved RAD conversion; and
- d. Changes to the financing structure for each approved RAD conversion.

Section B.2

14. Hope VI or Choice Neighborhoods

Include statements related to these programs as applicable.

a) Hope VI or Mixed Finance Modernization or Development

Yes: X No: a) Has the PHA received a HOPE VI revitalization grant? (if no, skip to question c; if yes, provide responses to question b for each grant, copying and completing as many times as necessary)

b) Status of HOPE VI revitalization grant (complete one set of questions for each grant)

1. Development name: Anne M. Lynch Homes at Old Colony Phase Two
2. Development (project) number: MA002000124 (original); MA002002139 (new phase 2A); MA002002140 (new phase 2B); and MA002002143 (new phase 2C)
HOPE VI GrantNo. (MA06URD002I110)
3. Status of Grant: (select the statement that best describes the current status)
 : Revitalization of Plan under development
 : Revitalization Plan submitted, pending approval
 : Revitalization Plan approved
X: Activities Pursuant to an approved Revitalization Plan complete.

Choice Neighborhoods Initiative Implementation grant

1. Development name: Whittier Street
2. Development (project) number: MA002000111 (original); New development to be project-based vouchers
3. Status of Grant: (select the statement that best describes the current status)
 : Revitalization of Plan under development
 : Revitalization Plan submitted, pending approval
 : Revitalization Plan approved
X: Activities Pursuant to an approved Transformation Plan underway.

Yes:

No: X c.) Does the PHA plan to apply for a HOPE VI Revitalization grant in the Plan year?

If yes, list development name/s below:

15. Mixed Finance Modernization or Development

☒ Yes ☐ No: d) Will the PHA be engaging in any mixed-finance development activities for public housing in the Plan year?

If yes, list developments or activities below:

- (i) Whittier (Choice Neighborhoods redevelopment with Section 8 replacement units)
- (ii) Anne M. Lynch Homes at Old Colony – Phase Three (RAD and Section 8 redevelopment) completed in 2022; Phases Four and Five beginning late 2022 or early 2023.
- (iii) West Newton (RAD and Section 8 conversion with renovation) – West Newton and Rutland Streets completed in 2022; 34 East Springfield Street underway.
- (iv) Amory (Section 8 conversion and renovation) – Original 125 Amory Street modernization and first phase of new construction completed; two additional phases to come.
- (v) St. Botolph (Section 8 conversion with renovation)
- (vi) Doris Bunte (Section 8 conversion with renovation)
- (vii) Ausonia (RAD and/or Section 8 conversion with renovation)
- (viii) Long-Glen Apartments (RAD conversion) – RAD conversion to PBRA completed in 2021.
- (ix) Eva White (RAD and/or Section 8 conversion with renovation)
- (x) Mission Main (RAD and Section 8 conversion with renovation) – conversion expected before the end of 2022.
- (xi) Heritage Apartments (RAD conversion) – completed 2022.
- (xii) Lower Mills (RAD conversion) – completed 2022.
- (xiii) Lenox Street (Section 8 conversion with renovation) – conversion in 2021; renovations underway in phases.
- (xiv) JJ Carroll Apartments (Section 8 conversion with redevelopment) – in construction.
- (xv) Patricia White (Section 8 conversion with renovation)
- (xvi) Torre Unidad (Section 8 conversion with renovation)

Planning is underway for mixed-finance activities including models to take advantage of BHA's Faircloth capacity.

Planning continues for redevelopment and/or modernization at Charlestown, Mary Ellen McCormack, Hailey Apartments, Eva White, St. Botolph Apartments, Doris Bunte, Ausonia, Patricia White and Torre Unidad. See Demolition/Disposition Section for descriptions.

16. Demolition and or Disposition

☒ Yes ☐ No: Does the PHA plan to conduct any demolition or disposition activities (pursuant to section 18 of the U.S. Housing Act of 1937 (42 U.S.C. 1437p)) in the plan Fiscal Year? (If "No", skip to next component; if "yes", complete one activity description for each development.)

2. Activity Description

☐ Yes ☒ No: Has the PHA provided the activities description information in the optional Public Housing Asset Management Table? (If "yes", skip to next component. If "No", complete the Activity Description table below.)

Demolition/Disposition Activity Description

1a. Development Name: Anne M. Lynch Homes at Old Colony Phase Three

1b. Development (project) number: MA002000124

2. Activity type: Demolition: X

Disposition: X

3. Application Status (select one)

Approved: X

Submitted, pending approval:

Planned Application:

4. Date application approved: 06/11/2018

5. Number of units affected: 443 (not including units converting under RAD)

6. Coverage of action (select one):

Part of the Development: X

Total Development:

7. Timeline for activity:

a. Actual or projected start date of activity:

Start of demolition Phase 3A—03/25/2019 (115 units);

Projected start Demolition Phase 3B (135 units)—December 2019;

Projected start Demolition Phase 4 (remaining units)—Fall 2022.

b. Projected end date of activity: 2025

Demolition/Disposition Activity Description

1a. Development Name: Whittier

1b. Development (project) number: MA002000111

2. Activity type: Demolition: X

Supplement to HUD Form 50075-ST(1): Plan Elements

68

Disposition: X
3. Application Status (select one)
Approved: X
Submitted, pending approval:
Planned Application:
4. Date application approved: 09/25/2017 (Demolition—all phases); 12/14/2017 (Disposition Phase 1)
5. Number of units affected: 200
6. Coverage of action (select one):
Part of the Development:
Total Development: X
7. Timeline for activity:
a. Actual or projected start date of activity: Demolition start—01/11/2018
b. Projected end date of activity: Demolition was completed in 2021. New construction completion projected by 2025.
BHA was awarded an FY2016 Choice Neighborhoods implementation grant in Dec 2016, pursuant to which HUD granted demolition approval in September 2017. Disposition approval was granted in December 2017. Demolition and disposition activities are being carried out in phases.

Demolition/Disposition Activity Description

1a. Development Name: Charlestown
1b. Development (project) number: MA002000101
2. Activity type: Demolition:
Disposition: X
3. Application Status (select one)
Approved: X
Submitted, pending approval:
Planned Application:
4. Date application approved: September 6, 2017.
5. Number of units affected: 1100
6. Coverage of action (select one):
Part of the Development:
Total Development: X
7. Timeline for activity:
a. Actual or projected start date of activity: Demolition of Phase One to begin 2022
b. Projected end date of activity: TBD
Demolition and disposition will be carried out in phases

Demolition/Disposition Activity Description

1a. Development Name: Amory

Supplement to HUD Form 50075-ST(1): Plan Elements

69

- 1b. Development (project) number: MA002000245
2. Activity type: Demolition:
Disposition: X
3. Application Status (select one)
Approved: X
Submitted, pending approval:
Planned Application:
4. Date application approved: 07/20/2018
5. Number of units affected: 216 dwelling (including nonresidential); 18 non-dwelling
6. Coverage of action (select one):
Part of the Development:
Total Development: X
7. Timeline for activity: Approved in July 2018.
- a. Actual date of disposition: 12/28/2018. b. Projected end date of activity: 2024
- A Section 18 disposition was approved by HUD in July 2018 based in part on the high projected rehab costs, which cannot be met through a RAD conversion. BHA requested and received Tenant Protection Vouchers that BHA project-based at the property in order to support the needed renovations. In its July 2018 approval, HUD approved a Section 18 disposition of unused (vacant) portions of the site in order to permit construction of new housing adjacent to the existing building. In September 2020, BHA disposed of the first parcel from the vacant portion of the site where 62 new affordable units completed construction in 2022. The final parcels of vacant land will be disposed of between 2023 and 2025, with final construction taking approximately two years for each parcel.

Demolition/Disposition Activity Description*

- 1a. Development Name: West Newton/Rutland/East Springfield
- 1b. Development (project) number: MA002000158
2. Activity type: Demolition:
Disposition: X
3. Application Status (select one)
Approved: X (in conjunction with RAD conversion)
Submitted, pending approval:
Planned Application:
4. Date application approved:
5. Number of units affected: 25% of units (36) were converted to Project-Based Vouchers in Feb 2019 at the time of the RAD conversion of 110 units; 3 de minimis at E.Springfield will be offered for sale with a priority to redevelop as affordable housing.
6. Coverage of action (select one):
Part of the Development: X
Total Development:
7. Timeline for activity: Application 2017.
- a. Actual or projected start date of activity: West Newton and Rutland Streets closed

Supplement to HUD Form 50075-ST(1): Plan Elements

with a RAD/Section 18 Blend in 2019; the disposition of 34 East Springfield Street happened in 2022. b. Projected end date of activity: West Newton and Rutland Streets completed rehabilitation in 2022; 34 East Springfield is projected to complete construction in 2023.

*RAD / Section 18 blend pursuant to PIH Notice 2018-04.

Demolition/Disposition Activity Description

1a. Development Name: Mildred C. Hailey Apartments – 253 units

1b. Development (project) number: MA002107119

2. Activity type: Demolition: X

Disposition: X

3. Application Status (select one)

Approved: X

Submitted, pending approval:

Planned Application:

4. Date application approved: September 2022

5. Number of units affected: 253 units (phase one) but potentially more (up to the entire site) depending on the results of an upcoming physical needs assessment – see next entry.

6. Coverage of action (select one):

Part of the Development: X

Total Development:

7. Timeline for activity: Application 2021.

a. Actual or projected start date of activity: Phase One planning began in 2017 with public permitting starting in 2020 b. Projected end date of activity: TBD. Phase One entails the demolition of eight buildings comprising 253 units, to be replaced with 253 new deeply affordable units as well as other moderate and market units. A physical needs assessment to be carried out by early 2021 will inform decisions to seek Demo/Dispo approval of additional units – see next entry.

Demolition/Disposition Activity Description

1a. Development Name: Mildred C. Hailey Apartments

1b. Development (project) number: MA002107119

2. Activity type: Demolition:

Disposition: X

3. Application Status (select one)

Approved:

Submitted, pending approval:

Planned Application: X

4. Date application approved:

5. Number of units affected: Up to the balance of units at the site (approximately 526) depending on the results of a final modernization plan.

6. Coverage of action (select one):

Supplement to HUD Form 50075-ST(1): Plan Elements

71

- Part of the Development: X (up to the remaining units)
Total Development: X (together with previously approved—see entry above)
7. Timeline for activity: Application 2023
- a. Actual or projected start date of activity: BHA has undertaken planning to modernize the entire site with support of a \$50-million commitment from the City of Boston announced in 2022; to leverage that funding, BHA will explore a Section 18 Disposition and/or RAD conversion (or RAD/Section 18 Blend) to facilitate that modernization. BHA intends to continue to own (through affiliated entities) and operate the modernized buildings.

Demolition/Disposition Activity Description

- 1a. Development Name: Mary Ellen McCormack
1b. Development (project) number: MA002000123
2. Activity type: Demolition: X
Disposition: X
3. Application Status (select one)
Approved:
Submitted, pending approval:
Planned Application: X
4. Date application approved: Not yet submitted.
5. Number of units affected: 1016 public housing units
6. Coverage of action (select one):
Part of the Development:
Total Development: X
7. Timeline for activity: Application 2022 or 2023.
a. Actual or projected start date of activity: Planning underway for several years. Permitting on a phase one began in 2022. b. Projected end date of activity: TBD.
The proposed initiative is to replace all 1016 existing public housing units on a one-for-one basis, and to add additional market, retail and open space uses to the site. In all, over 3000 new units are planned but the plans are preliminary and still need to undergo significant public review.

Demolition/Disposition Activity Description*

- 1a. Development Name: Eva White
1b. Development (project) number: MA002000241
2. Activity type: Demolition:
Disposition: X
3. Application Status (select one)
Approved:
Submitted, pending approval:
Planned Application: **X (RAD and/or Section 18 disposition application)**
4. Date application approved: Not yet submitted.

Supplement to HUD Form 50075-ST(1): Plan Elements

5. Number of units affected: BHA will pursue a RAD/Section 18 Blended conversion pursuant to PIH Notice 2021-07, in which case 80% of units (81 out of 102) will be converted to Project Based Vouchers. Depending on the level of capital need, BHA may pursue a Section 18 disposition approval which would permit conversion of 100% of units (102 units) to PBVs.

6. Coverage of action (select one):

Part of the Development:

Total Development: X

7. Timeline for activity: Application 2022.

a. Actual or projected start date of activity: 2023.

b. Projected end date of activity: TBD

BHA has designated a developer team to take ownership of Eva White and renovate the building, retaining all units as deeply affordable housing. At this time we intend to pursue RAD in connection with the disposition.

Demolition/Disposition Activity Description*

1a. Development Name: Lenox

1b. Development (project) number: MA002000104

2. Activity type: Demolition:

Disposition: X

3. Application Status (select one)

Approved: X

Submitted, pending approval:

Planned Application:

4. Date application approved: April 29, 2020.

5. Number of units affected: A Section 18 disposition was approved by HUD in April 2020. BHA has submitted a request for Tenant Protection Vouchers to be project-based at the property to support the renovation work.

6. Coverage of action (select one):

Part of the Development:

Total Development: X

7. Timeline for activity: Application approved on April 29, 2020.

a. Actual or projected start date of activity: Disposition (and start of rehab construction) occurred in 2021. b. Projected end date of activity: 2023

Demolition/Disposition Activity Description*

1a. Development Name: J.J. Carroll Apartments

1b. Development (project) number: MA002000237

2. Activity type: Demolition: X

Disposition: X

3. Application Status (select one)

Supplement to HUD Form 50075-ST(1): Plan Elements

73

Approved: X

Submitted, pending approval:

Planned Application:

4. Date application approved: May 22, 2020.

5. Number of units affected: A Section 18 disposition was approved by HUD in May 2020 based in part on the high projected rehab costs, which cannot be met through a RAD conversion. BHA will request Tenant Protection Vouchers that BHA will project-based at the property in order to support the needed redevelopment.

6. Coverage of action (select one):

Part of the Development:

Total Development: X

7. Timeline for activity: Application 2020

a. Actual or projected start date of activity: Disposition and Demolition start in 2021 b.

Projected end date of activity: 2023

Demolition/Disposition Activity Description*

1a. Development Name: Patricia White Apartments

1b. Development (project) number: MA002000271

2. Activity type: Demolition:

Disposition: X

3. Application Status (select one)

Approved: X

Submitted, pending approval:

Planned Application: X (for Section 18 disposition application)

4. Date application approved: 11/05/2020.

5. Number of units affected: BHA secured a Section 18 disposition approval in order to convert the entire property (all 224 residential units but not including the one non-residential unit) to PBVs. Because the BHA did not pursue a Section 18 approval on the basis of obsolescence (but rather based on other reasons), BHA was entitled to apply for 25% of the PBVs as tenant protection vouchers; the others PBVs are funded from BHA's existing Section 8 portfolio.

6. Coverage of action (select one):

Part of the Development:

Total Development: X

7. Timeline for activity: Application 2020

a. Actual or projected start date of activity: 2020 b. Projected end date of activity:

12/30/2020 (disposition and conversion)

Demolition/Disposition Activity Description*

1a. Development Name: St. Botolph

1b. Development (project) number: MA002000253

2. Activity type: Demolition:

Disposition: X

Supplement to HUD Form 50075-ST(1): Plan Elements

74

3. Application Status (select one)

Approved: X

Submitted:

Pending approval:

Planned Application:

4. Date application approved: July 21, 2020

5. Number of units affected: A Section 18 disposition was approved by HUD in July 2020 based in part on the high projected rehab costs, which cannot be met through a RAD conversion. BHA will request Tenant Protection Vouchers that BHA will project-based at the property in order to support the needed renovation.

6. Coverage of action (select one):

Part of the Development:

Total Development: X

7. Timeline for activity: Application 2020

a. Actual or projected start date of activity: 2023 b. Projected end date of activity: 2025

Demolition/Disposition Activity Description*

1a. Development Name: Doris Bunte Apts. (Walnut Park)

1b. Development (project) number: MA002000242

2. Activity type: Demolition:

Disposition: X

3. Application Status (select one)

Approved: X

Submitted:

Pending approval:

Planned Application:

4. Date application approved: 11/30/2020

5. Number of units affected: BHA secured Section 18 disposition approval in order to convert all 165 units to PBVs.

6. Coverage of action (select one):

Part of the Development:

Total Development: X

7. Timeline for activity: Application 2020

a. Actual or projected start date of activity: 2023 (disposition) b. Projected end date of activity: 2025 (completion of associated renovations)

Demolition/Disposition Activity Description*

1a. Development Name: Ausonia

1b. Development (project) number: MA002000261

2. Activity type: Demolition:

Disposition: X

3. Application Status (select one)
Approved: X (in conjunction with RAD conversion)
Submitted, pending approval:
Planned Application: X (for Section 18 disposition application)
4. Date application approved: Not yet submitted
5. Number of units affected: BHA will pursue a RAD/Section 18 Blended conversion pursuant to PIH Notice 2021-07 in which 80% of units will be converted to Project Based Vouchers. Due to high capital needs, BHA will also pursue a Section 18 disposition approval in order to convert all 100 units to PBV.
6. Coverage of action (select one):
Part of the Development:
Total Development: X
7. Timeline for activity: Application 2021 (approved: 2022)
a. Actual or projected start date of activity: 2023 b. Projected end date of activity: 2025

Demolition/Disposition Activity Description*

- 1a. Development Name: Torre Unidad
1b. Development (project) number: MA002000249
2. Activity type: Demolition:
Disposition: X
3. Application Status (select one)
Approved:
Submitted, pending approval:
Planned Application: X
4. Date application approved: Not yet submitted
5. Number of units affected: 199
6. Coverage of action (select one):
Part of the Development:
Total Development: X
7. Timeline for activity: Application 2023
a. Actual or projected start date of activity: 2023
b. Projected end date of activity: TBD

Demolition/Disposition Activity Description*

- 1a. Development Name: Mission Main
1b. Development (project) number: MA002002114, MA002002117, & MA002002118
2. Activity type: Demolition:
Disposition: X
3. Application Status (select one)
Approved:
Submitted, pending approval: X (RAD and Section 18 disposition application)
Planned Application:

Supplement to HUD Form 50075-ST(1): Plan Elements

4. Date application approved: pending
5. Number of units affected: BHA will pursue a RAD/Section 18 Blended conversion pursuant to PIH Notice 2021-07 in which 40% of units (178 out of 445) will be converted to Project Based Vouchers and 60% of the units (267 out of 445) will be RAD Project Based Vouchers
6. Coverage of action (select one):
Part of the Development:
Total Development: X
7. Timeline for activity: Application 2021
 - a. Actual or projected start date of activity: Conversion (RAD/Section 18 Blend) to occur by late 2022
 - b. Projected end date of activity: 2025

Demolition/Disposition Activity Description

- 1a. Development Name: Parcel 2D at Adams Orchard
- 1b. Development (project) number: N/A
2. Activity type: Demolition:
Disposition: X
3. Application Status (select one)
Approved:
Submitted, pending approval:
Planned Application: X
4. Date application approved:
5. Number of units affected: None. Parcel 2D is a vacant parcel with no buildings on it. It is owned by Orchard Park Revitalization Corporation, an instrumentality of the BHA, and is part of the premises that is ground leased to Adams Orchard Limited Partnership. It is next to but separately fenced from the residential development. It has no use to the residential units.
6. Coverage of action (select one):
Part of the Development: X. The remainder of the Adams Orchard ground lease premises will not change.
Total Development:
7. Timeline for activity: Application 2022
 - a. Actual or projected start date of activity: 2022
 - b. Projected end date of activity: 2022

Demolition/Disposition Activity Description*

- 1a. Development Name: Orchard Gardens
- 1b. Development (project) number: MA002002113 and MA002002115
2. Activity type: Demolition:
Disposition: X
3. Application Status (select one)
Approved:

- Submitted, pending approval:
Planned Application: X (RAD and Section 18 disposition application)
4. Date application approved:
 5. Number of units affected: 282 public housing units. BHA will pursue a RAD/Section 18 Blended conversion pursuant to PIH Notice 2021-07
 6. Coverage of action (select one):
Part of the Development:
Total Development: X
 7. Timeline for activity: Application 2023
 - a. Actual or projected start date of activity: Conversion (RAD/Section 18 Blend) to occur by 2024
 - b. Projected end date of activity: TDB

Demolition/Disposition Activity Description

- 1a. Development Name: General Warren
- 1b. Development (project) number: MA002000247
2. Activity type: Demolition:
Disposition: X
3. Application Status (select one)
Approved:
Submitted, pending approval:
Planned Application: X
4. Date application approved: Not yet submitted
5. Number of units affected: BHA will pursue a Section 18 disposition or a RAD/Section 18 Blended conversion pursuant to PIH Notice 2021-07 depending on capital needs
6. Coverage of action (select one):
Part of the Development:
Total Development: X
7. Timeline for activity: Application 2023
 - a. Actual or projected start date of activity: 2023
 - b. Projected end date of activity: 2025

17. Designated Housing for Elderly and Disabled Families

1. X: Yes ___: No: Has the PHA designated or applied for approval to designate or does the PHA plan to apply to designate any public housing for occupancy only by the elderly families or only by families with disabilities, or by elderly families and families with disabilities or will apply for designation for occupancy by only elderly families or only families with disabilities, or by elderly families and families with disabilities as provided by section 7 of the U.S. Housing Act of 1937 (42 U.S.C. 1437e) in the upcoming fiscal year? (If “No”, skip to the next component. If “yes”, complete one activity description for each development, unless the PHA is eligible to complete a streamlined submission; PHAs completing streamlined submissions may skip to the next component.)

2. Activity Description

___: Yes X: No: Has the PHA provided all required activity description information for this component in the optional Public Housing Asset Management Table? If “yes”, skip to the next component. If “No”, complete the Activity Description table below.

Designation of Public Housing Activity Description

1a. Development name: All Elderly/Disabled Program Developments (See supplemental table below)

1b. Development (project) number: All Elderly/Disabled Program Developments (See supplemental table below)

2. Designation type:

Occupancy by only the elderly ___:

Occupancy by families with disabilities ___:

Occupancy by only elderly families and families with disabilities X: (in ratio of 80% elderly, 20% disabled at each site)

3. Application status (select one)

Approved; included in the PHA’s Designation Plan X:

Submitted, pending approval ___:

Planned application ___:

4. Date this designation approved, submitted, or planned for submission:

Approved on 03/24/22.

5. If approved, will this designation constitute a (select one)

X: New Designation Plan

___: Revision of a previously-approved Designation Plan

6. Number of units affected: 2326
 7. Coverage of action (select one)
X : Part of the development (See supplemental table below)
 ___ : Total development

The amended DHP applies to all units across the Elderly-Disabled portfolio except for wheelchair units, all of which are exempt from the DHP. BHA continues to monitor the percentages of elderly and non-elderly disabled households living in each Elderly/Disabled Development on an ongoing basis. When the percentage of elderly households occupying a development reaches 75%, the development is flagged so that each subsequent offer of housing will be reviewed by a Manager in the Admissions Department. When the percentage of elderly households occupying a development reaches 80%, the BHA will turn off Designated Housing preference points to elderly applicant households for this development and turn on the Designated Housing preference for the disabled. If the percentage of elderly households occupying a development falls below 80%, the BHA will turn on Designated Housing Preference points to elderly applicant households for this development.

Federal Elderly/Disabled Development Designation as of October 2022*

Development Name	Available Units	UFAS*	Eld 80%	Non-Eld Dis 20%	0 BR	1 BR	2 BR
Pond Street	44	0	35	9	0	40	4
Annapolis	56	0	45	11	0	50	6
Ashmont	54	0	43	11	0	48	6
Holgate Apartments	81	1	64	16	0	81	0
Foley Apartments	96	6	72	18	0	96	0
Groveland	48	0	38	10	27	19	2
Davison Apartments	47	0	38	9	31	16	0
Washington Street	82	1	65	16	0	72	10
West Ninth Street	84	0	67	17	0	76	8
J J Meade Apartments	40	0	32	8	0	38	2
Martin Luther King Towers	104	1	82	21	26	78	0
Frederick Douglass	78	8	56	14	42	35	1
General Warren	96	0	77	19	56	36	4
Torre Unidad	199	9	152	38	112	83	4
Rockland Towers	69	4	52	13	41	26	2
Codman Apartments	102	9	74	19	61	30	11
Pasciucco	92	6	69	17	64	26	2
Ausonia Apartments	100	5	76	19	0	93	7
Hassan Apartments	100	8	74	18	55	40	5

Supplement to HUD Form 50075-ST(1): Plan Elements

Spring Street	104	5	79	20	0	99	5
Roslyn Apartments	119	9	88	22	0	113	6
Bellflower	114	6	86	22	0	106	8
Peabody Apartments	103	9	75	19	0	98	5
Malone Apartments	102	4	78	20	0	101	1
Commonwealth Elderly	116	10	85	21	0	104	12
Hampton House	78	7	57	14	42	35	1
Washington Manor	77	7	56	14	41	35	1
Mildred C. Hailey Elderly	56	0	45	11	0	42	14
	2,441	115	1861	465	598	1,716	127

*UFAS or Wheelchair units are exempt from the Designated Housing Plan. Elderly 80% shows of the available units how many are designated for the elderly, while Non-Eld Dis 20% shows of the available units how many are designated for the Non-Elderly Disabled. The final three columns 0 BR, 1 BR, and 2 BR shows the total number of units at the site with those bedroom sizes reflected in the available unit totals.

**Only includes units at 295 and 297 Centre Street, units #'s BP0003 - BP00028 and BP0033 - BP0056. Overall, this is a family development but these units are set aside for the elderly and non-elderly disabled and have their own site-based waiting list.

☐ Developments (or parts of developments) that are removed from the public housing program through, for example, RAD conversions or Demolition/Disposition actions will be removed from this list as they are removed from the public housing program.

18. Conversion of Public Housing to Tenant-Based Assistance

Boston Housing Authority Voluntary Conversion from Public Housing to Tenant-Based Assistance Initial Assessment

The Boston Housing Authority determined a Per Unit Monthly (PUM) cost for covered (general occupancy) developments including operating costs with tenant contribution (\$1,294.28) and capital (\$243.37) for a total of \$1,537.65 PUM as of October 2022. We then compared that to the average Housing Assistance Payment at \$1,754.43 plus the tenant's contribution at \$516.79 that amounted to \$2,271.22 PUM as of October 2022. Therefore, the change to tenant-based assistance would not be cost effective. None of the general occupancy developments in the BHA's portfolio has reached the stage of obsolescence where it would be cost effective to convert to tenant-based assistance rather than to maintain it as public housing.

The above formula applies to the following developments:

Development Name	Number of Occupied Units*
Alice H. Taylor Apartments	338
Commonwealth	261
Franklin Field	326
Mary Ellen McCormack	950
Mildred C. Hailey Bromley Park Family	444
Mildred C. Hailey Heath Street	203
Ruth Barkley Apartments	391

Oct 2022

19. Conversion of Public Housing to Project-Based Assistance under RAD

See the Rental Assistance Demonstration attachment to the Annual Plan compiled in accordance with guidance included in Revision 4 of the RAD Notice, H-2019-09 PIH 2019-23, REV-4.

20. Occupancy by Over-Income Families

BHA is including in its Admissions and Continued Occupancy Policy (ACOP) Section 9.2.1 a policy for over-income families.

21. Occupancy by Police Officers

See Admissions and Continued Occupancy Policy (ACOP) section 10.6. for policy on Occupancy by Police Officers. BHA doesn't have any units officially occupied by law enforcement officers as reported in PIC.

22. Non-Smoking Policies

NON-SMOKING POLICY from Section 18 of the BHA Public Housing Lease

A. Purpose of Non-Smoking Policy. The parties (BHA and the Tenant/Resident) desire to mitigate (i) the irritation and known health effects of secondhand smoke; (ii) the increased maintenance, cleaning and redecorating costs from smoking; (iii) the increased risk of fire from smoking; and (iv) the higher costs of fire insurance for a non-smoke-free building.

B. Definition of Smoking. The term “smoking” means inhaling, exhaling, breathing, or carrying or possessing any lighted cigarette, cigar, pipe or other tobacco product or similar lighted product in any manner or in any form.

C. Non-Smoking Area. Resident agrees and acknowledges that the premises to be occupied by Resident and members of Resident's household and any interior common areas, including but not limited to community rooms, community bathrooms, lobbies, reception areas, hallways, laundry rooms, stairways, offices and elevator, within all living units, and within a specified distance from building(s), as determined by the property manager in consultation with the residents, including entry ways, porches, balconies and patios have been designated as a Non-smoking living environment. Resident and members of Resident's household shall not smoke anywhere in said Non-Smoking Area, including in the unit rented by Resident, the building where Resident's dwelling is located, or in any of the common areas or adjoining grounds of such building including the steps, patios or yards, nor shall Resident permit any guests or visitors under the control of Resident to smoke in said Non-Smoking Area.

D. Resident to Promote Non-Smoking Policy and to Alert Landlord of Violations. Resident shall inform Resident's guests of the non-smoking policy. Further, Resident shall promptly give Landlord a written statement of any incident where tobacco smoke is migrating into the Resident's unit from sources outside of the Resident's unit.

E. Landlord to Promote Non-Smoking Policy. Landlord shall post no-smoking signs at entrances and exits, in common areas, and in conspicuous places adjoining the grounds of the Non-Smoking Area.

F. Landlord Not a Guarantor of Smoke-Free Environment. Resident acknowledges that Landlord's adoption of a non-smoking living environment does not make the Landlord or any of its managing agents the guarantor of Resident's health or of the non-smoking condition of the Resident's unit and the common areas. However, Landlord shall take reasonable steps to enforce the

Supplement to HUD Form 50075-ST(1): Plan Elements

non-smoking terms of this leases and to make the Non- Smoking Area as smoke-free as is reasonably possible. Landlord is not required to take

steps in response to smoking unless Landlord knows of said smoking or has been given written notice of said smoking.

G. Effect of Breach and Right To Terminate Lease. A breach of this Section of the Lease shall give each party all the rights contained herein, as well as the rights otherwise contained in the Lease. A material or continuing breach of this Section shall be a material breach of the Lease and grounds for termination of the Lease by the Landlord. **Tenant acknowledges that the remedy for smoking within the apartment may be the assessment of a charge of up to two hundred-fifty dollars (\$250.00) for each smoking incident. Charges will be used by the BHA towards the costs of refurbishing the apartment.**

H. Disclaimer by Landlord. Resident acknowledges that Landlord's adoption of a non- smoking living environment, does not in any way change the standard of care that the Landlord or managing agent would have to a resident household to render buildings and premises designated as non-smoking any safer, more habitable, or improved in terms of air quality standards than any other rental premises. Landlord specifically disclaims any implied or express warranties that the building, common areas, or Resident's premises will have any higher or improved air quality standards than any other rental property. Landlord cannot and does not warrant or promise that the rental premises or common areas will be free from secondhand smoke. Resident acknowledges that Landlord's ability to police, monitor, or enforce the provisions of this Section is dependent in significant part on voluntary compliance by Resident and Resident's guests, as well as by other residents and guests in other parts of the Non-Smoking Area. Residents with respiratory ailments, allergies, or any other physical or mental condition relating to smoke are put on notice that Landlord does not assume any higher duty of care to enforce this Section than any other landlord obligation under the Lease.

23. Project-Based Vouchers

Project-based Vouchers: Boston Housing Authority Section 8 Project Based Voucher Program

Background

As a result of the Fiscal Year 2001 HUD Appropriations Act, regulations were issued incorporating the Project Based Assistance requirements into the merged voucher program. These regulations were originally published in the Federal Register on January 16, 2001 and permitted the BHA to enter into a housing assistance payments (HAP) contracts with otherwise qualified owners provided the HAP contracts were in congruence with the PHA Plan (see 42 U.S.C. 1437c-1, implemented at 24 CFR part 903.) HUD defines “consistency with the PHA Plan” as a demonstration by the PHA that circumstances exist that indicate that project basing of the units, rather than tenant-basing of the same subsidy assistance is an appropriate option. Subsequently, HUD promulgated the Project Based Voucher Program; Final Rule on October 13, 2005, incorporating therein the sum and substance of the January, 2001 Initial Guidance. The following discusses the BHA’s implementation of this important policy tool.

PHA Plan

HUD's initial guidance published January, 2001 and again incorporated into the October, 2005 final rule specifies that PHAs that wish to use the project-based voucher option must attach a statement to the PHA Plan template. 66 Fed. Reg. 3608.

___: The statement must include the projected number of project-based units and general locations, and

___: how project basing would be consistent with the PHA plan.

The Projected Number of Project Based Units

Under the Project Based Voucher (PBV) regulations, the BHA has the option to convert up to 20% of our tenant based voucher allocation to project based assistance. With the BHA’s present portfolio size of 15,500 units, 20% would equate to 3100 units. By the end of BHA Fiscal Year 2022, the BHA anticipates that it will have approximately 3100 units under contract in its PBV Program.

In 2022 and 2023, BHA anticipates a number of PBV projects that will be excluded from the 20% threshold as they will result from Public Housing developments converted under HOTMA and through RAD. Currently, there are 148 RAD, with an additional 313 RAD anticipated to be added by the end of fiscal year 2022, for a total of 461 RAD PBV units under contract that would be excluded from the 20% threshold calculation. Further, the BHA has 10 RAD units

Supplement to HUD Form 50075-ST(1): Plan Elements

converted from its Moderate Rehabilitation Program. Mainstream vouchers, VASH vouchers and units in areas of low poverty concentration which are project based can also be excluded. For information regarding specific details on the sites that are being redeveloped please see Attachment D to the Section 8 Administrative Plan.

The BHA may grant project based vouchers only if the contract is consistent with the goals of deconcentrating poverty and expanding housing and economic opportunities. Projects may not be sited in areas where the census data reflects a poverty rate of greater than 20% unless there is evidence that the project will further deconcentration goals. All of the BHA's Project Based Vouchers under lease have met HUD's requirements listed above regarding the location of projects.

Future Siting of Section 8 Based Voucher Projects: Strategic Investment

The PBV rules permit a PHA to give an award of PBV vouchers if a developer has successfully obtained financing from other competitive rounds; where an award of PBV assets was not contemplated. In the event that resources permit and an otherwise qualified project is presented, the BHA reserves the ability to review individual requests.

Future PBV project sites should have strategic importance for the social or economic well-being of the community. This should be demonstrated both by an analysis of how the proposed project will meet a specific community need as well as by the level of public support for the project. By necessity, this will vary depending on the type of project being proposed. The following guidelines should be considered:

Construction type: New construction projects have the greatest physical impact on the surrounding community, and thus should provide a clear justification for the choice of location and how the project will impact (positively or negatively) the immediate surrounding neighborhood. Adaptive reuse projects should justify the impact of the converted use on the surrounding area. The rehabilitation of vacant/abandoned buildings should explain why the particular building(s) was selected and the impact its restoration will have on nearby properties and the neighborhood.

Preservation projects of occupied buildings generally may or may not have any impact on the surrounding neighborhood. Finally, larger projects of any type tend to have greater impacts than smaller projects.

Neighborhood needs: Neighborhood needs can be demonstrated in several ways. The most significant method, for example, is when the project is the outcome of a participatory neighborhood planning process that has identified the strategic importance of specific sites and buildings as part of a larger

neighborhood development plan. A similar though less formal method is when a building or site has been identified by a community group as very important for redevelopment (e.g. perhaps it is a major eyesore at a key location). Neighborhood needs may also be supported by data that demonstrate there is a shortage of a particular housing type (e.g. units for single people, large families, etc.).

Citywide needs: If the project is intended to serve more of a citywide housing need -- for example, supportive housing for the disabled, elderly, veterans, and/or homeless -- the applicant should provide information supporting the need for that housing and as well as the choice of location versus other possible locations.

Community support: Ideally, all projects will have already established firm community support. This is not always possible, however. The project should be able to demonstrate local neighborhood support and/or the support of citywide organizations, to the extent the project is serving a broader citywide need. If support has not been established at the time of application, the applicant must submit a plan for further outreach that is appropriate to the type of project being proposed. It is important for projects serving citywide needs to establish meaningful contact with local abutters and neighborhood organizations. It is also important to establish a greater level of support for projects that will have significant physical impacts (e.g. a large new construction project). Final funding commitments will be made only following successful completion of the outreach plan.

How Project Basing is Consistent with the PHA Plan: The BHA has elected to convert tenant-based assistance to project based assistance to encourage new construction, rehabilitation, and preservation.

Project based housing provides long term assets which are dedicated to housing persons of low income, as well as special needs tenants. These units will not experience fluctuations in availability and price to which the general housing market is subject.

24. Units with Approved Vacancies for Modernization

See Admissions and Continued Occupancy Policy section 6.2.3 for policy on units with approved vacancies for modernization. BHA currently doesn't have any units officially offline as funded for modernization in PIC.

Development Number	Development	Unit Number
MA002000123	Mary Ellen McCormack	MC0012
MA002000123	Mary Ellen McCormack	MC0225
MA002000123	Mary Ellen McCormack	MC0234
MA002000123	Mary Ellen McCormack	MC0236
MA002000123	Mary Ellen McCormack	MC0278
MA002000123	Mary Ellen McCormack	MC0281
MA002000123	Mary Ellen McCormack	MC0293
MA002000123	Mary Ellen McCormack	MC0340
MA002000123	Mary Ellen McCormack	MC0373
MA002000123	Mary Ellen McCormack	MC0402
MA002000123	Mary Ellen McCormack	MC0481
MA002000123	Mary Ellen McCormack	MC0633
MA002000123	Mary Ellen McCormack	MC0639
MA002000123	Mary Ellen McCormack	MC0673
MA002000123	Mary Ellen McCormack	MC0785
MA002000123	Mary Ellen McCormack	MC0863
MA002000123	Mary Ellen McCormack	MC0994
MA002000241	Eva White Apartments	EW0004
MA002000241	Eva White Apartments	EW0009
MA002000241	Eva White Apartments	EW0012
MA002000241	Eva White Apartments	EW0017
MA002000241	Eva White Apartments	EW0019
MA002000241	Eva White Apartments	EW0020
MA002000241	Eva White Apartments	EW0022
MA002000241	Eva White Apartments	EW0023
MA002000241	Eva White Apartments	EW0036
MA002000241	Eva White Apartments	EW0042
MA002000241	Eva White Apartments	EW0068
MA002000241	Eva White Apartments	EW0083
MA002000241	Eva White Apartments	EW0095
MA002000241	Eva White Apartments	EW0100
MA002002114	Mission Phase 1	109
MA002002114	Mission Phase 1	12A
MA002002114	Mission Phase 1	14B
MA002002114	Mission Phase 1	402

Supplement to HUD Form 50075-ST(1): Plan Elements

MA002002114	Mission Phase 1	55A
MA002002114	Mission Phase 1	612
MA002002114	Mission Phase 1	712
MA002002118	Mission Phase 3	104B-W
MA002002118	Mission Phase 3	619A-P

25. Other Capital Grant Programs

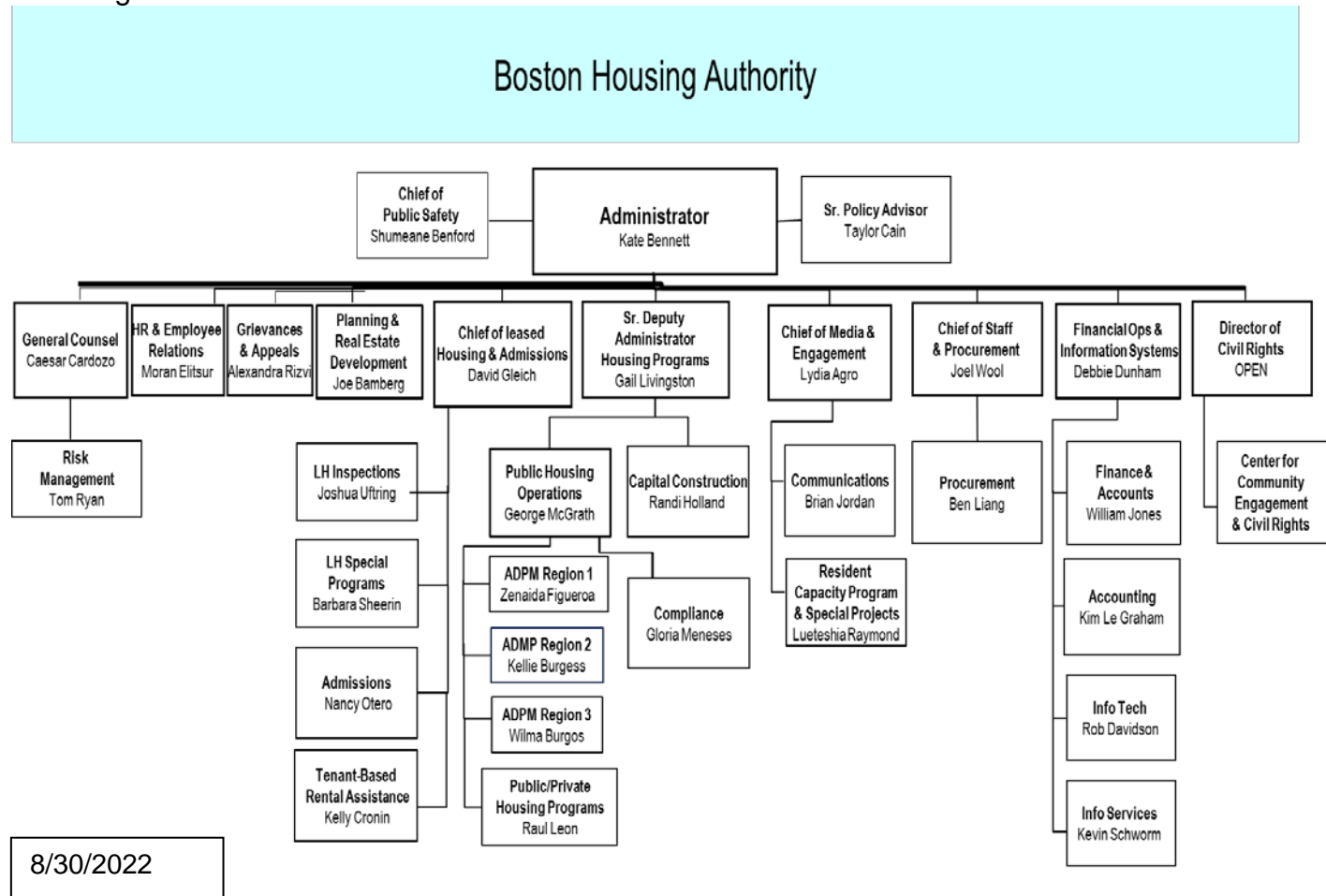
☐: Yes ☒: No: e) Will the PHA be conducting any other public housing development or replacement activities not discussed in the Capital Fund Program Annual Statement?

If yes, list developments or activities below:

Please Note: Replacement Housing Factor capital funds were used in connection with Anne M. Lynch Homes at Old Colony Phase 3 redevelopment. Those funds were all fully expended as of federal fiscal year 2020; furthermore the new public housing units were completed in 2021 and will be fully occupied by the end of 2021.

*There was no increment 1 grant in 2017.

BHA Organization Chart



Certifications of Compliance with PHA Plan and Related Regulations (Standard, Troubled, HCV-Only, and High Performer PHAs)

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 3/31/2024

PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations including PHA Plan Elements that Have Changed

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairperson or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the ___ 5-Year and/or ___ Annual PHA Plan, hereinafter referred to as "the Plan", of which this document is a part, and make the following certification and agreements with the Department of Housing and Urban Development (HUD) for the PHA fiscal year beginning 4/1/2023, in connection with the submission of the Plan and implementation thereof:

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located (24 CFR § 91.2).
2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments (AI) to Fair Housing Choice, or Assessment of Fair Housing (AFH) when applicable, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan (24 CFR §§ 91.2, 91.225, 91.325, and 91.425).
3. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Resident Advisory Board or Boards in developing the Plan, including any changes or revisions to the policies and programs identified in the Plan before they were implemented, and considered the recommendations of the RAB (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
4. The PHA provides assurance as part of this certification that:
 - (i) The Resident Advisory Board had an opportunity to review and comment on the changes to the policies and programs before implementation by the PHA;
 - (ii) The changes were duly approved by the PHA Board of Directors (or similar governing body); and
 - (iii) The revised policies and programs are available for review and inspection, at the principal office of the PHA during normal business hours.
5. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.
6. The PHA certifies that it will carry out the public housing program of the agency in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-2000d-4), the Fair Housing Act (42 U.S.C. 3601-19), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), title II of the Americans with Disabilities Act (42 U.S.C. 12101 et seq.), and other applicable civil rights requirements and that it will affirmatively further fair housing in the administration of the program. In addition, if it administers a Housing Choice Voucher Program, the PHA certifies that it will administer the program in conformity with the Fair Housing Act, title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, title II of the Americans with Disabilities Act, and other applicable civil rights requirements, and that it will affirmatively further fair housing in the administration of the program.
7. The PHA will affirmatively further fair housing, which means that it will take meaningful actions to further the goals identified in the Assessment of Fair Housing (AFH) conducted in accordance with the requirements of 24 CFR § 5.150 through 5.180, that it will take no action that is materially inconsistent with its obligation to affirmatively further fair housing, and that it will address fair housing issues and contributing factors in its programs, in accordance with 24 CFR § 903.7(o)(3). The PHA will fulfill the requirements at 24 CFR § 903.7(o) and 24 CFR § 903.15(d). Until such time as the PHA is required to submit an AFH, the PHA will fulfill the requirements at 24 CFR § 903.7(o) promulgated prior to August 17, 2015, which means that it examines its programs or proposed programs; identifies any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement; and maintains records reflecting these analyses and actions.
8. For PHA Plans that include a policy for site-based waiting lists:
 - The PHA regularly submits required data to HUD's 50058 PIC/IMS Module in an accurate, complete and timely manner (as specified in PIH Notice 2011-65);

- The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites; and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site;
 - Adoption of a site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD;
 - The PHA shall take reasonable measures to assure that such a waiting list is consistent with affirmatively furthering fair housing; and
 - The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR 903.7(o)(1).
9. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
 10. In accordance with 24 CFR § 5.105(a)(2), HUD's Equal Access Rule, the PHA will not make a determination of eligibility for housing based on sexual orientation, gender identify, or marital status and will make no inquiries concerning the gender identification or sexual orientation of an applicant for or occupant of HUD-assisted housing.
 11. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
 12. The PHA will comply with the requirements of Section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low-or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.
 13. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.
 14. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
 15. The PHA will provide the responsible entity or HUD any documentation that the responsible entity or HUD needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58 or Part 50, respectively.
 16. With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under Section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
 17. The PHA will keep records in accordance with 2 CFR 200.333 and facilitate an effective audit to determine compliance with program requirements.
 18. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act of 1992, and 24 CFR Part 35.
 19. The PHA will comply with the policies, guidelines, and requirements of 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Financial Assistance, including but not limited to submitting the assurances required under 24 CFR §§ 1.5, 3.115, 8.50, and 107.25 by submitting an SF-424, including the required assurances in SF-424B or D, as applicable.
 20. The PHA will undertake only activities and programs covered by the Plan in a manner consistent with its Plan and will utilize covered grant funds only for activities that are approvable under the regulations and included in its Plan.
 21. All attachments to the Plan have been and will continue to be available at all times and all locations that the PHA Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the Plan and additional requirements at the primary business office of the PHA and at all other times and locations identified by the PHA in its PHA Plan and will continue to be made available at least at the primary business office of the PHA.
 22. The PHA certifies that it is in compliance with applicable Federal statutory and regulatory requirements, including the Declaration of Trust(s).

Boston Housing Authority _____
PHA Name

MA002 _____
PHA Number/HA Code

☒ Annual PHA Plan for Fiscal Year 2023: April 1, 2023 – March 31, 2024 _____

_____ 5-Year PHA Plan for Fiscal Years 20____ - 20____

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802).

Name of Executive Director **Kate Bennett**

Name Board Chairman

Signature



Date: 01/10/2023

Signature

Date

The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality. This information is collected to ensure compliance with PHA Plan, Civil Rights, and related laws and regulations including PHA plan elements that have changed.

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**Certification by State or Local
Official of PHA Plans Consistency
with the Consolidated Plan or
State Consolidated Plan
(All PHAs)**

U. S Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 3/31/2024

**Certification by State or Local Official of PHA Plans
Consistency with the Consolidated Plan or State Consolidated Plan**

I, Mayor Michelle Wu, the Mayor of Boston
Official's Name *Official's Title*
certify that the 5-Year PHA Plan for fiscal years 2023 and/or Annual PHA Plan for fiscal year
2023 which covers Apr 1, 2023 through Mar 31, 2024 of the Boston
Housing Authority is consistent with the
PHA Name

Consolidated Plan or State Consolidated Plan including the Analysis of Impediments (AI) to Fair
Housing Choice or Assessment of Fair Housing (AFH) as applicable to the City of Boston

Local Jurisdiction Name

pursuant to 24 CFR Part 91 and 24 CFR §§ 903.7(o)(3) and 903.15.

Provide a description of how the PHA Plan's contents are consistent with the Consolidated Plan or State
Consolidated Plan.

The BHA Annual Plan is consistent with the City of Boston Consolidated Plan and AI in that both aim
to preserve affordable housing for all residents but especially low income residents while addressing
impediments to fair housing choice. The City of Boston and BHA continue collaborating under the
most recent vision to address housing needs of Boston known as Housing a Changing City of Boston
2030.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will
prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official:

Michelle Wu

Title:

Mayor of Boston

Signature:



Date: January 10, 2023

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Comments and Responses to the BHA FY 2023 Federal Annual Plan.

The following document contains the comments and responses received on the BHA's FY 2023 Federal Annual Plan. BHA staff met with the Resident Advisory Board from September through December discussing the Plan process and documents and sent copies of the Plan to the RAB and Local Tenant Organizations. The Plan was put out for public comment on November 1, 2022 and the comment period closed on December 15, 2022 with a virtual public hearing held on zoom December 12, 2022 at 11 am and another at 6 pm. In the draft, BHA included a revised tenant participation policy but is withdrawing that from the submission as it received a large number of comments. The BHA will take more time to consider the comments and submit the new version to the public for review in the near future. Therefore, this response does not include any of the comments on the proposed revision.

The BHA took several steps to notify the public of the FY 2023 Federal Annual Plan and the opportunity to comment. The BHA placed an advertisement in the Boston Globe, included a notice with the rent statement of public housing residents, requested mixed finance partners to share the same notice with their BHA ACC-subsidized tenants, sent a mailing to Leased Housing participants in Boston and nearby towns notifying them of the Public Hearing. The BHA also sent letters to many local officials and advocacy groups. The Plan was made available for review at Boston Public Library Copley Square branch, BHA's headquarters at 52 Chauncy St., and on its website www.bostonhousing.org.

Many comments are specific to Plan attachments:

AP: Annual Plan template

5Y: Five-Year Plan Progress Report

RAD: RAD attachment

S: Supplement

Administration

Comment: AP p. 2: In Section B.1(b), this should also include the Admissions and Continued Occupancy Policy (ACOP) as a supporting document, since BHA is proposing some revisions to that document.

Response: This is updated in the final plan.

Comment: S: Section B.1.1 Statement of Housing Needs and Strategy for Addressing Housing Needs Pp. 2-10: On pp. 2-3, is the census data relied on here from the 2020 census? If it is not from the 2020 census, please say why, and when BHA will begin to

use 2020 census data. You may also wish to change the reference from Department of Neighborhood Development (DND) to the Mayor's Office of Housing (MOH).

Response: Census data from 2020 is still in the process of being released. Reference to MOH has been updated.

Comment: S: On p. 7, I believe the language here about using Faircloth authority and "green" funding was included last year, but it may be helpful, somewhere in the plan or in response to comments, for BHA to provide more detail about what it's done in FY 2022 on this and what's anticipated in FY 2023.

Response: The BHA retained a consultant to model Faircloth subsidy in various development scenarios in FY22. The BHA is seeking to partner with the City of Boston around pilot projects and exploring other opportunities in FY23.

Comment: S: Section B.2.26 Organization Chart p. 91: As in the past, there are a number of changes on the organization chart, and I would ask that RAB members review this carefully to ask any questions. Is there any guess when the Director of the Office of Civil Rights position will be filled?

Response: Thank you for the comment. The BHA has recently reorganized staffing in its Civil Rights and Human Resources department in order to meet organizational needs.

Comment: 5Y: Subgoal: Explore voter registration at re-certification.

Nothing was done on this in 2022, and it may be that the continued use of multiple means of recertification (both in-person and virtual) for public health reasons pose additional challenges. BHA should establish firm timelines to get this done in 2023 (and should see if any other agencies, like MHB, or other PHAs are exploring this, as well as how it can be carried out with privately managed or Mixed Finance sites). The Mayor's Office of Housing may be interested in having this be something generally available where recertifications occur.

Response: Thank you for the comment. The BHA is committed to promoting civic engagement, including voting. The BHA did review the Automatic Voter Registration (AVR) law to understand the nuance between AVR organizations and any opt-in, voluntary registration it might offer to residents. The BHA will consider how to encourage voter registration in 2023.

Admissions including ACOP

Comment: ACOP: Chapter 4 – Establishing and Maintaining Waiting Lists 4.2.3 (pp. 19-20) – Added to the title to state that this section, Removal of an Application from the Waiting List, is for the federal programs only and not state (state removals are governed through DHCD’s CHAMP system). This is fine.

Response: Thanks for your comment.

Comment: ACOP: Chapter 5 – Determination of Eligibility 5.3.4 (p. 51) – This section is titled Social Security Numbers. It was renumbered as it previously had repeated the number of the prior section. This is fine.

Response: Thanks for your comment.

Comment: ACOP: 5.4.9 (pp. 58-60) – The changes here are a bit more extensive than what’s in the summary of changes. What was 5.4.9. Verification of Medical Deductions, is stricken, and what was 5.4.10, also entitled Verification of Medical Deductions, is renumbered as 5.4.9. What was Section 5.4.11, Permissive Deduction in Excess of Monthly Stipend, is renumbered as 5.4.10. And what was Section 5.4.12, Income Exclusions, is renumbered as 5.4.11. While the elimination of duplicative language and renumbering seems fine, I have a few questions: (a) In the Section 8 Administrative Plan, BHA has simplified identifying what can count as a medical expense by referring to an IRS publication. Shouldn’t that same language be added to the ACOP? (b) The exclusion of excess stipend payments referenced in 5.4.11, which I had failed to notice in prior ACOP revisions, says that it operates solely during the pandemic and in hardship situations. Is this provision still operative, or is it no longer being used? (I understand BHA may want to retain the language for future use.)

Response: The BHA will consider with its Operations team whether to adopt IRS standards for medical deductions with respect to Public Housing. The stipend provision was intended to deal with guaranteed income pilots that were running during the pandemic and the language cannot be adopted for continued use without an approved waiver from HUD.

Comment: ACOP: 5.5.3 (pp. 61-65) – This section is titled Criminal History, and there are a number of changes to different subsections:

Response: Correct.

Comment: ACOP: Subsection (a), entitled Use of Criminal History, would be revised to add a sentence at the very end (on p. 62), that BHA will not review any juvenile offender information. Note that there is a typo here, and “and” should be “any”. This change is welcomed and is required by state and federal law.

Response: Thanks for pointing out the typo.

Comment: ACOP: Subsection (c), entitled Look Back Period, on p. 63, is revised to change the criminal record lookback periods from 5 years to 3 years for misdemeanors and from 10 years to 7 years for felonies, in line with the standards set forth by DHCD housing programs and changes that were made by the State Legislature a few years back about after what time period someone could seek to seal records. As with BHA's prior language, this language would not require an applicant to affirmatively seek to seal convictions; BHA would automatically not review/count such records if they were beyond the sealing period, unless they fell within the mandatory federal exclusions for certain types of convictions covered in the prior section. There is also clarification that the look back periods run from the date of conviction or the release date, whichever is later. While advocacy groups like Justice 4 Housing believe that BHA should go farther in this area, and want to continue to dialogue with BHA on this, the proposed changes are desirable and are needed to conform to revisions in state law, recognizing that after these periods, such criminal history records should not be barriers to housing or employment. Moreover, as is included in the rest of this subsection, even if an applicant has a more recent conviction that is not excluded from the lookback period, BHA should consider mitigating factors and what the applicant's likely lease compliance will be based on current circumstances.

Response: We agree with the comment that the BHA is moving in the right direction on this issue and we welcome continued dialogue. We also believe that the mitigating process we have in place works well and allows BHA to house many families and individuals that have a history in the criminal justice system.

Comment: ACOP: Subsection (g), entitled Denial for Criminal Activity, on p. 65, is revised to add three new paragraphs at the beginning, with existing language appearing at the end. In the first paragraph, consistent with HUD guidance beginning in 2015, language is added that "BHA shall not automatically deny an applicant based on the presence [sic] criminal history". (The word "of" should be added between "presence" and "criminal history".) The second paragraph clarifies what BHA will look at: "The BHA review of criminal history only considers convictions and charges awaiting trial for drug related, violent, and other criminal activity that could affect the health and safety of others potentially living nearby." Thus, if there is a pending criminal matter that is not drug-related or violent and does not have a health/safety impact, the applicant could ask that BHA not hold up processing the application just due to the open case. Finally, the third paragraph adds the following: "The BHA shall not consider arrests, cases that were continued without a finding as a means of probation, or charges that did not get prosecuted. Convictions for crimes such as larceny and other non-violent, non-drug related criminal activity are generally not considered unless, the BHA determines that the activity might affect the health and safety of other in the area. For example, illegal possession of a firearm or ammunition is not dangerous in itself, but may be considered to affect the health and safety of others." It is helpful to add this language so that reviewers are guided as to what would not be relevant in criminal history screening. As noted above, while it may be that further changes on criminal history screening should be discussed, the changes here are welcome and should assist in giving more applicants who will not pose a risk to their neighbors be able to obtain needed housing.

Response: Thank you for the comment. The “of” shall be added to the ACOP as suggested.

Comment: ACOP: Chapter 6 - Offers 6.2.1 (p. 72) – This section is titled Allocation of Offers to Different Applicant Types. It generally covers the counter system that BHA uses to allocate every eighth apartment offer for special circumstances transfers. BHA is striking all but the first sentence of the second paragraph. As BHA’s parenthetical note explains, BHA had intended to delete this language last time after ACOP changes were approved, but the final edit was overlooked. The edit is necessary as otherwise the language would be internally inconsistent and confusing. This change is fine.

Response: Thanks for the comment.

Comment: ACOP: Chapter 7 – Transfers 7.9 (p.87) – This section is titled Transfer Waiver/Reasonable Accommodation. The language describes when a disabled family may seek to remain in its existing apartment when not over-housed by more than one bedroom. Prior language said this was done through a reasonable accommodation request, but also seemed to limit the request to cases of advanced age or seriously infirm health of a household member; this restriction is eliminated, and a waiver can be considered as long as it would be a reasonable accommodation for a person with a disability. This is a desirable change, since the limiting language might be viewed as barring BHA from granting the relief even if allowing the over-housed waiver would otherwise be an appropriate accommodation.

Response: Thanks for the feedback.

Comment: (also Lsd Hsg) My name is Jeremy Otridge, and I am writing on behalf of Justice 4 Housing Inc.. We are a grassroots nonprofit in Massachusetts that ensures formerly incarcerated people have equitable access to affordable housing. Our work is borne from the lived experience of our executive director, Leslie Credle, who is a formerly incarcerated Black woman. Our work also responds to research that has found that formerly incarcerated people are 10 times more likely than the general public to experience homelessness. Part of this disparity comes from barriers enacted by Public Housing Authorities in the name of public safety. However, rather than promoting public safety, excluding formerly incarcerated people poses a public health threat. Housing has also been recognized as a critical component of reducing recidivism, particularly in the first year after release. Furthermore, the Department of Housing and Urban Development has recognized that there is no connection between a history of criminal activity and being a successful tenant.

Advocating from these facts, we had the opportunity to collaborate with Boston Housing Authority to reduce barriers to housing for formerly incarcerated people. I would like to extend my heartfelt thanks to David Gleich, Joel Wool, Lydia Agro, and Barbara Sheerin for dedicating the time and energy to engage with us. Guiding these conversations was our Far From Home Report, which was produced in collaboration with the Harvard

Tenant Advocacy Project and tells the stories of formerly incarcerated people. It produces 12 recommendations that housing authorities and legislators can enact to make public housing more accessible to formerly incarcerated people. Some of the updates included in the 2023 annual plan resulted from these recommendations and conversations with BHA. I would like to take a moment to recognize each of these changes:

Lookback periods (Chapter 5 of the annual plan) : “Subsection (c), entitled Look Back Period, on p. 63, is revised to change the criminal record lookback periods from 5 years to 3 years for misdemeanors and from 10 years to 7 years for felonies, in line with the standards set forth by DHCD housing programs and changes that were made by the State Legislature a few years back about after what time period someone could seek to seal records. As with BHA’s prior language, this language would not require an applicant to affirmatively seek to seal convictions; BHA would automatically not review/count such records if they were beyond the sealing period, unless they fell within the mandatory federal exclusions for certain types of convictions covered in the prior section. There is also clarification that the look back periods run from the date of conviction or the release date, whichever is later.”

We commend the Boston Housing Authority for making this reduction in lookback periods from their previous standard of 5 years for misdemeanors and 10 years for felonies. The lookback period is a significant barrier to housing for many formerly incarcerated people. It can be used to deny people because of a past a conviction for which they have already served a sentence when what they need most is housing and support. We urge Boston Housing Authority to move beyond the standards set by DHCD and consider lowering their lookback periods to 2 years for misdemeanors and felonies alike. BHA should look to the successful Stable Housing and Reintegration Program (SHARP), which it created with Justice 4 Housing, as an example of how housing can benefit formerly incarcerated people. Housing people released from incarceration within the last 3 years, all of SHARP’s participants are housed and there is a 0% recidivism rate, significantly below the state average and local average recidivism rate. While we commend BHA for recognizing the success of this program by expanding it, we also encourage them to lower lookback periods given the evidence that providing housing to formerly incarcerated people increases, and does not decrease, safety. On this point, we would also like to point to successful reforms in other parts of the country. Seattle and New Orleans have taken steps to lower their lookback periods and have had no adverse reports after these changes. Boston is rightfully recognized as a trendsetter in Massachusetts (and the country) as evidenced by BHA being among the first housing authorities to adopt Small Area Fair Market Rent to address affordability issues. We urge BHA to continue this tradition and take the next step in lowering lookback periods and allowing formerly incarcerated people equal access to a necessary resource for reintegration.

Response: Thank you for your comments. BHA very much appreciates the ongoing dialogue held with Justice 4 Housing that has resulted in the commenter’s above-referenced reforms to BHA policy related to applicants and residents with a history

attached the criminal justice system. While BHA has made reductions to lookback periods in order to align with the State time frames that permit a criminal record to be sealed, it is unclear to BHA that further reductions are necessary. Based on BHA data from Leased Housing programs over the prior 5 years, more than 75% of the 2,727 applicants with a criminal record were ultimately approved for BHA housing. This evidence shows that the BHA process works to support those with a history in the criminal justice system with housing benefits. The BHA does not deny housing solely based on the presence of a negative criminal history. The existing process allows the applicant with a negative criminal history within the prescribed lookback periods to gather evidence of mitigating circumstances, help the BHA to make an informed decision on eligibility that considers other program participants, but also may help the BHA to direct an applicant towards housing with particular appropriate services or other appropriate programs. The process of confronting the criminal history at the BHA program eligibility stage also prepares the applicant for whatever scrutiny may come from a private landlord, who may be more strict with respect to review.

While BHA does not fully agree with the reforms proposed by the commenter, we do agree with the overall nature of the work and agree that necessary reforms are needed in housing policy and within the criminal justice system. It is unquestionable that the criminal justice system has been historically inequitable to the low income and minority populations that BHA serves.

Comment: (also Lsd Hsg) Consideration of non-convictions in admissions: “Subsection (g), entitled Denial for Criminal Activity, on p. 65, is revised to add three new paragraphs at the beginning, with existing language appearing at the end. In the first paragraph, consistent with HUD guidance beginning in 2015, language is added that “BHA shall not automatically deny an applicant based on the presence [sic] criminal history”. (The word “of” should be added between “presence” and “criminal history”.) The second paragraph clarifies what BHA will look at: “The BHA review of criminal history only considers convictions and charges awaiting trial for drug related, violent, and other criminal activity that could affect the health and safety of others potentially living nearby.” Thus, if there is a pending criminal matter that is not drug-related or violent and does not have a health/safety impact, the applicant could ask that BHA not hold up processing the application just due to the open case. Finally, the third paragraph adds the following: “The BHA shall not consider arrests, cases that were continued without a finding as a means of probation, or charges that did not get prosecuted. Convictions for crimes such as larceny and other non-violent, non-drug related criminal activity are generally not considered unless, the BHA determines that the activity might affect the health and safety of other in the area. For example, illegal possession of a firearm or ammunition is not dangerous in itself, but may be considered to affect the health and safety of others.” It is helpful to add this language so that reviewers are guided as to what would not be relevant in criminal history screening.”

We commend Boston Housing Authority for specifying that it shall not consider arrests or other non-convictions in admissions. This change is supported by evidence by HUD that finds arrests to be unreliable records of criminal activity and not equivalent to an

admission of guilt. We also appreciate the explicit inclusion of how BHA considers different “classifications” of convictions in its admissions procedure. A remaining question we have is how BHA might use the conduct surrounding an arrest. While BHA will no longer consider arrests, will it still consider “supporting evidence” around an arrest? If so, how does it interpret this evidence to be more reliable than an arrest and grounds for denial? We believe that BHA should not consider an arrest nor its circumstances in admissions because they are prone to the same flaws and can lead to unnecessary housing denials.

Response: This comment speaks to the evidentiary standards BHA utilizes in order to make decisions regarding eligibility. From time to time, the BHA is presented with detailed police reports, such as search warrant affidavits, providing evidence of violent or firearm related criminal activity or illegal drug distribution that cannot be ignored solely because a conviction has not yet occurred. The BHA will continue to use the preponderance of the evidence standard afforded under the current laws, weighing the evidence to determine credibility and ultimately make a decision on eligibility.

Comment: (also Lsd Hsg) Juvenile Record Review: On page 68, section 5.7, the following paragraph is modified to include the underlined segment: The BHA will request CORI for an Applicant who is fourteen (14) years of age or older in accordance with State and federal law. The BHA will not review any juvenile offender information. The BHA shall only review CORI for an applicant who is 14 or older than has been tried as an adult.

We appreciate that Boston Housing Authority has provided clarification about their use of CORIs for household members under the age of 18. While BHA may be within its rights under state and federal law to review CORI for an applicant 14 or older, it is not required to do so. Furthermore, this is not the standard practice of DHCD or other housing authorities in the state, which do not review CORIs for any household members under the age of 18. We encourage the BHA to update this policy to match the rest of the state and DHCD, in a similar manner as its updates with the lookback period.

Response: The BHA does not believe there is harm in continuing this practice since the query will only return records for those juveniles 14 or older that may have been tried as an adult. This is a simple safeguard preventing the BHA from subsidizing an individual that may be currently incarcerated or have committed a serious crime that should be evaluated in eligibility determination.

Comment: (also Lsd Hsg) FAQ and Mitigating Letter: Beyond these changes in the annual plan, we would also like to commend Boston Housing Authority for changes made to its FAQs and mitigating circumstances letter. Updates to both of these sources made them easier to read and understand such that formerly incarcerated people can be properly informed about their rights and opportunities in the housing process.

The changes made in BHA's 2023 annual plan are a step in the right direction. We appreciate that the BHA took the time to meet with us throughout the year to receive our

input on updates related to formerly incarcerated people. There is still much to be done and we look forward to continuing our collaboration.

Response: Agreed. Thanks for the positive feedback.

Comment: S: Section B.1.1 Statement of Housing Needs and Strategy for Addressing Housing Needs Pp. 2-10: On pp. 3-4, since so few persons are admitted from the Section 8 tenant-based waiting list (and the list is closed), it may be more useful to list information as well for the Section 8 project-based waiting lists, since those are open and that is the main way that applicants obtain Section 8 assistance through the BHA. This is particularly important given the issue that GBLS has identified for a number of years (and which BHA incorporated into its AFFH Goals and Objectives), i.e., that the Priority 1 category used for entry to the Section 8 program might not well fit the emergency housing needs of low-income Asian households. BHA has tweaked the priority somewhat, but unless patterns of make-up of the Section 8 project-based list are tracked over time, it will not be possible to see if this strategy is affirmatively furthering fair housing.

Response: HUD provides the template for HA's to complete. BHA staff note the point and expect to continue the discussion as BHA moves forward with work on affirmatively furthering fair housing.

Comment: S: On p. 5, on the public housing waiting list, it may be helpful to explain more what the high turnover number means—this does NOT mean that the number of public housing units available for new lease up is that high (it is a much lower number as shown elsewhere in the Supplement), but that that number of applications are processed (applicants may be withdrawn as they are placed elsewhere, reject offers, do not respond, or are removed because they do not qualify for priority or eligibility). On the housing needs by bedroom size (pp. 5-6), it must be noted that the Section 8 subsidy standards by bedroom are generally more restrictive than for public housing, i.e., a family with a number of members of different generations and/or genders may end up being assigned a larger unit for public housing than it would for the Section 8 program.

Response: BHA agrees that the high turnover figure largely represents wait list maintenance.

Comment: S: On p. 8, it would be helpful for BHA to review the list of special programs listed to see if any of these no longer apply (for example, does SAMHSA still exist)?

Response: The Plan indicates that there are various Supportive Housing Programs in the Public Housing program. These programs will be posted to the BHA website and linked under the Admissions and Leased Housing menus. The BHA consistently works with partners to develop housing pathways for vulnerable families and individuals so the list of programs may change from time to time. The SAMHSA program is different as it

was funded by a time-limited grant from the federal government. There is no SAMHSA funding at this time.

Comment: S: Section B.1.2.Deconcentration and Other Policies that Govern Eligibility, Selection and Admissions: Pp. 11-23: In Section A.(1)c. (p. 11), as well as in the similar Section B.(1)b. (p. 18), it may make sense to eliminate the reference to using local law enforcement for admission screening, since criminal history screening is done through the Department of Criminal Justice Information Systems (DJCIS) and not through local law enforcement.

Response: The BHA will research this issue further and make a change during the next iteration of the plan if appropriate.

Comment: S: In Section A.(2)c.1 (p. 12), the reference to non-BHA waiting lists just says HOPE VI, and this is likely no longer a useful way to list these, given the range of different Mixed Finance options involving private partners that are not HOPE VI; the description at A.(2)c.4 (pp. 12-13) is better, and appears to be updated to include Phase IV for Old Colony. (BHA should review to see if any others need to be included.) There is a reference to public housing waiting lists at Heritage and Lower Mills; since these have been fully converted, presumably everyone who had listed for public housing at these sites should get shifted over to the PBV lists here, and the same should occur at Patricia White and any other subsidy conversions (such as at Lenox/Camden).

Response: The following language has been added, stating, “The BHA has additional housing units within its portfolio. Application information for those sites can be found on the BHA website.” The reference to HOPE VI has been deleted.

Comment: S: On pp. 19-20, under Section B.(4)b.2, would it also make sense to include any transfers from the City-funded voucher program where needs cannot be adequately addressed within that program? BHA has included insufficient funding as one basis in its Administrative Plan, but as noted in GBLS’ comments, there may be times where because of domestic violence, reasonable accommodation needs, or the like, a family cannot continue to be served through the City-funded voucher program and a transfer to the regular Section 8 program may make sense. I cannot recall if category 9 on p. 20 (applicants who are residents of expiring use developments who have been converted to PBRA, where BHA administers the waiting list) was in the prior draft or is adequately captured in the Administrative Plan—could BHA provide detail about which sites are involved?

Response: Thanks for the comment. The BHA will consider changes for future iterations of the plan as necessary. The BHA administers the site-based waiting list for Concord Houses, an expiring use site that converted to PBRA. In exchange for choice-mobility the BHA requested the ability to manage the site-based waiting list in accordance with BHA priorities and preferences.

Comment: S: In the chart on pp. 20-21, it appears some of the language has been cut off, and so it should be edited so all relevant language is captured. In the asterisked note on p. 21, take out the words “Housing Choice” before “Voucher”, since the terminology is “Project-Based Voucher”, not “Project Based Housing Choice Voucher”. I don’t believe the categories or points for preference/priority on p. 22 have changed, but if they have, please highlight.

Response: Thanks for the comment. The necessary adjustments will be made to the plan.

Comment: 5Y: Subgoal: Streamline and simplify the housing application process to maximize transparency for applicants and focus staff efforts on working with applicants who are most likely to be housed in the near future.

It’s not clear from this draft whether the various policy changes that were adopted in the past few years (in the ACOP and Administrative Plan), along with the related changes to the application and on-line features, have all been implemented, or if not, what the implementation date will be. As noted above, some other questions (such as whether policy changes may improve acceptance rates) can’t be answered without knowing what’s in place. It would also be helpful for BHA to convene a general workshop/training open to residents and community partners explaining what it has done, what the changes are, and how the new system works. BHA held similar regular briefings prior to the pandemic, but it is not clear if there are continued forums like this.

Response: The BHA will put out an implementation guide to track the progress on various policy changes. We understand the comment, as there have been many policy changes, some of which have taken longer to implement than others. Additionally, the BHA will put together regular public workshops on the application process. We have created a position, Intake Manager, to take on some of these responsibilities, but are waiting for union approval before advertising and hiring. We anticipate workshops to begin around April 2023.

Budget

Comment: (S) Section B.1.3, Financial Resources p. 24: While BHA has not yet proposed any change here, I understand John Kane will be getting us updated figures, since these are the ones from last year.

Response: Yes, the table has been updated and information shared with the RAB and posted online.

Comment: S: Section B.2.18 Conversion of Public Housing to Tenant-Based Assistance Pp. 81: It looks like the calculation here needs to be updated, since it is providing PUM as of September, 2021, and should use a 2022 figure. In addition, the capital amount per unit seems low. My assumption is that the bottom line is the same—it is not cost effective to simply do a public housing to Section 8 tenant-based conversion—but the data needs to be current and accurate.

Response: The calculation has been updated.

Capital

Comment: AP p.3: In Section B.4, there is reference to the most recent 5-Year Action Plan in EPIC approved May 23, 2022. It should be noted that this would be AFTER the usual date for the FY 2022 PHA Plan approval, and it may be that BHA made certain revisions to the 5-Year Plan that was reviewed by the RAB last year, based on updated information from HUD about available funds or due to technical issues. Can BHA provide clarification on this and make sure that the RAB has access to the 5-year Action Plan in EPIC approved on May 23, 2022?

Response: The date that HUD approved the 5-year Action Plan for 2022 was received after the “usual” date to receive FY 2022 PHA Plan approval as appropriation funding from HUD was not awarded until May of 2022. The approved 5YAP in EPIC will be posted on-line and shared with the RAB.

Comment: (5Y) Subgoal: Complete a portfolio-wide capital needs assessment for all properties not currently slated for redevelopment. Devise a strategic plan to fund these capital needs over the long term.

We’re glad to hear that the Capital Needs Assessments (CNAs) are mostly completed and will be finalized by December, 2022. We would ask that BHA share these with resident organizations and the RAB when completed. It may be helpful to convene a special session, after the information is shared, in case there are questions and to help explain how the CNAs will be used for use of the Capital Fund, for prioritizing spending of other money that may be made available to the BHA, and to help identify what subsidy conversion strategies may be appropriate at particular sites.

Response: The Capital Needs Assessments (CNAs) will be finalized shortly, and BHA plans to share these with the LTOs and RAB as soon as possible on-line and via appropriate distribution. A special meeting/presentation to the RAB can be made in early 2023 (in February or March RAB meetings) to review how the CNAs will be used for planning.

Comment: 5Y: Subgoal: In furtherance of BHA's commitment to sustainability, continue to reduce carbon emission toward 38% of 2008 level; and continue to explore climate resiliency, moving from identifying vulnerabilities toward implementing solutions. This discusses reduction of carbon emissions at a number of sites—it would be helpful to know what time frames are involved here (estimated start and completion times). It may be that BHA would want to move several state sites included here out of this report and into the State Plan report. There only appears to be one federal family development included (Barkley); is there a strategy for other federal family sites that are not otherwise undergoing redevelopment? On climate resiliency, there is a reference to DHCD—here again, it may make sense to move this to the State Plan, unless this involvement may also impact BHA's federal portfolio (if that's so, BHA can say that). In addition, the City of Boston is exploring tree resources in its communities, and studying how to preserve/foster healthy trees at BHA sites is an important redevelopment element.

Response: The sites listed represent large-scale utility-funded projects through the MassSave/MA Low Income Multifamily Program (administered by LEAN/ABCD) to reduce energy use and greenhouse gas emissions. The projects were started and completed during the progress report period. Future reports will add estimated start and completion timeframes to the list for projects at federal sites (and state sites can be removed from this report). Completing projects through the MA Low Income Multifamily Program is one strategy among many. An additional high-impact strategy is the review of another Energy Performance Contract (BHA completed a successful ~\$70M project between 2010 and 2013) that could potentially include the majority of sites not within the redevelopment pipeline. Also under review is a strategy to "green" the electricity used at the sites, which would effectively zero-out emissions related to that fuel source. The reference to DHCD can be removed from this report. In addition, we have been working with the City of Boston on incorporating green infrastructure/storm water management principles into our operations. Staff are receptive to a RAB presentation request on the topic.

Communications

Comment: (5Y) Subgoal: Continue to develop information systems, communications tools, and interactive forums to enhance collaboration, efficiency and productivity across departments.

If BHA could provide an update on: (a) which sites are using the "One Call Now" software on a pilot basis; (b) what the projected expansion would be over 2023 (that is, which sites by expected start-up dates); and (c) which additional department will also begin using it (and expected time frames), this would be helpful. Residents and users can then compare notes about what's working well and what may need tweaks.

Response: BHA has rolled out the OneCallNow messaging software at 11 sites, including Ausonia, Charlestown, Doris Bunte, Fairmount, Franklin Field, Hassan, Mildred Hailey, Ruth Barkley, St. Botolph, Torre Unidad, and West Broadway. By the end of 2023, BHA expects to have the program implemented at all BHA developments and is working on scheduling the rollout of the next set of sites in the coming weeks. The tool is also available to be used to reach employees, Section 8 voucher holders and Section 8 landlords and is anticipated to be rolled out to the Section 8 program following the rollout of the public housing program. Current expectation is for the tool to be used primarily by communications and operations staff.

Comment: 5Y: Subgoal: Provide additional opportunities for customer feedback.

Can BHA share with the RAB what results it got from Section 8 participants in its texting survey (on housing search and the lease up/relocation process)? As additional surveys are developed, BHA should share them with the RAB (in case there is resident feedback on edits) and the results of any surveys conducted. This refers to a customer service tracking service that was expected to be in place in early 2022—did that happen, and what would it do—and if it didn't happen, what's the reason for the delay and the expected start up? (It may be that this is addressed in other items above, but it is not clear if this is the same item reported as "One Call Now" above).

Response: BHA recently completed its second annual Resident Satisfaction Survey, which is designed to measure resident satisfaction with BHA's performance in terms of operations, maintenance, customer service etc...The 2022 survey results are still being tabulated, but the 2021 results are available at:

<https://www.bostonhousing.org/en/21surveyresults.aspx>

In mid-2022 BHA rolled out a customer service ticketing system called Zendesk, which is currently being used by Communications, the Leased Housing Department and parts of the Operations Department to respond more effectively to customer requests and complaints. We are using this tool to keep a centralized record of all customer service-related calls, emails and other messages that come to BHA staff in Chauncy Street. The tool is now in place and has been built into BHA's internal processes. It provides deadlines for our responses, keeps track of ongoing and past issues by client, and keeps a central database for BHA staff to ensure that BHA is responding in an effective and timely manner.

Designated Housing

Comment: (S) Section B.2.17 Designated Housing for Elderly and/or Disabled Families Pp. 78-80: Please advise as to what changes were made here. I'd note that in the Hailey redevelopment, affirmative fair marketing/tenant selection and relocation plans, of the units shifting from public housing to Section 8 PBV under the HUD approved demolition/disposition plan, there is no designation of any of the PBV units as

specifically elderly/disabled, and I think (but I am not sure) that this includes some of the currently designated units—but it may be a while yet before these are reached.

Response: The BHA's recently approved designated housing plan includes the developments identified in the table in the Supplement. With respect to the Mildred C. Hailey Apartments, HUD has approved for demolition and disposition the 253 existing public housing units in the redevelopment footprint. Included in those 253 Demo/Dispo-approved units are the 56 elderly/disabled units at 295-297 Centre Street. All 253 existing public housing units will be replaced with Section 8 Project-Based Voucher units as part of the redevelopment. It is not currently anticipated that any of the replacement Section 8 PBV units will be restricted to elderly/disabled occupancy; however, that is an issue that BHA and the redevelopment team will consider further as the redevelopment proceeds. The 53 existing elderly/disabled public housing units will not be demolished until the final phase of the redevelopment, which will not get underway for at least 6 years from now (and likely longer than that).

Family Self-Sufficiency Action Plan

Comment: S: In the asterisked note on FSS (p. 34), does this mean that in future years, the turnover figure should be roughly 100 per year? (See GBLs separate note on this in the Progress Report comments.)

Response: BHA has enrolled over 1250 families into FSS over the past 4 years. This means that these families will begin to graduate as they reach the 5-year term of their contract beginning in 2023. The graduation rate will follow the enrollment rate with the peak of graduations slated to occur in 2024-2027. That said, families may request an extension of their contract of up to 2 years if they have not yet reached their goals.

Comment: 5Y: Introduction (pp. 1-2) I believe this is unchanged. BHA may want to add something about its enhancement of Family Self-Sufficiency and asset-building efforts, in partnership with Compass, since this has been a significant new development over the 5-years (there is some discussion of FSS in the last few bullets, but it may be helpful to add more to the text.

Response: Noted. We will seek to build this out in future versions.

Comment: 5Y: Subgoal: Increase Family Self-Sufficiency (FSS) Participation from 200 to 800 households.

This has been a huge success, far beyond what was planned for in the 5-Year Plan. See also GBLs separate comments on the AFFH Goals and Objectives regarding FSS. On the projection of 200 graduates in 2024, this is likely a great achievement given what

the scope of the program was then, but since the expanded program will be much larger, it may help to list goals for future years. Moreover, if there is some expected “drop-out” aspect to FSS (families’ plans or economic circumstances change), it would be good to share with the RAB both: (a) what is a realistic participant-to-graduate rate; and (b) what steps BHA takes to try to address barriers to continued participation. For example, is it possible to “pause” while under a Contract of Participation, but then to resume status (say if a participant had to drop out of the workforce temporarily to address family health needs)?

Response: This is helpful feedback. (a) We will review enrollment to graduation rates to provide additional context for the RAB and other stakeholders. (B). BHA believes that the FSS regulations do provide flexibility for families as barriers arise during their participation as evidenced by the interim disbursement allowance, as well as the ability to modify goals throughout the course of the family’s participation. Additionally, although it is not possible to “pause” participation, the regulations do permit an extension to the Contract of Participation of up to 2 years at the family’s request if they need additional time to meet their goals.

Grievance Procedures

Comment: (S) Section B.1.6 Grievance Procedure Pp. 37-38: While BHA has not proposed any changes in this section, I would urge, as I have in the past, that BHA specifically note that there are two different standard Grievance Procedures: one for BHA public housing, and the other for Mixed Finance sites. There are different templates for each of these.

Response: The Plan does reference both the BHA public housing Grievance Procedure and the model “Mixed-Finance” Grievance procedure. In practice, the latter has been adapted slightly from site to site.

Human Resources

Comment: 5Y: Subgoal: Proactively plan for future staffing in light of property repositioning and pending retirements; identify areas where BHA needs to hire for new capacities and functions.

While this is not the focus of this section (and perhaps should be elsewhere in the Progress Report, such as under resident training and employment opportunities), it’s good to see that Building Pathways is being used as a means to recruit people to regular BHA maintenance positions. BHA may want to see if any private management companies that operate BHA or Mixed Finance sites may also want to link up with

Building Pathways for BHA public housing and Leased Housing graduates. Has the Onboarding Initiative started (this says fall 2022)? There's a typo here—several times the word “tract” appears, and it should be “track” (like “training track”). BHA also wants to think how these initiatives integrate with efforts to address youth training and employment (including internships) and transition into the BHA workforce where appropriate.

Response: The spelling has been updated. Thanks for the comment. Yes, the onboarding initiative has started in fall 2022. We continue to build on our internships in a few departments including HR, Operations, MIS, fiscal, and Public Safety and have hired several interns into full time employment.

Comment: 5Y: Subgoal: Institute additional mentoring and training for the current and the next generation of BHA staff.

It would be good to share with residents what's included in the Management at Its Best training.

Response: The Managing at Its Best Program is a leadership development program to prepare BHA staff who oversee direct reports to become more skillful with managing but also being a BHA leader. Through a combination of group lessons and individual coaching, it also offers BHA managers and supervisors an opportunity to enhance their self-awareness, mentoring, conflict resolution, prioritizing and establishing developmental relationships. The Management at its Best training is available Authority-wide.

Comment: 5Y: Subgoal: Continue to promote diverse hiring and employment opportunities for BHA residents.

There may be items under the first bullet in this subsection above which should be shifted here. Moreover, there are some impressive statistics included in the AFFH Goals and Objectives report on Section 3 accomplishments that should be included or cross-referenced here. There have also been some robust discussions in conjunction with Bunker Hill redevelopment about how to develop the workforce of the future and make sure that BHA residents have as many chances as possible—it would be good to draw other partners into this conversation (adult education, Youth Build, Benjamin Franklin Institute of Technology, Wentworth, BPS, etc.)

Response: Thanks for the comment. BHA does actively reach out to partners around workforce and hiring of residents. BHA is also conducting outreach to residents directly regarding workforce opportunities.

Language Access including Four Factor Analysis

Comment: No comments on A. Mission Statement, or B. Background—both look fine.

Response: Thank you.

Comment: C. Four Factor Analysis 1. Number or proportion of Limited English Proficient (LEP) persons served or encountered in the eligible service population. (Encompassing both a. Eligible Service Population, and b. BHA Determination of Interpretation/Translation needs of service population). Pp. 1-2: BHA is using data here from the 2020 census—it's not clear that BHA is using 2020 data for other aspects of its PHA Plan (or AFFH Goals and Objectives), and it would be best that all aspects of BHA's Plan use the most current data available.

Response: BHA uses Census data as a reference to learn and confirm what are the most spoken languages in the area (Boston, Suffolk County). The Language Access Division collects its own data from internal databases that shows languages spoken by BHA clients in the wait list, public housing, and Leased Housing. In addition, BHA has its own internal database to collect records of interpretation and translation requests, and assistance provided over the phone.

Comment: -- It is also good for BHA to separate out language needs at different public housing developments, since it can be that particular sites have different language population concentrations. CAN BHA PROVIDE THIS DATA TO THE RAB?

Response: BHA has this data, and can provide this data to the RAB.

Comment: --BHA should take the same approach for its Project-Based Section 8 assistance, particularly as a number of sites convert from public housing to Section 8, so that it is aware of any unique language needs at particular sites, whether they are in the public housing or Leased Housing portfolios. CAN BHA PROVIDE THIS DATA TO THE RAB?

Response: Yes, PBV residents are now counted with Leased Housing. BHA staff will take the comment under advisement and will continue the discussion with the RAB.

Comment: --On oral interpretation, it should be recognized that Arabic may require a number of different dialects depending on whether LEP applicants come from—someone from the Maghreb in Northern Africa, for example, may require a different dialect than a speaker from Lebanon, Syria, or Iraq.

Response: BHA already does this. Clients may request a specific dialect of Arabic. The most frequent request we get is Moroccan Arabic. For the report, it will only be identified as Arabic.

Comment: 2. Frequency with which LEP persons come into contact with the program.

p. 2: On Language Identification Cards, it must be recognized that this is an imperfect mechanism of identifying LEP needs, since some individuals may not be literate in their original language. In addition, sometimes communications barriers can be a mix of a disability and LEP, and it may be necessary to bring in additional resources to negotiate the complexities.

Response: Thank you for the comment. In the 12 years of our program, fortunately, we have not had issues finding the correct language to assist our clients. The Language ID Card has been used successfully in our housing center and public housing sites. Clients are also very good at telling us orally the language they speak. We have also met with members of some communities who requested to be added to the Card. Throughout the last 12 years we have updated our Card to add languages such as Afaan Oromo, Cape Verdean, Tigrinya, etc. Our Language ID Card is modeled after the I Speak Card from the US Department of Justice.

Comment: --In addition to the Departments/Divisions mentioned here, BHA staff may be interacting with managers of Mixed Finance sites, who may have their own LEP policies. BHA will periodically review those policies, standard LEP notices & practices of those providers to make sure that they are consistent with BHA's practice and that all applicants and participants served by the BHA, whether directly or through Mixed Finance partners, have equal access.

Response: BHA has reviewed some Language Access Policies for sites that went through conversion and are now privately managed. BHA has most recently worked with Lenox (Beacon) and Maverick (Trinity). BHA is happy to assist with any training needed to facilitate the transition.

Comment: 3. Nature and importance of the program, activity, or service provided by the program.

p. 2: In the first sentence, I would include language about "continued assistance (including transfer or exercise of mobility options)", since this is also a very important aspect of BHA portfolio operations/.

Response: Noted and text has been amended.

Comment: --It is good that BHA mentions some return to in-person interactions, as well as through phone, email, or by zoom. It should be recognized that, at times, hybrid options may be desirable—it may be, for example, that a number of residents could attend a briefing in person, but others due to health or other challenges may need to participate remotely. This can pose translation/interpretation challenges, since the need may exist within the physical space where the meeting occurs or may be on line. It may be that an interpreter can be arranged who can only participate remotely. At times equipment may be available which can enable smooth communication with LEP individuals without meeting interruption (headsets), but this may not always be available, and those running the meeting will need to be respectful of the need for

pauses (and pace meeting timing and content accordingly) to accommodate translation and understanding.

Response: Thank you for your comment. In any resident event, we always remind speakers to be mindful of the interpretation.

Comment: p. 3: It's encouraging to see the Wellness Connects program for Chinese-speaking elders, funded through an Age Strong grant—but it would be important to make sure that all language groups has similar access, and that BHA and partners such as Age Strong are also exploring whether there may be other language groups that may be better able to access a combination of BHA and City services through language support. (For example, a number of BHA's elderly/disabled public housing and PBV sites may have a significant LEP population of Russian or Haitian Creole speaking elders and may have similar needs.)

Response: Thank you for your comment. BHA recently received a grant from Age Strong called Creating Connections, which has allowed us to expand Wellness Connect and invite ALL residents of the site. Our goal is to have at least one event at each elderly/disabled site by the end of the grant in May 2023.

Comment: Pp. 6-7: Regarding interpretation by phone, a challenge here may be the operation of hotline services, such as for public housing workorders, particularly where a resident is calling during nigh hours due to an emergency and the staff on the hotline is only English-speaking. Can BHA discuss at greater length how this is handled? Moreover, similar issues can arise where there is inspection (common to both public housing and Leased Housing) and repairs, where, for example, appointments are being made by email, text or phone or the person may be on the way and there are questions about having quick but effective communication to avoid missing service (or possibly facing a a sanction due to a failure to connect). BHA has, in its Progress Report, discussed new technologies that it's planning on implementing to enhance communication options, and it would be good to lay out how LEP elements are incorporated into that new technology and what the anticipated roll-out will be for particular sites (and any piloting approach to work out any issues).

Response: Thank you for your comment. Our Work Orders Department is in the process of being trained in the use of Language Line Services, a 24/7 interpretation service over the phone they can use after hours. They will also be included in the LEP training in January 2022. The next step is working with Inspections, which should be completed by the Spring of 2023.

Comment: p. 8: It should be noted that the number of interpreter/translation requests in 2022 for particular Departments (particularly Legal and Division of Grievances and Appeals) are lower than what might normally be expected. BHA has only initiated a very limited number of emergency court matters (and processed some cases that were filed prior to the pandemic where required by the court), and the normal operation of Grievances and Appeals is also affected by the pandemic. While we encourage BHA to

continue with efforts to divert cases to resolution outside of court and the formal grievance/hearing process, obviously these numbers are likely to change.

Response: Thank you for your comment.

Comment: 4. Resources available to the recipient and costs to the recipient.

Pp. 8-9: It should be noted here that local tenant organizations (LTOs) are often expected, under the Resident Participation Policy (RPP), to provide for interpreters and translation for their meetings/materials out of available Tenant Participation Funding (TPF). However, TPF funds are limited and LTOs may have a difficult time meeting all of their needs out of the LTO budget—so often BHA has attempted to assist LTOs (whether the event is considered to be a “BHA/Developer” matter or one with the LTO. It is best to try to avoid undue strain on limited LTO budgets, particular for election-related LEP needs.

Response: BHA and LTOs do the best they can with limited resources.

Comment: --The RPP has also been amended to allow for use of LTO funds, like TPF, for stipends to residents who are helping make sure that community events/meetings can go smoothly (such as through flyering, providing day care, or interpreter/translation service). This likely may require some more discussion about when this is appropriate and when a more skilled/professional interpreter/translator is required.

Response: BHA staff welcome continuing the discussion around stipends as the BHA continues to consider revisions to the current Tenant Participation Policy.

Comment: p. 9: This discusses Spanish language access for the Tech Goes Home computer skills program. As with the Wellness collaboration with Age Strong discussed above, this is great that there is added capacity, but need to assess what may be needed for other language groups to fully take advantage of these programs.

Response: Thank you for your comment. It is a goal of our department to increase the participation of LEP residents in our programs. Recently we had a Tech Goes Home class at Mildred Hailey in English, Spanish, and Haitian Creole. We will continue to assess our outreach to continue expanding our services.

Comment: p. 10: For the Volunteer program, as well as for other aspects of the 4-Factor Analysis, it would be good to have comparisons with other years since the Four-Factor Analysis has been used to see how BHA is doing (and if there is any reduction, etc., for BHA then to explain why and what the longer-term plan is).

Response: We will take the comment under advisement.

Comment: p. 11: There is no longer an Occupancy Department, and this should be replaced by the Admissions Department.

Response: Thank you for your comment. Noted and text has been amended.

Leased Housing

Comment: Section 3.3.5(b)(1)(v) (pp. 21-22): This eliminated language in the existing Super Priority that said why a reasonable accommodation couldn't be provided within public housing, and merely describes the super-priority as someone who can't get the reasonable accommodation within BHA's public housing portfolio but could if switched to the Section 8 program. This is fine.

Response: Thank you for your comment.

Comment: Section 3.3.6(b)(1)(vi): (p. 22): This adds a Super Priority for public housing households who otherwise qualify for the criteria for the Section 8 homeownership program later described in the Admin Plan. This is fine.

Response: Thank you for your comment.

Comment: Section 3.3.5(b)(2)(v) (p. 23): This adds a Super Priority for Section 8 Mod Rehab households who otherwise qualify for the criteria for the Section 8 homeownership program later described in the Admin Plan. This is fine.

Response: Thank you for your comment.

Comment: Section 3.3.5(b)(4) (p. 23): This adds a Super Priority for City-funded voucher program participants who are losing subsidy because of insufficient funding from that program. I think it's fine to have this after the verification section (3), since there wouldn't need to be special individualized verification on this—BHA could quickly verify which cases came into this category. This is fine, but BHA may also want to add language here for the City-funded voucher program for some of the other possibilities where linkage to the regular Section 8 program would be helpful, such as if the person needs to flee domestic violence, where a reasonable accommodation cannot be accomplished within the City-funded program but could with the regular voucher program, or if there might be City-funded voucher participants who should be considered for the Homeownership program. I am also not sure if there is any reference to the City-funded voucher program elsewhere in the Admin Plan, or any reference to where the operating documents would be for that program, and it may be helpful to add that.

Response: Thank you for your comment. There are no other references to the City-funded Voucher program in the Administrative Plan. The City funded program documents can be found on the BHA's website. <https://www.bostonhousing.org/en/For-Section-8-Leased-Housing/Voucher-Programs/City-of-Boston-Voucher-Program.aspx>

Comment: Section 3.3.7(c)(1-2) (p. 33): This revises the Working Preference to make clear that you could only get it for households based on Working Preference status for head of household, spouse, or sole member (i.e., not for another adult), to eliminate the requirement that the employment has lasted at least 6 months, and to indicate that “full-time employment” for these purposes means at least 30 hours per week. Phrasing in section (2) (on counting elderly/disabled households as also qualifying for this preference) is cleaned up. These edits are fine.

Response: Thank you for your comment.

Comment: CHAPTER 5, DETERMINATION OF ELIGIBILITY 5.5.1(j) (p. 58): This adds an additional exception to very-low income (VLI) targeting, and provides that VASH referrals from the Veterans Administration may be low-income (up to 80% of Area Median Income (AMI)), as opposed to the usual 50% of AMI for VLI. This makes sense and will help with effective utilization of the VASH program.

Response: Thank you for your comment.

Comment: 5.5.3(l) (p. 63): This simplifies the language on medical deductions, and eliminates a number of paragraphs of description, instead referring to an IRS publication on the subject (Topic 502). While simplification (and flexibility) is desirable, it's likely that many participants and BHA staff will not be familiar with this publication, so it will be important to have it readily available so that it can be quickly determined if a household qualifies for medical expense deductions or not.

Response: Thank you for your comment. Staff will receive training on the change and be provided with the appropriate IRS publication.

Comment: 5.7 (pp. 67-68): This makes a number of changes to CORI screening: (a) it makes clear that BHA will not review juvenile records, and will only look at records of those age 14 or older who have been tried as adults; (b) changes the lookback period (except where there is a mandatory denial category under applicable law that might be longer) from 5 years to 3 years for misdemeanors, and from 10 years to 7 years for felonies, consistent with CORI sealing laws, and provides that the time period either runs from the date of conviction or the date of release, whichever is later. BHA may also want to switch the reference on p. 67 from the Criminal History Systems Board to the Department of Criminal Justice Information Services (DCHIS), since DCJIS has replaced CHSB. It may be that Justice 4 Housing may have additional suggestions here.

Response: Thank for your comment. The BHA has revised accordingly.

Comment: CHAPTER 7, FINDING AND LEASING APPROVABLE HOUSING 7.4.1(a)(3) and 7.4.2 (p. 89): BHA is proposing to eliminate its Section 8 Model Lease. HUD certainly authorizes owners to use their own leases as long as they comply with

state/local law and are supplemented by the HUD tenancy addendum. The HUD tenancy addendum also can override any lease which is inconsistent with its terms. However, many small landlords may not have a form lease, or may use lease forms which in fact would be contrary to Massachusetts law (because they are drawn from other states or countries, etc.). There is value to BHA continuing to provide a model lease for those who may need it.; Metro Housing Boston and DHCD also do so for their Section 8 programs HUD allows a PHA to provide a model lease where an owner doesn't have a standard lease form. If the landlord has its own lease form, obviously there may be times where the BHA or the tenant may identify problems with the lease not complying with state law; when this occurs, BHA should be able to insist that the owner revise/correct the lease.

Response: Thank you for your comment. The BHA will consider this moving forward.

Comment: CHAPTER 8, RENT 8.5 (pp. 96-97): The current language provides that exception payments could go up to 120% of the Small Area Fair Market Rent (SAFMR). BHA is proposing, instead, that this would be capped at 120% of the FMR. It would be helpful to get an explanation why BHA made this change, since BHA and advocates generally had favored use of SAFMRs to increase housing opportunities and recognize the difference in prices in different communities.

Response: The BHA's review of the regulation at 24 CFR 982.505(d) made it clear that the PHA may approve up to 120% of the FMR, not SAFMR, as a Reasonable Accommodation.

Comment: 8.7.1 (b) (pp. 99-100): This is revised to say that there will not be retroactive increases in the tenant rent share due to failure to timely report on income changes. Instead, BHA will have the discretion to require repayment of what should have been paid. If there has been a change in the tenant rent share due to relocation, it is effective as of the date that the new lease took effect. This change is a good one as it will simplify things since otherwise the owner would have already been paid a higher subsidy for the months by the BHA.

Response: Thank you for your comment.

Comment: CHAPTER 10, RENEWAL 10.1 (p. 117): This provides that the annual recertification date will be switched to a new date as of relocation or exercise of portability options. This is helpful since otherwise the annual review date will not coincide with the normal lease cycle.

Response: Thank you for your comment.

Comment: CHAPTER 11, CONTINUED PARTICIPATION 11.1.1.(a) (p. 122): This provides that if someone is being added to household composition through an interim recertification, that persons' income will be counted in determining the rent and the rent

will be adjusted to reflect that. This makes sense and is one of the few times where rent could increase on an interim basis.

Response: Thank you for your comment.

Comment: 11.2.2 (p. 123): BHA has not proposed any changes here. However, in May 2022, GBLS had submitted some recommendations to BHA's Office of Civil Rights about some desirable improvements in how it addresses the situation of HAP contract terminations for owner noncompliance, particularly where the family includes a person with disabilities who is having a difficult time securing a replacement unit. This would include, consistent with BHA's reasonable accommodation duties under 24 CFR 8.28 providing or referring the person to housing search assistance and allowing such individuals priority for other project-based or public housing units that are within BHA's control as a Super Priority. We are concerned that without these steps, such persons may end up losing their assistance because they are unable to find suitable housing on their own without voucher search periods. BHA has not responded to that letter, and we would ask that BHA do so as part of its Annual Plan process.

Response: The BHA now has staff that directly assist participants with housing search. The focus is on those participants who are residing in units that have been terminated due to owner non-compliance. The BHA is also very liberal with respect to voucher search time extensions in these situations. BHA will continue to monitor these terminations.

Comment: CHAPTER 13, TERMINATION OF ASSISTANCE 13.7.3(a) (p. 153): BHA has proposed new language here which would require that if the tenant wishes to dispute the tenant rent share, a request for a private conference must be made within twenty (20) days. A couple of thoughts here: a) It will be important that any BHA form notices advise the tenant of this deadline; (b) a tenant's failure to request review within this time period should not foreclose later relief (or entertaining a late request for review). For example, BHA might conclude that staff had made an error in rent setting that requires review. Or it may be that a tenant wasn't aware of a potential issue about rent accuracy until she was in the midst of a nonpayment eviction with her owner, and as part of the process of identifying potential rental assistance, a calculation issue (such as whether the earned income disregard for persons with disabilities should have been applied) arises. It should be possible for BHA to provide appropriate relief and not to leave the resident solely with court remedies which may be difficult for unrepresented individuals.

Response: Thank you for your comment. The BHA will typically review these upon request despite the formality of the 20 day request.

Comment: CHAPTER 14, PROGRAMS ADMINISTERED BY THE LEASED HOUSING DIVISION AND SPECIAL HOUSING TYPES 14.1.3 and 14.1.5 (p. 158-159): BHA is changing the terminology to Department of Children and Families (DCF) from the former

title of Department of Social Services (DSS) for the Family Unification Program (FUP). That obviously makes sense.

Response: Thank you for your comment.

Comment: 14.1.6 (pp. 159-161): This adds language about the Foster Youth to Independence (FYI) program. This obviously makes sense. BHA has previously reported about this initiative in its 5-Year Progress Report in the fall of 2021.

Response: Thank you for your comment.

Comment: 14.3.2 (p. 162): This revises the description of who is eligible for the Family Self-Sufficiency (FSS) program to include those in the Section 8 Homeownership program, as well as those in the Section 8 Mod Rehab program. These changes make sense.

Response: Thank you for your comment.

Comment: 14.3.3 and 14.3.5 (pp. 162-164): There are a couple of FSS amendments here: a) BHA may partner with outside organizations to provide additional supportive services; and (b) the FSS Participant may be someone different than the original Head of Household (for example, an adult child household member who is now pursuing self-sufficiency goals). Both of these make sense.

Response: Thank you for your comment.

Comment: 14.8.5 (pp. 181-183): This provides for certain waivers that BHA is applying to its Emergency Housing Voucher (EHV) program, as permitted by HUD. This includes allowing for self-certification of income eligibility upon admission, with subsequent back-up verification, as well as alternate forms of initial verification for social security numbers and citizenship (or eligible non-citizen) status. These make sense as they did for the EHV program established in 2021.

Response: Thank you for your comment.

Comment: CHAPTER 15, HOMEOWNERSHIP OPTION 15.1 (p. 187): Language in the 2nd paragraph is revised to refer to “first time homebuyers” (as opposed to “homeowners”), and to include public housing residents in the pool. The language should be tweaked to include BHA Section 8 Mod Rehab participants. The third paragraph is revised to describe how the program will be marketed, and what was the 4th paragraph (which limited the program to FSS participants) is eliminated. These edits are fine.

Response: Thank you for your comment. This section has been revised accordingly.

Comment: 15.1.1 (pp. 188-190): This section, which described why it was necessary to be an FSS participant in order to be part of the Homeownership program, is eliminated, since FSS participation will no longer be a pre-condition. This is fine. However, BHA may wish to redesignate the next section (which was 15.1.2) as the new 15.1.1.

15.2.1(b) (p. 190): Language which referred to what was necessary to obtain a waiver from FSS criteria is removed (since the Homeownership program is no longer linked to FSS participation). This seems fine. However, I am not sure that the “and” is needed after paragraph (a), since a person must meet all the criteria in the lettered list, and including an “and” after just “(a) may cause people to misinterpret that.

Response: Thank you for your comment. This section has been revised accordingly.

Comment: 15.2.3 (pp. 192-194): The first paragraph is revised to update the minimum income requirement for the Homeownership Program, and the second paragraph is eliminated. This seems fine.

Response: Thank you for your comment.

Comment: 15.2.4 (p. 194): The title is changed to add the word “Requirement”. I wonder if the title should also refer to the exemption for an Elderly or Disabled Family (so that someone doesn’t quickly scan the title of the section and decide not to apply).

Response: Thank you for your comment.

Comment: 15.2.5 (pp. 194-196): This is being eliminated, and was all language related to required participation in the BHA’s FSS program as a precondition of Homeownership participation, and described various FSS aspects. This is fine, but it may be that the next section would need to be renumbered.

Response: Thank your comment. This section has been revised accordingly.

Comment: 15.2.6 (p. 196): This eliminates certain eligibility restrictions for the Homeownership program, i.e., you don’t have to be in the FSS program, the homeownership counseling you obtain does not need to be through a City of Boston program, and there is no minimum period of time that you need to have been receiving tenant-based rental assistance through the BHA or another PHA for at least a year. These are good, but a couple of other edits are needed: (a) There is reference in paragraph (a) to being in good standing for the BHA tenant-based program, and this should be changed, since there may be BHA public housing residents or Mod Rehab participants as well, and it may be that “good standing” has been replaced with other language; and (b) since certain paragraphs have been eliminated, the remaining paragraphs should be redesignated. In addition, as mentioned above, this should likely now be 15.2.5, with the elimination of the prior 15.2.5.

Response: Thank your comment. This section has been revised accordingly.

Comment: 15.3 (pp. 196-197): The end of this section, which had to do with what the close-out process would be for FSS participants who are doing into the Homeownership program, are eliminated. This makes sense, since: (a) FSS participation is not a precondition of participation in the Homeownership program anymore; and (b) it may be that someone is in the Homeownership program and is utilizing FSS services.

Response: Thank you for your comment.

Comment: 15.4 (pp. 197-198): Language here is deleted about suggested topics for homeownership counseling. I agree that this is not needed and what may be involved in homeownership counseling can vary from time to time and program to program. It may be helpful to have sample materials for families to review who are thinking of participating and don't know what counseling may involve, but of course those materials may be with third parties who are operating such programs. And 15.8 (pp. 199-200): Language in the first and second paragraphs is revised to be consistent with current practice on mobility/portability where a unit may be located outside of BHA's jurisdiction. I'd suggest reviewing this again, since one statement says "jurisdiction" and the other "jurisdictions", and courts have determined BHA's jurisdiction to be Commonwealth-wide.

Response: Thank you for your comment. This section has been revised accordingly.

Comment: 15.10 (pp. 200-201): BHA staff included a comment bubble about whether the information listed in the next to last paragraph was still relevant. That comment should be reviewed and reconciled.

Response: Thank you for your comment. We have reconciled this and found that is a requirement for home ownership.

Comment: 15.11 (pp. 201-202): In the opening paragraph, language is edited so that the funding is provided to the Family, rather than to the Lender. I believe there are two typos here ("to" is listed twice, and is not inserted later where it should be) and it should read "provided monthly to the Family to meet Homeownership expenses". A later paragraph is deleted as redundant, and that's fine.

Response: Thank you for your comment. This section has been revised accordingly.

Comment: CHAPTER 16, PROJECT-BASED VOUCHER (PBV) PROGRAM 16.5.6(b) (p. 239): There are edits here to the form of lease, and again BHA has stricken any reference to a BHA model lease. As noted above, there are good reasons to retain a BHA model lease for owners who may not have a standard lease. Moreover, BHA and GBLS are continuing to work on getting a modified standard Mass. Housing Occupancy agreement that would mesh well with the PBV program; Mass. Housing's standard lease works well for the project-based rental assistance (PBRA) program where the owner has a direct contract with HUD or Mass. Housing, but not where the PBV contract

is with a PHA such as BHA. This will be important for public housing subsidy conversions.

Response: Thank you for your comment. The BHA is working with MassHousing to create a version of the MassHousing lease that includes BHA's PBV provisions. It is anticipated that this lease would be used with converted BHA properties whether owned by a BHA affiliate or a private developer.

Comment: CHAPTER 19, GLOSSARY "Appointment" (p. 265): This is added as a new definition, and makes clear that it covers a number of different means of communication (both in person and remote). It's helpful to add this.

Response: Thank you for your comment.

Comment: S: Section B.1.7 Homeownership Programs Pp. 39-42: In Section B, it does not appear that the description of the Section 8 homeownership program completely matches what has been proposed in the Section 8 Administrative Plan (for example, it will be possible, if the Administrative Plan changes are adopted, for a BHA public housing tenant to participate in the Section 8 homeownership program). BHA may also want to replace references to DND (Department of Neighborhood Development) with MOH (Mayor's Office of Housing), to reflect changed terminology. I would ask that BHA review the draft text here to ensure that it is consistent with the proposed Administrative Plan. If the issue is that the text here needs to describe the existing program, and cannot yet incorporate proposed changes until they are approved, BHA should include a reference to the proposed changes in this section.

Response: Thank you for the helpful feedback. Staff have reviewed the section to ensure consistency and replace references.

Comment: (also Ops) S: Section B.1.9 Safety and Crime Prevention including Violence Against Women Act Policy and Description of VAWA activities, services or programs Pp. 48-60: It should be noted that survivors of domestic violence who reside in public housing can, in addition to getting administrative transfers, receive a super-priority for a tenant-based voucher, and the same is true for Section 8 Mod Rehab participants. While PBV participants do get the benefit of Choice Mobility after a year, there may be times where this is not sufficient because of an emergency transfer need due to domestic violence or other reasons which occur within the 1st year of occupancy. Allowance for tenant-based voucher transfers in circumstances other than those covered by Choice Mobility is necessary.

Response: When the BHA implemented the VAWA for all state and federal public housing, the Administrative Plan was revised to allow public housing domestic violence survivors to be referred to the Section 8 Tenant-Based voucher waiting list as super-priority applicants.

Comment: S: Section B.2.23 Project-Based Vouchers Pp. 85-87: There are revisions here to what the PBV unit cap at 20% will be (3,100), as well as the number and timeline at which additional units may become PBV but wouldn't count against the cap because of HOTMA or RAD (see p. 85). It's not clear if the "end of the year" here is the end of calendar year 2022, the end of FY 2022, or the end of either calendar year or fiscal year 2023. It would help to know that, and to have a breakout about the specifics (i.e., names of specific sites and unit numbers at each), so in case things change, appropriate revisions can be made.

Response: Thank you for your comment. The BHA has revised this section accordingly. Further, if you are seeking project specific details please see Attachment to D to the BHA Administrative Plan for Section 8 Programs.

Comment: 5Y: Subgoal: Maintain 100% utilization of Section 8 resources. It's not clear whether BHA is already at the 98% expenditure/unit month threshold or is just projecting to reach this by the end of 2022; it would help to have a current figure. It would help to know why BHA hasn't been at 100% and what steps are being taken in 2023 to get to that level.

Response: We will likely be at 98.5% utilization at the end of 2022 once all retroactivity is settled. Remaining funds will be carried over for use in 2023. While it is always difficult to anticipate the expenditure of funds and leasing throughout the year, one of the contributing factors in 2022 has been related to staffing and operational stability resulting in a slight reduction in internal capacity to determine eligibility and issue vouchers. Currently BHA is fully staffed in the admissions department. We have plans that have ramped up already to begin additional issuance of vouchers through our BPS initiative and Leading the Way Home initiative where we plan to issue at least 1000 voucher in 2023.

Comment: 5Y: Goal 3: Increase Housing Opportunities through the Leased Housing Program. (pp. 9-12) Subgoal: Apply for additional vouchers as opportunities arise.

It's very encouraging to see these additional awards for Non-Elderly Disabled (NED), Veteran Administration Supportive Housing (VASH), Emergency Housing Voucher (EHV), and other vouchers, and the positive results with Family Self-Sufficiency (FSS) utilization which should help with future funding rounds. Is BHA tracking its mitigation vouchers for non-elderly disabled public housing applicants who have longer waiting times due to the Designated Housing Plan—are these folded within the NED and Mainstream portfolios, or maintained separately? Since BHA is only partway through full utilization of EHV's and the Foster Youth to Independence (FYI) vouchers, it would be good to get periodic reports on how BHA is moving toward full lease-up and whether additional collaborations with Continuum of Care (CoC) partners on housing search or elimination of barriers may help for those who've received vouchers but haven't yet leased up. Since it's now after October 1, 2022, BHA should confirm if it received the additional 55 HCVP vouchers listed.

Response: The BHA has not tracked mitigation vouchers since the initial conversion of the designated housing plan, when letters were sent to 300 disabled applicants on the designated lists for the offer of a voucher. From that outreach less than a handful came forward and many were already in the process of being housed in a PBV unit or other BHA housing, including public housing. In response to this comment the BHA will review the historical data regarding the housing of disabled in public housing and PBV as well the increase in vouchers intended for the Non-elderly disabled population.

The BHA has received the additional 55 HCVP vouchers. There are now 12 FYI vouchers leased as of January 1, 2023.

The chart below provides some statistics with respect to EHV issuance and lease up as of January 1, 2023.

EHV Program Status	BPS Families	Individuals: CAS, DV, RRH*	Total
Total Vouchers Issued	231	235	466
Leased-Up	189	115	304
% of EHV Program Vouchers Issued	96%	98%	97%
% of EHV Program Leased Up	79%	48%	63%

Coordinated Access System, Domestic Violence, Rapid Rehousing Program

It has been difficult to secure rental housing recently and the BHA has ongoing conversations with search providers. The BHA is beginning to use the Special Fees associated with EHV's for landlord incentives in addition to brokers fees.

Comment: 5Y: Subgoal: Maintain high occupancy rates in the Project-Based Voucher (PBV) portfolio while decreasing turnover times.

The owner portal referenced here (to track PBV owner vacancies so there can be rapid referral of BHA-approved PBV applicants for any additional owner screening and lease up) should be valuable in avoiding delays. It can also be anticipated, because of the design of the PBV program, that in any site, on the initial anniversary of lease up, there may be PBV residents who wish to exercise Choice Mobility and obtain tenant-based vouchers to relocate. While demand may exceed turn-over supply, and not all such residents may be successful in lease=up, it will be important to track this as it may lead to a number of vacancies at a site. Similarly, there needs to be a good system for reporting as BHA identifies that PBV households are in wrong-sized units, and what units are available for transfer for right-sizing, so the owner portal (and regular BHA-owner information sharing) can serve multiple functions. One thing that has arisen, with the City's recent Affirmatively Furthering Fair Housing zoning amendment and new tenant selection protocols, is that this may affect PBV owner screening, and particularly whether a unit needs to be "held open" during the appeals process, as opposed to being assigned to another BHA-approved PBV applicant who passed owner screening (and, if

the rejected applicant is successful with appeal, that applicant getting the next available right-sized unit). There may be unintentional consequences of the tenant selection protocols in a delay in filling a vacancy, and there should likely be some discussion of that issue.

Response: The BHA executive team reviews PBV vacancies on at least a monthly basis as well as the issuance of vouchers related to requests for Tenant Based Vouchers (TBVs). Historically, the vacancies created by issuance of PBV to TBVs are gradual rather than a mass exodus and utilization for PBV to TBV is typically much lower than new admission vouchers. The owner portal does not yet have a mechanism to track issues regarding unit size but we do have the internal capacity to complete that reporting and review with our owner partners on a regular basis.

Comment: 5Y: Subgoal: Optimize the use of PBVs to preserve and create affordable housing in Boston.

This refers to the Mercantile Wharf preservation, but does not provide specifics on what other income-restricted housing was preserved (if some of this is still up in the air, it would be helpful to have details). If BHA has specific projections about anticipated projects in 2023, based on “pipeline” discussions with the Mayor’s Office of Housing (MOH), it would be helpful to add that detail somewhere in the FY 2023 Annual Plan.

Response: Yes, this includes Mercantile Wharf and similar projects like Babcock Towers (where city vouchers were used), Newcastle Saranac which went under HAP Contract, and the Forbes building where there is still some interest from stakeholders in PBVs. The BHA collaborates with City and State stakeholders on a regular basis to track projects that may need resources to be preserved as affordable housing. Andrew Gouldson leads the efforts on behalf of BHA tracking the pipeline and can be reached to discuss further details at Andrew.gouldson@bostonhousing.org

Comment: 5Y: Subgoal: Implement ECHO—Expanding Choice in Housing Opportunities pilot program—and Small Area Fair Market Rents to promote access for voucher holders to a wider array of neighborhoods.

It’s encouraging to hear about how the ECHO team will assist with housing search for Section 8 participants who need to relocate because their landlords haven’t keep their units in repair (see GBLS separate comments on the Section 8 Administrative Plan) and for public housing tenants who need to relocate due to domestic violence. As noted in our separate comments on the Affirmatively Furthering Fair Housing (AFFH) Goals and Objectives, it is not clear how large the ECHO program is now, how large it is expected to be, and how certain other initiatives (such as the Housing Choice Initiative and Expanding Choice Communities) relate to this. A fuller discussion, either here or in response to the AFFH comments, would be helpful.

Response: We expect ECHO to remain fairly small as compared to the larger BHA portfolio of vouchers because the BHA does not have the necessary funding to provide

the robust counseling necessary to serve a larger volume of residents. However, staff recognize the importance of this limited resource for interested ECHO families as well as those facing required or emergency moves and it is a resource we intend to maintain.

Comment: 5Y: Subgoal: Simplify applicant and resident forms; improve program marketing materials and briefings.

Can BHA share what's in the on-line Briefing Session, as well as what the revisions are in the Request for Tenancy Approval (RFTA), transfer, SPAR, and residual tenancy forms? When did the BHA start using the BHA Leasing Guidebook, and is it available for review and comment?

Response: Most of those materials were brought into use in 2018 and can be found at www.bostonhousing.org/newvoucher. We welcome any comments.

Comment: 5Y: Subgoal: Improve landlord recruitment and retention strategies.

How many landlords attend the monthly landlord briefing sessions? In the past, BHA collaborated with other City partners in trying to break down landlord barriers for participation (and to make sure landlords knew about rights and responsibilities). BHA may want to collaborate with others, such as MHB or MOH, on this, and may also want to consider periodic recognition for owners who are using best practices that serve the community well (as MHB has done for a number of years). Moreover, while the landlord portal and use of on-line systems for tracking rent increases and requests for lease approval may aid in reducing barriers to timely/effective communication, it may be helpful for BHA to seek out landlord feedback on what steps it can take in the area of retention.

Response: Last month, for example we had 78 landlords in attendance. We are regularly asking for feedback from landlords around retention and some of those comments around retention come through at the monthly conferences. We have started working with various landlord groups and reached out to real estate boards in seek of partnership, but also appreciate the comment to seek partnership with other city agencies.

Legal

Comment: S: Section B.1.9 Safety and Crime Prevention including Violence Against Women Act Policy and Description of VAWA activities, services or programs Pp. 48-60: While BHA has not proposed any revision to its VAWA policy, given Congressional reauthorization and recent HUD guidance, it may make sense to do so in 2023, and to also review related forms.

Response: BHA staff will take the comment under advisement.

Operations

Comment: (also Lsd Hsg) S: Section B.1.4 Rent Determination Pp. 25-30: BHA has not proposed any change here. However, I would note that the language on ceiling rents at Section A.(1)e. (p. 26) does not work, as it says that the exception to having ceiling rents (which is the same as flat rents) is for HOPE VI and redeveloped sites. However, the exception is also for anything that had a subsidy conversion, even if it didn't go through redevelopment (such as Patricia White); Section 8 rules do not authorize continuation of a flat rent. However, there will have to be a transition phase-in over several years for any rent increase related to the loss of flat/ceiling rents. BHA should therefore revise this part. I am also note sure that the language at A.(1)f. (p. 27) also matches BHA's current interim recertification policy for public housing, which I believe may have changed in the last PHA Plan. In addition, interim recertification (and a likely change in rent) would occur if there is a proposed change in household composition. In Section A.(2)1. (pp. 27-28), here too, the reference is to HOPE VI developments as an exception to flat rents, and this should be revised to reflect any Mixed Finance or subsidy conversion sites where public housing rules can no longer be applied. Moreover, in addition to having the transition language here (which addresses significant increases in rent due to a change in the flat rent formula), there should also be articulation of the phase-in for switching out of flat rent to an income-based rent associated with subsidy conversion. Under Section B.(1)b., p. 29, BHA should remove the check boxes next to other options, and just say "not applicable"--i.e., BHA doesn't set payment standards below the FMR—or if the payment standard is lower because the SAFMR for that area is lower than FMR, it should say that.

Response: As noted the HOPE VI or other redeveloped sites that include ACC units do not use BHA flat rents. The BHA has not established a phase-in of higher income based Section 8 rents for Public Housing flat rent payers. The BHA will execute affordability agreements for such residents that maintains their rent at 30% AGI. Appropriate revisions will be made to the plan.

Comment: S: Section B.1.5 Operation and Management

Pp. 31-36: Changes here are apparently in the various numbers served by different programs. The list of BHA and privately managed sites on pp. 31-32 has been updated to reflect the switch in certain sites in the form of subsidy (for example, PBV and RAD at Heritage and Lower Mills, and no longer any public housing units there; 100% PBV at Patricia White). Under Section B (pp. 33-34), this says that this will be the number of units under BHA administration as of April 1, 2023—do the figures here need to be revised to reflect expected conversions/closings that have not yet occurred, but are expected between now and that date? If they are projected (as is indicated in the first asterisk), it may help to track what those differences will be between now and then, so in case things do not occur on the anticipated timeline, that can be tracked.

Response: The plan draft is prepared in October for the coming fiscal year beginning in April 2023. It is accurate per staff projections. In future plan submissions staff will continue to update information.

Comment: (also Grievance and RED) S: Under Section C., Policies, on p. 35, I believe the Sexual Harassment Policy has been retitled “Anti-Harassment Policy”, and it is an important one to train everyone on, including residents and LTOs and vendors, since it can encompass interactions among BHA staff and residents/vendors. The Tenant Participation (LTO) Policy should be retitled Resident Participation Policy, and the Mixed Finance Grievance Procedure and the two forms of Memoranda of Agreement (Mixed Finance and regular) should also be included. This refers to specific Demolition/Disposition and Resident Relocation and Rehousing Policies, but I don’t think those exist any longer as free-standing policies: instead, the BHA carries out each demolition and disposition in accordance with HUD or DHCD requirements as supplemented by the Resident Participation Policy and then site-specific negotiated Relocation and Management Plans (which also involve the LTOs and affected residents); it may be, however, that the BHA would want to include the Toolkit for Resident Empowerment in Redevelopment and various items that are included there (such as the Letter of Assurance, Ground Lease, etc.) BHA may also want to change the placement so it’s clear that certain of these policies also apply to Section 8/Leased Housing.

Response: The BHA will review the list of policies and ensure they are correctly named. The Resident Relocation and Rehousing Policy also applies to non-redevelopment relocation, for example relocation required by capital work. The policy also serves as the over-arching policy that guides the individual site relocation plans for those properties undergoing redevelopment.

Comment: S: Section B.1.8 Community Services and Self-Sufficiency
Pp. 43-47: Is the sole change here in the number of participants in different programs? Have any programs been added or removed?

Response: Yes, the updates are to the number of participants.

Comment: S: Section B.1.10 Pet Policy Pp. 61-62: The change here incorporates a reference to HUD regulations about the exception for service and assistance animals that either are used by residents or accompany visitors to the property. At some point, BHA may want to revisit whether it makes sense to continue to have the one-time pet fee. It’s also important, as sites convert to Mixed Finance or new forms of subsidy, that pet ownership rights similar to that for public housing be retained and that LTOs have a role in setting site-specific policies.

Response: The change to the Pet Policy makes it clear that this policy does not apply to service or assistance animals.

The BHA continues to review its policies and make changes as needed. The BHA makes commitments to residents facing redevelopment that changes in their living situation will be minimized as much as possible. To that end pet policies are always part of the discussion among the BHA, developers and residents.

Comment: (also RED) S: Section B.2.24 Units with Approved Vacancies for Modernization Pp. 88-89: This lists various units at Mary Ellen McCormack, Eva White, and Mission Main in this category. It would help to know more when units need to be listed here, and when vacancies don't need to be so listed. For example, there are significant vacancies at Bunker Hill (Charlestown) and Mildred C. Hailey Apartments, but these sites also have partial or full demo/diso applications that have been approved, and it may be that such action means that units don't need to be listed here. If so, if the pending demo/diso applications for McCormack, Eva White, and Mission Main are approved, it may be they would drop out of future reporting.

Response: For Mary Ellen McCormack the listed units are part of a funded modernization program, but are still awaiting HUD approval. This is separate from units that are removed from PIC as units eligible for occupancy following approval of a demo/diso application. BHA will update the unit counts as the approvals are received.

Comment: The residents are requesting that the HUD and the BHA re-open all of the Commonwealth Family buildings trash chutes. Although HUD is providing Housing Authorities less funding, residents believe the Purchase of new equipment or the repair of the current equipment is a reasonable request. The placing of cameras in the trash rooms would ensure the proper use of chutes. It is the BHA's responsibility to train workers on how to safely maintain the trash chutes, due to the "employee injuries," and the "awkward placement and layout of the trash room."

Response: BHA management addressed this matter with Commonwealth residents in mid-2021. The decision to close the chutes was reviewed within the BHA and the reasons for the closure were shared with residents. The use of trash chutes at Commonwealth is consistent with that throughout the BHA. Chutes are in use at the elderly/disabled elevator buildings but not in family buildings. The BHA works with residents who need assistance with trash disposal through the Reasonable Accommodation process.

Comment: (also Admissions) 5Y: Goal 1: Achieve and Maintain High Performer Status for the Public Housing and Leased Housing Programs (pp. 3-5) Subgoal: Maintain 97% or higher occupancy rates.

It is only at the end of the 2nd paragraph that the key data is included—that BHA currently is at 95.5% occupancy. So the first goal needs to be to RETURN to 97%, and stay at that level. HUD factors in some level of vacancy due to redevelopment/capital work, so this is a troubling number. In terms of the rejection rate, last year BHA made certain changes to the ACOP where applicants and transferees would be penalized for rejecting an offer by loss of ability to claim priority status for a

period of time—has BHA implemented that, and how has this affected acceptance rates? If, on the other hand, applicants and transferees have legitimate grounds for rejection because offered units are not fully up to code, that too is cause for concern. As in the past, we would ask that BHA share data by site/program as well as any development-specific strategies. Getting feedback from applicants and those recently placed on their experience should be helpful, and BHA may want to share draft survey questions and results with the RAB. It is unclear, from the summary, whether there may be problems where there are a number of units that may be ready for placement but then not a pool of screened applicants ready to be placed, and obviously that should NOT be the case.

Response: The BHA is focused on increasing the occupancy rate in its public housing portfolio by addressing the number of units ready for assignment and the number of fully screened applicants ready to be assigned. The ACOP sets out several circumstances that allow an applicant or transfer to reject an offer for good cause, including the condition of the offered unit. The BHA has instituted a quality control program that entails the reinspection by senior management before a vacant unit is shown to a prospective applicant. Refusals because of the condition of the apartment have all but disappeared.

Apartments are removed from the available inventory only after demo/dispo approval is received. Relocation activities impact occupancy insofar as the BHA makes sure there is an adequate pool of vacant units to be offered to relocatees.

Comment: 5Y: Subgoal: Continually improve toward achievement of high performer PHAS status.

This includes data on the recent physical inspections and scores for BHA public housing under PHAS (overall score of 79, and 28 points out of 40 for PASS). BHA should share the results and any BHA response with the RAB, as it has in the past when PHAS scores have come out. The scores are troubling and BHA is a long way from high performer status (and needs to ensure that it does not slip into “troubled” status overall or at any particular site). I don’t believe the rest of the PHAS indicators are back yet—BHA should clarify on this—but a report from BHA to the Monitoring Committee a few months ago raised some red flags in that area as well, where particular revenue streams had to be dedicated to particular sites to make sure that their overall reserves were within acceptable limits. BHA Operations Staff also discussed data on regular work order performance that affects PHAS performance, and that should be shared with the RAB and incorporated here. It would be important for BHA to have frank conversations with residents about its situation, realistic expectations, and how residents can help (such as the rodent remediation discussion that occurred in Charlestown in October, and making people understand how additional City resources, like \$50 million set aside at Hailey, are only a drop in the bucket and will have to be prioritized.

Response: The BHA has not yet received its comprehensive PHAS score that includes Capital Construction and Finance indicators as well as the public housing management issues mentioned above. At the RAB's request, BHA staff can review the PHAS score once received.

This year's HUD Physical Inspections were out of the ordinary. Because of COVID, no HUD inspections were completed in the previous two years so 100% of BHA developments were inspected in a six-month period rather than the lower percentage, closer to 60%, inspection in each of the prior years. High scoring properties are exempted from inspection for one or two years depending on the score. BHA's ability to inspect apartments and perform routine maintenance was also inhibited by COVID protocols.

The BHA is committed to transparency in its partnerships with resident organizations. We will discuss with them maintenance priorities and costs whenever asked or when it is required by circumstances as we have with the Mildred C. Hailey Tenant Task Force.

Comment: 5Y: Goal 2: Strengthen and preserve BHA's portfolio of public housing. (pp. 5-9) Subgoal: Formalize asset management staffing and systems within BHA's organizational structure.

It may help to say what such formalization of staffing and systems would mean—how it would be different from BHA's current structure—so that residents and members or the public understand this. Establishing a time frame by which this would be accomplished, and then evaluating how the BHA is doing against that time frame would also be helpful. That can be affected by factors outside of BHA's control, such as when a redeveloped site gets planning approvals or is able to start construction (affected by a range of cost and supply chain issues due to COVID), but this would make it easier for people to evaluate how BHA is doing against what it planned to achieve. Have any overarching goals or case studies been articulated enough so that BHA would feel comfortable sharing them outside of its internal discussion? This is important to foster understanding and dialogue.

Response: BHA Senior Management continues to work to develop an appropriate structure and tools to administer and monitor performance for all redeveloped or refinanced properties. Recently the BHA has procured technical assistance for this process and we will be meeting to address some of the issues in the comment in early 2023.

Comment: 5Y: Goal 6: Continue to improve customer service in all areas so that the BHA is consistently experienced by residents, applicants, landlords and vendors as an efficient, pleasant and responsive organization. (pp. 16-19) Subgoal: Develop a Customer Service Policy to promote client-focused and consistent service delivery.

Who is the new Customer Service and Program Compliance Manager, and can the person be introduced to the RAB? Which BHA department is the person located in, and

to whom do they report? (This is relevant particularly because of the person's role on the Reasonable Accommodation Policy and past efforts to ensure uniformity of approach through a centralized review role for Office of Civil Rights staff where accommodation requests are rejected). Is there an estimated date for when a Policy may be available for review and comment? This should be integrated with any resident satisfaction surveys (which have in the past been part of PHAS review—see also the reference to such surveys in the AFFH Goals and Objectives report).

Response: The Operations Customer Service and Programs Compliance Manager is Jamie DeLude and Director of Compliance is Gloria Meneses and they work within the Operations Department reporting to the Director of Public Housing Operations. They have been providing training, support, and guidance to the Operations staff as well as assessing needed policy and/or business process changes to ensure a uniform approach through the BHA's public housing and PBV owned properties. Both would welcome a RAB invitation.

The authority-wide Customer Service Policy is being drafted by BHA staff from a wide-range of departments.

Comment: (also Lsd Hsg) 5Y: Subgoal: Optimize technology to transform interaction with the agency—e.g., landlord and tenant portals, vendor tools, on-line rental payment and direct deposit.

The move toward on-line options for rent payment and automatic debit have been long-needed and are much welcomed, along with the conversion to digital files for ready exchange of information with appropriate releases and without the need to schedule appointments for file checks. I believe BHA has similar arrangements for Leased Housing files and this should be added here. On the resident portals and the new Operations work-order system, details on what this will allow and time frames for implementation would be useful.

Response: At the RAB's request, the BHA will provide an update on the status of resident portals and the work order system. The new work order system highlighted in the Progress Report is not so much a new system as one that shares the same platform as other BHA information systems and thus integrates more fluidly with them. The outward facing experience for residents has not changed at this time.

Public Hearing

Comment: Hello, my name is Steven Tracy. I'm a member of the Resident Advisory Board Lease Housing Section eight group.

The 2023 Yearly plan has its origins [00:00:30] in the 2017 plan. At that time, the B.H.A. Was trying to diversify with R.A.D. voucher and mixed income development. At that

time, it was seen as an honest effort by the city government. Since then, COVID showed up in our lives, red lines followed by supply interruption, and, finally, high inflation.

At this time, the 2023... we still have COVID and thankfully the B.H.A. is [00:01:00] still committed to the mixed income housing and to not forsaken R.A.D. voucher funding. But with the homeless crisis added to the... lack of available housing shortage, we can only have the BHA agenda can survive the social forces of the age. With the backdrop, we can only hope to [inaudible 00:01:24] the 2028 plans. Thank you for your kind attention.

Response: Thank you, Steven. I really appreciate your comments. Thank you for participating and thanks for those comments.

Comment: I'm not going to say much 'cause I've given you all a lot of [00:03:30] written comment and questions and things like that, but I just wanted to focus on one particular issue. So in the past, BHA has had something that they call a "model lease" for the section eight program. And HUD rules don't require landlords to use a model lease. Landlords are free to come forward with their own lease and, particularly, it's encouraged that if the landlord has a standard [00:04:00] lease like the Rental Housing Association or something like that, that's perfectly fine as long as the lease doesn't otherwise violate state law and as long as it's supplemented by what H.U.D. has that they call the H.U.D. tenancy addendum that has all the special terms that apply to the section eight program.

The problem that we've run into is that there are a number of landlords that are kind of small and may not have a standard lease that they use at all. And I know that in the past [00:04:30] when the Mass Rental Voucher Program didn't have a model lease, there were real problems with that program where landlords basically had no lease at all. And so, it then made it very difficult for doing any kind of enforcement, figuring out what the basic terms were, how long did the lease go on for, who was covering what utilities, all those sorts of basic things. And [00:05:00] so I understand from David speaking on this issue to the resident advisory board recently, or a group of the resident advisory board, that B.H.A. didn't want to be in the position of telling people, "oh, this particular lease is our model," because the model that they came up with was a number of years ago, I think in the early eighties was when B.H.A. had come up with [00:05:30] that model. And obviously there may have been changes since then, but I would encourage B.H.A. to have an open door on this to come up with something that could be used as a model or work to develop a model that landlords can then be pointed to.

I know that Metro Housing Boston and D.H.C.D. have a section eight model lease and it's been really important to have that model lease over time in [00:06:00] order to have consistency of approach, and again, to avoid the problem with smaller landlords that may not know what they're doing and then may go to stationery stores or go online and pull things that are really not appropriate like coming up with things that might be the

law in Kentucky or even the law in another country, but not the law in Massachusetts. So I think I'll just stop there.

I also did want to acknowledge that I saw several people on the call [00:06:30] from Justice for Housing and I would encourage them if they have any comments that they would like to submit that this would be a good opportunity to do so.

Response: With respect to the model lease, the BHA has not entirely ceased review of private market leases. The BHA randomly samples leases to review them for illegal provisions. We have also provided guidelines to owners in a cover letter to the HAP regarding typical illegal lease provisions that should be avoided. BHA is also willing to work with GBLS or other partner organizations to identify a source for a model lease to use for the program.

Comment: I have one thing to say. Hi. Good morning everybody. I am a Justice for Housing participant and I just wanted to briefly say that I am super, super, super appreciative of B.H.A. working with Justice for Housing because Justice for Housing has changed my life [00:09:30] and my children's life tremendously. Even just mental health wise, I don't have to worry about where I'm going to live. I've been in shelters for over five, almost over 10 years and I really just wanted to send out my appreciation to Justice for Housing, but then also Boston Housing for collaborating and working with [inaudible 00:09:54].

Response: Thank you so much for your comment Ms. Cooper. BHA is glad to hear that our programs have provided you and your children some stability. BHA is proud of the work we have done with the Justice 4 Housing organization and we'd like to lift up the work we've done as a model for other Massachusetts housing authorities and those nationally as well.

Comment: My name is Joanne [inaudible 00:10:55]. Yes, I would like to say thank you for the justice and the B.H.A. and the Boston Housing because I've been in the shelter. I was in the shelter for four years with my child, but they always take care and then make sure we safe even we move, we in the apartment right now, they always checking everything is good, everything is safe with us. The children are safe, we have a [00:11:30] good place, not any kind of place to live, but they make sure that place we staying is appropriate and the kids, they're safe and they secure and they living in a good... How you say that... it's like it was your house. So I would like to say thank you and I appreciate everything like you guys did for us. Thank you so much.

Response: Thank you for your positive comment on the work that BHA has done with Justice 4 Housing.

Comment: Thank you. Well, I have a lot of experience and as you may know, my landlord was one of the tumultuous landlords that was very difficult to deal with. He tried to get rid of his tenants for eight years. I called up different law groups, and they had told me that they only help the severe mental illness and criminal [00:00:30] record. And

that's wrong. All people should get representation, and they should know how to do a good job.

And the other thing is the English proficiency program, the Housing for Justice, and I believe they represent career criminals and sex offenders. Jail is not a reform place, so if you had a residential rehab facility until the health professionals recommend the tenant leaves. There is also some anger management people [00:01:00] that think it's okay if they're offended that they're doing something wrong, that they can just create a muck and beat up other people at the T stations, it's ridiculous. Throwing things at cars, skateboarding, all that nonsense.

And I really would like to see us have a better reputation. There have been emails stating that there's discrimination in the state and federal [00:01:30] level, and I could not disagree more. That is not the case, it's with the real estate agents themselves. And especially being a Section 8 tenant, with real estate, they get angry if you even ask them about a low income and they say all kinds of derogatory things, they make all kinds of excuses and it [00:02:00] doesn't get any better.

I would like to have some ideas on progress and I would like to have HUD take them into consideration in terms of better tenants getting a better representation in terms of being excellent tenants, maybe recognizing good tenants instead of recognizing all these other things. We need to concentrate more on housing, not on services, on housing. [00:02:30] And there's no reason... I think it's totally unfair that certain groups, whether it's English proficiency or Housing for Justice, claiming discrimination is not a way to jump the waiting list, and that's really what I feel.

And I also want to challenge these landlords because my community is across the street, but I love my building and I'm the only one that I know [00:03:00] that loves my building. I'm the watchdog, I'm in the tourist bureau, I'm a helpful neighbor, I have excellent credit, but I'm considered illegal, why do I have to choose between chaos under my window or chaos in my building being public housing.

So I want to challenge Boston University, Brookline and all the housing authorities to create a place for the studios who tell me they want a quiet place [00:03:30] to study, and being near elderly, I like quiet in my house. So I want to challenge them to give back the Boston Police armory, which is actually across the street in Brookline. And I would like something that... like my building, it includes all utilities and it's spacious for preference with us tenants. Thank you.

Response: Thank you for your comments. Fortunately, BHA has been able utilize its resources to preserve affordable housing like the property that the commenter references above. BHA is also proud of the work it has done to fight against housing discrimination and promote housing opportunities in neighborhoods that are not typically serviced by housing choice vouchers. It is unfortunate that BHA has limited resources, preventing the agency from serving all those who are financially eligible for our programs. Due to the lack of resources to serve everyone, the BHA has focused on

serving the most vulnerable population. BHA resources are focused on serving homeless, disables, elderly, those facing imminent displacement, and other underrepresented populations that may have other barriers beyond finances to obtain housing.

Comment: Hello. Given the over overview that was at the beginning, I'm a bit unsure of exactly what questions [00:04:30] I could ask, but I have a issue with corrupt management serving me a no-fault eviction after harassing me multiple times.

Response: I think because the comments... I think you have an issue that's not necessarily related to the annual plan process, I'm going to have you go ahead and [00:05:00] send... If you could put your email and telephone number in the chat directly to me, I can communicate with you after the meeting's over and I can troubleshoot your issue and figure out how to best resolve it.

Generally commenters that had comments unrelated to the annual plan process were provided with email contact information. BHA followed up with several commenters outside of the meeting time to try to address specific tenancy or application issues.

Comment: Yes, that is correct. Well, basically I have to say that Jackie does kind of have a bit of a point since I do have some of that over where I live in the Mildred C. Hailey development where basically [00:06:00] we have it where now... I don't know if you remember but I was the tenant who had some very serious gas problems in my apartment that wasn't being addressed. And then we finally did get that addressed, but only because it wound up, basically, having to go to the papers.

But even now it's basically, there's still issues in which there's basically musical chairs being played [00:06:30] with the heating. There's basically elderly and disabled people who are still trapped in high floor apartments where the elevators don't work or there are just no elevators at all, and they basically haven't been in, even though my father and myself personally basically made these things known, they still have not been moved.

And basically I'm kind [00:07:00] of wondering because, basically, BHA has had enough funding to just basically turn up a whole lot of the parking lots within the neighborhood. But you have the things like the elevators. There are some people who have appliances that are falling apart and everything, and yet that still has not [00:07:30] been addressed or hasn't been dealt with. And there's even a neighbor that I have where her apartment has gotten to the point where it's falling apart and it's basically invested and yet she still hasn't basically gotten anyone to help her with that, so [inaudible 00:07:53].

Response: Ms. Wheeler, I think, again, similar to Ms. Winguard, I think some of the issues [00:08:00] would probably... I don't want to discourage anybody from commenting, but I think some of the issues that you're raising we can try to deal with offline. If you could go ahead and email me.

The commenter above was provided direct BHA contact information, but did not follow up with specific complaints that needed to be addressed.

The BHA and City of Boston are also investing substantial resources specifically in capital repairs to the Mildred C. Hailey development in the coming years.

Comment: Well, sir, basically, I think that this does have something to do with it because it's just my thing is that if it's going to go into... because I did a little skimming [00:08:30] and everything, if we're going to be talking about budget and things like that, I was wondering if anything is going to be set aside to settle those type of things? Because maintenance and everything is supposed to be something that's supposed to be discussed within this report, and that's it.

Response: I just wanted to say if there are specific issues with your apartment or with others, I want to also just offer the ability for me to help you try to navigate those problems. And so I can communicate with you over the chat or we can get a line of communication through my email. BHA is obligated to keep the unit compliant with Mass state sanitary code.

The BHA's Capital Plan shows that \$2.7 million is budgeted for elevator repairs at Mildred C. Hailey for 2023. Money for routine repairs and appliance replacement is in the property budget that is not part of the Annual Plan. Ms. Wheeler, the commenter, should let BHA management know about the maintenance problems she is aware of so we can make sure the work items are included in our work order system. Site staff can remind residents to call the work order center with any maintenance concerns.

BHA will reach out to Ms. Wheeler to see if she can provide any specific information about the maintenance problems she indicates are being experienced by residents of Mildred C. Hailey Apartments.

Comment: Yes, I unmuted. Can you hear me? Okay. I am 68 years old. I'm still working. It doesn't meet the limit of subsidized, but I have a licensed [00:10:00] substance abuse counselor, so I put work at a halfway house every now and then. It's like during COVID, and when I asked these questions like a lease the NEMA people, there was a rent increase and I can't sign that until... my tenant share wouldn't change it. I stated the questions more [00:10:30] clearly in writing. Do I need a separate lease with these people if they go up and I sign it and BHA doesn't approve it? And it's hard to reach... I've had like five caseworkers in the last year, COVID really messed everything up.

And will we get any leeway? My company during COVID paid us [00:11:00] and gave us extra money because they knew we were up against it. And does that gross would, is there any leeway for... or do I have to cut my hours? Because if I cut my hours I lose benefits. I have a lot of questions that I've asked, and my caseworker doesn't answer.

Response: Sure. So, I think again similar to some of the other issues here, I think we need [00:11:30] to drill down a little bit. And so if you want to put your email in the chat, I can help navigate this so we can hopefully try to answer your specific question because

obviously I think we'd have to look at your specific file and the details therein to figure that out. So if you could drop your email into the chat for me, I will email you [00:12:00] while we continue this discussion so we can start an open line of communication.

Comment: Hey [00:12:30] there, I'm an activist with the group, United Front against Displacement, as are others on this call. I wanted to speak to what we've seen up close recently in recent weeks at the Bromley-Heath development or Mildred Haley, of what you call your temporary relocations for renovations, or as I would call it, forced displacement of the working poor for your, basically, inclusive version of urban renewal. And I think what we've seen here is pretty much the same [00:13:00] as what's going on in all the developments around Boston. So we've seen residents being given a week's final notice to pack all of their things and move out, being forced pressure to accept units with very little notice even though they had received some notices in the past, but very vague ones, units that don't even meet their needs and then when they do not accept those units, being threatened to be taken to court.

We've seen some families offered only [00:13:30] one unit for their temporary relocation, which lasts two or three years, which is against BHA's own guidelines where they say they're supposed to offer residents three relocation units. We've seen other families moved into units that lack basic amenities such as a refrigerator. This was a family that needed a refrigerator to store their basic medications for their families, let alone food, and then [00:14:00] told that they needed to commute back and forth to their old apartment to use their refrigerator.

In another building, we had residents told with only six weeks notice, this was a building that relocations were not supposed to be planned for a while. They were told with six weeks that they needed to move by Thanksgiving and they were handed boxes, they all frantically packed up, then two weeks later, some of them were told, "Well, actually, you don't need to move."

Some of them didn't even hear anything back, heard nothing since [00:14:30] the original notice. People were unsure whether to pack or not to pack. They couldn't even decorate their own houses for Christmas. Their children didn't know whether they were moving or not. And only now they've been told, "Oh, now you have to move in four months." And why were these people told at the last minute that they would need to move in an emergency situation because you're destroying, you're demolishing the community center that has the boiler that heats their building, and you were too [00:15:00] incompetent to even figure out a plan to give them a replacement boiler. What did you do? Did you delay the demolition of this community center, at the very least? I'm almost finished.

At the very least, did you delay the demolition of this community center until you could not relocate people on six weeks notice? No, you didn't do that. You did exactly what I just described. So I think it's [00:15:30] pretty ridiculous all this language around thoughtfulness, resident-centered process, it's really a load of garbage.

I find it very offensive the way that you're basically trying to push tenants out of their neighborhoods so you can gentrify them, then you tell the press that these basic things that you're doing to people are lies. You're saying that our group is lying by talking about them. You're saying that it's misinformation to even use the word privatization. You're saying we're just trying to spread fear [00:16:00] to residents. But you can say whatever you want, it doesn't change the basic reality that your actions on a daily basis are creating fear, are creating anger, and are just basic abuses of working class people.

This is the only opportunity that people even have to talk about it because you're legally required to hold these public hearings, but we're going to speak about what we can. And I also just wanted to say, I find it doubly offensive that people like Mac McCreight from Greater Boston [00:16:30] Legal Services are supposed to be providing legal protection to residents to helping ensure even their basic interests are carried out and instead are just helping the Boston Housing Authority do this stuff right in the contracts and ignoring all of these horrible things that are happening to people. Thank you.

Response: BHA has previously responded to, and continues to dispute, numerous inaccurate claims made by UFAD. Most notably, BHA notes that residents in the Mildred C. Hailey development and other redeveloped communities have a right to return established in writing, that there will be 1:1 replacement of public housing units and that the total number of affordable units at Mildred C. Hailey will increase. In general, the Authority is pursuing multiple strategies to address a multi-billion dollar capital backlog. These include, among others preservation, redevelopment, and various public-public partnerships. In recent years and for several of its family sites, the Authority has required resources beyond what is available in order to invest in improvements that provide residents with the quality housing they deserve. In these scenarios, BHA preserves or adds to the total number of affordable units and protects the affordability levels of the public housing units. The affordability and tenants' rights are protected via a ground lease agreement. Notably, BHA maintains ownership of the land beneath the housing, allowing it to assert affordability controls in perpetuity.

Additionally, the resident organizations with independent legal representation are included in discussions with the developer and the BHA about many aspects of the redevelopment such as the relocation plan, management plan, the lease and house rules. The BHA ensures that as many of the rights and privileges of public housing residents as possible are retained even if not required by the new subsidy method. This process is in place at Mildred C Hailey.

Comment: Yes. Good evening, everybody. I have a bunch of things to say. I'll try to make each item quick. I agree with Gabe, [00:19:00] and I also am a member of UFAD, and I'm on the RAB, and I'm on my tenants group here at Commonwealth. And I see things that BHA says, and I see things that UFAD says, and I'm beginning to understand that the privatization of all the developments throughout the country and in Boston, it's not what it's cracked up [00:19:30] to be. And I know BHA is helping to some degree, but once a development is privatized and we go somewhere else, some people do not end up coming back to the development.

There's a lot of issues, and I don't think they're addressed. I think BHA wants to paint [00:20:00] a positive picture, and I don't think BHA wants to let anyone on the RAB know anything that's negative whatsoever. And I think it's only fair to tell the good and the bad when all you hear from BHA at these meetings is how wonderful it is, and then you don't hear the other viewpoints, that's really a disparity that needs to be corrected.

One thing, [00:20:30] I live at Commonwealth in Brighton, the elevators have not been working well for years. I've gotten stuck on my elevator three or four times. I'm claustrophobic, it was a nightmare. I think it ought to be upped in time to have these elevators fixed in priority. The trash chute is being shut down. I've said this many, many times, there's absolutely no reason. B, it happened [00:21:00] when BHA moved in here, they made a bunch of excuses, and it's not safe for people to go out in the winter. And they tell people, "Oh we can relocate you if you're disabled or you have a problem." And I'm like, "No, get the trash chutes up and running." And I'm trying to find out what the laws are, and I think we are our rent, we are required to have open trash [00:21:30] chutes.

The other thing I wanted to bring up is that since BHA has taken over, my development has gone downhill. I could give you about 12 things that have gone downhill. And it's just disgusting. I'm so angry at what the staff... the maintenance staff is not doing their job half the time, and when you talk to them, they have attitudes. [00:22:00] And although I like my manager here a lot, his hands are tied. He's got to go to about two people above himself in order to get anything done, so he doesn't have a lot of power.

And we were privately managed before by Cochrane Management, and that guy, that manager had a lot of power to do things, and it's not fair that you bring in a manager, and he has to [00:22:30] go two or three people above him, and that doesn't get things done. They took away all of our outdoor barrels and those were supposed to be replaced. I could name about 20 things that have changed. And I'm really sad about it because the place is going down the tubes, and I know eventually it's going to get so bad so that BHA can say, "Well your development isn't very good, we're going to take over [00:23:00] and privatize it."

And this is the last thing I want to say. I really want to find out when Commonwealth is up to be privatized. They claim that it's not going to be done, and I don't think we're on the chopping block, but I know that BHA and Kate Bennett and everybody up top knows when Commonwealth Development, when they're looking at privatizing us. And do [00:23:30] you know something, there ought to be a list. And I know there is a list of developments that are going to be done soon. I know that, I appreciate that, but all the rest of the developments that aren't being done, we also have a right to know approximately when you're going to be done. David, I just want to say, when are you going to comment? How are you going to comment? What questions are you going to address? How are you going to address everything that I said? I thought this was the forum to do it.

Response: There are no redevelopment plans for the Commonwealth development. The BHA welcomes input on both maintenance and management as well as long-term capital investment plans. The trash chutes are addressed elsewhere in the responses. BHA staff meet with the Commonwealth Tenants Association regularly and welcomes and addresses comments and concerns received. The commenter is a tenant organization member as she says but she will be contacted directly so her concerns can be explained in more detail.

Comment: Are you going to call me up and go through it one by one?

Response: No, that's not typically how it works, but I think once the comments are completed, they'll be posted to our website. So if you'd like to just check back to the website and see if the comments are there, I think that's probably the best way to [00:25:30] do it.

Comment: But David, who is going to address my concerns and do something about them? Who's going to do that?

Response: The BHA Director of Inspection made in person contact with Ms. Archibald on the following day in an attempt to address any specific issues raised by Ms. Archibald.

Comment: And if you would, last thing, if you could put your email address also in the chat, I'd appreciate [00:27:00] that too.

Response: Yes, I will add my email to the chat.

Comment: Oh yes, thank you. Thank you for giving me the opportunity to speak. First of all. I want to say that since I've had a time to listen to some of the people speak about their concerns and everything, I came to the conclusion that we live [00:27:30] in America, which is a democratic society, so there's going to be some people that like situations and some people that don't, that's why we come together like we are right now. And Karen made a comment, which I agree with a lot of stuff that she said, but she made a comment saying that groups like Justice for Housing are jumping the line for some of these services.

[00:28:00] And I would just like to clear up one thing up about that because I am a Justice for Housing resident that actually had the opportunity after I believe being on the list has Section 8 over 30 years to finally get the opportunity to get my voucher. And it's just because of the system, it's just the system, it's just the way it is, and we are trying to change that. And if we don't have organizations like that, it's not about jumping the line, it's about giving opportunity [00:28:30] to people who don't have that opportunity.

And Gabe, he made very valid points about the cons of how people are being displaced. People in this community been displaced for multiple decades, we can go back '40s, '30s and whatever, but if we do not have the opportunity [00:29:00] to be in a place, how

are we ever going to have a voice? How are we ever going to be able to live? That's the number one thing as human beings that we need is housing. Just like Karen said, everyone deserves a chance. Everyone deserves housing. So I just wanted to make the comment so that whatever has to be done with this public hearing for this budget, for [00:29:30] anything that goes on that, like she said, everyone deserves the opportunity and chance for fair housing, and that's all I'd like to say.

Response: Thank you for your comment.

Comment: Hi. Hi. Yeah, thank you everyone for being here. I had a couple of comments to make. First of [00:30:00] all, I believe that Jeanie's question was not adequately answered about how people are going to hear directly back about the specific comments they have. I also wrote in the chat that they're recording this meeting with all of the answers to individuals questions should be published publicly because there are also people who weren't necessarily able to make it to this meeting and people may have very similar questions.

I have seen across the board in BHA housing that there are issues regarding maintenance and repairs, which you have refused [00:30:30] to answer here because you say that they are personal questions, but these are in the funding part of the annual plan for 2023 and they are not being answered even though that's what this meeting is supposed to be about.

I also have a lot of concerns about the privatization, and the fact that a lot of these repairs are not being made because Boston Housing Authority is using the excuse that these places are getting run down in order to sell them off to private developers [00:31:00] later. And the idea that letting these places run down is not in the budget right now, it is in the budget, it is in the 2023 budget that is published, and you have not been answering where that funding is going to. You have not answered how that is being specifically applied in each of these developments. And it is really unclear where this money is going. This money is said to go to repairs, but all these people have issues with heating, they have issues with doors not fitting in their [00:31:30] frames properly, and they have issues with windows that don't keep insulation. There are issues with cracks in the ceiling and water pipes and infestations that are not being taken care of.

All of these things should be more specifically laid out in the budget of how specifically this funding is being applied and when it is getting done because I know people who have waited months and months for specific repairs that you said would get done and have not [00:32:00] happened. So yeah, this really does go to the concern of how BHA is handling this, how these places are purposely being run down, and how that leads to the excuse for privatization like Mildred Hailey as being right now, and how there have been so many other developments that are sold off to private developers in order for BHA to leave that responsibility to someone else.

Response: The written responses to comments is submitted to HUD as part of the annual plan and will also be posted on the BHA website.

Across the nation, the capital backlog for public housing authorities is estimated at upwards of \$70 Billion due to long-term, structural underfunding. Notwithstanding this severe deficit, the Authority is pursuing multiple strategies to address its own multi-billion dollar capital backlog. These include, among others preservation, redevelopment, and various public-public partnerships.

The BHA will continue to work with its public housing capital and operating grants to deploy property improvements. Most recently, the City of Boston has supplemented BHA's own investments by including record capital investment in the FY23 and ARPA budgets. The BHA also received modest investments in the state portfolio and is using these resources to conduct repairs. The BHA looks forward to continuing its fruitful partnerships with Boston and the Commonwealth of Massachusetts.

For several of its family sites, the Authority has required resources beyond what is available in order to invest in improvements that provide residents with the quality housing they deserve. As such, the BHA has pursued public-private partnership. In these scenarios, BHA preserves or adds to the total number of affordable units and protects the affordability levels of the public housing units. The affordability and tenants' rights are protected via a ground lease agreement. Notably, BHA maintains ownership of the land beneath the housing, allowing it to assert affordability controls in perpetuity.

Additionally, the resident organizations with independent legal representation are included in discussions with the developer and the BHA about many aspects of the redevelopment such as the relocation plan, management plan, the lease and house rules. The BHA ensures that as many of the rights and privileges of public housing residents as possible are retained even if not required by the new subsidy method. This process is in place at Mildred C Hailey.

Comment: Yeah, my name is Jose Lorenzo. I [00:33:00] am also a constituent of Justice for Housing. Sorry I had to adjust myself for a second. Yeah, so I just wanted to chime in regards of programs like Justice for Housing, it's advocating and housing individuals through a partnership with BHA, really making a difference in reducing recidivism [00:33:30] and so on and so forth. And even with comments that were said tonight, those are still comments that are discriminatory.

The same things that are being said that are said not discriminatory actions taking place. The perspective still sounds discriminatory, and that's exactly what it is that's being said. Opportunities aren't being given to people that have to start from scratch. And me, myself, I can [00:34:00] truly say that thanks to being housed for the first time, I don't have any form of recidivism, I'm closer to obtaining housing for my children who ended up in the system throughout my incarceration, and so on and so forth. Maintaining a job.

All these things weren't possible without the stepping stones of programs like Justice for Housing. And it's really a small percentage of people that's being helped. It's not even

taking away from [00:34:30] the larger majority of people that are still receiving any forms of assistance outside of those that are being equated to individuals who wouldn't have an opportunity, who are starting from scratch, and are told that, "You were sent somewhere to be reformed. You were sent somewhere to be so-called fixed, and a debt was [00:35:00] paid to a society."

And then you're asked to start from scratch, from the very bottom, from the beginning as an adult, as a member of your household, the head of your household. And opportunities are rarely given to individuals. And we see how people thrive once given those opportunities. We see how people can change their lives, and that's changing the community in the long run. As people change their lives and they come back, and they have an opportunity to have stability, [00:35:30] have a peace of mind that anybody else could that's been having that and hasn't had to start from scratch. They wouldn't be granted that opportunity if it wasn't for programs like that. And so I just wanted to chime that piece in. I'm truly grateful, I wouldn't be where I am if it wasn't for such an opportunity. Thank you.

Response: Thank you for your comment.

Comment: Hi. So I have in my hand a document that says, "Notice of Public Hearing. The Boston Housing Authority invites all tenants and the general public to a review of the authorities [00:36:30] proposed annual plan for fiscal year 2024." And then it goes on to list some of what we got in the mail. The exact thing was posted on the BHA website, it says, "The proposed annual plan is comprised of the following elements. Number one, proposed capital improvement plan. Five-year proposed [00:37:00] maintenance and repair plan. Number three, current operating budget. Number four, responses and so on and so on and so on.

This has everything that we need to get the answers to questions that we have. Now, we may not be able to understand every detail, but it is there in public. It is not hearsay, [00:37:30] it is not speculation, it is fact. I have in my hand, you can hear me rustling a piece of paper that says, "Work items by development," and I can pick up the small print, I will try to just pick up any one of them. Charlestown, all of them, Charlestown, Ruth Barkley, Alice Taylor, Mildred, oh here's Mildred C. Mildred C. is listed and it says, "What about bathroom ventilation in the apartment?" [00:38:00] Then it says, what is this? Envelope repair, repoint masonry facades. And what else does it say? And you could go down the list and see everything that is proposed as maintenance for Mildred C. Hailey, and for every other BHA development.

Now I, as a member of the residents advisory board, I know, and this is not hearsay, this is not speculation, I know that many RAB members have [00:38:30] sat on the redeveloped committees that the BHA puts together at every housing development that has been redeveloped. There are always tenant members on this redevelopment committee, and they are involved in participation from the ground up. I was on the committee from the old colony. We got together and chose the developer. We chose the

tile for the bathroom. We chose the furnishings. We chose who would move people out [00:39:00] of the development, and that is how it goes.

There are members of the RAB, who are members of the BHS monitoring committee. The monitoring committees, the governing committee for the BHA, they're the boss of the BHA, aside from the city council. And so they know. So many people in the RAB actually know what is happening with BHA. None of us are mouthpiece for BHA. People on this call cannot attest to the fact that sometimes BHA has gotten so [00:39:30] upset with me, sometimes they don't matter even want me to come in the building. We are no mouthpieces for the BHA, and so when we speak, we know what we are talking about.

Now, if I have an individual complaint in my apartment, this is not going to be on the annual plan because I live in a housing development, and if my maintenance for the housing development is part of the schedule, it's going to be part of the schedule at the time when it is supposed to be done. I may want my plumbing fixed, but BHA may have a [00:40:00] plan to fix the plumbing of the entire development. So yes, while I may have an issue with my plumbing and it is close to my heart, it is not necessarily reflected individually in the annual plan. So I just want to end by saying that I'm very grateful to the BHA. There is no landlord we can find anywhere in Boston who is perfect and who has everything taken care of. Any tenant you go to will give you issues that they have in the building and I am thankful to BHA for doing [00:40:30] the best that it can with the limited resources that it has at its disposal. Thank you.

Response: Thank you for your comment.

Comment: Sure, sure. Yeah, I don't think I heard anybody on this call say that the RAB is a mouthpiece of the Boston Housing Authority, and this is just a response to the overall conversation, I think. Just the fact [00:41:30] that people are coming onto this hearing to talk about the problems they have in the apartment really shows how totally negligent BHA as the landlord. We've talked to people who have their entire bathrooms coated with molds, so the entire walls are black and they report for years and years and housing says, "Oh we'll come, we'll come, we'll come," and they never come or they come and paint it over and the mold comes back, or they call the inspection services and the inspection services just ignore it or say it's a black substance [00:42:00] and refuse to test for mold, refuse to do any sort of thing that would actually fix these problems.

So I think the fact that people are here to speak to these problems really shows how dire these issues are and how totally unresponsive BHA is as an organization. Obviously, they have limited funding. There's a federal agenda that's been going on for decades with the government complicit, with banks and real estate developers all working together to make sure that public [00:42:30] housing is no longer viable as a form of housing at all so that they can take over the land in the cities. So clearly this is happening at many levels, but also in the housing agencies themselves, in the housing authorities, we can see every day people who don't do their jobs, people who stand around all day.

And it's not just the fault of those workers, it's the fact that there's clearly a culture at every level of the organizations of, "Well, it doesn't really matter if anything ever gets [00:43:00] fixed. It doesn't really matter if people are living with mold in their apartments, that's poison. It doesn't matter if like in Tia's situation you have a carbon monoxide gas leak that constantly causes the alarm to go off and the people just come and replace it and say that the carbon monoxide detector was faulty," which is obviously absurd. These are just a couple of many, many problems that people have seen.

So yeah, that's all [inaudible 00:43:28]. Well, additionally, [00:43:30] just one other thing, quite an undemocratic process overall, do people really, they can't even get the basic problems in their apartments fixed. Do people really have any sort of democratic control over where the funding is going overall in their development, towards what sorts of improvements are being made, towards the question of whether or not their developments are going to be privatized, whether federal funding is going to be given over to developers and banks giving all these different tax [00:44:00] breaks to financial institutions so that they can take over these developments?

No, there's no real control by the average resident. Most people don't even know this stuff is going on, they've never even heard about it. And these sorts of meetings are really just a formality. When there are meetings that are held, they go and they're told, "This is what's going to happen to you, take it or leave it. You're poor this is just the situation."

Yeah, it's [00:44:30] pretty absurd. Obviously, the funding is bad but we can't just say, "Oh, Boston Housing" they can't do anything one way or another because there's decreasing funding for public housing. Why don't they actually fight that?

Response: Thanks for the comment. The BHA will continue to attempt to be as transparent as possible with respect to notification of residents related to any redevelopment and/or relocation. BHA will also continue to focus on quality of life issues for existing residents, continuously improving processes and reporting so that maintenance issues are addressed in timely fashion, despite the lack of funding resources.

The BHA and its Capital Construction Department hold resident meetings at each development annually as part of the creation of the Capital Plan which is part of the Annual Plan document. At these meetings the residents express their opinions about development needs.

Comment: Hi, my name is Hafeeza Shaheed. I just want to thank Mr. Fields for his response to Ms. Paul. Although I am not living in [00:46:00] a BHA, it sounds like I have BHA buildings and tenants who reside in them. I am a BHA client because I possess a Section 8 from Boston Housing Authority. And while my landlord is not BHA, I'm here to find out where I can get information on the rules and the policies that the landlord has to follow as a client of BHA receiving funding for tenants. [00:46:30] All too many times

when I run into issue with my landlord, I'm being told, "Well, that's not something we can cover." I'm talking about from coming to into my apartment without notes, refusing to allow me into the building.

I'm thinking if I'm a Section 8 tenant, BHA pays. Right now I'm not working, so they pay 100% of my rent. And so if my landlord's [00:47:00] not allowing me into the building, if they're refusing my packages, if they come into my apartment without permission, I don't understand how that is not a BHA issue or problem. For the last four years I've been fighting this issue by myself. The last time I was on this meeting was January 2021, I never attended another meeting because everything I was told and heard did not fall to fruition.

I was told all types of things. I believe... [00:47:30] I might go and start calling names out here that I see on the Zoom link. However, I received no assistance at all, no help at all, and I don't think it's fair. So I no longer want the runaround. I want to know if someone can send me the rules and regulations that my landlord has to follow because I'm just not believing what I'm being told. They are violating every almost right I have. [00:48:00] And I want to read for myself the rights that BHA or the policies or the restrictions and the rules and the procedures, the policy that BHA has for landlords who have Section 8 tenants in their apartment.

And I want to see if they don't follow one of those rules, I want to see what is the punishment or the reprimand or the sanction. I believe as a Section 8 tenant, [00:48:30] I should have the right not just to see how I'm going to be punished if I don't follow rules and regulations as a Section 8 tenant, I should also have the right to see what my landlord is supposed to follow and what the BHA response to them is going to be for not following it because as of right now I have NCAD cases, I have a housing court against them.

They tried to settle just the week before Christmas, then we tried to settle. But they [00:49:00] did say they wanted to try to mediate a \$10,000 settlement, but that's if I drop my MCAD case altogether. If I do that then people will never hear how this landlord does not offer me the same rights that my market tenant neighbors have. They will never see the struggles that I go through here as a Black single woman living in a seaport getting a Section 8 from BHA, living in one of these affordable City of Boston luxury [00:49:30] amenity apartments, constantly being violated and disrespected and neglected. So I don't want to hear no one telling me nothing, no sorrys or nothing. I want to know where you can point me so I can read myself BHA responsibility when it comes to landlords not following rules. And I want to also read what they are supposed to do when they do not. That's all I want. Thank you.

Response: [00:50:00] Thanks for your comment. I will say that the majority of that language is covered in the lease and that housing assistance payments contract and that BHA can stop payment to the landlord when they're not following the obligations in that lease and have contract, we can also terminate the contract itself. And Ms. Shaheed, I [00:50:30] can have copies of those documents sent to you for your review.

Comment: Thank you. And to clarify, when you say lease, because I live on the Section 8 City of Boston Affordable Housing Unit, my lease comes from BPDA, it's never really a lease that's renewed through BHA. So every lease I have is like when I first moved here in 2018, yes, BHA did have a addendum to the lease with [00:51:00] the City of Boston Affordable Housing unit. But after 2018, 2019, 2020, 2021, 2022-

They've never put an addendum. It's been me solely working with the leasing management and the City of Boston.

Response: The terms of that addendum continue to control, as so does the HAP contract, so long as that lease is in effect and renewed. Okay.

Comment: Okay. [00:51:30] So that gave me to my next question then. And nowhere in that lease or addendum does it talk about the landlords coming into your home and what BHA does for that. It does talk about utilities. It does talk about, for example, rent. And let me give a blatant example. Last year, my- Can I just say one thing? Some of the things that I'm going through is not in that lease. So when people are coming into my home, refusing my package, and not allow [00:52:00] me to come into the building. Those things are not in the Section 8 lease. All it talks about them misappropriating funds for example [inaudible 00:52:07] which they have done, but still no one has reprimanded them. And it does talk about them, basically, if they raise the rent, they have to let you all know, which they didn't do, and they added it to my rent and tried to say, "Well this is the new rent."

They're doing so much, but nevertheless there's only two things out of a dozen things that they are doing to me, but still with those two things I don't see in it, [00:52:30] what happens if they do it? I report it, but still nothing has happened. So I want to see what is the reprimand because it's not in my lease. And then two, I want to see about these other things.

Response: Okay, Ms. Shaheed. So Ms. Shaheed, do you have my email correct?

Comment: Yes, sir. But I had it before when I came to this meeting, sir. Y'all do this to me all the time, that's why I stopped coming. Y'all do this to me all the time, "We're going to email you, we're going to talk to you." You can see the email I sent you today [00:53:00] for this Zoom link, it just gave me flashbacks because I was reading the thread and it was like, you saw the thread. I was like, "Wow, look what I went through in January 2021, and they still haven't even touched the issues that I've brought to y'all in 2021.

And now you're talking about you see my email. I need action and I'm not asking for much, I'm asking y'all to do what everyone else on the Zoom is doing. I'm just asking for some information, and I'm begging y'all Mr. John Kane, [00:53:30] we spoke last year. Ms. Gail, we spoke last year. Mr. David, we spoke last year, I have the email, January

20th, 2021. None of you all act like y'all said y'all would. None of you all. None of y'all got back to me.

Response: Ms. Shaheed, I'll send you the documents that you asked for, okay? And you can continue to follow up with me. In addition, we'll respond to your comment in writing, okay?

Comment: And I have you all... I know Ms. Gail is over you all because that's the far as I got [00:54:00] last time, but I need you all's boss name and number. Y'all saying there's a monitoring or program that's over you all, I think you said. You said besides the state or city something, there's a monitoring something over y'all. Can you put that email in this chat right now because I want accountability and checks and balances because once again I'm waiting over a year... It's December. Wow. So next month is going to be two years. I'm sorry. Next month is going to be a whole year since y'all last told me that y'all was going to help me. No, I'm correct, next year it'll [00:54:30] be 2023. Next year will be two years, sir, since I last spoke to Mr. David, Mr. John, and Ms. Gail about my issues with Section 8. I have the emails. I'm looking at them right now.

Y'all told me y'all would get back to me, y'all will help me, y'all bounced me around. No one ever did. This is my first time coming to a meeting since because that's how much my heart is broke, why I keep coming here? So I've been struggling by myself fighting these people who have an attorney from a law firm by myself. Two cases with housing [00:55:00] court and one with NCAD. I just won one of them with housing court, the judge granted me the waiver for me to break my lease, when I find a place and they cannot charge me. But now we have another housing court case and I still got my MCAD case.

I did all this in the last two years by myself after them broke over 12 violations against me with none of y'all's help after y'all promised me in the same Zoom call almost two years ago that y'all would. So that's why I'm [00:55:30] still talking and that's why I'm refusing to stop until I get something in this email that is regards to you all's boss. Y'all said it was a monitoring program, a monitoring something that was over you all, I need that email in this chat because when y'all start emailing me, supposedly what I'm asking for, I'm going to make sure this person is CC'd in it until I get it.

Response: All right. Ms. Shaheed, the monitoring committee? You'd like to speak to the members of the monitoring committee? I'm not sure that's the right body to address your problem. To be honest with you, I don't have their email right now, and I don't know where to find the specific members of the monitoring committee that they have some oversight of the BHA but they're not going to help solve your problem. I'm going to help you-

Comment: I'm not going to trust anything you tell me, sir, about who's going to help but not help me. I'm just asking you to get me that number. You saying you can't get that number for me. Is that all you're saying? Because I don't want to waste so much time,

there's a lot of people here, I don't want to be disrespectful to their time. So can you just say yes or no? Are you not able to direct...

Response: Following the meeting, the commenter was sent information about the monitoring committee and their meeting schedule and the contact for the BHA staff who works with the Monitoring Committee. A BHA staff person also reviewed with her the content of the documents she requested that is familiar with the circumstances outlined in the comment. BHA continues to work with Ms. Shaheed in an attempt to resolve her issues.

Comment: Can you hear me? All right. I [00:57:00] kind of lost my thought that last call. I don't want to minimize anybody's comment, everybody's comment is... I feel their concerns, but I just wanted to say that I've been to ... I'm a RAB member, by the way, my name's Betty Ray Wade, I'm a RAB member, I've been on the Boston Housing Authority Resident Advisory Board for a number of years, [00:57:30] at least 10, I think.

But what I wanted to say is that I attend very a lot of conferences and I know for a fact that the BHA and all the housing authorities throughout the countries that I've been to, for instance, New Orleans, New York, and all these different places, I know for a fact that that HUD, Congress [00:58:00] is giving each state less and less money to run our housing developments. As I said, and I'm not speaking against any groups, but I'm not sure someone made a comment that the RAB is... I think I heard that the RAB is for the BHA. I'm just [00:58:30] here to say that I'm grateful for the BHA for living in this housing.

I know for a fact, I've been to other places, and I've heard other concerns. Just like I'm listening to all these comments that I'm hearing tonight, I don't want to ramble because I'm now running out of time, but every state is getting less and less money from HUD. So I keep hearing privatization, [00:59:00] not sure if people understand what's happening. BHA simply don't have the money to keep putting into certain buildings that's just not working. It doesn't help to keep putting money into buildings that they can't afford to keep up. I think privatization is the wrong word to use, [00:59:30] maybe it is. But I do know that HUD is not giving them enough money to take care of our buildings, folks.

And I just want to say that, as a RAB member, I'm not defending them, but I'm grateful that I had a place to live that I don't have to go out and pay \$5,000 a month for rent or 3,000 or whatever these buildings are costing me, that's coming up around me. I do believe that [01:00:00] Mac McCreight has been very helpful to us, I heard his name mentioned. I'm not talking against what anybody else says, but he's been very helpful to the RAB since I've been there.

There's a lot of things that I would like to see happen in my own particular developments, and I have complaints just like all of you, but the truth of the matter is the BHA just don't have the money [01:00:30] coming from HUD. The resources are just not there like they were 10, 40, 20, 30 years ago, it's just not like that. The money is less

and less. I hear this from the tenants in New York, I've heard this from the tenants in Louisiana. Like I said, I've heard it from the tenants in Chicago. There are other states that I've been to, but it's not that the BHA don't want to do... [01:01:00] and I'm not saying, yes. Please call your landlord and tell them if you need repairs done, you have that right.

I just think that we all have to try to work together. I'm not defending the BHA, I'm not defending the cause. I think that we have to work together so that we can help each other make this work [01:01:30] and have a better living. We all want to live better, basically. And we're trying to live better. We all want to live better. We want to be in a clean building. We want nicer communities. We want to see the green grass. We want to see better trees in our community.

We have to work together. The annual plan that we all [01:02:00] should be looking at spells out what we're going to be doing. There are things that I would like to see on this group, this [inaudible 01:02:09] that's not there. I've talked to people about that. But I'm just telling people from what I've seen, I know that HUD is giving less and less money to every state's housing authority. And I do believe that they're doing, [01:02:30] the BHA I should say, I believe they're doing the best they can with what they have. That's all I wanted to say.

Response: Thank you for the comment. We agree that continued collaboration and transparency is the way to move forward. As stated above, the BHA and many other Housing Authorities across the nation are facing massive deficits in capital funding, preventing the necessary repairs of Public Housing units. In order to preserve these affordable units in an acceptable condition, redevelopment that leverages private capital is a tool that has been employed in some cases. The goal is to redevelop in a way that provides updated and resilient communities that we can all be proud of and that are free from backlogs of significant capital needs.

Comment: Just to briefly respond to Ms. Wade. I think just to reiterate what I said before, it's pretty clear that this stuff is happening both on the federal level [01:03:00] and at the city level where the HUD and the federal government and the Congress are working together to decrease the funding for public housing. And then at the local level that the housing authorities are bureaucratic, corrupt, also tied up with the developers and the banks and waste money every day, they're just throwing money at all these different people that are not doing anything.

But I just wanted to speak because I wanted to speak [01:03:30] to the treatment of the woman before. I didn't catch her name. But I think it's quite horrible to see the way that she's being treated and the way that you all are responding to it. It's something that we see across all this sort of quote-unquote "mixed income" development where the developers, they make a lot of money off of having some low-income people in them, but they'll have things like poor doors.

They've got poor doors, doors for only the poor people that enter through. They treat people totally [01:04:00] different, very discriminatory. And then when people try to complain about this treatment or get any sort of justice, they're confronted with this horrible bureaucracy. They're stuck in the labyrinth where every door they open doesn't get them anywhere. And then you see it brings people to the edge where they snapped like this woman did. And then you can just say, "Oh, well she's just a crazy Black woman. She's just hysterical, so we just have to boot her off the call and mute her." And it's just really disgusting.

Response: Thanks for your comment. As stated, the BHA continues to work with Ms. Shaheed based on the issues she raised. Her comments were unrelated to the proposed annual plan. It is important to note, that many BHA clients face various issues related to disabilities. The BHA works with all of our clients to ensure they have an equal opportunity to utilize our housing program no matter their disability, race, gender, or other protected class.

The BHA, a bureaucracy by definition, is not working to decrease funding for public housing. Budgets from federal and state sources have increased across the board. With respect to the voucher portfolio, for example, the BHA has maximized funding formulas, applied for new funding and programs, implemented a City funded program, resulting in an increase of more than 2,000 housing opportunities for low-income families and individuals.

BHA is not aware of any internal corruption. Specific allegations of corruption should be forwarded to the appropriate law enforcement agencies.

Comment: Oh, okay. Sorry about that. I just wanted to say that I know that funding is going down with HUD, I get it. But by law, BHA has to take care of work orders and emergency situations such as [01:05:30] carbon dioxide that almost killed Tia and her sister and her father. That really happened. And the only way that BHA took care of it, was it was publicized. And they kept coming in and replacing the carbon monoxide box and would not take care of the problem, [01:06:00] which was behind the stove.

So things like that, there's no excuse, and things like black mold have to be taken care of. I'm sure there are laws governing this, but that being said, BHA has enough money to take care of these problems and work orders. And ethically and morally, if you own developments, not you personally, [01:06:30] but BHA, and is funded by HUD, work orders have to be done in a timely fashion. And I've gone in people's apartments, I've seen a lot in the last few months, and I've seen things that I can't believe, and they're not being addressed by BHA and work orders.

And I personally think someone should come here to Commonwealth and [01:07:00] we can show you around and show you some of the conditions. And maybe then you'll say, "Wow, we're going to fix these." But there are problems that BHA has to, in my opinion, morally and ethically has to address. And I know that this development is one of the better developments, but if we're one of the better developments and have this many

problems, I hate to see the ones that are [01:07:30] more run down and have terrible problems. And that's all I have to say, and thank you for listening.

Response: Thank you for your comment once again, Ms. Archibald. Appreciate it. [01:08:30] Okay, well I do appreciate everybody attending the public hearing and providing comments. Very robust discussion and lots of comments we have to consider and respond to with respect to [01:09:00] the annual plan. So I just want to thank everybody for their participation.

Comment: So I just got a question from Ms. Epstein in the chat and it's just asking if the answers to the questions will be public.

Response: And yes, the answers to the comments will be public [01:09:30] information. Obviously, we're not going to disclose any personally identifiable information, and where I've received information about specific issues, I'm going to deal with those on the side. They're going to be published, I don't know if anybody can give me an exact place on the website that they can be published? John, [01:10:00] could you maybe put that in the chat if you have an opportunity to which webpage the responses to the comments will be published? [The link to where the responses will be posted was added to the chat.]

Comment: Well, since you basically opened up it up for comments, I think I'll take it. So yeah, I apologize for that. Yeah, so since this is about the annual plan and everything, and because maintenance [01:10:30] repairs and stuff, it's also in there, I want to know if there's going to, basically, in light of hearing all of this stuff, if the BHA is going to start considering exactly putting in funds and actual effort into... because as we were saying, a lot of this stuff sounds basically really serious [01:11:00] emergency stuff, and if there will basically be actual... Okay, what am I trying to say? Basically, if there'll be timelines or basically any transparency as to when all of these emergency repairs will be done?

Because I can say for myself and as Jeanie was saying, [01:11:30] that did happen. The fire department came in here, they basically found that the carbon monoxide levels in my apartment were basically way past the levels that it could have killed me and my father and my sister. In another building, a person I talked to who heard about our story, basically said that that happened to her too. Only, she basically had went completely unconscious, and her neighbor had to, basically, literally break through her door to rescue her in other places. So basically, [01:12:00] will this also be something that you're going to consider with this annual plan and things like that, if that makes any sense?

Response: No, it makes a lot of sense, Ms. Wheeler. And so what I'll say is that the BHA will absolutely respond to the comments we've received tonight. And I think, I can't say [01:12:30] exactly what the responses will be because as I mentioned at the outset of this, I'm in charge of some stuff at the BHA, but not in charge of everything. But what I do know is that the BHA is committed to continuing to improve processes and

responsiveness to our tenants and reducing the time it takes to repair [01:13:00] things that need to be repaired. And so I would just say that I think the response that you get in writing will speak to some of that information.

Unfortunately, like I said at the outset as well, I'm not going to necessarily be responding to your comments this evening. It's really an opportunity for the BHA to listen, take in the comments, have an opportunity to [01:13:30] think about the comments and then be responsive.

BHA Operations will address any specific maintenance or other property management complaints received this evening or by follow-up contact from the commenters.

Comment: Yes, David. The only thing I wanted to mention was to reiterate what you had mentioned at the beginning of the hearing, which is the written comment period continues until the 15th. So written comments on anything that came in tonight or anything that's anywhere in the plan [01:14:00] can be taken by the BHA up until the 15th. I know our office has submitted a lot of comments to the BHA. I know Justice for Housing also submitted written comments to the BHA, and I would encourage people to take advantage of that opportunity by using the emails and sending them to john.kane@bostonhousing.org.

Response: Thank you, Mac, that's [01:14:30] very helpful, and that's a good way to, obviously we have some limited time here, but we do accept those comments in writing and all those comments that are in writing will also get a public response as well.

Comment: Yeah, I just wanted to say one last thing. I just wanted to invite everyone on this call to please try to attend our RAB meetings. It's an invitation [01:15:00] to all residents throughout BHA Section 8. If you're tenant of the BHA, if you've got a voucher, Section 8, whatever it may be, please attend one of our meetings on Thursday evenings that will give you an opportunity to also learn a lot more about what we are, and what we do, and what we try to share with our communities [01:15:30] when we come home, or when we get off our meetings. So I just want to invite everybody to try to make an effort to come to our RAB meetings, and get involved if you can. Thank you. That's all I wanted to say.

Response: Thank you, Betty. [01:16:00]

Comment: I'm just backing up, Betty, with the idea that BHA tenants and Section 8 tenants should come to the RAB and let their concerns be [01:16:30] heard about BHA and be put on the agenda. It's the second Thursday of every month at 6:00 PM and we can get the link out to you. And it's a good thing because I voiced my concerns out there, people listen, people respond. People that are high up in the administration at BHA have heard what I've said, [01:17:00] and sometimes done stuff, sometimes not done stuff.

But it is a way to get your voice heard. And the last thing I'll say is when you get on different boards, like your own board in your own development or Section 8, and you get on the RAB, you have more of a voice and people really hear you and it's better for you as [01:17:30] a tenant because I just think people listen to what you say. So it's just an idea, but I really recommend it.

Response: Thank you, Ms. Archibald.

Comment: And I just put in the chat, and I forgot to mention, January's RAB meeting will be on the first Thursday. He just put that in the chat, and I forgot to say that. So the first Thursday in January.

Response: Thank you. Once again, I just want to again reiterate if there are current issues of disrepair related to specific apartments [01:18:30] that need to be resolved, I did put my email in the chat so that folks can email me, and I can try to do my best to facilitate those issues.

Comment: I think it would be very helpful because most meetings are open, but there's a few RAB meetings that are closed. So maybe make sure that you have which is which posted on the website so people will know.

Response: Thank you, Karen. Appreciate that. Okay, with that being said, I [01:19:30] think we're going to close out this meeting. I want to, once again, thank everybody for attending. I appreciate everybody's participation. I look forward to receiving your comments, the ones we got tonight. But also, if you want to send another comment in writing or further comments in writing, please do not hesitate to do so. You can direct those as Mr. McCreight said to john.kane K-A-N-E @bostonhousing.org, and the BHA will be responsive to those.

Mr. Kane also [01:20:00] posted the link where the responses to the comments will be posted. And again, just reiterating that there's specific issues related to maintenance issues or other issues specific related to individuals. If you want to email me, my email is also in that chat. But again, thanks, everybody, for attending. Hope everybody has a good evening.

Public Safety

Comment: S: Section B.1.9 Safety and Crime Prevention including Violence Against Women Act Policy and Description of VAWA activities, services or programs Pp. 48-60: I understand there was a change to refer to consulting with the Boston Police Department (BPD) generally, as opposed to the BPD gang unit, about crime prevention strategies.

Response: That is correct.

Real Estate Development

Comment: RAD Attachment Introduction: Should the reference to Replacement Housing Factor (RHF) funds be replaced with the current HUD term (Demolition & Disposition Transitional Funding (DDTF), as appears on the various pages of the report?

Response: We have that reference to Replacement Housing Factor funding because BHA in fact utilized RHF funds in connection with the RAD units created at Old Colony Phase 3A. You are correct that HUD no longer awards RHF funds. Instead, when there's a demo/dispo action, HUD allocates DDTF funds as part of the CFP award. But in the past BHA used to get separate RHF awards, and it was some of that past RHF funding that BHA at Old Colony 3A.

Comment: p. 2: This report for West Newton shows a changed "CFP Allocation", presumably because BHA removed certain sites from having any CFP allocation and likely then redistributed the net among all of the sites proportionately—is that correct? Could BHA explain what the term "CFP allocation" means—is that fund taken from the current year's Capital Fund, or the net loss of Capital Funds from the site's disposition? The report is also updated to show that the conversion was completed in 2022.

Response: Every year HUD awards the BHA a Capital Fund Grant, the amount of which changes based on that year's Congressional appropriation. For each CFP grant, HUD publishes a breakdown showing how much funding was awarded for each public housing site. HUD makes those calculations, not BHA. The amounts reported in the FY2023 RAD attachment are from BHA's FY2022 CFP grant. HUD asks housing authorities to include in the RAD attachment the most recent CFP allocation because upon a RAD conversion a site no longer receives CFP funding. However, when public housing units are removed through a Section 18 Disposition, those units do continue to earn Demolition-Disposition Transitional Funding (which is part of the CFP award) for five years. The reason that West Newton has continued to receive a CFP allocation in FY2022, even though the RAD conversion happened in 2019, is because of DDTF funding. The RAD conversion at West Newton was actually a RAD/Section 18 Blend. Of the total 146 units, 110 converted to RAD (and no longer receive CFP funding) and 36 went through Section 18 (which makes them eligible for five years of DDTF funding, which is part of the CFP grant). Those 36 units accounted for \$157,588 of the BHA's FY2022 CFP award (which is \$4,377.44 per unit times 36 units).

Comment: p.3: This report for Ausonia shows a changed CFP Allocation (see comment/question above), and also shows closing now in 2024. Can BHA explain why the closing for Ausonia has been pushed back? Did HUD approve the demolition/disposition application which was submitted in 2021?

Response: HUD did approve the disposition application—it was in September 2022. BHA is pursuing procurement of an architecture and engineer consultant team, which we aim to do in such a way as to permit a future procurement of a “construction manager at risk.” The process has been somewhat slower than past procurements as we have needed to develop a new set of contract documents. At this point we do not anticipate a closing before 2024.

Comment: p.4: This report for Old Colony (Anne M. Lynch Homes at Old Colony), eliminates any CFP Allocation, since the units in this phase were previously converted. This update says that Phase 3A was completed in 2022.

Response: That is correct, the 28 RAD units at Old Colony no longer receive a CFP allocation. The 28 newly construction RAD units at Old Colony were completed in 2022

Comment: p. 5: This report is for Orchard Off-Site Phase II, otherwise known as Long Glen Apartments in the Allston/Brighton neighborhood. The update zeroes out the CFP Allocation because conversion of the public housing units to Section 8 PBRA (which I believe is BHA’s sole PBRA) already occurred in 2021.

Response: Yes, that is correct, Long Glen is the BHA’s only RAD site to convert through a PBRA agreement (as opposed to a PBV agreement). Since that conversion happened in 2021, BHA did not receive any CFP funding for Long Glen in FY2022.

Comment: p. 6: This report for Heritage reflects a revised CFP Allocation (see note/question above), and that the closing here occurred at the end of September, 2022. All of the non-agency, non-employee units at Heritage have now been converted to PBV, and there are no public housing units left there.

Response: Yes, that is correct. The amount listed is the amount of the BHA’s FY2022 CFP grant that is attributable to the 31 public housing units that had been at Heritage. The RAD conversion closing occurred at the end of September 2022. In future years, Heritage will receive only RAD and Section 8 funding—in other words, no public housing capital grants will be awarded beginning with the FY2023 CFP grant.

Comment: p. 7: This report for Lower Mills, like the one for Heritage, reflects a revised CFP Allocation, a closing at the end of August, 2022, and that all of the non-agency, non-employee units have now been converted to PBV, with no public housing units left.

Response: Yes, that is correct. In FY2022, \$22,600 of the BHA’s CFP grant was attributable to the 19 public housing units at Lower Mills. The RAD conversion happened at the end of August 2022, meaning that BHA will not receive CFP funding for Lower Mills in future years (but will receive RAD and Section 8 funding instead).

Comment: p. 8: This report for Mission Main Phases I, II, and III, reflects a changed CFP Allocation, and projects a closing date for December, 2022. The RAB should be

updated, prior to the submission of the final FY 2023 PHA Plan to HUD in January, 2023, if the closing in fact occurred or if there is a revised closing date. This is the first use of RAD/PBV blend for a site that was previously redeveloped through the HOPE VI program. As noted below, BHA is starting a similar process for Orchard Gardens.

Response: Yes, that's right, and I'm happy to report that the closing did indeed happen at the end of December.

Comment: p. 9: This report for Eva White Apartments reflects a changed CFP Allocation, and has a projected closing date in 2023 instead of 2022. BHA should update the RAB about why the closing date has changed.

Response: The closing date has been postponed as the development team has needed to modify its construction plans somewhat in response to supply-chain issues and other complications. The conversion is on track to happen in 2023.

Comment: p. 10: This report for Orchard Gardens, Phases I, II, and III, is new—BHA had not previously placed Orchard Gardens in its proposed conversion list. As with Mission Main, this is a site which was redeveloped through HOPE VI where it would make sense to bring in new financial resources and deeper subsidy. There is a typo in the document that refers to "Mission" which should be changed. More details will likely come to the RAB about this, and for now this is likely a "placeholder" for a RAD/PBV "blend" conversion expected to occur by 2024.

Response: Yes, that is exactly right. (And thank you for pointing out the typo. We have corrected that for the final Plan.)

Comment: p. 11: This report is for Mildred C. Hailey Apartments. The CFP allocation here is quite large, and BHA is not yet in the position to be submitting for a Section 18 conversion for the entire site; I believe the figure here is for what HUD approved in the Phase 1 demo/dispo application. It may be helpful to separate out the expected closing date for Phase 1 (anticipated prior to the end of 2022) and the expected time frame for any demo/dispo submissions for other phases of the site. If, on the other hand, BHA is not intending this to be a "placeholder" at this time for the balance of the site, it should say so.

Response: In September 2022, HUD approved disposition (and demolition) of the 253 units that make up the "phase one" redevelopment footprint at Hailey. As reported elsewhere in the Annual Plan, BHA intends to submit a disposition application for the remainder of the site in 2023 in order to pursue the higher subsidy that would come from a Section 8 conversion. (BHA does not intend to demolish any of the buildings outside of phase one, but rather will pursue a program of modernization.) In the meantime, BHA wants to preserve as a back-up the option for a RAD conversion or a RAD/Section 18 Blend in the event that a full Section 18 disposition is not approved by HUD. (Section 18 refers to HUD's disposition approval process.) In that sense, we are including the remaining units at Hailey in the RAD Attachment as a "Plan B" rather than

as a placeholder. The dollar amount listed in the RAD Attachment comes from HUD's breakdown of the FY2022 CFP grant which included \$4,082.88 per unit attributed to Hailey.

Comment: S: Section B.2.14 HOPE VI or Choice Neighborhoods

p. 65: This just discusses the HOPE VI that was an early phase of Old Colony redevelopment (the HOPE VI phase is now completed) and the Choice Neighborhoods redevelopment at Whittier Street (still underway). Please advise as to any changes here (perhaps the only change was that HOPE VI at Old Colony was done).

Response: There were no changes to Section B.2.14 from the FY2022 version. As you say, the Old Colony HOPE VI grant is complete, while the Whittier Choice Neighborhoods grant is still underway.

Comment: S: Section B.2.15 Mixed Finance Modernization of Developments

p. 66: I assume the changes here are as follows: (a) that Phase IV and V at Old Colony will begin in late 2022 or early 2023; and (b) that the Mission Main RAD/PBV conversion is expected before the end of 2022. In addition, since BHA is bringing the McCormack draft demo/dispo application to the RAB in its November, 2022 meeting, BHA should provide a McCormack update (either here or in the next section). BHA may also, here or in the next section, want to include the likely prior to end of 2022 closings for Phase 1 at Hailey and at Bunker Hill.

Response: Yes, Section B.2.15 includes select updates on the current status of initiatives that have been previously presented in past Annual Plans. A new item this year is BHA is exploring how to use its Faircloth capacity to create new public housing units. BHA will continue to provide the RAB with ongoing updates about specific progress at each redevelopment site.

Comment: S: Section B.2.16 Demolition and/or Disposition Pp. 67-77: Some breakouts here: On p. 67, the first demo/dispo is described as Anne M. Lynch Homes at Old Colony, Phase Three, but then in Section 7.a, there is a reference to Phase 4. Moreover, elsewhere in the Supplement, there is reference to Phase 5. Would these require separate demo/dispo submissions? If, on the other hand, the title is meant to reflect the full range of Old Colony activities (other than that which was under HOPE VI), it may be good to change the opening and be clearer.

Response: BHA redeveloped phase one at Old Colony through an ARRA grant awarded by HUD, and then phase two through a HOPE VI grant awarded by HUD. Upon completion of the HOPE VI redevelopment, BHA applied for (and received) Demo/Dispo approval of the entire remainder of the Old Colony site, which has been advancing in separate phases. Phase Three is complete. Phases 4 and 5 reached financial closing in late 2022 and are not in construction. The final phase, Phase 6, is in predevelopment.

Comment: S: For Whittier (pp. 67-68), BHA may want to cross-reference what's in Section B.2.14 (p. 65 above).

Response: Yes, that's right, Whittier appears in separate sections because the redevelopment entails both a Choice Neighborhoods Initiative grant and a Demo/Dispo approval which are tracked in different sections of the Annual Plan supplement. BHA also mentions Whittier in the Mixed-Finance Development section.

Comment: S: For Charlestown (p. 68), is there any need to refer to the HUD waiver request about AHAP execution, either here or elsewhere in the PHA Plan?

Response: No, the waiver request is not something that would typically be presented in the Annual Plan. The request was for HUD approval to begin demolition prior to execution of a Section 8 AHAP (which is the "Agreement to enter into a Housing Assistance Payment" contract under the Section 8 program); it was a waiver request because Section 8 regulations specify that demolition can only occur after an AHAP has been executed. At Charlestown, BHA was able to demonstrate to HUD's satisfaction that it would be best to begin demolition in advance of the AHAP(s), and HUD granted the waiver on 11/23/2022.

Comment: S: The Amory description (pp. 68-69) seems fine with the updated schedule for disposition of the remaining vacant parcels to develop affordable housing.

Response: Yes, the updated schedule is based on our current best information.

Comment: S: For West Newton (pp. 69-70), I can't tell if there is a discrepancy between what's reported here or elsewhere in the PHA Plan—this makes it appear that everything is not complete (34 E. Springfield outstanding but expected to be finished in 2023), but other reports made it appear that everything was done.

Response: Originally there was a single public housing "AMP" (which stands for Asset Management Project, which is how HUD groups public housing units) that included properties on West Newton Street, Rutland Street, and East Springfield Street. There were 149 public housing units total. Of those, the 3 units at 34 East Springfield Street had long been vacant (more than 10 years) due to structural damage at that property. At the time of the RAD Conversion/Section 18 Blend, HUD approved the following for the 149 public housing units that made up the AMP: 110 would convert to RAD; 36 would convert to Section 8 through a Section 18 disposition; and the 3 vacant units on East Springfield Street were deemed a "de minimis" removal given that they could not be easily renovated. That said, in the months and years following the RAD conversion, BHA and the City of Boston have partnered to rehab 34 East Springfield Street. BHA designated a developer who has since taken control of the property and is currently rehabbing it from 3 long-vacant public housing units to 5 Section 8 Project Based Voucher units for occupancy by homeless veterans (using VASH vouchers).

Comment: S: Mildred Hailey (pp. 70-71) is broken into two parts—Phase 1 (253 units), for which HUD has approved a demo/dispo application, and where there is an expected closing prior the end of 2022, and the balance of the site. For the balance of the site

(526 units), the reference to the 2021 physical needs assessment should be replaced either with the date that the assessment came out or the projected date it will be complete, and this should be regarded as a placeholder. The related RAD Attachment should include similar language. BHA should also discuss with residents that it is planning on using the \$50 million in city funds as part of this, as they may otherwise anticipate that this would be used for emergency repairs.

Response: That's correct: BHA is pursuing a modernization program that will go beyond just emergency repairs.

Comment: S: Mary Ellen McCormack (p. 71): BHA has indicated that the draft demo/dispo will be brought to the RAB meeting in November, 2022—will it be submitted prior to the PHA Plan submission in Jan. 2023? If so, this should be revised. Since I haven't seen this yet, I don't know if the submission will be for all units—even though there is no overall redevelopment submission to BPDA, but only for one-half of the site—or for just Phase 1 with a later submission for the balance of the site (i.e., an approach like Bunker Hill, which was for the full site, or like Hailey, which is piece-by-piece)?

Response: We aim to submit the Demo/Dispo application in the coming several weeks, but likely not prior to submission of the Annual Plan. We anticipate submitting an application that would cover all units. First we need to finalize the required HUD Environmental Review and also compile the various components of the application. We will provide the RAB with frequent updates.

Comment: S: Eva White (pp. 72-72): Does BHA have any projection as to when it will decide it is seeking an 80/20 PBV/RAD blend or a 100% PBV conversion? (There's some ambiguity in the text, where the opening seems to indicate that both options are on the table, but the end of the text seems to elect RAD/PBV blend.) This says that the application will be submitted in 2022, but there is very little time to get this to the RAB prior to the end of the year (given other things on the RAB calendar given Annual Plan submissions).

Response: BHA has been pursuing a RAD conversion for a few years now. Since 2021, HUD has introduced greater flexibility to combine RAD and a Section 18 blend, and we expect to take full advantage of that flexibility; such a blend would not involve a formal stand-alone Section 18 Disposition application, but rather it would be process by the RAD team at HUD who would coordinate any needed Section 18 approvals with their HUD colleagues. BHA will provide updates to the RAB on this project as part of its regular periodic updates about redevelopment activity.

Comment: S: Lenox (p. 72): It would be helpful to know what the strategy is for Lenox to get back to full PBV. At the time of the subsidy conversion in February 2021, BHA had to utilize a mix of PBV and HCVP options so that it could "turn on the tap" for Section 8 without having to wait for right-sizing of families who are currently in wrong-sized units (use of HCVP, plus the owner's agreement not to require the tenant to pay

any difference, allowed this to happen). It was anticipated, however, that over time the HCVP units would be replaced with PBV for the fiscal soundness of the site, but BHA was also in a situation, in 2021, where it could not be sure that the replacement vouchers were available. It would be helpful if BHA could address this in its response to comments.

Response: As you say, some original residents could not qualify for PBVs at the time of the conversion due to a mismatch between household size and apartment size (number of bedrooms), and instead they were accommodated through other means such as mobile Housing Choice Vouchers to ensure ongoing affordability. We expect that most if not all of those mismatches will be corrected over the course of completing the rehabilitation work. As they do, the right-sized apartment units may be added to the PBV Housing Assistance Payment contract. BHA would use its available Section 8 budget authority as opposed to Tenant Protection Vouchers. In that way, all 285 units at Lenox will ultimately be on the HAP contract. BHA can provide a more detailed update upon completion of the rehab work.

Comment: S: J.J. Carroll (pp. 72-73): Can BHA update with how far along construction is and what the likely time frame is for return of residents to the site (and beginning lease up of additional deeply affordable units)?

Response: Construction began in January 2022, and as of 11/30/2022, construction was just over 50% complete. We expect completion before the end of 2023. BHA's relocation team will begin outreach to returning residents by midyear.

Comment: S: Patricia White (p. 73): Does this need to remain on the list, since the conversion has now taken place (it's helpful to have the information here about what portion of the Section 8 is tenant-protection vouchers and what is project-based out of BHA's existing Section 8 resources)? As a reminder—steps should be taken at the site to revise the LTO bylaws to reflect the subsidy conversion.

Response: The entire property is Project Based Voucher section 8. The distinction about tenant protection vouchers only had to do with the fact that BHA was not eligible to receive TPVs for all 225 units; nevertheless, BHA was able to project-base the entire property using its existing Section 8 resources. BHA continues to pursue plans to renovate the property. While perhaps Patricia White may be removed from the Disposition section of the Annual Plan, it will be important to continue to report on progress at the site. BHA staff note the comment regarding revised LTO bylaws.

Comment: S: St. Botolph (pp. 73-74): Residents of this site have been waiting a LONG TIME for the rehabilitation and subsidy conversion. Can BHA provide more details on the 2023 start date? BHA may to draw on the internal transfer protocols that were used at Amory Street for the likely shifts within the property (both here and at other elderly/disabled sites with a subsidy conversion, such as Bunte, Patricia White, and Ausonia), and LTO bylaws should be revised to reflect the subsidy conversion.

Response: BHA originally put the rehab work out to bid in 2021, at which time the bids received far exceeded BHA's budget. In 2022 the renovation project was rebid. We are currently working to secure construction loan financing. Our target for construction start is no later than April 1, 2023; but the exact date will depend on successfully closing on construction financing in the first quarter of the year. We expect minimal (if any) need for offsite transfers, but will work with residents on an individual basis. Thank you for the comment about the LTO bylaws.

Comment: S: Doris Bunte Apartments (formerly Walnut Park) (p. 74): See note above on St. Botolph and internal transfers, as well as the need to revise LTO bylaws if there is a recognized tenant organization.

Response: Similar to St. Botolph, we expect minimal or no need for offsite transfers. There is no recognized LTO at the site currently.

Comment: S: Ausonia (pp. 74-75): This summary is confusing. It shows that there was an approval in 2022, and presumably it was for a PBV/RAD blend, but it also refers to a Section 18 conversion that is also being pursued. BHA should clear this up as to what was approved, whether it is still planning on pursuing a separate application, and what the likely start date is in 2023. As with several other sites, there should be use of internal relocation protocols that worked well elsewhere (such as at Amory Street) and revision of LTO bylaws (to reflect the subsidy conversion).

Response: The confusion stems from the fact that BHA was pursuing both a RAD conversion and a Section 18 disposition as two parallel paths. In the event that the Section 18 disposition were not approved, then BHA would fall back on the RAD approval. In fact the Section 18 disposition received HUD approval in September 2022.

Comment: S: Torre Unidad (p. 75): This was included as a "placeholder" in the FY 2022 PHA Plan. When is BHA planning on bringing a draft demo/dispo application to the RAB? Does BHA have any idea what this will look like—an 80/20 PBV/RAD blend, a Section 18 conversion, or something else?

Response: BHA is still exploring options at Torre Unidad. One constraint is that Torre is a site where BHA invested resources through the 2010 Energy Performance Contract. An EPC does not mean that a demo/dispo application is impossible (indeed several successful demo/dispo applications have been at sites that were originally part of an EPC) but it does mean that we need to closely examine options. In the meantime, BHA's Capital Construction Department is advancing plans to address physical needs at Torre through BHA's CFP funding.

Comment: S: Mission Main (pp. 75-76): As noted elsewhere in comments, this would be the BHA's first switch of a traditional HOPE VI redevelopment from the 1990's into a 60%RAD/40% Section 8 PBV blend. If the closing does not occur by the end of 2022, I'd ask that BHA report back on the projected date.

Response: The closing at Mission Main happened in the last week of December 2022.

Comment: S: Adams Orchard Parcel 2D (p. 76): This was included in Amendment 1 to the FY 2022 PHA plan, and would involve the disposition of a vacant parcel for non-housing use. BHA should report back to the RAB any information on HUD approval.

Response: Approval has just been received and the RAB will be updated.

Comment: S: Orchard Gardens (pp. 76-77): As asked elsewhere, should this also include Orchard Commons? The approach here would be similar to Mission Main—converting a HOPE VI development into a RAD/Section 8 PBV blend. I understand that BHA will need more information about the scope of work needed to know what blend is proposed. I don't know if the Capital Needs Assessments (CNAs) that are mostly complete (and are expected to be final by end of 2022) include this site, or if due to its HOPE VI status, a separate assessment is required and what the time frame is for completion and likely submission of a plan to the RAB.

Response: Orchard Gardens and Orchard Commons are owned and operated by separate organizations. To date it has only been Orchard Gardens that has expressed an interest in a RAD/Section 18 refinancing, but as you suggest Orchard Commons may also be a good candidate in the coming years. Neither site was included in the CNA commissioned by the BHA, as BHA does not directly manage capital planning at HOPE VI sites.

Comment: S: I also understand that the Supplement that was sent out on October 31, 2022 is missing a site, and that BHA is updating the submission to include the General Warren elderly/disabled site in Charlestown. Here, too, it would be helpful to have information about when the capital needs assessment will be available and, based on that, what particular type of rehabilitation is planned, as well as the likely time frame for submission to the RAB.

Response: Yes, that's right. In the weeks since the first draft of the Annual Plan was released, the residents of General Warren have met with BHA staff and indicated an interest in exploring opportunities to partner with a third-party developer as other sites have done in past years. BHA intends to issue a Request for Proposals in 2023 to procure a developer partner. The results of BHA's capital needs assessment will certainly inform the options, but it is too early to predict which (if any) disposition options will be the best fit of the site and its residents.

Comment: S: Section B.2.25 Other Capital Grant Programs: BHA has not proposed any change here, but may want to update this, since there refers to things that were expected to occur at Old Colony by the end of 2021; moreover, it may want to replace the term "Replacement Housing Factor (RHF) funds" with "Demolition & Disposition Transition Funding (DDTF) funds" to reflect current HUD usage.

Response: There was no change because the RHF funds were expended in past years, although there may be some ongoing HUD reporting in connection with those grants. Upon confirmation that all reporting has been completed, BHA will remove references to RHF in future Annual Plans.

Comment: 5Y: Subgoal: In all redevelopment transactions, provide for BHA's financial stability in order to preserve public housing character and associated tenant protections into the future.

This is a good summary of the ISHI collaboration between BHA, GBLS, and CLVU. There are still pieces that need to be worked on Authority-wide. For example, the mention of House Rules here is NOT an endorsement of having House Rules (it is preferable to have things either in the lease or in a resident handbook), but a recognition that changes should not be imposed unilaterally and there needs to be a robust dialogue, and in the best-case scenario, a tri-party arrangement between the BHA, developer partners, and residents about how change will be handled at the site. We are hopeful that BHA can move from the initial collaborations over the Mixed Finance Tenant Participation MOA and Grievance Procedure and the Letter of Assurance to include similar templates on Mixed Finance Management protocols (or model Management Plans, including tenant selection plans consistent with BHA/City best practices) that carry over important, resident-friendly elements of BHA's public housing practices.

Response: Thanks for the comment. The BHA is working to improve its capacity in this regard and use the documents we have now as templates for new redevelopments in the future. BHA certainly intends to further the work of the ISHI collaborative, and we welcome the opportunity to advance our work with GBLS, CLVU, and Local Tenant Organizations.

Comment: 5Y: Subgoal: Add new deeply affordable units where possible during redevelopment.

This is very exciting and a positive development with "net-new" housing. It used to be part of the trade-off in public housing development that you had to "give up" part of the supply in order to get funding (such as in HOPE VI) --no more. It's important to distinguish between what may be "affordable" and what is "deeply affordable" (such as in the Holtzer Park description). Both are needed in the City, but it is only the "deeply affordable" units where tenants' rents are capped at 30% of income that would be comparable to public housing standards. BHA should continue to push for as many deeply affordable units as possible, and particularly to expand those options in portions of the city with little deeply affordable housing. It would be helpful for BHA to include, in its response to comments, how it intends to work with the City of Boston on utilizing Faircloth authority to create "net-new" housing, and any anticipated new development in the coming year.

Response: Thank you. BHA has been working with staff from the City to utilize Faircloth authority, and we aim to advance those initiatives in 2023.

Comment: 5Y: Subgoal: Institutionalize resident protections and participation in all redevelopment projects; advance internal BHA systems to ensure long-term compliance by new owners.

See comment above, regarding ISHI. There is still work to be done on what are sometimes called Mixed Finance Management Protocols and sometimes called Management Plan issues, to try to standardize what is reviewed and approved by BHA in consultation with residents on new owner policies and practices in the area of tenant selection (including transfer policy), lease terms, and continued occupancy policy. This may include things like preserving BHA's approach to out-of-court resolution of evictions where possible, meshing how owners and BHA will handle right-sizing and other transfer issues, and consistency in how all residents are treated (particularly if a multi-phase redevelopment site has multiple owners, or where there is a mix of market and deeply affordable tenants). It would be good for BHA to develop a set of protocols which sets expectations Authority-wide, while having sufficient flexibility for site-by-site departures as may be necessitated by funding sources or regulatory requirements.

Response: Thank you for the comment. This is an area of great importance to the BHA and we will continue to expand our work. BHA agrees that there is still work to be done to build off the valuable work completed through the ISHI collaborative.

Boston Housing Authority
The Four Factor Analysis for the Limited English Proficiency Policy
(October 2022)

A. Mission Statement

The goal of the Boston Housing Authority is:

- to provide stable, quality, and affordable housing and rental subsidies for low and moderate income persons;
- to deliver these services with integrity and mutual accountability;
- and to create healthy living environments which serve as catalysts for the transformation from dependency to economic self-sufficiency.

B. Background

The Boston Housing Authority is the largest landlord in Boston and the largest public housing authority in New England. As such, the BHA houses approximately 9 percent of the city's residents through its programs.

In addition to providing conventional public housing, the Boston Housing Authority also provides affordable housing through the administration of several rental assistance programs. These programs include the federal Section 8 Voucher Program, and the state funded Massachusetts Rental Voucher Program, which is overseen by the Department of Housing and Community Development.

The BHA's state and federal portfolio and rental assistance programs make it one of the top ten largest housing authorities in the nation.

C. Four Factor Analysis**1. Number or proportion of Limited English Proficient (LEP) persons served or encountered in the eligible service population.****A. Eligible Service Population**

BHA administers two main housing programs for low and extremely low-income households funded by both the state and federal government: public housing and rental assistance. BHA administers its public housing portfolio within the City of Boston. BHA administers its rental assistance programs within the state of Massachusetts. Applicants to these programs are primarily from the state of Massachusetts, although BHA occasionally receives applications from households out of state.

BHA determined that the service populations for its programs are low and extremely low-income households in the state of Massachusetts. However, due to the large concentration of service provided by BHA in Boston, BHA compared data on LEP persons from all Massachusetts households to data from all Boston households in order to determine if the language needs of these households are different. In addition, BHA reviewed the languages spoken by residents of its public housing by development to determine if the language needs of LEP persons at individual developments are different from the city or state as a whole.

B. BHA Determination of Interpretation/Translation needs of service population

Based upon an analysis of the US Census 2020 American Community Survey data, BHA data on applicants, residents and participants, and the requests for interpreters and written translations, BHA has determined the following:

1. Vital Documents will be translated into Spanish and Chinese; and

Most frequent oral interpretation needs of LEP persons in service area include Spanish, Chinese (Cantonese, Mandarin, and Toisanese), Haitian Creole, Portuguese, Vietnamese French, Arabic, other Indo-European languages (Albanian, Lithuanian, Pashto (Pushto), Romanian, Swedish, Amharic, and Somali.

2. Frequency with which LEP persons come into contact with the program.

The below listed BHA departments offer direct services to public housing residents, Section 8 voucher holders and applicants. These direct service departments underwent training on the LEP Policy in 2021: Admissions, Leased Housing, and Operations. All trainings were provided remotely, and we are currently working on updating the most frequently used documents for each department. All direct service departments are familiar with the use of the Language Identification Card, the Language Advisory, the Interpreter Request Form, and the Translation Request Form. They are also familiar with the process of requesting interpreters and written translations online, as well as the availability of BHA's Multilingual Line for phone interpretation. In addition, the department of Work Orders have become familiar with the use of the Language Line Services for assistance after hours, weekends, and holidays. Admissions and Leased Housing continue their post COVID procedures in which most of their appointments are done over the phone or via mail. In addition to the description of individual departments, *Figure 1. FY2022 Interpreter Request by Language*, *Figure 2. FY2022 Interpreter Request by Department*, and *Figure 4. FY2022 BHA Multilingual Line Calls by Department* also illustrate the extent to which LEP persons come into contact with these departments:

- Admissions Department
- Department of Grievances and Appeals (DGA)
- Leased Housing Division
- Legal Department
- Operations Department and Development Management Offices
- Planning and Real Estate Department
- Resident Engagement
- Work Order Call Center
- Tenant Accounting
- Public Safety

3. Nature and importance of the program, activity, or service provided by the program.

BHA has focused, and will continue to focus its efforts on providing language services in the areas of eligibility for public housing and section 8, continued assistance such as recerfication, transfers, and exercise of mobility, and termination of benefits, as these aspects of BHA's operations are most likely to have the greatest impact on LEP persons. As stated previously, as result of the COVID-19 pandemic, BHA continue their business remotely over the phone and through virtual communication portals. However, the Housing Service Center has reopened since summer 2021, management offices have reopened as well, and in-person resident meetings and events are taking place (in addition to Zoom). BHA is proud to continue responding in a great manner to the needs to our clients who speak limited English either orally (screenings, interviews, recertifications, administrative hearings, resident meetings) or in writing (Notices from the Administrator, notices from management offices, changes in the housing programs, etc.)

A. Provision of Interpreter Services (Oral Language Services)

1. BHA provides, and will continue to provide interpretation services through bilingual employees, interns, volunteers through the BHA Volunteer Interpreters Program, and contract vendors. From October 1, 2021 to September 30, 2022, BHA has filled **923 documented requests for interpreters in 22 languages** -- Albanian, Amharic, Arabic, Bengali, Burmese, Cape Verdean, Chinese (Cantonese, Mandarin, and Toisanese), Edo, Farsi, French, Greek, Haitian Creole, Hindi, Mandinka, Nepali, Polish, Portuguese, Russian, Somali, Spanish, Swahili, and Vietnamese. *See Figure 1.* About 53.4% of the requests were to provide Spanish language interpreters, and 20.2% requests were for Chinese speaking interpreters.

The Language Access Division continues to provide assistance over the phone, in person, and over Zoom. Our Wellness Connect sessions with Chinese speaking elderly residents have been able to continue thanks to a grant awarded by City Hall's Age Strong. Moreover, we have continued our Language Access Division has been able to continue providing services to self-sufficiency programs such as informational sessions for Amp-Up, Job Fair, and computer skills classes with Tech Goes Home.

Figure 1: FY2022 Interpreter Requests by Language (923 requests)

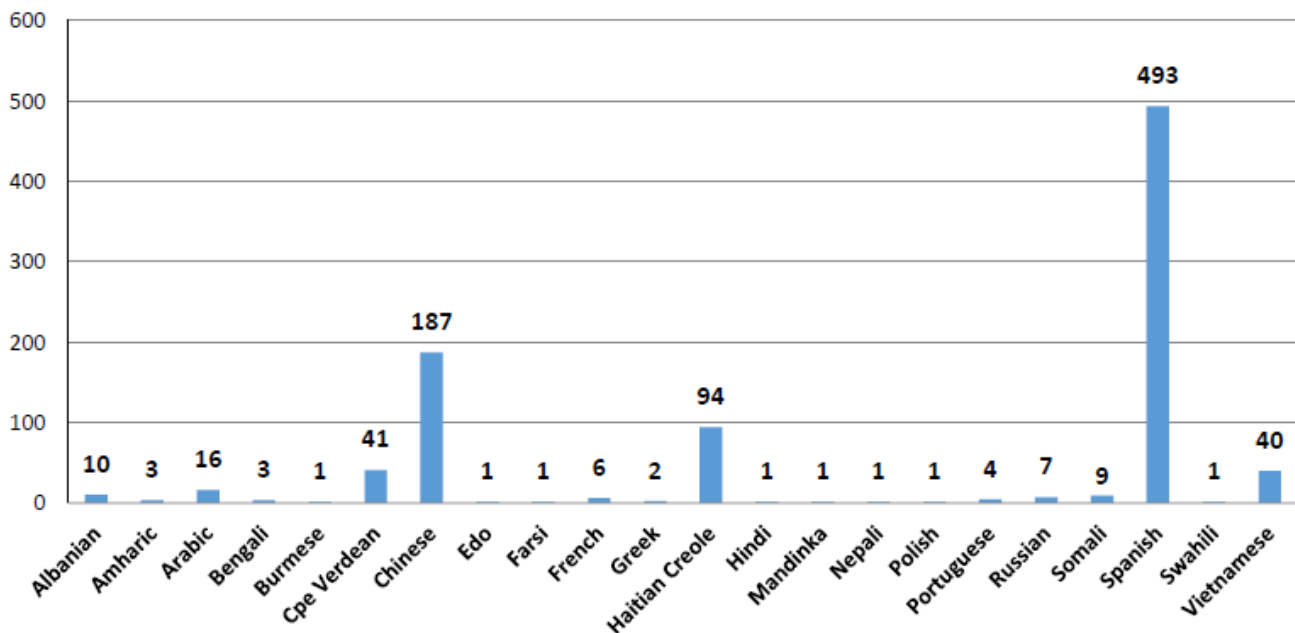


Figure 2: FY2022 Interpreter Services by Department (923 requests)*

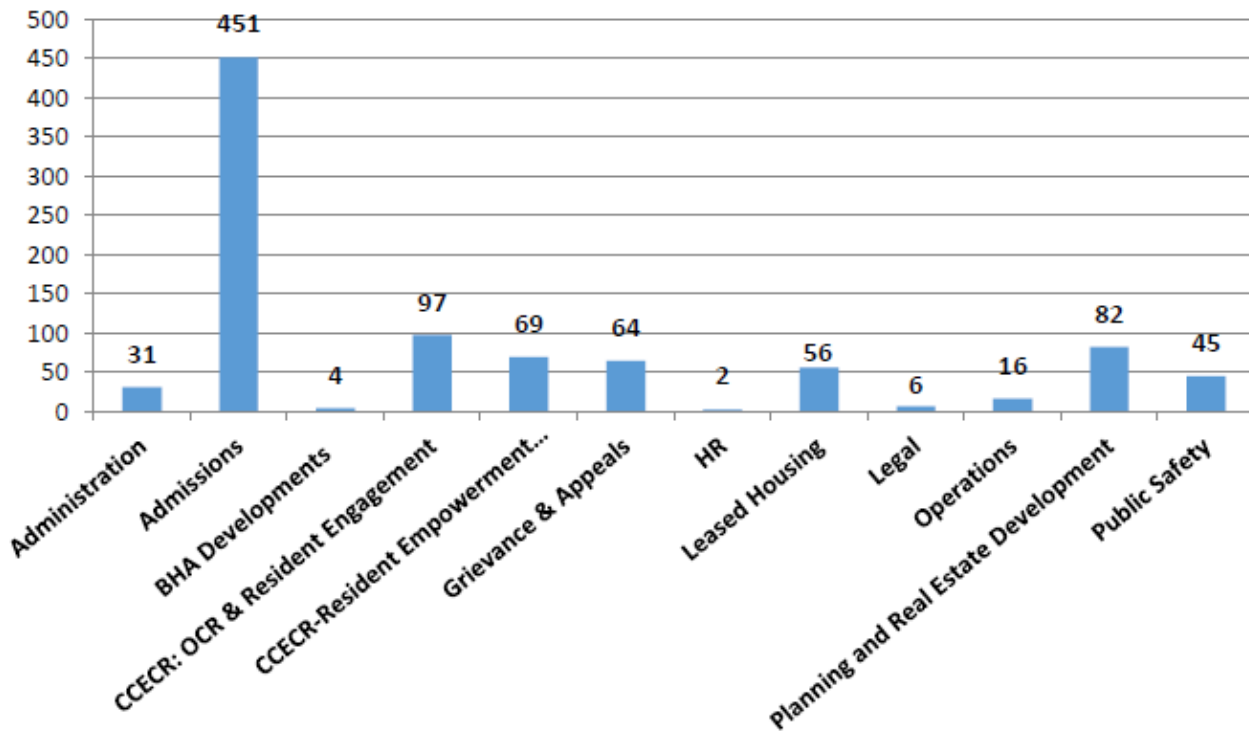
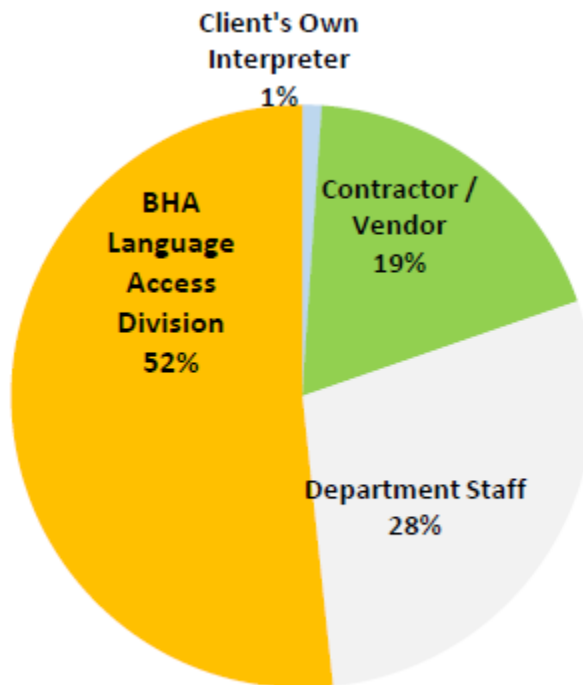


Figure 3: FY2022 Interpreter Requests by Provider



* Interpretation Service by Multilingual Line not included

BHA provided interpretation services for a wide range of activities in the past year, including but not limited to the following:

- Eligibility Interviews
- Administrative Hearings
- Annual and Interim Recertifications
- Private Conferences
- Fraud Investigations
- Wellness Connect Program in 6 elderly/disabled developments (59 sessions in Cantonese, Mandarin, and Toisanese: 34 virtual and 25 in person)
- Redevelopment meetings
- Local Tenants Organization meetings, and trainings.
- Residents-Management Meetings
- Citywide Public Hearings, and Civil Rights Intakes.
- Wellness check calls due to COVID-19
- Vaccination clinics
- Job Fairs
- Basic computer skills classes

Other BHA language provisions also include:

- On all documents, BHA includes a Language Advisory in 11 languages that an oral interpretation of the documents is available, with contact information for requesting an interpretation.
- Language Identification Sign and “Interpreter Service Available” posters are posted at all areas of contact with clients who speak a Language other than English at our main building and management offices.
- The Language Identification Sign has been updated to include Afaan Oromo Language.
- BHA Language Access staff continues to create multilingual flyers and signage for Management Offices that facilitate communication with residents who speak a Language other than English.
- Materials have been updated with the new BHA logo.



English: Point to your language and an interpreter will be provided to you at no cost.

<p>Akan Oromo Afaan Ise agartuu bi'inaan turjamaanii akka sirfidiyaatauf</p> <p>Akanian Shanon gubhon tuijda do tja shet se dispeidan nte pakiidyes laas.</p> <p>Arabic نقطتك لسانك في اللغة التي تحتاجها وسوف نحصل على مترجم مجاني.</p> <p>Arabic حدد لغتك وسوف نحصل على مترجم مجاني.</p> <p>Armenian Լսեք Ձեր լեզուն և Ձեր անմիջապես քարոզչությունը կարգավորվի:</p> <p>Bosnian Polezite na svoj jezik i besplatno prevediće će biti omogućen.</p> <p>Cambodian ចុចលើភាសាដែលអ្នកនិយាយ ដើម្បីទទួលបានសេវាបកប្រែឥតគិតថ្លៃ</p> <p>Cape Verdean Ponta pa bu lingua i bu ta cidade un intérprete di graúta.</p> <p>Chinese 請選擇你母語的語言，我們將為你安排一名免費口譯人員</p> <p>Chinese 普通话(Mandarin) 廣東話(Cantonese)</p> <p>Chinese 指著你母語的語言，我們將為你安排一名免費口譯人員</p> <p>Chinese 你分派一名免費口譯人員</p> <p>Farsi لطفاً به زبان مورد نظر خود اشاره کنید و یک مترجم همراه ماون هرزته در اختیار شما قرار خواهد گرفت</p>	<p>French Pointez sur votre langue, un interprète vous aidera gratuitement.</p> <p>German Bitte wählen Sie Ihre Sprache. Die Übersetzung in diesen Fällen gewährt die Sprache erfolgt durch einen Übersetzer und ist kostenlos.</p> <p>Greek-Creole Montre lang ou pe a epi yo oral baw yon entèprèt san w pap bezwen peye sen lòb.</p> <p>Hindi इसतर कर के अपनी भाषा बताएँ, आपको दुबईफे की मुफ्त सेवाएँ प्राप्त की जाएगी</p> <p>Indic Indicite la lingua prescelta ed un'interprete verrà fornito gratuitamente.</p> <p>Korean 귀하의 언어를 가리키세요. 그러면 해당 언어 통역사가 귀하에게 무료로 제공됩니다.</p> <p>Leo Հիմա արագորոշում ևսե արևարադա ԿՆԻՅՈՒՄԱՆԱԿԱՆԻԿԱՆՈՒՄԻ ԵՐԱՐԱՆ:</p> <p>Nien Ruyz dangeh meih gongye nye waac liuz yamhuo baag-baag nyai loz laan waac mienh bun moih.</p> <p>Polish Wskaż, jakim językiem posługasz się w rozmowie. Ci pomożemy tłumaczyć.</p> <p>Portuguese Aponte na sua idioma, e providencia-remos-lhe um(a) intérprete sem custo algum.</p>	<p>Punjabi ਸਪਸ਼ਟੀ ਭਾਸ਼ਾ ਦਸ਼ ਡਿਕਾਰ ਕਰੋ, ਤੁਹਾਡੇ ਲਈ ਮੁਫਤ ਦੁਬਈਫੇ ਦਾ ਸੇਵਾ ਕੀਤਾ ਜਾਵੇਗਾ।</p> <p>Russian Укажите на название своего языка, и вам бесплатно будет предоставлен переводчик.</p> <p>Somali Luugadada a farita ku fiic, waxaa laqaynu kuu qaybiyaynaa laag la aan ah.</p> <p>Somali Safale ku idhiima /racbiha los sevidos de un intérprete sin costo alguno para usted.</p> <p>Sinhalese Tafadhil guuz laghu yako na mikalmi atakusadla bho gharana</p> <p>Tagalog Ituro lang ang inyong wika at in a gharana ng kopya ng taga-salin nang walang bayad.</p> <p>Thai ชี้ภาษาที่คุณต้องการ และเราจะจัดหาผู้แปลภาษาให้ท่านฟรี</p> <p>Tigrinya የድምፅኩን ቋንቋ ከዚህ ቀጥሎ ከዚህ ስርዓት ለማግኘት ነፃ ነው።</p> <p>Urdu اشارہ کریں اور آپ کو کوئی ترجمان مفت جو زبان آپ بولتے ہیں اس کی طرف فراہم کیا جائے گا</p> <p>Vietnamese Chỉ vào bất kỳ ngôn ngữ của bạn và sẽ một thông dịch viên sẽ giúp bạn miễn phí.</p>
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B. Interpretation Service by Phone

BHA provides phone prompts in Spanish and Chinese, and other languages for current and prospective applicants, voucher holders, and public housing residents who wish to contact BHA through its main number 617-988-4000. BHA has also designated 617-988-4001 as the **Multilingual Line** with Language Access staff and volunteers interpreting over the phone with prompts in seven (7) languages -- Spanish, Chinese (Mandarin, Cantonese, and Toisanese), Haitian Creole, Cape Verdean, Vietnamese, Somali, and Arabic.

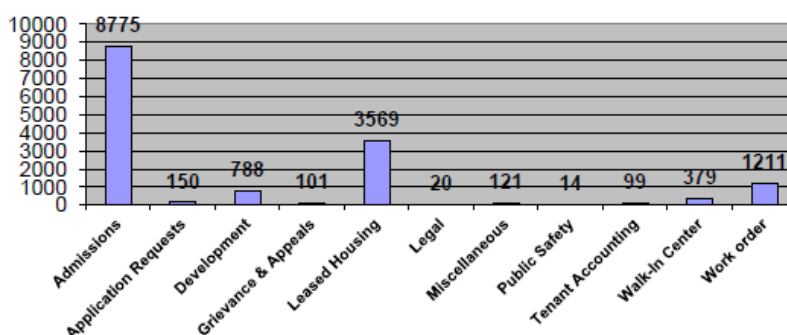
This past year the Multilingual Line assisted with calls in 16 languages. The majority of the calls were for Spanish (89.14%) and Chinese (6.10%) speaking clients. Other languages that were interpreted by phone were Albanian, Amharic, Arabic, Cape Verdean, French, Haitian Creole, Polish, Portuguese, Russian, Serbian, Somali, Thai, Tigrinya, and Vietnamese. The Multilingual Line assisted with **15,227 calls** from October 1, 2021 to September 30, 2022.

As a result of our services going mostly remotely, there has been a continuous increase on call numbers (12,546 more calls than from our FY2021 report). In addition to assistance needed in the departments stated in Figure 4, calls have also included wellness check-ins for residents, Civil Rights intakes, updates for redevelopments, and information about other PHAs (Counted under *Miscellaneous*). All scheduled appointments conducted over the phone have been counted with the Interpretation Requests.

Annual Summary	Total Calls	%
Spanish	13574	89.14%
Chinese *	929	6.10%
Other	724	4.75%
Albanian	3	0.02%
Amharic	6	0.04%
Arabic	57	0.37%
Cape Verdean	86	0.56%
French	5	0.03%
Haitian Creole	350	2.30%
Polish	1	0.01%
Portuguese	43	0.28%
Russian	5	0.03%
Serbian	1	0.01%
Somali	12	0.08%
Thai	2	0.01%
Tigrinya	1	0.01%
Vietnamese	152	1.00%

*The "Chinese" language category includes Cantonese (622), Mandarin (307) and Toisanese (2).

Figure 4: FY2022: BHA Multilingual Line Calls by Department



From October 1, 2021 to September 30, 2022, BHA utilized the commercial AT & T Language Line in 18 occasions to provide coverage in 5 languages: Cape Verdean, Chinese-Cantonese, Haitian Creole, Portuguese, and Spanish

C. Translation of Written Materials

Based on the HUD Guidance, "Vital Documents" are documents that solicit or contain information for establishing or maintaining eligibility to participate in BHA's programs or services, or documents that create or define legally enforceable rights or responsibilities. BHA's Vital Documents have been, or will be translated into Spanish and Chinese on an ongoing basis as allowed by available appropriated funds. BHA's Vital Documents include, but are not limited to:

- Applications to receive services, benefits or participate in programs or activities
- Annual Reviews/Income Re-certifications
- Notices of public hearings
- 48 Hours Notices for management office
- Notices containing information regarding eligibility or participation criteria
- Notices advising of free language assistance
- Public Housing Leases
- Generic 14 and 30-day Notices to Quit
- Citywide LTO training materials and outreach
- Document templates for LTO election and bylaws
- Generic notices of rights, denial, loss, or reduction of benefits or services
- Hearing notices
- Discrimination complaints

- Resident Grievance Procedure
- Transfer Guide
- Policy updates (Civil Rights Brochure, Notice of Occupancy Rights under the Violence Against Women Act, Smoke Free Policy)
- Redevelopment updates to residents

Between October 1, 2021 to September 30, 2022, BHA translated over 407 Vital Documents (additionally 65 documents have been updated) from English to Spanish and/or Chinese, and additional languages such as Arabic, Cape Verdean, French, Haitian Creole, Polish, Portuguese, Russian, Somali, and Vietnamese. Cumulatively, over 4226 pages of English documents have been translated into multiple languages since the inception of the Language Access Program in 2010.

Figure 5. Translation Requests (# of Pages) by Department FY2022/Cumulative Since 2010			
Department Name	FY2022	Cumulative since 2010	
Administration Department	50	425	10.06%
BHA Developments	26	243	5.75
Capital Construction	2	10	0.24%
CCECR	160	1293	30.6%
Communications Department	37	134	3.17%
Grievance & Appeals	0	41	0.97%
Leased Housing	27	233	5.51%
Legal Department	0	213	5.04%
Admissions	5	748	17.70%
Operations	22	275	6.51%
Public Safety	0	2	0.05%
Purchasing Department	0	2	0.05%
Planning & Real Estate Development	78	596	14.10%
Risk Management	0	11	0.26%
Total	407	4226	100.00%

4. Resources available to the recipient and costs to the recipient.

BHA currently provides, and will continue to provide without charge the following language services to its residents, Section 8 participants and applicants:

- Bilingual employees, interns, vendors, and volunteers provide interpretation and translation services for applicants, residents and Section 8 participants.
- Interpretation services are provided when requested for section 8 voucher briefings, eligibility interviews, rental appointments, termination of tenancy or rental assistance hearings, applicant appeals of ineligibility determinations, resident meetings, etc.

- Interpretation services are provided for BHA's public hearings in Spanish and Cantonese. Additional languages are provided when requested.
- Interpretation services are provided at residents meetings when requested by management office.
- Through its Multilingual Line, BHA provides quick interpretation over the phone. BHA also utilizes the commercial Language Line to provide backup and emergency language coverage for BHA programs and for Section 8 voucher holders.
- BHA provides public housing leases in Spanish, Chinese, Haitian Creole, Russian, and Vietnamese.
- Language Access Division provides interpretation and translation to Resident Empowerment Coalition events and Self-Sufficiency initiatives (Virtually and in person)
- Language Access Division utilizes bilingual staff, interns, and vendors to assist residents, applicants and Section 8 participants in the filing and investigation of Civil Rights complaints.
- Admissions Department tracks languages spoken and read by applicants to all BHA programs and language services provided.
- Operations Department tracks languages spoken and read by residents in BHA's public housing developments.
- Leased Housing tracks language spoken and read by households which it serves.

Accomplishments and Summary

The Language Access continues to provide services to our clients. We have been able to adapt to BHA's *new normal* day-to-day business, over the phone and now in person at the Service Center and in the field while continuing language access virtually via Zoom for some resident meetings. We have also provided interpretation at a career fair hosted virtually in the fall; with the information and materials distributed in Spanish and Chinese. Moreover, we continue to translate notices from management offices to residents in as many languages as needed. We also started basic computer skills classes in partnership with Tech Goes Home and classes has been done in English and Spanish. While we expand our TGH classes, they will be provided in additional languages. As many of our sites have resumed Unity Days in the summer, we have used these events to distribute information from programs offered by BHA and resources from local organizations in various languages as well.

Our Volunteer Interpreters Program has been vital in providing interpretation and translation services alongside our increased number of calls. In addition, our department assisted in scheduling volunteers to assist distributing over 400,000 meals at various BHA sites. We have fully resumed our Wellness Connect sessions in person with our elderly Chinese-speaking residents. City Hall has provided BHA with a grant which has allowed us to provide activities for socialization and incentives for participation. Finally, BHA continues our participation in the Municipal Network of Language Access, a group in which many other cities from the US exchange ideas and resources to improve Language Access services.



FY2022 BHA Volunteer Contribution Highlights					
Number of Active Volunteers	Training Sessions Conducted	Language Capacity	Interpretation/ Translation Accomplished	Volunteer Hours in past 12 months	Cost Savings to BHA (Average vendor rate \$60/hr.)
363	7	34	803 assignments	655 hours	\$39,000+

BHA Departmental Descriptions

Department of Grievances and Appeals (DGA)

Conducts hearings of public housing residents with disputes with the BHA frequently involving delinquency in the payment of rent, breach and chronic breach of resident lease, rules and regulations, non-verifiable income, assignment or transfer of possession, and misrepresentation; conducts hearings for Section 8 residents charged with violations of a family obligation or of fraud against the program; and, conducts remaining family member grievance hearing; and conducts hearings on applicants challenges to a determination of withdrawal or ineligibility for public housing or Section 8.

Admissions Department

Distributes and accepts public housing and Section 8 applications; assesses and processes transfer and residual tenancy requests; provides information to the public regarding programs; responds to status inquiries; conducts eligibility interviews; and determines eligibility for housing programs.

Leased Housing Division

Provides customer service for all Section 8 tenants and landlords. Issues vouchers; conducts rental briefings; reviews rental packages; completes interim and annual income and family composition re-certifications and assesses and processes residual tenancy requests. Inspects apartments for compliance with federal housing quality standards and conducts landlord outreach activities.

Operations Department and Work Order Call Center and Development Manager Offices

Process rentals, move-outs, and interim and annual income and family composition reviews; process request for transfers or to add household members; respond to resident requests for information and assistance; meet with residents regarding tenancy matters; initiate referrals for social services or for legal proceedings where appropriate; participate in tenant meetings. The Work Order Call Center processes emergency services requests and schedules routine repairs for public housing residents.

Center for Community Engagement and Civil Rights (CCECR)

Engages public residents and Section 8 tenants in programs and services, and builds capacity of local tenant organizations by providing training and technical assistance; combines resident empowerment, language access, community services, and resident health initiatives (Boston REACH: Partners in Health and Housing; Wellness Connect) into one function, and partners with providers to connect residents to social, educational, vocational, and health services. It houses the **Office of Civil Rights (OCR)** which consists of the Fair Housing Unit and the Employment and Contract Compliance Unit. The units work together to promote diversity and ensure equal access to all BHA programs for applicants, residents and staff.

Planning and Real Estate Development

Leads BHA's sustainability efforts, develops outside resources and partnerships, and advances strategic plans for the BHA portfolio; oversees ongoing capital improvements to BHA's portfolio of 12,000 public housing units, and oversees the transformation of Boston's most severely distressed public housing into thriving new communities through a process called Redevelopment. Each redevelopment process involves a significant amount of resident engagement, and language access is actively involved to facilitate communication during resident and community meetings. As redevelopments complete and private partners assume ownership and management, private partners take on the responsibility of providing language access resources. BHA staff will work with the private partners to ensure that there is no reduction in language access for limited English proficient households after the conversion.

Communications Department

As BHA's media and public relations arm, the Communication Department is responsible for developing, coordinating and disseminating information about BHA and its work to internal and external audiences including residents, employees, and the general public. CD responds to media inquiries and circulates press releases announcing newsworthy events; produces newsletters, and publications such as annual reports and brochures. In addition, CD oversees BHA website which includes multilingual features as well as links to social media and online blogs.

Legal Department

The Legal Department provides legal representation of the Boston Housing Authority in all aspects of BHA's operations, including litigation, contracts, development, procurement and regulatory compliance matters. Principal interaction with residents and Section 8 tenants occurs at grievance hearings in the BHA's DGA; at the Boston Housing Court in eviction and lease-related proceedings and for judicial review of Section 8 termination decisions; with applicants and participants at the Boston Housing Court on matters involving administrative action; with applicants, residents, and Section 8 tenants at the Massachusetts Commission Against Discrimination; and with tenants regarding the DHCD tenant selection appeals.

Public Safety Department

Working closely with BHA management staff, residents, community organizations and other law enforcement agencies, the Department provides public safety services throughout BHA developments that include protection of life and property; resolution of conflict; reduction of opportunities for the commission of crime; identification, apprehension, and prosecution of offenders; and preservation of the peace. It consists of two divisions. The BHA Police Division meets with residents and agency staff regarding issues of concern, and serves as an enhancement to the policing services provided by the Boston Police Department, which continues to provide emergency services to BHA residents. The Senior Safety Division provides security coverage at the BHA elderly/disabled developments, the administrative offices and at the John J. Murphy Housing Service Center in downtown Boston.

Applicants

Waiting List	Year	Total	WH%	WNH%	BH%	BNH%	AIH%	AINH%	AH%	ANH%	DIS%
Alice Heywood Taylor	21-Sep	19,773	27.66%	12.26%	9.39%	42.70%	0.35%	0.58%	0.39%	5.47%	20.72%
Alice Heywood Taylor	22-Sep	13,958	23.90%	15.60%	11.53%	41.47%	0.47%	0.74%	0.53%	5.14%	23.21%
		-29.41%	-13.59%	27.28%	22.76%	-2.89%	33.05%	27.23%	35.94%	-6.09%	12.03%
Annapolis Street	21-Sep	3,884	18.90%	23.46%	6.75%	40.65%	0.39%	0.85%	0.31%	7.65%	68.90%
Annapolis Street	22-Sep	3,410	15.07%	27.92%	6.83%	39.79%	0.44%	1.06%	0.44%	8.06%	68.80%
		-12.20%	-13.59%	19.00%	1.23%	-2.10%	12.79%	24.20%	41.90%	5.42%	-0.15%
Anne M. Lynch Homes at Old Col	21-Sep	21,321	25.14%	18.02%	8.14%	34.24%	0.33%	0.53%	0.36%	12.21%	21.64%
Anne M. Lynch Homes at Old Col	22-Sep	14,163	21.98%	19.90%	10.65%	35.65%	0.44%	0.60%	0.48%	9.71%	23.44%
		-33.57%	-13.59%	10.42%	30.89%	4.12%	32.65%	13.24%	33.37%	-20.49%	8.32%
Ashmont Street	21-Sep	5,141	16.44%	21.71%	6.30%	46.28%	0.29%	0.80%	0.27%	6.83%	68.74%
Ashmont Street	22-Sep	4,235	13.88%	25.08%	6.45%	45.22%	0.31%	0.97%	0.38%	7.30%	68.12%
		-17.62%	-13.59%	15.51%	2.32%	-2.29%	5.85%	21.02%	39.93%	6.83%	-0.90%
Ausonia Homes	21-Sep	5,461	16.92%	36.75%	5.24%	30.23%	0.26%	0.68%	0.37%	8.70%	70.63%
Ausonia Homes	22-Sep	4,416	14.95%	36.12%	5.59%	32.68%	0.32%	0.75%	0.50%	8.67%	68.34%
		-19.14%	-13.59%	-1.72%	6.74%	8.09%	21.93%	9.89%	34.65%	-0.31%	-3.24%
Bellflower Street	21-Sep	5,069	18.11%	25.17%	6.43%	40.32%	0.34%	0.89%	0.24%	7.40%	67.35%
Bellflower Street	22-Sep	4,211	15.27%	28.54%	6.53%	39.82%	0.36%	0.90%	0.36%	7.81%	67.68%
		-16.93%	-13.59%	13.41%	1.56%	-1.23%	4.77%	1.39%	48.42%	5.58%	0.49%
Cathedral/Ruth Barkley Apts.	21-Sep	21,429	25.33%	15.92%	8.32%	35.84%	0.32%	0.54%	0.43%	12.25%	22.59%
Cathedral/Ruth Barkley Apts.	22-Sep	14,586	22.56%	18.13%	10.54%	36.49%	0.44%	0.67%	0.53%	10.05%	24.41%
		-31.93%	-13.59%	13.91%	26.65%	1.81%	37.12%	24.42%	24.36%	-17.95%	8.04%
Charlestown	21-Sep	18,639	24.05%	18.87%	8.02%	34.87%	0.33%	0.55%	0.41%	11.81%	21.70%
Charlestown	22-Sep	13,210	21.32%	21.28%	9.99%	35.92%	0.40%	0.65%	0.52%	9.29%	24.33%
		-29.13%	-13.59%	12.77%	24.59%	3.01%	21.58%	18.37%	27.40%	-21.35%	12.12%
Codman Apartments	21-Sep	5,134	18.27%	20.84%	6.68%	46.07%	0.25%	0.99%	0.25%	5.67%	68.41%
Codman Apartments	22-Sep	4,251	15.34%	24.91%	6.45%	44.91%	0.28%	1.08%	0.35%	6.30%	67.84%
		-17.20%	-13.59%	19.54%	-3.51%	-2.52%	12.91%	9.30%	41.14%	11.19%	-0.83%
Commonwealth Elderly	21-Sep	5,912	16.71%	30.62%	5.73%	34.46%	0.30%	0.73%	0.36%	10.15%	68.05%
Commonwealth Elderly	22-Sep	4,555	14.84%	30.93%	5.82%	36.58%	0.35%	0.75%	0.48%	9.70%	66.94%
		-22.95%	-13.59%	1.02%	1.53%	6.14%	17.09%	2.25%	34.16%	-4.40%	-1.63%
Commonwealth Family	21-Sep	22,071	22.86%	17.44%	7.79%	38.42%	0.33%	0.55%	0.41%	11.17%	21.99%
Commonwealth Family	22-Sep	14,809	21.14%	18.81%	10.20%	38.75%	0.43%	0.68%	0.50%	8.88%	24.06%
		-32.90%	-13.59%	7.87%	30.89%	0.87%	28.91%	24.00%	21.88%	-20.50%	9.41%
Davison Apartments	21-Sep	3,717	20.80%	24.89%	6.16%	41.32%	0.35%	0.81%	0.32%	4.39%	70.33%
Davison Apartments	22-Sep	3,061	16.73%	28.78%	6.17%	41.07%	0.39%	0.85%	0.49%	4.97%	69.16%
		-17.65%	-13.59%	15.63%	0.23%	-0.62%	12.01%	4.86%	53.14%	13.11%	-1.66%
ELAHP	21-Sep	45	15.56%	31.11%	11.11%	37.78%	0.00%	2.22%	0.00%	2.22%	71.11%
ELAHP	22-Sep	31	6.45%	32.26%	9.68%	45.16%	0.00%	3.23%	0.00%	3.23%	77.42%
		-31.11%	-13.59%	3.69%	-12.89%	19.54%	#DIV/0!	45.31%	#DIV/0!	45.31%	8.87%

Applicants

Eva White	21-Sep	5,287	17.82%	27.31%	5.13%	31.42%	0.32%	0.79%	0.36%	16.10%	65.42%
Eva White	22-Sep	4,225	15.05%	28.95%	5.63%	33.18%	0.31%	0.92%	0.47%	15.05%	64.17%
		-20.09%	-13.59%	5.99%	9.81%	5.61%	-3.85%	16.85%	31.49%	-6.50%	-1.92%
Foley Apartments	21-Sep	4,739	17.32%	35.98%	5.21%	29.20%	0.27%	0.78%	0.40%	9.96%	68.88%
Foley Apartments	22-Sep	3,860	15.00%	35.85%	5.36%	31.53%	0.31%	0.73%	0.54%	10.18%	66.81%
		-18.55%	-13.59%	-0.35%	2.93%	7.97%	15.14%	-7.00%	36.01%	2.22%	-3.00%
Franklin Field	21-Sep	17,228	26.86%	13.19%	9.66%	41.22%	0.33%	0.56%	0.40%	6.54%	21.85%
Franklin Field	22-Sep	12,342	23.49%	16.16%	11.80%	40.21%	0.45%	0.67%	0.49%	6.14%	23.71%
		-28.36%	-13.59%	22.55%	22.12%	-2.44%	35.04%	20.09%	23.56%	-6.09%	8.50%
Frederick Douglass	21-Sep	4,988	17.90%	27.83%	5.03%	34.66%	0.28%	0.84%	0.40%	12.23%	67.96%
Frederick Douglass	22-Sep	3,920	15.33%	29.52%	5.36%	35.74%	0.33%	0.84%	0.51%	11.96%	65.87%
		-21.41%	-13.59%	6.06%	6.50%	3.12%	18.44%	0.22%	27.55%	-2.17%	-3.08%
General Warren	21-Sep	3,793	18.22%	35.51%	5.17%	29.84%	0.40%	0.76%	0.24%	9.10%	71.18%
General Warren	22-Sep	3,248	15.55%	35.87%	5.51%	31.87%	0.37%	0.86%	0.40%	9.11%	69.06%
		-14.37%	-13.59%	1.01%	6.60%	6.79%	-7.64%	13.43%	66.77%	0.15%	-2.98%
Groveland Apartments	21-Sep	2,828	17.19%	22.81%	5.80%	47.49%	0.25%	0.92%	0.28%	4.21%	71.36%
Groveland Apartments	22-Sep	2,524	13.99%	28.53%	5.86%	44.41%	0.32%	0.99%	0.44%	4.95%	71.47%
		0	-13.59%	25.06%	1.10%	-6.48%	26.78%	7.66%	55.65%	17.64%	0.16%
Hampton House	21-Sep	4,943	18.41%	27.49%	5.22%	34.96%	0.22%	0.89%	0.34%	11.65%	68.82%
Hampton House	22-Sep	3,849	15.85%	29.31%	5.38%	35.54%	0.31%	0.94%	0.49%	11.69%	66.48%
			-13.59%	6.61%	3.03%	1.66%	41.71%	5.09%	45.19%	0.35%	-3.39%
Hassan Apartments	21-Sep	3,920	17.88%	20.56%	6.56%	48.65%	0.33%	0.79%	0.26%	3.95%	69.36%
Hassan Apartments	22-Sep	3,360	14.82%	25.74%	6.49%	46.25%	0.36%	0.86%	0.39%	4.67%	69.08%
		-14.29%	-13.59%	25.21%	-1.10%	-4.93%	8.23%	9.25%	48.81%	18.29%	-0.41%
Heritage Apartments	21-Sep	4,986	21.36%	34.06%	5.38%	29.38%	0.30%	0.84%	0.32%	7.38%	71.74%
Heritage Apartments	22-Sep	4,073	17.97%	34.30%	5.70%	32.24%	0.32%	0.83%	0.39%	7.73%	69.95%
		-18.31%	-13.59%	0.70%	5.87%	9.72%	6.39%	-0.62%	22.76%	4.79%	-2.50%
Highland Park	21-Sep	7,702	30.89%	9.61%	10.50%	39.89%	0.26%	0.38%	0.36%	6.83%	10.08%
Highland Park	22-Sep	5,291	27.86%	11.19%	13.65%	39.44%	0.40%	0.40%	0.47%	6.03%	11.30%
		-31.30%	-13.59%	16.43%	29.96%	-1.12%	52.65%	4.45%	31.25%	-11.73%	12.13%
Holgate Apartments	21-Sep	3,146	21.33%	21.96%	7.85%	41.74%	0.25%	0.86%	0.32%	4.51%	72.57%
Holgate Apartments	22-Sep	2,706	16.59%	27.57%	7.54%	41.24%	0.33%	0.96%	0.52%	4.80%	72.14%
		-13.99%	-13.59%	25.54%	-3.96%	-1.19%	33.04%	11.72%	61.68%	6.52%	-0.60%
Lower Mills	21-Sep	5,889	16.81%	23.52%	5.81%	46.05%	0.24%	0.87%	0.22%	5.57%	68.74%
Lower Mills	22-Sep	4,603	14.53%	26.16%	5.91%	45.25%	0.24%	0.78%	0.35%	6.37%	67.30%
		-21.84%	-13.59%	11.21%	1.71%	-1.73%	-0.43%	-10.10%	58.00%	14.28%	-2.09%
Malone Apartments	21-Sep	4,467	20.82%	24.13%	6.98%	41.97%	0.34%	0.81%	0.27%	3.69%	70.83%
Malone Apartments	22-Sep	3,581	17.34%	27.23%	6.65%	42.61%	0.39%	0.73%	0.45%	4.13%	69.42%
		-19.83%	-13.59%	12.83%	-4.78%	1.53%	14.99%	-10.36%	65.48%	12.00%	-1.99%
Mary Ellen McCormack	21-Sep	18,571	24.64%	18.97%	8.03%	32.93%	0.29%	0.62%	0.37%	13.03%	21.60%
Mary Ellen McCormack	22-Sep	12,881	21.81%	20.85%	10.15%	34.52%	0.40%	0.68%	0.47%	10.57%	23.65%

Applicants

		-30.64%	-13.59%	9.92%	26.36%	4.82%	39.21%	10.19%	25.89%	-18.91%	9.48%
Meade Apartments	21-Sep	3,820	18.30%	23.14%	6.75%	42.67%	0.26%	0.86%	0.31%	6.65%	70.03%
Meade Apartments	22-Sep	3,285	15.25%	27.43%	6.42%	41.61%	0.30%	0.97%	0.43%	7.18%	69.25%
		-14.01%	-13.59%	18.53%	-4.84%	-2.48%	17.08%	13.27%	37.48%	8.03%	-1.11%
Mildred C Hailey Apts Elderly-Disa	21-Sep	4,032	22.84%	24.80%	7.49%	37.33%	0.42%	0.74%	0.35%	4.94%	70.71%
Mildred C Hailey Apts Elderly-Disa	22-Sep	3,351	18.62%	28.02%	7.43%	38.53%	0.39%	0.63%	0.51%	5.28%	68.76%
		-16.89%	-13.59%	12.99%	-0.79%	3.20%	-7.63%	-15.31%	44.95%	6.92%	-2.76%
Mildred C. Hailey Apts. Family (Br	21-Sep	19,181	28.29%	14.17%	9.33%	40.69%	0.38%	0.56%	0.39%	5.05%	22.11%
Mildred C. Hailey Apts. Family (Br	22-Sep	12,934	24.32%	16.83%	11.67%	39.92%	0.47%	0.63%	0.52%	5.00%	23.93%
		-32.57%	-13.59%	18.78%	25.05%	-1.90%	24.11%	13.21%	32.82%	-0.94%	8.23%
Mildred C. Hailey Apts. Family (He	21-Sep	17,431	28.72%	14.66%	9.50%	38.94%	0.42%	0.55%	0.38%	5.60%	22.29%
Mildred C. Hailey Apts. Family (He	22-Sep	12,086	24.70%	17.20%	11.78%	38.73%	0.50%	0.66%	0.52%	5.28%	23.99%
		-30.66%	-13.59%	17.34%	24.02%	-0.54%	20.17%	20.35%	37.17%	-5.74%	7.61%
MLK	21-Sep	3,101	20.61%	21.32%	6.93%	44.02%	0.29%	0.84%	0.32%	4.39%	72.23%
MLK	22-Sep	2,654	16.54%	26.56%	7.01%	42.88%	0.38%	0.87%	0.49%	4.82%	70.95%
		-14.41%	-13.59%	24.60%	1.13%	-2.59%	29.93%	3.17%	53.07%	9.86%	-1.77%
Pasciucco Apartments	21-Sep	3,936	18.72%	24.72%	6.45%	41.69%	0.33%	0.91%	0.30%	5.64%	68.98%
Pasciucco Apartments	22-Sep	3,411	15.39%	28.26%	6.33%	41.07%	0.38%	0.94%	0.41%	6.74%	68.89%
		-13.34%	-13.59%	14.33%	-1.82%	-1.48%	15.49%	3.09%	36.81%	19.55%	-0.12%
Peabody Square	21-Sep	4,928	17.80%	22.97%	6.78%	43.08%	0.24%	0.85%	0.24%	7.04%	68.81%
Peabody Square	22-Sep	4,063	14.92%	26.70%	6.45%	42.38%	0.34%	0.94%	0.37%	7.51%	68.57%
		-17.55%	-13.59%	16.26%	-4.89%	-1.62%	43.57%	10.03%	53.83%	6.63%	-0.35%
Pond Street	21-Sep	5,087	22.21%	26.44%	6.92%	37.74%	0.39%	0.77%	0.31%	4.23%	69.59%
Pond Street	22-Sep	4,093	18.10%	29.42%	7.04%	38.48%	0.37%	0.88%	0.44%	4.76%	68.19%
		-19.54%	-13.59%	11.26%	1.68%	1.96%	-6.03%	14.23%	41.86%	12.63%	-2.01%
Rockland Towers	21-Sep	4,213	19.82%	28.36%	6.34%	38.38%	0.36%	0.81%	0.24%	4.63%	69.76%
Rockland Towers	22-Sep	3,654	16.53%	30.84%	6.57%	38.92%	0.44%	0.85%	0.36%	5.01%	68.99%
		-13.27%	-13.59%	8.75%	3.60%	1.40%	21.63%	4.74%	48.24%	8.17%	-1.10%
Roslyn Apartments	21-Sep	5,249	21.74%	23.68%	7.14%	41.59%	0.36%	0.82%	0.25%	3.54%	68.98%
Roslyn Apartments	22-Sep	4,248	17.98%	26.84%	7.09%	41.57%	0.45%	0.87%	0.40%	4.35%	67.87%
		-19.07%	-13.59%	13.33%	-0.76%	-0.04%	24.24%	6.22%	60.08%	23.02%	-1.61%
Spring Street	21-Sep	5,009	19.98%	27.29%	6.85%	39.01%	0.28%	0.78%	0.28%	4.59%	69.69%
Spring Street	22-Sep	4,088	16.90%	29.79%	6.82%	39.46%	0.39%	0.88%	0.44%	4.87%	68.71%
		-18.39%	-13.59%	9.18%	-0.37%	1.15%	39.78%	12.90%	57.25%	6.05%	-1.40%
Unity Tower (Torre Unidad)	21-Sep	5,185	18.67%	27.39%	5.67%	32.21%	0.31%	0.93%	0.37%	13.50%	66.90%
Unity Tower (Torre Unidad)	22-Sep	4,190	15.92%	28.90%	6.23%	33.89%	0.38%	0.95%	0.48%	12.84%	65.89%
		-19.19%	-13.59%	5.52%	9.86%	5.22%	23.18%	2.65%	29.01%	-4.89%	-1.50%
Washington Manor	21-Sep	5,223	17.81%	27.23%	5.40%	34.52%	0.23%	0.84%	0.36%	12.73%	67.66%
Washington Manor	22-Sep	3,999	15.45%	29.03%	5.68%	35.66%	0.35%	0.85%	0.48%	12.13%	65.92%
		-23.43%	-13.59%	6.62%	5.12%	3.30%	52.21%	1.22%	31.98%	-4.73%	-2.58%
Washington Street	21-Sep	5,021	16.67%	32.07%	5.22%	33.46%	0.28%	0.68%	0.28%	10.54%	68.07%

Applicants

Washington Street	22-Sep	3,975	14.21%	32.05%	5.56%	36.03%	0.33%	0.83%	0.43%	10.14%	68.28%
		-20.83%	-13.59%	-0.06%	6.51%	7.67%	16.80%	22.09%	52.74%	-3.81%	0.30%
West Ninth Street	21-Sep	4,999	17.90%	34.39%	5.80%	28.79%	0.32%	0.76%	0.26%	11.04%	68.23%
West Ninth Street	22-Sep	4,005	15.31%	34.26%	5.94%	30.76%	0.37%	0.85%	0.37%	11.66%	66.64%
		-19.88%	-13.59%	-0.39%	2.46%	6.85%	17.04%	11.70%	44.05%	5.62%	-2.33%
Whittier Street	21-Sep	1,521	21.37%	23.41%	10.32%	32.15%	0.79%	0.59%	0.72%	3.29%	21.30%
Whittier Street	22-Sep	1,143	23.71%	23.45%	12.07%	33.51%	0.79%	0.87%	0.96%	3.67%	21.26%
		-24.85%	-13.59%	0.16%	16.99%	4.22%	-0.33%	48.29%	33.66%	11.69%	-0.19%

Residents

Development	Year	Total	WH%	WNH%	BH%	BNH%	AIH%	AINH%	AINPH\$	AINPNH%	Dis%
Alice H. Taylor Apartments	Sep-21	337	44.51%	2.67%	7.42%	40.36%	0.30%	3.26%	0.59%	0.89%	47.18%
Alice H. Taylor Apartments	Sep-22	338	45.27%	2.66%	8.28%	40.24%	0.00%	2.37%	0.30%	0.89%	45.27%
		0.30%	1.70%	-0.27%	11.64%	-0.31%	-100.00%	-27.40%	-49.85%	-0.27%	-4.06%
Annapolis	Sep-21	53	15.09%	18.87%	1.89%	39.62%	0.00%	22.64%	0.00%	1.89%	79.25%
Annapolis	Sep-22	53	15.09%	15.09%	1.89%	43.40%	0.00%	22.64%	0.00%	1.89%	79.25%
		0.00%	0.03%	-20.01%	-0.17%	9.53%	0.00%	0.01%	0.00%	-0.17%	-0.01%
Ashmont	Sep-21	53	9.43%	20.75%	1.89%	45.28%	0.00%	22.64%	0.00%	0.00%	60.38%
Ashmont	Sep-22	50	10.00%	18.00%	2.00%	48.00%	0.00%	22.00%	0.00%	0.00%	58.00%
		-5.66%	6.04%	-13.25%	5.82%	6.01%	0.00%	-2.83%	0.00%	0.00%	-3.94%
Ausonia Apartments	Sep-21	92	11.96%	66.30%	2.17%	10.87%	0.00%	7.61%	0.00%	1.09%	80.43%
Ausonia Apartments	Sep-22	94	11.70%	63.83%	2.13%	13.83%	0.00%	7.45%	0.00%	1.06%	80.85%
		2.17%	-2.16%	-3.73%	-1.95%	27.23%	0.00%	-2.14%	0.00%	-2.40%	0.52%
Bellflower	Sep-21	93	6.45%	36.56%	6.45%	41.94%	0.00%	8.60%	0.00%	0.00%	76.34%
Bellflower	Sep-22	96	6.25%	35.42%	6.25%	43.75%	0.00%	8.33%	0.00%	0.00%	73.96%
		3.23%	-3.10%	-3.13%	-3.10%	4.32%	0.00%	-3.10%	0.00%	0.00%	-3.12%
Charlestown	Sep-21	883	29.67%	19.03%	9.97%	31.37%	0.23%	8.04%	0.91%	0.79%	44.96%
Charlestown	Sep-22	847	30.34%	19.36%	10.15%	30.22%	0.24%	8.15%	0.83%	0.71%	45.34%
		-4.08%	2.27%	1.75%	1.84%	-3.65%	2.66%	1.32%	-9.18%	-10.33%	0.84%
Codman Apartments	Sep-21	98	11.22%	9.18%	5.10%	72.45%	0.00%	1.02%	0.00%	1.02%	69.39%
Codman Apartments	Sep-22	95	11.58%	8.42%	4.21%	73.68%	0.00%	1.05%	0.00%	1.05%	64.21%
		-3.06%	3.20%	-8.27%	-17.44%	1.70%	0.00%	3.20%	0.00%	3.20%	-7.46%
Commonwealth	Sep-21	264	30.30%	15.15%	4.55%	38.64%	0.00%	10.98%	0.38%	0.00%	43.18%
Commonwealth	Sep-22	260	30.38%	13.46%	5.00%	40.00%	0.00%	10.77%	0.38%	0.00%	40.77%
		-1.52%	0.28%	-11.14%	9.89%	3.52%	0.00%	-1.92%	1.21%	0.00%	-5.58%
Commonwealth Elderly	Sep-21	104	11.54%	45.19%	1.92%	22.12%	0.00%	19.23%	0.00%	0.00%	85.58%
Commonwealth Elderly	Sep-22	107	11.21%	44.86%	1.87%	22.43%	0.00%	19.63%	0.00%	0.00%	82.24%
		2.88%	-2.82%	-0.73%	-2.65%	1.40%	0.00%	2.06%	0.00%	0.00%	-3.90%
Davison Apartments	Sep-21	46	23.91%	10.87%	10.87%	54.35%	0.00%	0.00%	0.00%	0.00%	67.39%
Davison Apartments	Sep-22	44	27.27%	11.36%	9.09%	52.27%	0.00%	0.00%	0.00%	0.00%	61.36%
		-4.35%	14.06%	4.54%	-16.37%	-3.82%	0.00%	0.00%	0.00%	0.00%	-8.94%
Doris Bunte Apartments	Sep-21	147	29.25%	3.40%	7.48%	57.82%	0.00%	2.04%	0.00%	0.00%	83.67%
Doris Bunte Apartments	Sep-22	137	29.93%	2.92%	5.84%	59.12%	0.00%	2.19%	0.00%	0.00%	84.67%
		-6.80%	2.31%	-14.13%	-21.93%	2.26%	0.00%	7.34%	0.00%	0.00%	1.20%
Eva White Apartments	Sep-21	94	10.64%	14.89%	1.06%	18.09%	0.00%	52.13%	0.00%	3.19%	89.36%
Eva White Apartments	Sep-22	88	10.23%	15.91%	1.14%	19.32%	0.00%	50.00%	0.00%	3.41%	90.91%
		-6.38%	-3.88%	6.84%	7.20%	6.79%	0.00%	-4.09%	0.00%	6.87%	1.73%
Foley Apartments	Sep-21	91	9.89%	80.22%	0.00%	7.69%	0.00%	1.10%	0.00%	1.10%	75.82%
Foley Apartments	Sep-22	89	8.99%	82.02%	0.00%	6.74%	0.00%	1.12%	0.00%	1.12%	73.03%
		-2.20%	-9.11%	2.25%	0.00%	-12.33%	0.00%	2.15%	0.00%	2.15%	-3.67%

Residents

Franklin Field	Sep-21	327	44.65%	3.06%	10.40%	40.37%	0.00%	1.22%	0.31%	0.00%	30.89%
Franklin Field	Sep-22	330	43.03%	3.03%	11.52%	40.30%	0.00%	1.82%	0.30%	0.00%	32.12%
		0.92%	-3.63%	-0.97%	10.72%	-0.17%	0.00%	49.03%	-2.25%	0.00%	3.99%
Frederick Douglass	Sep-21	74	14.86%	18.92%	2.70%	37.84%	1.35%	24.32%	0.00%	0.00%	75.68%
Frederick Douglass	Sep-22	74	14.86%	18.92%	4.05%	36.49%	1.35%	24.32%	0.00%	0.00%	75.68%
		0.00%	0.03%	-0.01%	50.15%	-3.58%	0.10%	0.02%	0.00%	0.00%	-0.01%
General Warren	Sep-21	88	18.18%	56.82%	5.68%	9.09%	0.00%	9.09%	0.00%	1.14%	69.32%
General Warren	Sep-22	90	20.00%	53.33%	5.56%	8.89%	0.00%	11.11%	0.00%	1.11%	67.78%
		2.27%	10.01%	-6.14%	-2.19%	-2.21%	0.00%	22.23%	0.00%	-2.53%	-2.22%
Groveland	Sep-21	43	11.63%	23.26%	0.00%	62.79%	0.00%	2.33%	0.00%	0.00%	69.77%
Groveland	Sep-22	43	11.63%	18.60%	0.00%	67.44%	0.00%	2.33%	0.00%	0.00%	62.79%
		0.00%	-0.02%	-20.01%	0.00%	7.41%	0.00%	-0.19%	0.00%	0.00%	-10.00%
Hampton House	Sep-21	68	10.29%	19.12%	4.41%	44.12%	0.00%	22.06%	0.00%	0.00%	80.88%
Hampton House	Sep-22	74	9.46%	20.27%	6.76%	43.24%	0.00%	20.27%	0.00%	0.00%	83.78%
		8.82%	-8.07%	6.02%	53.21%	-1.99%	0.00%	-8.11%	0.00%	0.00%	3.59%
Hassan Apartments	Sep-21	92	7.61%	6.52%	1.09%	84.78%	0.00%	0.00%	0.00%	0.00%	78.26%
Hassan Apartments	Sep-22	93	9.68%	5.38%	1.08%	83.87%	0.00%	0.00%	0.00%	0.00%	75.27%
		1.09%	27.17%	-17.54%	-1.35%	-1.07%	0.00%	0.00%	0.00%	0.00%	-3.82%
Heritage	Sep-21	28	25.00%	42.86%	0.00%	21.43%	0.00%	7.14%	0.00%	3.57%	78.57%
Heritage	Sep-22	26	26.92%	42.31%	0.00%	19.23%	0.00%	7.69%	0.00%	3.85%	80.77%
		-7.14%	7.69%	-1.29%	0.00%	-10.26%	0.00%	7.74%	0.00%	7.74%	2.80%
Highland Park	Sep-21	26	38.46%	0.00%	15.38%	46.15%	0.00%	0.00%	0.00%	0.00%	30.77%
Highland Park	Sep-22	25	40.00%	0.00%	16.00%	44.00%	0.00%	0.00%	0.00%	0.00%	32.00%
		-3.85%	4.00%	0.00%	4.03%	-4.66%	0.00%	0.00%	0.00%	0.00%	4.00%
Holgate Apartments	Sep-21	76	19.74%	2.63%	13.16%	63.16%	0.00%	1.32%	0.00%	0.00%	85.53%
Holgate Apartments	Sep-22	74	20.27%	4.05%	14.86%	59.46%	0.00%	1.35%	0.00%	0.00%	81.08%
		-2.63%	2.69%	54.15%	12.95%	-5.86%	0.00%	2.38%	0.00%	0.00%	-5.20%
J J Meade Apartments	Sep-21	37	16.22%	5.41%	2.70%	70.27%	0.00%	5.41%	0.00%	0.00%	72.97%
J J Meade Apartments	Sep-22	37	16.22%	8.11%	0.00%	64.87%	0.00%	10.53%	0.00%	0.00%	70.27%
		0.00%	0.00%	0.07%	-100.00%	-7.69%	0.00%	94.57%	0.00%	0.00%	-3.70%
Malone Apartments	Sep-21	93	26.88%	20.43%	6.45%	44.09%	0.00%	0.00%	1.08%	1.08%	67.74%
Malone Apartments	Sep-22	97	28.87%	20.62%	6.19%	42.27%	0.00%	0.00%	1.03%	1.03%	68.04%
		4.30%	7.39%	0.92%	-4.10%	-4.13%	0.00%	0.00%	-4.54%	-4.54%	0.44%
Martin Luther King Towers	Sep-21	97	23.71%	7.22%	7.22%	60.82%	0.00%	0.00%	0.00%	1.03%	86.60%
Martin Luther King Towers	Sep-22	102	23.53%	6.86%	9.80%	56.86%	0.00%	1.96%	0.00%	0.98%	83.33%
		5.15%	-0.76%	-4.95%	35.79%	-6.51%	0.00%	0.00%	0.00%	-4.82%	-3.77%
Mary Ellen McCormack	Sep-21	945	28.99%	22.43%	6.56%	27.09%	0.11%	13.97%	0.53%	0.32%	36.19%
Mary Ellen McCormack	Sep-22	955	28.90%	21.68%	8.06%	27.54%	0.10%	12.88%	0.52%	0.31%	35.39%
		1.06%	-0.31%	-3.36%	22.91%	1.66%	-4.81%	-7.81%	-1.22%	-1.83%	-2.20%
Mildred C. Hailey Bromley Par	Sep-21	50	62.00%	8.00%	2.00%	28.00%	0.00%	0.00%	0.00%	0.00%	82.00%
Mildred C. Hailey Bromley Par	Sep-22	48	62.50%	8.33%	2.08%	25.00%	0.00%	0.00%	0.00%	2.08%	79.17%

Residents

		-4.00%	0.81%	4.17%	4.17%	-10.71%	0.00%	0.00%	0.00%	0.00%	-3.46%
Mildred C. Hailey Bromley Par	Sep-21	437	41.42%	5.49%	10.98%	41.19%	0.00%	0.46%	0.00%	0.46%	38.22%
Mildred C. Hailey Bromley Par	Sep-22	449	39.42%	5.57%	14.03%	40.09%	0.00%	0.45%	0.00%	0.45%	36.75%
		2.75%	-4.83%	1.42%	27.79%	-2.67%	0.00%	-3.17%	0.00%	-3.17%	-3.85%
Mildred C. Hailey Heath Stree	Sep-21	204	41.18%	4.90%	7.35%	44.12%	0.00%	2.45%	0.00%	0.00%	36.76%
Mildred C. Hailey Heath Stree	Sep-22	200	43.00%	4.00%	8.00%	42.00%	0.00%	3.00%	0.00%	0.00%	35.50%
		-1.96%	4.42%	-18.37%	8.84%	-4.81%	0.00%	22.45%	0.00%	0.00%	-3.43%
Pasciucco	Sep-21	89	13.48%	8.99%	4.49%	62.92%	0.00%	8.99%	1.12%	0.00%	83.15%
Pasciucco	Sep-22	85	12.94%	7.06%	7.06%	63.53%	0.00%	8.24%	1.18%	0.00%	83.53%
		-4.49%	-4.00%	-21.48%	57.21%	0.97%	0.00%	-8.39%	5.04%	0.00%	0.46%
Peabody Apartments	Sep-21	96	15.63%	14.58%	4.17%	44.79%	0.00%	20.83%	0.00%	0.00%	80.21%
Peabody Apartments	Sep-22	99	14.14%	11.11%	4.04%	51.52%	0.00%	19.19%	0.00%	0.00%	72.73%
		3.13%	-9.52%	-23.79%	-3.11%	15.01%	0.00%	-7.86%	0.00%	0.00%	-9.33%
Pond Stree	Sep-21	43	27.91%	30.23%	2.33%	37.21%	0.00%	2.33%	0.00%	0.00%	90.70%
Pond Street	Sep-22	42	30.95%	30.95%	2.38%	30.95%	0.00%	4.76%	0.00%	0.00%	83.33%
		-2.33%	10.90%	2.39%	2.19%	-16.82%	0.00%	104.37%	0.00%	0.00%	-8.12%
Rockland Towers	Sep-21	64	18.75%	42.19%	1.56%	32.81%	0.00%	3.13%	0.00%	1.56%	89.06%
Rockland Towers	Sep-22	62	19.35%	40.32%	0.00%	37.10%	0.00%	1.61%	0.00%	1.61%	83.87%
		-3.13%	3.23%	-4.43%	-100.00%	13.07%	0.00%	-48.47%	0.00%	3.39%	-5.83%
Roslyn Apartments	Sep-21	115	23.48%	26.09%	2.61%	46.09%	0.00%	0.00%	0.87%	0.87%	90.43%
Roslyn Apartments	Sep-22	115	25.22%	26.09%	2.61%	44.35%	0.00%	0.00%	0.87%	0.87%	91.30%
		0.00%	7.40%	-0.01%	-0.05%	-3.78%	0.00%	0.00%	-0.05%	-0.05%	0.97%
Ruth Barkley Apartments	Sep-21	393	41.73%	5.60%	8.14%	35.11%	0.00%	8.40%	0.76%	0.25%	47.58%
Ruth Barkley Apartments	Sep-22	390	41.03%	5.90%	10.00%	33.85%	0.00%	8.46%	0.51%	0.26%	45.90%
		-0.76%	-1.69%	5.31%	22.85%	-3.60%	0.00%	0.73%	-32.52%	2.56%	-3.54%
Spring Street	Sep-21	102	13.73%	49.02%	2.94%	32.35%	0.00%	0.00%	0.98%	0.98%	83.33%
Spring Street	Sep-22	100	14.00%	49.00%	3.00%	32.00%	0.00%	0.00%	1.00%	1.00%	82.00%
		-1.96%	1.97%	-0.04%	2.04%	-1.08%	0.00%	0.00%	2.04%	2.04%	-1.60%
St Botolph Apartments	Sep-21	120	10.83%	38.33%	2.50%	29.17%	0.00%	19.17%	0.00%	0.00%	84.17%
St Botolph Apartments	Sep-22	113	10.62%	38.05%	2.65%	28.32%	0.00%	20.35%	0.00%	0.00%	84.96%
		-5.83%	-1.94%	-0.72%	6.19%	-2.92%	0.00%	6.18%	0%0	0.00%	0.93%
Torre Unidad	Sep-21	184	15.76%	21.74%	3.80%	21.20%	0.54%	36.41%	0.00%	0.54%	86.96%
Torre Unidad	Sep-22	186	14.52%	22.04%	3.76%	20.43%	0.54%	38.17%	0.00%	0.54%	82.26%
		1.09%	-7.89%	1.39%	-0.96%	-3.63%	-0.44%	4.84%	0.00%	-0.44%	-5.41%
Washington Manor	Sep-21	71	15.49%	21.13%	2.82%	40.85%	0.00%	19.72%	0.00%	0.00%	74.65%
Washington Manor	Sep-22	72	13.89%	23.61%	2.78%	40.28%	0.00%	19.44%	0.00%	0.00%	73.61%
		1.41%	-10.34%	11.74%	-1.50%	-1.40%	0.00%	-1.40%	0%0	0.00%	-1.39%
Washington Street	Sep-21	76	21.05%	34.21%	0.00%	25.00%	0.00%	19.74%	0.00%	0.00%	93.42%
Washington Street	Sep-22	73	23.29%	31.51%	0.00%	28.77%	0.00%	16.44%	0.00%	0.00%	91.78%
		-3.95%	10.63%	-7.90%	0.00%	15.07%	0.00%	-16.73%	0.00%	0.00%	-1.75%
West Ninth Street	Sep-21	80	10.00%	76.25%	0.00%	5.00%	0.00%	7.50%	0.00%	1.25%	72.50%

Residents

West Ninth Street	Sep-22	78	10.26%	75.64%	0.00%	5.13%	0.00%	7.69%	0.00%	1.28%	73.08%
		-2.50%	2.56%	-0.80%	0.00%	2.56%	0.00%	2.56%	0.00%	2.56%	0.80%

Rental Assistance Demonstration Attachment to Annual Plan

The Boston Housing Authority (BHA) has been a successful applicant in the Rental Assistance Demonstration (RAD) program. As a result, BHA is pursuing conversion of public housing dwelling units at several sites to Project Based Vouchers or Project Based Rental Assistance under the guidelines of H-2019-09 PIH 2019-23, REV-4 and any successor Notices.

Upon conversion to Project Based Vouchers the BHA will adopt the resident rights, participation, waiting list and grievance procedures listed in Section 1.6 of H-2019-09 PIH 2019-23, REV-4 and H-2016-17/PIH-2016-17; upon conversion to Project Based Rental Assistance the BHA (or the property owner as applicable) will adopt the resident rights, participation, waiting list and grievance procedures listed in Section 1.7 of H-2019-09 PIH 2019-23, REV-4 and H-2016-17/PIH-2016-17. These resident rights, participation, waiting list and grievance procedures are appended to this Attachment. Additionally, the BHA certifies that it is currently compliant with all fair housing and civil rights requirements.

RAD was designed by HUD to assist in addressing the capital needs of public housing by providing BHA with access to private sources of capital to repair and preserve its affordable housing assets. Please be aware that upon conversion, the Authority's Capital Fund Budget will be reduced by the pro rata share of Public Housing Developments converted as part of the Demonstration, and that BHA may also borrow funds to address their capital needs. The BHA may also be contributing Capital Funds towards the conversions and/or Replacement Housing Factor (RHF) Funds. BHA currently has debt under the Capital Fund Financing Program and will be working with its bond trustee to address outstanding debt issues, which may result in additional reductions of Capital Funds. The BHA currently has debt under an Energy Performance Contract (EPC) and will be working with that bond trustee and its EPC partner, Ameresco, to address outstanding debt issues, which may result in additional reductions of Capital or Operating Funds.

Below, on the following pages, please find specific information related to the Public Housing Development(s) for which BHA is pursuing RAD conversions.

The information referenced above regarding resident rights, participation, waiting list and grievance procedures is appended following the information related to each development.

Development 1

Development Name	PIC Development ID	Conversion Type	Transfer of Assistance
West Newton- Rutland-East Springfield Street	MA002000158	PBV	N/A
Total Units	Pre-RAD Unit Type	Post-RAD Unit Type	FY21 FY22 CFP Allocation
146	Family	Family	*\$ 130,319 157,588
Bedroom Type	Units pre-conversion	Units post-conversion	Change
Studio/Efficiency	44	44	
1BR	58	58	
2BR	20	20	
3BR	11	11	
4BR	12	12	
5BR	1	1	
6BR			
Notes			
<ul style="list-style-type: none"> • RAD/Section 18 Blend with 110 units converting to RAD and 36 converting to PBVs • CHAP date: 03/01/2017 • Closing date: 01/31/2019 <u>(completed 2022)</u> • 3 uninhabitable units (long-term vacant due to fire damage) at 34 East Springfield treated as a <i>de minimis</i> removal <u>(disposition completed 2022)</u> • *Award as Demolition and Disposition & Transitional Funding (DDTF) 			

Development 2

Development Name	PIC Development ID	Conversion Type	Transfer of Assistance
Ausonia	MA002000261	PBV	N/A
Total Units	Pre-RAD Unit Type	Post-RAD Unit Type	FY21 FY22 CFP Allocation
100	Elderly/Disabled	Elderly/Disabled	\$319,161 <u>\$385,401</u>
Bedroom Type	Units pre-conversion	Units post-conversion	Change
Studio/Efficiency	93	93	
1BR	7	7	
2BR			
3BR			
4BR			
5BR			
6BR			
Notes			
<ul style="list-style-type: none"> • RAD/Section 18 Blend with 80% of units converting to PBV and 20% of units converting to RAD pursuant to notice 2021-07. • Due to high capital needs, BHA is separately pursuing a Section 18 disposition that would result in a 100% PBV conversion • CHAP date: 02/20/2018 • Closing date: Expected 2022<u>2024</u> 			

Development 3

Development Name	PIC Development ID	Conversion Type	Transfer of Assistance
Anne M. Lynch Homes at Old Colony	MA002000124	PBV	N/A
Total Units	Pre-RAD Unit Type	Post-RAD Unit Type	FY21 FY22 CFP Allocation
28	Family	Family	\$93,4850.00 (previously converted)
Bedroom Type	Units pre-conversion	Units post-conversion	Change
Studio/Efficiency			
1BR	13	13	
2BR	11	11	
3BR	4	4	
4BR			
5BR			
6BR			
Notes			
<ul style="list-style-type: none"> CHAP date: 02/22/2018 Closing date: 08/08/2019 These 28 PBV RAD units are part of the Phase 3A phase of new construction redevelopment, <u>which was completed in 2022</u> 			

Development 4

Development Name	PIC Development ID	Conversion Type	Transfer of Assistance
Orchard Offsite Phase II – Long-Glen Apts	MA002002119	PBRA	N/A
Total Units	Pre-RAD Unit Type	Post-RAD Unit Type	FY21 FY23 CFP Allocation
34	Family	Family	\$37,072 \$0.00 (converted in 2021)
Bedroom Type	Units pre-conversion	Units post-conversion	Change
Studio/Efficiency	10	10	
1BR	14	14	
2BR	9	9	
3BR	1	1	
4BR			
5BR			
6BR			
Notes			
<ul style="list-style-type: none"> Long-Glen is an existing mixed-finance redevelopment that is not owned by BHA. There are 34 public housing units plus 25 non-public housing units at the property; all 34 public housing units will convert to PBRA RAD. CHAP date: 03/02/2018 Closing date: 03/01/2021 			

Development 5

Development Name	PIC Development ID	Conversion Type	Transfer of Assistance
Heritage	MA002002141	PBV	N/A
Total Units	Pre-RAD Unit Type	Post-RAD Unit Type	FY21 <u>FY22</u> CFP Allocation
31	Elderly/Disabled	Elderly/Disabled	\$27,248 <u>\$33,289</u>
Bedroom Type	Units pre-conversion	Units post-conversion	Change
Studio/Efficiency	22	22*	
1BR	3	3	
2BR	6	6*	
3BR			
4BR			
5BR			
6BR			
Notes			
<ul style="list-style-type: none"> Heritage is an existing mixed-finance property that is owned by an instrumentality of the BHA. There are 31 public housing units plus 245 PBV units; 28 public housing units will convert to PBV RAD. *One Studio public housing unit is an agency unit and two 2BR units are employee units. CHAP date: 11/30/2018 Closing date: Expected<u>09/30/2022</u> 			

Development 6

Development Name	PIC Development ID	Conversion Type	Transfer of Assistance
Lower Mills	MA002002142	PBV	N/A
Total Units	Pre-RAD Unit Type	Post-RAD Unit Type	FY21 <u>FY22</u> CFP Allocation
19	Elderly/Disabled	Elderly/Disabled	\$18,499 <u>\$22,600</u>
Bedroom Type	Units pre-conversion	Units post-conversion	Change
Studio/Efficiency	9	9	
1BR	8	8*	
2BR	2	2*	
3BR			
4BR			
5BR			
6BR			
Notes			
<ul style="list-style-type: none"> Lower Mills is an existing mixed-finance property that is owned by an instrumentality of the BHA. There are 19 public housing units plus 159 PBV units; 17 public housing units will convert to PBV RAD. *One 1BR public housing unit is an agency unit and one 2BR is an employee unit. CHAP date: 11/30/2018 Closing date: Expected<u>08/31/2022</u> 			

Development 7

Development Name	PIC Development ID	Conversion Type	Transfer of Assistance
Mission Main (Phases I, II, and III)	MA002002114 MA002002117 MA002002118	PBV	N/A
Total Units	Pre-RAD Unit Type	Post-RAD Unit Type	FY21 FY22 CFP Allocation
445	Family	Family	\$610,946 746,437
Bedroom Type	Units pre-conversion	Units post-conversion	Change
Studio/Efficiency			
1BR	120	120	
2BR	150	150	
3BR	125	125	
4BR	48	48	
5BR	2	2	
6BR			
Notes			
<ul style="list-style-type: none"> Mission Main is an existing mixed-finance property that is not owned by the BHA. There are currently 445 public housing units 90 non-public housing units at Mission; all 445 public housing units will convert to PBV RAD/Section 18 Blend pursuant to Notice PIH 2021-07. CHAP date: 11/30/2018 Closing date: Expected <u>Dec</u> 2022 			

Development 8

Development Name	PIC Development ID	Conversion Type	Transfer of Assistance
Eva White Apartments	MA002000241	PBV	N/A
Total Units	Pre-RAD Unit Type	Post-RAD Unit Type	FY21 <u>FY22</u> CFP Allocation
102	Elderly/Disabled	Elderly/Disabled	\$311,777 <u>\$376,287</u>
Bedroom Type	Units pre-conversion	Units post-conversion	Change
Studio/Efficiency	34	34	
1BR	57	57	
2BR	11	11	
3BR			
4BR			
5BR			
6BR			
Notes			
<ul style="list-style-type: none"> • RAD/Section 18 Blend pursuant to Notice PIH 2021-07, with 20% of units converting to RAD and 80% converting to PBVs • In the event of high capital needs, BHA would separately pursue a Section 18 disposition that would result in a 100% PBV conversion • CHAP date: 05/31/2019 • Closing date: Expected 2022<u>2023</u> 			

Development 9

<u>Development Name</u>	<u>PIC Development ID</u>	<u>Conversion Type</u>	<u>Transfer of Assistance</u>
<u>Orchard Gardens</u> <u>(Phases 1&2, and 3)</u>	<u>MA002002113</u> <u>MA002002115</u>	<u>PBV</u>	<u>N/A</u>
<u>Total Units</u>	<u>Pre-RAD Unit Type</u>	<u>Post-RAD Unit Type</u>	<u>FY22 CFP Allocation</u>
<u>282</u>	<u>Family</u>	<u>Family</u>	<u>\$477,630</u>
<u>Bedroom Type</u>	<u>Units pre-conversion</u>	<u>Units post-conversion</u>	<u>Change</u>
<u>Studio/Efficiency</u>			
<u>1BR</u>	<u>73</u>	<u>73</u>	
<u>2BR</u>	<u>87</u>	<u>87</u>	
<u>3BR</u>	<u>94</u>	<u>94</u>	
<u>4BR</u>	<u>23</u>	<u>23</u>	
<u>5BR</u>	<u>5</u>	<u>5</u>	
<u>6BR</u>			
<u>Notes</u>			
<ul style="list-style-type: none"> • <u>Orchard Gardens is an existing mixed-finance property that is not owned by the BHA.</u> • <u>There are currently 282 public housing units 49 non-public housing units at Orchard Gardens; all 282 public housing units will convert to PBV RAD/Section 18 Blend pursuant to Notice PIH 2021-07.</u> • <u>CHAP date: TBD</u> • <u>Closing date: Expected 2024</u> 			

Development 10

<u>Development Name</u>	<u>PIC Development ID</u>	<u>Conversion Type</u>	<u>Transfer of Assistance</u>
<u>Mildred C. Hailey Apartments</u>	<u>MA002107119</u>	<u>PBV</u>	<u>N/A</u>
<u>Total Units</u>	<u>Pre-RAD Unit Type</u>	<u>Post-RAD Unit Type</u>	<u>FY22 CFP Allocation</u>
<u>516</u>	<u>Family</u>	<u>Family</u>	<u>\$2,106,766*</u>
<u>Bedroom Type</u>	<u>Units pre-conversion</u>	<u>Units post-conversion</u>	<u>Change</u>
<u>Studio/Efficiency</u>			
<u>1BR</u>	<u>67</u>	<u>67</u>	
<u>2BR</u>	<u>202</u>	<u>202</u>	
<u>3BR</u>	<u>182</u>	<u>182</u>	
<u>4BR</u>	<u>51</u>	<u>51</u>	
<u>5BR</u>	<u>12</u>	<u>12</u>	
<u>6BR</u>	<u>2</u>	<u>2</u>	
<u>Notes</u>			
<ul style="list-style-type: none"> • <u>BHA received Section 18 Demo/Dispo approval in 2022 for a portion of the Mildred C. Hailey Apartments community.</u> • <u>BHA is currently exploring the possibility of a RAD/Section 18 Blend to facilitate modernization of the remaining portions of the site.</u> • <u>BHA intends to continue to own (through affiliated entities) and operate the modernized buildings.</u> • <u>CHAP date: TBD</u> • <u>Closing date: TBD</u> <p><u>*516 units times \$4,082.88/units FY22 CFP allocation</u></p>			

Development 11

<u>Development Name</u>	<u>PIC Development ID</u>	<u>Conversion Type</u>	<u>Transfer of Assistance</u>
<u>General Warren</u>	<u>MA002000241</u>	<u>PBV</u>	<u>N/A</u>
<u>Total Units</u>	<u>Pre-RAD Unit Type</u>	<u>Post-RAD Unit Type</u>	<u>FY22 CFP Allocation</u>
<u>96</u>	<u>Elderly/Disabled</u>	<u>Elderly/Disabled</u>	<u>\$348,017</u>
<u>Bedroom Type</u>	<u>Units pre-conversion</u>	<u>Units post-conversion</u>	<u>Change</u>
<u>Studio/Efficiency</u>	<u>56</u>	<u>56</u>	
<u>1BR</u>	<u>36</u>	<u>36</u>	
<u>2BR</u>	<u>4</u>	<u>4</u>	
<u>3BR</u>			
<u>4BR</u>			
<u>5BR</u>			
<u>6BR</u>			
<u>Notes</u>			
<ul style="list-style-type: none"> • <u>RAD/Section 18 Blend pursuant to Notice PIH 2021-07</u> • <u>In the event of high capital needs, BHA would separately pursue a Section 18 disposition that would result in a 100% PBV conversion</u> • <u>BHA plans to issue a Request for Proposals to procure a development partner in 2023</u> • <u>CHAP date: TBD</u> • <u>Closing date: Expected 2025</u> 			

Resident Rights, Participation, Waiting List and Grievance Procedures

Copies of the documents referenced in the second paragraph of this RAD addendum are attached hereto.

With respect to sites converting to PBV:

- Section 1.6.C of H-2019-09 PIH 2019-23, REV-4
- Section 1.6.D of H-2019-09 PIH 2019-23, REV-4

With Respect to site converting to PBRA:

- Section 1.7.B of H-2019-09 PIH 2019-23, REV-4
- Section 1.7.C of H-2019-09 PIH 2019-23, REV-4

With Respect to sites converting to either PBV or PBRA:

- H-2016-17/PIH-2016-17

Section 1.6

11. Floating Units. Upon the request of the owner to the Voucher Agency that will administer the Covered Project, HUD will permit PBV assistance to float among units within the project having the same bedroom size. A unit to which assistance is floated must be comparable in condition to the unit it is replacing (i.e., the unit must be of the same quality and amenities as the unit it is replacing). Assistance may float from a required UFAS accessible unit only to another UFAS accessible unit that has the same bedroom size and accessibility features. If assistance floats to a UFAS accessible unit as a reasonable accommodation for a household that had not previously been in a UFAS unit, the assistance may float back to a non-UFAS unit when there is no longer need for the reasonable accommodation provided the required number of UFAS units is maintained. Units that float are not specifically designated under the HAP Contract. Therefore, the requirements in 24 CFR § 983.203(c) that the HAP Contract provide “the location of each contract unit” and “the area of each contract unit” are waived. Instead, the HAP Contract must specify the number and type of units in the property that are designated as RAD units, including any excepted units. From the time of the initial execution of the PBV RAD HAP Contract, the property must maintain the same number and type of UFAS accessible units. Floating units are subject to all of the requirements in this Notice and the PBV regulations, including physical inspections, rent adjustments, and income-mixing requirements. The alternative requirements with respect to floating units do not apply to non-RAD PBV units.

C. PBV Resident Rights and Participation.

1. No Rescreening of Tenants upon Conversion. Pursuant to the RAD Statute, at conversion, current households cannot be excluded from occupancy at the Covered Project based on any rescreening, income eligibility, or income targeting. With respect to occupancy in the Covered Project, current households in the Converting Project will be grandfathered for application of any eligibility criteria to conditions that occurred prior to conversion but will be subject to any ongoing eligibility requirements for actions that occur after conversion.³⁶ Post-conversion, the tenure of all residents of the Covered Project is protected pursuant to PBV requirements regarding continued occupancy unless explicitly modified in this Notice (e.g., rent phase-in provisions). For example, a unit with a household that was over-income at time of conversion would continue to be treated as an assisted unit. Thus, Section 8(o)(4) of the 1937 Act and 24 CFR § 982.201, concerning eligibility and targeting of

³⁶ These protections (as well as all protections in this Notice for current households) also apply when a household is relocated to facilitate new construction or repairs following conversion and subsequently returns to the Covered Project.

tenants for initial occupancy, will not apply for current households. Once the grandfathered household moves out, the unit must be leased to an eligible family. MTW agencies may not alter this requirement. Further, so as to facilitate the right to return to the assisted property, HUD waives Section 8(o)(4) and 24 CFR § 982.201 to the extent necessary for this provision to apply to current public housing residents of the Converting Project that will reside in non-RAD PBV units or non-RAD PBRA units placed in a project that contain RAD PBV units or RAD PBRA units. Such families and such contract units will otherwise be subject to all requirements of the applicable program, specifically 24 CFR Part 983 for non-RAD PBV units and the PBRA requirements governing the applicable contract for non-RAD PBRA units.

2. **Right to Return.** See Section 1.4.A.5.b. and the RAD Fair Housing, Civil Rights, and Relocation Notice regarding a resident's right to return. To facilitate the uniform treatment of residents and units at a Covered Project, any non-RAD PBV units located in the same Covered Project shall be subject to the terms of this provision.
3. **Phase-in of Tenant Rent Increases.** If, purely as a result of conversion, the amount a tenant would pay for rent and utilities under the PBV program (the tenant's TTP) would increase the tenant's TTP by more than the greater of 10 percent or \$25, the rent increase will be phased in over 3 or 5 years. To implement this provision, HUD is specifying alternative requirements for section 3(a)(1) of the Act, as well as 24 CFR § 983.3 (definition of "total tenant payment" (TTP)) to the extent necessary to allow for the phase-in of tenant rent increases. A PHA must create a policy setting the length of the phase-in period at three years, five years or a combination depending on circumstances and must communicate such policy in writing to affected residents. For example, a PHA may create a policy that uses a three year phase-in for smaller increases in rent and a five year phase-in for larger increases in rent. This policy must be in place at conversion and may not be modified after conversion.

The method described below explains the set percentage-based phase-in a Project Owner must follow according to the phase-in period established. For purposes of this section "Calculated PBV TTP" refers to the TTP calculated in accordance with regulations at 24 CFR §5.628 and the "most recently paid TTP" refers to the TTP recorded on line 9j of the family's most recent HUD Form 50058. If a family in a project converting from Public Housing to PBV was paying a flat rent immediately prior to conversion, the PHA should use the flat rent amount to calculate the phase-in amount for Year 1 (the first recertification following conversion), as illustrated below.

Three Year Phase-in:

- Year 1: Any recertification (interim or annual) performed prior to the second annual recertification after conversion – 33% of difference between most recently paid TTP or flat rent and the Calculated PBV TTP
- Year 2: Year 2 Annual Recertification (AR) and any Interim Recertification (IR) prior to Year 3 AR – 50% of difference between most recently paid TTP and the Calculated PBV TTP
- Year 3: Year 3 AR and all subsequent recertifications – Full Calculated PBV TTP³⁷

Five Year Phase in:

- Year 1: Any recertification (interim or annual) performed prior to the second annual recertification after conversion – 20% of difference between most recently paid TTP or flat rent and the Calculated PBV TTP
- Year 2: Year 2 AR and any IR prior to Year 3 AR – 25% of difference between most recently paid TTP and the Calculated PBV TTP
- Year 3: Year 3 AR and any IR prior to Year 4 AR – 33% of difference between most recently paid TTP and the Calculated PBV TTP
- Year 4: Year 4 AR and any IR prior to Year 5 AR – 50% of difference between most recently paid TTP and the Calculated PBV TTP
- Year 5 AR and all subsequent recertifications – Full Calculated PBV TTP

Please Note: In either the three year phase-in or the five-year phase-in, once the Calculated PBV TTP is equal to or less than the previous TTP, the phase-in ends and tenants will pay full TTP from that point forward. MTW agencies must also implement a three or five-year phase-in for impacted residents, but may alter the terms above as long as it establishes a written policy setting forth the alternative terms. To facilitate the uniform treatment of residents and units at a Covered Project, any non-RAD PBV units located in the same Covered Project shall be subject to the terms of this provision.

4. Family Self Sufficiency (FSS) and Resident Opportunities and Self Sufficiency Service Coordinator (ROSS-SC) programs. Public Housing residents that are currently FSS participants will continue to participate in the PHA's FSS program.

³⁷ For example, where a resident's most recently paid TTP is \$100, but the Calculated PBV TTP is \$200 and remains \$200 for the period of the resident's occupancy, (i.e. no changes in income) the resident would continue to pay the same rent and utilities for which it was responsible prior to conversion. At the first recertification following conversion, the resident's contribution would increase by 33% of \$100 to \$133. At the second AR, the resident's contribution would increase by 50% of the \$66 differential to the standard TTP, increasing to \$166. At the third AR, the resident's contribution would increase to \$200 and the resident would continue to pay the Calculated PBV TTP for the duration of their tenancy.

The PHA may continue to use any FSS funds already awarded to serve those FSS participants who live in units converted by RAD. At the completion of the FSS grant, PHAs should follow the normal closeout procedures outlined in the grant agreement. If the PHA continues to run an FSS program that serves PH and/or HCV participants, the PHA will continue to be eligible (subject to NOFA requirements) to apply for FSS funding. Due to the program merger between PH FSS and HCV FSS that took place pursuant to the FY14 Appropriations Act (and was continued in the subsequent Appropriation Acts), no special provisions are required to continue serving FSS participants that live in public housing units converting to PBV under RAD.

However, PHAs should note that until provisions of the Economic Growth, Regulatory Relief, and Consumer Protection Act are implemented, there are certain FSS requirements (e.g., escrow calculation and escrow forfeitures) that apply differently depending on whether the FSS participant is a participant under the HCV program or a public housing resident, and PHAs must follow such requirements accordingly. All PHAs will be required to administer the FSS program in accordance with FSS regulations at 24 CFR part 984 (current, or as amended), the participants' contracts of participation, and the alternative requirements established in the "Waivers and Alternative Requirements for the FSS Program" Federal Register notice, published on December 29, 2014, at 79 FR 78100.³⁸ Further, upon conversion to PBV, if the PHA no longer has a public housing program, funds already escrowed for FSS participants shall be transferred into the HCV escrow account and be considered TBRA funds, thus reverting to the HAP account if forfeited by the FSS participant.³⁹

For information on FSS PIC reporting requirements for RAD conversions, see Notice PIH 2016-08 at <http://portal.hud.gov/hudportal/documents/huddoc?id=pih2016-08.pdf>.

Current ROSS-SC grantees will be able to finish out their current ROSS-SC grants once their housing is converted under RAD. However, once the property is converted, it will no longer be eligible to be counted towards the unit count for future ROSS-SC grants, nor will its residents be eligible to be served by future ROSS-SC grants,

³⁸ The funding streams for the PH FSS Program and the HCV FSS Program were first merged pursuant to the FY 2014 appropriations act. As a result, PHAs can serve both PH residents and HCV participants, including PBV participants, with FSS funding awarded under the FY 2014 FSS Notice of Funding Availability (FSS NOFA) and any other NOFA under which the combination of funds remains in the applicable appropriations act. For PHAs that had managed both programs separately and now have a merged program, a conversion to PBV should not impact their FSS participants.

³⁹ Where the PHA maintains a public housing program, any forfeited funds that had been escrowed prior to conversion would revert to the PHA's Operating Reserves.

which, by statute, can only serve public housing residents. At the completion of the ROSS-SC grant, PHAs should follow the normal closeout procedures outlined in the grant agreement. Please note that ROSS-SC grantees may be a non-profit or local Resident Association and this consequence of a RAD conversion may impact those entities. To facilitate the uniform treatment of residents and units at a Covered Project, any non-RAD PBV units located in the same Covered Project shall be subject to the terms of this provision.

5. **Resident Participation and Funding.** In accordance with Attachment 1B, residents of Covered Projects with assistance converted to PBV will have the right to establish and operate a resident organization for the purpose of addressing issues related to their living environment and be eligible for resident participation funding. To facilitate the uniform treatment of residents and units at a Covered Project, any non-RAD PBV units located in the same Covered Project shall be subject to the terms of this provision.
6. **Resident Procedural Rights.** The following items must be incorporated into both the Section 8 Administrative Plan and the Project Owner's lease, which includes the required tenancy addendum (HUD Form 52530-c), as appropriate. Evidence of such incorporation may be requested by HUD for purposes of monitoring the program.
 - a. **Termination Notification.** HUD is incorporating additional termination notification requirements to comply with section 6 of the Act for public housing projects that convert assistance under RAD and to non-RAD PBV units located at the Covered Project. In addition to the regulations at 24 CFR § 983.257 related to Project Owner termination of tenancy and eviction (which MTW agencies may not alter), the termination procedure for RAD conversions to PBV will require that PHAs provide adequate written notice of termination of the lease which shall be :
 - i. A reasonable period of time, but not to exceed 30 days:
 1. If the health or safety of other tenants, Project Owner employees, or persons residing in the immediate vicinity of the premises is threatened; or
 2. In the event of any drug-related or violent criminal activity or any felony conviction;
 - ii. Not less than 14 days in the case of nonpayment of rent; and
 - iii. Not less than 30 days in any other case, except that if a State or local law provides for a shorter period of time, such shorter period shall apply.

- b. **Grievance Process.** Pursuant to requirements in the RAD Statute, HUD is establishing additional resident procedural rights to comply with section 6 of the Act.

For the termination of assistance and several other PHA determinations, PBV program rules require the PHA to provide an opportunity for an informal hearing, as outlined in 24 CFR § 982.555. RAD will specify alternative requirements for 24 CFR § 982.555(b) in part, which outlines when informal hearings are not required, to require that:

- i. In addition to reasons that require an opportunity for an informal hearing given in 24 CFR § 982.555(a)(1)(i)-(v),⁴⁰ an opportunity for an informal hearing must be given to residents for any dispute that a resident may have with respect to a Project Owner action in accordance with the individual's lease or the contract administrator in accordance with RAD PBV requirements that adversely affect the resident's rights, obligations, welfare, or status.
 1. For any hearing required under 24 CFR § 982.555(a)(1)(i)-(v), the contract administrator will perform the hearing, as is the current standard in the program. The hearing officer must be selected in accordance with 24 CFR § 982.555(e)(4)(i).
 2. For any additional hearings required under RAD, the Project Owner will perform the hearing.
- ii. There is no right to an informal hearing for class grievances or to disputes between residents not involving the Project Owner or Contract Administrator.
- iii. The Project Owner gives residents notice of their ability to request an informal hearing as outlined in 24 CFR § 982.555(c)(1) for informal hearings that will address circumstances that fall outside of the scope of 24 CFR § 982.555(a)(1)(i)-(vi).
- iv. The Project Owner provides opportunity for an informal hearing before an eviction.

Current PBV program rules require that hearing procedures must be outlined in the PHA's Section 8 Administrative Plan.

⁴⁰ § 982.555(a)(1)(iv) is not relevant to RAD as the tenant-based certificate program has been repealed.

To facilitate the uniform treatment of residents and units at a Covered Project, any non-RAD PBV units located in the same Covered Project shall be subject to the terms of this provision.

7. **Earned Income Disregard (EID).** Tenants who are employed and are currently receiving the EID exclusion at the time of conversion will continue to receive the EID after conversion, in accordance with regulations at 24 CFR § 5.617. Upon the expiration of the EID for such families, the rent adjustment shall not be subject to rent phase-in, as described in Section 1.6.C.4; instead, the rent will automatically rise to the appropriate rent level based upon tenant income at that time.

Under the Housing Choice Voucher program, the EID exclusion is limited only to persons with disabilities (24 CFR § 5.617(b)). In order to allow all tenants (including non-disabled persons) who are employed and currently receiving the EID at the time of conversion to continue to benefit from this exclusion in the PBV project, the provision in 24 CFR § 5.617(b) limiting EID to disabled persons is waived. The waiver, and resulting alternative requirement, apply only to tenants receiving the EID at the time of conversion. No other tenant (e.g., tenants that move into the property following conversion or tenants who at one time received the EID but are not receiving the EID exclusion at the time of conversion due to loss of employment) is covered by this waiver. To facilitate the uniform treatment of residents and units at a Covered Project, any non-RAD PBV units located in the same Covered Project shall be subject to the terms of this provision.

8. **Jobs Plus.** Jobs Plus grantees awarded FY14 and future funds that convert the Jobs Plus target projects(s) under RAD will be able to finish out their Jobs Plus period of performance unless significant relocation and/or change in building occupancy is planned. If either is planned at the Jobs Plus target project(s), HUD may allow for a modification of the Jobs Plus work plan or may, at the Secretary's discretion, choose to end the Jobs Plus program at that project. If the program is continued, the Project Owner must agree to continue to implement the program according to HUD's program requirements. Jobs Plus target public housing projects must enroll public housing residents into the Jobs Plus rent incentive, JPEID, prior to conversion. Any resident of the Covered Project that had not enrolled prior to conversion is not eligible to enroll in JPEID but may utilize Jobs Plus services that predominantly benefit the former public housing residents who resided at the target project at the time of RAD conversion. To facilitate the uniform treatment of residents and units at a Covered Project, any non-RAD PBV units located in the Covered Project may voluntarily utilize Jobs Plus services that predominantly benefit the former public housing residents who resided at the target project at the time of RAD conversion.

- 9. When Total Tenant Payment Exceeds Gross Rent.** Under normal PBV rules, the PHA may select an occupied unit to be included under the PBV HAP Contract only if the unit's occupants are eligible for housing assistance payments (24 CFR § 983.53(c)). Also, a PHA must remove a unit from the contract when no assistance has been paid for 180 days because the family's TTP has risen to a level that is equal to or greater than the contract rent, plus any utility allowance, for the unit (i.e., the Gross Rent) (24 CFR § 983.258). Since the rent limitation under this Section of the Notice may result in a family's TTP equaling or exceeding the gross rent for the unit, for residents living in the Converting Project prior to conversion and who will return to the Covered Project after conversion, HUD is waiving both of these provisions and requiring that the unit for such families be placed on and/or remain under the HAP Contract when TTP equals or exceeds the Gross Rent. Further, HUD is establishing the alternative requirement that until such time that the family's TTP falls below the gross rent, the rent to the owner for the unit will equal the lesser of (a) the family's TTP, less the Utility Allowance, or (b) any applicable maximum rent under LIHTC regulations. During any period when the family's TTP falls below the gross rent, normal PBV rules shall apply. As necessary to implement this alternative provision, HUD is waiving the provisions of Section 8(o)(13)(H) of the Act and the implementing regulations at 24 CFR § 983.301 as modified by Section 1.6.B.5 of this Notice.⁴¹ In such cases, the resident is considered a participant under the program and all of the family obligations and protections under RAD and PBV apply to the resident. Likewise, all requirements with respect to the unit, such as compliance with the HQS requirements, apply as long as the unit is under HAP Contract. The PHA is required to process these individuals through the Form 50058 submodule in PIC. To facilitate the uniform treatment of residents and units at a Covered Project, any non-RAD PBV units located in the same Covered Project shall be subject to the terms of this provision.

Unless a waiver is requested and approved as described below, any new admission to the Covered Project must meet the eligibility requirements at 982.201 and require a subsidy payment at admission to the program, which means their TTP may not equal or exceed the gross rent for the unit at that time. Further, a PHA must remove a unit from the contract when no assistance has been paid for 180 days. If units are removed from the HAP contract because a new admission's TTP comes to equal or exceed the gross rent for the unit and if the project is fully assisted, HUD is imposing an

⁴¹ For example, a public housing family residing in a property converting under RAD has a TTP of \$600. The property has an initial Contract Rent of \$500, with a \$50 Utility Allowance. Following conversion, the residents is still responsible for paying \$600 in tenant rent and utilities.

alternative requirement that the PHA must reinstate the unit after the family has left the property. If the project is partially assisted, the PHA may substitute a different unit for the unit on the HAP contract in accordance with 24 CFR §983.207 or, where “floating units have been permitted, Section 1.6.B.10 of the Notice.

A PHA may request a waiver from HUD for the Covered Project in order to admit otherwise eligible families whose TTP exceeds gross rent and to allow the units those families occupy to remain under the HAP contract even if the PHA has not made a housing assistance payment for a family in 180 days.

For a Covered Project that consists of 100 percent RAD PBV units, the PHA must demonstrate that a waiver is necessary in order to avoid an undue concentration of poverty at the Covered Project. A PHA may evidence this by providing data showing, for example:

- how eligible income-certified applicants on the waiting list must be passed over because their incomes result in zero HAP at admission causing a higher concentration of poverty at the covered project; or
- how the income of newly admitted families is causing a markedly higher concentration of poverty than the PHA’s non-RAD PBV projects.

The resulting impact on the property must be compared with the concentration of poverty at non-RAD PBV projects in the PHA’s jurisdiction. If there are no non-RAD PBV projects in the PHA’s jurisdiction, the PHA may alternatively demonstrate that the median income of families that could be admitted to the Covered Project is significantly lower than the median income of new admissions from the waiting list to the PHA’s HCV program since the time of the RAD conversion.

For any other Covered Project, the PHA must demonstrate that the property contains specific units (e.g., units suitable for large families or accessible units) for which there are insufficient alternative housing opportunities.

If the waiver is approved, the new admission[s] families covered under the waiver are participants under the program and all of the family obligations and protections under RAD and PBV apply to the family, and the unit is subject to all program requirements. Such waiver requests should be submitted to the PIH Field Office in accordance with Notice PIH 2018-16.

10. Under-Occupied Unit. If a family is in an under-occupied unit under 24 CFR § 983.260 at the time of conversion, the family may remain in this unit until an appropriate-sized unit becomes available in the Covered Project. When an appropriate

sized unit becomes available in the Covered Project, the family living in the under-occupied unit must move to the appropriate-sized unit within a reasonable period of time, as determined by the administering Voucher Agency. In order to allow the family to remain in the under-occupied unit until an appropriate-sized unit becomes available in the Covered Project, 24 CFR § 983.260 is waived for current residents remaining or returning to the Covered Project. MTW agencies may not modify this requirement. To facilitate the uniform treatment of residents and units at a Covered Project, any non-RAD PBV units located in the same Covered Project shall be subject to the terms of this provision.

D. PBV: Other Miscellaneous Provisions

- 1. Access to Records, Including Requests for Information Related to Evaluation of Demonstration.** PHAs and the Project Owner must cooperate with any reasonable HUD request for data to support program evaluation, including but not limited to project financial statements, operating data, Choice-Mobility utilization, and rehabilitation work. Please see Appendix IV for reporting units in Form HUD-50058.
- 2. Ongoing PHA Board Review of Operating Budget.** The Owner must submit to the administering PHA's Board the operating budget for the Covered Project annually. The PHA's Board must confirm that the Project Owner is making deposits into the Reserve for Replacement account in accordance with the RCC as well as assess the financial health of the Covered Project.⁴²
- 3. Davis-Bacon Act and Section 3 of the Housing and Urban Development Act of 1968 (Section 3).** These sections have been moved to [1.4.A.13 and 1.4.A.14](#).
- 4. Establishment of Waiting List.** 24 CFR § 983.251 sets out PBV program requirements related to establishing and maintaining a voucher-wide, PBV program-wide, or site-based waiting list from which residents for the Covered Project will be admitted. These provisions shall apply unless the project is covered by a remedial order or agreement that specifies the type of waiting list and other waiting list policies. The PHA shall consider the best means to transition applicants from the current public housing waiting list, including:
 - a. Transferring an existing site-based waiting list to a new site-based waiting list.

⁴² For PBV conversions that are not FHA-insured, a future HUD notice will describe project financial data that may be required to be submitted by a PBV owner for purposes of monitoring and evaluation, given that PBV projects do not submit annual financial statements to HUD/REAC.

- b. Transferring an existing site-based waiting list to a PBV program-wide or HCV program-wide waiting list.
- c. Transferring an existing community-wide public housing waiting list to a PBV program-wide or HCV program-wide waiting list, an option particularly relevant for PHAs converting their entire portfolio under RAD.
- d. Informing applicants on a community-wide public housing waiting list how to transfer their application to one or more newly created site-based waiting lists.

For any applicants on the public housing waiting list that are likely to be ineligible for admission to a Covered Project converting to PBV because the household's TTP is likely to exceed the RAD gross rent, the PHA shall consider transferring such household, consistent with program requirements for administration of waiting lists, to the PHA's remaining public housing waiting list(s) or to another voucher waiting list, in addition to transferring such household to the waiting list for the Covered Project.

To the extent any wait list relies on the date and time of application, the applicants shall have priority on the wait list(s) to which their application was transferred in accordance with the date and time of their application to the original waiting list.

If the PHA is transferring assistance to another neighborhood and, as a result of the transfer of the waiting list, the applicant would only be eligible for a unit in a location which is materially different from the location to which the applicant applied, the PHA must notify applicants on the waiting list of the transfer of assistance, and on how they can apply for residency at other sites.

If using a site-based waiting list, PHAs shall establish a waiting list in accordance with 24 CFR § 903.7(b)(2)(ii)-(iv) to ensure that applicants on the PHA's public housing community-wide waiting list have been offered placement on the Covered Project's initial waiting list. In all cases, PHAs have the discretion to determine the most appropriate means of informing applicants on the public housing community-wide waiting list given the number of applicants, PHA resources, and admissions requirements of the projects being converted under RAD. A PHA may consider contacting every applicant on the public housing waiting list via direct mailing; advertising the availability of housing to the population that is less likely to apply, both minority and non-minority groups, through various forms of media (e.g., radio stations, posters, newspapers) within the marketing area; informing local non-profit entities and advocacy groups (e.g., disability rights groups); and conducting other

outreach as appropriate. Any activities to contact applicants on the public housing waiting list must be conducted in accordance with the requirements for effective communication with persons with disabilities at 24 CFR § 8.6 and with the obligation to provide meaningful access for persons with limited English proficiency (LEP).⁴³

When using a site-based waiting list, PHAs should consider waiting list and transfer policies that expand opportunities for tenants seeking an emergency transfer under, or consistent with, the PHA's Emergency Transfer Plan. This includes allowing for easier moves between assisted properties.

To implement this provision, HUD is specifying alternative requirements for 24 CFR § 983.251(c)(2). However, after the initial waiting list has been established, the PHA shall administer its waiting list for the Covered Project in accordance with 24 CFR § 983.251(c). To facilitate the uniform treatment of residents and units at a Covered Project, any non-RAD PBV units located in the same Covered Project shall be subject to the terms of this provision.

A PHA must maintain any site-based waiting list in accordance with all applicable civil rights and fair housing laws and regulations.

5. **Mandatory Insurance Coverage.** The Covered Project shall maintain at all times commercially available property and liability insurance to protect the project from financial loss and, to the extent insurance proceeds permit, promptly restore, reconstruct, and/or repair any damaged or destroyed project property.
6. **Future Refinancing.** Project Owners must receive HUD approval for any refinancing or restructuring of secured debt during the HAP Contract term to ensure the financing is consistent with long-term preservation of the Covered Project. With respect to any financing contemplated at the time of conversion (including any permanent financing which is a conversion or take-out of construction financing), such consent may be evidenced through the RCC but HUD review of liens must be performed prior to execution.
7. **Administrative Fees for Public Housing Conversions During the Year of Conversion.** For the remainder of the Calendar Year in which the HAP Contract becomes effective (i.e., the "year of conversion"), RAD PBV projects will be funded

⁴³ For more information on serving persons with LEP, please see HUD's Final guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (72 FR 2732), published on January 22, 2007.

with public housing funds. For example, if the project's assistance converts effective July 1, 2015, the public housing ACC between the PHA and HUD will be amended to reflect the number of units under HAP Contract, but will be for zero dollars, and the RAD PBV HAP Contract will be funded with public housing money for July through December 2015. Since TBRA is not the source of funds, PHAs should not report leasing and expenses into VMS during this period, and PHAs will not receive section 8 administrative fee funding for converted units during this time.

PHAs operating an HCV program typically receive administrative fees for units under a HAP Contract, consistent with recent appropriation act references to "section 8(q) of the [United States Housing Act of 1937] and related appropriations act provisions in effect immediately before the Quality Housing and Work Responsibility Act of 1998" and 24 CFR § 982.152(b). During the year of conversion mentioned in the preceding paragraph, these provisions are waived. PHAs will not receive Section 8 administrative fees for PBV RAD units during the year of conversion.

After the year of conversion, the Section 8 ACC will be amended to include Section 8 funding that corresponds to the units covered by the Section 8 ACC. At that time, the regular Section 8 administrative fee funding provisions will apply.

- 8. Choice-Mobility.** One of the key features of the PBV program is the mobility component, which provides that if the family has elected to terminate the assisted lease at any time after the first year of occupancy in accordance with program requirements, the PHA must offer the family the opportunity for continued tenant-based rental assistance, in the form of either assistance under the voucher program or other comparable tenant-based rental assistance.

If as a result of participation in RAD a significant percentage of the PHA's HCV program becomes PBV assistance, it is possible for most or all of a PHA's turnover vouchers to be used to assist those RAD PBV families who wish to exercise mobility. While HUD is committed to ensuring mobility remains a cornerstone of RAD policy, HUD recognizes that it remains important for the PHA to still be able to use tenant-based vouchers to address the specific housing needs and priorities of the community. Therefore, HUD is establishing the following alternative requirement for PHAs where, as a result of RAD, the total number of PBV units (including RAD PBV units) under HAP Contract administered by the PHA exceeds 20 percent of the PHA's authorized units under its HCV ACC with HUD: The alternative mobility policy provides that an eligible voucher agency would not be required to provide more than three-quarters of its turnover vouchers in any single year to the residents of Covered Projects. While a voucher agency is not required to establish a voucher inventory

turnover cap, if such a cap is implemented, the voucher agency must create and maintain a waiting list in the order in which the requests from eligible households were received. In order to adopt this provision, this alternative mobility policy must be included in an eligible PHA's administrative plan.

To effectuate this provision, HUD is providing an alternative requirement to Section 8(o)(13)(E) of the Act and 24 CFR § 983.261(c). Please note that this alternative requirement does not apply to PBVs entered into outside of the context of RAD. MTW agencies may not alter this requirement.

- 9. Reserve for Replacement.** The Project Owner shall establish and maintain a replacement reserve in an interest-bearing account to aid in funding extraordinary maintenance and repair and replacement of capital items in accordance with applicable regulations. The reserve must be built up to and maintained at a level determined by HUD to be sufficient to meet projected requirements. For FHA transactions, Replacement Reserves shall be maintained in accordance with the FHA Regulatory Agreement. For all other transactions, Replacement Reserves shall be maintained in a bank account or similar instrument, as approved by HUD, where funds will be held by the Project Owner or mortgagee and may be drawn from the reserve account and used subject to HUD guidelines.

- 10. Initial Certifications and Tenant Rent Calculations.** The Contract Administrator uses the family's public housing tenant rent (reflected on line 10f of the family's most recent HUD Form 50058) at the date of the conversion to calculate the PBV HAP and tenant rent until the effective date of the earlier of the family's first regular or interim recertification following the date of conversion. At the earlier of the family's first regular or interim recertification, the Contract Administrator will use the family's TTP based on the recertification and the HCV utility allowance (or the PBV site-specific utility allowance, if applicable) to determine the PBV HAP and tenant rent. This means that the family pays the same tenant rent as the family was paying under the public housing program until the earlier of first regular or interim reexamination following conversion, at which point the normally applicable PBV calculation for the tenant rent becomes effective. (Under the PBV program, the monthly HAP is the rent to owner minus the tenant rent, and the tenant rent is the family TTP minus the utility allowance.) To facilitate the uniform treatment of residents and units at a Covered Project, any non-RAD PBV units located in the same property as the Covered Project shall be subject to the terms of this provision. To effectuate this provision, HUD is waiving 24 CFR 5.601 and 983.3(c)(6)(iii).

Section 1.7

11. UPCS (REAC) Inspections. Under current regulations at 24 CFR part 5, subpart G, a unit covered under a PBRA HAP Contract must meet the UPCS before assistance can be paid on behalf of a household. Under RAD, once all units under the HAP Contract become occupied, HUD will order a REAC inspection of the property to ensure conditions meet the UPCS. HUD is hereby waiving and establishing this alternative requirement to 24 CFR part 5, subpart G.

B. PBRA Resident Rights and Participation.

1. No Rescreening of Tenants upon Conversion. Pursuant to the RAD Statute, at conversion, current households cannot be excluded from occupancy at the Covered Project based on any rescreening, income eligibility, or income targeting. With respect to occupancy in the Covered Project, current households in the Converting Project will be grandfathered for application of any eligibility criteria to conditions that occurred prior to conversion but will be subject to any ongoing eligibility requirements for actions that occur after conversion.⁵¹ Post-conversion, the tenure of all residents of the Covered Project is protected pursuant to PBRA requirements regarding continued occupancy unless explicitly modified in this Notice (e.g., rent phase-in provisions). For example, a unit with a household that was over-income at time of conversion would continue to be treated as an assisted unit. Thus, the first clause of section 8(c)(4) of the Act and 24 CFR § 880.603(b), concerning determination of eligibility and selection of tenants for initial occupancy, will not apply for current households. Once the grandfathered household moves out, the unit must be leased to an eligible family. Further, so as to facilitate the right to return to the assisted property, this provision shall apply to current public housing residents of the Converting Project that will reside in non-RAD PBV units or non-RAD PBRA units placed in a project that contain RAD PBV units or RAD PBRA units. Such families and such contract units will otherwise be subject to all requirements of the applicable program, specifically 24 CFR § 983 for non-RAD PBV units and the PBRA requirements governing the applicable contract for non-RAD PBRA units.⁵²

2. Right to Return. See section 1.4.A.5.b. and the RAD Fair Housing, Civil Rights, and Relocation Notice regarding a resident's right to return.

⁵¹ These protections (as well as all protections in this Notice for current households) apply when a household is relocated to facilitate repairs following conversion and subsequently returns to the Covered Project, even if they are considered a "new admission" upon return.

⁵² For non-RAD PBV households, applicable program requirements includes the requirement that any admission to the project must be initially eligible for a HAP payment at admission to the program, which means their TTP may not exceed the gross rent for the unit at that time.

- 3. Phase-in of Tenant Rent Increases.** If, purely as a result of conversion, the amount a tenant would pay for rent and utilities under the PBRA program (the tenant's TTP) would increase the tenant's TTP by more than the greater of 10 percent or \$25, the rent increase will be phased in over 3 or 5 years. Eligibility for the phase-in is to be determined at the Initial Certification which occurs at the time the household is converted to PBRA. A phase-in must not be applied after the household's Initial Certification. To implement the phase-in, HUD is specifying alternative requirements for section 3(a)(1) of the Act, as well as 24 CFR § 880.201 (definition of "total tenant payment" (TTP)) to the extent necessary to allow for the phase-in of tenant rent increases. A PHA must create a policy setting the length of the phase-in period at three years, five years, or a combination depending on circumstances and must communicate such policy in writing to affected residents. For example, a PHA may create a policy that uses a three year phase-in for smaller increases in rent and a five year phase-in for larger increases in rent. This policy must be in place at conversion and may not be modified after conversion.

The method described below explains the set percentage-based phase-in a Project Owner must follow according to the phase-in period established. For purposes of this section "Calculated Multifamily TTP" refers to the TTP calculated in accordance with regulations at 24 CFR § 5.628 (not capped at Gross Rent) and the "most recently paid TTP" refers to the TTP recorded on the family's most recent HUD Form 50059. If a family in a project converting from Public Housing to PBRA was paying a flat rent immediately prior to conversion, the PHA should use the flat rent amount to calculate the phase-in amount for Year 1, as illustrated below.

Three Year Phase-in:

- Year 1: Any recertification (interim or annual) performed prior to the second annual recertification after conversion – 33% of difference between most recently paid TTP or flat rent and the Calculated Multifamily TTP
- Year 2: Year 2 Annual Recertification (AR) and any Interim Recertification (IR) in prior to Year 3 AR – 50% of difference between most recently paid TTP and Calculated Multifamily TTP
- Year 3: Year 3 AR and all subsequent recertifications – Year 3 AR and any IR in Year 3: Full Calculated Multifamily TTP⁵³

⁵³ For example, where a resident's most recently paid TTP is \$100, but the Calculated PBV TTP is \$200 and remains \$200 for the period of the resident's occupancy, (i.e. no changes in income) the resident would continue to pay the same rent and utilities for which it was responsible prior to conversion. At the first recertification following conversion, the resident's contribution would increase by 33% of \$100 to \$133. At the second AR, the resident's contribution would increase by 50% of the \$66 differential to the standard TPP, increasing to \$166. At the third AR, the resident's contribution would increase to \$200 and the resident would continue to pay the Calculated PBV TTP for the duration of their tenancy.

Five Year Phase-in

- Year 1: Any recertification (interim or annual) performed prior to the second annual recertification after conversion – 20% of difference between most recently paid TTP or flat rent and the Calculated Multifamily TTP
- Year 2: Year 2 AR and any IR prior to Year 3 AR – 25% of difference between most recently paid TTP and Calculated Multifamily TTP
- Year 3: Year 3 AR and any IR prior to Year 4 AR – 33% of difference between most recently paid TTP and Calculated Multifamily TTP
- Year 4: Year 4 AR and any IR prior to Year 5 AR – 50% of difference between most recently paid TTP and Calculated Multifamily TTP
- Year 5 AR and all subsequent recertifications – Full Calculated Multifamily TTP

Please Note: In either the three year phase-in or the five-year phase-in, once Calculated Multifamily TTP is equal to or less than the previous TTP, the phase-in ends and tenants will pay full Calculated Multifamily TTP from that point forward

- 4. Family Self-Sufficiency (FSS) and Resident Opportunities and Self Sufficiency Service Coordinator (ROSS-SC) programs.** Public Housing residents that are currently FSS participants will continue to participate in the PHA's FSS program once their housing is converted under RAD. Through waiver in this Notice, FSS grant funds may be used to continue to serve such FSS participants. All Project Owners will be required to administer the FSS program or partner with another agency to administer the FSS program in accordance with the requirements of 24 CFR part 984, the participants' contracts of participation, and current and future guidance published by HUD for all FSS participants enrolled in the FSS program prior to RAD conversion. All Project Owners will be required to provide both service coordination and payments to escrow until the end of the Contract of Participation for each resident. To ensure that HAP payments are processed correctly, and until TRACS is modified, the Project Owner must notify MF_FSS@hud.gov that there are current FSS participants residing in the Covered Project and adhere to the escrow and reporting requirements in Notice H 2016-08. The Project Owner may enter into a Cooperative Agreement with the PHA (the grantee), allowing the PHA to continue to provide service coordination to RAD-affected PBRA participants until all have completed their Contracts according to 24 CFR § 984.303. The Project Owner must assume responsibility for the administrative duties associated with FSS such as calculating and crediting escrow and reporting. Ultimately, the new Project Owner is responsible for serving the RAD-affected FSS participants until the end of their CoPs.

The owner is not required to enroll new participants, but may choose to run its own voluntary FSS program in accordance with Notice H 2016-08.

At the completion of the FSS grant, grantees should follow the normal closeout procedures outlined in the grant agreement. Future FSS NOFAs will identify eligible FSS participants. Until HUD implements provisions of the Economic Growth, Regulatory Relief, and Consumer Protection Act that expand eligibility for FSS to PBRA properties, only a PHA that continues to run an FSS program that serves public housing and/or HCV/PBV FSS participants, the PHA will continue to be eligible (subject to NOFA requirements) to apply for FSS funding and may use that funding to serve public housing, HCV and/or RAD-affected PBRA FSS participants. However, if the PHA no longer has a public housing or HCV program, the PHA is not eligible to apply for FSS funding.

Upon conversion, if the PHA has closed out its public housing program in accordance with Notice PIH 2019-13, funds escrowed under the public housing program for FSS participants shall be transferred into the PBRA escrow account and be considered PBRA funds, thus reverting to PBRA if forfeited by the FSS participant.

Current ROSS-SC grantees will be able to finish out their current ROSS-SC grants once their housing is converted under RAD. However, once the property is converted, it will no longer be eligible to be counted towards the unit count for future ROSS-SC grants nor will its residents be eligible to be served by future ROSS-SC grants, as ROSS-SC, by statute, can serve only public housing residents. At the completion of the ROSS-SC grant, grantees should follow the normal closeout procedures outlined in the grant agreement. Please note that ROSS-SC grantees may be non-profits or local Resident Associations and this consequence of a RAD conversion may impact those entities.

- 5. Resident Participation and Funding.** Residents of Covered Projects with assistance converted to PBRA will have the right to establish and operate a resident organization in accordance with 24 CFR part 245 (Tenant Participation in Multifamily Housing Projects). In addition, in accordance with Attachment 1B, residents will be eligible for resident participation funding.
- 6. Resident Procedural Rights.** The information provided below must be included as part of the House Rules for the associated project and the House Rules must be submitted to HUD for review prior to Closing. See Attachment 1E for a sample Addendum to the House Rules.

- a. **Termination Notification.** HUD is incorporating additional termination notification requirements to comply with section 6 of the Act for public housing projects converting assistance under RAD, that supplement notification requirements in regulations at 24 CFR § 880.607 and the Multifamily HUD Model Lease.
 - i. *Termination of Tenancy and Assistance.* The termination procedure for RAD conversions to PBRA will additionally require that Project Owners provide adequate written notice of termination of the lease which shall be:
 - 1. A reasonable period of time, but not to exceed 30 days:
 - If the health or safety of other tenants, Project Owner employees, or persons residing in the immediate vicinity of the premises is threatened; or
 - In the event of any drug-related or violent criminal activity or any felony conviction;
 - 2. Not less than 14 days in the case of nonpayment of rent; and
 - 3. Not less than 30 days in any other case, except that if a State or local law provides for a shorter period of time, such shorter period shall apply.
 - ii. *Termination of Assistance.* In all other cases, the requirements at 24 CFR § 880.603, the Multifamily HUD Model Lease, and any other HUD multifamily administrative guidance shall apply.
- b. **Grievance Process.** Pursuant to requirements in the RAD Statute, HUD is establishing additional resident procedural rights to comply with section 6 of the Act. In addition to program rules that require that tenants are given notice of covered actions under 24 CFR part 245 (including increases in rent, conversions of a project from project-paid utilities to tenant-paid utilities, or a reduction in tenant paid utility allowances), HUD requires that:
 - i. Residents be provided with notice of the specific grounds of the Project Owner's proposed adverse action, as well as their right to an informal hearing with the Project Owner;
 - ii. Residents have an opportunity for an informal hearing with an impartial member of the Project Owner's staff within a reasonable period of time;
 - iii. Residents have the opportunity to be represented by another person of their choice, to ask questions of witnesses, have

others make statements at the hearing, and to examine any regulations and any evidence relied upon by the Project Owner as the basis for the adverse action. With reasonable notice to the Project Owner, prior to hearing and at the residents' own cost, residents may copy any documents or records related to the proposed adverse action; and

- iv. Project Owners provide the resident with a written decision within a reasonable period of time stating the grounds for the adverse action and the evidence the Project Owner relied on as the basis for the adverse action.

The Project Owner shall be bound by decisions from these hearings, except if (x) the hearing concerns a matter that exceeds the authority of the impartial party conducting the hearing, or (y) the decision is contrary to HUD regulations or requirements, or otherwise contrary to federal, State, or local law. If the Project Owner determines that it is not bound by a hearing decision, the Project Owner must promptly notify the resident of this determination, and of the reasons for the determination.

- c. **Family Right to Move.** [Pursuant to Section 1.7.C.5](#) and unless the Covered Project received a specific good cause exemption to such provision, families have a choice-mobility right which must be stated in the House Rules as shown in sample in Attachment 1E.

7. **Earned Income Disregard (EID).** Tenants who are employed and are currently receiving the EID exclusion at the time of conversion will continue to receive the EID exclusion after conversion, in accordance with regulations at 24 CFR § 960.255. After conversion, no other tenants will be eligible to receive the EID. If a tenant receiving the EID exclusion undergoes a break in employment, ceases to use the EID exclusion, or the EID exclusion expires in accordance with 24 CFR § 960.255, the tenant will no longer receive the EID exclusion and the Owner will no longer be subject to the provisions of 24 CFR § 960.255. Furthermore, tenants whose EID ceases or expires after conversion shall not be subject to the rent phase-in provision, as described in Section 1.7.B.3; instead, the rent will automatically be adjusted to the appropriate rent level based upon tenant income at that time.
8. **Jobs Plus.** Jobs Plus grantees awarded FY14 and future funds that convert the Jobs Plus target project(s) under RAD will be able to finish out their Jobs Plus grant unless significant relocation and/or change in building occupancy is planned. If either is planned at the Jobs Plus target project(s), HUD may allow for a modification of the

Jobs Plus work plan or may, at the Secretary's discretion, choose to end the Jobs Plus program at that project. Jobs Plus target public housing projects must enroll public housing residents into the Jobs Plus rent incentive, JPEID, prior to conversion. Any resident of the Covered Project that had not enrolled prior to conversion is not eligible to enroll in JPEID but may utilize Jobs Plus services offered at the target project that predominantly benefit the former public housing residents who resided at the target project at the time of RAD conversion. If the program is continued, the Project Owner must agree to continue to implement the program according to HUD's program requirements.

9. **When Total Tenant Payment Exceeds Gross Rent.** Under the PBRA program, assisted families typically pay 30% of adjusted gross income toward rent and utilities, referred to as TTP. Under normal PBRA rules, a Project Owner must process a termination of assistance pursuant to section 8-5 C. of Housing Handbook 4350.3, REV-1 when the family's TTP has risen to a level that is equal to or greater than the contract rent, plus any utility allowance, for the unit (i.e., the Gross Rent). In addition, section 8-6 A.1 provides that, when terminating a tenant's assistance, the owner is to increase the tenant rent to the contract rent (assuming that the tenant does not receive the benefit of any other type of subsidy).

For residents living in the Converting Project on the date of conversion and all new admissions to the Covered Project thereafter, when TTP equals or exceeds the contract rent plus any utility allowance, the Project Owner must charge a tenant rent equal to the lesser of (a) TTP (which is not capped at gross rent), less the utility allowance in the contract, or (b) any applicable maximum rent allowable under LIHTC regulations.⁵⁴ To this end, HUD is waiving sections 8-5 C. and 8-6 A. 1. of Housing Handbook 4350.3, REV-1. In such cases, the tenant will still be considered a Section 8 tenant and will still have the rights and be subject to the requirements of Section 8 tenants. Tenants will retain all of the rights under the Model Lease, including the right to occupy the unit, as well as those provided through this Notice, and tenants will still be subject to the requirements for Section 8 tenants, including the requirements concerning reexamination of family income and composition found in 24 CFR §§ 5.657 and 880.603(c). When TTP equals or exceeds Gross Rent, the excess rent collected by the owner is considered project funds and must be used for project purposes. Assistance may subsequently be reinstated if the Tenant becomes eligible for assistance. In the event that the tenant moves out, the Project Owner must

⁵⁴ For example, a public housing family residing in a property converting under RAD has a TTP of \$600. The property has an initial Contract Rent of \$500, with a \$50 Utility Allowance. Following conversion, the residents is still responsible for paying \$600 in tenant rent and utilities. Accordingly, the Project Owner must charge this resident \$550, i.e., \$600 TTP, minus \$50 Utility Allowance.

select an applicant from the waiting list who meets the applicable income limits for the project.

The Project Owner is not required to process these individuals through Multifamily Housing's Tenant Rental Assistance Certification System (TRACS) but may be required to do so in the future when a future revision of the TRACS can accept such certifications. All normal actions for the contract rent shall continue for these units, including application of the OCAF adjustment to the contract rent indicated in the HAP Contract—since the OCAF adjusted rent will still be in effect whenever the unit is occupied by a family eligible for rental assistance.

10. Under-Occupied Units. If at the time of conversion, an eligible family assisted under the HAP Contract is occupying a unit that is larger than appropriate because of the family's composition, the family may remain in the unit until an appropriate-sized unit becomes available in the Covered Project. When an appropriate sized unit becomes available in the Covered Project, the family living in the under-occupied unit must move to the appropriate-sized within a reasonable period of time. In order to allow the family to remain in the under-occupied unit until an appropriate-sized unit becomes available in the Covered Project, HUD is waiving the portion of 24 CFR § 880.605 that assumes the unit has become under-occupied as the result of a change in family size.

C. PBRA: Other Miscellaneous Provisions.

- 1. Access to Records, Including Requests for Information Related to Evaluation of Demonstration.** PHAs and the Project Owner must cooperate with any reasonable HUD request for data to support program evaluation, including but not limited to project financial statements, operating data, Choice-Mobility utilization, and rehabilitation work.
- 2. Davis-Bacon prevailing wages and Section 3 of the Housing and Urban Development Act of 1968 (Section 3).** These sections have been moved to [1.4.A.13](#) and [1.4.A.14](#).
- 3. Establishment of Waiting List.** The Project Owner can utilize a project-specific or community waiting list. The PHA shall consider the best means to transition applicants from the current public housing waiting list, including:
 - a. Transferring an existing site-based waiting list to a new site-based waiting list.
 - b. Transferring an existing site-based waiting list to a PBRA program-wide waiting list.

- c. Transferring an existing community-wide public housing waiting list to a PBRA program-wide waiting list, an option particularly relevant for PHAs converting their entire portfolio under RAD.
- d. Informing applicants on a community-wide public housing waiting list how to transfer their application to one or more newly created site-based waiting lists.

To the extent the wait list relies on the date and time of application, the applicants shall have priority on the wait list(s) to which their application was transferred in accordance with the date and time of their application to the original waiting list.

If the PHA is transferring assistance to another neighborhood and, as a result of the transfer of the waiting list, the applicant would only be eligible for a unit in a location which is materially different from the location to which the applicant applied, the PHA must notify applicants on the waiting list of the transfer of assistance, and on how they can apply for residency at other sites.

If using a site-based waiting list, PHAs shall establish a waiting list in accordance with 24 CFR § 903.7(b)(2)(ii)-(iv) to ensure that applicants on the PHA's public housing community-wide waiting list have been offered placement on the Covered Project's initial waiting list. In all cases, PHAs have the discretion to determine the most appropriate means of informing applicants on the public housing community-wide waiting list given the number of applicants, PHA resources, and admissions requirements of the projects being converted under RAD. A PHA may consider contacting every applicant on the public housing waiting list via direct mailing; advertising the availability of housing to the population that is less likely to apply, both minority and non-minority groups, through various forms of media (e.g., radio stations, posters, newspapers) within the marketing area; informing local non-profit entities and advocacy groups (e.g., disability rights groups); and conducting other outreach as appropriate. Any activities to contact applicants on the public housing waiting list must be conducted in accordance with the requirements for effective communication with persons with disabilities at 24 CFR § 8.6 and with the obligation to provide meaningful access for persons with limited English proficiency (LEP).⁵⁵

When using a site-based waiting list, PHAs should consider waiting list and transfer policies that expand opportunities for tenants seeking an emergency transfer under, or consistent with, the PHA's Emergency Transfer Plan. This allows for easier moves

⁵⁵ For more information on serving persons with LEP, please see HUD's Final guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (72 FR 2732), published on January 22, 2007.

between assisted properties. Any such preference must be approved by HUD in accordance with Notice H 2013-21, prior to implementation.

To implement this provision, HUD is specifying alternative requirements for 24 CFR § 880.603 regarding selection and admission of assisted tenants. However, after the initial waiting list has been established, the Project Owner shall administer its waiting list for the Covered Project in accordance with 24 CFR § 880.603.

A Project Owner must maintain any site-based waiting list in accordance with all applicable civil rights and fair housing laws and regulations.

4. **Mandatory Insurance Coverage.** The Covered Project shall maintain at all times commercially available property and liability insurance to protect the project from financial loss and, to the extent insurance proceeds permit, promptly restore, reconstruct, and/or repair any damaged or destroyed property of a project.
5. **Choice-Mobility.** HUD seeks to provide all residents of Covered Projects with viable Choice-Mobility options. Unless provided an exemption as described below, PHAs that are applying to convert the assistance of a project to PBRA are required to provide a Choice-Mobility option to residents of Covered Projects in accordance with the following:⁵⁶
 - a. *Resident Eligibility.* Residents have a right to move with tenant-based rental assistance (e.g., Housing Choice Voucher (HCV)) the later of: (a) 24 months from date of effective date of the HAP or (b) 24 months after the move-in date.
 - b. *Voucher Inventory Turnover Cap.* Recognizing the limitation on the availability of turnover vouchers from year to year, a voucher agency would not be required, in any year, to provide more than one-third of its turnover vouchers to the residents of Covered Projects. While a voucher agency is not required to establish a voucher inventory turnover cap, if such a cap is implemented the voucher agency must create and maintain a waiting list in the order in which the requests from eligible households were received.
 - c. *Project Turnover Cap.* Also recognizing the limited availability of turnover vouchers and the importance of managing turnover in the best interests of the property, in any year, a Project Owner and voucher agency

⁵⁶ The Choice-Mobility requirements that apply to covered PBRA projects differ from the requirements that apply to covered PBV projects.

may agree to limit the number of Choice-Mobility moves exercised by eligible households to 15 percent of the assisted units in the project. (For example, if the project has 100 assisted units, the Project Owner and voucher agency could limit the number of families exercising Choice-Mobility to 15 in any year, but not to less than 15.) While a Project Owner and voucher agency are not required to establish a project turnover cap, if such a cap is implemented the voucher agency must create and maintain a waiting list in the order in which the requests from eligible households were received.

The voucher agency must maintain a written agreement with the owner describing how the Choice-Mobility option will be administered in accordance with these requirements and the process by which households may request a voucher. For example, the written agreement must specify whether the owner will receive requests from families or refer families to the PHA.

HUD's goal is to have all residents in the Demonstration offered a Choice-Mobility option within a reasonable time after conversion. However, as HUD recognizes that not all voucher agencies will have vouchers sufficient to support this effort, HUD will take the following actions:

- Provide voucher agencies that make such a commitment bonus points provided under the Section Eight Management Assessment Program (SEMAP) for deconcentration.⁵⁷
- Grant a good-cause exemption from the Choice-Mobility requirement for no more than 10 percent of units in the Demonstration. HUD will consider requests for good-cause exemptions only from the following types of PHAs:
 - Public housing–only agencies, defined as agencies that own units under a public housing ACC, but do not administer, directly or through an affiliate, a Housing Choice Voucher program with non special-purpose vouchers; or
 - Combined agencies that currently have more than one-third of their turnover vouchers set aside for veterans, as defined for the purpose of

⁵⁷ The sponsoring agency must commit to the full term of the initial HAP Contract, must undergo a significant amendment to its Annual Plan (no later than 60 days after execution of the project's CHAP), and must comply with section 8(o)(6)(A) relating to selection preferences. In order to implement this incentive, HUD is waiving provisions under 24 CFR § 985.3(h) to provide donating agencies with bonus points under the SEMAP for deconcentration.

HUD-VASH, or homeless populations, as defined in 24 CFR § 91.5.⁵⁸ To be eligible for this exemption, the PHA's admission policies must have been formally approved by the PHA's board prior to the time of application.

6. **Future Refinancing.** Project Owners must receive HUD approval for any refinancing or restructuring of secured debt during the HAP Contract term to ensure the financing is consistent with long-term preservation of the Covered Project. With respect to any financing contemplated at the time of conversion (including any permanent financing which is a conversion or take-out of construction financing), such consent may be evidenced through the RCC, but HUD review of liens must be performed prior to execution.
7. **Submission of Year-End Financial Statements.** Projects converting assistance to PBRA must comply with 24 CFR part 5, subpart H, as amended, revised, or modified by HUD.⁵⁹
8. **Classification of Converting Projects as Pre-1981 Act Projects under Section 16(c) of the United States Housing Act of 1937.** For purposes of ensuring maximum flexibility in converting to PBRA, all projects converting to PBRA shall be treated as Pre-1981 Act Projects under Section 16(c) of the Act. Section 16(c)(1), which applies to pre-1981 Act projects, restricts occupancy by families that are other than very low-income to 25% of overall occupancy. Thus, Project Owners of projects converting to PBRA may admit applicants with incomes up to the low-income limit. HUD Headquarters tracks the 25% restriction on a nationwide basis. Project Owners of projects converting to PBRA do not need to request an exception to admit low-income families. In order to implement this provision, HUD is specifying alternative requirements for section 16(c)(2) of the Act and 24 CFR § 5.653(d)(2) to require Project Owners of projects converting to PBRA to adhere to the requirements of section 16(c)(1) of the Act and 24 CFR § 5.653(d)(1).
9. **Owner-Adopted Preferences.** Covered Projects are not permitted to establish or, where previously approved under public housing rules, maintain a designation (i.e., a set-aside of units) for elderly families or for disabled families; unlike the statute

⁵⁸ A veteran is, for the purpose of HUD-VASH, a person who served in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable and is eligible for Veterans Administration health care.

⁵⁹ This provision is included to clarify existing requirements for PHAs that own PBRA-assisted projects through Single Asset Entities. Such owners are considered reporting entities under 24 CFR § 5.801 (a)(3) and (a)(4).

governing public housing, the Section 8 statute does not authorize designations. However, owners of Covered Projects may adopt a selection preference (e.g., for elderly individuals and/or elderly families) which permits those applicants to be selected from the waiting list and housed before other eligible families. Project Owners who wish to adopt a preference for populations that are not identified in 24 CFR § 5.655(c)(5) (e.g., elderly families, near-elderly single persons, near-elderly families), must obtain HUD approval from the prospective Multifamily Housing Account Executive (field office) prior to execution of the HAP contract to do so in accordance with Notice H 2013-21 (July 25, 2013). This approval must be secured prior to conversion if the owner intends to implement the preference for new admissions immediately following conversion.

10. Initial Certifications and Tenant Rent Calculations. Owners are to use the resident's pre-existing public housing 50058 data and maintain the tenant rent and utility allowance until the resident's next annual or interim certification. To effectuate this provision, HUD is waiving 24 CFR 5.601.

1.8 Resident Notification

A. Before Application. Prior to submitting an application to participate in the Demonstration, the PHA must:

1. Provide written notification to legitimate resident organizations of the PHA's intent to pursue a conversion;
2. Provide written notification in the form of a RAD Information Notice (RIN) to residents of projects proposed for conversion to inform the residents of the PHA's intent to pursue a conversion and of their rights in connection with a proposed conversion (whether or not any relocation is anticipated). A General Information Notice (GIN) must also be issued if it is required by the URA. The URA regulations at 49 CFR part 24 and relevant program regulations specify the time by which a GIN must be issued, which may be different than the timing for issuance of the RIN. URA and program regulations also specify the entity responsible for issuing GINs. See the RAD Fair Housing, Civil Rights, and Relocation Notice for additional detail regarding the timing, content and purpose of these resident notifications;
3. Following issuance of the RIN, conduct at least two meetings with residents of projects proposed for conversion to discuss conversion plans and provide opportunity for comment, which discussion must include a description of resident rights described in Attachment 1B.1 and a description of the PHAs preliminary intentions, to the extent formulated, with respect to: a) whether the conversion will include a transfer of assistance and potential locations to which the assistance would be transferred, b) plans to partner with an entity other than an affiliate or instrumentality of the PHA if such partner will have a general partner or managing member ownership interest in



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Office of Public and Indian Housing
Office of Housing

Special Attention of:	Notice	H 2016-17 PIH 2016-17 (HA)
Public Housing Agencies		
Public Housing Hub Office Directors		
Public Housing Program Center Directors	Issued:	November 10, 2016
Multifamily HUB Directors		
Multifamily Program Center Directors	Effective:	November 10, 2016
Regional and Field Office Directors		
Regional Administrators	Expires:	This Notice remains in effect until amended, superseded, or rescinded
Performance Based Contract Administrators		
RAD Transaction Managers		
Regional Relocation Specialists	Supplements:	PIH Notice 2012-32 (HA) REV-2
	Supersedes:	H 2014-09/PIH 2014-17

SUBJECT: Rental Assistance Demonstration (RAD) Notice Regarding Fair Housing and Civil Rights Requirements and Relocation Requirements Applicable to RAD First Component – Public Housing Conversions.¹

SECTION 1. Purpose, Applicability and Major Provisions of this Notice

1.1. Purpose

This notice (Notice) provides PHAs,² Project Owners, and their RAD development partners with guidance regarding key fair housing and civil rights statutory and regulatory requirements, explains the situations in which HUD is requiring front-end fair housing and civil rights reviews, and provides information regarding the types of information that must be submitted to facilitate HUD’s review of certain fair housing and civil rights requirements in connection with public housing conversions under the First Component of RAD. This Notice also includes guidance

¹ While this Notice addresses fair housing and civil rights requirements and relocation requirements, the fair housing and civil rights requirements are not limited to relocation issues.

² Consistent with PIH Notice 2012-32 (HA) REV-2 (PIH 2012-32 (HA) REV-2) (the “RAD Notice”), this Notice uses the term “PHA” to refer to the owner of the project prior to the RAD conversion and “Project Owner” to refer to the owner of the project after the RAD conversion.

regarding key relocation statutory and regulatory requirements, and details relocation requirements under RAD. This Notice only applies to projects converting under the First Component of RAD; it does not apply to the Second Component of RAD.³

The RAD program was established as a tool for preserving and improving low-income housing stock. RAD is intended to facilitate reinvestment in or redevelopment of the long-term-affordable stock of HUD-assisted housing properties. RAD also provides mobility benefits for assisted residents of converted properties through the choice mobility option, allowing these households to access tenant-based Housing Choice Vouchers. In some cases, RAD can be a tool for transfer of rental assistance from distressed or poorly selected sites to new sites in high opportunity areas. In all cases, the objective is to better serve low-income residents and the broader community in complying with fair housing, other civil rights, and relocation laws.

This Notice provides PHAs and Project Owners with guidance relating to planning and implementing public housing (First Component) RAD conversions in a manner consistent with existing fair housing and other civil rights requirements, including, but not limited to, those associated with the Fair Housing Act, Title VI of the Civil Rights Act of 1964, Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, Titles II and III of the Americans with Disabilities Act, the Architectural Barriers Act of 1968, and their implementing regulations. Section 4 of this Notice summarizes key provisions of existing law applicable to RAD transactions.

To further compliance with these existing requirements, PIH 2012-32 (HA) REV-2, issued June 15, 2015 (the “RAD Notice”) established that specific PHA decisions and activities planned to be part of a First Component RAD conversion must be reviewed by HUD prior to implementation (the “front-end” fair housing and civil rights reviews). Through a front-end review of the enumerated PHA decisions, HUD seeks to assist PHAs and Project Owners in meeting their fair housing, other civil rights, and relocation obligations. Section 5 of this Notice explains the situations in which HUD is requiring front-end fair housing, other civil rights, and relocation reviews, details the procedures for HUD’s front-end review and the type of information that must be submitted for these reviews, and the timeframes for these reviews.

Finally, in Sections 6 and 7 this Notice provides PHAs and Project Owners with guidance regarding RAD program and other statutory and regulatory relocation assistance requirements when planning for or implementing resident moves as a result of a conversion of a public housing project under RAD. This guidance includes reiterated and new requirements, the corresponding required reviews, and explanation of the interaction between RAD relocation procedures and certain existing public housing requirements. PHAs and Project Owners implementing RAD transactions may be subject to (a) the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (URA),

³ Important fair housing, other civil rights, and relocation considerations apply also to the Second Component of RAD as provided in the RAD Notice. Participants in the Second Component of RAD must continue to comply with applicable fair housing, civil rights, and relocation statutes and regulations, and HUD may, at any time, initiate compliance or enforcement actions in connection with such requirements. The RAD Notice will continue as the primary source of information on fair housing and other civil rights requirements covering the Second Component of RAD without any change until further notice.

(b) the requirements of Section 104(d) of the Housing and Community Development Act of 1974 (Section 104(d)) if CDBG or HOME funds are included as part of the project, (c) fair housing and other civil rights considerations implicated by relocation activities, and (d) requirements for relocating residents under the RAD Notice.

1.2. PHA and Project Owner Responsibilities

This Notice explains RAD's front-end fair housing and other civil rights review requirements in greater detail than was provided in the RAD Notice and this Notice restates and revises RAD's relocation requirements. However, the fair housing, other civil rights, and relocation requirements that apply to RAD conversions are neither limited to those discussed in this Notice, nor to those specifically reviewed by HUD in the front-end review.

MEETING HUD'S PROCESS AND REVIEW REQUIREMENTS NEVER CONSTITUTES COMPLIANCE WITH SUCH LAWS. THE OBLIGATION TO COMPLY WITH APPLICABLE FAIR HOUSING, OTHER CIVIL RIGHTS, AND RELOCATION LAWS REMAINS WITH THE PHA AND PROJECT OWNER.

The fair housing and civil rights requirements that apply to RAD conversions are not limited to those discussed in this Notice. PHAs and Project Owners are responsible at all times for ensuring that their RAD activities (including those activities implemented by their agents, consultants, contractors, or other RAD team members) comply with all applicable fair housing and civil rights requirements. PHAs and Project Owners shall be accountable for all fair housing and civil rights compliance issues with respect to their RAD activities, whether those activities are undertaken directly or through agents, consultants, contractors, or other RAD team members. While HUD provides this non-exhaustive guidance to assist PHAs and Project Owners during transactions, complying with the requirements set forth in this Notice does not necessarily mean that they, or their agents or consultants, are in compliance with fair housing and civil rights requirements.⁴

This Notice is not intended to, and shall not be construed to, reduce or in any way limit the application of fair housing, other civil rights, and relocation laws and regulations to RAD transactions. For example, HUD's reliance on a PHA's certification that a site meets the site and neighborhood standards required by the RAD Notice is not a determination of compliance with the duty to affirmatively further fair housing or other fair housing and civil rights requirements. As another example, HUD's approval of a site for new construction does not, by itself, constitute a determination of the PHA's compliance with all provisions of Title VI and its duty to affirmatively further fair housing found in the Fair Housing Act and other fair housing and civil rights requirements, nor indicate HUD's approval of the PHA's or locality's overall housing strategy. HUD's approval of a RAD conversion after front-end review reflects only that the project may proceed through the RAD conversion process; it does not constitute a determination

⁴ The PHA's or Project Owner's agents, consultants, contractors, and other RAD team members may also have fair housing and other civil rights obligations (whether under this Notice or otherwise) and the forgoing does not, in any way, limit the independent obligation of any such parties to ensure their own compliance with applicable fair housing and other civil rights laws.

that the project is in compliance with applicable fair housing, civil rights, and relocation requirements.

HUD's approval of a front-end review submission is based on limited information and is intended to assist the PHA or Project Owner in meeting their fair housing, civil rights, and relocation obligations.⁵ The PHA is responsible for ensuring that its RAD conversion is consistent with its certification to affirmatively further fair housing and complies with applicable civil rights laws.⁶ The front-end reviews described in this Notice shall not be construed to limit other fair housing and civil rights investigations that HUD may conduct. HUD retains all compliance and enforcement authority.

HUD's determination that the PHA or Project Owner has failed to meet submission, certification, or approval requirements with respect to fair housing, other civil rights, or relocation requirements is grounds for terminating a Commitment to enter into a Housing Assistance Payments Contract (CHAP), denying the issuance of a RAD Conversion Commitment (RCC), or denying authority to convert under RAD.

1.3. Applicability

The content of this Notice should not be relied upon in carrying out any other activities funded under any other HUD program, except where specifically directed by HUD.

This Notice supplements the RAD Notice with respect to fair housing and civil rights requirements applicable to public housing properties converting under RAD and with respect to all matters related to the relocation of residents as a result of RAD public housing conversions. To the extent that there is a conflict between this Notice and the RAD Notice, this Notice shall govern. This Notice replaces and supersedes Notice H 2014-09/PIH 2014-17 (issued July 14, 2014).

Upon issuance, the terms of this Notice will apply to all projects that have applied for conversion of assistance under the First Component of RAD but have not yet converted. As this Notice provides guidance, clarification, and explanation regarding fair housing and civil rights requirements that are already applicable to RAD conversions, this Notice shall not affect any front-end civil rights approvals provided by HUD prior to the effective date of this Notice and otherwise shall be effective with respect to front-end civil rights approvals without exception. However, with respect to relocation activities for Converting Projects under the First Component where a PHA has already submitted a Financing Plan pursuant to the RAD Notice at the time of issuance of this Notice, and provided that the Financing Plan has been accepted for full review after initial screening for completeness, the PHA may, within sixty (60) days after issuance of this Notice, request (in writing uploaded to the RAD Resource Desk) to be governed by H 2014-

⁵ For example, the front-end review is specific to an individual site. A PHA that does not promote fair housing choice outside areas of minority concentration and continues to site affordable housing in minority concentrated areas may be in noncompliance with the duty to affirmatively further fair housing and other fair housing and civil rights obligations, even if the specific site is approved based on the information provided and pursuant to the front-end review of the PHA's site and neighborhood standards submission.

⁶ See 24 C.F.R. § 5.105 and, as applicable, 24 C.F.R. § 983.57(b)(2) or Appendix III of the RAD Notice.

09/PIH 2014-17. For such projects and where otherwise appropriate in cases of hardship as determined by HUD, HUD may apply the terms of H 2014-09/PIH 2014-17 with respect to relocation activities, but not with respect to fair housing and civil rights requirements.

RAD projects which have been awarded Choice Neighborhoods Implementation (CNI) grants are subject to the provisions of the applicable Choice Neighborhoods Notice of Funding Availability (NOFA) and grant agreement regarding site and neighborhood standards and are not subject to the RAD front-end civil rights transaction reviews described in this Notice. For properties being redeveloped with funding under a CNI grant, the relocation requirements set forth in this Notice are superseded by guidance regarding relocation included in the CNI NOFA. Permanent involuntary displacement of public housing or Section 8 assisted residents may not occur as a result of a Choice Neighborhood project's conversion of assistance.

1.4. Explanation of Major Provisions

This Notice adds to and revises pre-existing guidance related to fair housing, civil rights, and relocation (as contained in the RAD Notice and H 2014-09/PIH 2014-17) with respect to RAD transactions. Among the key provisions and changes are the following:

Fair Housing & Civil Rights

- Reaffirms the applicability of fair housing and civil rights requirements to all RAD-related activities (see, e.g., Section 3.3 and Section 4);
- Reiterates when HUD front-end civil rights review (originally outlined in the RAD Notice) is required in addition to the PHA's analysis and certification of compliance, to assist the PHA and Project Owner to comply with fair housing and civil rights requirements (see Section 5.3);
- Outlines certain conditions under which HUD will conduct a front-end review to determine whether the site is in an area of minority concentration relative to the site's housing market area (see Section 5.4(A));
- Provides guidance, for purposes of the RAD front-end civil rights review, on the concepts of "area of minority concentration" and "housing market area" that are reviewed when determining whether a site is in an area of minority concentration (see Section 5.4(B));
- Elaborates on specific information that HUD will consider, and that PHAs should provide evidence of, in order for a proposed site to meet the existing exceptions to permit new construction in an area of minority concentration, identifies presumptions for meeting the sufficient comparable opportunities exception and describes factors that HUD may consider in evaluating the overriding housing needs exception (see Section 5.4(C) and Section 5.4(D));
- Articulates issues that HUD will consider in completing the front-end civil rights review for transfers of assistance, including, for example, accessibility and minority concentration (see Section 5.5);
- Outlines the information to be submitted for HUD's front-end civil rights review of transactions where unit reductions, unit reconfigurations, or changes in occupancy are proposed (see Section 5.6);
- Identifies the situations where front-end civil rights reviews are required when changes in the accessibility features of a site are made (see Section 5.7(B)); and

- Prohibits the Project Owner of a Converted Project with a PBRA HAP contract from initiating any new leasing or marketing activities (other than leasing and outreach to households holding a right to return to the Covered Project), including the solicitation, distribution or acceptance of applications or development of a waiting list, until HUD has approved the Affirmative Fair Housing Marketing Plan (“AFHMP”) (see Section 5.8).

Relocation

- Requires PHAs or Project Owners to prepare a written relocation plan for all transactions that involve permanent relocation or temporary relocation anticipated to exceed 12 months (see Section 6.1);
- Requires PHAs to provide residents with a RAD Information Notice (RIN) in order to ensure that residents are informed of potential project plans and of their rights in connection with RAD prior to submission of the RAD application (see Section 6.6(A));
- Clarifies that the General Information Notice (GIN), when applicable, should be provided as soon as feasible and no later than 30 days following the issuance of the CHAP (see Section 6.6(B));
- Requires Project Owners to provide a notification of Return to the Covered Project, when applicable (see Section 6.6(F));
- Moves the date before which PHAs are prohibited from beginning any physical relocation earlier in the conversion process (specifically, from the date of Closing to the later of the effective date of the RCC and the expiration of the 30- or 90-day RAD Notice of Relocation period, as applicable) (see Section 6.8);
- Clarifies the specific requirements applicable to different types of relocation (e.g., moves within a property, temporary relocation of less than 12 months, etc.) (see, e.g., Section 6.4);
- Provides enhanced guidance on the right to return requirements, any offers of alternative housing options and the documentation that must be retained when tenants choose an alternative housing option and decline their right to return (see, e.g., Section 6.2 and Section 6.10);
- Describes how HUD has administratively implemented URA requirements and URA relocation assistance and payments for displaced persons, when applicable, to residents who choose to decline the right of return and, instead, choose voluntary permanent relocation (see, e.g., Section 6.4(C) through (F) and Section 6.10);
- Requires PHAs to maintain detailed data regarding each household that will be relocated, with key dates of notices and moves (see Section 6.9); and
- Identifies key fair housing and civil rights requirements applicable during relocation (see, e.g., Section 4).

1.5. Request for Public Comment

HUD acknowledges the complexity of the issues addressed in this Notice. This Notice is effective immediately upon issuance, but HUD also seeks comment from the public regarding the clarity and organization of the Notice and regarding areas where the policies and procedures described are unclear or ambiguous. HUD will consider whether changes in response to comments are justified and will implement any appropriate changes in a revision of this Notice. Please submit all comments to RAD@hud.gov within 30 days of the issuance of this Notice.

1.6. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act (PRA), HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. OMB approved information collection forms will be posted on the RAD website and the Federal Register.

SECTION 2. Table of Contents

The contents of this Notice are divided into the following parts:

SECTION 1. Purpose, Applicability and Major Provisions of this Notice	1
1.1. Purpose.....	1
1.2. PHA and Project Owner Responsibilities	3
1.3. Applicability	4
1.4. Explanation of Major Provisions	5
1.5. Request for Public Comment	6
1.6. Paperwork Reduction Act	7
SECTION 2. Table of Contents	8
SECTION 3. Background	10
3.1. RAD Authority.....	10
3.2. Definitions.....	10
3.3. Applicable Legal Authorities	10
3.4. Further Information.....	11
SECTION 4. Generally Applicable Fair Housing and Civil Rights Requirements Relevant Throughout the RAD Conversion Process.....	11
SECTION 5. Application of Key Fair Housing and Civil Rights Requirements to RAD Transactions	17
5.1. RAD Eligibility Review.....	17
5.2. PHA's Proposed Site Selection and Certification.....	18
5.3. RAD Front-End Civil Rights Transaction Review	20
A) Activities Subject to Front-End Civil Rights Review	20
B) Fair Housing, Civil Rights, and Relocation Checklist	22
C) Timing of Front-End Review Submissions	23
D) Completion of HUD's Front-End Review.....	23
5.4. Front-End Civil Rights Review for RAD Transactions Involving New Construction ..	24
A) Conditions Triggering Review	24
B) Analysis of Areas of Minority Concentration	25
C) The Sufficient Comparable Opportunities Exception	26
D) The Overriding Housing Needs Exception	30
5.5. Front-End Civil Rights Review for RAD Transactions Involving Transfer of Assistance	32
A) Applicable Standards.....	32
B) Analysis of Transfers of Assistance	33
5.6. Front-End Civil Rights Review for RAD Transactions Involving Reduction in Number of Units, Changes in Bedroom Distribution of Units and Changes in Occupancy Requirements	34
A) Review of Reductions in the Number of Units, Reductions or Increases in the Number of UFAS Accessible Units or Changes in Bedroom Distribution	34
B) Review of Changes in Occupancy Type	36
5.7. Other Front-End Civil Rights Review for RAD Transactions	36
A) Conversions of Assistance in Which the Construction Schedule Indicates that Relocation is Likely to Exceed 12 Months.	36

B)	Conversions of Assistance Involving New Construction or Substantial Alteration, as those terms are defined by Section 504.	36
C)	Remedial Agreements and Orders.....	37
5.8.	Affirmative Fair Housing Marketing Plan (AFHMP) Requirements for Projects Converting to PBRA Assistance.....	37
SECTION 6. RELOCATION REQUIREMENTS		38
6.1.	Planning	39
6.2.	Resident Right to Return.....	41
6.3.	Admissions and Continued Occupancy Requirements	43
6.4.	Types of Moves and Relocation	43
A)	Moves within the same building or complex of buildings	43
B)	Temporary relocation lasting one year or less.....	44
C)	Temporary relocation initially expected to last one year or less, but which extends beyond one year	44
D)	Temporary relocation anticipated to last more than one year	44
E)	Permanent moves in connection with a transfer of assistance	45
F)	Voluntary permanent relocation	46
6.5.	Initiation of Negotiations (ION) Date.....	46
6.6.	Resident Relocation Notification (Notices)	46
A)	RAD Information Notice.....	47
B)	General Information Notice (49 C.F.R. § 24.203(a)).....	48
C)	Notice of Intent to Acquire (49 C.F.R. § 24.203(d)).....	49
D)	RAD Notice of Relocation	49
E)	URA Notice of Relocation Eligibility – for residents whose temporary relocation exceeds one year (49 C.F.R. § 24.203(b)).....	52
F)	Notification of Return to the Covered Project.....	53
6.7.	Relocation Advisory Services.....	53
6.8.	Initiation of Relocation	54
6.9.	Records and Documentation; Resident Log	54
6.10.	Alternative Housing Options	56
A)	Requirements for Any Offer of Alternative Housing Options	56
B)	Assisted Housing Options as Alternatives	57
C)	Monetary Elements Associated With Alternative Housing Options.....	58
D)	Disclosure and Agreement to Alternative Housing Options	58
6.11.	Lump Sum Payments	60
SECTION 7. APPLICABILITY OF HCV AND PUBLIC HOUSING REQUIREMENTS		60
7.1.	HCV Waiting List Administration Unrelated to the RAD Transaction.....	60
7.2.	HCV Waiting List Administration Related to the RAD Transaction	61
7.3.	Public Housing Transfers Unrelated to the RAD Transaction.....	61
7.4.	Resident Initiated Public Housing Transfers Related to the RAD Transaction	62
7.5.	Public Housing as a Temporary Relocation Resource.....	62
7.6.	Terminations (Including Evictions) and End of Participation Unrelated to the RAD Transaction	63
7.7.	Right-Sizing	63

SECTION 3. Background

3.1. RAD Authority

RAD is authorized by the Consolidated and Further Continuing Appropriations Act of 2012 (Pub. L. No. 112-55, enacted November 18, 2011), as amended by the Consolidated Appropriations Act, 2014 (Public Law 113-76, enacted January 17, 2014), the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113-235, enacted December 6, 2014), and the Division L, Title II, Section 237 of the Consolidated Appropriations Act (Public Law 114-113, enacted December 18, 2016), collectively and as it may be further amended from time to time, the “RAD Statute.” RAD allows certain eligible properties to convert assistance to long-term project-based Section 8 contracts and has two separate components. The First Component allows projects funded under the public housing program to convert their assistance to long-term, project-based Section 8 rental assistance contracts. Under this component of RAD, public housing agencies (PHAs) may choose between two different Section 8 housing assistance programs: project based vouchers (PBVs) or project-based rental assistance (PBRA). The “Second Component” of RAD allows owners of projects funded under the Rent Supplement (Rent Supp), Rental Assistance Payment (RAP), and Moderate Rehabilitation programs to convert certain units to PBV or PBRA Section 8 units following certain contract expirations or terminations. The RAD Statute is implemented by the RAD Notice.

3.2. Definitions

All capitalized terms defined in the RAD Notice, as amended, shall have the definitions ascribed to them therein unless otherwise specifically noted in this Notice.⁷ Pre-conversion projects whose assistance is converting from public housing to Section 8 under RAD are referred to in the RAD Notice and in this Notice as “Converting Projects.” Post-conversion projects are referred to in the RAD Notice and this Notice as “Covered Projects.”

3.3. Applicable Legal Authorities

Appendix I to this Notice identifies key legal authorities with respect to fair housing, civil rights, and resident relocation. Part 2 of Appendix I provides greater detail regarding federal accessibility requirements set forth in three of the legal authorities described in Appendix I,

⁷ Many of the fair housing and civil rights concepts used throughout this Notice are terms of art that are defined in applicable statutes and regulations identified in Appendix I of this Notice, while others have been developed through judicial interpretation. PHAs and Project Owners should familiarize themselves with these terms of art and should consult 42 U.S.C. § 3602 (Fair Housing Act); 24 C.F.R. §§ 5.152-100.20 (Fair Housing Act); 42 U.S.C. §§ 2000d-2000d-4a (Title VI of the Civil Rights Act of 1964); 24 C.F.R. § 1.2 (Title VI); 29 U.S.C. § 705 (Rehabilitation Act); 24 C.F.R. § 8.3 (Section 504); 42 U.S.C. §§ 12102, 12132, 12181 (Americans with Disabilities Act (ADA)); 28 C.F.R. § 35.104 (Title II of the ADA); and 28 C.F.R. § 36.104 (Title III of the ADA). In addition, many of the relocation concepts are terms of art that are defined in 42 U.S.C. § 4601 *et seq.* (Uniform Relocation Act (URA)), Section 104(d) of the Housing and Community Development Act of 1974 codified at 42 U.S.C. § 5304(d), and their implementing regulations at 49 C.F.R Part 24 and 24 C.F.R. Part 42 subpart C.

Part 1. PHAs and Project Owners must be familiar with these legal authorities and must evaluate, based on the facts of their situation, which legal authorities are applicable in which situations. **Failure to comply with any legal authority as applicable to the PHA's or Project Owner's actions or inactions may result in liability under such authority.** Appendix I does not attempt to provide a complete and exhaustive explanation of the legal authorities, nor to fully inventory the situations in which each legal authority is applicable. Instead, Appendix I is an overview intended to serve as a general introduction or reminder for PHAs and Project Owners of these fair housing, other civil rights, and relocation authorities and to facilitate their identification of appropriate topics for further research or expert counsel. The recitation of these legal authorities neither expands nor diminishes their applicability to the PHA's and Project Owner's activities in connection with their RAD conversion.

The RAD Statute authorizes the Secretary of HUD to waive or specify alternative requirements for certain provisions of law, except for requirements related to, among others, fair housing and nondiscrimination.⁸ In addition to the general application of various federal statutes and their implementing regulations as discussed in Appendix I, below, HUD regulations at 24 C.F.R. § 5.105 apply such authorities to all HUD programs, including RAD.

3.4. Further Information

Because each RAD proposal varies in its scope, this Notice may not address each PHA's or Project Owner's specific circumstances. PHAs and Project Owners should carefully review the laws, regulations, notices, and guidance material referenced in this Notice. Any questions related to the administration of the RAD program should be referred to the appropriate RAD Transaction Manager (TM) or may be emailed to rad@hud.gov.

SECTION 4. Generally Applicable Fair Housing and Civil Rights Requirements Relevant Throughout the RAD Conversion Process

This Section provides a summary overview of key principles regarding program implementation and an overview of generally applicable fair housing and civil rights requirements. Appendix I identifies the key legal authorities from which these principles are derived. These key principals, together and with the legal authorities identified in Appendix I, frame the PHA's efforts to implement a RAD conversion. In some cases, these requirements are particularly relevant to the process of planning the RAD conversion, while in others they have particular relevance for the structure of the RAD transaction itself, and in yet other cases, both. Elements of RAD transactions that have civil rights implications include, but are not limited to, transfers of assistance, temporary and permanent relocation, demolition, site selection, new construction, occupancy policies, changes in unit configuration, increases or reductions in units, waiting list administration policies, policies regarding return of temporarily relocated tenants, substantial rehabilitation or alteration, program accessibility, tenant selection policies and priority transfers, providing information to and communicating with persons with Limited English Proficiency (LEP) and persons with disabilities, reasonable accommodation policies, and Affirmative Fair

⁸ See Pub. L. No. 112-55, as amended.

Housing Marketing Plans (AFHMPs). All PHAs must consider civil rights when structuring these and other elements of their RAD transaction.

RAD transactions are governed by the same civil rights authorities that govern HUD-assisted activities generally.⁹ Converting Projects are subject to civil rights and equal opportunity requirements under the public housing regulations, and Covered Projects are subject to civil rights and equal opportunity requirements under the PBV regulations or the PBRA regulations, as applicable.¹⁰ As described further below, the Fair Housing Act prohibits discrimination in housing¹¹ and requires all federal executive departments and agencies to “administer their programs and activities relating to housing and urban development ... in a manner affirmatively to further” fair housing.¹² In addition, all programs or activities receiving Federal financial assistance are subject to Title VI of the Civil Rights Act of 1964 forbidding discrimination on the basis of race, color, and national origin¹³ and Section 504 of the Rehabilitation Act of 1973, which forbids discrimination on the basis of disability and requires that programs or activities receiving Federal financial assistance make such programs or activities “when viewed in its entirety” readily accessible to persons with disabilities and make reasonable accommodation to the needs of persons with disabilities.¹⁴ RAD transactions are also subject, as applicable, to the requirements of Titles II and III of the Americans with Disabilities Act, Executive Order 11063, and HUD regulations at 24 C.F.R. part 107. Thus, as with the administration of all HUD programs and all HUD-assisted activities, fair housing and civil rights issues must be considered in the administration of the RAD program. PHAs must not implement actions and policies that may have a discriminatory effect on the basis of race, color, sex, national origin, religion, disability, or familial status or that may impede, obstruct, prevent, or undermine efforts to affirmatively further fair housing.¹⁵ Note, in particular, the following requirements:

- **Affirmatively Furthering Fair Housing (AFFH):** The Fair Housing Act requires that HUD administer its programs and activities in a manner that affirmatively furthers the purposes of the Fair Housing Act. The Fair Housing Act not only prohibits discrimination but, in conjunction with other statutes, directs HUD’s recipients, including PHAs, to take significant actions to overcome historic patterns of segregation, achieve truly balanced and integrated living patterns, promote fair housing choice, and foster inclusive communities that are free from discrimination. Through various statutes, regulations, and executive orders, PHAs must take various actions in accordance and in conjunction with their Fair Housing Act obligation to affirmatively further fair housing. For example, under regulations implementing the United States Housing Act of 1937 (the Act), HUD recipients must, among other requirements, certify that they will affirmatively further fair housing. In addition, under HUD’s Affirmatively Furthering Fair Housing (AFFH) rule promulgated July 16, 2015, PHAs must periodically conduct an Assessment

⁹ See 24 C.F.R. § 5.105.

¹⁰ See, e.g., 24 C.F.R. §§ 880.601, 881.601 and 983.8 for civil rights related regulations applicable to PBV and PBRA transactions.

¹¹ See 42 U.S.C. §§ 3601 *et seq.*, and HUD regulations in 24 C.F.R. part 100

¹² 42 U.S.C. § 3608(d) and (e).

¹³ See 42 U.S.C. §§ 2000d *et seq.*, and HUD regulations in 24 C.F.R. part 1.

¹⁴ See 29 U.S.C. §§ 701 *et seq.*, and HUD regulations in 24 C.F.R. part 8.

¹⁵ See 24 C.F.R. part 1 and part 100 subpart G.

of Fair Housing (AFH) as set out by the rule, either individually or in collaboration with other program participants.¹⁶ Under the AFFH rule, in order to develop a successful affirmatively furthering fair housing strategy, the PHA must assess the elements and factors that cause, increase, contribute to, maintain, or perpetuate segregation, racially or ethnically concentrated areas of poverty, significant disparities in access to opportunity, and disproportionate housing needs. PHAs must ensure that their activities in connection with a RAD conversion are consistent with their AFH, including any applicable joint or regional AFH in which they are a joint participant, and with any applicable Analysis of Impediments to Fair Housing Choice (AI), Fair Housing Equity Assessment, PHA 5-Year Plan, PHA Annual Plan, Moving to Work (MTW) Plan, or related planning documents and other regulatory and programmatic requirements implementing the obligation to affirmatively further fair housing to which they are a party.¹⁷

- Nondiscriminatory Site Selection:** HUD’s site and neighborhood standards require that the proposed site is suitable from the standpoint of facilitating and furthering full compliance with the applicable provision of Title VI of the Civil Rights Act, the Fair Housing Act, Executive Order 11063, and Department regulations implementing these authorities. The site must meet the Section 504 site selection requirements in 24 C.F.R. § 8.4(b)(5). Additional provisions appear in 24 C.F.R. § 983.57(b) of the PBV rules and, for PBRA, in Appendix III of the RAD Notice. HUD’s Title VI regulation specifically prohibits site selection that has the “purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination” on the basis of race, color, or national origin.¹⁸ The Title VI regulations also impose an obligation on the part of an applicant or recipient of HUD financial assistance to take actions to overcome the effect of prior discrimination or conditions that limit participation by persons of a particular race, color, or national origin.¹⁹ In addition, HUD’s Section 504 regulation prohibits recipients from selecting sites the purpose or effect of which would (1) exclude qualified individuals with disabilities from or deny them the benefit of a program or activity, or otherwise subject them to discrimination; or (2) defeat or substantially impair the accomplishment of the objectives of the program or activity with respect to qualified individuals with disabilities.²⁰ ADA regulations likewise prohibit site selections that have the purpose or effect of excluding individuals with disabilities (including members of the public with disabilities), denying them benefits, or subjecting them to discrimination.²¹ Finally, the Fair Housing Act prohibits discriminatory site selection, including perpetuation of segregation in transfers of assistance and new construction.
- Meaningful Access for Persons with Limited English Proficiency (LEP):** The PHA or Project Owner is required to take reasonable steps to ensure (a) they provide meaningful access to programs and activities for persons who have a limited ability to read, speak, or understand English; (b) any person with LEP who will be temporarily relocated or

¹⁶ 24 C.F.R. § 5.150 *et seq.*

¹⁷ See 24 C.F.R. § 5.150 *et seq.* and 24 C.F.R. §§ 91.225, 91.325, or 91.425.

¹⁸ See 24 C.F.R. § 1.4(b)(3).

¹⁹ See 24 C.F.R. § 1.4(b)(6).

²⁰ See 24 C.F.R. § 8.4(b)(5).

²¹ See 28 C.F.R. § 35.130(b)(4); 28 C.F.R. § 36.301.

permanently displaced has meaningful access to any public meetings regarding the project; and (c) they provide meaningful access to LEP persons to any information provided to residents including, but not limited to, any relocation notices. Generally, the PHA or Project Owner will be responsible for providing oral interpreters at meetings, including ensuring their competence, and covering any associated translation and interpretation costs.²²

- **Effective Communication for Persons with Disabilities:** Communications and materials must be provided in a manner that is effective for persons with hearing, visual, and other communication-related disabilities consistent with Section 504 of the Rehabilitation Act of 1973 (24 C.F.R. § 8.6) and with 49 C.F.R. § 24.5, and as applicable, the Americans with Disabilities Act. This includes ensuring that, unless such actions would result in undue financial and administrative burdens or fundamental alterations, notices and resident meetings are provided in appropriate alternative formats as needed, e.g., Braille, audio, large type, accessible electronic communications, assistive listening devices, and sign language interpreters. Even in cases where the proposed actions may result in undue financial and administrative burdens or fundamental alterations, certain actions must still be taken. Specifically, appropriate auxiliary aids and services that would not result in such undue burdens or fundamental alterations must still be provided to ensure effective communication.
- **Accessible Meeting Facilities for Persons with Disabilities:** Pursuant to regulations implementing Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, as applicable, all programs and activities must be held in accessible locations unless doing so would result in an undue financial and administrative burden on the PHA and/or Project Owner, in which case the PHA or Project Owner must take any action that would not result in such undue burden but would nevertheless ensure that individuals with disabilities receive the benefits and services of the program or activity, e.g., briefings at an alternate accessible site or in-home briefing.²³ Individuals with disabilities must receive services in the most integrated setting appropriate to their needs. The most integrated setting appropriate to the needs of qualified individuals with disabilities is a setting that enables individuals with disabilities to interact with persons without disabilities to the fullest extent possible.²⁴

²² For more information about LEP obligations, see HUD's Limited English Proficiency (LEP) Frequently Asked Questions guidance at

http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/promotingfh/lep-faq#q26.

²³ In selecting locations for consultation with residents, the PHA and/or Project Owner shall be guided by the goal of maximizing participation in an integrated setting so that residents with disabilities and residents without disabilities may hear and consider each other's views. Priority shall be given to using on-site accessible locations (including, e.g., TV rooms or informal gathering places), even if doing so may require multiple sessions with smaller groups of residents. In addition, Title III of the Americans with Disabilities Act requires private entities that operate places of public accommodation, including social service establishments, leasing offices of private housing developments, and certain private housing providers, to comply with certain physical accessibility requirements which are similar to the requirements under Section 504 and Title II.

²⁴ See 28 C.F.R. part 35, Appendix B.

- **Accessibility for Persons with Disabilities Throughout the Planning and Implementation Process:** A number of accessibility requirements, including but not limited to site selection, apply to all RAD conversions, as they do to the PHA's activities regardless of the PHA's participation in RAD.²⁵ PHAs and Project Owners should also be aware that state or local laws, regulations, and codes may contain greater accessibility requirements. This Notice provides, in Appendix I, Part 2, an overview of accessibility requirements under existing law. The information in Appendix I, Part 2 is intended to assist with the PHA's or Project Owner's compliance with accessibility requirements. PHAs and Project Owners must review Appendix I, Part 2 early-on in planning for the RAD transaction. PHAs and Project Owners may determine that it is most efficient to address accessibility matters early in the project planning. In addition, PHAs and Project Owners must evaluate, throughout the transaction and based on the facts of their situation, which requirements are applicable in which situations to ensure they appropriately address accessibility requirements. PHAs and Project Owners are responsible for ensuring that the architectural drawings and construction comply with the PHA's and Project Owner's obligations and all Federal civil rights requirements, including accessibility requirements under the Fair Housing Act, Section 504, and the ADA.

Accessibility requirements also apply during all stages of a RAD transaction, including during relocation. Existing information (e.g., resident characteristics forms, including identification of the need for accessible unit features; records of approved reasonable accommodations; and records of the presence of accessible unit features) and the residents themselves should be consulted throughout the process of developing and implementing a RAD conversion. Related activities include, but are not limited to:

- Identifying and maintaining existing and pending reasonable accommodations, including the need for larger units to accommodate live-in aides or special equipment;
- Determining what direct services may be needed as a reasonable accommodation (e.g., packing, moving, identification of temporary housing);
- Identifying accessible unit features and assuring that temporary or permanent replacement housing contains comparable features;
- Budgeting appropriately to ensure that reasonable accommodations are addressed.

For more information about compliance with accessibility requirements, the PHA or Project Owner should refer to appropriate notices concerning civil rights requirements and may contact HUD's Office of Fair Housing and Equal Opportunity in either the Washington, D.C. or applicable field offices for more specific guidance. For additional, non-exhaustive guidance on providing relocation assistance to persons with disabilities, see Exhibit 3-1 in HUD Handbook 1378.

²⁵ For more detailed information on these laws and their requirements, see PIH Notice 2010-26, issued July 26, 2010 (available at <http://www.hud.gov/offices/pih/publications/notices/10/pih2010-26.pdf>). While this notice has an expiration date in 2011, because the notice summarizes and discusses regulatory requirements, the information in the notice provides helpful guidance.

- Reasonable Accommodations in Rules, Policies, Practices and Services:** Under the Fair Housing Act, the PHA or Project Owner must make reasonable accommodations in rules, policies, practices, and services when such accommodations may be necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling.²⁶ Under Section 504, the PHA or Project Owner must also make reasonable accommodations to residents with disabilities, which may include providing and paying for structural modifications to dwelling units and public or common use areas. Titles II and III of the ADA provide similar requirements. Common examples of reasonable accommodations that may occur during relocation are permitting an individual with a disability to relocate near public transportation, providing a unit larger than otherwise permitted for a live-in aide, and making exceptions to no-animal rules for assistance and service animals. Accommodations generally need not be made where providing such an accommodation would be an undue financial and administrative burden or a fundamental alteration of the nature of the service. However, reasonable accommodations must be made to the extent the accommodation does not impose an undue financial and administrative burden or a fundamental alteration of the nature of the service. Reasonable accommodations must follow the individual with the disability throughout the RAD process, including during relocation. Furthermore, PHAs and Project Owners may be required to provide particular reasonable accommodations during relocation, such as assistance moving household items.²⁷
- Physical Changes to Dwelling Units, Public and Common Use Areas and Other Facilities for Accessibility:** Under the Fair Housing Act, the PHA or Project Owner may be required to permit reasonable modifications. A reasonable modification is a structural change made to existing premises, occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment of the premises. Reasonable modifications can include structural changes to interiors and exteriors of dwellings and to common and public use areas. A request for a reasonable modification may be made at any time during the tenancy. When relocating an individual with a disability who has such modifications in their dwelling unit or public and common use areas because of the individual's disability, regardless of who made them, the PHA or Project Owner has an obligation to provide and pay for such modification in the new dwelling. When considering requests by individuals with disabilities for structural changes to units or public and common use areas, PHAs and Project Owners should take particular note that they may be required to make and pay for such structural modifications as reasonable

²⁶ For additional information regarding reasonable accommodations under the Fair Housing Act, *see* the Joint Statement of the Department of Housing and Urban Development and the Department of Justice, Reasonable Accommodations Under the Fair Housing Act (May 17, 2004), at <http://www.hud.gov/offices/fheo/library/huddojstatement.pdf>.

²⁷ *See* 49 C.F.R. part 24, Appendix A, § 24.2(a)(8)(vii), which states that under the URA, "Reasonable accommodation of a displaced person with a disability at the replacement dwelling means the Agency is required to address persons with a physical impairment that substantially limits one or more of the major life activities. In these situations, reasonable accommodation should include the following at a minimum: Doors of adequate width; ramps or other assistance devices to traverse stairs and access bathtubs, shower stalls, toilets and sinks; storage cabinets, vanities, sink and mirrors at appropriate heights. Kitchen accommodations will include sinks and storage cabinets built at appropriate heights for access. The Agency shall also consider other items that may be necessary, such as physical modification to a unit, based on the displaced person's needs."

accommodations under Section 504 and because of similar requirements under the ADA even though the Fair Housing Act may only require the owner to allow such changes to be made and paid for by the individual with a disability. Before determining that they are not required to make or pay for structural changes, PHAs and Project Owners are encouraged to consider carefully their obligations under each applicable statute.

SECTION 5. Application of Key Fair Housing and Civil Rights Requirements to RAD Transactions

The generally applicable fair housing and other civil rights requirements described above, and in Appendix I, apply throughout the planning and implementation of a RAD transaction and the PHA is responsible for ensuring compliance with these requirements. As key requirements may be misunderstood, the RAD program has established specific additional procedures to assist RAD participants to ensure they comply with the applicable requirements. Specifically, the RAD Notice established a civil rights eligibility review and criteria for front-end civil rights reviews.

This Section elaborates on these requirements from the RAD Notice. The front-end review procedures described below establish procedures and criteria for the supplemental front-end review and technical assistance, criteria which are specific to the RAD program. Criteria for this supplemental front-end review are informed by, but not the same as, fair housing or civil rights rules and policies generally.

This Section is organized to loosely follow the stages of a RAD conversion transaction, beginning with RAD eligibility and continuing through site selection, transfer of assistance, unit design requirements and marketing. In addition, this Section describes the timing and procedures for submitting data and documents to HUD so that HUD may complete its front-end review. The submission procedures are also designed to serve as a tool for PHAs to identify issues of potential concern at appropriate stages of the RAD conversion and as a tool for HUD to identify potential needs for technical assistance.

5.1. RAD Eligibility Review

To be eligible for RAD, the PHA must meet all eligibility requirements set forth in Section 1.3 of the RAD Notice, including the civil rights threshold requirements found at Section 1.3.G of the RAD Notice. A PHA must not have a charge, cause determination, lawsuit, or letter of findings, referenced in Section 1.3.G of the RAD Notice, against the PHA itself, its transferees, proposed development partners, or sub-recipients that has not been resolved, or is not in the process of being resolved, to HUD's satisfaction. This determination shall be made prior to issuance of the CHAP.

The CHAP may be revoked by HUD if HUD determines that the terms of the conversion would be inconsistent with fair housing and civil rights laws or a fair housing or civil rights court order, settlement agreement, or voluntary compliance agreement. HUD may terminate a CHAP or RCC if it determines that the terms of the conversion would be inconsistent with fair housing or civil rights laws or is inconsistent with, would hinder, or would delay satisfaction of a fair housing or civil rights court order, settlement agreement, or voluntary compliance agreement.

HUD may terminate an approval to proceed with a RAD conversion if it determines that the terms of the conversion would be inconsistent with fair housing or civil rights laws or a fair housing or civil rights court order, settlement agreement, or voluntary compliance agreement.

5.2. PHA's Proposed Site Selection and Certification

For all RAD conversions, the PHA must comply with all applicable site selection requirements as set forth in this Notice and the RAD Notice and in accordance with any additional applicable published guidance provided by HUD. As set forth in the RAD Notice, conversions of assistance to PBV involving new construction, whether on a new site or on a current site, are subject to the site selection standards set forth in 24 C.F.R. § 983.57(a), (b), (c) and (e), but excluding 24 C.F.R. § 983.57(b)(1) and (c)(2). All other conversions to PBV, including transfers of assistance to an existing property other than the Converting Project, are subject to the standards set forth in 24 C.F.R. § 983.57(a), (b), (c) and (d), but excluding 24 C.F.R. § 983.57(b)(1) and (c)(2).²⁸ Site selection requirements set forth at Appendix III of the RAD Notice apply to RAD conversions to PBRA assistance, as does the requirement not to place housing in neighborhoods with highly concentrated poverty based on the criteria formulated for transfers under Section 8(bb) of the United States Housing Act of 1937.²⁹ PBV and PBRA site selection must also be consistent with the requirements of the Fair Housing Act, Title VI, Section 504, the ADA and their implementing regulations.

It is the PHA's responsibility to ensure that the site selection complies with all applicable site selection requirements, including the requirements of this Notice and the RAD Notice. Pursuant to the RAD Notice, the PHA must certify with the submission of its Annual Plan, Significant Amendment to its Annual Plan, or MTW Plan that it complies with the applicable site selection requirements and must maintain records of its analysis and the data relied upon in making its determination of compliance. The PHA must also determine and subsequently state in the certification that the site is "suitable from the standpoint of facilitating and furthering full compliance with the applicable provisions of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, and HUD regulations issued pursuant thereto."³⁰ Although this Notice provides detail regarding certain civil rights-related site and neighborhood standards, PHAs must certify compliance with all applicable site and neighborhood standards.³¹

The PHA must also certify that, in conducting its review of site selection for the proposed project, the PHA completed a review with respect to accessibility for persons with disabilities and that the proposed site is consistent with applicable accessibility standards under the Fair Housing Act, Section 504, and the ADA. The site and neighborhood standards for PBV and PBRA require the site to be "suitable from the standpoint of facilitating and furthering full compliance with" the Fair Housing Act and require the site to meet the Section 504 site selection

²⁸ See the provisions of Section 1.6.A.4 of the RAD Notice.

²⁹ 42 U.S.C. § 1437f(bb).

³⁰ For RAD conversions to PBRA, the RAD Notice uses the term "the site and neighborhood is suitable," rather than "the site is suitable." See Appendix III of the RAD Notice, paragraph (a).

³¹ See 24 C.F.R. § 983.57 and the RAD Notice at Section 1.4(A)(7)

requirements described in 24 C.F.R. § 8.4(b)(5).³² The Fair Housing Act, as implemented at 24 C.F.R. § 100.205, requires “covered multifamily dwellings” built for first occupancy after March 13, 1991, to contain accessible design features. HUD’s Section 504 regulations at 24 C.F.R. § 8.4(b)(5) require that, in determining the site or location of a federally assisted facility, an applicant for assistance or recipient may not make selections the purpose or effect of which would: (i) exclude qualified individuals with disabilities from, deny them the benefits of, or otherwise subject them to discrimination under, any program or activity that receives Federal financial assistance from HUD, or (ii) defeat or substantially impair the accomplishment of the objectives of the program or activity with respect to qualified individuals with disabilities. Title II of the ADA contains a similar requirement that a public entity, such as the PHA, may not, in determining the site or location of a facility, make selections (i) that have the effect of excluding individuals with disabilities from, denying them the benefits of, or otherwise subjecting them to discrimination; or (ii) that have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the service, program, or activity with respect to individuals with disabilities.³³ Factors relevant to a site review under these standards may include, among others:

- Site features, such as inaccessible slopes in routes, lack of accessible sidewalks, curb ramps, accessible parking spaces, and placement of dumpsters or other physical features that would impede access to and movement within the site;
- Building features, such as inaccessible building entrances, other methods of ingress and egress, public and common use areas (e.g., the rental office, parking areas, mail areas, trash areas, community rooms, shared use toilet rooms, laundry facilities and walkways inside and outside that connect these public and common use areas to units), and barriers to access by members of the public; and
- Lack of accessible transit or para-transit and accessible public sidewalks and accessible transportation stops.

When such conditions are present at the site and would exclude individuals with disabilities from, deny them the benefits of, or otherwise subject them to discrimination, or would defeat or substantially impair the accomplishment of the objectives of the program or activity with respect to individuals with disabilities, the site must not be selected unless the proposal includes remediation of the barriers to achieve compliance with accessibility requirements (including identification and remediation of any nonconforming design and construction conditions in “covered multifamily dwellings” under the Fair Housing Act). Remediation of the barriers may include, for example, physical accessibility improvements to the site, arrangements for access to accessible supportive services, or reasonable accommodations for current or prospective residents with disabilities, including members of the public. The Financing Plan submitted to HUD must describe and document resources sufficient to pay for the remediation of accessibility barriers.³⁴

³² See 24 C.F.R. § 983.57(b)(2) (PBV conversions); *see also*, Appendix III (a) of the RAD Notice (PBRA conversions).

³³ See 28 C.F.R. § 35.130(b)(4).

³⁴ In conducting its review prior to certification, and in preparing for the certification, PHAs and Project Owners may find it useful to consult with their local or regional FHEO office, the United States Access Board, local or state

While all PHAs must certify their compliance with applicable site selection requirements as described in this Section, some RAD transactions will also be subject to a front-end review of the site selection. For transactions involving activities that present site selection issues of greater complexity, as described in Sections 5.3 through 5.5 below, front-end review will allow HUD's Office of Fair Housing and Equal Opportunity (FHEO) to assist the PHA to consider relevant laws and regulations while completing its site selection review and certification.

5.3. RAD Front-End Civil Rights Transaction Review

Fair Housing Act and other civil rights issues may arise throughout a RAD transaction. Under the Fair Housing Act, an assessment of site suitability includes an analysis of the impact that the siting of the project would have on patterns of segregation for protected classes. The Fair Housing Act is of particular importance when a RAD proposal concerns site selection for new construction or reconfiguration of housing on the original public housing site – for example, the unit size distribution (e.g., conversion of larger bedroom size units to one-bedroom units, which may have an adverse impact on housing opportunities for families with children) or a reduction in the number or distribution of accessible units (which may have an adverse impact on housing opportunities for persons with disabilities). RAD conversions involving new construction must also comply with the Fair Housing Act's accessibility requirements.

Compliance with all applicable fair housing and civil rights requirements is the responsibility of both the PHA and the Project Owner. However, to assist with compliance, HUD's Office of Fair Housing and Equal Opportunity (FHEO) will conduct a front-end civil rights review of project proposals containing activities identified as particularly at risk of violating applicable fair housing and civil rights laws. The activities that must be submitted for front-end civil rights review are listed in Section 5.3(A), below.

A) Activities Subject to Front-End Civil Rights Review

All RAD conversions that include one or more of the activities listed below (Sections 5.3(A)(1) through 5.3(A)(9)) are subject to a front-end review for compliance with certain civil rights and fair housing requirements. The specific items that HUD will review in the front-end review will depend on which activities are involved in the specific transaction. A RAD conversion may not include one of the activities below without prior written approval from HUD. All Financing Plans must include evidence that the PHA has secured written approval from HUD for any of the following activities that are included in its RAD conversion:

- (1) Conversions of assistance involving new construction, whether on a new site or on a current site, in an area of minority concentration. Front-end review of this activity shall be pursuant to Section 5.4(B), below and, in addition, the PHA shall

architectural access board or other accessibility authority for information on accessibility standards. Other sources of information on accessibility requirements may include protection and advocacy organizations or independent living centers. In addition, the non-HUD resources may provide advice on how to assess accessibility needs and formulate physical accessibility strategies.

certify in its Annual Plan compliance with site and neighborhood standards applicable to new construction as described in Section 5.2.

- (2) Transfers of assistance where all or a portion of the Converting Project's assistance is transferred to a new site(s) (either new construction or to an existing project) as part of the subject transaction. Front-end review of this activity shall be pursuant to Section 5.5(B), below and, in addition, the PHA shall certify in its Annual Plan compliance with site and neighborhood standards applicable to existing housing as described in Section 5.2.
- (3) Conversions of assistance where the total number of units in the Covered Project is less than the original number of units in the Converting Project (this includes de minimis reductions). Front-end review of this activity shall be pursuant to Section 5.6.
- (4) Conversions of assistance where the Covered Project's unit configuration is different from the unit configuration of the Converting Project. Front-end review of this activity shall be pursuant to Section 5.6.
- (5) Conversions involving a change in occupancy, where the Covered Project serves a different population from the one served by the Converting Project (e.g., when a Converting Project serves families but the Covered Project is subject to an elderly preference or introduction of restrictions or preferences based on age or disability that will change the occupancy of the property). Front-end review of this activity shall be pursuant to Section 5.6.
- (6) Conversions of assistance in which the construction schedule indicates that relocation is likely to exceed 12 months. Front-end review of this activity shall be pursuant to Section 5.7(A).
- (7) Conversions of assistance involving new construction or substantial alteration,³⁵ as those terms are defined in Section 504 of the Rehabilitation Act of 1973. Front-end review of this activity shall be pursuant to Section 5.7(B).
- (8) Conversions of assistance involving a Converting Project subject to a Voluntary Compliance Agreement or Conciliation Agreement with HUD or a Consent Decree or Settlement Agreement with the U.S. Department of Justice or HUD, or where the PHA is subject to such an agreement affecting its entire housing portfolio or otherwise related to the Converting Project. Front-end review of this activity shall be pursuant to Section 5.7(C).

³⁵ Section 504 defines substantial alteration of a housing project as alterations where a housing project has 15 or more units, and the rehabilitation costs will be 75% or more of the replacement cost of the completed facility. *See* 24 C.F.R. § 8.23 (a).

- (9) Conversions of assistance where HUD has identified potential fair housing and civil rights concerns or a history of such concerns. Front-end review of this activity shall be pursuant to Section 5.7(C).

PHAs should note that a proposed RAD conversion may trigger front-end review regarding more than one of the activities listed in subsections (1) through (9) of this Section. For example, depending on the details of the proposal, a new construction on-site project could require review under subsections (1), (3), (4), (5), (6), and (7), or could require review under only subsections (1) and (7).

As part of HUD's review of these elements of the RAD conversion plans, HUD may require that PHAs that are carrying out portfolio or multi-phased conversions provide information on their conversion plans for other projects or subsequent phases to ensure that the overall plans for RAD conversion are consistent with civil rights and fair housing.

B) Fair Housing, Civil Rights, and Relocation Checklist

In connection with HUD's front-end fair housing and civil rights and relocation reviews described in this Section 5 and in Section 6, HUD is requiring submission of a Fair Housing, Civil Rights, and Relocation Checklist (the "Checklist"). The Checklist will facilitate the PHAs' and Project Owners' submission of necessary information to complete these reviews.³⁶ HUD anticipates that a revised Checklist, when available following Paperwork Reduction Act approval, will be separated into parts which can be submitted incrementally as the PHA and Project Owner develop the RAD transaction plans, with different elements of the Checklist applicable at different stages of the transaction planning process. For example, submissions regarding site selection for a RAD transaction involving new construction may occur well before submissions regarding a proposal to change the unit configuration.

The Checklist will outline the minimum information or documentation which HUD will need in order to review each part of the Checklist. After HUD's initial review of any portion of the Checklist, HUD may determine that the data provided in the Checklist is insufficient for HUD to complete its review, in which case HUD may require the PHA or Project Owner to provide supplemental information. The PHA should submit each part as early as possible once the information covered in the applicable part is known. All information specified in the applicable

³⁶ The Checklist is available at www.hud.gov/rad. As of the publication of this Notice, references to the Checklist refer to the existing FHEO Accessibility and Relocation Plan Checklist under OMB Approval 2577-0276. The PHA shall use the existing Checklist to provide information related to demonstrating compliance with fair housing, other civil rights, and relocation requirements (including accessibility requirements) and, as necessary, may require additional materials for HUD to complete its review, which the PHA may provide in such form as the PHA determines appropriate. Also at www.hud.gov/rad, HUD has provided a listing of information that, depending on the circumstances, HUD may require to complete different components of its front-end review. The Checklist is being revised to fully capture the submission requirements described in this Notice. The revised Checklist will be subject to Paperwork Reduction Act approval and will be posted at the website listed above when available for use.

part of the Checklist must be submitted to HUD for HUD to begin its civil rights review – partial submissions of any applicable part of the Checklist will not be accepted.³⁷

C) Timing of Front-End Review Submissions

PHAs and Project Owners are encouraged to submit applicable portions of the Checklist and information associated with a particular activity subject to front-end review as early as possible in the development of their plans. The PHA must ensure that HUD has approved all applicable parts of the Checklist prior to submission of the Financing Plan. Upon request from the PHA, HUD may, at HUD's sole discretion, permit submission of the Financing Plan prior to receipt of approval of the applicable parts of the Checklist and conditioned upon subsequent receipt of such approvals, in which event the PHA and Project Owner may proceed at their own risk.

Early approval of the site of the Covered Project is critical for RAD transaction proposals subject to front-end civil rights review involving site selection standards, specifically new construction in areas of minority concentration (see Section 5.3(A)(1)) and transfers of assistance (see Section 5.3(A)(2)). The PHA must conduct its own assessment of the site during the early stages of planning its RAD transaction. The guidance in this Notice and the Checklist are tools intended to assist the PHA in conducting its own assessment of the site.

The PHA must provide HUD with the Checklist and backup information sufficient for HUD to review the site with respect to the applicable standards. The site selection information should be provided to HUD no later than ninety (90) days following the issuance of the CHAP or, if the CHAP has already been issued as of the publication of this Notice, within ninety (90) days following publication of this Notice. In the event of a change in plans for the Converting Project that would require a front-end review of the site selection standards, the PHA must provide the Checklist and backup documentation within sixty (60) days of the change in plans. PHAs are strongly encouraged to provide front-end review submissions and secure HUD approval prior to applying for LIHTCs or taking action the reversal of which (in the event of non-approval of the site) would be detrimental to the PHA or the Project Owner. PHAs are also encouraged to contact FHEO for technical assistance prior to submission of these materials.

All PHAs shall submit a certification consistent with the requirements of Section 5.2, above. This certification may be prepared specifically in connection with the Checklist or as part of the PHA Annual Plan or Significant Amendment. However, HUD will not consider a submission complete for front-end civil rights review without this certification. All RAD conversions must submit the PHA certification described in Section 5.2 no later than at the time of submission of the Financing Plan.

D) Completion of HUD's Front-End Review

HUD will not approve a RAD conversion if HUD determines that the conversion would operate to discriminate in violation of applicable fair housing and civil rights laws. HUD will not approve proposals that have the purpose, intent, or effect of discriminating on the basis of

³⁷ The Checklist refers to the existing FHEO Accessibility and Relocation Checklist until a revised Checklist is approved for use pursuant to the Paperwork Reduction Act.

protected class (*i.e.*, race, color, national origin, religion, sex, disability, and familial status). If HUD does not approve a proposed activity based on a front-end review, then it will provide a written description of concerns or deficiencies. The PHA may resubmit the front-end review materials with a changed proposal and/or with additional information addressing HUD's concerns and any deficiencies in the proposal or the submission.

In some circumstances, a special condition to the transaction's RCC will be necessary to ensure that a RAD transaction conforms to fair housing and civil rights requirements. Special conditions to the RCC reflect the conditions necessary in order to complete the RAD conversion. For example, if there is an outstanding remedial agreement or order requiring particular development activities or operating policies to correct a violation of a fair housing or other civil rights requirement, the RCC generally will condition participation in RAD upon agreement by the PHA or the Project Owner, as applicable, to comply with the provisions of such agreements or orders after conversion.

5.4. Front-End Civil Rights Review for RAD Transactions Involving New Construction

A) Conditions Triggering Review

If the proposed project is located in an area of minority concentration, the new site may be approved only if it falls under a permitted exception and meets the other site selection requirements described in Section 5.2. Under the PBV and PBRA site and neighborhood standards, HUD may approve new construction in an area of minority concentration, consistent with the regulatory requirements cited above, only if:

- a. Sufficient, comparable housing opportunities for minority families in the income range to be served by the proposed project exist outside areas of minority concentration; or
- b. The project is necessary to meet overriding housing needs that cannot be met in that housing market area.³⁸

As described in the RAD Notice and in Section 5.3(A) of this Notice, above, HUD will conduct a front-end civil rights review of the PHA's proposed site in certain circumstances. This Notice specifies that for conversions of assistance involving new construction where there are indications that the site may be located in an area of minority concentration per the criteria in subsections (i), (ii), or (iii), below (whether the construction is located on the existing public housing site or on a new site), HUD will conduct a front-end civil rights review of the site to determine whether the site is in an area of minority concentration and, if so, whether it meets one of the exceptions that would allow for new construction in an area of minority concentration.

The PHA shall submit for HUD front-end review the PHA's findings, together with backup documentation, regarding site selection when the site meets any of the following criteria:

- i. The PHA self-identifies the area of the site as an area of minority concentration,

³⁸ 24 C.F.R. § 983.57(e)(3) and Appendix III of the RAD Notice, paragraph (e).

- ii. The census tract of the site meets the extent of minority concentration described in Section 5.4(B)(1), below, or
- iii. An area comprised of the census tract of the site together with all adjacent census tracts, analyzed as a whole, meets the extent of minority concentration described in Section 5.4(B)(1), below.

If any of these three criteria is applicable, HUD will conduct a review to determine whether the site is in an area of minority concentration and, if applicable, whether the proposed site fits one of the exceptions permitting new construction in an area of minority concentration described in this Section 5.4. A proposed RAD transaction which does not meet one of these triggers must still be evaluated by the PHA and the PHA must certify compliance with the site selection requirements as described in Section 5.2, above.

A PHA seeking to undertake new construction must receive written approval from HUD of any site selection subject to front-end review prior to entering into any construction contract for that new construction.

B) Analysis of Areas of Minority Concentration

This Section sets forth the methodology that HUD will use in the analysis of the extent of minority concentration, the area of the site, and the housing market area for purposes of the RAD front-end civil rights review. As noted below, this analysis is fact specific and PHAs may submit documentation to inform HUD's analysis in cases where there is strong evidence that an alternative methodology would be more appropriate.

- (1) For purposes of RAD, a site is considered to be in an area of minority concentration when either (i) the percentage of persons of a particular racial or ethnic minority within the area of the site is at least 20 percentage points higher than the percentage of that minority group in the housing market area as a whole or (ii) the total percentage of minority persons within the area of the site is at least 20 points higher than the total percentage of minorities in the housing market area as a whole.³⁹
- (2) For purposes of RAD, the analysis of an area of minority concentration will use census tracts to approximate the "area" of the site but the analysis may consider alternate proposed geographies instead of the census tract in instances where there is strong evidence that such geography is more appropriate. Strong evidence that an alternative geography is more appropriate includes: (i) that the site is close to the edge of the census tract, (ii) that the population of the census tract is heavily influenced by the size of the Converting Project, or (iii) that the local community

³⁹ The percentage of minorities shall be calculated by subtracting the percentage of White Non-Hispanic persons in the relevant area from 100%. The analysis shall be based on the most recently available decennial census data found at http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_10_DP_DPDP1&src=pt. However, if such data is more than five years old, and if either the PHA or HUD requests the use of more recent data based on such party's awareness of significant and material shifts in the demographics of the relevant area in the intervening years, the analysis shall be based on the most recent American Communities Survey data.

understanding of the immediate neighborhood dictates a different boundary. Local community understanding of the immediate neighborhood is often informed by factors such as patterns of housing stock (such as different residential densities in different areas or differential housing prices for similar properties), community facilities and amenities (such as schools and commercial areas) or major geographic barriers (such as rivers or interstate highways), among other factors.⁴⁰ HUD will determine the site's "area" using the best available evidence and following the legal standards set forth in applicable case law.

- (3) For purposes of the RAD analysis under this Section 5.4, a "housing market area" is the geographic region from which it is likely that residents of housing at the proposed site would be drawn for a given multifamily housing project. A housing market area generally corresponds to, as applicable: (i) the Metropolitan Statistical Area (MetroSA); (ii) the Micropolitan Statistical Area (MicroSA); or (iii) if the site is in neither a MetroSA nor a MicroSA, either (x) the county or statistically equivalent area, or (y) the PHA's service area, whichever is larger.⁴¹ The analysis may consider a larger or smaller housing market area in instances where there is strong evidence that such housing market area is more appropriate. Strong evidence that an alternative housing market area is more appropriate may include factors such as regional employment centers and commuting patterns serving such employment centers. A PHA seeking to use an alternative housing market area must consult with HUD and establish to HUD's satisfaction that the methodology for identifying and documenting the alternative housing market area is warranted and sound.

C) The Sufficient Comparable Opportunities Exception

As required by the RAD Notice and noted in Section 5.4(A), one of the exceptions under which the site and neighborhood standards permit new construction in areas of minority concentration is if sufficient, comparable housing opportunities for low-income minority families exist outside areas of minority concentration. This section clarifies HUD's procedures for assessing comparable housing opportunities and evaluating how the proposed new construction will impact the balance of housing choices within and outside areas of minority concentration. It also includes a list of the information PHAs should submit to inform HUD's assessment of relevant factors, and key considerations guiding HUD's analysis of each factor.

Under the governing PBV and PBRA requirements, units are considered comparable opportunities if they are the same household type (e.g., elderly, disabled, family, large family), tenure type (owner, renter), require approximately the same total tenant payment toward rent,

⁴⁰ For further explanation, see, e.g., *King v. Harris*, 464 F.Supp.827, 839-41 (E.D.N.Y. 1979).

⁴¹ Items (i) and (ii) are consistent with a Core Based Statistical Area as defined by the Office of Management and Budget. For reference, a Core Based Statistical Area consists of the county or counties or equivalent entities associated with at least one core (urbanized area or urban cluster) of at least 10,000 population, plus adjacent counties having a high degree of social and economic integration with the core as measured through commuting ties with the counties associated with the core.

serve the same income group, are located in the same housing market area, and are in standard condition.⁴²

It is important to note that the sufficient comparable housing opportunities exception “does not require that in every locality there be an equal number of assisted units within and outside of areas of minority concentration. Rather, application of this standard should produce a reasonable distribution of assisted units each year, that, over a period of several years, will approach an appropriate balance of housing choices within and outside areas of minority concentration. An appropriate balance in any jurisdiction must be determined in light of local conditions affecting the range of housing choices available for low-income minority families and in relation to the racial mix of the locality’s population.”⁴³

HUD will assess “the overall impact of HUD-assisted housing on the availability of housing choices for low-income minority families in and outside areas of minority concentration, and must take into account the extent to which the following factors are present, along with other factors relevant to housing choice.”⁴⁴ Under this exception, it is not sufficient for one factor to be present, nor is it required that all factors be present, as the analysis must consider all relevant facts and evaluate the totality of the circumstances.

- “A significant number of assisted housing units are available outside areas of minority concentration.”⁴⁵ While HUD must consider all factors relevant to housing choice, 30% or more of deeply subsidized housing units for very low-income persons would be a significant number. To facilitate HUD’s consideration of this factor, a PHA should provide the number, occupancy type, and location of all comparable assisted units.⁴⁶
- “There is significant integration of assisted housing projects constructed or rehabilitated in the past 10 years, relative to the racial mix of the eligible population.”⁴⁷ To facilitate HUD’s consideration of this factor, a PHA should provide the name and location of assisted housing projects constructed or rehabilitated in the PHA’s jurisdiction in the past 10 years and the demographic characteristics of the residents of each of these projects;
- “There are racially integrated neighborhoods in the locality.”⁴⁸ To facilitate HUD’s consideration of this factor, a PHA should provide the name and census tracts where these racially integrated neighborhoods are located. In general, HUD will consider a neighborhood racially integrated if the neighborhood does not have a high concentration of persons of a particular race or ethnicity when compared to the housing market area in which the neighborhood is located.

⁴² See 24 C.F.R. § 983.57(e)(3)(iv) and Appendix III of the RAD Notice, paragraph (e)(1)(A).

⁴³ 24 C.F.R. § 983.57(e)(3)(iii); *see also* Appendix III of the RAD Notice, paragraph (e)(1).

⁴⁴ 24 C.F.R. § 983.57(e)(3)(v); *see also* Appendix III of the RAD Notice, paragraph (e)(1)(B).

⁴⁵ 24 C.F.R. § 983.57(e)(3)(v)(A) and Appendix III of the RAD Notice, paragraph (e)(1)(B)(i).

⁴⁶ Note that this factor is in reference to comparable assisted units that may or may not be in the PHA’s portfolio. The presumption stated at the end of this Section (i.e., that sufficient comparable opportunities exist if at least 50% of the comparable hard units in the PHA’s portfolio, including PBV developments using the PHA’s subsidy, are outside areas of minority concentration) is focused on units within the PHA’s portfolio.

⁴⁷ 24 C.F.R. § 983.57(e)(3)(v)(B) and Appendix III of the RAD Notice, paragraph (e)(1)(B)(ii).

⁴⁸ 24 C.F.R. § 983.57(e)(3)(v)(C) and Appendix III of the RAD Notice, paragraph (e)(1)(B)(iii).

- “Programs are operated by the locality to assist minority families that wish to find housing outside areas of minority concentration.”⁴⁹ Such programs may include measures such as increasing payment standards in excess of 110% of FMR or the use of Small Area FMRs, including in setting exception rents, or reservation of a percentage of HCVs dedicated to support choice mobility selections or implementation of proven mobility counseling and supports for residents, provided the PHA provides sufficient evidence that it will continue such measures. To facilitate HUD’s consideration of this factor, a PHA should provide the names of the applicable program(s); the entity responsible for implementing the program(s) (e.g., city, county, state government); and any information demonstrating that the program(s) has been successful or predictably will achieve success in assisting persons who wish to move to non-concentrated areas.
- “Minority families have benefited from local activities (e.g., acquisition and write-down of sites, tax relief programs for homeowners, acquisitions of units for use as assisted housing units) undertaken to expand choice for minority families outside of areas of minority concentration.”⁵⁰ To facilitate HUD’s consideration of this factor, a PHA should provide the names of the applicable activity(s); the entity responsible for implementing the activity(s) (e.g., city, county, state government); and any information demonstrating that the activity(s) has been successful in expanding choice for minority families outside of areas of minority concentration;
- “A significant proportion of minority households has been successful in finding units in non-minority areas under the tenant-based assistance programs” (e.g., the Housing Choice Voucher programs).⁵¹ To facilitate HUD’s consideration of this factor, a PHA should provide the number of minority households receiving Housing Choice Vouchers; the number of minority households using HCVs in non-minority areas; and the non-minority census tracts where the HCVs are being used. While each local situation is distinct and HUD must consider all factors relevant to housing choice, 30% or more of new leases signed by minority heads of household using HCVs located in non-minority areas over a period greater than three years prior to the date of HUD’s analysis would be a significant proportion.
- “Comparable housing opportunities have been made available outside areas of minority concentration through other programs.”⁵² To facilitate HUD’s consideration of this factor, a PHA should describe the opportunities that have been made available, the location of those opportunities, and the number of minority families that have benefitted from the program in recent years. Such programs could include choice mobility strategies, acquisition strategies to acquire and add to the PHA’s portfolio existing apartments in high opportunity areas and transfers of assistance to high opportunity areas.

HUD may consider evidence based on a reliable housing market analysis in evaluating the foregoing factors, along with other factors relevant to housing choice. In the event HUD

⁴⁹ 24 C.F.R. § 983.57(e)(3)(v)(D); *see also* Appendix III of the RAD Notice, paragraph (e)(1)(B)(iv).

⁵⁰ 24 C.F.R. § 983.57(e)(3)(v)(E); *see also* Appendix III of the RAD Notice, paragraph (e)(1)(B)(v).

⁵¹ 24 C.F.R. § 983.57(e)(3)(v)(F); *see also* Appendix III of the RAD Notice, paragraph (e)(1)(B)(vi).

⁵² 24 C.F.R. § 983.57(e)(3)(v)(G) and Appendix III of the RAD Notice, paragraph (e)(1)(B)(vii).

determines such an analysis would assist in this evaluation, HUD will consult with appropriate parties to establish or accept an appropriate methodology for such an analysis to address HUD's civil rights concerns and to ensure appropriate independence between the analyst and the PHA or Project Owner commissioning and paying for the study.

Absent information to the contrary, for purposes of HUD's front-end review of the PHA's analysis, HUD will apply a presumption that sufficient comparable opportunities exist if at least 50% of the comparable hard units in the PHA's portfolio, including PBV developments using the PHA's subsidy, are outside areas of minority concentration.⁵³ The PHA's portfolio includes all public housing, PBV and PBRA hard units (including those developed under HOPE VI or Choice Neighborhoods) controlled by the PHA and its instrumentalities or funded using PHA-controlled subsidy. Upon adequate documentation of this presumption, the PHA need not provide additional documentation for HUD's front-end review of the sufficient comparable opportunities exception. This presumption may be rebutted by information to the contrary, including information regarding the preceding factors. In assessing whether sufficient comparable opportunities exist when the presumption does not apply, HUD will consider the factors listed above.

Absent information to the contrary, for purposes of HUD's front-end review of the PHA's analysis, HUD will apply a presumption that sufficient comparable opportunities exist if a set of RAD conversions from a single public housing property, individually or in a combination of transactions, will result in the creation of as many similarly-affordable housing units outside areas of minority concentration as are constructed on the original public housing site. To evaluate the creation of similarly-affordable units, HUD will compare (i) the number of affordable units that will be redeveloped on site, to (ii) the number of similarly-affordable housing units that will be created through new construction, imposition of new long-term affordability restrictions or transfer of RAD assistance to one or more sites outside areas of minority concentration.⁵⁴ Similarly-affordable shall mean RAD units compared to RAD units and LIHTC/non-RAD units compared to LIHTC/non-RAD units. The newly created similarly-affordable units must be owned, controlled, sponsored, under common ownership, control or sponsorship, or financially supported by the PHA or by an entity with a managing ownership interest in the Project Owner. When a PHA seeks to claim this exception, HUD prefers that the transaction creating the similarly-affordable units on the site outside areas of minority concentration close (with an immediate or delayed HAP effective date, if applicable) prior to the closing of the RAD conversion in the area of minority concentration. However, if the PHA determines that such a sequence is not reasonably possible, unless otherwise approved by HUD the PHA must provide evidence to HUD that the transfer of assistance to a site outside areas of

⁵³ When determining the percentage of units outside of areas of minority concentration, the PHA must include the number of units planned at the proposed site in its calculations. While not required, PHAs or Project Owners may assist HUD in consideration of this presumption by submitting to HUD a map produced by the Affirmatively Furthering Fair Housing Data and Mapping Tool ("AFFH-T"), as may be available on the HUD website from time to time, showing the location of publicly assisted housing.

⁵⁴ For example, if the PHA proposes to build 25 RAD units, 20 non-RAD LIHTC units and 15 unrestricted units on-site, such a plan could be acceptable if paired with creation of 15 RAD units at one site and 10 RAD units plus 20 non-RAD LIHTC units at a second site. The 15 unrestricted units in the minority concentrated area are not part of the analysis as they are not affordable units.

minority concentration is highly likely to occur and the PHA must contractually agree with HUD to create such units. Evidence that the transfer is highly likely to occur must include:

- The project name and property address of the site of the similarly-affordable units to be created,
- The census tract and data to confirm that it is not in an area of minority concentration,
- Evidence of site control,
- Evidence of zoning to permit construction of the similarly-affordable units if the affordable units are to be created through new construction,
- A reasonable and feasible sources and uses statement for the transaction, and
- Evidence of financing commitments exceeding 90% of the necessary sources to complete the transaction. Evidence of financing commitments must include an LIHTC allocation if the use of LIHTCs is projected.

D) The Overriding Housing Needs Exception

As noted in Section 5.4(A), the second exception under which the site and neighborhood standards permit new construction in areas of minority concentration is if the project is necessary to meet overriding housing needs that cannot be met in that housing market area. The new construction site selection standards under RAD⁵⁵ outline two examples of circumstances, consistent with fair housing and other civil rights objectives, that would permit the application of the overriding housing needs exception: (1) when the site is “an integral part of an overall local strategy for the preservation or restoration of the immediate neighborhood;” or (2) when the site is “located in a neighborhood experiencing significant private investment that is demonstrably improving the economic character of the area (a “revitalizing area”).”⁵⁶

(1) Establishing that a Site is an Integral Part of an Overall Local Strategy for the Preservation or Restoration of the Immediate Neighborhood

To establish that a site is an integral part of an overall local strategy for the preservation or restoration of the immediate neighborhood, a PHA must document that the locality has a demonstrated commitment to revitalization that includes or is in addition to the RAD conversion, as demonstrated by the following:

- i. The site is located in a defined geographic area that is the subject of an official, currently operational and realistically achievable plan for the improvement or revitalization of the immediate neighborhood (which plan may include areas beyond the immediate neighborhood); and
- ii. The Covered Project conforms to, and the site is integral to, the goals, strategies, and objectives of the improvement or revitalization plan.

⁵⁵ See 24 C.F.R. § 983.57(e)(2) for PBV transactions and paragraph (e) of Appendix III of the RAD Notice for PBRA transactions.

⁵⁶ 24 C.F.R. § 983.57(e)(3)(vi); see also Appendix III of the RAD Notice, paragraph (e)(1)(B)(viii)(2). In demonstrating an overriding housing need, the “neighborhood” is determined in each situation based on the overall facts and circumstances and cannot be mechanically determined. The “immediate neighborhood” is generally a smaller geographic area than the “neighborhood.”

In determining whether such an official, currently operational and realistically achievable plan for the improvement or revitalization of the area exists, HUD will consider relevant factors including, for example, whether:

- The strategy itself, or a plan supporting the strategy, has been enacted, adopted, or ratified by a municipal, county, or state legislative body;
- There has been progress to implement the plan, or the strategy as a whole.⁵⁷
- The plan or strategy as a whole, or the elements applicable to the Covered Project, are consistent with the jurisdiction's land use or zoning code, development regulations, or other official body of laws or rules;
- Strategies or activities under the plan are incorporated in current public, quasi-public agency or major institutional work plans;
- The plan, or the strategy as a whole, includes objectives and initiatives related to the preservation or restoration of a geography larger than the Converting Project and any associated public housing site;
- A jurisdiction has published solicitations or incentives for development projects in the improvement or revitalization area;
- The plan is incorporated in the applicable jurisdiction's Consolidated Plan or other comprehensive community development plan;
- A jurisdiction has explicitly designated the geographic area for improvement or revitalization (e.g., Business Improvement District; Enterprise Zone designation; Promise Zone designation; Choice Neighborhoods designation);
- An implementing agency has retained a construction firm to break ground on the improvement or revitalization; and/or
- An implementing agency has secured financing, such as the issuance of bonds or final approval for tax increment financing.

(2) Establishing that the Site is Located in a "Revitalizing Area"

Evidence that the site is located in a revitalizing area experiencing significant private investment that is demonstrably improving the economic character of the area is also an example of a site which meets an overriding housing need. HUD will consider all relevant factors in making a determination that the site is located in a "revitalizing area" but in particular will consider whether:

- i. The neighborhood has demonstrated signs of revitalization, through indicators such as low or declining census tract poverty rates, low or declining violent crime rates or evidence of high or increased educational opportunity, high or increasing median

⁵⁷ Indicators of progress should be appropriate to the amount of time since the plan or strategy was developed and there must be a reasonable, supportable expectation that the plan will continue to be implemented. For example, if a plan was launched 3-4 years prior and the initial steps of the plan required implementation of an initiative (such as real estate development) which has a long pre-development planning period, HUD may consider whether there has been activity to seek land development approvals or to develop construction drawings or to secure funding commitments or other activities providing evidence that one or more material elements of the plan or strategy are actually being implemented.

- household income, high or increasing homeownership rates and/or high or increased employment; and
- ii. There is high private and public investment in retail, commercial, or housing development that has occurred or will imminently occur in the area which may include, among other considerations:
- Evidence of new or improved retail centers, grocery stores, pharmacies, healthcare facilities, community centers, educational and recreational facilities, municipal services, and transportation serving the neighborhood;
 - Evidence of private and public investment or housing development that has occurred or will imminently occur in the area;
 - Evidence of economic conditions that are impacting the preservation of affordable housing in the neighborhood, including indicators of gentrification such as housing costs rising more sharply in the neighborhood than in the jurisdiction overall, accelerated rates of homeownership in the neighborhood, and disproportionate depletion of larger dwellings for families with children.

(3) Circumstances in Which an Overriding Housing Needs Exception Does Not Apply

A PHA cannot establish that a site meets the overriding housing needs exception if the only reason the need cannot otherwise be feasibly met is that discrimination on the basis of race, color, religion, sex, national origin, age, familial status, or disability renders sites outside areas of minority concentration unavailable or if the use of this standard in recent years has had the effect of circumventing the obligation to provide housing choice.⁵⁸ For example, the overriding housing needs exception may not be applied if the reason that the project cannot be sited outside of an area of minority concentration is due to community opposition to the project based on the actual or perceived protected characteristics of the residents or prospective residents of the project. In addition, a recipient may not exclusively rely on this exception as a means of siting projects without creating housing opportunities outside of areas of minority concentration or without preserving existing housing outside of areas of minority concentration.

5.5. Front-End Civil Rights Review for RAD Transactions Involving Transfer of Assistance

A) Applicable Standards

Transfers of assistance are subject to the site selection standards for existing or rehabilitated housing set forth in 24 C.F.R. § 983.57(a)-(d), with the exception of 24 C.F.R. § 983.57(b)(1) and (c)(2), for PBV conversions and Appendix III of the RAD Notice for PBRA conversions. All transfers of assistance to a new site(s) are subject to front-end review by HUD, as required by the RAD Notice and noted in Section 5.3(A)(2) of this Notice. Conversions involving a transfer of assistance may also involve one or more of the other activities which trigger front-end review as described in Section 5.3(A). In transfers of assistance involving any of these activities, HUD

⁵⁸ 24 C.F.R. § 983.57(e)(3)(vi) and Appendix III of the RAD Notice, paragraph (e)(2). The PBRA site and neighborhood standards use the phrase “on the basis of race, color, creed, sex or national origin.” See Appendix III of the RAD Notice.

will conduct a front-end review based on the requirements applicable to each activity. A PHA must submit documentation for the front-end civil rights review of each specific activity as required by the relevant sections of this Notice.

B) Analysis of Transfers of Assistance

Through the front-end review of transfers of assistance by FHEO, HUD seeks to assist the PHA in avoiding discrimination on the basis of race, color, national origin, religion, sex, disability or familial status. The front-end review of transfers of assistance will apply the site selection standards for existing/rehabilitated housing.⁵⁹ This review shall consider:

- (1) The accessibility of the proposed site for persons with disabilities;
- (2) The ability of the RAD conversion to remediate accessibility concerns;
- (3) Whether the transfer of assistance would result in assisted units being located in an area where the total percentage of minority persons is significantly higher than the total percentage of minority persons in the area of the original public housing site or in an area where the percentage of persons of a particular racial or ethnic minority is significantly higher than the percentage of that minority group in the area of the original public housing site.⁶⁰ For purposes of this analysis, HUD will examine the minority concentration of:
 - (a) the census tract of the original public housing site compared to the census tract of the proposed site; and
 - (b) an area comprised of the census tract of the original public housing site together with all adjacent census tracts compared to an area comprised of the census tract of the proposed site together with all adjacent census tracts.
- (4) Whether the site selection has the purpose or effect of:
 - (a) Excluding individuals from, denying them the benefits of, or subjecting them to discrimination under the RAD program or the applicable rental assistance program;
 - (b) Excluding qualified individuals with disabilities from or denying them the benefit of the RAD program or the applicable rental assistance program, or otherwise subjecting them to discrimination;
 - (c) Defeating or substantially impairing the accomplishment of the objectives of the RAD program or the applicable rental assistance program with respect to qualified individuals with disabilities; and

⁵⁹ 24 C.F.R. § 983.57(d) and Appendix III of the RAD Notice, paragraphs (a) through (d). The site selection standards for existing/rehabilitated housing do not apply the minority concentration test used for new construction found at 24 C.F.R. § 983.57(e)(3) and Appendix III of the RAD Notice, paragraph (e).

⁶⁰ While this review is not explicitly called out in 24 C.F.R. § 983.57(d) and Appendix III of the RAD Notice, it is derived from HUD's and the PHA's obligations to comply with civil rights laws and regulations, including those referenced in 24 C.F.R. § 983.57(b)(2) and Appendix III of the RAD Notice.

- (d) Excluding individuals with disabilities (including members of the public with disabilities), denying them benefits or subjecting them to discrimination.

Under the RAD Notice, there are other standards for review of a transfer of assistance which are not examined as part of the front-end civil rights review but are examined as part of the RAD Financing Plan review (e.g., criteria formulated for transfers under Section 8(bb) of the United States Housing Act of 1937 regarding neighborhoods with highly concentrated poverty). Identification of considerations for the front-end review do not preclude review by HUD of all standards referenced in the RAD Notice.

5.6. Front-End Civil Rights Review for RAD Transactions Involving Reduction in Number of Units, Changes in Bedroom Distribution of Units and Changes in Occupancy Requirements

The RAD Notice allows PHAs to reduce the number of units, change the bedroom distribution of units, or change the occupancy of projects as part of their RAD conversion.⁶¹ However, the RAD Notice also provides that such changes (including de minimis changes) must undergo a front-end civil rights review and receive approval from HUD prior to submission of the Financing Plan. The Checklist will require data for review along with an explanation, backed by sufficient evidence, of how the PHA determined that the proposed change will not result in discrimination on the basis of race, color, national origin, religion, sex, disability, familial status, actual or perceived sexual orientation, gender identity or marital status.⁶²

A) Review of Reductions in the Number of Units, Reductions or Increases in the Number of UFAS Accessible Units or Changes in Bedroom Distribution

This Section describes the considerations relevant to a front-end review of reductions in units, changes in the number of UFAS accessible units or changes in bedroom distribution. Such changes must not be the result of an intentional effort to discriminate against members of a protected class. For example, reductions or changes, including reductions in UFAS accessible units or which would impede residents with disabilities from having live-in aides, that intended to exclude persons with disabilities would be unlawful discrimination because of a disability.

⁶¹ See Sections 1.4.A.4 and 1.4.A.10 of the RAD Notice.

⁶² Reductions in the number of units, changes in the bedroom distribution of units, or changes in occupancy violate the Fair Housing Act (the Act) if they have a discriminatory effect on the basis of race, color, national origin, religion, sex, disability, or familial status. Unlawful housing discrimination may be established by a policy's or practice's discriminatory intent or by its discriminatory effect, even if not motivated by discriminatory intent, consistent with the standards outlined in 24 C.F.R. § 100.500. A policy or practice can have an unjustified discriminatory effect, even when the provider had no intent to discriminate. Under this standard, a facially-neutral policy or practice that has a discriminatory effect violates the Act if it is not supported by a legally sufficient justification. In addition, the policy or practice violates the Act if the housing developer or provider intentionally discriminates, including for example, by reducing the number of bedrooms with the intent of limiting families with children. Furthermore, the policy or practice may also violate the Act where it creates, increases, reinforces, or perpetuates segregated housing patterns because of race, color, religion, sex, handicap, familial status, or national origin. In addition, any changes must conform with the Equal Access rule requirement that determinations of eligibility for housing that is assisted by HUD or subject to a mortgage insured by the FHA shall be made in accordance with program eligibility requirements, and the housing must be made available, without regard to actual or perceived sexual orientation, gender identity or marital status. 24 C.F.R. § 5.105(a)(2).

Similarly, replacing larger units with smaller units so as to exclude families with children would be unlawful discrimination because of familial status.

Additionally, reductions in units or changes in bedroom distribution must not have an unjustified discriminatory effect on members of a protected class. For example, a reduction in units could have a discriminatory impact if it excludes members of a particular race or religion. Reductions or changes that have a disparate impact on a protected class are unlawful under the Fair Housing Act if they are not necessary to achieve a substantial, legitimate, nondiscriminatory interest of the developer or housing provider, or if such interest could be served by another practice that has a less discriminatory effect.

The RAD Notice allows for a de minimis reduction in units at Converting Projects, which includes both a small number of units as well as the reduction of certain units that have been vacant for 24 months prior to application, that are being or will be used for social service delivery, or efficiencies that will be reconfigured to one-bedroom units.⁶³ In addition, a PHA converting multiple properties can consolidate the de minimis reductions derived from multiple properties at a small number of sites. The RAD Notice also allows for changes in bedroom distribution. Such de minimis reductions are still subject to front end civil rights review and applicable fair housing and civil rights laws.

HUD shall conduct a front-end civil rights review if the plan for a Converting Project results in:

- A reduction in the number of dwelling units in any of the following categories: (i) units with two bedrooms, (ii) units with three bedrooms or (iii) units with four or more bedrooms.
- A reduction in the number of UFAS accessible units;
- An increase in the number of UFAS accessible units for persons with mobility impairments beyond 10% of the units in the Covered Project or 1 unit, whichever is greater.
- An increase in the number of UFAS accessible units for persons with vision and hearing impairments beyond 4% of the units in the Covered Project or 1 unit, whichever is greater.

When a Converting Project is subject to a front-end civil rights review under this subsection, the PHA shall submit to HUD the relevant part of the Checklist together with a justification which must demonstrate that the changes are not the result of discriminatory intent and will not have a discriminatory effect on members of protected classes, particularly families with children and individuals with disabilities. Relevant data for this analysis of the proposed change at the project may include the PHA's overall affordable housing stock, the demand for affordable housing in the market as evidenced by information such as the overall jurisdiction and regional demographic data available from the AFFH Data and Mapping Tool (e.g., both basic demographic and disproportionate housing needs data), the PHA's waiting list or a reliable market study of households seeking assisted housing, compared to the relative proportions of

⁶³ See Section 1.4.A.4 of the RAD Notice.

units serving any particular household type in the proposed project, the PHA's total housing stock or all assisted housing in the area.

For any increase in UFAS units subject to front-end review, HUD will assess indicators of local need (see Section 5.7(B), below) and whether the change would operate to concentrate individuals with disabilities in a particular property or to exclude individuals with certain types of disabilities from a particular property.

B) Review of Changes in Occupancy Type

RAD conversions that result in the implementation of an admissions preference (e.g., residency preferences or restrictions) at the Covered Project that would alter the occupancy of the property (e.g., family units converting to elderly units, elderly/disabled units converting to elderly only units) are subject to a front-end civil rights review by HUD pursuant to the RAD Notice and Section 5.3(A). A PHA must demonstrate that the proposed change in occupancy type is consistent with the demand for affordable housing in its jurisdiction as demonstrated by factors such as the demographics of its current occupancy, the demographics of its waiting list or a market study. Such preferences, restrictions, or geographic residency preferences must be reflected in a PBRA project's Affirmative Fair Housing Marketing Plan (AFHMP) or, for a PBV project, the PHA's Administrative Plan.

5.7. Other Front-End Civil Rights Review for RAD Transactions

A) Conversions of Assistance in Which the Construction Schedule Indicates that Relocation is Likely to Exceed 12 Months.

The front end civil rights review shall focus on whether the relocation will result in discrimination on the basis of race, color, national origin, religion, sex, disability, and familial status, based primarily, but not exclusively, on the data required in the Checklist.

B) Conversions of Assistance Involving New Construction or Substantial Alteration, as those terms are defined by Section 504.

While the PHA is responsible for compliance with all requirements described in Section 4, above and in this subsection, the front-end review will be conducted based on a review of the Checklist and shall include confirming the provision of any required accessible units and confirming the PHA is applying the appropriate accessibility standards. HUD will require the PHA to provide information regarding the provision of at least the minimum number of units accessible for persons with mobility impairments and units accessible for persons with hearing and vision impairments as required by applicable law (generally 5% of units accessible for persons with mobility impairments and an additional 2% of units accessible for persons with hearing and vision impairments). For purposes of establishing an upper threshold of accessible units below which RAD front-end review will not be required, HUD will accept that up to 10% of units accessible for persons with mobility impairments and up to 4% of units accessible for persons with hearing and vision impairments is consistent with local need, without further review, absent information to the contrary. HUD will consider a PHA's request for higher percentages based, to HUD's satisfaction, on reliable indicators of local need, such as census data or other available current data. HUD is available to assist PHAs in determining appropriate indicators of local

need for units with accessible features. The RAD conversion scope of work submitted with the Financing Plan must reflect the construction or retrofitting of residential units and public and common use areas to comply with all applicable accessibility requirements.

C) Remedial Agreements and Orders.

Front-end review in situations where the Converting Project or PHA is subject to enforcement actions or binding voluntary compliance agreements, settlement agreements, conciliation agreements, or consent decrees or orders of the nature described in Sections 5.3(A)(8) and 5.3(A)(9) shall be conducted on a case-by-case basis as appropriate to the specific situation.

5.8. Affirmative Fair Housing Marketing Plan (AFHMP) Requirements for Projects Converting to PBRA Assistance

For all projects converting to PBRA assistance, a PHA or Project Owner must complete form HUD-935.2A, the Affirmative Fair Housing Marketing Plan (AFHMP) - Multifamily Housing, and submit it to HUD for approval with the RAD Financing Plan.⁶⁴ Affirmative Fair Housing Marketing requirements are designed to achieve a condition in which individuals of similar income levels in the same housing market area have similar housing choices available to them regardless of their race, color, national origin, religion, sex, disability, or familial status.⁶⁵ They are also a means to carry out the mandate of Section 808(e)(5) of the Fair Housing Act that HUD administer its programs and activities in a manner to affirmatively further fair housing. These requirements mandate that PHAs or Project Owners identify groups that are least likely to apply for upcoming housing opportunities and to implement special marketing and outreach activities to ensure that these groups are aware of these opportunities.

The AFHMP must be submitted to HUD with the Financing Plan. A separate AFHMP is required for each distinct PBRA HAP contract. The PHA must submit an AFHMP even if the project has an existing waiting list and is not accepting new applicants. The PHA or Project Owner should consult the instructions in the form HUD 935.2A and HUD's Implementing Affirmative Fair Housing Marketing Requirements Handbook (HUD Handbook 8025.1) for guidance on completing the AFHMP and carrying out an affirmative marketing program. The Handbook provides a detailed resource on the content of the AFHMP, which includes marketing activities, residency preferences, and staff training.

When submitting an AFHMP for HUD approval, the PHA or Project Owner must ensure that the occupancy designation and any residency preferences are consistent with the PHA Plan or Significant Amendment to the PHA Plan, that such designation and preferences are consistent with the Checklist submitted to HUD and that the AFHMP includes affirmative marketing

⁶⁴ The most recent version of the AFHMP is HUD Form 935.2A, OMB Approval Number 2529-0013. *See* 24 C.F.R. § 880.601(a)(2) and 24 C.F.R. § 200.615; *see also* Section 10.8 of the Multifamily Accelerated Processing (MAP) Guide. The PHA or its management agent should consult the instructions in the form HUD 935.2A and HUD's Implementing Affirmative Fair Housing Marketing Requirements Handbook (HUD Handbook 8025.1) for guidance on completing the AFHMP and carrying out an affirmative marketing program. The Handbook provides a detailed resource on the content of the AFHMP, which includes marketing activities, residency preferences, and staff training.

⁶⁵ *See* 24 C.F.R. § 200.610.

activities that are consistent with its occupancy designation and the populations identified as least likely to apply. Any subsequent changes to occupancy designation or residency preferences shall be proposed, submitted and reviewed in accordance with standard PBRA requirements. If a PHA or Project Owner plans to adopt any local or residency preferences, the Project Owner must submit its Tenant Selection Plan along with the AFHMP (see HUD Handbook 4350.3, page 4-4).

The Multifamily Housing Office of Asset Management and Portfolio Oversight and the Office of Fair Housing and Equal Opportunity (“FHEO”) review the AFHMP. FHEO issues HUD’s official letter of approval or disapproval. Disapproval letters will specify the reason a plan was rejected and the revisions required. The PHA or Project Owner must make the required changes and resubmit a corrected plan to HUD for approval.

The PBRA contract becomes effective on the first day of a month, following closing. Approval of the AFHMP is not a condition to closing of the RAD conversion. When the project is preparing to accept applications, it must follow its approved AFHMP to ensure that groups least likely to apply are aware of the housing opportunities. The Project Owner is responsible for ensuring that the AFHMP is in place throughout the life of any FHA mortgage or PBRA contract. The Project Owner may not market or lease any unit not occupied by a household exercising its right to remain in or return to the Covered Project prior to approval of the AFHMP. Marketing or leasing includes the solicitation, distribution or acceptance of applications or development of a waiting list.

SECTION 6. RELOCATION REQUIREMENTS

In some cases, as explained in this Section, the activities associated with the RAD transaction may require the relocation of residents. In the event of acquisition, demolition, construction or rehabilitation activities performed in connection with a RAD conversion, the PHA and/or Project Owner⁶⁶ should plan such activities to reasonably minimize any disruption to residents’ lives, to ensure that residents are not exposed to unsafe living conditions and to comply with applicable relocation, fair housing and civil rights requirements. As discussed in Section 6.1, below, a written relocation plan is required in some circumstances and strongly encouraged for any conversion resulting in resident moves or relocation. Further, the obligations due to relocating residents under RAD are broader than URA relocation assistance and payments and RAD specifies requirements which are more protective of residents than standard URA requirements, including additional notices (see Section 6.6) and a right to return (see Section 6.2). This Notice requires that certain information be provided to all households, beginning prior to submission of the RAD application.

Any resident who moves as a direct result of acquisition, rehabilitation or demolition for an activity or series of activities associated with a RAD conversion may, depending on the circumstances and length of time of the relocation, be eligible for relocation assistance and payments under the URA. Additionally, Section 104(d) relocation and one-for-one replacement

⁶⁶ Under the URA, the term “displacing agency” refers to the agency or person that carries out a program or project which will cause a resident to become a displaced person. Projects vary and, for any specific task described in this Notice, the displacing agency may be either the PHA or the Project Owner, as determined by the allocation of roles and responsibilities between the PHA and Project Owner.

housing requirements may also apply when CDBG- or HOME-funds are used in connection with a RAD conversion. The applicability of the URA or Section 104(d) to RAD conversions is fact-specific, which must be determined in accordance with the applicable URA and Section 104(d) regulations.⁶⁷

Eligibility for specific protections under this Notice applies to any person residing in a Converting Project who is legally on the public housing lease, has submitted an application to be added to an existing lease, or is otherwise in lawful occupancy at the time of the issuance of the CHAP and at any time thereafter until conversion of assistance under RAD. All such residents of a Converting Project have a right to return and are eligible for relocation protections and assistance as provided by this Notice. The eligibility criteria set forth in this paragraph apply to the protections under this Notice regardless of whether residents or household members meet the statutory and regulatory requirements for eligibility under URA.⁶⁸

6.1. Planning

If there is a possibility that residents will be relocated as a result of acquisition, demolition, or rehabilitation for a Converting Project, PHAs must undertake a planning process in conformance with the URA statutory and regulatory requirements in order to minimize the adverse impact of relocation (*see* 49 § C.F.R. 24.205). PHAs must also ensure that their relocation planning is conducted in compliance with applicable fair housing and civil rights requirements.

The PHA shall prepare a written relocation plan if the RAD conversion involves permanent relocation (including, without limitation, a move in connection with a transfer of assistance) or temporary relocation anticipated to last longer than one year. While a written relocation plan is not required for temporary relocation lasting one year or less, HUD strongly encourages PHAs, in consultation with any applicable Project Owners, to prepare a written relocation plan for all RAD conversions to establish their relocation process clearly and in sufficient detail to permit consistent implementation of the relocation process and accurate communication to the residents. Appendix II contains recommended elements of a relocation plan.

During the planning stages of a RAD transaction and based on the results of this planning process, a PHA must submit applicable portions of the Checklist described in Section 5.3(B) to HUD, together with any required backup documentation, as early as possible once the information covered in the applicable part is known.⁶⁹ All parts of the Checklist must be submitted to HUD prior to submission of the Financing Plan. The Checklist will allow HUD to assist the PHA to comply, and to evaluate the PHA's compliance, with relocation requirements, including civil rights requirements related to relocation.

⁶⁷ 42 U.S.C. § 4601 *et seq.*, 42 U.S.C. § 5304(d), and their implementing regulations at 49 C.F.R Part 24 and 24 C.F.R. Part 42 subpart C.

⁶⁸ A nonexclusive listing of persons who do not qualify as displaced persons under URA is at 49 C.F.R. 24.2(a)(9)(ii). See also, Paragraph 1-4(J) of HUD Handbook 1378. See Section 6.5 of this Notice for discussion of the date of "initiation of negotiations."

⁶⁹ The Checklist refers to the existing FHEO Accessibility and Relocation Checklist until a revised Checklist is approved for use pursuant to the Paperwork Reduction Act.

The following presents a general sequencing of relocation planning activities within the RAD conversion process for informational and planning purposes only. Specific requirements are set forth in the provisions of this Notice.

Stage	Activities
1. Prior to submission of RAD application	<ul style="list-style-type: none"> • Determine potential need for relocation in connection with proposed conversion plans. • Meet with residents to discuss proposed conversion plans, communicate right to return, and solicit feedback. • Provide the <i>RAD Information Notice</i> (RIN) to residents as described in Section 6.6(A) of this Notice.
2. After submission of RAD application	<ul style="list-style-type: none"> • Assess the need for relocation planning in connection with proposed conversion plans. Determine if technical assistance would be beneficial to ensuring compliance with relocation requirements. • Survey residents to inform relocation planning and relocation process. • Develop a relocation plan (see Appendix II for recommended content). • Prepare Significant Amendment to PHA Plan and engage with the Resident Advisory Board, residents and the public regarding Plan amendment.⁷⁰
3. Following issuance of the CHAP, or earlier if warranted	<ul style="list-style-type: none"> • Provide the <i>General Information Notice</i> (GIN) to residents when the project involves acquisition, rehabilitation, or demolition as described in Section 6.6(B) of this Notice and relocation may be required.
4. While preparing Financing Plan	<ul style="list-style-type: none"> • Discuss the outlines of the conversion plans and their impact on relocation with the HUD transaction manager. • Refine the plan for relocation and integrate the construction schedule into the relocation strategy; seek to minimize off-site or disruptive relocation activities. • Identify relocation housing options . • Budget for relocation expenses and for compliance with accessibility requirements. • Submit the Checklist and, where applicable, the relocation plan. • If the conversion involves acquisition, at the discretion of the Project Owner issue Notice of Intent to Acquire (NOIA). • If a NOIA is issued, at the discretion of the Project Owner provide residents with appropriate relocation notices as

⁷⁰ Alternatively, the PHA may submit a new PHA Five-Year or Annual Plan, especially if it is on schedule to do so. Under any scenario, the PHA must consult with the Resident Advisory Board and undertake the community participation process.

Stage	Activities
	described in Section 6.6(C) through 6.6(E) of this Notice at this time.
5. From RAD Conversion Commitment (RCC) to Closing	<ul style="list-style-type: none"> • Meet with residents to describe approved conversion plans and discuss required relocation. • The effective date of the RCC marks the date of “Initiation of Negotiations” (ION), as defined in the URA (49 § C.F.R. 24.2(a)(15)). • If no NOIA was provided while preparing the Financing Plan, provide residents with appropriate relocation notices as described in Section 6.6(C) through 6.6(E) of this Notice. • Resident relocation may begin following the effective date of the RCC, subject to applicable notice requirements.
6. Post-Closing	<ul style="list-style-type: none"> • Ongoing implementation of relocation • Notify the residents regarding return to the Covered Project as described in Section 6.6(F) of this Notice • Implementation of the residents’ right to return

6.2. Resident Right to Return

Any public housing or Section 8 assisted resident that may need to be relocated temporarily to facilitate rehabilitation or construction has a right to return to an assisted unit at the Covered Project once rehabilitation or construction is complete.⁷¹ Permanent involuntary displacement of public housing or Section 8 assisted residents may not occur as a result of a project’s conversion of assistance. The Project Owner satisfies the RAD right to return to a Covered Project if the Project Owner offers the resident household either: a) a unit in the Covered Project in which the household is not under-housed; or b) a unit in the Covered Project which provides the same major features as the resident’s unit in the Converting Project prior to the implementation of the RAD conversion. In the case of a transfer of assistance to a new site, residents of the Converting Project have the right to reside in an assisted unit meeting the requirements set forth in this paragraph at the Covered Project (the new site) once the Covered Project is ready for occupancy in accordance with applicable PBV or PBRA requirements.

If proposed plans for a Converting Project would preclude a resident from returning to the Covered Project, the resident must be given an opportunity to comment and/or object to such plans. Examples of project plans that may preclude a resident from returning to the Covered Project include, but are not limited to:

- Changes in bedroom distribution which decrease the size of units such that the resident would be under-housed;⁷²

⁷¹ The right to return is not a right to any specific unit in the Covered Project. Tenancies other than public housing or Section 8 assisted residents (such as commercial tenants) do not hold a right to return and are subject to standard relocation requirements applicable to such tenants under the URA.

⁷² See the RAD Notice for a description of the procedures that must be undertaken if a resident is over-housed.

- Where a) the PHA is reducing the number of assisted units at a property (if authorized to do so under Section 1.5.B of the RAD Notice) and b) the resident cannot be accommodated in the remaining assisted units;
- The imposition of income eligibility requirements, such as those associated with LIHTC or other program financing, under which the current resident may not be eligible;⁷³ and
- Failure to provide reasonable accommodation to an individual with disabilities, in violation of applicable law, which reasonable accommodation may include installation of accessibility features that are needed by the individual with disabilities.⁷⁴

If the resident who would be precluded from returning to the Covered Project objects to such plans, the PHA must alter the project plans to accommodate the resident's right to return to the Covered Project.

If the resident who would be precluded from returning to the Covered Project prefers to voluntarily and permanently relocate rather than object to the project plans, the PHA must secure informed, written consent to a voluntary permanent relocation in lieu of returning to the Covered Project and must otherwise comply with all the provisions of Section 6.10, below, regarding alternative housing options. The PHA cannot employ any tactics to pressure residents into relinquishing their right to return or accepting alternative housing options. A PHA may not terminate a resident's lease if the PHA fails to obtain the resident's consent and the resident seeks to exercise the right to return.

In the case of a multi-phase transaction, the resident has a right to return to the Covered Project or to other converted phases of the property which have converted and are available for occupancy at the time the resident is eligible to exercise the right to return. A relocated resident should get the benefit of improvements facilitated by the resident's relocation and conversion and completion of future phases cannot be assured. In most cases, this means that the resident's right to return must be accommodated within the Covered Project associated with resident's original unit. However, in those cases where improvements to multiple phases of a site are occurring simultaneously, the PHA or Project Owner may treat multiple Covered Projects on the same site as one for purposes of the right to return. If the PHA or Project Owner seeks to have the resident exercise the right of return at a future phase, the PHA or Project Owner would need to secure the resident's consent to such plan as an alternative housing option pursuant to Section 6.10, below.

In implementing the right of return, the Project Owner shall comply with all applicable fair housing laws and implementing regulations, including, but not limited to, the Fair Housing Act,

⁷³ In these cases, a PHA may elect to exclude some units from the applicable financing program, for example, claiming LIHTC for a subset of the units and not claiming tax credits in connection with the units occupied by households over the LIHTC maximum eligibility of 60% of AMI.

⁷⁴ Refer to the Joint Statement of the Department of Housing and Urban Development and the Department of Justice, Reasonable Modifications Under the Fair Housing Act (March 5, 2008), at http://www.hud.gov/offices/fheo/disabilities/reasonable_modifications_mar08.pdf for additional detail regarding applicable standards for reasonable accommodations and accessibility features which must be provided. If the resident has paid for installation of accessibility features in the resident's prior unit, the PHA or Project Owner shall pay for the installation of comparable features in the new unit. Violations of law may also result in other sanctions.

Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, and Titles II and III of the Americans with Disabilities Act.

6.3. Admissions and Continued Occupancy Requirements

Resident households may not be denied relocation housing or the right to return based on rescreening, income eligibility, or income targeting. PHAs may only offer housing options with screening, income eligibility or income targeting requirements if the impacted residents meet the admission and occupancy policies applicable to such housing. However, whether or not in a temporary relocation situation, the household remains subject to the applicable program policies regarding continued occupancy of an assisted unit by an incumbent resident of the unit.

6.4. Types of Moves and Relocation

Any time project plans require a resident to move from their current unit, the resident is eligible for assistance as described in this Notice. Assistance may vary depending on the options provided to residents, whether the relocation is temporary or permanent and, if applicable, the length of time the resident is in temporary accommodations.⁷⁵ In all circumstances, the move or relocation must be in compliance with applicable requirements of this Notice and consistent with applicable fair housing and civil rights requirements. Each type of move is discussed below.

A) Moves within the same building or complex of buildings⁷⁶

Temporary or permanent moves within the same building or complex of buildings may be appropriate given the extent of work to be completed to permit phasing of rehabilitation or construction. Moves within the same building or complex of buildings are not considered relocation under RAD and a tenant generally does not become displaced under the URA. Whether permanent (i.e., the tenant will move to and remain in an alternative unit) or temporary (i.e., the tenant will move to another unit and return to their original unit), the PHA or Project Owner must reimburse residents for all reasonable out-of-pocket expenses incurred in connection with any move and all other terms and conditions of the move(s) must be reasonable.⁷⁷ The final move must be to a unit which satisfies the right to return requirements specified in Section 6.2 of this Notice.

⁷⁵ PHAs should note that the definitions of “permanent” vary between the URA and RAD. For example, “permanent displacement” under the URA includes moves from the original building or complex of buildings lasting more than one year. The RAD Notice, meanwhile, considers “permanent relocation” to be separation from the RAD-assisted unit upon completion of the conversion and any associated rehabilitation and construction. The duration of a temporary move may exceed one year. In the case of a transfer of assistance, it is not permanent relocation under RAD when the resident must move from the original complex of buildings to the destination site in order to retain occupancy of the RAD-assisted unit.

⁷⁶ An example of relocation within the same building or complex of buildings would be if one floor of a multi-story building is vacant, and the PHA is moving residents from another floor to the vacant units.

⁷⁷ Failure to reimburse residents for moving or other out-of-pocket expenses and any other terms and conditions of the move which may be unreasonable may result in the resident becoming a displaced person under the URA if the resident subsequently moves from the property.

B) Temporary relocation lasting one year or less

If a resident is required to relocate temporarily, to a unit not in the same building or complex of buildings, for a period not expected to exceed one year in connection with the RAD conversion, the resident's temporarily occupied housing must be decent, safe, and sanitary and the resident must be reimbursed for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation. These expenses include, but are not limited to, moving expenses, increased housing costs (e.g., rent and utilities), meals if the temporary housing lacks cooking facilities (e.g., during a short hotel stay, whether or not on an emergency basis) and other applicable expenses.⁷⁸

C) Temporary relocation initially expected to last one year or less, but which extends beyond one year

In the event that a resident has been temporarily relocated, to a unit not in the same building or complex of buildings, for a period which was anticipated to last one year or less but the temporary relocation in fact exceeds one year, the resident qualifies as a "displaced person" under the URA and as a result immediately becomes eligible for all permanent relocation assistance and payments as a "displaced person" under the URA, including notice pursuant to Section 6.6(E). This assistance would be in addition to any assistance the person has already received for temporary relocation, and may not be reduced by the amount of any temporary relocation assistance.

In such event, the PHA or Project Owner shall offer the resident the opportunity to choose to voluntarily permanently relocate with the offered URA assistance or to choose to remain temporarily relocated based on updated information from the PHA or Project Owner about when they can return to the completed RAD unit. The PHA or Project Owner must present this opportunity to the resident when the temporary relocation extends beyond one year and each time thereafter that the temporary relocation extends beyond the previously anticipated duration. In presenting such opportunity, the PHA or Project Owner must inform the resident in writing that his or her acceptance of voluntary permanent relocation, with the associated assistance, would terminate the resident's right to return to the Covered Project. The PHA or Project Owner must provide the resident with at least 30 days to decide whether to remain in temporary relocation status or to voluntarily relocate permanently.

D) Temporary relocation anticipated to last more than one year

When the PHA anticipates that the temporary relocation, to a unit not in the same building or complex of buildings, will last more than one year, but the resident is retaining the resident's right to return to the Covered Project, the resident is considered temporarily relocated under RAD and is eligible to receive applicable temporary relocation assistance and payments. Under the URA, the resident becomes eligible to receive applicable relocation assistance and payments as a "displaced person" when the temporary relocation period exceeds one year and each time thereafter that the temporary relocation extends beyond the previously anticipated duration, at

⁷⁸ HUD Handbook 1378, Chapter 2, Section 2-7 governs activities subject to URA requirements and informs, but is not binding upon, any RAD activities not governed by the URA. PHAs may also refer to HUD Form 40030.

which time the PHA or Project Owner shall offer the resident the opportunity to choose to voluntarily permanently relocate or to remain temporarily relocated, as described in Section 6.4(C), above.

In order to allow residents to make the election earlier than required under the URA (thereby avoiding a year in temporary relocation housing prior to electing voluntary permanent relocation), if the PHA or Project Owner anticipates that temporary relocation will last more than one year, the PHA or Project Owner shall provide the resident with an initial option to (a) be temporarily relocated, retain the right to return to the Covered Project when a unit becomes available and receive assistance, including temporary housing and reimbursement for all reasonable out-of-pocket expenses associated with the temporary relocation, or (b) accept RAD voluntary permanent relocation assistance and payments equivalent to what a “displaced person” would receive under the URA. The PHA or Project Owner must inform the resident in writing that his or her acceptance of voluntary permanent relocation, with the associated assistance, would terminate the resident’s right to return to the Covered Project. The PHA or Project Owner must provide the resident with at least 30 days to decide whether to remain in temporary relocation status or to voluntarily relocate permanently.

E) Permanent moves in connection with a transfer of assistance

In cases solely involving a transfer of assistance to a new site, resident relocation from the Converting Project to the Covered Project is not, by itself, generally considered involuntary permanent relocation under RAD. However, the URA and/or Section 104(d) is likely to apply in most cases. In cases of a transfer of assistance to a new site where it has also been determined that the URA and/or Section 104(d) apply to the transfer of assistance, residents may be eligible for all permanent relocation assistance and payments for eligible displaced persons under the URA and/or Section 104(d). If the URA applies to a move of this type, the PHA or Project Owner must make available at least one, and when possible, three or more comparable replacement dwellings pursuant to 49 C.F.R. § 24.204(a). However, provided the transfer of assistance unit meets the URA definition of a comparable replacement dwelling pursuant to 49 C.F.R. § 24.2(a)(6), that unit could in fact represent the most comparable replacement dwelling as determined by the agency for purposes of calculating a replacement housing payment, if any, under 49 C.F.R. § 24.402.

Whether or not the URA and/or Section 104(d) apply, under RAD the residents are entitled to relocation assistance and payments, including counseling in preparation for the relocation, written notices of the relocation (including a 90-day RAD Notice of Relocation), and reimbursement for all reasonable out-of-pocket expenses, including moving expenses, incurred in connection with the move. It should be noted that the RAD relocation assistance and payments provided to transferring residents in this paragraph differ from those required under the URA and/or Section 104(d) as described above. Where both frameworks apply, the residents must receive the more extensive protections offered under either framework.

If HUD determines that the distance from the Converting Project to the site of the Covered Project is significant and the resident could not reasonably be required to move to the new site, then HUD will require the PHA to adjust project plans to accommodate the resident in an assisted unit (e.g., a public housing unit, some other project-based Section 8 unit or a market unit

with a housing choice voucher) within a reasonable distance of the site of the Converting Project. HUD will evaluate whether this requirement applies on a case by case basis, considering whether the distance would impose a significant burden on residents' access to existing employment, transportation options, schooling or other critical services. Accommodating the resident may also be satisfied by the resident's consent to an alternative housing option pursuant to Section 6.10. The requirement set forth in this paragraph is in addition to all protections, including, for example, the offer of comparable replacement dwellings, which are required in all instances where a transfer of assistance is subject to the URA and/or Section 104(d).

F) Voluntary permanent relocation

A resident may elect to relinquish their right of return and consent to voluntary permanent relocation pursuant to an alternative housing option offered and accepted according to the procedures described in Section 6.10, which Section specifies protections to ensure the resident's decision is fully informed. By selecting voluntary permanent relocation, the resident is electing to receive RAD permanent relocation assistance and payments which are equivalent to the relocation payments and assistance required to be provided to a "displaced person" pursuant to the regulations implementing the URA.

6.5. Initiation of Negotiations (ION) Date

Eligibility for URA relocation assistance is effective on the date of initiation of negotiations (ION) (49 C.F.R. § 24.2(a)(15)). For Converting Projects, the ION date is the effective date of the RCC. The ION date is also typically the date when PHAs can begin to issue RAD Notices of Relocation (except in the case of acquisitions when the PHA can issue a Notice of Intent to Acquire and RAD Notices of Relocation prior to the ION date). Any person who is in lawful occupancy on the ION date is presumed to be entitled to relocation payments and other assistance.

PHAs and Project Owners should note that prior to the ION date, a resident may be eligible as a displaced person for permanent relocation assistance and payments under the URA if HUD determines, after analyzing the facts, that the resident's move was a direct result of the project. However, resident moves taken contrary to specific instructions from the PHA or Project Owner (for example, contrary to instructions not to move if contained in a General Information Notice) are generally not eligible as a displaced person under the URA.

6.6. Resident Relocation Notification (Notices)

PHAs and Project Owners are encouraged to communicate regularly with the residents regarding project plans and, if applicable, the resulting plans for relocation. When residents may be relocated for any time period (including, without limitation, a move in connection with a transfer of assistance), written notice must be provided to the resident heads of households, including the notices listed below as applicable.⁷⁹ PHAs and Project Owners are also encouraged to provide

⁷⁹ The notices required under Sections 6.6(B) through 6.6(E) must be delivered in accordance with URA resident notification requirements, including the requirement that the notice be personally served or delivered by certified or registered first class mail return receipt requested. All notices must be delivered to each household (i.e., posting in

additional relocation notices and updates for the residents' benefit as appropriate for the specific situation.

To ensure that all residents understand their rights and responsibilities and the assistance available to them, consistent with URA requirements at 49 C.F.R. § 24.5 and civil rights requirements, PHAs and Project Owners must ensure effective communication with individuals with disabilities, including through the provision of appropriate auxiliary aids and services, such as interpreters and alternative format materials. Similarly, PHAs and Project Owners are required to take reasonable steps to ensure meaningful access for LEP persons in written and oral materials. Each notice shall indicate the name and telephone number of a person to contact with questions or for other needed help and shall include the number for the telecommunication device for the deaf (TDD) or other appropriate communication device, if applicable, pursuant to 24 C.F.R. §8.6(a)(2).

The purpose of these notifications is to ensure that residents are informed of their potential rights and, if they are to be relocated, of the relocation assistance available to them. Two initial notices launch this effort and provide critical information regarding residents' rights. The first, the RAD Information Notice, is to be provided at the very beginning of the RAD conversion planning process in order to ensure residents understand their rights, to provide basic program information and to facilitate residents' engagement with the PHA regarding project plans. The GIN, meanwhile, provides information specifically related to protections the URA provides to impacted residents. Subsequent notices provide more detailed information regarding relocation activities specific to the household, including tailored information regarding eligibility and timelines for relocation.

PHAs should note that a resident move undertaken as a direct result of the project may be eligible to receive relocation assistance and payments under the URA even though the PHA has not yet issued notices to them. Sample notices which may be used as-is or modified to fit the peculiarities of each situation are provided on the RAD website at www.hud.gov/rad.

A) RAD Information Notice

The RAD Information Notice is to be provided to residents at the very beginning of the RAD conversion planning process in order to convey general written information on potential project plans and residents' basic rights under RAD, and to facilitate residents' engagement with the PHA regarding the proposed RAD conversion. The PHA shall provide a RAD Information Notice to all residents of a Converting Project prior to the first of the two meetings with residents required by the RAD Notice, Section 1.8.2, and before submitting a RAD Application. This RAD Information Notice shall be provided without regard to whether the PHA anticipates any relocation of residents in connection with the RAD conversion. The RAD Information Notice must do the following:

common areas is insufficient) and methods of delivery (e.g., certified mail, U.S. mail, or hand delivery) must be documented in the PHA's or Project Owner's files.

- Provide a general description of the conversion transaction (e.g., the Converting Project, whether the PHA anticipates any new construction or transfer of assistance, whether the PHA anticipates partnering with a developer or other entity to implement the transaction);
- Inform the resident that the early conceptual plans are likely to change as the PHA gathers more information, including, among other items, resident opinions, analysis of the capital needs of the property and financing options;
- Inform the resident that the household has a right to remain in the unit or, if any relocation is required, a right to return to an assisted unit in the Covered Project (which may be at the new site in the case of a transfer of assistance);
- Inform the resident that they will not be subject to any rescreening as a result of the conversion;
- Inform the resident that the household cannot be required to move permanently without the resident's consent, except in the case of a transfer of assistance when the resident may be required to move a reasonable distance, as determined by HUD, in order to follow the assisted unit;
- Inform the resident that if any relocation is involved in the transaction, the resident is entitled to relocation protections under the requirements of the RAD program and, in some circumstances, the requirements of the URA, which protections may include advance written notice of any move, advisory services, payment(s) and other assistance as applicable to the situation;
- Inform the resident that any resident-initiated move from the Converting Project could put any future relocation payment(s) and assistance at risk and instruct the resident not to move from the Converting Project; and
- Inform the resident that the RAD transaction will be completed consistent with fair housing and civil rights requirements, and provide contact information to process reasonable accommodation requests for residents with disabilities during the relocation.

B) General Information Notice (49 C.F.R. § 24.203(a))

The purpose of the General Information Notice (GIN) is to provide information about URA protections to individuals who may be displaced as a result of federally-assisted projects involving acquisition, rehabilitation or demolition. A GIN provides a general description of the project, the activities planned, and the relocation assistance that may become available.

A GIN shall be provided to any person scheduled to be displaced *as soon as feasible* based on the facts of the situation. In certain instances, such as when the PHA knows that a project will involve acquisition, rehabilitation or demolition, "as soon as feasible" may be simultaneous with issuance of the RAD Information Notice. For any RAD conversion involving acquisition, rehabilitation or demolition, "as soon as feasible" shall be no later than 30 days following the issuance of the CHAP. In instances where acquisition, rehabilitation or demolition is not anticipated at the time of the CHAP but project plans change to include such activities, pursuant to this Notice the PHA shall provide the GIN as soon as feasible following the change in project plans.

For RAD, the GIN must do at least the following:

- Inform the resident that he or she may be displaced for the project and generally describe the relocation payment(s) for which the resident may be eligible, the basic conditions of eligibility, and the procedures for obtaining the payment(s);
- Inform the resident that, if he or she qualifies for relocation assistance as a displaced person under the URA, he or she will be given reasonable relocation advisory services, including referrals to replacement properties, help in filing payment claims, and other necessary assistance to help the displaced resident successfully relocate;
- Inform the resident that, if he or she qualifies for relocation assistance as a displaced person under the URA, he or she will not be required to move without 90 days advance written notice;
- Inform the resident that, if he or she qualifies for relocation assistance as a displaced person under the URA, he or she cannot be required to move permanently unless at least one comparable replacement dwelling has been made available;
- Inform the resident that any person who is an alien not lawfully present in the United States is ineligible for relocation advisory services and relocation payments, unless such ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent, or child (see 49 C.F.R. § 24.208(h) for additional information);
- Describe the resident's right to appeal the PHA's determination as to a resident's eligibility for URA assistance; and
- Inform the resident that the RAD transaction will be completed consistent with fair housing and civil rights requirements, and provide contact information to process reasonable accommodation requests for residents with disabilities during the relocation.

Because of the potential confusion caused by evolving policy directions in the RAD program regarding delivery of the GIN, for actions taken prior to the issuance of this Notice, HUD will consider the facts and circumstances of each conversion, with emphasis on the underlying URA requirements, in monitoring and enforcing a PHA's compliance with this requirement.

C) Notice of Intent to Acquire (49 C.F.R. § 24.203(d))

For conversions involving acquisition, the Project Owner (the "acquiring agency") may provide to residents of the Converting Project a Notice of Intent to Acquire (NOIA).⁸⁰ The NOIA may be provided no earlier than 90 days prior to the PHA's reasonable estimate of the date of submission of a complete Financing Plan. While eligibility for URA relocation assistance is generally effective on the effective date of the RCC (the ION date), a prior issuance of a NOIA establishes a resident's eligibility for relocation assistance and payments on the date of issuance of the NOIA and prior to the ION date.

D) RAD Notice of Relocation

If a resident will be relocated to facilitate the RAD conversion, the PHA shall provide written notice of such relocation by means of a RAD Notice of Relocation. The RAD Notice of

⁸⁰ Acquisition includes a new ownership entity's purchase of the Covered Project from the PHA, such as a purchase by a single purpose entity, an affiliate or a low-income housing tax credit ownership entity.

Relocation may not be issued until: 1) the effective date of the RCC (the ION date) if the conversion does not involve acquisition; or 2) the earlier of the issuance of the Notice of Intent to Acquire (see Section 6.6(C)) or the effective date of the RCC (the ION date) if the conversion involves acquisition. Prior to issuance of the RAD Notice of Relocation, PHAs and Project Owners should meet with each resident household to provide preliminary relocation advisory services and to determine their needs and preferences.⁸¹

A RAD Notice of Relocation is not required for residents who will not be relocated. As a best practice, PHAs or Project Owners should notify residents that they are not being relocated once that determination has been made if they were previously informed by the GIN and/or by other methods that relocation was a possibility.⁸²

A RAD Notice of Relocation shall provide either: 1) 30-days' notice to residents who will be relocated for twelve months or less; or 2) 90-days' notice to residents who will be relocated for more than twelve months.⁸³ The RAD Notice of Relocation must conform to the following requirements:

- (1) The notice must state the anticipated duration of the resident's relocation.
- (2) The notice must specify which entity (the PHA or the Project Owner) is primarily responsible for management of the resident's relocation and for compliance with the relocation obligations during different periods of time (i.e., before vs. after Closing).
- (3) For residents who will be relocated for twelve months or less:
 - The PHA or Project Owner must provide this notice a minimum of 30 days prior to relocation.⁸⁴ PHAs or Project Owners may deem it appropriate to provide longer notice periods for persons who will be temporarily relocated

⁸¹ PHAs and Project Owners should note the URA relocation advisory services requirement for personal interviews. See Section 6.7 of this Notice. In sequencing the RAD Notice of Relocation, PHAs and Project Owners wishing to offer alternative housing options pursuant to Section 6.10 should also note the additional complexity in the timeline of notices. Pursuant to Section 6.10(D), the resident can consent to an alternative housing option only after issuance of the NOIA or the effective date of the RCC and 30 days after presentation of the alternative housing options. In some cases, for example, when the resident would not otherwise be relocated for over twelve months, the RAD Notice of Relocation must include both the information described in Section 6.6(D)(3) and the information in Section 6.6(D)(4). The PHA or Project Owner should consider discussing the alternative housing options prior to issuing the RAD Notice of Relocation so that the RAD Notice of Relocation can be tailored to the resident's situation.

⁸² The RAD program does not require a "notice of non-displacement," which HUD relocation policy generally uses for this purpose.

⁸³ The 90-day notice is required for residents relocated for more than twelve months, whether or not they intend to return to the Covered Project and whether or not they are eligible for assistance and payments as a displaced person under URA. Recipients of the 90-day notice would include those residents who have voluntarily accepted a permanent relocation option as well as those residents who are relocated within the same building or complex of buildings.

⁸⁴ Note that residents may elect to move to the relocation housing before the 30 days have elapsed. However, a PHA may not require a resident to move prior to this time.

for an extended period of time (over 6 months), or if necessary due to personal needs or circumstances.

- The notice must explain that the PHA or Project Owner will reimburse the resident for all reasonable out-of-pocket expenses incurred in connection with any temporary move (including, but not limited to, increased housing costs and moving costs).
- The notice must explain the reasonable terms and conditions under which the resident may exercise the right to return to lease and occupy a unit in the Covered Project.

(4) For residents who will be relocated for more than twelve months, including for residents who may wish to voluntarily accept a permanent relocation option:

- The PHA or Project Owner must provide this notice a minimum of 90 days prior to relocation of residents.⁸⁵
- The notice must offer the choice to be temporarily relocated, thereby preserving the resident's right to return, or the choice to be voluntarily permanently relocated pursuant to the procedures set forth in Section 6.10, together with guidance that the resident has at least thirty (30) days to consider the choice.
- For residents who voluntarily elect to be permanently relocated, the 90-day notice period may only begin once the PHA or Project Owner has made available at least one comparable replacement dwelling consistent with 49 C.F.R. § 24.204(a).⁸⁶
- The notice must describe the available relocation assistance, the estimated amount of assistance based on the individual circumstances and needs, and the procedures for obtaining the assistance. The notice must be specific to the resident and his or her situation so that the resident will have a clear understanding of the type and amount of payments and/or other assistance the resident household may be entitled to claim.
- The notice must comply with all requirements for a URA Notice of Relocation Eligibility as described in 49 C.F.R. § 24.203(b).

(5) The notice must inform the resident that the relocation will be completed consistent with fair housing and civil rights requirements, and it must provide contact information to process reasonable accommodation requests for residents with disabilities during the relocation.

For short-term relocations, the RAD Notice of Relocation may also contain the information required in the Notice of Return to the Covered Project (see Section 6.6(F)).

⁸⁵ Note that residents may elect to move to the relocation housing before the 90 days have elapsed. However, a PHA may not compel a resident to move prior to this time.

⁸⁶ PHAs should note that URA regulations also require, where possible, that three or more comparable replacement dwellings be made available before a resident is required to move from his or her unit.

E) URA Notice of Relocation Eligibility – for residents whose temporary relocation exceeds one year (49 C.F.R. § 24.203(b))

After a resident has been temporarily relocated for one year, notwithstanding a prior issuance of a RAD Notice of Relocation, the PHA or Project Owner must provide an additional notice: the notice of relocation eligibility in accordance with URA requirements (“URA Notice of Relocation Eligibility”). The URA Notice of Relocation Eligibility is not required if the resident has already accepted permanent relocation assistance.⁸⁷

The URA Notice of Relocation Eligibility must conform to URA requirements as set forth in 49 C.F.R. part 24 and shall:

- Provide current information as to when it is anticipated that the resident will be able to return to the Covered Project.
- Give the resident the choice to remain temporarily relocated based upon the updated information or to accept permanent URA relocation assistance at that time instead of exercising the right to return at a later time.

If the resident chooses to accept permanent URA relocation assistance and this choice requires the resident to move out of their temporary relocation housing, the URA requires that the PHA or Project Owner make available at least one, and when possible, three or more comparable replacement dwellings pursuant to 49 C.F.R. § 24.204(a), which comparability analysis is in reference to the resident’s original unit. The URA further requires that the resident receive 90 days’ advance written notice of the earliest date they will be required to move pursuant to 49 C.F.R. § 24.203(c).

⁸⁷ To illustrate, consider the following examples.

- Example 1: The household is expected to be relocated for 11 months. The resident would receive a RAD Notice of Relocation offering only temporary relocation. Construction delays result in the extension of the relocation such that, in fact, it exceeds 12 months. When the temporary relocation exceeds 12 months, the resident must receive a URA Notice of Relocation Eligibility offering a choice between continuation in temporary relocation status and permanent relocation.
- Example 2: The household is expected to be relocated for 14 months. The resident would receive a RAD Notice of Relocation offering a choice between temporary relocation status and permanent relocation. If the household elects temporary relocation, the URA Notice of Relocation Eligibility is required as an additional notice following twelve months in temporary relocation status.
- Example 3: The household is expected to be relocated for 14 months. The resident would receive a RAD Notice of Relocation offering a choice between temporary relocation status and permanent relocation. If the household elects permanent relocation, the URA Notice of Relocation Eligibility is not required.
- Example 4: The household can be accommodated with temporary relocation of 3 months, but has been offered and seeks to accept permanent relocation pursuant to an alternative housing option. This resident would receive a RAD Notice of Relocation under Section 6.6(D)(4) offering a choice between temporary relocation status (the default option) and permanent relocation (the alternative housing option), instead of the RAD Notice of Relocation under Section 6.6(D)(3) which would be expected absent a permanent relocation option. The URA Notice of Relocation Eligibility is not required in either case because a temporary relocation exceeding 12 months was never anticipated nor experienced.

F) Notification of Return to the Covered Project

With respect to all temporary relocations, the PHA or Project Owner must notify the resident in writing reasonably in advance of the resident's expected return to the Covered Project, informing the resident of:

- The entity (the PHA or the Project Owner) with primary responsibility for managing the resident's relocation;
- The address of the resident's assigned unit in the Covered Project and, if different from the resident's original unit, information regarding the size and amenities of the unit;
- The date of the resident's return to the Covered Project or, if the precise date is not available, a reasonable estimate of the date which shall be supplemented with reasonable additional notice providing the precise date;
- That the PHA or Project Owner will reimburse the resident for all reasonable out-of-pocket expenses incurred in connection with the return relocation; and
- The resident's options and the implications of those options if the resident determines that he or she does not want to return to the Covered Project and wants to decline the right of return.⁸⁸

Reasonable advance notice shall be 15% of the duration of the resident's temporary relocation or 90 days, whichever is less. For short-term relocations, the PHA or Project Owner may include this information within the RAD Notice of Relocation.

6.7. Relocation Advisory Services

Throughout the relocation planning process, the PHA and Project Owner should be in communication with the residents regarding the evolving plans for relocation. Notwithstanding this best practice, certain relocation advisory services, described below, are required by the URA.

The URA regulations require the PHA or Project Owner to carry out a relocation assistance advisory program that includes specific services determined to be appropriate to residential or nonresidential displacements. The specific advisory services to be provided, as determined to be appropriate, are outlined at 49 C.F.R. § 24.205(c). For residential displacement under the URA, a personal interview is required for each displaced resident household to determine the relocation needs and preferences of each resident to be displaced. The resident household shall be provided an explanation of the relocation payments and other assistance for which the resident may be eligible, the related eligibility requirements, and the procedures for obtaining such assistance. Advisory counseling must also inform residents of their fair housing rights and be carried out in

⁸⁸ If the resident declines to return to the Covered Project upon completion of the period of temporary relocation, the resident shall be considered to have voluntarily moved out of the property, without the benefit of further relocation assistance. For example, a PHA or Project Owner may have rented a market-rate apartment as a temporary relocation resource for a six-month period. In such a situation, the resident may decline to return to the Covered Project and choose to remain in the market-rate apartment at the expiration of the six-month period, but shall not be eligible for any further relocation assistance and payments (including rent differential payments) under this Notice, the URA or Section 104(d), if applicable, in connection with the resident's decision to remain in the temporary housing and not return to the Covered Project.

a manner that satisfies the requirements of Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and Executive Order 11063 (49 C.F.R. § 24.205(c)(1)).⁸⁹ Such advisory services under the URA may include counseling to ensure that residents affected by the project understand their rights and responsibilities and the assistance available to them (49 C.F.R. § 24.205(c)). In addition, the PHA or Project Owner should inform residents that if they believe they have experienced unlawful discrimination, they may contact HUD at 1-800-669-9777 (Voice) or 1-800-927-9275 (TDD) or at <http://www.hud.gov>.

6.8. Initiation of Relocation

PHAs and Project Owners **may not initiate any involuntary physical relocation until both the RCC is in effect and the applicable RAD Notice of Relocation period has expired** (i.e., after either 30 or 90 days' notice as applicable depending on nature of the relocation, as described above). This prohibition applies to all types of RAD transactions, regardless of whether the RAD Notice of Relocation is provided after issuance of a NOIA (for conversions involving acquisition) or following the effective date of the RCC (for all other conversions). PHAs are advised to account for the required 30-day or 90-day written notice periods in their planning process, to ensure that notices which satisfy all applicable requirements are issued prior to taking any action to initiate relocation.

Neither involuntary nor voluntary relocation for the project shall take place prior to the effective date of the RCC, unless moves are authorized under Section 7, below ("Applicability of HCV and Public Housing Requirements") or unless HUD provides explicit approval which will only be provided in extraordinary circumstances. The PHA must wait until the RAD Notice of Relocation period has expired before it may initiate any involuntary relocation. However, a resident may request to move voluntarily, and the PHA may honor a resident's request to move, before the applicable 30-day or 90-day period has elapsed, provided that the PHA may not take any action to encourage or coerce a resident to make such a request. If a resident has elected an alternative housing option, PHAs are advised to ensure that any consent to voluntary permanent relocation does not expire prior to the date of the relocation, as described in Section 6.10.

HUD may use administrative data to identify and investigate projects where relocation may be occurring prior to RCC.

6.9. Records and Documentation; Resident Log

HUD may request from the PHA or Project Owner written records and documentation in order to evidence the PHA's and/or Project Owner's compliance, as applicable, with this Notice and the URA.⁹⁰ HUD may request to review some or all of such records in the event of compliance

⁸⁹ For example, under fair housing and civil rights laws, the PHA and Project Owner may be required to inform residents about and provide reasonable accommodations for individuals with disabilities, such as search assistance; take appropriate steps to ensure effective communication with individuals with disabilities, such as through the provision of auxiliary aids and services, such as interpreters and alternate format documents; provide advisory counseling services in accessible locations and in an accessible manner for individuals with disabilities; and take reasonable steps to ensure meaningful access for LEP persons. See Section 4 of this Notice for more information on these requirements.

⁹⁰ Chapter 6 of HUD Handbook 1378 includes guidance on URA recordkeeping requirements.

concerns, in the event a project is identified for additional review based on administrative data, in the event of audits for purposes of monitoring the RAD program as a whole, upon selection of a random sample of projects and/or at other times at HUD's sole discretion. The records shall include resident files for all households relocated in connection with RAD and a resident log as described in this Section.

As part of such written record, the PHA or Project Owner must maintain data sufficient to deliver to HUD a resident log of every household that resides at the Converting Project at the time of the first required resident meeting on the proposed conversion pursuant to Section 1.8 of the RAD Notice (the "First Resident Meeting") and of every household that moves into the Converting Project after the First Resident Meeting and before the conversion of assistance under RAD. If any relocation is required, the log shall track resident status through completion of rehabilitation and construction, including re-occupancy after relocation. The resident log must include, but need not be limited to, the following information:

- Name of head of household
- PHA's resident identification number and/or the last four digits of the head-of-household's Social Security Number
- The head of household's race and ethnicity as reported on the HUD Form 50058 or the HUD Form 50058 MTW (the "Form 50058"). For purposes of the resident log, all references to the Form 50058 shall be to the form most recently prepared at the time of the First Resident Meeting or, for residents who moved in after the First Resident Meeting, the form most prepared at the time of the resident's initial occupancy.
- A Yes/No indication if there is any household member reported as having a disability on the Form 50058.
- A Yes/No indication if there is any household member reported as under the age of 18 on the effective date of action of the Form 50058;
- The household's relevant unit address, unit size and household size at the following times:
 - The time of the First Resident Meeting or the time of a resident's initial occupancy if after the First Resident Meeting
 - The time of the issuance of the CHAP or the time of a resident's initial occupancy if after the issuance of the CHAP
 - Proximate and prior to the PHA or Project Owner having authority to initiate involuntary relocation activities (i.e., at the time of issuance of the RCC unless otherwise approved by HUD upon extraordinary circumstances)
 - Completion of the relocation process following construction or rehabilitation and with return of all households exercising the right of return
- The household's residence status at the time of issuance of the RCC (e.g., in residence at the Converting Project, transferred to other public housing, moved out, evicted or other with explanation)
- The household's residence status upon completion of re-occupancy (e.g., in residence at the Covered Project/never relocated, in residence at the Covered Project/temporarily relocated and returned, transferred to other public housing, moved out, evicted, permanently relocated or other with explanation)
- The following dates for each resident household, as applicable:
 - Date of the RAD Information Notice

- Date of the GIN
- Date of the CHAP
- Date of NOIA
- Date of RAD Notice of Relocation
- Date of URA Notice of Relocation Eligibility
- Date of most recent consent to voluntary permanent relocation⁹¹
- Date of relocation away from the Converting Project or Covered Project
- Dates of any intermediate relocation moves
- Date of return to the Covered Project or to the household's post-closing permanent address.⁹²
- The following information for each resident household, as applicable:
 - The type of move (e.g., the types identified in Section 6.4, above)
 - The form of any temporary relocation housing (e.g., hotel, assisted housing, market-rate housing)
 - The address and unit size of any temporary relocation housing
 - Whether alternative housing options were offered consistent with Section 6.10, below
 - Any material terms of any selected alternative housing options
 - The type and amount of any payments for
 - Moving expenses to residents and to third parties
 - Residents' out-of-pocket expenses
 - Rent differential payments or other payments for temporary or permanent rental assistance, together with the rent and utilities (if applicable) that were the basis for the calculations
 - Any other relocation-related compensation or assistance

6.10. Alternative Housing Options

Under the RAD Notice, “involuntary permanent relocation” is prohibited and each resident must be able to exercise his or her right of return to the Covered Project. A PHA or Project Owner is permitted to offer a resident alternative housing options when a resident is considering his or her future housing plans, provided that at all times prior to the resident's decision, the PHA and Project Owner preserve the resident's ability to exercise his or her right of return to the Covered Project.

A) Requirements for Any Offer of Alternative Housing Options

All residents who are similarly situated must be given the same offer of alternative housing options. If the PHA or Project Owner seeks to limit the number of households that accept the

⁹¹ The most recent consent must be within 180 days of the actual relocation date, as discussed in Section 6.10(D).

⁹² In the case of voluntary permanent relocation, the date of “return” may be the same as the date of relocation away from the Converting Project.

offer of alternative housing options, the PHA or Project Owner shall determine a fair and reasonable method for selection among similarly situated residents.⁹³

In connection with any offer and acceptance of alternative housing options, the PHA or Project Owner must ensure that the residents' decisions are: 1) fully informed; 2) voluntary; and 3) carefully documented. Any alternative housing option must include, at a minimum, all relocation assistance and payments required under this Notice, the URA and Section 104(d), as applicable, and may include other elements. Funds administered by HUD may not be used to pay any monetary elements not required under this Notice, the URA or Section 104(d).

Acceptance of an alternative housing option is considered voluntary permanent relocation and the accompanying RAD relocation assistance and payments for which the resident may be eligible must be administered in accordance with all requirements for an eligible displaced person under the URA and its implementing regulations and, where applicable, Section 104(d) and its implementing regulations.

PHAs may not propose or request that a displaced person waive rights or entitlements to relocation assistance under the URA or Section 104(d). The PHA must provide a written notice of URA or Section 104(d) relocation assistance and payments for which the resident may be eligible so that the resident may make an informed housing choice. The resident must be provided at least thirty (30) days to consider the offer of voluntary permanent relocation and the resident's acceptance of the PHA's offer of voluntary permanent relocation must be in writing signed by the head of the household for that unit.

B) Assisted Housing Options as Alternatives

Alternative housing option packages may include a variety of housing options and PHAs and Project Owners shall take particular care to ensure program compliance with the regulations applicable to the alternative housing options. Examples of alternative housing options may include:

- Transfers to public housing
- Admission to other affordable housing properties subject to the program rules applicable to such properties
- Housing Choice Vouchers (HCVs) subject to standard HCV program administration requirements. PHAs must operate their HCV programs, including any HCVs offered as an alternative housing option, in accordance with their approved policies as documented in their Section 8 Administrative Plan and HUD regulations at 24 C.F.R. part 982. Any offer of an HCV as an alternative housing option must be made consistent with the

⁹³ For example, if the RAD conversion is financed by LIHTC and a few residents would not meet LIHTC program requirements, the PHA and Project Owner may want to offer these household alternative voluntary permanent relocation options. However, they must offer the same alternative housing options to all such households. As a second example, if the PHA and Project Owner seek to create two on-site vacancies of a particular unit size in order to facilitate temporary relocation on-site, the PHA may offer an alternative housing option of a housing choice voucher to all residents of applicably sized units (assuming that to do so is consistent with the PHA's voucher administration policies), and conduct a lottery to select the two households which will receive the vouchers.

PHA's admission preferences and other applicable policies and procedures set forth in the Section 8 Administrative Plan.

- Homeownership programs subject to the applicable program rules
- Other options as may be identified by the PHA and/or Project Owner

C) Monetary Elements Associated With Alternative Housing Options

A PHA or a Project Owner may include a monetary element in an alternative housing option package, provided that:

- Any monetary element associated with the alternative housing option shall be completely distinct from and in addition to any required RAD, URA or Section 104(d) relocation payments and benefits for which the resident is eligible ("Required Relocation Payments").
- No funds administered by HUD may be used to pay for any monetary element associated with the alternative housing option other than Required Relocation Payments.
- Any monetary element associated with the alternative housing option other than Required Relocation Payments must be the same amount offered to all similarly situated households.⁹⁴
- Any alternative housing option package must comply fully with the disclosure and agreement provisions of this Notice.

D) Disclosure and Agreement to Alternative Housing Options

In providing an offer of alternative housing options to a resident, the PHA or Project Owner must inform the resident in writing of: a) his or her right to return;⁹⁵ b) his or her right to comment on and/or object to plans which would preclude the resident from returning to the Covered Project; c) the requirement that if the resident objects to such plans, the PHA or Project Owner must alter the project plans to accommodate the resident in the Covered Project; and d) a description of both the housing option(s) and benefits associated with the right of return and the alternative housing options and benefits being offered. In the description of the available housing options and benefits, the PHA or Project Owner shall include a description of any temporary housing options associated exercising the right of return and a description of any permanent alternative housing options as well as a reasonable estimate of the financial implications of all temporary and permanent options on the resident long-term.

⁹⁴ Monetary payments other than Required Relocation Payments are considered "temporary, nonrecurring or sporadic income" pursuant to 24 C.F.R. § 5.609(c)(9) and consequently are excluded from income for purposes of eligibility and assistance calculations under certain HUD programs. Residents should be reminded that monetary payments other than URA relocation payments may be taxable under the Internal Revenue Code, that monetary payments, including required relocation payments, may affect residents' eligibility for other assistance programs and that the resident should seek knowledgeable guidance on these matters, including guidance on the taxation of monetary payments under state law.

⁹⁵ In the case of a transfer of assistance to a new site a significant distance from the Converting Project as described in Section 6.4(E), the resident shall be informed of the resident's right to return to the Covered Project at the new site and of the resident's right to an assisted unit within a reasonable distance of the site of the Converting Project, as described in Section 6.4(E).

The written notification may request written consent from the resident to exercise the alternative housing option and receive permanent relocation assistance and payments pursuant to RAD, the URA and/or Section 104(d), as applicable, in addition to any benefits associated with the alternative housing option. As part of any voluntary consent, the resident head of household must acknowledge in writing that acceptance of such assistance terminates the resident's right to return to the Covered Project. In order to ensure that the resident has sufficient time to seek advice and consider the alternative housing options, any consent to an alternative housing option executed within 30 days of the written presentation of the options shall be invalid.

Any offer of alternative housing options must be made in writing and the acceptance of the alternative must be voluntary and in writing. The offer of an alternative housing option must contain the following elements:

- The resident is informed of his or her right to return to the Covered Project and that neither the PHA nor the Project Owner can compel the resident to relinquish his or her right to return. The offer of alternative housing options must clearly state that acceptance of any alternative would relinquish the resident's right to return to the Covered Project.
- The offer of an alternative housing option must be accompanied by identification of comparable housing units which the resident may use to understand the nature of housing options available to them and the rent and estimated utility costs associated with such housing options. This information must also be accompanied by a reasonable estimate of any replacement housing payment or "gap payment" for which the resident may be eligible.
- The offer of an alternative housing option must be accompanied by information regarding moving payments and assistance that would be available if the resident exercises the right of return and if the resident accepts the alternative housing option.
- Residents must be offered advisory assistance to consider their options.
- To be fully informed, the offer must outline the implications and benefits of each alternative housing option being made available (i.e., of accepting each alternative housing option as compared to exercising his or her right to return) as well as a reasonable estimate of when the resident's relocation might occur. Implications and benefits include payment amounts, differences in rent calculations, differences in program rules, housing location, and potential long-term implications such as household housing expenses multiple years in the future.
- To be fully voluntary, the resident must have at least thirty (30) days following delivery of the written offer to consider their options. LEP persons must be provided a written translation of the offer and oral interpretation of any meetings or counseling in the appropriate language. In addition, PHAs must comply with their obligation to ensure effective communication with persons with disabilities.
- The resident cannot be asked to make a decision which will be implemented at a distant future time. Consequently, the resident may not provide written consent to an alternative housing option (and consequently, consent to voluntary permanent relocation) until after

the earlier of issuance of the NOIA or the effective date of the RCC.⁹⁶ If a resident signs a written consent to accept an alternative housing option, that written consent is valid for 180 days. If relocation (after the applicable notice periods) has not occurred within this 180 day period, then the PHA or Project Owner must secure a new consent to accept an alternative housing option. New relocation notices are generally not required.

- The acceptance must be in writing signed by the resident head of household, including a certification of facts to document that the household is relinquishing its right to return and that the decision and the acceptance of the alternative housing option was fully informed and voluntary.
- Residents accepting alternative housing options to relinquish their right to return will be considered to have voluntarily and permanently relocated. Such residents are to be provided applicable RAD, URA and/or Section 104(d) relocation assistance and payments.

The information included with the offer of alternative housing options is to aid the resident in making decisions regarding the desirability of the alternative housing options and neither satisfies nor replaces the relocation notices and information required to be provided to residents pursuant to this Notice, the URA or Section 104(d).

While HUD does not require PHAs to submit documentation of alternative housing options offered to residents or the residents' elections, PHAs must keep auditable written records of such consultation and decisions. HUD may request this documentation at any time, including as part of a review of the Checklist or if relocation concerns arise.

6.11. Lump Sum Payments

PHAs and Project Owners should note that certain relocation payments to displaced residential tenants may be subject to 42 USC § 3537c ("Prohibition of Lump-Sum Payments") and must be disbursed in installments. The PHA or Project Owner may determine the frequency of the disbursements which must be made in installments. Handbook 1378, Chapter 3-7(D) provides guidance on the manner and frequency of disbursing payments subject to this requirement.

Any monetary element beyond Required Relocation Payments which may be associated with an alternative housing option described in Section 6.10, above, is not relocation assistance and is therefore not subject to the requirements regarding lump sum payments.

SECTION 7. APPLICABILITY OF HCV AND PUBLIC HOUSING REQUIREMENTS

7.1. HCV Waiting List Administration Unrelated to the RAD Transaction

From time to time, a resident of a Converting Project may place themselves on the PHA's waiting list for HCVs independent of any planned RAD transaction. With respect to residents of a Converting Project prior to the effective date of the HAP contract, PHAs should continue to

⁹⁶ The PHA and Project Owner should note that securing resident consent to an alternative housing option may delay the issuance of the RAD Notice of Relocation. The RAD Notice of Relocation must be specific to whether the resident will be temporarily or permanently relocated.

administer their HCV waiting list in accordance with their Section 8 Administrative Plans. Residents who rise to the top of the HCV waiting list independent of any preference for relocating RAD residents or other RAD provisions and accept an HCV are not considered to be relocated as a result of the RAD conversion. Standard administration of the PHA's HCV waiting list is not considered relocation.

7.2. HCV Waiting List Administration Related to the RAD Transaction

From time to time, a PHA may wish to use HCV resources as a relocation option in connection with a RAD transaction. In order to do so, a PHA must modify its Section 8 Administrative Plan to provide a preference for relocating RAD residents and the PHA is subject to Section 6.8 of this Notice relating to initiation of relocation. Further, if a PHA provides a preference for relocating RAD residents, the PHA must be explicit regarding the nature of the HCV as a relocation resource. If the PHA anticipates using the HCV as a temporary relocation resource, the PHA must recognize that it cannot rescind an HCV once issued to the resident (i.e., the family would have to voluntarily relinquish their voucher and may choose to remain in the HCV program indefinitely). The PHA must also provide a preference for admission to the Covered Project in order to satisfy the right to return. Alternatively, if the PHA anticipates using the HCV as a voluntary permanent relocation resources, the PHA must comply with the alternative housing options provisions of Section 6.10.⁹⁷

7.3. Public Housing Transfers Unrelated to the RAD Transaction

From time to time, a resident of a Converting Project may request a transfer to another public housing property independent of any planned RAD transaction. With respect to residents of a Converting Project prior to the effective date of the HAP contract, PHAs must continue to administer their admissions and occupancy procedures as adopted. Any prohibitions in this Notice on implementing relocation do not apply to residents requesting public housing transfers, moves pursuant to the Violence Against Women Act (VAWA)⁹⁸ or reasonable accommodation moves. Standard administration of the PHA's admissions and occupancy policy is not considered relocation.⁹⁹ Transfers not undertaken for the RAD project are not subject to URA. However, it is recommended that the PHA document the transfer carefully, including an acknowledgement by the resident that the transfer is not undertaken for the RAD project, is not

⁹⁷ PHAs and Project Owners should note that while in most cases, there is no rent differential between the tenant paid rent in a public housing unit and in an HCV, there are some situations (such as flat rent households) where a difference does exist. Rental assistance payments under the URA are required if there is a difference between these two amounts.

⁹⁸ Title IV, section 40001-40703.

⁹⁹ Standard administration of the PHA's admissions and occupancy policy is permitted. However, HUD is sensitive to concerns that discussion of the planned RAD conversion and construction activities may cause residents to perceive a pressure to transfer without the counseling and moving assistance which would be available were the household to wait until relocation. If relocation at the Converting Project is planned, PHAs are strongly advised to document any such transfers carefully and to provide any households moving under standard admissions and occupancy policies with additional notices referencing the assistance and payments which would be available if the household were to remain in place until the relocation plan is implemented.

subject to URA requirements and that the resident is moving notwithstanding the guidance in the GIN or other relocation guidance from the PHA.

7.4. Resident Initiated Public Housing Transfers Related to the RAD Transaction

Pursuant to Section 1.8 of the RAD Notice, households in the Converting Project who do not want to transition to the Section 8 program may be offered, if available, the opportunity to move to other public housing owned by the PHA. Such move shall be implemented as a transfer and shall be prioritized equivalent to a “demolition, disposition, revitalization or rehabilitation transfer” as described in Section 11.2 of the applicable Public Housing Occupancy Guidebook. Transfers for this purpose do not require any modification to the PHA’s admissions and occupancy policy and may occur at any time pursuant to the PHA’s admissions and occupancy policy. Transfers for this purpose, while initiated by the resident, are the result of the PHA-initiated RAD transaction and the PHA must bear the reasonable costs of transfer. The reasonable cost of the transfer includes not just the cost of packing, moving, and unloading, but also the cost of disconnecting and reconnecting any existing resident-paid services such as telephone and cable television. The PHA must also document that the resident’s transfer request is fully informed and fully voluntary, which documentation must include an acknowledgement by the resident that the transfer is not undertaken at the request of the PHA or under pressure from the PHA, that the resident is moving notwithstanding the guidance in the GIN or other relocation guidance from the PHA and that the resident is withdrawing from participation in the RAD program and consequently losing rights, including the right to return, which accrue to residents participating in the RAD program. A public housing resident who voluntarily seeks a public housing transfer is generally not considered to be displaced under the URA or Section 104(d), where applicable.

7.5. Public Housing as a Temporary Relocation Resource

PHAs and Project Owners may wish to mitigate the relocation budget associated with the RAD conversion by using units within the PHA’s portfolio as relocation resources. In light of its mission to serve as many low-income households as possible, including its need to accommodate emergency transfers (such as moves pursuant to VAWA), the PHA should minimize the use of the public housing units not converting under RAD for temporary relocation of RAD impacted residents. HUD has a strong preference that the PHA use the units within the PHA’s Converting Projects as a temporary relocation resource prior to using units in the remainder of the PHA’s public housing portfolio. PHAs may elect not to lease units within the Converting Projects or, if necessary, the remainder of its portfolio, for this purpose only to the extent reasonably necessary to facilitate construction or rehabilitation.

Upon the effective date of the HAP contract (usually also the effective date of the RAD conversion), each resident of a Covered Project becomes a participant in the Section 8 program and is no longer part of the public housing program. A PHA may use public housing as a temporary relocation resource if approved by HUD, which approval shall depend on the proposed structure. PHAs wishing to use public housing units as a temporary relocation resource must consult with HUD’s Office of Public and Indian Housing (PIH) prior to the formal request for HUD approval. It is unlikely that HUD would approve a request to use public housing units

as a relocation resource for a period exceeding one year after the effective date of the HAP contract.

If HUD grants approval, HUD shall provide alternative requirements regarding PIH Information Center (PIC) documentation of the occupancy of these temporary relocation resources. PHAs must follow any guidance or instructions regarding treatment of the public housing units in HUD's data systems as may be provided from time to time.

PHAs and Project Owners should note that, absent written approval, if a resident seeks to occupy a public housing unit after the effective date of the HAP contract, the resident would need to be readmitted to public housing in a manner consistent with the waitlist and admissions policies and must exit the Section 8 program.

7.6. Terminations (Including Evictions) and End of Participation Unrelated to the RAD Transaction

Public housing program requirements related to continued occupancy and termination, including rules on grievances and related hearings, remain in effect until the effective date of a new PBV or PBRA HAP contract. If a resident is evicted in accordance with applicable state and local law and the eviction is not undertaken for the purpose of evading the obligation to make available RAD relocation and URA payments and other assistance, the resident is generally not entitled to relocation assistance and payments under this Notice or the URA (49 C.F.R. § 24.206). If a resident voluntarily ends his or her participation in the public housing program, in the absence of evidence that the end of participation was induced by the PHA for the purpose of evading the obligation to make available RAD relocation and URA payments and other assistance, the resident is generally not entitled to relocation assistance and payments under this Notice or the URA.

7.7. Right-Sizing

Public housing, PBV and PBRA requirements mandate that, upon the availability of a unit which is appropriate for the household size, the PHA or Project Owner must transfer a household that is under- or over-housed into the unit appropriate to the household's size. However, accommodating all residents pursuant to the right of return has primacy over right-sizing requirements and may, in some cases, require temporarily over-housing households. In such circumstances, the PHA or Project Owner shall subsequently transfer the household to an appropriate size unit when available, as is required by the applicable program regulation. Such actions shall be governed by the applicable program regulation and shall not be considered relocation under this Notice.

Lourdes Castro-Ramirez
Principal Deputy Assistant Secretary for
Public and Indian Housing

Edward L. Golding
Principal Deputy Assistant Secretary for
Housing

APPENDIX I: Applicable Legal Authorities

APPENDIX II: Recommended Relocation Plan Contents

APPENDIX I: Applicable Legal Authorities

Part 1

This Appendix to the Notice identifies key legal authorities with respect to fair housing, civil rights, and resident relocation. This Appendix is not exhaustive of applicable legal authorities, which authorities may also include other Federal statutes, regulations and Executive Orders, and civil rights provisions related to other programs (including funding programs) associated with the RAD transaction.

Fair Housing Act (Title VIII of the Civil Rights Act of 1968, as amended)

The Fair Housing Act, 42 U.S.C. § 3601 et seq., and its implementing regulations, 24 C.F.R. part 100, prohibit discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, disability, or familial status. The Fair Housing Act applies to for-sale and rental housing, whether the housing is privately or publicly funded, including housing supported by tax credits. Single family homes, condominiums, apartment buildings, time-shares, dormitories, transitional housing, homeless shelters that are used as a residence, student housing, assisted living housing, and other types of housing are all covered by the Fair Housing Act.

Among its substantive provisions, the Fair Housing Act requires “covered multifamily dwellings,” designed and constructed for first occupancy after March 13, 1991, to be readily accessible to and usable by persons with disabilities. In buildings with four or more dwelling units and at least one elevator, all dwelling units and all public and common use areas are subject to the Act’s design and construction requirements. In buildings with four or more dwelling units and no elevator, all ground floor units and public and common use areas are subject to the Act’s design and construction requirements.¹⁰⁰ In addition, the Fair Housing Act requires that housing providers make reasonable accommodations in rules, policies, and services, when such accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling unit, including public and common use areas, and that housing providers permit reasonable modifications of existing premises for persons with disabilities.

The Fair Housing Act also requires HUD to administer HUD programs and activities in a manner that affirmatively furthers fair housing (42 U.S.C. § 3608(e)(5)). HUD’s affirmatively furthering fair housing (“AFFH”) rule in 24 C.F.R. §§ 5.150-5.180 will apply to PHAs (except for qualified PHAs) for the PHA’s fiscal year that begins on or after January 1, 2018 for which a new 5-year plan is due, as provided in 24 C.F.R. § 903.5. The affirmatively furthering fair housing regulations will apply to qualified PHAs, for the PHA’s fiscal year that begins on or after January 1, 2019 for which a new 5-year plan is due, as provided in 24 C.F.R. § 903.5.¹⁰¹

¹⁰⁰ See 42 U.S.C. § 3604(f)(3)(c) and 24 C.F.R. § 100.205.

¹⁰¹ For purposes of the AFFH rule, “[a]ffirmatively furthering fair housing means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing under the AFFH rule means taking meaningful actions that, taken together, address

Additional detail and discussion of the interplay between the Fair Housing Act, Section 504, and Titles II or III of the Americans with Disabilities Act as these authorities relate to accessibility requirements is described in Part 2 of this Appendix.

United States Housing Act of 1937 (1937 Act)

The United States Housing Act of 1937 (1937 Act) (42 U.S.C. § 1437c-1(d)(15)) requires PHAs to submit a 5-year plan and an Annual Plan. Pursuant to HUD regulations, the Annual Plan includes a certification by the PHA that the PHA will affirmatively further fair housing.

Title VI of the Civil Rights Act of 1964

Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*) and HUD's implementing regulation (24 C.F.R. part 1) prohibit recipients of Federal financial assistance from discriminating, excluding from participation, or denying benefits to, any person on the basis of race, color, or national origin. In addition, Title VI regulations prohibit HUD recipients of Federal financial assistance from utilizing criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin (24 C.F.R. § 1.4(b)(2)(i)). When determining the site or location of housing, recipients may not make selections with the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination on the ground of race, color, or national origin (24 C.F.R. § 1.4(b)(3)). An applicant or recipient of HUD financial assistance also has an obligation to take reasonable action to remove or overcome the consequences of prior discriminatory practices regardless of whether the recipient engaged in discriminatory conduct (24 C.F.R. § 1.4(b)(6)).

Recipients of Federal financial assistance are required to take reasonable steps to ensure meaningful access to their programs and activities for persons who have limited ability to read, speak, or understand English – i.e., individuals who have limited English proficiency (LEP). This includes oral and written communications during relocation and throughout a RAD transaction. Such language assistance may include, but is not limited to, providing written translation of notices regarding the plans for the project and relocation and oral interpretation at meetings. Otherwise, LEP persons may be denied participation in, and the benefit of, the recipients' program or activity. On January 22, 2007, HUD issued "Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" (LEP Guidance), available at: http://www.lep.gov/guidance/HUD_guidance_Jan07.pdf.¹⁰²

significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws." 24 C.F.R. § 5.150. Meaningful actions means significant actions that are designed and can be reasonably expected to achieve a material positive change that affirmatively furthers fair housing by, for example, increasing fair housing choice or decreasing disparities in access to opportunity. See 24 C.F.R. § 5.152.

¹⁰² See also Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, which requires recipients of Federal financial assistance to take reasonable steps to provide meaningful access to

Section 504 of the Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973 provides: “No otherwise qualified individual with a disability in the United States ... shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program, service or activity receiving Federal financial assistance.”¹⁰³

Among other things, HUD’s regulations implementing Section 504 (in 24 C.F.R. part 8) prohibit recipients of Federal financial assistance, in determining the site or location of a facility receiving such assistance, from making site selections the purpose or effect of which would (1) exclude qualified individuals with disabilities from or deny them the benefits of a program or activity, or otherwise subject them to discrimination; or (2) defeat or substantially impair the accomplishment of the objectives of the program or activity with respect to qualified individuals with disabilities.¹⁰⁴ These prohibitions apply to both determining the site of permanent facilities and a site for relocation of residents.

Furthermore, HUD’s implementing regulations prohibit discrimination, the denial of benefits, or the exclusion of participation of individuals with disabilities from the programs or activities of recipients of federal financial assistance because a recipient’s facilities are inaccessible. Such recipients must provide qualified individuals with disabilities with program access, which may require modification of architectural features of facilities in RAD transactions for individuals with disabilities to have access to the program. Certain architectural specifications apply to facilities that are altered or newly constructed with HUD financial assistance, such as facilities where assistance is transferred and facilities used as temporary or permanent relocation sites for residents of a project undergoing a RAD conversion. If alterations are made to a housing facility, the alterations to dwelling units in the facility are required, to the maximum extent feasible (i.e., if doing so would not impose undue financial and administrative burdens on the operation of the project), to be made readily accessible to and usable by individuals with disabilities. If alterations taken to a development that has 15 or more units and the cost of the alterations is 75% or more of the replacement cost of the completed facility (except when it requires removal of structural load-bearing members), or if the facility is newly constructed, then a minimum of 5% of the total dwelling units, or at least one unit in a development, whichever is greater, must be made accessible for persons with mobility impairments. An additional 2% of the units, but not less than one unit, in a development must be accessible for persons with hearing and vision impairments.

In addition, regulations implementing Section 504 require recipients to make reasonable accommodations for persons with disabilities. A reasonable accommodation is a change, adaptation, or modification to a policy, program, service, or workplace which will allow a qualified person with a disability to participate fully in a program, take advantage of a service, or perform a job. Section 504 also includes effective communication requirements, such as

their programs and activities for LEP persons. E.O. 13166 directs all Federal agencies, including HUD, to issue guidance to help recipients of Federal financial assistance in providing such meaningful access to their programs.

¹⁰³ 29 U.S.C. § 794. HUD’s Section 504 regulation that applies to recipients of Federal financial assistance, including PHAs and Project Owners, is located at 24 C.F.R. part 8.

¹⁰⁴ 24 C.F.R. § 8.4(b)(5).

providing interpreters and alternate format documents (e.g., Braille, large print, accessible electronic communications) for persons with disabilities.

Additional detail and discussion of the interplay between Section 504, the Fair Housing Act, and Titles II or III of the Americans with Disabilities Act as these authorities relate to accessibility requirements is described in Part 2 of this Appendix.

Titles II and III of the Americans with Disabilities Act

Title II of the Americans with Disabilities Act (ADA) prohibits discrimination on the basis of disability in all services, programs, and activities provided or made available by public entities. Title II of the ADA applies to housing developed or operated by state and local governments, which includes a PHA. Title III of the ADA prohibits discrimination on the basis of disability by public accommodations and requires places of public accommodation and commercial facilities to be designed, constructed, and altered in compliance with established accessibility standards. For example, Title III applies to rental offices, sales offices, homeless shelters, hotels and motels, and commercial spaces associated with housing, such as daycare centers, social service offices, and sales and retail establishments. Titles II or III also will generally apply to community spaces and facilities, such as neighborhood networks, to computer centers (including the computers in the centers), and to transportation services and conveyances provided by PHAs and Project Owners.

Additional detail and discussion of the interplay between Titles II and III of the Americans with Disabilities Act, the Fair Housing Act, and Section 504 of the Rehabilitation Act as these authorities relate to accessibility requirements is described in Part 2 of this Appendix.

Section 109

Section 109 of the Housing and Community Development Act of 1974 (HCDA of 1974), Title I, prohibits discrimination on the basis of race, color, national origin, disability, age, religion, and sex in Community Development Block Grant (CDBG) programs and activities. Section 109 applies to RAD projects that receive CDBG or other assistance under Title I of the HCDA of 1974.

In addition to its responsibility for enforcing other Federal statutes prohibiting discrimination in housing, HUD has a statutory obligation under Section 109 to ensure that individuals are not subjected to discrimination on the basis of race, color, national origin, disability, age, religion, or sex by recipients of CDBG funds. Section 109 charges HUD with enforcing the right of individuals to live in CDBG-funded housing and participate covered programs and activities free from such discrimination. However, this additional statutory authority only applies to programs authorized under Title I of the HCDA of 1974, such as CDBG and programs, such as Section 108 loan guarantees and the Historically Black Colleges and Universities program.

Equal Access to HUD-assisted or HUD-insured Housing

HUD requires its housing programs to be open to all eligible individuals and families regardless of sexual orientation, gender identity or marital status. HUD recipients and subrecipients must comply with 24 C.F.R. § 5.105(a)(2) when determining eligibility for housing assisted with HUD

funds or subject to an FHA-insured mortgage, and when making such housing available. This includes making eligibility determinations and making housing available regardless of actual or perceived sexual orientation, gender identity, or marital status, and prohibiting inquiries about sexual orientation or gender identity for the purpose of making eligibility determinations or making housing available. Applicants are encouraged to become familiar with these requirements, HUD's definitions of sexual orientation and gender identity at 24 C.F.R. § 5.100, clarifications to HUD's definition of family at 24 C.F.R. § 5.403, and other regulatory changes made through HUD's Equal Access Rule, published in the Federal Register at 77 FR 5662 (Feb. 3, 2012).

Section 3: Economic Opportunities for Low- and Very Low-income Persons.

Certain HUD programs require recipients of assistance to comply with Section 3 of the Housing and Urban Development Act of 1968 (Section 3), 12 U.S.C. § 1701u (Economic Opportunities for Low- and Very Low-Income Persons in Connection with Assisted Projects), and the HUD regulations at 24 C.F.R. part 135. The regulations at 24 C.F.R. part 135 implementing Section 3 ensure, to the greatest extent feasible, that training, employment, contracting and other economic opportunities be directed to low- and very low-income persons, especially recipients of government assistance for housing, and to businesses that provide economic opportunities to low- and very low-income persons where proposed project is located. Recipients of funds covered by Section 3 must comply with 24 C.F.R. part 135, particularly subpart B-Economic Opportunities for Section 3 residents and Section 3 Business Concerns, and Subpart E-Reporting and Recordkeeping. HUD encourages recipients to search the national Section 3 Business Registry to find local businesses that prioritize hiring Section 3 residents.

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 USC § 4601 *et seq.* (URA) is a Federal law that establishes minimum standards for programs or projects receiving Federal financial assistance that include the acquisition of real property (real estate) and/or displace persons from their homes, businesses, or farms as a result of acquisition, rehabilitation, or demolition.¹⁰⁵ The URA implementing Federal regulations can be found at 49 C.F.R. part 24. Project-Based Voucher (PBV) and Project-Based Rental Assistance (PBRA) are considered Federal financial assistance for purposes of the URA. As a result, the URA will apply to acquisitions of real property and relocation of persons from real property that occur as a direct result of acquisition, rehabilitation or demolition for a project that involves conversion of assistance to PBV or PBRA programs under RAD.

¹⁰⁵ For additional guidance, see HUD Handbook 1378 Tenant Assistance, Relocation, and Real Property Acquisition), available at: http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/library/relocation/policyandguidance/handbook1378.

Section 104(d) of the Housing and Community Development Act of 1974

Section 104(d) of the Housing and Community Development Act of 1974, as amended, 42 USC § 5304(d), (Section 104(d)), is a Federal law that applies when a lower-income dwelling is demolished or converted (as conversion is defined in accordance with 24 C.F.R. § 42.305) to a use other than lower-income housing in connection with a Community Development Block Grant Program (CDBG) or HOME Investment Partnerships Program (HOME) funded activity. Under Section 104(d), a lower-income person is considered displaced and, therefore eligible for Section 104(d) relocation assistance if the person permanently moves from real property or permanently moves personal property from real property as a direct result of the demolition or conversion of a lower-income dwelling to a use other than lower-income dwelling unit in connection with a CDBG or HOME funded activity. The Section 104(d) one-for-one replacement housing requirements may apply with respect to occupied and vacant occupiable lower-income dwelling units that are demolished or converted to a use other than lower-income dwelling units in connection with CDBG or HOME funded activity. Section 104(d) implementing regulations can be found at 24 C.F.R. part 42, Subpart C. Additional HUD policy and guidance for Section 104(d) is available in HUD Handbook 1378, Chapter 7.

Part 2 – Accessibility Requirements

Federal accessibility requirements apply to all RAD projects – whether they include new construction, alterations, or existing facilities. Applicable laws include, but are not limited to, the Fair Housing Act, Section 504 of the Rehabilitation Act, and Titles II or III of the Americans with Disabilities Act (ADA). A PHA or Project Owner must comply with each law that applies to its project and with the requirement that provides the most accessibility when two or more laws apply. All three laws include new construction requirements. Substantial alterations, additions, rehabilitation and existing facilities must be in compliance with applicable requirements of Section 504 and the ADA.¹⁰⁶ All three laws may also require reasonable accommodations or modifications.

Accessibility Requirements for New Construction

The Fair Housing Act requires all “covered multifamily dwellings” designed and constructed for first occupancy after March 13, 1991, to be readily accessible to and usable by persons with disabilities. In buildings with four or more dwelling units and at least one elevator, all dwelling units and all public and common use areas must meet the Fair Housing Act’s design and construction requirements. In buildings with four or more dwelling units and no elevator, all ground floor units and public and common use areas must meet the Fair Housing Act’s design and construction requirements. The Fair Housing Act requires that all covered multifamily dwellings be designed and constructed so that public and common use areas are readily accessible to and usable by persons with disabilities; all doors are sufficiently wide to allow passage by persons using wheelchairs; all units contain accessible routes into and through the dwelling unit; light switches, electrical outlets, thermostats, and other environmental controls are in accessible locations; reinforcements are installed in bathroom walls to allow later installation

¹⁰⁶See 24 C.F.R. § 100.205 (Fair Housing Act) and 24 C.F.R. §§ 8.22 and 8.23 (Section 504). See also 28 C.F.R. § 35.151(b) and 28 C.F.R. part 36 (ADA Titles II and III regulations, respectively).

of grab bars; and kitchens and bathrooms are usable such that a person in a wheelchair can maneuver about the space.¹⁰⁷ These design and construction requirements apply whether the housing is privately or publicly funded, including housing supported by tax credits.¹⁰⁸

New construction of a multifamily housing project containing five or more dwelling units is also subject to physical accessibility requirements under Section 504. Under Section 504, a “project” includes all residential and appurtenant structures, equipment, roads, walks, and parking lots which are covered by a single contract or application for Federal financial assistance, or are treated as a whole for processing purposes, whether or not they are located on a single site.¹⁰⁹ The accessibility standards for new construction under Section 504 are the Uniform Federal Accessibility Standards (UFAS).¹¹⁰ HUD recipients may also use the 2010 ADA Standards for Accessible Design under title II of the ADA, except for certain specific identified provisions, as detailed in HUD’s Notice on “Instructions for use of alternative accessibility standard,” published in the Federal Register on May 23, 2014 (“Deeming Notice”). This option exists until HUD formally revises its Section 504 regulation to adopt an updated accessibility standard. Refer to HUD’s Deeming Notice for more information.

Section 504 also requires that a minimum of 5% of the total dwelling units or at least one unit, whichever is greater, is required to be accessible for persons with mobility impairments. An additional 2% of the total dwelling units or at least one unit, whichever is greater, is required to be accessible for persons with vision and hearing impairments.¹¹¹ HUD may prescribe a higher percentage or number of units upon request by any affected recipient or by any State or local government or agency based upon demonstration to the reasonable satisfaction of HUD of a need for a higher percentage or number, based on census data or other available current data, or in response to evidence of a need for a higher percentage or number received in any other manner. In reviewing such request or otherwise assessing the existence of such needs, HUD shall take into account the expected needs of eligible persons with and without disabilities.¹¹²

Title II of the ADA prohibits discrimination on the basis of disability in all services, programs, and activities provided or made available by public entities. Title II of the ADA applies to housing programs, including housing developed or operated by state and local governments, which includes PHAs. Title III of the ADA prohibits discrimination on the basis of disability by public accommodations, including rental offices, and requires places of public accommodation and commercial facilities to be designed, constructed, and altered in compliance with established accessibility standards. All newly constructed or altered facilities, including facilities altered to

¹⁰⁷ See 24 C.F.R. § 100.205.

¹⁰⁸ For more information about the design and construction provisions of the Fair Housing Act, see www.fairhousingfirst.org. See also the Joint Statement of the Department of Housing and Urban Development and the Department of Justice, Accessibility (Design and Construction) Requirements for Covered Multifamily Dwellings Under the Fair Housing Act (April 30, 2013), available at: www.hud.gov/offices/fheo/library/hudjointstatement.pdf.

¹⁰⁹ See 24 C.F.R. § 8.3.

¹¹⁰ The UFAS are available at <https://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-aba-standards/ufas>). See also 24 C.F.R. § 8.32.

¹¹¹ See 24 C.F.R. § 8.22.

¹¹² See HUD regulation at 24 C.F.R. § 8.22(c).

comply with program access and readily achievable barrier removal obligations that exist under Titles II or III of the ADA, must comply with the U.S. Department of Justice's ADA architectural accessibility standards as described in the following U.S. Department of Justice Technical Assistance document ADA Requirements, Effective Date/Compliance Date (Feb. 2011), http://www.ada.gov/revised_effective_dates-2010.htm.

Accessibility Requirements for Alterations

If a building was constructed for first occupancy after March 13, 1991, the building must be in compliance with, and all alterations must maintain the building's accessible features so that the building continues to meet, the Fair Housing Act's accessibility requirements. In addition, without regard to the date of construction for first occupancy, certain alterations may be required under the Fair Housing Act if requested by a resident as a reasonable accommodation or modification or otherwise required to remediate accessibility deficiencies in the design and construction of the building.

Under HUD's Section 504 regulation, alterations include any structural change in a facility or a change to its permanent fixtures or equipment. If alterations are undertaken to a project that has fifteen or more units and the cost of the alterations is 75% or more of the replacement cost of the completed facility, this qualifies as "substantial alterations," in which the new construction provisions of 24 C.F.R. § 8.22 apply.¹¹³

When alterations are made that do not qualify as substantial alterations, alterations to dwelling units in a multifamily housing project shall, to the maximum extent feasible, be made to be readily accessible to and usable by individuals with disabilities.¹¹⁴ If alterations of single elements or spaces of a dwelling unit, when considered together, amount to an alteration of a dwelling unit, the entire dwelling unit shall be made accessible. Once 5% of the dwelling units in a housing project are readily accessible to and usable by individuals with mobility impairments, no additional elements of dwelling units or entire dwelling units are required to be accessible under this provision. However, alterations to meet ongoing accessibility needs are always required, for example, in response to a reasonable accommodation request. Alterations to common areas or parts of facilities that affect accessibility of existing housing facilities shall, to the maximum extent feasible, be made to be accessible to and usable by individuals with disabilities. For purposes of this paragraph, the phrase "to the maximum extent feasible" shall not be interpreted as requiring that a recipient (including a PHA) make a dwelling unit, common area, facility or element thereof accessible if doing so would impose undue financial and administrative burdens on the operation of the multifamily housing project.¹¹⁵

All altered facilities covered by Titles II or III of the ADA must be altered in accordance with the U.S. Department of Justice's 2010 ADA Standards for Accessible Design and applicable ADA

¹¹³ See 24 C.F.R. § 8.23(a). The sole exception is that load bearing structural members are not required to be removed or altered.

¹¹⁴ HUD may require a higher number or percentage of accessible units pursuant to 24 C.F.R. § 8.22(c) and 24 C.F.R. § 8.23(b)(2).

¹¹⁵ 24 C.F.R. § 8.23(b).

regulations, unless subject to certain safe harbors identified in the 2010 ADA revised regulations for Titles II and III, as applicable.¹¹⁶

HUD will consider on a case-by-case basis a PHA's request to undertake limited new construction on the site of a Covered Project undergoing rehabilitation to comply with accessibility requirements on the site.

Additional Accessibility Requirements for Both New Construction and Alterations

Accessible units must be distributed throughout projects and sites and be available in a sufficient range of sizes and amenities so that a qualified individual with disabilities' choice of living arrangements is, as a whole, comparable to that of other persons eligible under the same program.¹¹⁷ This provision shall not be construed to require provision of an elevator in any multifamily housing project solely for the purpose of permitting location of accessible units above or below the accessible grade.

PHAs are encouraged to use universal design principles, visitability principles and active design guidelines in planning new construction or retrofit work, wherever feasible. However, adherence to universal design principles does not replace compliance with the accessibility requirements of Section 504, the ADA and the Fair Housing Act.

Program Accessibility Requirements

Under Section 504, recipients must operate each existing housing program or activity receiving Federal financial assistance so that the program or activity, when viewed in its entirety, is accessible to and usable by individuals with disabilities. Title II of the ADA also includes a program access requirement, while Title III of the ADA requires readily achievable barrier removal.¹¹⁸ Further, Section 504, the Fair Housing Act, and the ADA require that reasonable accommodations/modifications be granted to address disability-related needs of individuals with disabilities.¹¹⁹

¹¹⁶ See <http://www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards.htm>.

¹¹⁷ See 24 C.F.R. §§ 8.26 and 8.27.

¹¹⁸ See 28 C.F.R. § 35.150; 28 C.F.R. § 36.304.

¹¹⁹ For more information on reasonable accommodations, see the HUD/DOJ Joint Statement on Reasonable Accommodations Under the Fair Housing Act at <http://portal.hud.gov/hudportal/documents/huddoc?id=JOINTSTATEMENT.PDF>. While this joint statement focuses on the Fair Housing Act, the principles discussed in the statement generally apply to requests for reasonable accommodation under Section 504, except, for purposes of Section 504, HUD recipients are required to provide and pay for structural modifications as a reasonable accommodation.

APPENDIX II: Recommended Relocation Plan Contents

While RAD mandates written relocation plans only for projects which involve permanent relocation (including, without limitation, a move in connection with a transfer of assistance) or temporary relocation anticipated to last longer than one year, HUD strongly encourages PHAs to document their relocation planning process and procedures in a written relocation plan. The following provides suggested content for required and recommended relocation plans. In the case of any discrepancy between this description of the recommended relocation plan contents and the provisions of the Notice to which this Appendix is attached or any applicable laws or regulations with respect to the URA or Section 104(d), the provisions of the Notice or applicable laws and regulations shall govern.

The basic elements of the relocation plan include:

- A general description of the project and project elements that may create relocation needs;
- Information on residents of the project and eligibility for relocation assistance and payments;
- Information regarding how the project will address the RAD right to return requirements and the project's re-occupancy policies;
- A detailed discussion of plans for temporary relocation assistance;
- A detailed discussion of any transfer of assistance;
- A detailed discussion of any offers of alternative housing options and plans for voluntary permanent relocation assistance;
- A detailed discussion of compliance with fair housing and civil rights requirements, including accessibility requirements;
- The relocation budget; and
- The appeals process.

The plan as a whole should discuss the specific steps to be taken to minimize the adverse impacts of relocation on the residents.

I. Project Summary

The Relocation Plan should provide a general description of the property (e.g., year built, location, number of units, configuration, resident population served). The project summary should also identify the nature of the activities to be undertaken, including acquisition, demolition, rehabilitation, and construction activities and additional detail regarding the project scope (e.g., gut rehab, systems replacement, modest in-unit renovations, transfer of assistance). The project summary should also discuss how any construction activities are to be implemented (i.e., vacate the property entirely, vacate specific floors or buildings, rehabilitation with residents in place). The summary should also discuss the overall theory of relocation, for example, whether a few households will be relocated off-site and the vacant units will be used as temporary housing before other households move back to their original units (a "hoteling" approach), or whether the vacant units will be permanently occupied, with the residents vacating other units to be renovated (a "domino" approach).

The relocation plan should also identify the funding sources which may trigger relocation requirements, with particular attention to the potential presence of HOME or CDBG funds which may trigger Section 104(d) requirements.

II. Project Occupancy

The Relocation Plan should provide information on occupancy of the property including the number of residents, their household type (family, elderly), any non-residential (commercial) occupants, and should identify how any routine needs (such as continuation of utilities such as telephone service) and civil rights compliance issues (for example, limited English proficiency, disabilities, reasonable accommodations and unit modifications that have been or may be necessary) shall be identified and addressed. The Relocation Plan may specify the community meetings, interviews and/or other processes that will be undertaken to assess the residents' needs.

The Relocation Plan should also address eligibility for relocation assistance and payments, applying the rules of the Notice to the particularities of the project.

III. Resident Return and Re-occupancy Policies

The Plan should address how the project will honor the RAD right to return requirements and the “no re-screening upon conversion” policy. With respect to residents who will be temporarily relocated, the Plan should include the methodology that will be used to determine the sequence in which residents will re-occupy units at the project after rehabilitation, demolition, and/or construction is completed, and to determine how residents are matched with units if the residents are not able to return to their original unit. For example, if units will come online in stages, the plan should outline how the PHA or Project Owner will determine when each resident will return to the property.

IV. Temporary Relocation Assistance

The plan should detail the temporary housing resources to be used, the anticipated duration of temporary relocations, notices to be provided and the temporary relocation assistance the PHA or Project Owner will provide for residents (Paragraph 2-7 of HUD Handbook 1378). Topics to be addressed in the Plan include:

- Temporary Housing Resources. The Plan should identify the nature and availability of the temporary housing resources the PHA or Project Owner anticipates using. On-site resources are generally preferred. However, in some cases, PHAs or Project Owners may need to use hotel rooms for short-term relocations, or market-rate apartments. If the PHA or Project Owner anticipates using other assisted housing resources (such as HCVs, public housing or other properties with regulatory restrictions), the PHA or Project Owner should take particular care to address regulatory issues.
- Allocation of Temporary Relocation Resources. The Plan should describe a fair and reasonable methodology for allocating temporary relocation housing to residents on a nondiscriminatory basis.
- Duration of Temporary Relocation. In the event that the Plan includes relocation which is anticipated to exceed one year, it should detail the requirements which apply to those

residents (such as the issuance of a *Notice of Relocation* to the resident covering eligibility for URA relocation assistance, the offer of permanent relocation assistance and payments at URA levels and, if conditions warrant, the subsequent issuance of a *Notice of Eligibility*) as distinct from requirements that apply to residents who are not relocated for more than one year.

- Packing and Moving Assistance. The Plan should address how the PHA or Project Owner intends to provide or reimburse for packing and moving services and expenses. Considerations the Plan may want to address include:
 - Instructions and supplies (e.g., boxes, markers, tape) to be provided if residents prefer to pack their own personal possessions and items of value;
 - Assistance in packing to be provided if residents need assistance or prefer not to pack their personal possessions;
 - Guidance on how residents request to pack their own possessions or to receive packing assistance; and
 - How the PHA or Project Owner intends to provide or reimburse for moving services and expenses. The PHA or Project Owner can choose to do one or more of the following:
 - Undertake the moves itself, using employees of the PHA or Project Owner or “force account labor”¹²⁰
 - Use a contractor or moving company
 - Reimburse residents for all actual, reasonable and necessary moving expenses.
- Storage. The Plan should address whether storage of the resident’s personal property is necessary and the arrangements for such storage.
- Damage or Loss. The Plan should address Insurance for the replacement value of the property in connection with the move and necessary storage and/or the replacement value of property lost, stolen, or damaged in the process of moving (not through the fault or negligence of the displaced person, his or her agent, or employee) where insurance covering such loss, theft, or damage is not reasonably available.
- Out-of-Pocket Expenses. The nature of out of pocket expenses vary based on the nature of the temporary relocation moves. For example, hotel stays or in-place renovation may trigger the need for reimbursement of meals while a kitchen is unavailable. The Plan should outline the anticipated out-of-pocket expenses and the PHA’s or Project Owner’s plans and budget with respect to these expenses.
- Leasing Arrangements. The Plan should address whether the resident will have a direct lease or other contractual relationship with the owner of the temporary relocation resource or whether the PHA or Project Owner will hold the lease and the resident will maintain a contractual relationship with the PHA or Project Owner.
- Utility Costs. The Plan should address whether residents will need to disconnect and reconnect necessary utilities and, if so, how the PHA or Project Owner anticipates managing this process and any associated expenses. Necessary utilities may include telephone, cable service, Internet access or other items. The Plan should address payment of utility deposits, if required at the temporary relocation housing (HUD Handbook 1378, paragraph 2-7(A)(3)).

¹²⁰ Defined at 24 C.F.R. 905.108.

- Reasonable Accommodations. The plan should address whether residents with disabilities will require reasonable accommodations during temporary relocation and, if so, how the PHA or Project Owner anticipates ensuring the provision of reasonable accommodations and any associated expenses. Reasonable accommodations may include, among other items, the provision of transportation assistance, relocation to locations which are physically accessible and located near public transportation, and modifications to policies to allow individuals with disabilities to reside with a live-in aide.

V. Transfer of Assistance

Relocation planning in the context of transfer of assistance is particularly complex. The PHA should address how RAD, URA and Section 104(d) requirements each apply, as the same activity may be treated differently under each regulatory framework. The Plan should specifically outline the PHA's procedures to ensure that the applicable requirements are applied to each situation appropriately. The Plan should also address whether relocation is required for any businesses or residents at the destination site. Finally, the Plan should address whether two moves – from the public housing site to an intermediate site and then to the transfer of assistance site – are necessary while the Covered Project is being constructed or rehabilitated.

VI. Alternative Housing Options and Voluntary Permanent Relocation Assistance

If the PHA or Project Owner seeks to offer alternative housing options, the Plan should identify those options and the manner in which they are presented to residents for decision. The plan should also outline the counseling the PHA or Project Owner will provide to assist the residents in determining what options may be available and the financial implications of those options, for example,

1. Discussion of whether units available in the market (either in the affordable market or the unrestricted market) will meet the financial and dwelling requirements of relocated residents;
2. The general area or location of unit(s);
3. Where applicable, the accessibility of such units for individuals with disabilities;
4. Criteria for receiving relocation assistance; and
5. Any other information that might benefit residents in their consideration of housing choices.

The Plan should identify how the PHA or Project Owner will work with any residents who have elected voluntary permanent relocation. The Plan should further include a description of the permanent relocation assistance the PHA or Project Owner will provide to such residents. Topics to be addressed in the Plan include:

- Replacement Housing. The Plan should address the availability of comparable replacement housing, the notices to be provided and the provisions to ensure that appropriate accessibility features are available in compliance with applicable laws and regulations.

- Fair housing considerations. The Plan should address referrals to housing not located in areas of minority concentration and compliance with requirements regarding accessible housing for persons with disabilities. The Plan should address how the PHA or Project Owner will determine if residents have paid for the acquisition and/or installation of accessible features in the housing from which they are being relocated and how the PHA or Project Owner will ensure that the replacement housing contains required and comparable accessible features or that the resident is appropriately compensated for the cost of acquiring and/or installing required and comparable accessible features.
- Packing and Moving Assistance. The Plan should address how the PHA or Project Owner intends to provide or reimburse for packing and moving services and expenses. Considerations the Plan may want to address include:
 - Instructions and supplies (e.g., boxes, markers, tape) to be provided if residents prefer to pack their own personal possessions and items of value;
 - Assistance in packing to be provided if residents need assistance or prefer not to pack their personal possessions;
 - Guidance on how residents request to pack their own possessions or to receive packing assistance; and
 - How the PHA or Project Owner intends to provide or reimburse for moving services and expenses consistent with 49 C.F.R. § 24.301 or, at the resident's option, 49 C.F.R. § 24.302.
- Storage. The Plan should address whether storage of the resident's personal property is necessary and the arrangements for such storage. See 49 C.F.R. § 24.301(g)(4).
- Damage or Loss. The Plan should address Insurance for the replacement value of the property in connection with the move and necessary storage and/or the replacement value of property lost, stolen, or damaged in the process of moving (not through the fault or negligence of the displaced person, his or her agent, or employee) where insurance covering such loss, theft, or damage is not reasonably available.
- Dislocation Allowance. The Plan should address when the resident is entitled to a dislocation allowance and the amount of such dislocation allowance, consistent with the URA Fixed Residential Moving Cost Schedule available at: www.fhwa.dot.gov/real_estate/uniform_act/relocation/moving_cost_schedule.cfm.
- Appliances. The Plan should address disconnecting, dismantling, removing, reassembling, and reinstalling relocated household appliances and other personal property.
- Security Deposits and Utility Costs. The Plan should address how the PHA or Project Owner anticipates managing transfer of utility arrangements, security deposits and any associated expenses. Utilities may include telephone, cable service, Internet access or other items that may have been in place in the resident's original home. See 49 C.F.R. § 24.301(h)(12).
- Replacement Housing Payment. The Plan should address the circumstances in which displaced residents may be entitled to a replacement housing payment (RHP) to cover the

increase, if any, in monthly housing costs for a 42-month period pursuant to URA requirements or a 60-month period pursuant to Section 104(d).¹²¹

VII. Relocation Budget

Based on the results of the planning process, the PHA or Project Owner should create a relocation budget that includes the following six components:

- 1) The cost of administering the plan and providing assistance and counseling.
- 2) Reasonable moving expenses for a person with disabilities, which may include the cost of moving assistive equipment that is the personal property of the residents, the furnishings and personal belonging of a live-in aide, and/or other reasonable accommodations (HUD Handbook 1378, Paragraph 3-2).
- 3) The cost of the physical move of the residents' belongings. (It is suggested that the move costs be broken down by average cost per move type multiplied by the number of moves.) This physical move cost total should be based on the move scenarios anticipated or projected by the resident survey. The move costs should consider:

For temporary relocation moves:

- Number and cost of two-way moves (i.e., a move to another unit and then a return move) within the same building/complex.
- Number and cost of two-way moves to a unit not in the same building/complex

For permanent moves:

- Number and cost of one-time moves into another unit in the same building/complex.
 - Number and cost of one permanent move to a unit not within the same building/complex
 - Any required dislocation allowance
- 4) The estimated cost of projected increases in monthly housing costs and other expenses for temporary relocation (if applicable).
 - 5) The estimated cost of projected replacement housing payments (RHP) (42-month period for URA or 60-month period if Section 104(d) applies).
 - 6) Contingency costs estimated for carrying out the relocation process necessary to complete the proposed project.

¹²¹ See also, CPD Notice 2014-09 "Effective Date of Moving Ahead for Progress in the 21st Century Act (MAP-21) Changes to Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) Payment Limits and Replacement Housing Payment Eligibility Criteria."

VIII. Written and Oral Communications with Individuals with Disabilities and LEP Persons and Use of Accessible Meeting Locations

The Plan should identify how the PHA or Project Owner will take appropriate steps to ensure effective communication with residents and other individuals with disabilities involved in the relocation, such as through the provision of sign language and other interpreters and large print, Braille, accessible electronic, and other alternate format written communications. The Plan should identify the measures to be taken to ensure the most integrated meeting settings appropriate to individuals with disabilities. The Plan should identify how the PHA or Project Owner will ensure meaningful access for LEP persons, such as through written materials and oral communications provided in languages other than English.

IX. Appeal Process

The Plan should specify the procedures to be followed if a resident disagrees with the PHA's or Project Owner's decision as to the resident's eligibility to receive relocation assistance, the amount of a relocation payment, or the adequacy of a comparable replacement dwelling offered to a resident. These procedures should include the process for filing a written appeal to the displacing agency and the specific appeal procedures to be followed consistent with 49 C.F.R. 24.10 (and 24 C.F.R. § 42.390 if Section 104(d) is involved).

X. Certification

The Plan should contain a certification of compliance with this Notice (or H 2014-09/PIH 2014-17, if applicable), the URA, fair housing and civil rights requirements and, if applicable, Section 104(d).

Technical Assistance

For detailed technical assistance regarding the contents or provisions of a written relocation plan, the PHA or Project Owner should direct questions to their RAD Transaction Manager or email rad@hud.gov.

PROGRESS REPORT: BHA FIVE-YEAR PLAN (FY 2020 – 2024)

The Boston Housing Authority created its Five-Year plan covering the years 2020-2024 as part of the 2020 Annual Plan. Each year with the submission of the annual plan, the BHA will provide an update in the Progress Report. The goals and key initiatives from 2020 are listed below in the left hand column and those will remain the same for the five-year period. The updates and progress made on achieving those goals and key initiatives are described below in the right hand column and will be updated each year.

Background:

Boston Housing Authority owns and manages more than 10,000 units of public housing and administers housing subsidies for an additional 15,500 families in Boston and eastern Massachusetts through its Leased Housing programs. It is BHA's purpose to provide quality homes and strong communities for low-income Bostonians. BHA housing is truly affordable to Boston's most vulnerable families and individuals, and the Authority strives to ensure that its housing resources serve as a platform for opportunity for residents and a resource to the broader community.

BHA is a critical Boston institution that is an integral part of the vast majority of neighborhoods across the city. Employing nearly 800 workers, most of whom live in the city, BHA contributes significantly to the local economy. Each year we invest nearly \$140 million across the neighborhoods of Boston in the operation of our public housing communities, and we also invest \$270 million in private housing throughout the City through our Leased Housing program. We have generated an additional \$1.5 billion of investment in our neighborhoods through public-private partnerships like the redevelopments currently underway at Whittier, Orient Heights, and Charlestown.

One of the priorities laid out in BHA's previous five-year plan, 2015-2019, was to develop a framework to ensure the long-term viability of BHA's public housing communities in the face of persistent federal funding shortfalls. One important strategy has been public-private partnerships between BHA and other providers of affordable housing and supportive services. In November 2014, BHA issued an invitation to the affordable housing community in the form of a Request for Qualifications, asking organizations to propose innovative approaches to preserving BHA's housing for future generations with decreased reliance on federal public housing subsidies. The response was wide-ranging. BHA received ideas focused on over thirty separate public housing communities. In the years since, BHA has been taking up the most promising proposals one at a time, issuing a series of Requests for Proposals that have led to several new public-private partnerships. In the process, BHA has articulated a set of firm principles to guide its partnerships: Engage residents and community members in meaningful participatory planning; ensure tenant protections; fully preserve on a one-for-one basis all deeply subsidized housing units; and focus on sustaining BHA's assets to fulfill its mission to serve future generations.

PROGRESS REPORT: BHA FIVE-YEAR PLAN (FY 2020 – 2024)

An equally critical strategy in addition to public-private partnerships is to provide for those BHA communities that will remain under BHA ownership - which is the majority of BHA's housing (about 7000 units). Amassing the resources to upgrade and maintain BHA's public housing portfolio remains a challenge given the nearly \$1 billion in capital backlog. BHA will continue to invest in the long-term preservation of these communities using a variety of tools, including HUD's Rental Assistance Demonstration program, project-based Section 8, comprehensive capital planning, and better use of technology to deliver our housing services. These BHA sites will continue to be a critical part of their surrounding neighborhoods and the community fabric of the City of Boston.

While we endeavor to preserve our public housing assets, BHA's Leased Housing program has steadily grown to cover more than 15,500 homes, providing a critical tool for affordable housing preservation and development throughout Boston. BHA is continually implementing strategies to ensure that the Leased Housing program is effectively serving low-income families and individuals. As part of BHA's commitment to affirmatively further fair housing, in July 2019, BHA implemented Small Area Fair Market Rents (SAFMRs) as exception payment standards in those zip codes where they are necessary to make communities accessible and affordable for voucher holders. The goal of implementing SAFMR exception payment standards is multifold: expand choice for voucher holders and decrease the concentration of vouchers in high poverty areas; preserve people's ability to remain where they live, preventing displacement and harmful gentrification; and minimize the risk of artificially inflating rents throughout the city.

Over the coming five years, as we continue to invest in public housing preservation and expand the reach of the Leased Housing program, BHA will adjust our business processes and expand our internal capacities. For this 2020-2024 Plan, we identify six broad strategic priorities:

1. Achieve and maintain high performer status for the public and leased housing programs.
2. Strengthen and preserve the BHA portfolio of public housing.
3. Increase housing opportunities through the leased housing program.
4. Support resident capacity-building, self-sufficiency and quality of life initiatives that help residents meet their personal goals for themselves and their families.
5. Identify and plan for future staffing needs at BHA.
6. Continue to improve customer service in all areas so that the BHA is consistently experienced by residents, applicants, landlords and vendors as an efficient, pleasant and responsive organization.

PROGRESS REPORT: BHA FIVE-YEAR PLAN (FY 2020 – 2024)

Within this context, the Authority proposes the following initiatives:

Goals	Updates and Progress Made
1. Strategic Focus: Achieve and maintain high performer status as evaluated by HUD in their Public Housing Assessment System (PHAS) for the public and leased housing programs:	
Maintain 97% or higher Occupancy Levels:	<p>In the midst of redevelopment of the Charlestown and Mildred C. Hailey developments, current resources are being utilized for the relocation efforts in those projects. Operations to continue to work on expediting unit turnover with the expectation that all vacant units be ready for move in 30 days or less, and new applicants housed in under 60 days and to work closely with the Admissions Department to ensure there are sufficient pools of applicants to fill vacancies and improve tracking capabilities of expected future vacancies.</p> <p>Stress the importance of Quality Control initiated inspections to be carried out by Operations Senior staff on vacant unit turnover.</p> <p>BHA Operations Division continues to work towards returning to a 97% occupancy rate, though the efforts continue to be impacted by COVID-19 and by the necessary allocation of resources required to relocate resident households who need transferring due to redevelopment projects, including Charlestown and Anne M. Lynch Homes at Old Colony as well as other redevelopment projects impacting the increased number of vacancies due to household returning to redeveloped properties such as Old Colony Beacon and Whittier Street amongst others. At the end of September 2022, the occupancy rate was 95.5% with the goal of reaching 97% in the current fiscal year.</p> <p>BHA is moving to improve occupancy performance on multiple fronts, including increased scrutiny of standards for all turnover units, with inspections prior to showings, maximize marketing and curb appeal to ensure we may minimize the rejection rates. BHA is also exploring ways to</p>

PROGRESS REPORT: BHA FIVE-YEAR PLAN (FY 2020 – 2024)

	increase the number of offers to waiting list applicants, and implementing measures to centrally capture and share information on anticipated vacancies, so that the unit turnover and applicant screening processes can begin as quickly as possible. Additionally BHA is identifying ways to collect feedback from waiting list applicants about the wait list experience and site selection process. BHA anticipates using this feedback to inform changes to wait list processes that will improve acceptance rates for housing offers.
Maintain 100% Utilization of Section 8 Resources:	The BHA will expend 98% of available funding in 2022 and utilizing 98% of the unit months available under the HUD prescribed voucher baseline. The BHA expects to expend all available funding in 2023 and be fully leased up to the HUD baseline.
Continually improve toward achievement of high-performer PHAS status.	<p>Continue to focus on all key indicators including rent collection, recertifications, and vacancy reduction along with improved REAC scores. Staff training as well as implementing and setting clear productivity expectations on each indicator.</p> <p>BHA continues to focus on improving/maximizing performance on each of the PHAS components. As has been the case for many large housing authorities, and almost universally in the national rental housing industry, performance in rent collection suffered significantly due to the impact of COVID-19. BHA continues to assist impacted households in submitting applications to the City of Boston, for federal rental assistance relief funds to pay eligible, COVID-19-related rent balances. BHA continues to work with individual households to stabilize potentially at-risk tenancies by assisting clients with referrals to local non-profit organizations that assist with the payment of rent balances, and management encourages residents in arrears to utilize repayment agreements whenever feasible. The rent collection rate at the end of September was 94%.</p> <p>In addition to a continued focus on vacancy reduction and rent collection, BHA continues to explore methods to improve maintenance delivery, which should result in better unit conditions and improved inspection scores</p>

PROGRESS REPORT: BHA FIVE-YEAR PLAN (FY 2020 – 2024)

	<p>when HUD REAC returns to a normal schedule. . HUD’s 2022 REAC PASS inspections concluded in September 2022. Federal properties had not been subject to uniform inspections since 2020 due to COVID-19, so all federal public housing properties were inspected in the cycle. This is unusual, as roughly 30 to 50% of the BHA’s federal portfolio is usually inspected due to the BHA achieving HUD’s inspection performance incentive which allows properties to skip the inspections for up to two years based on their scoring (scores of 80-89 earn one year, while scores of 90 to 100 earn a two-year hiatus). During this baseline inspection year, in which all 62 eligible properties were inspected, BHA recorded an average score of 79, and achieved an overall score of 28 out of 40 for the PASS indicator.</p> <p>In FY 2021, BHA implemented a new work order system at the beginning of the fiscal year, and has done significant testing and customization of the new property inspection software that will make the annual unit inspections and the quarterly common area inspection processes more efficient for staff and residents. This should have positive impacts on deficiency tracking, the quality of repairs, and the physical condition of the properties, which should also contribute to optimal scoring on the Physical Inspection component of the PHAS assessment.</p> <p>BHA management and maintenance staff will continue to receive training on each component of the Management Assessment and Physical Inspection components of the PHAS assessment standards and scoring criteria, including the impending change from UPCS to NSPIRE.</p>
2. Strategic Focus: Strengthen and preserve the BHA portfolio of public housing:	
Formalize asset management staffing and systems within BHA’s organizational structure.	BHA senior management have convened biweekly meetings to advance this goal. Much of the focus to date has been BHA’s increasing portfolio of Section 8 housing units and other affordable housing outside of the traditional public housing program. For example, staff are devising tools

PROGRESS REPORT: BHA FIVE-YEAR PLAN (FY 2020 – 2024)

	<p>such as new budgeting templates that will be flexible enough to accommodate various subsidy platforms, while also delivering robust budget-to-actuals reporting to guide operational decisions.</p> <p>BHA senior management continues to meet biweekly, focusing on specific pieces of this effort, which has led to the development of better budgeting tools and enhanced financial reporting. This process is also leading to the development of a framework for reviewing the financial resources, needs, and performance of properties in order to best position BHA to make projections and structural decisions about which BHA communities may be most viable for continued operation as traditional public housing, or may be candidates for conversion to Project Based Section 8, or require another method of subsidy to best sustain as many units as possible as long-term affordable housing resources. BHA is also starting to develop overarching goals for asset management and conducting case studies of conversions to better understand needed staffing and management systems.</p>
<p>In all redevelopment transactions, provide for BHA's financial stability in order to preserve public housing character and associated tenant protections into the future.</p>	<p>While traditional public housing provides valuable, explicitly articulated protections for public housing tenants, the programs have been underfunded over the years. As BHA implements alternatives to traditional public housing—such as, for example, Project Based Voucher Section 8 subsidies that provide a more robust and reliable financing stream—we must also take care to put in place the same sorts of protections that public housing residents enjoy. In 2021 BHA joined two advocacy agencies, Greater Boston Legal Services and City Life/Vida Urbana to secure a grant through the Innovative Stable Housing Initiative Upstream Fund (the “ISHI Grant”) that is supporting work among the organizations and in collaboration with public housing local tenants organizations at sites that are going through (or have recently gone through) subsidy conversions and, in some cases, ownership transitions. The goal of the ISHI work has been to compile a toolkit of resources to inform such conversions. That includes explanatory materials to inform residents and managers about how conversions may affect basic operational processes such as rent</p>

PROGRESS REPORT: BHA FIVE-YEAR PLAN (FY 2020 – 2024)

	<p>calculations. It also includes model documents such as leases and House Rules that will ensure continuation of valuable public housing protections even under alternative subsidy platforms. The ISHI work was extended until the end of 2022. A final version of the Toolkit is available on the BHA website in English, Spanish, and Chinese and shared at the Resident Empowerment Conference.</p>
<p>Complete a portfolio-wide capital needs assessment for all properties not currently slated for redevelopment. Devise a strategic plan to fund these capital needs over the long term.</p>	<p>Capital Needs Assessments (CNAs) are 90% complete for 100% of BHA properties. Twenty-one of the properties had CNA Services procured by December 2021 and the CNA assessments occurred during the spring and summer of 2022. The CNAs for all BHA properties will be completed by December 2022. These CNAs assist in planning for immediate and future capital projects.</p>
<p>Add new deeply affordable units where possible during redevelopment.</p>	<p>In recent years BHA public housing redevelopment activity has successfully adhered to the principle of one-for-one replacement, meaning that all original public housing units have been replaced (or preserved) with comparable, equally deeply affordable housing units—either RAD or Section 8 Project Based Voucher (PBV) units.</p> <p>At the same time, BHA is also creating net-new deeply affordable housing. “Net-new” means additional new deeply affordable housing units above the number needed to replace (or preserve) the number of original public housing units that previously existed at a given site.</p> <p>The net-new deeply affordable housing units underway or completed during the 5-Year Plan are as follows:</p> <ul style="list-style-type: none"> • O’Connor Way, a new affordable elderly housing community completed in late 2020 and occupied in 2021 on vacant land at the periphery of BHA’s Mary Ellen McCormack, includes 22 new PBV Section 8 units (deeply affordable) plus 25 additional affordable units for a total of 47 net-new affordable units. • 125 Amory, a BHA elderly/disabled property that completed

PROGRESS REPORT: BHA FIVE-YEAR PLAN (FY 2020 – 2024)

	<p>renovations in early 2021, offers 12 new Section 8 PBV units (in addition to the 199 original public housing units that have converted to Section 8).</p> <ul style="list-style-type: none"> • The redevelopment of JJ Carroll began construction in the fourth quarter of 2021; it includes 77 net-new PBV Section 8 units (in addition to 64 PBV Section 8 units to replace the original public housing units). • Old Colony Phase 3, which completed construction in 2022, includes 55 net-new deeply affordable units as Phase 3C. • The redevelopment of BHA's Clippership Apartments, which was completed in early 2021, resulted in a total of 22 PBV Section 8 units, which is 2 more than the original 20 units that were demolished—in other words, 2 net-new rental units—as well as, 30 net-new homeownership units, 16 of which are affordable. • Holtzer Park, a brand new building which completed construction on vacant land at BHA's Amory Street site in 2022, is 100% net-new affordable housing: 62 total net-new units, of which 8 are deeply affordable PBV Section 8 units.
<p>In furtherance of BHA's commitment to sustainability, continue to reduce carbon emission toward 38% of 2008 level; and continue to explore climate resiliency, moving from identifying vulnerabilities toward implementing solutions.</p>	<p>BHA looks forward to establishing new goals to reduce carbon emissions to 50% of 2008 levels by 2030 and 0% by 2050.</p> <ol style="list-style-type: none"> 1. Reduced carbon emissions at numerous developments, including: <ol style="list-style-type: none"> a. Codman – Heating and Hot Water Boiler Retrofit b. Frederick Douglass – Air Sealing c. Hampton House – Air Sealing d. Washington Manor – Air Sealing e. JJ Malone – High Efficiency Hot Water Distribution Pilot f. Ruth Barkley – Heating and Hot Water Boiler Retrofit g. St. Botolph – Add Insulation in Cavities Wall h. Ashmont – Hot Water Boiler Retrofit 2. Explore Climate Resiliency: <ol style="list-style-type: none"> a. Participated in the Urban Land Institute's charrette "Living with Heat", and monitoring their comprehensive research project examining the effects and solutions to increased heat on the Greater Boston Area

PROGRESS REPORT: BHA FIVE-YEAR PLAN (FY 2020 – 2024)

	<p>b. Partnered with City of Boston’s Climate Ready team on strategies contained in the framework of the Heat Resilience Study; exploring pathways for implementation in the future</p> <p>c. Working with City of Boston’s Green Infrastructure team on assessments of priority sites at particular risk for extreme heat and flooding</p>
3. Strategic Focus Area: Increase Housing Opportunities through the Leased Housing program:	
<p>Apply for additional vouchers as opportunities arise.</p>	<p>In 2021, BHA applied for and received an additional award of 100 Mainstream Housing Vouchers, vouchers allocated for families with disabled non-elderly adult household members bringing the total to 410. These vouchers supplement the 500 vouchers BHA maintains for Non-Elderly Disabled (NED) households, bringing the total number of vouchers for non-elderly disabled families to 910, notwithstanding the units designated for non-elderly disabled families in the project based voucher portfolio. The BHA has utilized approximately 200 Mainstream vouchers, with a majority of the remaining 210 being committed to permanent supportive housing project based voucher developments.</p> <p>In 2022, BHA applied for Emergency Housing Vouchers (EHVs) and received an allocation of 480 that are currently being issued in cooperation with the Continuum of Care (CoC). As of the writing of this plan, 420 of 480 EHVs have been issued and more than 200 families have been housed.</p> <p>The BHA also received additional funding for 20 additional VASH vouchers in January of 2021 and another 70 VASH Vouchers in January of 2022, bringing the BHA’s total VASH allocation to 721. The BHA also has a pending application supported by the local Veterans Administration for additional VASH vouchers which will be awarded based on HUD’s determination of local need.</p> <p>The BHA was able to increase utilization for the Family Unification</p>

PROGRESS REPORT: BHA FIVE-YEAR PLAN (FY 2020 – 2024)

	<p>Program (FUP) to near 100% increasing the chances of eligibility for any additional funding opportunities.</p> <p>BHA has also applied for and received 25 Foster Youth to Independence vouchers, 6 of which have been housed, supplementing the work BHA does with the MA Department of Children and Families.</p> <p>Effective 10/1/2022, BHA expects to receive an additional allocation of 55 Housing Choice Vouchers.</p> <p>The BHA will continue to apply for additional voucher opportunities as they arise.</p>
Maintain high occupancy rates in the Project-Based Voucher (PBV) portfolio while decreasing turnover times.	<p>The BHA closely monitors vacancy rates in the project based voucher program to maximize housing opportunities for Boston families. In order to further increase occupancy rates and a focus on reducing unit turnover, BHA is in the process of implementing an online Owner Portal that will enable the tracking of eligible applicant referrals from the BHA waiting lists to the respective owner for suitability screening.</p>
Optimize the use of PBVs to preserve and create affordable housing in Boston.	<p>The BHA has awarded project-based vouchers to preserve tenancies at three expiring use developments that were previously subsidized by the state 13a mortgage program. The expiring use project at Mercantile Wharf is now under a long-term PBV contract, stabilizing eligible low-income families at the property for years to come.</p> <p>Additionally, the BHA awarded 156 vouchers to a project in Jamaica Plan that will include a mix of Project Based Vouchers and Mainstream Vouchers and another 15 vouchers a project at Quint Ave that will provide support individuals in recovery. In 2021, the BHA awarded 210 Project Based Vouchers (a combination of Mainstream and traditional vouchers) to Beacon Development to preserve and create affordable housing at 140 Clarendon Street. The BHA will continue to solicit Project Based Vouchers, specifically soliciting opportunities to project base Mainstream vouchers.</p>

PROGRESS REPORT: BHA FIVE-YEAR PLAN (FY 2020 – 2024)

<p>Implement ECHO—Expanding Choice in Housing Opportunities pilot program—and Small Area Fair Market Rents to promote access for voucher holders to a wider array of neighborhoods.</p>	<p>The BHA launched Expanding Choice in Housing Opportunities (ECHO) pilot program. ECHO is a voluntary program aimed at affirmatively furthering fair housing by providing technical assistance and information to BHA voucher-holders. Under the Fair Housing Act, our voucher-holders should be able to live in any part of Massachusetts they choose and the mission of the ECHO program is to provide them with all the information and technical assistance they will need to make their own decisions. Through ECHO, BHA has taken steps insure that our voucher-holders receive Fair Housing training, so they will know their rights and protections under the Fair Housing Act, and what steps to take if they encounter any discriminatory behavior.</p> <p>The BHA has also developed a software tool that assists families with identifying neighborhoods that might meet their family needs, providing information on neighborhood qualities including schools, transportation, and public safety and linking them to units that can be afforded under BHA’s payment standard structure.</p> <p>The BHA has also implemented Small Area Fair Market Rents as exception payment standards in many of the zip codes that fall within its administrative area, to increase options for voucher holders to find apartments in a wider variety of apartments.</p> <p>The BHA has also hired a Director of Housing Search and Landlord Recruitment with the goal of continuing to expand on housing choices for voucher families by recruiting new landlords to the program, improving on existing program marketing materials, streamlining administrative barriers, and proving resources for housing search through internal tools and access to external partnerships.</p> <p>The ECHO team will continue to expand its housing search services to BHA families that are facing displacement due to failed inspections and a</p>
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PROGRESS REPORT: BHA FIVE-YEAR PLAN (FY 2020 – 2024)

	landlords failure to make repairs and victims of Domestic Violence that have been issued vouchers in order to permit relocation from public housing.
4. Strategic Focus: Strengthen resident capacity-building and quality of life initiatives that help residents meet their own personal goals and that help support vibrant communities:	
<p>Rebuild resident capacity program to support resident empowerment and leadership; improve the efficacy and efficiency of Local Tenant Organizations (LTOs), Resident Empowerment Coalition (REC), and Section 8 Tenants Incorporated (S8TI).</p> <ul style="list-style-type: none"> o Develop metrics to track levels of resident organization and engagement. o Revise LTO policy, election procedures, and by-laws; pursue strategies to maximize diversity of participants and their level of participation in LTOs. 	<p>The Resident Capacity Program provides regular board compliance and Tenant Participation Fund training to new and existing Family & Elderly/Disabled Board members in collaboration with Mel King Institute and Boston Resident Training Institute.</p> <p>Current metrics track LTO Compliance; TPF spending; participation in REC Meetings; LTO meetings and activities.</p> <p>Holding monthly Resident Empowerment Coalition meetings, now on a virtual basis. Registration for meetings captures first time participants. Meetings were formerly held every other month. BHA staff will continue to host virtual events, meetings, and activities and promote LTO events.</p> <p>From the REC Meetings, we have developed a Peer Learning Committee and Election Support Committee. The topics for both committees are developed with resident input and resident leaders co-host with RCP staff.</p> <p>Tenant Participation Fund reports and Laundry fund reports are tracked quarterly, with regular follow-ups and technical assistance provided to LTOs.</p> <p>Resident Capacity Program staff currently includes 1 Program Manager, need Coordinator, 2 Program Assistants, 1 Part-Time Intern. The additional staffing capacity allows us to better connect and work with Public Housing, Mixed Finance, and Section 8 residents.</p>

PROGRESS REPORT: BHA FIVE-YEAR PLAN (FY 2020 – 2024)

	<p>The CCECR section of the BHA website now features an LTO Resource Page - for LTO members and general residents. The information includes links to templates needed for their TPF reporting. LTO Members and general residents can also find links to LTO bylaws and Board contact information.</p> <p>Digital Equity: Previously the team provided laptops and tablets to tenant leaders during the pandemic. Late last year, the BHA engaged in a partnership with the Boston Public Library and City of Boston to distribute free Wi-Fi routers that will be connected through 2023 and free Chromebooks. All residents were provided the opportunity to request these devices and to date BHA has provided residents with more than 3000 devices; and BHA working now on distributing additional 3000 laptops. BHA has also provided on site digital equity classes and drop-in hours directly through staff and through partnerships with various service providers.</p> <p>Three boards received training from Mel King Institute as part of their public housing leadership training: Mildred Hailey, Commonwealth, and Charlestown.</p> <p>Launching 'Powered by the REC' on October 1st: an initiative to increase resident engagement with their LTOs. The draft revised LTO Policy or Resident Participation Policy is being submitted with this year's annual plan for comment and approval.</p>
<p>Institutionalize resident protections and participation in all redevelopment projects; advance internal BHA systems to ensure long-term compliance by new owners.</p>	<p>BHA collaborated with Greater Boston Legal Services and City Life/Vida Urbana on a grant offered by three hospitals known as Innovative Stable Housing Initiative that was successful. The partners call it the Resident Empowerment Project (REP) and its focus is to develop tools and trainings and empower residents as they go through redevelopment. The initial grant work wrapped up in summer 2021, and the grant partners drafted a "Toolkit" for resident empowerment shortly thereafter. The Toolkit is finalized and available in multiple languages. Materials are hosted on the BHA website. The grant was extended for an additional year and a fourth</p>

PROGRESS REPORT: BHA FIVE-YEAR PLAN (FY 2020 – 2024)

	public housing site has been added to participate in the grant activities. In addition, a Resident Empowerment conference was held October 15.
Explore voter registration at re-certification.	No update for 2022. Staff will move forward with planning around this goal in 2023.
Increase Family Self-Sufficiency (FSS) Participation from 200 to 800 households.	BHA has increased FSS Participation to over 1300 and continues to enroll families. We expect to enroll 1500 families by the end of calendar year 2022, and to have 1,700 enrolled by the end of 2024. We also expect to graduate 200 families by the end of 2024.
5. Strategic Focus: Identify and plan for future staffing needs and to support BHA staff:	
Proactively plan for future staffing in light of property repositioning and pending retirements; identify areas where BHA needs to hire for new capacities and functions.	<p>Working with Human Resources and Finance to identify retirees and devise replacement needs in Operations among other departments. Identify career development opportunities for staff that could be promoted into new classifications for advancement.</p> <p>BHA continues to reach out to local colleges and universities and has partnered with YMCA to hire a series of interns who have an interest in pursuing careers in the field of affordable housing.</p> <p>BHA's Operations Division has partnered with Building Pathways training program and have recruited 2 graduates to enter the work force as Janitor Groundskeepers. We anticipate this relationship will continue, and allow both BHA and City residents the opportunity for employment at the BHA.</p> <p>A Committee of Operations and other Senior staff will be rolling out a new Onboarding initiative in Fall 2022. The initiative will provide a broad overview of the BHA's and Operations Division goals, as well as training sessions to assist with the employee's entry into new positions. Training will be provided to small groups of employees who have either just been hired or promoted to fill a vacant management or maintenance position. There will be two training tracks, one will follow the necessary training for management staff, and the second training track will focus on those who have joined our maintenance operations. Training facilitators for both</p>

PROGRESS REPORT: BHA FIVE-YEAR PLAN (FY 2020 – 2024)

	tracks will be current Operations staff that have expertise with the subject matter. The Onboarding Committee's goal is to encourage those who participate to view the BHA as career path for future staff development options.
Institute additional mentoring and training for the current and the next generation of BHA staff.	Created and implemented intensive 3-month manager training program called Management at its Best since 2020. BHA is also developing updated onboarding and training processes targeted towards new and recently promoted staff in Operations.
Continue to promote diverse hiring and employment opportunities for BHA residents.	<p>BHA has been able to provide additional stipends for residents interested in capacity building and engagement work (i.e.; Census, digital equity) as well as for COVID response related work (i.e.; food distribution). Hired BHA resident as Resident Capacity Program (RCP) Assistant.</p> <p>BHA continues to make efforts to recruit, hire, and promote public housing residents and voucher holders and is proactively seeking more creative, non-traditional means of candidate recruitment to reach a broader audience of potential applicants. Additionally BHA is working to develop partnerships with training and career development organizations to create opportunities for BHA residents interested in careers in green industries.</p>
Continue to develop information systems, communications tools, and interactive forums to enhance collaboration, efficiency and productivity across departments.	BHA began piloting its new 'One Call Now' software to provide automated texting, robocalling and emailing capabilities for more timely and efficient communication with residents. BHA is currently using/testing this software at three public housing sites in multiple languages and training Operations staff in its use. We anticipate adding other sites to receive messaging in the upcoming months and are also focused on updating our resident contact information. Additional Departments will also use the technology as the initiative rolls-out.
6. Strategic Focus: Continue to improve customer service in all areas so that the BHA is consistently experienced by residents, applicants, landlords and vendors as an efficient, pleasant and responsive organization:	
Develop a Customer Service Policy to promote client-	

PROGRESS REPORT: BHA FIVE-YEAR PLAN (FY 2020 – 2024)

<p>focused and consistent service delivery.</p>	<p>An Operations Customer Service and Programs Compliance Manager position has been created and the position has been filled. This position will develop and implement business process changes designed to improve the accessibility and clarity of information provided to individuals and families as they use the programs and services offered by BHA and ensuring the BHA Reasonable Accommodation policy is adhered to and tracked consistently. The Director of Operations and Director of Compliance are working closely with the Director of Human Resources identifying staff's skill development needs, as well as building the needed current and future staff capacity. Actively engaging with the YMCA and colleges providing internship opportunities in an effort to build needed temporary and potential future staff capacity ensuring improved, efficient, and consistent service delivery throughout the Operations Department.</p>
<p>Optimize technology to transform interaction with the agency—e.g., landlord and tenant portals, vendor tools, on-line rental payment and direct deposit.</p>	<p>BHA implemented on-line rental payment and automated demand debit rental payments for residents who opt in. Public Housing files are in the process of being digitally transferred. All resident records will be stored digitally allowing greater capacity to serve our residents both in person and virtually.</p> <p>BHA has implemented Virtual appointments with clients in order to expedite processing, recertifications, rent changes and other business that was strictly handled in person previously.</p> <p>Staff training on handheld tablets with introduction of work system (Elite).</p> <p>Resident portals are currently planned and will allow clients to update financial information in rent determination, and to initiate new work orders.</p> <p>The majority of Public Housing files have been scanned for digital access, with plans in place to scan the remaining files and to continue to revise manual business processes to paperless, digital processing for more efficiency for staff and convenience to residents.</p> <p>The planning of resident portals continues, with a goal of providing an</p>

PROGRESS REPORT: BHA FIVE-YEAR PLAN (FY 2020 – 2024)

	<p>interactive online avenue to conduct many frequent customer service transactions with BHA, including the annual certification process and requesting maintenance service.</p> <p>BHA Operations has implemented a new work order system, moving on from the prior work order system, one of the last remaining components of the legacy property management software, utilized for several decades. The new work order software is a component of the same Elite property management software BHA uses for conducting core business functions such as annual recertifications and financial processing. This transition will allow BHA to more easily create reports that can incorporate data from other areas within Elite, including data pertaining to unit occupancy, certifications, etc.</p>
Streamline and simplify the housing application process to maximize transparency for applicants and focus staff efforts on working with applicants who are most likely to be housed in the near future.	<p>BHA has drafted policy revisions that align the application and verification policies across federally assisted programs, to simplify requirements for any applicant that applies to multiple BHA programs. The policy revisions also reduce the verification requirements for applicants as related to housing history, which can often be extremely difficult to piece together for homeless or otherwise unstably housed applicants and of little value for determining eligibility and suitability.</p> <p>In late 2021/early 2022, BHA launched a web-based online application system that dramatically simplifies the application process. All applications are now completed online. The technology continues to be refined to streamline the application process and reduce administrative burden for the Authority.</p> <p>The information on the website regarding BHA housing programs continues to be added and improved for readability so that applicants may make informed choices.</p>
Simplify applicant and resident forms; improve program marketing materials and briefings.	<p>The BHA has revised the Admissions and Continued Occupancy policy aimed at transparency. The BHA will continue working on policy</p>

PROGRESS REPORT: BHA FIVE-YEAR PLAN (FY 2020 – 2024)

	<p>documents in the coming years to be as succinct and precise as possible.</p> <p>The BHA has created an online briefing session and worked to simplify many of the forms associated with voucher issuance, including the RFTA and the BHA Leasing Guidebook.</p> <p>The BHA continues to simplify its online application process.</p> <p>BHA has updated and converted several frequently used applicant and resident forms, including the transfer application, the request forms to add household members, and the request form for approval of residual tenancy, to a new fillable pdf format and online forms with the resident/applicant information pre-filled to increase efficiency and convenience for staff and clients.</p>
Improve landlord recruitment and retention strategies.	<p>The BHA hired a Director of Housing Search and Landlord Recruitment to focus on this issue. The Director will focus on marketing to existing and new landlords, including designing informational sessions for interested landlords. BHA has developed and conducts landlord outreach and holds briefing sessions on a monthly basis to recruit new landlords and educate existing.</p> <p>The BHA has implemented an online owner portal that will allow BHA owners access to financial information, inspection results and scheduling information, and the ability to follow move ins and rent increases through statuses as they move from submission to completion.</p> <p>The BHA continues to streamline paperwork and enrollment processes so that the barrier to become a landlord is minimal. In this coming year, we expect that the request for tenancy approval process will be managed entirely online.</p>
Provide additional opportunities for customer feedback.	<p>The BHA implemented a texting survey for voucher holders which has provided significant feedback regarding the housing search and move</p>

PROGRESS REPORT: BHA FIVE-YEAR PLAN (FY 2020 – 2024)

	<p>process. The BHA will look to develop other surveys for owners, applicants, and tenants, to drive procedural changes and improve customer service. New platforms will be created where clients can receive surveys in all media form, TEXT, EMAIL, PHONE, and reply confidentially. In early 2022, the BHA expects to implement a customer service tracking system that allows BHA to report and track customer service issues as they are resolved while monitoring responsiveness and consistency. The system will allow BHA clients to report issues by web, email, and phone and receive an issue number that will allow them to follow up on the inquiry no matter who they reach at the BHA.</p>
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Administrative Plan

Housing Choice Voucher Program

Effective: February ~~April~~ 1, 20232

HOUSING CHOICE VOUCHER PROGRAM ADMINISTRATIVE PLAN

Table of Contents

TABLE OF CONTENTS	2
CHAPTER 1: INTRODUCTION AND POLICY	1
1.1 Introduction	1
1.2 Statement of Nondiscrimination	1
1.2.1 Compliance with Federal and State Laws	1
1.2.2 Civil Rights and Fair Housing	1
1.2.3 Fair Admissions	2
1.2.4 Reasonable Accommodation	2
1.2.5 Domestic Violence	2
1.3 Accessibility and Plain Language	4
1.3.1 Accessible Facilities and Programs	4
1.3.2 Plain Language Paperwork	5
1.3.3 Forms of Communication other than Plain Language Paperwork	5
1.3.4 English Language Ability	5
CHAPTER 2: ADVERTISING AND OUTREACH	6
2.1 Advertising and Outreach	6
2.1.1 Marketing Policy	6
2.1.2 Marketing Purposes	6
2.1.3 Marketing Requirements	6
2.1.4 Affirmative Marketing	7
2.1.5 Encouraging Participation in Areas of Low Poverty Concentration	9
CHAPTER 3: APPLICATIONS AND ADMISSION	11
3.1 Applications and Processing	11
3.1.1 Application Forms	11
3.1.2 Processing and Maintenance	11
3.1.3 Assignment of Application Client Control Number	11
3.2 Waiting List Administration	11
3.2.1 Generally	11
3.2.2 Opening and Closing the Waiting List	12
3.2.3 Updating the Waiting List	12
3.2.4 Selection Methods	13
3.2.5 Withdrawal of an Application from Waiting Lists	13
3.2.6 Conversion of Project-Based to Tenant-Based Voucher	16
3.2.7 Applicant Family Break-up	16

3.3	Priority and Preference Admissions	19
3.3.1	Definition of Priority.....	20
3.3.2	Definition of Preference	20
3.3.3	Verification of Priority or Preference Status.....	20
3.3.4	Granting of Priorities and/or Preferences	20
3.3.5	Priority Categories	20
3.3.7	Admission Preference.....	32
3.3.8	Standard Applicants.....	36
3.3.9	Point System.....	36
3.4	Special Admissions	37
CHAPTER 4: COMMUNICATIONS AND VERIFICATION.....		38
4.1	Communication Preference.....	38
4.1.1	Communication between Applicants and the BHA	38
4.1.2	Communication between a Participant and the BHA	38
4.2	Misrepresentation of Information or Fraud.....	39
4.3	Verification Requirements.....	39
4.3.1	Verification Documentation	39
4.3.2	Verification Preference.....	39
4.3.3	Validity of Documentation and Verification	46
4.3.4	Third Party Verifications	46
4.4	Missed Appointments.....	47
CHAPTER 5: DETERMINATION OF ELIGIBILITY		48
5.1	Number of Vouchers Issued.....	48
5.2	Threshold Eligibility Requirements (Sections 5.2.1- 5.2.3).....	48
5.2.1	A Family as defined by the BHA.....	48
5.2.2	Income eligible as defined by HUD	48
5.2.3	Past Balances Due to any Publicly Assisted Housing Program	49
5.3	Eligibility Interview (Final Eligibility)	49
5.3.1	Purpose.	49
5.3.2	Scheduling Eligibility Interview Appointment	49
5.3.3	Reassignment of Applicant to Different Priority Category	50
5.3.4	Misrepresentation of Information or Fraud	51
5.3.5	Limitation on Number of Eligibility Determinations	51
5.4	Family Composition	52
5.4.1	Verification of Family Composition	52
5.4.2	Determining Family Unit Size (BHA Subsidy Standards).....	54
5.5	Income Eligibility and Targeting	57

5.5.1	Income Eligible Family	58
5.5.2	Targeting Requirements	58
5.5.3	Determining and Verifying Family Income	59
5.5.4	Zero Income	65
5.6	Review of Citizenship and Eligible Immigration Status	66
5.6.1	What Evidence Will Be Required.	66
5.7	Review of Criminal Offender Record Information (CORI)	68
5.7.1	Use and Maintenance of CORI	69
5.8	Required Release Forms	69
5.9	Briefing Session	70
5.9.1	Issuing Vouchers	70
5.9.2	Conducting Briefing Sessions	70
CHAPTER 6: DENIAL OF VOUCHER AND APPLICANT APPEALS		73
6.1	Denial of a Voucher	73
6.1.1	Definitions	73
6.1.2	Mandatory Denial	74
6.1.3	Discretionary Denial	75
6.1.4	Denial of Eligibility and Notice to Applicant	76
6.1.5	Consideration in Certain Denials	77
6.2	Informal Reviews for Applicants	78
6.2.1	Right to an Informal Review	78
6.2.2	Hearing Procedures	79
(b)	Scheduling the Informal Review	79
6.2.3	Applicant Rights during the Informal Review	81
6.2.4	Due Process Requirements	81
6.2.5	Informal Review Decisions	81
6.2.6	Reversal of BHA's Determination of Ineligibility	82
6.2.7	Confirmation of the BHA's Determination of Ineligibility	82
CHAPTER 7: FINDING AND LEASING APPROVABLE HOUSING		83
7.1	Searching for Housing	83
7.1.1	Assisting the Family in Responding to Suspected Discrimination	83
7.2	Voucher Term	83
7.2.1	Term Length	83
7.2.2	Expiration	83
7.2.3	Withdrawal	83
7.2.4	Voucher Suspension Policy	84
7.2.5	Extension of Search Time	84
7.3	Requests for Tenancy Approval	86

7.3.1	Intake of Requests	86
7.3.2	BHA Leasing Schedule	86
7.3.3	Providing Information to Prospective Owners.....	86
7.3.4	Disapproval of Owners.....	86
7.4	Preparing the HAP Contract and Lease	88
7.4.1	Determinations and Verification	88
7.4.2	Variations from the BHA Model Form of Lease	89
7.4.3	Signing the HCVP HAP Contracts.....	90
CHAPTER 8:	RENT.....	92
8.1	Commonly Used Rent Terms	92
8.2	Determination of Contract Rents	93
8.2.1	Mandatory Redetermination.....	93
8.2.2	Permitted Redetermination	93
8.3	Reasonable Rent	93
8.3.1	Point System.....	94
8.3.2	Assessment of Private Market Value Rents (Comparables)	95
8.3.3	Owner certification of comparability	96
8.4	Maximum Initial Rent Burden.....	96
8.5	Rent Exceptions.....	96
8.6	Rent Increases.....	97
8.6.1	General Procedure and Policy	97
8.6.2	Participant Approval required after BHA Approval.....	97
8.6.3	The rent will not be increased unless:	98
8.6.4	Date of Rent Increase.	98
8.7	Written Notice of Rent Share Change	98
8.7.1	Effective Dates of Rent Share Increases and Decreases	99
8.8	Tenant Share of Rent	100
8.8.1	BHA determination.....	100
8.8.2	Total Tenant Payment.....	100
8.8.4	Maximum Subsidy	101
8.8.5	Tenant payment to Owner.....	101
8.8.6	Limit of BHA responsibility.	102
8.8.7	Utility reimbursement	102
8.9	Error Correction	102
8.9.1	Mistake discovered after Lease signed.	102
8.9.2	Retroactive only when BHA is at fault.	103
CHAPTER 9:	INSPECTIONS (INITIAL, INTERIM, AND ANNUAL).....	105

9.1	Inspection Performance Requirements.....	105
9.1.1	Generally	105
9.1.2	Quality Control	106
9.2	Initial Inspections.....	106
9.2.1	Apartment cannot be inspected.	106
9.2.2	Deny Request for Tenancy Approval	106
9.2.3	Length of Validity (Initial Inspection).....	107
9.2.4	Time Provided for Repairs	107
9.2.5	Inspection Notice Requirements	107
9.2.6	Initial Inspection Failure	107
9.3	Routine Inspections	107
9.3.1	Scheduling Inspections (Routine).....	107
9.3.2	Denial of Inspector's Access to Unit	108
9.3.3	Length of Validity	108
9.4	Interim Inspections	108
9.5	Inspection Failure (Routine and Interim).....	109
9.5.1	Time Parameters for Corrections of Inspections Violations	109
9.5.2	Stopping and Resuming Payments after Interim or Routine Inspection.....	109
9.5.3	Re-inspection (Follow-up inspection)	110
9.5.4	HAP Contract Termination Criteria.....	110
9.5.5	Notice of Subsidy Termination	111
9.5.6	HQS Violations	111
9.6	Lead Paint Policy	112
9.6.1	Part I – New and Relocating Tenants.....	112
9.6.2	Part II - Annual and Interim Recertification.....	114
CHAPTER 10:	RENEWAL	117
10.1	Annual Recertification	117
10.1.1	Appointment for Recertification	117
10.1.2	Determining Family's Appropriate Unit Size and Subsidy.....	118
10.1.3	Additions to Family Composition	118
10.1.4	Removal of Members from Family Composition	119
10.1.5	Change the Head of Household / Co-Head of Household	120
CHAPTER 11:	CONTINUED PARTICIPATION	122
11.1	Interim Recertification	122
11.1.1	Circumstances Requiring an Interim Recertification	122
11.2	Termination of HAP Contract	123
11.2.1	Grounds for Termination	123
11.2.2	Owner breach of obligations.....	123
11.3	Restriction on Number of Relocates	124

11.3.1	Initial Lease Term	125
11.3.3	Exceptions to the Restriction.....	125
11.3.4	Issuance of a Voucher	126
11.4	Change of Ownership	126
11.5	Eviction	127
11.6	Family Absence from a Unit	127
11.6.1	Absence of up to Thirty (30) Days.....	127
11.6.2	Absence Greater Than Thirty (30) Days.....	127
11.6.3	Absence may not Exceed 180 Days.....	127
11.7	Family Break-Up Policy	127
11.7.1	Court Determination	128
11.7.2	BHA Determination	128
11.7.3	Notice of Proposed Subsidy Allocation.....	129
11.7.4	Right to Appeal BHA's Proposed Subsidy Allocation.....	129
11.7.5	Procedure for Informal Hearings Regarding Family Break-Up	129
11.7.6	Assistance Pending the Exhaustion of Right of Review.....	129
11.7.7	Recertification of Family's Income and Change in Rent Share	130
11.7.8	Non-Household Members Who Advance a Claim on Behalf of Minor or Incapacitated Household Members	130
11.8	Residual Family Policy	130
11.8.1	Qualifications for Residual Family	130
11.8.2	Calculation of Rent Once Residual Applicant Approved	131
11.8.3	Limitations of Policy	131
11.8.4	Residual Family – Right of Appeal	131
11.9	Ineligible for Continued Assistance	132
11.9.1	Income Ineligible	132
11.9.2	Resumption of the Subsidy	132
11.9.3	Termination of subsidy	132
CHAPTER 12:	PORTABILITY.....	134
12.1	Portability Requirements for Applicant Families	134
12.1.1	Applicant Families Residing Outside of Massachusetts.....	134
12.1.2	Applicant Families within BHA Jurisdiction	134
12.2	When an Assisted Family Moves Into the BHA Jurisdiction	135
12.2.1	BHA Procedure for Receiving Families	135
12.2.2	Absorb or Administer.....	135
12.2.3	Extensions and Suspensions of a Portable Voucher	136
12.2.4	On-going Responsibilities of the Receiving PHA	137
12.3	When an Assisted Family Moves out of the BHA Jurisdiction.....	137
12.3.1	Family Interest in Portability	137
12.3.2	Decision to Move Outside BHA Jurisdiction	138

12.3.3	Selecting the Receiving PHA	138
12.3.4	Limitations on Moving	138
12.4	Portability Terminations	138
12.5	Claims by Another PHA.....	139
12.6	Portability Billing Requirements.....	139
12.6.1	Summary of Portability Billing Deadlines.....	139
CHAPTER 13:	TERMINATION OF ASSISTANCE.....	141
13.1	Definitions.....	141
13.1.1	Drug Related Criminal Activity.....	141
13.1.2	Violent Criminal Activity.....	141
13.1.3	Termination Due to Domestic Violence	141
13.2	Mandatory Termination.....	141
13.2.1	Eviction for Lease Violations	141
13.2.2	Consent Forms	141
13.2.3	Evidence of Citizenship.....	141
13.2.4	Manufacture of Methamphetamine.....	142
13.3	Discretionary Termination.....	142
13.3.1	Consideration of Circumstances	142
13.3.2	Eviction from Federally Assisted Housing	143
13.3.3	Termination of Assistance	143
13.3.4	Debt to Housing Authority	143
13.3.5	Fraud	144
13.3.6	Drug Related Criminal Activity.....	145
13.3.7	Alcohol Abuse.....	146
13.3.8	Behavior towards BHA staff	146
13.3.9	Violation of Family Obligations	146
13.4	Termination of Assistance Due to Lack of Adequate Funding	146
13.4.1	Background.....	146
13.4.2	Excluded Families.....	147
13.4.3	Determining HAP Contracts to be Terminated	147
13.4.5	Resumption of Terminated Subsidies	147
13.5	Family Obligations	147
13.5.1	Tenants Informed of Family Obligations	148
13.5.2	HCVP Family Obligations.....	148
13.6	Procedure for Terminating Assistance	151
13.6.1	Consideration of Circumstances	151
13.6.2	Proposed Termination Notice.....	152
13.6.3	Failure to Respond to Termination Notice	152
13.6.4	Reinstatement after Failure to Request a Hearing.....	152
13.6.5	Private Conference	152

13.7	Informal Hearings for Participant Families	152
13.7.1	When an Informal Hearing must be offered to a Family.....	152
13.7.2	When an informal hearing is not required.....	153
13.7.3	Notice to the Family to Request an Informal Hearing	154
13.7.4	Expeditious Hearing Process	154
13.7.5	Hearing Procedures	154
CHAPTER 14:	PROGRAMS ADMINISTERED BY THE LEASED HOUSING	
DIVISION AND SPECIAL HOUSING TYPES	159	
14.1	Family Unification Program.....	159
14.1.1	General Description	159
14.1.2	Goals of the FUP	159
14.1.3	DSS/DCF Role in the FUP	159
14.1.4	Placement Definitions that Qualify Families for FUP	159
14.1.5	Identifying Eligible Family Unification Program Families.....	160
14.1.6	Foster Youth To Independence (FYI).....	159
14.2	Non-Elderly Disabled Housing Program (Mainstream Program)	162
14.3	Family Self-Sufficiency (FSS) Program	161 162
14.3.1	Introduction	163
14.3.2	Eligibility and Recruitment	163
14.3.3	Individual Training & Service Plan (IT&SP) and FSS Contract	163
14.3.4	Monitoring/Case Management	164
14.3.5	Escrow Account	164
14.3.6	Portability	165
14.3.7	FSS Contract Compliance.....	165
14.3.8	FSS Contract Completion	166
14.3.9	FSS Program Coordinating Committee	167
14.4	Designated Housing Vouchers	167
14.4.1	Families Eligible for Designated Housing	167
14.5	Skinner Program	168
14.6	Special Housing Types	168
14.6.1	Shared Housing	168
14.6.2	Cooperative Housing.....	170
14.6.3	Manufactured Home	170
14.6.4	Single Room Occupancy Housing.....	171
14.6.5	Group Homes	171
14.6.6	Congregate Housing	171
14.7	HUD-VASH Program	172
14.7.1	Background.....	172
14.7.2	Identification of HUD-VASH Vouchers	172
14.7.3	Family Eligibility and Selection	172
14.7.4	Civil Rights and Reasonable Accommodation	173
14.7.5	Income Eligibility	173

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grammar

14.7.6	Initial Term of the Voucher	173
14.7.7	Initial Lease Term	173
14.7.8	Ineligible Housing.....	173
14.7.9	Portability of HUD-VASH Vouchers.....	173
14.7.10	Case Management Requirements	174
14.7.11	Transfer from HUD-VASH to Tenant-Based Assistance	175
14.7.12	Project Based-Assistance of HUD-VASH Vouchers.....	175
14.7.13	Section Eight Management Assessment Program	177
14.7.14	Reporting Requirements	177
14.8.2	Required partnerships with the CoC and other organizations for direct referrals and services	177
14.8.3	Family Eligibility and Selection	177
14.8.5	Income Eligibility	182
14.8.6	Initial Term of the Voucher	184
14.8.7	Initial Lease Term	184
14.8.8	Portability of EHV Vouchers.....	184
14.8.9	Housing Search Assistance Requirements	186
14.8.10	Payment Standard Amounts.....	187
CHAPTER 15: HOMEOWNERSHIP OPTION		188
CHAPTER 16: PROJECT-BASED VOUCHER (PBV) PROGRAM.....		209
16.1	General.....	209
16.1.1	BHA Administration of the PBV Program.....	209
16.1.2	Description of the PBV Program	209
16.1.3	Goal of the PBV Program.....	209
16.1.4	Maximum Amount of PBV Assistance	210
16.2	Selection of PBV Owner Proposals	211
16.2.1	Owner Proposal Selection Procedures.....	211
16.2.2	Subsidy Layering Review (SLR) Prohibition of Excess Public Assistance	212
16.2.3	Cap on Number of PBV Units in each Project Pre-HOTMA 4/18/17	212
16.2.4	Cap on Number of PBV Units in each Project Post HOTMA 4/18/2017	215
16.2.5	Site Selection Standards	219
16.2.6	BHA PBV Site Selection Policy	221
16.2.7	Environmental Review	221
16.2.8	BHA-owned Units.....	222
16.3	Dwelling Units	223
16.3.1	Housing accessibility for persons with Disabilities	223
16.3.2	Inspecting Units	223
16.3.3	Requirements for Rehabilitated and Newly Constructed Units	225
16.3.4	Purpose and content of the Agreement to enter into HAP Contract.....	225
16.3.5	Conduct of New Construction and Rehabilitation Work	226
16.3.6	Completion of Housing	227
16.4	Housing Assistance Payments Contract	229
16.4.1	Purpose of HAP Contract.....	229
16.4.2	HAP Contract information.....	229

16.4.3	When HAP Contract is Executed	230
16.4.4	Term of HAP Contract.....	231
16.4.5	HAP Contract Amendments	232
16.4.6	Condition of Contract Units	234
16.4.7	Owner Responsibilities.....	235
16.4.8	Owner Certification	235
16.5	Occupancy.....	236
16.5.1	How Participants are Selected	236
16.5.2	BHA Information for Accepted Family	237
16.5.3	Leasing of Contract Units	238
16.5.4	Vacancies	238
16.5.5	Tenant Screening.....	239
16.5.6	Lease.....	240
16.5.7	Owner Termination of Tenancy and Eviction.....	242
16.5.8	Security deposit: amounts owed by tenant	242
16.5.9	Overcrowded, under-occupied, and accessible units	242
16.5.10	Family right to move.....	244
16.5.11	When occupancy may exceed 25-percent cap	245
16.6	Rent to Owner.....	245
16.6.1	Determining the Rent to Owner	245
16.6.2	Redetermination of Rent to Owner	247
16.6.3	Reasonable Rent	248
16.6.4	Other Subsidy: Effect on Rent to Owner.....	249
16.6.5	Rent to Owner: Effect of Rent Control and Other Rent Limits.....	250
16.6.6	Payment to Owner	250
16.6.7	Vacancy Payment	251
16.6.8	Tenant Rent; Payment to Owner	251
16.6.9	Other Fees and Charges.....	253
CHAPTER 17:	RENTAL ASSISTANCE DEMONSTRATION (RAD)	254
17.1	Site Selection.....	254
17.2	Eligibility	254
17.3	HQS (Housing Quality Standards)	254
17.4	Initial Contract Rent and Rent Increases	254
17.5	Right to Return	254
17.6	Payments to the Owner during Rehabilitation/Construction	255
17.7	Tenant Share	255
17.8	Choice Mobility.....	255

CHAPTER 18: GENERAL ADMINISTRATIVE PROCEDURES257

18.1 Fraud and Criminal Acts Against the BHA.....257

17.1.1 Fraud Defined257

18.1.2 Fraud by a Family257

18.1.3 Owner Fraud and Program Abuse.....257

18.2 Special BHA Analyses.....258

18..2.1 Analysis of Utility Costs.....258

18..2.2 Analysis of Rental Opportunities258

18..2.3 Housing Assistance Payments Register Review258

18.2.4 Revising the Payment Standard; Affordability Adjustments259

18.4 Periodic Review of Administration260

18.5 Administration of Vouchers in Accordance with HUD NOFA.....260

CHAPTER 19: GLOSSARY261

Appendix A: MODERATE REHABILITATION ADMINISTRATIVE PLAN

CHAPTER 1: INTRODUCTION AND POLICY

1.1 Introduction

It is the goal of the Boston Housing Authority (“BHA” or “the Authority”) to make rental subsidies accessible so interested and eligible families can afford safe, decent, and sanitary housing; to provide these housing services with integrity and mutual accountability; and create housing situations which will serve as catalysts for the transformation from dependence to economic self-sufficiency.

This Administrative Plan describes Admission, Participation, and Termination policies by which the BHA determine eligibility, selects prospective Participants, approves Apartments and Owners, determines rents, and terminates subsidies, in a fair and non-discriminatory manner.

This Administrative Plan applies to all programs funded by the Housing Choice Voucher Program (“HCVP”) Annual Contributions Contract, and including Family Self-Sufficiency (“FSS”), Homeownership, Mainstream, and the Project-Based Voucher (“PBV”) and Certificate programs, Designated Housing Vouchers, Enhanced Vouchers, and Relocation Vouchers. Appendix A of this Administrative Plan covers the Moderate Rehabilitation Program. The Moderate Rehabilitation Administrative Plan, Appendix A, frequently references Sections within the main document and commonly refers to this Administrative Plan as the “HCVP Administrative Plan”.

1.2 Statement of Nondiscrimination

1.2.1 Compliance with Federal and State Laws

It is the policy of the BHA to comply fully with existing federal and State laws¹ protecting the individual rights of Applicants, Participants, or staff, as well as any laws subsequently enacted.

1.2.2 Civil Rights and Fair Housing

The BHA does not discriminate because of race, color, sex, sexual orientation, religion, age, handicap, disability, national origin, ethnicity, familial status or marital status, in the leasing of Apartments in connection with the HCVP.²

¹ Title VI of the Civil Rights Act of 1964 and the implementing regulations at 24 C.F.R. part 1; Title VIII of the Civil Rights Act of 1968 (as amended by the Fair Housing Amendment Act of 1988); Executive Order 11063 on Equal Opportunity in Housing and the implementing regulations at 24 C.F.R. part 107; Section 504 of the Rehabilitation Act of 1973 and the implementing regulations at 24 C.F.R. part 8; the Age Discrimination Act of 1975 and the implementing regulations at 24 C.F.R. part 146; and the implementing regulations at 24 C.F.R. parts 100,108,110, and 121. Title II of the Americans with Disabilities Act and the implementing regulations at 28 C.F.R. part 35 and M.G.L. Chapter 151B.

² See M.G.L. Chapter. 151B, § 4 and 42 U.S.C. § 3601

The BHA shall not, because of race, color, sex, sexual orientation, religion, ethnicity, age, handicap, disability, national origin, familial status, or marital status:

- (a) Deny to any Family the opportunity to apply for housing, or deny to any qualified Applicant the opportunity to lease housing suitable to his/her needs;
- (b) Provide housing which is different from that provided to others except as required or permitted by law and in accordance with this Administrative Plan;
- (c) Subject any person to segregation or disparate treatment;
- (d) Restrict a person's access to any benefit enjoyed by others in connection with a program covered by this Administrative Plan;
- (e) Treat a person differently in determining eligibility or other requirements for Admission except in accordance with this plan;
- (f) Deny a person access to the same level of services available to other similarly situated individuals; or
- (g) Deny a person the opportunity to participate in the Resident Advisory Board ("RAB") or any similar successor group that is an integral part of programs covered by this Administrative Plan.

1.2.3 Fair Admissions

The BHA shall not automatically deny Admission to a particular group or category of otherwise eligible Applicants (e.g., Households that have a Head of Household or Co-Head of Household who is a Disabled Person).

Each Applicant in a particular group or category must be treated on an individual basis in the eligibility procedure set forth in this plan.

1.2.4 Reasonable Accommodation

The BHA shall change or modify its policies or procedures as a Reasonable Accommodation for a Disabled Person where it is necessary to provide that person with an equal opportunity to use and enjoy programs covered by this Administrative Plan and BHA facilities, policies, and procedures. The BHA will make Reasonable Accommodations in accordance with the BHA's Reasonable Accommodation in Rental Assistance Policies and Procedures ("RARAPP").

1.2.5 Domestic Violence

It is the policy of BHA to assist victims of Domestic Violence, Dating Violence, Stalking, or Sexual Assault who are otherwise eligible for the HCVP, to access and retain safe and affordable housing. The BHA follows the provisions listed below and those in the BHA Violence Against Women Act ("VAWA") Policy when considering the denial or termination of assistance of a victim of Domestic Violence, Dating Violence, Stalking, or Sexual Assault. See also BHA VAWA Policy.

- (a) That an Applicant or Participant is or has been a victim of Domestic Violence, Dating Violence, Stalking, or Sexual Assault, is not an appropriate basis for denial of program assistance or for denial of admission, if the Applicant otherwise qualifies for assistance in accordance with this plan.
- (b) An incident or incidents of actual or threatened Domestic Violence, Dating Violence, Stalking, or Sexual Assault will not be construed as a serious or repeated violation of the Lease by the victim or threatened victim of that violence and shall not be good cause for terminating the assistance, tenancy, or occupancy rights of the victim of such violence.
- (c) Criminal Activity directly relating to Domestic Violence, Dating Violence, Stalking, or Sexual Assault, engaged in by a member of a tenant's household or any guest or another person under the household member's control shall not be cause for termination of assistance, tenancy or occupancy rights if the tenant or an immediate member of the tenant's Family is the victim, or threatened victim of that Domestic Violence, Dating Violence, Stalking, or Sexual Assault.
 - (i) Notwithstanding clause (c), an Owner may bifurcate a Lease under this section, in order to evict, remove or terminate assistance to any individual who is a tenant or a lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating the assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant.
 - (ii) Nothing in clause (c) may be construed to limit the authority of the BHA or the Owner, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the Household members where there is a Family Break-up. See also Section 11.7; Family Break-up Policy.
 - (iii) Nothing in clause (c) limits any otherwise available authority of an Owner to evict or the BHA to terminate

assistance to a tenant for any violation of a Lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided the Owner does not subject an individual who is or has been a victim of Domestic Violence, Dating Violence, Stalking, or Sexual Assault to a more demanding standard than other tenants in determining whether to evict or terminate.

- (iv) Nothing in clause (c) may be construed to limit the authority of an Owner or BHA to evict or terminate the assistance of any tenant or lawful occupant if the Owner or BHA can demonstrate an actual or imminent threat to other tenants or those employed at providing service to the property if that tenant is not evicted or the program assistance is terminated.

(d) *Verification of Status as a Victim of Domestic Violence.*

When a Family member seeks to avoid an adverse decision by the BHA on the grounds of being the victim of Domestic Violence, Dating Violence Stalking, or Sexual Assault, the BHA will require verification of the claimed incident or incidents. The BHA will request this verification in writing. Verification must be provided within 14 business days (*i.e.*, 14 calendar days, excluding Saturdays, Sundays, and federally-recognized holidays) after receipt of the request for verification. Failure to provide verification, in proper form within such time will result in loss of protection under VAWA and this policy against a proposed adverse action. 14 day period may be extended for good cause.

The following documentation will be accepted for purposes of such verification:

- (i) A HUD-approved form; (ii) Documentation signed and attested under penalty of perjury by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing the Domestic Violence, Dating Violence Stalking, or Sexual Assault, or the effects of the abuse, described in such documentation; or
- (iii) A Federal, State, tribal, territorial, or local police or court record describing the incident or incidents in question.
- (iv) Other forms of verification as deemed acceptable by the BHA.

1.3 Accessibility and Plain Language

1.3.1 Accessible Facilities and Programs

Except as otherwise provided, no Disabled Person shall be denied the benefits of, excluded from participation in, or otherwise subjected to discrimination because the BHA's facilities or programs are inaccessible to a person with a disability.³

1.3.2 Plain Language Paperwork

Documents intended for use by Applicants/Participants will be presented in accessible formats for those with vision or hearing impairments and they will be written simply and clearly to enable Applicants/Participants with learning or cognitive disabilities to understand as much as possible. Requests for accommodation with respect to BHA documents that may be required in an alternative format should be made to the Authority's Telecommunications Device for the Deaf ("TDD") phone number, Teletypewriter ("TTY") phone number, Office of Civil Rights, Occupancy Department, Leased Housing Division, or the Housing Service Center.

1.3.3 Forms of Communication other than Plain Language Paperwork

At the point of initial contact, BHA staff shall ask all Applicants/Participants whether they need some form of communication other than plain language paperwork. Some alternatives might include: sign language interpretation, having materials explained orally by staff, either in person or by phone, large type materials, information on tape, and having someone (friend, relative or advocate) accompany the Applicant/Participant to receive, interpret and explain housing materials. The BHA will pay for sign language interpreters for the hearing impaired. The BHA is not required to provide individually prescribed devices or readers for personal use or study.⁴

1.3.4 English Language Ability

If an Applicant/Participant can not understand or read English, BHA staff will read and explain documents that they would normally hand to the Applicant/Participant to be read or filled out. An Applicant/Participant who cannot read or understand English may need to be provided with an interpreter who can explain any policies or procedures. The BHA will take reasonable steps to assure meaningful access by persons with limited English ability. Such steps will include translation of common written materials into those languages frequently spoken by Applicants/Participants.

³ Id.

⁴ See 24 C.F.R. § 8.6(a)(1)

CHAPTER 2: ADVERTISING AND OUTREACH

2.1 Advertising and Outreach

2.1.1 Marketing Policy

It is the policy of the BHA to conduct advertising and outreach as needed to maintain an adequate application pool. As necessary, the BHA will inform present and potential Owners about the various programs through appropriate media channels. In its marketing efforts, it is the policy of the BHA to comply fully with existing Federal and State laws protecting the individual rights of Applicants, Participants, or staff as well as any laws subsequently enacted.⁵

The BHA will undertake marketing efforts whenever there is a need to do so in order to address: changes required as a result of legislative or regulatory requirements; fair housing needs; deconcentration; an insufficient pool of Applicants; or any other factor which may require marketing efforts to further HCVP and BHA goals. The BHA shall assess these factors at least annually as part of its Agency Plan in order to determine the need and scope of the marketing effort.

2.1.2 Marketing Purposes.

- (a) To encourage participation and educate Owners of suitable units, especially those located outside of areas of low income or Minority concentration.⁶
- (b) To inform real estate organizations and groups of interested property Owners about the HCVP Program and its many benefits.
- (c) To maintain an adequate pool of Applicants.

2.1.3 Marketing Requirements

The following requirements apply to BHA marketing efforts:

- (a) *Fair Housing.* Materials must comply with the Fair Housing Act requirements with respect to wording, logo, size of type, etc. All applicants will be provided information on how to file a fair housing complaint. This information will include the provision of the toll-free number for the Fair Housing Complaint Hotline (currently 1-800-669-9777 or TTY: 800-887-8339 for persons with hearing or speech impairments.)

⁵ See also section 1.2 of this Administrative Plan— “Statement of Nondiscrimination” and all subsections

⁶ See 24 C.F.R. § 982.54(d)(6)

- (b) *Accurate Descriptions.* Materials shall accurately describe each program, its application process, waiting list, estimated wait time, and Priority and Preference structure.
- (c) *Plain Language.* Marketing materials shall be in “plain language”. The BHA shall make an effort to use print media, videos and multi-media in a variety of languages.
- (d) *Eligibility.* Marketing materials will be clear to Applicants and Applicant families, including those with physical and/or mental disabilities.
- (e) *Reasonable Accommodations.* Marketing materials will include notice of the BHA responsibility to provide Reasonable Accommodations for Disabled Persons if required because of disability.

2.1.4 Affirmative Marketing

The BHA shall undertake appropriate affirmative fair marketing efforts whenever the Authority identifies a need to augment the number of Applicants on any of its waiting lists.

- (a) *Print Media.* As necessary, the BHA will utilize regional publications to conduct outreach to accomplish goals and to facilitate outreach to those groups identified under section 2.1.2. The publications that the BHA will use include, but are not limited to:

Newspaper	Street	Town	Zip
Allston-Brighton TAB	PO Box 9113	Needham	02492
Back Bay Courant	294 Washington St., Suite 429	Boston	02108
Banker and Tradesman	280 Summer Street	Boston	02210
Bay State Banner	68 Fargo Street, 8 th Fl	Boston	02210
Bay Windows	631 Tremont Street	Boston	02118
Beacon Hill Times	25 Myrtle Street	Boston	02114
Boston Business Journal	200 High Street	Boston	02110
Boston City Paper	492 E. Broadway	South Boston	02127
Boston Haitian Reporter	150 Mt. Vernon St., Suite 120	Dorchester	02125

Boston Irish Reporter	150 Mt. Vernon St., Suite 120	Dorchester	02125
Boston Seaport Journal/Travel N.E.	256 Marginal Street	East Boston	02128
Boston TAB	PO Box 9113	Needham	02492
Carriage News (Taxi News)	PO Box 326	South Boston	02127
Charlestown Patriot	1 Thompson Square	Charlestown	02129
Dorchester Argus Citizen	PO Box 6	South Boston	02127
Dorchester Community News	1454 Dorchester Ave.	Dorchester	02122
Dorchester Reporter	150 Mt. Vernon St., Suite 120	Dorchester	02125
East Boston Sun Journal Transcript	PO Box 9103	Revere	02151
East Boston Times	40 William Kelly Square	East Boston	02128
El Mundo	408 South Huntington Avenue	Boston	02130
El Universal	1736 Washington Street	Boston	02118
Fenway News	PO Box 230307 Astor Station	Boston	02123
Hyde Park Bulletin	11 Fairmont Avenue	Hyde Park	02136
Hyde Park Tribune/JP Citizen	1261 Hyde Park Ave	Hyde Park	02136
In Newsweekly	450 Harrison Ave	Boston	02116
Independent Newspapers	385 Broadway, Suite 105	Revere	02151
Jamaica Plain Gazette/MHGazette	PO Box 1139, 7 Harris Ave	Jamaica Plain	02130
Jewish Advocate	15 School Street	Boston	02108
La Semana	911 Massachusetts Ave.	Boston	02118
Metro Newspaper	354 Congress Street	Boston	02210

Parents Paper	670 Center Street	Jamaica Plain	02130
Parkway/W. Roxbury Transcript	PO Box 9113	Needham	02492
People's Voice	PO Box 940, 554 Washington	Dorchester	02124
Post Gazette (North End)	PO Box 130135, 5 Prince St	Boston	02113
Regional Review (North End)	PO Box 1187	Saugus	01906
Sampan	200 Tremont Street	Boston	02116
Sing Tao	130 Lincoln St	Boston	02111
South Boston Online	490 Broadway	South Boston	02127
South Boston Tribune	PO Box 6	South Boston	02127
South End News	631 Tremont Street	Boston	02118
Spare Change	1151 Massachusetts Avenue	Cambridge	02138
Wade Publications, LTD	PO Box 400811	N. Cambridge	02140
West Roxbury Bulletin	1842 Center Street	West Roxbury	02132
West Roxbury Transcript	PO Box 9113	Needham	02492
World Journal	75 Kneeland Street	Boston	02111

2.1.5 Encouraging Participation in Areas of Low Poverty Concentration

The Boston Fair Housing Commission administers the MetroList Program. MetroList is a rental listing service that provides Applicants/Participants with access to information about rental housing throughout the Metropolitan Boston area. Many Owners and managers throughout the Boston area are required to list new and recently vacated units with MetroList. In addition, private Owners and property management companies are encouraged to list available units with MetroList on a regular basis. MetroList places the listings in a computer database. Furthermore, counselors are available at MetroList to assist

Applicants/Participants in filling out applications and communicating with Owners and building managers.

The BHA encourages Owners to advertise with MetroList through the use of informational seminars and outreach workshops. These workshops also provide information on federal, State, and city programs that provide financial assistance for improvements and repairs. MetroList receives listings from a number of communities, many of which are in areas of low poverty concentration. The BHA also refers Participants to the MetroList.

The BHA has prepared maps that show various areas with housing opportunities outside areas of poverty or Minority concentration. The BHA has also assembled information about the characteristics of those areas that may include information about job opportunities, schools, transportation and other services in these areas. The BHA will use the maps and area characteristics information when briefing Voucher Holders about the full range of areas where they may look for housing.

CHAPTER 3: APPLICATIONS AND ADMISSION

3.1 Applications and Processing

3.1.1 Application Forms

Current application forms are available on the BHA's web-site at, www.bostonhousing.org and at the BHA's central office, located at 52 and 56 Chauncy Street, Boston, MA 02111.

The BHA may accept completed applications only for those waiting lists which are open. The BHA may accept applications through an online system. Current information about applying to BHA's housing programs will be posted and updated on BHA's web site, www.bostonhousing.org.

3.1.2 Processing and Maintenance

It is the BHA's policy to accept, process, and maintain applications in accordance with applicable BHA policy and federal regulations. The BHA will notify the Applicant upon receipt of an application whether the BHA is ordering its Waiting list by random or by a chronological a selection approach. See section 3.2.4. Upon submission of an application, an Applicant shall be given a date and time stamped receipt of submission and be informed of the responsibility to notify the BHA of any change of address or Family Composition and to respond to application update requests sent to them. Failure to update the BHA may result in removal of the application from the waiting list. See section 3.2.5

3.1.3 Assignment of Application Client Control Number

Each Application will be assigned a client control number when completed and received by the BHA.

3.2 Waiting List Administration

3.2.1 Generally

The BHA must select Participants from a BHA waiting list, unless they are Special Admissions. See section 3.4 regarding Special Admissions. The BHA will maintain a single waiting list for its HCVP tenant-based assistance program. The BHA will also maintain separate, site-based, waiting lists for each development in its Project-Based Voucher program. An Applicant who meets the preliminary qualifications may add their name to any or all waiting lists. Each waiting list must contain the following information about each Applicant:

- (a) Applicant name;

- (b) Family Composition (to determine the number of bedrooms the Family qualifies for under the BHA Subsidy Standards described in section 5.4.3);
- (c) Whether the Family has any Elderly or Disabled members;
- (d) Date and time of application;
- (e) Racial and ethnic designation of each Family member;
- (f) Client Control Number (see section 3.1.3); and
- (g) Any approved Preference or Priority (see section 3.3).

3.2.2 Opening and Closing the Waiting List

- (a) ***Opening the Waiting List.*** The BHA will give at least two weeks advance public notice that a Family may apply for housing assistance before opening any waiting list. The notice must state where and when a Family should apply. The notice shall also state any limitations on the criteria for the type of Family that may apply. The notice shall be posted on BHA's website, circulated in a local newspaper of general circulation, by minority media, and any other means that the BHA finds suitable. The notice shall also state the time limitation of the application period. Once a waiting list is open, the BHA must accept applications from a Family for whom the waiting list is open. Any opening of the waiting list will be publicized in accordance with the Marketing and Outreach requirements described in Chapter 2 of this Administrative Plan.

If the waiting list is open for special programs, it will only be open for the purpose of accepting applications for the special programs.

- (b) ***Closing a Waiting List.*** The BHA may close a waiting list anytime that the BHA determines that the Applicant pool is large enough to fill the estimated amount of available Vouchers for the next twelve (12) months. The BHA may close an entire waiting list or close only a portion, keeping part of the waiting list open to a certain Priority, or for any special programs.

During the period when the waiting list is closed, the BHA will not maintain a list of individuals who wish to be notified when the waiting list is reopened.

3.2.3 Updating the Waiting List

The BHA will update its waiting list periodically. The BHA will perform waiting list updates by removing, in accordance with section 3.2.5, the name of any Applicant:

- (a) Who is no longer interested; OR

- (b) No longer qualifies for housing; OR
- (c) Fails to respond to a letter or an email where the applicant has opted in to receiving electronic communications from the BHA.

3.2.4 Selection Methods

Regardless of the selection method that the BHA uses, each application will be assigned an application client control number as described in section 3.1.3.

- (a) ***Lottery or Random Selection Approach.*** The BHA may order its waiting list based on a random selection method. Once the application period is over and all applications are submitted, the BHA will randomly order the applications on its waiting list.
 - (1) ***Limitation on number of applications submitted.*** If the BHA believes it will receive far more Applicants than it will be able to assist within a reasonable period, then the BHA will make selection rules in advance to limit the number of applications placed on the waiting list. When the application deadline passes, the BHA will randomly select the previously determined number of applications from a pool of all applications submitted. The BHA will then randomly order the selected applications on the waiting list.
- (b) ***Chronological Selection Approach.*** The BHA may order a waiting list based on the date and time the application is received. The BHA will assign a chronological application client control number and date and time stamp the application when the Applicant completes the application at a BHA application-taking location.

3.2.5 Withdrawal of an Application from Waiting Lists

An Applicant may appeal the BHA's decision to withdraw their application from a waiting list by requesting an informal review. A request for an appeal must be made **in writing** and must be received by the BHA within twenty (20) calendar days of the date of the notice removing the Applicant from the waiting list. The BHA will hold the files of Applicants removed from any waiting list for three (3) years.

An Applicant will be withdrawn from the waiting lists of all programs they have selected in accordance with the following policy:

- (a) ***Reasons for Withdrawal.*** The circumstances that result in the withdrawal of an Applicant's name from any or all waiting lists include:
 - (1) **Voluntary Withdrawal**

The Applicant requests **in writing** that his/her name be removed, **OR**

(2) Failure to Respond

The Applicant is non-responsive to a BHA request to determine continued interest or to schedule an interview. BHA shall communicate with the applicant using the most updated electronic email or physical mailing address information provided by the Applicant. , **OR**

(3) Failure to Maintain a Scheduled Appointment

The Applicant fails to keep an appointment and fails to notify the BHA, within ten (10) days after the date of the appointment, of his/her inability to keep an appointment, **OR**

(4) Failure to Supply Information

The Applicant fails to supply documentation to the BHA in accordance with section 5.3.2(d), **OR**

(5) Denial of Assistance

The Applicant is denied assistance (see Chapter 6: Denial of Voucher and Applicant Appeals), **OR**

Note: If an Applicant is otherwise eligible for the tenant-based HCVP but is denied assistance for a specific project-based program because the Applicant does not meet the specific requirements for a supportive services program, the Applicant will retain their position on the tenant-based HCVP waiting list or other project based waiting lists.

(6) Refusal to Accept Housing

The Applicant refuses to accept an offer of housing from a site of choice. The refusal of an offer will result in withdrawal from the PBV and Mod Rehab waiting list(s) and the Applicant will lose any approved Priority and/or Preference. Furthermore, the Applicant will only be eligible to re-apply after one (1) year from the date of the most recent PBV or Mod Rehab unit refusal, **OR**

Note: Refusing an offer of housing from a PBV site of choice will have no effect on the Applicant's position on either the BHA's tenant based HCVP waiting list or the BHA's Public Housing waiting list(s).

(7) Withdrawal Upon Becoming Housed

When an Applicant receives housing administered by the BHA, the BHA will withdraw the Applicant from all BHA waiting lists for which the Applicant no longer qualifies for,

OR

(8) Ineligible for Priority

The Applicant has no eligibility for any Priority category for which the waiting list is open.

- (b) **Consideration of Circumstances Leading to Withdrawal** The BHA will consider a Mitigating Circumstance in determining whether the Application should be withdrawn as described above in section 3.2.5(a). Such mitigating circumstances could include a health problem, a lack of transportation, or Domestic Violence, Dating Violence, Stalking, or Sexual Assault that affected the Applicant's ability to comply with the BHA's requirements or prevented the BHA from contacting the Applicant. The Authority will also consider a Reasonable Accommodation that may be necessary for an Applicant who is a Disabled Person to keep an appointment or provide information. Consideration of a Mitigating Circumstance does not relieve the Applicant of the responsibility to provide required information or notify the BHA in writing.
- (c) **Notice of Withdrawal or Ineligibility.** The BHA will send a written notice to an Applicant who is removed from a waiting list. The notice will:
- (1) Inform the Applicant of the reasons for being withdrawn from the waiting list or being determined Ineligible;
 - (2) Advise the Applicant of the right to dispute the BHA determination of ineligibility or withdrawal by requesting an informal review within twenty (20) calendar days of the date of the notice. A request for an informal review must be in writing and must state the reason(s) for the request;
 - (3) Advise the Applicant that if s/he has a Disability, or is a victim of Domestic Violence, Dating Violence, Stalking, or Sexual Assault, not previously disclosed, that the disclosure of such condition or situation would initiate the consideration of Mitigating Circumstances and/or Reasonable Accommodation;

- (4) Advise the Applicant of the right to contest criminal record information in accordance with federal law if that is a basis for determination of ineligibility;
- (5) Provide a description of BHA's informal review process and advise the Applicant that s/he has a right to be represented by an attorney or other individual at the informal review, to review the contents of their file in advance of the hearing, to submit additional documentation and evidence at the hearing, and to request a Reasonable Accommodation.

3.2.6 Conversion of Project-Based to Tenant-Based Voucher

Upon completion of one year in the Project Based Voucher ("PBV") program, a Participant in good standing may choose to select a tenant-based Voucher. If a Voucher is not immediately available, an eligible PBV Participant will be placed on a waiting list by date and time of tenant-based Voucher request. As soon as a tenant-based Voucher becomes available, the BHA will grant the tenant-based Voucher to the eligible PBV Participant who has requested a tenant-based Voucher by date and time of request. An eligible Participant who has completed one year in the PBV program shall be granted a tenant-based Voucher before any Applicant on a waiting list is granted a Voucher.

3.2.7 Applicant Family Break-up

A Family Break-Up occurs when a Head, Co-head of household, or other adult family member will no longer reside together and there is a dispute as to who will retain the Application. A Family Break-Up situation may occur in instances including but not limited to: divorce, separation, or protective order. When a Family Break-Up occurs, the Application does not necessarily remain with the Head of Household.

When the BHA receives notice that a Family has broken up or will imminently break-up, the BHA will make the determination of which adult Family member shall retain the Application using the criteria and the procedure provided below. If the application is split between one or more adult Family members, each new Family must qualify for Priority and Preference as required to remain on the waiting list and may not rely on the Priority and Preference of the previously unified Family.

(a) Court Determination.

- (1) If a court has determined the disposition of the Family's Application subsidy in a divorce or separation under a court order or court approved settlement (provided that no provision is against State or Federal Housing regulations), the BHA is bound by the court's determination as to which Household Member(s) will continue with the Application. Such a determination cannot be

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appealed through the BHA review process, as it is the court's determination, and not the BHA's determination that governs.

(2) If the family break-up results from an occurrence of domestic violence, dating violence, sexual assault, or stalking as provided in 24 C.F.R. part 5, subpart L, the PHA must ensure that the victim retains assistance.

(b) BHA Determination

When there is no court determination, the BHA shall determine:

- (1) Which adult Household Member will continue with the Application; OR
- (2) If multiple adult Family members are to be granted separate Applications where all adult Family members meet Priority and Preference requirements to remain on the waiting list.

In making this determination, the BHA shall consider the interests of all Household Members. The BHA will use its discretion to decide which adult Household Member(s) will keep the Application by taking into account the following factors:

- (i) The interests of any minor children, physical custody;
- (ii) The interests of any ill, Elderly or Disabled Persons who are family members;
- (iii) Whether family members *fled* because of actual or threatened violence by a head or/and co-head (The BHA will take this factor into consideration regardless of whether the individuals who have fled and were recorded household members on the Application are the victims or the perpetrators);
- (iv) The amount of time since the Household Member(s) was/were added to the Family Composition. The BHA will consider this factor, on a case by case basis, the circumstances surrounding a Household Member's being added or not having been added to the Household.
- (v) Any temporary or permanent restraining or protective orders.

(c) Notice of Proposed Disposition of Application

When the BHA receives notice that a Family has broken up or will imminently break-up, the BHA will make an initial determination under section (b) regarding which Household Member shall retain

the Application or if multiple Family members will have right to retain separate Applications. A notice shall be sent to any and all addresses identified by such adults, and not solely to the last address for the Head of Household. The notice shall describe what factors BHA utilized in arriving at its decision. The notice shall also state that all adult Family Members have twenty (20) days to request a review of the decision.

(d) Right to Informal Review of BHA's Initial Determination

If the Head or Co-head (or another adult as described in section (f)) disagrees with the BHA's determination regarding which person(s) shall retain the Application, that person may request an informal review of the determination. The request for an informal review must be made in writing and submitted to the BHA Occupancy Department, 52 Chauncy Street, 3rd floor, Boston, MA 02111, within twenty (20) days of the date of the BHA's notice.

(e) Procedure for Informal Review

If the Head, Co-Head, or another adult as described in section (f) requests an informal review disputing the BHA's Family Break-Up determination, the BHA Occupancy Department shall conduct a review. The Head and co-Head (and other adults as may be required by section (f)) shall be given notice of the review date. The review will be conducted by a person who did not make, or is not the subordinate of the person who made the initial determination. The person requesting the review shall have the right to examine the documents relevant to the BHA's determination. The BHA will redact any information, including addresses where applicable, which could compromise the safety of any person. The BHA may alter its usual review procedure and rules, consistent with applicable law, to assure the safety of all individuals who may be participating in the proceeding.

The person conducting the review shall issue a written decision within thirty (30) days from the review date. The decision shall be sent to all adult Household Members (and other adults as may be required by section (f)).

(f) Procedure Where there is a Family Break-Up and Adults Who Are Not Currently Household Members Advance a Claim on Behalf of Minor or Incapacitated Household Members

Where:

- (1) There has been a Family Break-Up with one or more remaining Minor Household Members and no remaining Co-Head. The result of the Break-up was due to reasons included but not limited to death, incarceration, or incapacitation of the Head; **AND** one or more adults who

are not currently Household Members advance a claim that they wish to become the Head of Household on behalf of one or more remaining Minor or incapacitated Household Members; **AND** there is a dispute about who should become the Head of Household, the BHA shall determine which such claimant shall take over the Application using the criteria under section (b) above.

- (2) In the event the remaining Household Member(s) is an incapacitated Adult who is unable to fulfill the Family obligations, the proposed Applicant must be an adult who has been appointed either a temporary or permanent guardianship, and is willing to assume the obligations and responsibilities as Head of Household.
- (3) Any adult granted the Application is subject to fulfill all preliminary and final eligibility requirements governed by this Administrative Plan or its successor.

(g) Any adult granted the Application is subject to fulfill all preliminary and final eligibility requirements governed by this Administrative Plan or its successor.

3.3 Priority and Preference Admissions

The following system of Priorities and/or Preferences will be used for new admissions.

Process Overview:

A third party must verify all requests for Priority Status. Information shall be submitted on certificates of Priority Status and/or another form of written verification from a reliable third party as determined by the BHA. All requests for Priority status will be reviewed prior to the determination of Eligibility.

During the review of documents submitted for Priority status, it may be necessary to obtain additional documentation in order to complete the review. In this case, the BHA will send (or give) the Applicant a notice detailing the information still needed to complete the review for Priority status and the submission deadline.

Applicants who do not qualify for Priority status based on a review of the documents submitted are sent (or given) a notice detailing the specific reason(s) for the denial of Priority. This notice informs Applicants of their right to appeal the denial of Priority status through the informal hearing process conducted by the BHA Department of Grievances and Appeals.

Applicants will be sorted on each waiting list in accordance with any approved Priority and/or Preference(s). The ranking categories utilized by the BHA are outlined below.

3.3.1 Definition of Priority

Priority is a housing-related situation that affects an Applicant's present residential status. The BHA gives points to an Applicant with a Priority that ranks an Applicant higher on each waiting list than an Applicant without Priority. An Applicant can qualify for only one Priority at any given time. Certain Priorities are given more points than others are. An Applicant will always be assigned to the highest Priority for which they qualify.

3.3.2 Definition of Preference

The BHA gives preference to an Applicant on the waiting list if they qualify for one of the Preference categories listed below. See section 3.3.6. Preference points are cumulative and are added to the Applicant's Priority points (if any) to determine an Applicant's position on each BHA waiting list. An Applicant may qualify for more than one Preference at a time.

3.3.3 Verification of Priority or Preference Status

The BHA will provide to each potential Applicant a description of all Priorities and Preferences that may be available. BHA will verify the Priority at initial application and when the applicant is called in for final eligibility.

3.3.4 Granting of Priorities and/or Preferences

It is BHA policy that a Priority and/or Preference, as well as date and time of the application, establish placement position on a waiting list. The BHA will grant Priority and/or Preference to Applicants who are Eligible, Qualified, and meet the definitions of the Priorities and/or Preferences (see section 3.3.5) at the time they are certified for Admission.⁷

Applicants can apply for Priority status at anytime the waiting list is open.

3.3.5 Priority Categories

- a) **Special Purpose Vouchers:** The BHA will admit an Applicant who qualifies for a particular category of Special Purpose Vouchers to the Section 8 program before all other Applicants on the waiting list if the BHA is not currently assisting the required number of special purpose vouchers families.

⁷ If the Applicant is denied priority status and requests an informal review, the hearing officer at the review will determine the priority status at the time of certification and not at the time of the hearing. The BHA will take into consideration the individual circumstances of each Applicant.

(b) **Super Priority.** The BHA will admit an Applicant to the Section 8 program before all other Applicants on the waiting list if:

- (1) The Applicant resides in BHA public housing⁸, AND;
 - (i) The Applicant Family is or will be temporarily displaced due to BHA rehabilitation and modernization programs (an applicant family shall be deemed temporarily displaced from the time the family vacates the public housing unit until an offer is made to return); or
 - (ii) The Applicant or a member of the Applicant Household is in imminent danger of life threatening injuries due to providing testimony or information regarding criminal activity to a local law enforcement agency and cannot be expeditiously remedied in any other way by the public housing program; or
 - (iii) The Applicant or a member of the Applicant Household is a victim of physical harassment, extreme or repeated vandalism to personal property and/or extreme and/or repeated verbal harassment, intimidation or coercion which places them in imminent danger and that cannot be expeditiously remedied in any other way by the public housing program; or
 - (iv) The Applicant or a member of the Applicant Household has been or is currently a victim of Domestic Violence, Dating Violence, Stalking, or Sexual Assault, and has a reasonable belief of risk of imminent harm if he or she remains in the current Unit and no other BHA public housing sites are an appropriate alternative, or
 - (v) The BHA cannot approve the Applicant's request for Reasonable Accommodation at any of the BHA's public housing sites ~~because the request would be unreasonable, an undue financial burden, or a fundamental alteration of the program~~ and the Applicant's Request for Reasonable

⁸ If the Leased Housing Department has verified that the applicant was offered and accepted housing in the public housing portfolio that resolves the need for which Super Priority was granted, the Super Priority status approval will be withdrawn. The applicant will be removed from all Section 8 waiting lists for which he/she has Super Priority status only. The applicant will retain any other priority status for which he/she may have applied.

Accommodation could be resolved by being assisted under the HCVP.

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- (v) ~~Has met all qualifications for the Section 8 homeownership program as set forth in Chapter 15 below of this Plan.~~
- (vi) Has met all qualifications for the Section 8 homeownership program as set forth in Chapter 15 below of this Plan.

- (2) The Applicant is a Participant in the BHA's Section 8 Moderate Rehabilitation Program, or the Project Based Voucher Program⁹AND;
- (i) The Applicant or a member of the Applicant Household is in imminent danger of life threatening injuries due to providing testimony or information regarding criminal activity to a local law enforcement agency, OR
 - (ii) The Applicant or a member of the Applicant Household is a victim of physical harassment, extreme or repeated vandalism to personal property and/or extreme and/or repeated verbal harassment, intimidation or coercion which places them in imminent danger, OR
 - (iii) The Applicant or a member of the Applicant Household has been or is currently a victim of Domestic Violence, Dating Violence, Stalking, or Sexual Assault, and has a reasonable belief of risk of imminent harm if he or she remains in the current Unit, OR
 - (iv) The Owner and/or the BHA cannot approve the Applicant's request for Reasonable Accommodation at any of the BHA's Section 8 Moderate Rehabilitation or Project Based Voucher sites because the request would be unreasonable, an undue financial burden for the Owner, or a fundamental alteration of the program, and the Applicant's Request for Reasonable Accommodation could be resolved by being assisted under the HCVP.

⁹ If the Leased Housing Department withdraws Super Priority status approval the applicant will be removed from all Section 8 waiting lists for which he/she has Super Priority status only. The applicant will retain any other priority status for which he/she may have applied.

(v) A Moderate Rehabilitation Program participant who demonstrates they have met all qualifications for the Section 8 homeownership program as set forth in Chapter 15 of this Plan

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(3) Verification Requirements:

Applicants will be asked to provide reliable documentation to show that their Family qualifies for Super-Priority as outlined in section 3.3.5(a)(1) and (2). Such verification may include the following items:

- (i) A letter(s) from a Qualified Healthcare Provider describing an Applicant's physical or mental condition and specifying housing conditions required because of the condition;
- (ii) For Reasonable Accommodation requests, reliable documentation from a Qualified Healthcare Provider or professional non-medical service agency, whose function it is to provide services to the disabled. Documentation should verify that the Applicant or a member of his/her Household is disabled under the applicable definitions in Federal and State law and describe the limitations attributable to the disability. Documentation must also describe how the accommodation being requested will overcome or alleviate those limitations;
- (iii) Police reports;
- (iv) Civil Rights incident reports;
- (v) Copies of restraining orders;
- (vi) Any other documentation that provides the BHA with evidence of Super Priority criteria.

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(4) The Applicant is a Participant in the City of Boston Voucher Program as administered by the Boston Housing Authority and in accordance with the Administrative Plan for that Program is losing subsidy due to lack of sufficient funding for that program.

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(c) Mitigation Vouchers – The BHA will provide three hundred (300) Mitigation Vouchers to be issued over the next five years to priority one,

non-elderly disabled applicants in accordance with the Boston Housing Authority Designated Housing Plan who would have otherwise been called in for screening for a public housing unit. These applicants will be given the opportunity to apply for a Section 8 Housing Choice Mitigation Voucher at the time that they would have otherwise been called into screening for a public housing unit. If a Housing Choice Mitigation Voucher is not immediately available these individuals will be placed on waiting list and will be drawn in accordance with the Administrative Plan based on their Mitigation Voucher application.

(d) Supported Housing Programs

At its discretion, and if required with HUD and/or DHCD approval, the BHA may enter into an agreement with social service or other agencies to provide set asides of tenant based or project based vouchers coupled with supportive services to Applicants and residents, including targeted populations, who need special help in order to establish and maintain tenancies, provided that evidence exists that the agencies are reliable organizations with experience at providing related services and are fiscally sound.

Assistance required under such agreements shall include, but is not necessarily limited to, the following services:

- (i) Assistance in evaluating applicants for program participation;
- (ii) Checking to see if the residents are paying their rents and other charges and are properly maintaining their units;
- (iii) Helping residents to maintain their households, including managing their money;
- (iv) Providing specialized supportive services and crisis intervention in order to obtain necessary treatment to avoid eviction action.

All Applicants and residents who participate in these programs must meet the Threshold Requirements for the program for which they are applying.

All Applicants and residents who participate in these programs must meet the Applicant Screening Criteria as specified in this policy and/or any Memorandum of Agreement between the BHA and the service organization.

(e) Priority 1

The BHA grants Priority 1 based on circumstances verified at application and immediately prior to the final eligibility interview.

Applicants who qualify as Priority 1, will either be Displaced or Homeless

The **Displaced** categories are:

1. Government Action
2. Disaster
3. Domestic Violence
4. Victim of a Hate Crime
5. Fear of Reprisal / Witness Protection
6. Court Ordered No-Fault Eviction
7. Rent Burdened
8. Inaccessibility to the Dwelling Unit
9. Graduates of Supportive Housing Programs

A. Displaced Categories

In order to qualify as **Displaced** in one of the categories detailed below, the Applicant must meet the following threshold verification requirements:

- (1) ***Displaced or Imminent Danger of Displacement:*** the Applicant must have been Displaced from their residence or is in imminent danger of being Displaced due to one of the categories set forth below, AND
- (2) ***Proof of Address:*** the Applicant must verify proof of residence at the address of displacement by providing a lease, utility bill(s), official mail from a government agency, or a written certification from the owner of the property or other government official, AND
- (3) ***No Receipt of other Subsidized Housing:*** The Applicant must **not** be in receipt of adequate subsidized or other low-income housing from the BHA or another government agency. An applicant will continue to be considered displaced if they reside in subsidized housing that is not permanent or is not accessible as defined in Priority Category 8 below.

1. Displaced due to Government Action

A Household is required to permanently move from their residence by a Federal, State or local governmental action such as code enforcement, public improvements or a development program.

Verification Requirements:

- (1) third-party, written verification from the appropriate unit or agency of government certifying that the applicant has been displaced or will be displaced in the next ninety days, as a result of action by that agency; AND
- (2) the precise reason(s) for such displacement.

2. Displacement Due to a Disaster

Applicant was Displaced due to a disaster such as flood or fire, that results in the uninhabitability of an Applicant's apartment or dwelling unit not due to the fault of the Applicant and/or Household member or beyond the Applicant's control;

Verification requirements:

- (1) A copy of the incident report from the local Fire Department or other appropriate agency who deals with disasters, OR
- (2) Written verification from the appropriate unit or agency of government certifying that the applicant has been displaced or will be imminently be displaced, as a result of action by that agency, AND
- (3) Verification the appropriate agency that the dwelling unit is now uninhabitable AND
- (4) If applicable, the cause of the disaster. If you or a household member or guest was the cause of the disaster, approval for priority status will be denied unless mitigating circumstances are established to the satisfaction of the reviewing department.

3. Displacement Due to Domestic Violence/Dating Violence / Stalking/ Sexual Assault

Displacement or threat of imminent displacement from an address due to continuing actual or threatened physical violence (including sexual abuse) directed against one or more of the Applicant Family members.

Verification requirements:

- (1) Submission of a fully completed "Certificate of Involuntary Displacement Due to Domestic Violence/Dating Violence/ Stalking/ Sexual Assault" HUD Form 5382, OR
- (2) A document:
 - a. Signed by an employee, agent, or volunteer of a victim service provider, an attorney or medical professional or a mental health professional (collectively, "professional") from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking,

or the effects of abuse:

- b. Signed by the applicant or tenant;
 - c. That specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault or stalking is the grounds for protection and remedies under the VAWA Final Rule, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault or stalking under 24 C.F.R. 5.2003; OR
- (3) A record of a Federal, State, tribal, territorial, or local law enforcement agency (may include a police report), court, or administrative agency; OR
- (4) At the discretion of a covered housing provider, a statement or other evidence provided by the applicant or tenant.
- (5) Verification *will not* be considered valid unless it:
- a. Supplies the name of the threatening or abusive Household Member or other legal occupant of the dwelling Unit if known and is safe to do so, AND
 - b. Describes how the situation came to certifier or verifier's attention, AND
 - c. Indicates that the Applicant was displaced because of the threats and/or violence.

4. Displaced Due to Being a Victim of a Hate Crime

The Applicant or a member of the Household has been a victim of one or more hate crimes AND the Applicant Family has vacated a dwelling Unit because of this crime OR the fear associated with the crime has destroyed the peaceful enjoyment of the dwelling Unit.

"Hate crime", is defined as any criminal act coupled with overt actions motivated by bigotry and bias including, but not limited to, a threatened, attempted or completed overt act motivated at least in part by racial, religious, ethnic, handicap, gender or sexual orientation, prejudice, or which otherwise deprives another person of his/her constitutional rights by threats, intimidation or coercion, or which seeks to interfere with or disrupt a person's exercise of constitutional rights through harassment or intimidation.

Verification must include:

- (1) Submission the appropriate BHA form, OR
- (2) Documentation from a law enforcement agency that the Applicant or a Household Member was a victim of such crime(s)

5. Displaced Due Avoidance of Reprisal or Witness Protection:

Relocation is required because an Applicant provided information or testimony on criminal activities to a law enforcement agency; and based upon a threat assessment, a law enforcement agency recommends the relocation of the Applicant to avoid or minimize risk of violence against Applicant as reprisal for providing such information.

Verification requirements:

- (1) Submission of the appropriate BHA form or documentation from a law enforcement agency that the Applicant and/or a household member provided information on criminal activity; AND
- (2) Documentation that, following a threat assessment conducted by the law enforcement agency, the agency recommends the relocation/re-housing of the household to avoid or minimize the threat of violence or reprisal to or against the household member(s) for providing such information.

This includes situations in which the Applicant and/or Family member(s) are themselves the victims of such crimes and have provided information or testimony to a law enforcement agency.

6. Displaced Due to Court-Ordered No-Fault Eviction:

Eviction occurred pursuant to an Order for Judgment (or Agreement for Judgment) issued by a court because of:

- (1) Landlord action beyond the applicant's ability to control or prevent, such as failure to accept an offer of a new lease; owner's desire to use the unit for personal use, or a non-residential purpose; a business or economic reason such as sale or renovation of the property or a desire to lease at a higher rent , AND
- (2) the action occurred despite the applicant's having met all lawfully imposed lease conditions, AND
- (3) Displacement was not the result of failure to comply with HUD and State policies in its housing programs with respect to occupancy of under-occupied and overcrowded units or failure to accept a transfer to another unit in accordance with a court order or policies or procedures under a HUD-approved desegregation plan.

Verification Requirements:

- (1) A copy of the Notice to Quit issued by the landlord or property manager; AND
- (2) a copy of the Summons and Complaint available from the court; AND

(3) a copy of the Judgment of the Court (Agreement for Judgment, Order for Judgment and Findings of Fact, or Default Judgment); AND

(4) if applicable, a copy of the execution issued by the court.

The information contained in the above-referenced documents must clearly establish to the satisfaction of the BHA that:

- (1) the action taken by the landlord or property manager was beyond the Applicant's ability to control or prevent; AND
- (2) the action by the landlord or property manager occurred despite the Applicant Household having met all previously imposed conditions of occupancy; AND
- (3) displacement was not the result of failure to comply with HUD and State policies in its housing programs with respect to occupancy of under-occupied and over-crowded Apartments or failure to accept a Transfer to another Apartment in accordance with a court order or policies or procedures under a HUD-approved desegregation plan.

7. Displaced Due to Being Cost Burdened in Boston

The Applicant can demonstrate paying more than fifty (50) percent of their total household monthly gross income towards housing and utilities in a Boston residence (excluding internet and telephone).

Verification requirements:

- (1) A Lease providing the rent amount and showing Applicant is or was a tenant and confirming the rent, OR
- (2) A mortgage statement providing the monthly payment amount and showing the Applicant is or was the owner of the property, AND
- (3) Verification of the gross income, including all earned income and benefits, for the Applicant and all household members, AND
- (4) Utility bills paid for by the Applicant or Applicant household members, AND
- (5) Copies of any foreclosure notices, if applicable, AND
- (6) Other applicable documentation to demonstrate that the non-payment eviction or foreclosure was due to unforeseen circumstances beyond the Applicant's ability to control or prevent the non-payment eviction or foreclosure

8. For Disabled Persons only, inaccessibility of a critical element of their current dwelling unit:

A Household Member has a mobility or other impairment that makes the person unable to use a critical element of the current Apartment or development AND the neither the Owner nor administering agency is legally obligated under the law pertaining to Reasonable Accommodation to make changes to the Apartment or dwelling Unit that would make these critical elements accessible to the Family member with the disability.

Verification Requirements:

- (1) The name of the Family member who is unable to use the critical element;
- (2) A written statement from a Qualified Healthcare Provider verifying that a Family member has a Disability (but not necessarily the nature of the Disability) and identifying the critical element of the dwelling which is not accessible and the reasons why it is not accessible; AND
- (3) A statement from the landlord or official of a government or other agency providing service to such Disabled Person explaining the reason(s) that the landlord is not required to make changes which would render the dwelling accessible to the individual as a Reasonable Accommodation.

9. Graduates of Project-Based Units Who Have Fulfilled Supportive Service Goals:

A participant in a transitional housing program for Elderly or Disabled Persons which includes a supportive services component (e.g., the Shelter Plus Care Program) shall be considered to be imminently in danger of homelessness. Such a program participant shall be eligible as a Priority One Applicant if:

Verification requirements:

- (1) The person has been a tenant in such a program for not less than twelve (12) months; AND
- (2) The person no longer requires the or completed the program's services (as determined by the program service provider); AND
- (3) As a result must relocate from such housing.

B. Homeless

In order to qualify as **Homeless**, the Applicant must meet the following threshold verification requirements:

The Applicant must meet the definition of Homeless as defined below at the time of application and at the time of the eligibility interview. Gaps of non-homelessness in between those two points shall not result in denial of Priority 1 Homeless qualification.

1. Homeless

The Applicant Household lacks a fixed, regular and adequate nighttime residence, meaning:

- (1) Has a primary nighttime residence that is a public or private place not meant for human habitation; OR
- (2) IS living in a publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, Transitional Housing, and hotels and motels paid for by non-profit, charitable organizations, or by federal, state and local government programs); OR
- (3) Is living in housing that is being funded or provided to offer homeless individuals and families with the interim stability and support to ultimately make the transition to and maintain permanent housing; OR
- (4) An Applicant would otherwise be in shelter if not for a medical condition which precludes a person from staying in shelter as verified by a medical provider.

Verification Requirements:

- (1) A third-party written verification from a public or private facility that provides shelter for homeless individuals, the local police department, or a social services agency, certifying the Applicant's homeless status in accordance with the definition in this policy; OR,
- (2) In the case that the Applicant cannot be in the shelter due to a medical condition, written verification from a medical provider must be provided to demonstrate that the individual is unable to live in a public or private shelter, or any other place unfit for human habitation due to the applicant's severe medical condition or disability.

3.3.6 Other Admissions

a. Project Based Voucher ("PBV") to Tenant Based Voucher ("TBV"): a PBV family who has occupied a PBV unit, and is in good standing with the owner, may apply for Tenant Based Rental Assistance in accordance with 24 C.F.R. 983.261.

b. Choice Mobility: The BHA will grant admission for its HCV waiting list to residents of an expiring use property that has been converted to Project Based

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Rental Assistance (PBRA):

- (a) The converted property is located in the City of Boston, and,
- (b) The waiting list for the property is managed by the BHA, and all PBRA vacancies for the property are filled from the BHA waiting list.
- (c) Applications shall be accepted no earlier than twenty-four (24) months from the date of initial occupancy. The applicant must be in good standing with the owner to apply.

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3.3.7 Admission Preference

An Applicant may only apply for a Preference when the waiting list is open.

Preference points are cumulative and are added to Priority points (if any) to determine an Applicant's position on a BHA waiting list. An Applicant may qualify for more than one Preference at a time.

A Priority One Applicant with a Preference will be ranked above a Priority One Applicant with no Preferences. Preferences are cumulative, so an Applicant with more than one Preference (e.g., Veterans and Displaced) will be ranked higher within his or her Priority category than an Applicant with only one Preference.

The Preference categories are described below:

(a) ***Elderly/Non-Elderly Disabled Person Preferences***

(1) The Boston Housing Authority has an Admissions preference for a single person Applicant, who is Elderly or Disabled over other single persons. An Applicant will be given preference over an Applicant who is a Single Person who is not an Elderly or Disabled person within each waiting list Priority category.

Note: A single woman who is pregnant at the time of admission, or a Single Person who has secured or is in the process of securing the custody of any individual(s) below the age of 18, will not be considered a Single Person for the purposes of this preference.

(2) The Boston Housing Authority has an Admissions preference for Elderly households at specific Project Based Section 8 sites where such a preference is designated in the Owner's Housing Assistance Payments Contract ("HAP").

(3) Non-Elderly Disabled (NED)

The BHA will grant a preference for non-elderly disabled (NED) applicants to waiting lists at sites which were formerly public housing; were part of a designated housing plan, and have been converted to Project Based Section 8.

(b) **Veterans Preference**

A "veteran", as used in this Administrative Plan shall include the spouse, surviving spouse, dependent, parent or child of a Veteran and the divorced spouse of a Veteran who is the legal guardian of a child of a Veteran.

Verification Requirement:

1Applicants claiming a Veteran's Preference must provide a copy of the discharge documents of the Veteran for whom the Preference is claimed. The Veteran's Preference is only applicable to Veterans and/or immediate families of Veterans who were discharged under circumstances other than dishonorable.

(c) **Working Families Preference**

(1)Definition of a Working Family:

A Family where the ~~head,Head,spouse, or sole member is employed full time. of Household or other adult member is employed full time and who has been employed for the last six months.~~ Full time is defined as working at least ~~30~~32 hours a week.

(2) An Applicant shall be given the benefit of the Working Family preference ~~if the head and spouse, or sole member is age 62 or older, or is a person with disabilities,if both the head and spouse are age 62 or older; or sole member is age 62 or older or head, spouse, or sole member is a Disabled Person.~~

(3) Verification Requirements:

(i) Verification from employer that Family meets the definition of a working Family.

(d) **Displaced Boston Tenant Preference**

The BHA shall give two (2) Preference points to an Applicant who was displaced from a unit within the City of Boston

(1) No length of Residency Required

This Preference is not based on how long the Applicant resided within the City of Boston, but only upon the establishment and proper verification of residency within the City Of Boston.

(2) Verification Requirements

To receive this Preference, an Applicant must verify that:
(i) they were displaced from a unit within the City of Boston, and (ii) The following documentation in conjunction with Priority documentation to establish displacement will verify the Displaced Boston Tenant Preference:

- (a) Landlord verification;
- (b) A copy of a Lease;
- (c) Utility Bill (electric, gas, oil, or water)
- (d) Mortgage Payments;
- (e) Letter from School Department;
- (f) Letter from Social Security Department;
- (g) Taxes;
- (h) Other verification deemed acceptable by BHA.

(3) Non-discriminatory Effect of Preference

This Preference shall not have the purpose or effect of delaying or otherwise denying admission to the program based on the race, color, ethnic origin, gender, religion, disability, or age of any member of an Applicant Family.

(e) Preference under Olmstead

The BHA has an admissions preference for those qualified individuals with mental and/or physical disabilities exiting institutions or who are at serious risk of institutionalization. Applicants who receive this preference must be willing to participate in services as provided by State Money Follows the Person (MFP) entities or other support service agencies and partnering organizations. The services may include case management and personal care.

Verification Requirement:

The BHA will accept verification that the applicant is exiting an institution or is at serious risk of institutionalization from the treating facility or hospital. The facility or hospital must also verify that the applicant will be receiving appropriate supportive services

by state MFP entities or other support service agencies and partnering organizations.

(f) Homeless Service Organizations Preference

The BHA has an admissions preference for those applicants who are referred by a partnering homeless service organization or consortia of homeless service organizations. This preference will be applied to specific site based lists where supported housing services are offered by said organization.

Verification Requirement:

Applicant

The Applicant must provide verification of his/her homeless status in accordance with BHA's previously referenced Priority category; and, also provide verification that he or she is working with and being referred by a homeless service organization which provides supported housing services at the site to which he/she is applying.

Homeless Service Organization

The partnering homeless service organization must show that it is the supported housing service provider for the specific site for which the preference is being applied and may not deny its services to members of any federally protected class under fair housing laws, i. e. race, color, religion, national origin, sex, disability or familial status.

(g) No Fault Displacement

Preference for PBV participant who is otherwise eligible for a TBV (has resided in current PBV unit for at least one year and is in good standing), whose unit is or will be permanently lost due to demolition, disposition, fire, condemnation or other action out of the participant's control (not due to the fault of the participant or participant's household members).

Verification Requirement

The current owner must verify in writing that the participant is in good standing and that the unit is being permanently lost due to one of the above.

(h) Right of First Refusal

Preference for former residents returning to a PBV new construction or rehabilitation project that was specifically identified as replacement housing for the original project as part of a documented plan for redevelopment which had one of the forms of funding listed in §15 of this plan.

(i) This preference may only be applied at initial reoccupation of the site, and will not extend past an initial offer to re-occupy.

(i) Long Term Homeless

Homeless in or displaced from Boston twelve (12) months or longer as defined below:

1. Three hundred and sixty-five (365) days in shelter, transitional housing, or safe haven over the last three (3) years in Boston or;

2. at least one (1) night per month for twelve (12) months homeless unsheltered in Boston over the last three (3) years, or:

3. Same as above, however, homeless days are outside of Boston and city of origin is Boston as documented by DHCD's Emergency Assistance System.

(a) Verification

Verification will be documented by the Shelter Provider.

3.3.8 Standard Applicants

Standard Applicants are Applicants that do not qualify for any Priority category.

3.3.9 Point System

- (a) The **Priority point system** used by BHA to process new Admissions on all waiting lists is as follows:

PBV to TBV	95 points
Super Priority Applicants	75 points
Mitigation Vouchers	60 points

Supported Housing Programs (Formerly City of Boston ICHH Programs Priority)

50 points

Priority One Applicants **30 points**

Standard Applicants **0 points**

(b) **Preference points** will be added to Priority points as follows for Applicants for Admission only:

Project Based Voucher Elderly 100 Points

Right of First Refusal 25 Points

No Fault Displacement 20 Points

Non Elderly Disabled 10 Points

Preference Under Olmstead 7 Points

Homeless Service Organizations Preference 7 Points

Long Term Homelessness 7 Points

Single, Elderly or Disabled 5 Points

Veterans Preference 3 points

Displaced Boston Tenant Preference 2 points

Working Families Preference 1 point

3.4 Special Admissions

Applicants may be admitted to the Housing Choice Voucher program even though they are not on the BHA's waiting list if they are part of a group targeted by HUD for special assistance. Applicants admitted as "Special Admissions" according to this section will not be counted against the income targeting requirement that a minimum of 75% of new Admissions to the BHA's Section 8 program have Family income that is thirty percent (30%) or below the Area Median Income as established by HUD. (See 24 C.F.R. § 982.203(b) for examples of assistance targeted by HUD).

CHAPTER 4: Communications and Verification

“Communication” includes both standard forms used by the BHA to obtain information from an Applicant/Participant or an Owner and information provided to an Applicant/Participant or an Owner about the program. It is the goal of the BHA to communicate well with Owners and Applicant/Participants because they are less likely to commit errors, fraud, or abuse when they have a much better understanding of program requirements and BHA expectations.

The following chapter describes the standards of communication and verification required and expected of the BHA, an Applicant or Participant, and an Owner.

4.1 Communication Preference

The BHA prefers that all communication between Families and the BHA and between Owners and the BHA be in writing. The BHA will attempt to create well designed forms to effectuate proper communication to Families and Owners and to collect all required information. The BHA will communicate with persons who have limited English ability in accordance with section 1.3.4 of this Administrative Plan.

4.1.1 Communication between Applicants and the BHA

It is the responsibility of each Applicant to inform the BHA in writing of any change in address, telephone number, Family Composition, change in Priority and or Preference, or other information, which may affect the status of the application while on the waiting lists. For an Applicant with no fixed address, such as a Homeless Applicant, the address of a social service agency may be used for BHA contacts; however, if the Applicant finds housing, the address must be reported to the BHA. Failure to report a change may result in withdrawal from the waiting list.

BHA will communicate with an Applicant by first class mail, except when an Applicant who is a Disabled Person requests some other form of communication (e.g., a telephone call, communication with a designated third party, etc.). A person who is Homeless and an Applicant may request that the BHA communicate with a designated third party. Failure to respond to BHA communication in the required time period may result in withdrawal of an Applicant from all waiting lists.

4.1.2 Communication between a Participant and the BHA

A Participant should communicate with the BHA in writing. It is the responsibility of the Participant to report a change in income or Family Composition in accordance with this Administrative Plan. A Participant also has an obligation to supply all required documentation for eligibility and Recertification purposes. It is in the best interest of the Participant to retain copies of any communication with BHA.

Failure to respond to BHA communication in the required time period may result in termination of the Participant's subsidy in accordance with Chapter 13 of this Administrative Plan.

4.2 Misrepresentation of Information or Fraud

The BHA considers falsification, misrepresentation, or failure to disclose information related to Admission, initial eligibility, participation, or Recertification grounds for denying Admission or terminating assistance from the HCVP. If the BHA determines that an Applicant has acted as described above, the Applicant will be precluded from re-applying for assistance with the BHA for three years from the date of the determination.

4.3 Verification Requirements

The BHA must verify and document all information concerning an Applicant/Participant's Family Composition, Annual Income, Priority status, and Preferences.

4.3.1 Verification Documentation

The BHA will maintain all documents related to eligibility/Recertification in the Applicant/Participant's file folder. Documentation used as part of the verification process may include but is not limited to:

- (a) Copies of documents, where law or regulation does not require the original.
- (b) Verification forms completed and signed by third parties and/or Applicant/Participant.
- (c) Upfront Income Verification (UIV)

UIV is the verification of a Family's income, before or during a Recertification, through an independent source that systematically and uniformly maintains income information in computerized form for a large number of individuals. The BHA will maintain UIV data according to applicable Federal, State, and local law and BHA policy.
- (d) Reports of all relevant interviews, telephone conversations or personal contact with or regarding the Applicant/Participant including date of the conversation, source of the information, name and position of the individual contacted, name and position of staff member receiving information and a written summary of the information received.
- (e) All correspondence received for or on behalf of the Applicant.

4.3.2 Verification Preference

The BHA will accept verification of eligibility information in the following order of preference:

(a) **Upfront Income Verification (UIV)**

The BHA will use UIV procedures to obtain verification of tenant-reported (unreported or underreported) income.

- (1) Types of Income that may be verified through UIV:
 - (i) Gross Wages and Salaries (Including overtime pay, commission, fees, tips, bonuses, and other compensation for personal services)
 - (ii) Unemployment Compensation
 - (iii) Welfare Benefits
 - (iv) Social Security Benefits (including Federal and State benefits, Black Lung benefits, and dual benefits)
 - (A) Social Security
 - (B) Supplemental Security Income (SSI)
- (2) The BHA may obtain UIV through the following methods:
 - (i) Computer matching agreement with a federal, state, local government agency, or a private agency; or
 - (ii) Use of HUD's Tenant Assessment Subsystem ("TASS") or Enterprise Income Verification ("EIV"); or
- (i) Submission of direct request for income verifications to a federal, State, or local government agencies or a private agency.

A. What is the EIV System?

The EIV System is a web-based application, which provides employment, wage, unemployment compensation and social security benefit information of tenants who participate in the HCV Program. This system is available to all PHAs nationwide. Information in EIV is derived from computer matching programs initiated by HUD with the Social Security Administration (SSA) and the U.S.

Department of Health and Human Services (HHS), for all program participants with valid personal identifying information (name, date of birth (DOB), and social security number (SSN)) reported on the form HUD-50058.

1. Identifying participants whose reported personal identifiers (SSNs and DOB) do not match the SSA database;
2. Identifying participants who need to disclose a SSN;
3. Identifying participants whose alternate identification number (Alt ID) needs to be replaced with a SSN;
4. Identifying participants who may not have reported complete and accurate income information;
5. Identifying participants who have started a new job;
6. Identifying participants who may be receiving duplicate rental assistance;
7. Identifying participants who are deceased and possibly continuing to receive rental assistance;
8. Identifying former participants of PIH rental assistance programs who voluntarily or involuntarily left the program and have a reportable adverse status and/or owe money to a PHA or Section 8 landlord

B Required use of EIV and Verification Hierarchy.

The BHA is required to access the EIV system and obtain an Income Report for each household. The BHA is required to maintain the Income Report in the participant file along with the form HUD-50058 and other supporting documentation to support income and rent determinations for all mandatory annual reexaminations of family income and composition.

The BHA will follow the following income verification hierarchy:

1. Upfront Income Verification (UIV) using HUD's Enterprise Income Verification (EIV) system
2. (not available for income verifications of applicants)
3. Upfront Income Verification (UIV) using non-HUD System
4. Written Third Party Verification
5. Written Third Party Verification Form
6. Oral Third Party Verification

Note: This verification hierarchy applies to income determinations for applicants and participants. However, EIV is not available for verifying income of applicants.

C. Disputing EIV Information and Resolving Discrepancies

In accordance with 24 CFR §5.236(b)(2)(3), the BHA is required to compare the information on the EIV report with the family-reported information. If the EIV report reveals an income source that was not

reported by the participant or a substantial difference in the reported income information, the BHA is required to take the following actions:

1. Discuss the income discrepancy with the participant; and
2. Request the participant to provide any documentation to confirm or dispute the unreported or underreported income and/ or income sources; and
3. In the event the participant is unable to provide acceptable documentation to resolve the income discrepancy, the BHA is required to request from the third party source, any information necessary to resolve the income discrepancy; and
4. If applicable, determine the participant's underpayment of rent as a result of unreported or underreported income, retroactively*; and
5. Take any other appropriate action as directed by HUD or the BHA's administrative policies.

*The BHA is required to determine the retroactive rent as far back as the existence of complete file documentation (form HUD-50058 and supporting documentation) to support such retroactive rent determinations.

Participants are required to reimburse the BHA if they were charged less rent than required by HUD's rent formula due to the participant's underreporting or failure to report income. The participant is required to reimburse the BHA for the difference between the participant rent that should have been paid and the participant rent that was charged. This rent underpayment is commonly referred to as retroactive rent. If the participant refuses to enter into a repayment agreement or fails to make payments on an existing or new repayment agreement, the BHA **must** terminate the family's tenancy or assistance, or both. HUD does **not** authorize any PHA-sponsored amnesty or debt forgiveness programs.

Sometimes the source or originator of EIV information may make an error when submitting or reporting information about participants. HUD cannot correct data in the EIV system. Only the originator of the data can correct the information. When the originator corrects the data, HUD will obtain the updated information with its next computer matching process. Below are the procedures participants and PHAs should follow regarding incorrect EIV information.

Employment and wage information reported in EIV originates from the employer. The employer reports this information to the local State Workforce Agency (SWA), who in turn, reports the information to HHS' National Directory of New Hires (NDNH) database.

If the participant disputes this information, s/he should contact the employer directly, in writing to dispute the employment and/or wage information, and request that the employer correct erroneous information.

The participant should provide the BHA with this written correspondence so that it may be maintained in the participant file. If employer resolution is not possible, the participant should contact the local SWA for assistance.

Unemployment benefit information reported in EIV originates from the local SWA. If the participant disputes this information, s/he should contact the SWA directly, in writing to dispute the unemployment benefit information, and request that the SWA correct erroneous information. The participant should provide the PHA with this written correspondence so that it may be maintained in the participant file.

SS and SSI benefit information reported in EIV originates from the SSA. If the participant disputes this information, s/he should contact the SSA at (800) 772-1213, or visit the local SSA office. SSA office information is available in the government pages of the local telephone directory or online at <http://www.socialsecurity.gov>.

Note: The participant may also provide the BHA with third party documents which are in the participant's possession to support their dispute of EIV information. The BHA, with the participant's consent, is required to submit a third party verification form to third party sources for completion and submission to the BHA, when the participant disputes EIV information and is unable to provide documentation to validate the disputed information. The participant's failure to sign the consent form is grounds for termination of tenancy and/or assistance in accordance with 24 CFR §5.232.

Debts owed to PHAs and termination information reported in EIV originates from the PHA. If a current or former participant disputes this information, s/he should contact the PHA (who reported the information) directly in writing to dispute this information and provide any documentation that supports the dispute. If the PHA determines that the disputed information is incorrect, the PHA will update or delete the record from EIV. Former participants may dispute debt and termination

information for a period of up to three years from the end of participation date in the PIH program.

Identity Theft. Seemingly incorrect information in EIV may be a sign of identity theft. Sometimes someone else may use an individual's SSN, either on purpose or by accident. SSA does not require an individual to report a lost or stolen SSN card, and reporting a lost or stolen SSN card to SSA will not prevent the misuse of an individual's SSN. However, a person using an individual's SSN can get other personal information about that individual and apply for credit in that individual's name. So, if the participant suspects someone is using his/her SSN, s/he should check their Social Security records to ensure their records are correct (call SSA at (800) 772-1213); file an identity theft complaint with the local police department and/or Federal Trade Commission (call FTC at (877) 438-4338, or visit their website at: <http://www.ftc.gov/bcp/edu/microsites/idtheft/>); and s/he should also monitor their credit reports with the three national credit reporting agencies (Equifax, TransUnion, and Experian). The participant should provide the PHA written documentation of filed identity theft complaint. (Refer back to paragraph on Employment and wage information regarding disputed EIV information related to identity theft).

Participants may request their credit report and place a fraud alert on their credit report with the three national credit reporting agencies at: www.annualcreditreport.com or by contacting the credit reporting agency directly. Each agency's contact information is listed below.

National Credit Reporting Agencies Contact Information

Equifax Credit Information Services, Inc.
P.O. Box 740241
Atlanta, GA 30374
Website: www.equifax.com
Telephone: (800) 685-1111

Experian
P.O. Box 2104
Allen, TX 75013
Website: www.experian.com
Telephone (888) 397-3742

TransUnion
P.O. Box 6790
Fullerton, CA 92834
Website: www.transunion.com
Telephone: (800) 680-7289 or (800) 888-4213

Security of EIV Data

The Federal Privacy Act (5 USC §552a, as amended) prohibits the disclosure of an individual's information to another person without the written consent of such individual. As such, the EIV data of an adult household member may not be shared (or a copy provided or displayed) with another adult household member, unless the individual has provided written consent to disclose such information.

However, the PHA is not prohibited from discussing with the head of household (HOH) and showing the HOH how the household's income and rent were determined based on the total family income reported and verified.

EIV information and any other information obtained by the BHA for the purpose of determining eligibility and level of assistance may not be disclosed to third parties for any reason (even for similar verifications under other programs, such as eligibility for low income housing tax credit units, other federal or state assistance programs), unless the participant has authorized such disclosure in writing.

(b) **Written Third Party Verification**

Written verification by a third party is always preferred. The BHA will also accept Third Party Verification from reputable online systems, including EIV and TASS, which may verify employment income or other sources of regular income. See also section 4.3.4 for more information on Third Party Verification.

(c) **Oral Third Party Verification**

Independent verification of income and/or expenses by contacting the individual income/expense source(s) supplied by the Applicant/Participant, via **telephone** or in-person visit. BHA staff will document in the tenant file, the date and time of the telephone call, the name of the person contacted and telephone number, along with the confirmed verified information.

This verification method is commonly used in the event that the independent source does not respond to the BHA's faxed, mailed, or e- mailed request for information in a reasonable time frame, i.e., ten (10) business days.

The BHA shall verify information by telephone when written third-party verification is incomplete or unclear.

(d) **Verification by Applicant/Participant supplied documents.**

The BHA will review documents submitted by the Applicant when: (i) the information requested does not require Third-Party Verification (for example rent receipts, canceled checks for rental payments, Lease agreements and monthly utility bills) or (ii) third-party fax or telephone verification is impossible. BHA may copy documents into the Applicant's file or list the documents and the information contained in them.

(e) **Verification by Applicant/Participant certification.**

With the approval from the Administrator or his/her designee, the BHA may choose to accept an affidavit from an Applicant regarding housing and employment history only when verification by a third party or verification by documents is impossible to obtain.

4.3.3 Validity of Documentation and Verification

- (a) **Information Supplied by Applicant/Participant.** Documents supplied by an Applicant/Participant should be dated within sixty days (60) of the eligibility/Recertification interview¹⁰.
- (b) **Verification at Recertification.** Verification obtained for Recertification must be no older than 120 days at the effective date.
- (c) **Information not subject to change.** BHA will verify this information (e.g. verification of age or place of birth) only once during the eligibility/Recertification process.
- (d) **Verification of Eligibility must be no more than 60 days from Voucher issuance.** The BHA must receive information verifying that an applicant is eligible within the period of 60 days before the BHA issues a voucher to the Applicant. 24 C.F.R. § 982.201(e)
- (e) **Maximum Family Share at initial Occupancy.** At initial occupancy the Family Share must not exceed 40 percent of the Family's gross income. The determination of adjusted monthly income must be based on verification information received by the BHA no earlier than 60 days before the BHA issues a voucher to the family.

4.3.4 Third Party Verifications

¹⁰ See HUD Verification Guidance for the Public Housing And Housing Choice Voucher Programs (March 2004)

BHA will send third party verifications directly to the third party. The BHA may fax a verification form to a third party and request a return fax to the BHA after the form is completed. Each BHA verification form sent to a third party will include the following:

- (a) Authorization from the Applicant to release the information on the BHA's General Release Form (HUD 9886) or Income Verification Form, and

- (b) BHA Third-Party Verification form.

4.4 Missed Appointments

The BHA considers it a failure to attend an appointment and is not required to hold a scheduled meeting if an individual is more than one-half (1/2) an hour late for a scheduled appointment.

The BHA does not consider it a failure to keep an appointment if an individual contacts the BHA prior to the appointment to reschedule or has a reasonable excuse for missing the appointment. The BHA may use discretion to determine whether or not an excuse is reasonable. The BHA may ask the Family to supply documentation to verify their inability to attend the appointment.

CHAPTER 5: DETERMINATION OF ELIGIBILITY

5.1 Number of Vouchers Issued

At its discretion, the BHA will consider the Annual Contributions Contract (“ACC”) commitment, funding availability, leasing schedule, turnover rate, historical leasing success rates, and similar factors to determine how many Vouchers should be issued.

5.2 Threshold Eligibility Requirements (Sections 5.2.1- 5.2.3)

The Applicant will be denied assistance and withdrawn from the waiting list based on information on the preliminary application if the Applicant does not meet all of the following requirements. In determining final eligibility, the BHA will consider Mitigating Circumstances including, but not limited to, being the victim of Domestic Violence, Dating Violence, Stalking, or Sexual Assault, and any request for a Reasonable Accommodation on account of a Disability. To remain on the waiting list, the Applicant must be:

5.2.1 A Family as defined by the BHA

(a) ***Definition of a Family***

- (1) Two or more persons regularly living together, related by blood, marriage, adoption, guardianship or operation of law; or who are not so related, but share income and resources and intend to live together;
- (2) This definition includes single persons.¹¹
- (3) Other persons, including foster children, Live-in-Aides¹², and members temporarily absent (including children temporarily assigned to foster care¹³), may be considered a part of the household if they are living or will live regularly with the Household.

5.2.2 Income eligible as defined by HUD

Persons meeting BHA income qualifications are those whose Annual Income at the time of Admission, does not exceed the income limits for

¹¹ Single persons include: a single man; a single woman who is pregnant at the time of admission; a single person who has secured, or is in the process of securing, the custody of any individual(s) below the age of 18; an Elderly person; a Person with a Disability or Handicap; a Displaced Person; or a Single Person who is not Elderly, Disabled, handicapped or displaced, each as defined in Chapter 11 of this Policy.

¹² Live-in-Aides do not have rights of tenancy, nor can they be considered the remaining member of a resident household unless they are found to be a licensed Live-in-Aide and select one of the options in Chapter 5, section 5.4.2(g).

¹³ See 24 C.F.R. § 5.403.

occupancy established by the HUD. Income limits are posted separately in BHA offices (see sections 5.5 – 5.6). These income limits do not apply to families who are Continuously Assisted. See also section 5.5.1 for further explanation of income eligibility.

5.2.3 Past Balances Due to any Publicly Assisted Housing Program

The Applicant must not owe uncollected rent and/or miscellaneous charges, such as court costs, constable fees, or other related fees arising during the Applicant's receipt of benefits from any program administered by the BHA or Other Publicly Assisted Housing Program¹⁴.

(a) The BHA will check for debts owed upon receipt of the **Preliminary Application**. An Applicant who applies owing a balance consisting of uncollected rent, overpaid Housing Assistance Payments and/or miscellaneous charges (for any program administered by the BHA or Other Publicly Assisted Housing Programs) will be entered into the BHA database as Preliminarily Eligible and the Applicant shall be notified in writing regarding the outstanding debt. The debt must be paid in full prior to determination of final eligibility

(b) The BHA will have the discretion to enter into an agreement for past due balances in the case of a transfer or relocation of BHA public housing resident.

5.3 Eligibility Interview (Final Eligibility)

5.3.1 Purpose.

The purpose of the eligibility interview is to determine the Applicant's anticipated gross income, Family Composition, and appropriate Voucher Unit Size, Immigration status, Criminal Offender Record Information, and verify Priority and Preference status. The same standards to determine the Applicant's income and Family Composition in the initial eligibility interview will be used to determine the Participant's income and Family Composition for any subsequent eligibility determination or Recertification. (See Chapter 8: Renewal).

5.3.2 Scheduling Eligibility Interview Appointment

¹⁴ Other Publicly Assisted Housing Program – means residence in any housing program assisted under M.G.L. ch. 121B (such as state-assisted public housing for families, Elderly or disabled persons), or Massachusetts Rental Voucher Program or assisted under the United States Housing Act of 1937 as amended (42 U.S.C. § 1401 *et seq.*) (such as federally-assisted public housing for families, Elderly or disabled persons, Section 8 certificate/voucher, project-based certificate, moderate rehabilitation, loan management/property disposition leased housing program, Indian housing, or tenant-based assistance under the HOME program)

The Applicant must attend the eligibility interview and bring the requested information to the BHA.

- (a) **Letter of Interest.** The BHA will send a letter to an Applicant selected from the waiting list. The letter will tell the Applicant to contact the BHA and schedule a date and time for an eligibility interview with the BHA. The letter also informs the Applicant of the verified information that must be provided to the BHA in order to determine eligibility.
- (b) **Failure to respond to the Letter of Interest.** The BHA will send a letter of withdrawal (see section 3.2.5(c)) to an Applicant who does not respond to the letter of interest. If the Applicant responds to the Withdrawal letter within 10 days after failing to respond to the initial letter of interest, the BHA will schedule a final eligibility interview with the Participant. Failure to attend the final eligibility interview will result in being withdrawn from the waiting list (see section 3.2.5(c)).
- (c) **Failure to Attend the Eligibility Interview.** If the Applicant schedules an eligibility interview and misses the interview without contacting the BHA, the BHA will send the Applicant a letter of withdrawal. If the Applicant notifies the BHA in advance of the need to reschedule the appointment or contacts the BHA within 10 days of the missed appointment, the BHA will reschedule. The rescheduled eligibility interview will be considered a second and final appointment. If the Applicant misses the second and final interview, the Applicant will be sent a letter of withdrawal. (see section 3.2.3(c)).
- (d) **Deadline to supply documents.** If the Applicant does not supply all the necessary documentation at the eligibility interview, the BHA will give the Applicant up to twenty (20) days to supply all documentation to the BHA. The BHA may grant an Applicant a ten (10) day extension for good cause to supply information to the BHA. If the Applicant fails to meet the deadline to supply documents, they will be withdrawn from all waiting lists (see section 3.2.5).
- (e) **Reasonable Accommodation.** If the Applicant fails to Respond to the Letter of Interest, fails to attend the eligibility interview, or fails to supply information to the BHA, and the failure is due to Domestic Violence, Dating Violence, Stalking, or Sexual Assault or a documented Disability, the BHA may decide not to withdraw the Applicant from the waiting list.

5.3.3 Reassignment of Applicant to Different Priority Category

An Applicant will be placed in a different Priority or the same priority category with a later application date if the BHA determines:

- (a) the Applicant's Priority status is incorrect at the time of the initial eligibility interview, and
- (b) the Applicant is eligible for another (or the same) Priority and the waiting list is open for that Priority; and
- (c) The applicant's circumstances do not give rise to those described below in 5.3.4

If, at the time of the initial eligibility interview, the Applicant is not eligible for any Priority category for which the waiting list is open and the waiting list is not open for standard Applicants, the Applicant will be withdrawn from the waiting list.

If the Applicant is eligible for a new Priority status and the waiting list is open for that Priority, the Applicant will be placed on the waiting list according to the verifiable date of the Priority eligibility and not the date of the original application.

Gaps on non-Priority 1 status in between the initial application and the final eligibility interview above shall not disqualify an applicant from their original application date and time. Additionally, a change from one Priority 1 category to another Priority 1 category between initial application and the final eligibility interview shall not result in a change to the original application date.

5.3.4 Misrepresentation of Information or Fraud

The BHA considers falsification, misrepresentation, or failure to disclose information related to Admission, initial eligibility, participation, or Recertification grounds for denying Admission to or terminating assistance from the HCVP. If the BHA determines that the Applicant has acted as described above, the Applicant will be precluded from re-applying for assistance with the BHA for three years from the date of the determination.

5.3.5 Limitation on Number of Eligibility Determinations

For each Applicant, the BHA shall only be required to determine Section 8 eligibility once every twelve (12) months unless the Applicant was denied for one or more of the following reasons:

- (a) Lack of citizenship status;
- (b) Past due balance owed to a publicly assisted housing program;
- (c) Lack of priority status;
- (d) Family income exceeds the applicable limits;

- (e) Reasons directly related to substance abuse and the Applicant has now successfully completed a rehabilitation program;
- (f) As a reasonable accommodation.

5.4 Family Composition

The BHA will verify Family Composition at the eligibility interview and at any interim or annual Recertification appointment.

5.4.1 Verification of Family Composition

The BHA must obtain the following information for all Applicants as applicable:

- (a) **Photo Identification for the Head of Household and the Co-Head of Household.** One of the following forms of photo identification for the Head of Household and the Co-Head of Household only:
 - (1) Driver's License;
 - (2) Registry of Motor Vehicles picture ID;
 - (3) Passport;
 - (4) Student or Employer ID; or
 - (5) Other Photo ID acceptable to the BHA.
- (b) **Proof of Birth.** One of the following proof-of-birth documents (shown in order of preference) for all Applicant Family members:
 - (1) Original and copies of Birth certificates;
 - (2) Passports;
 - (3) Original INS documents for eligible Non-Citizens;
 - (4) Other records deemed appropriate by BHA (DDG214, Statement from Social Security Administration, Original Baptismal Records); or
 - (5) A medical letter documenting pregnancy as well as anticipated date of birth will be required for all unborn children listed on the application.

- (c) **Proof of Relationships.** One of the following proof-of-relationship documents for all Minor children or situations involving the care of adults under guardianship:

- (1) Birth certificates;
- (2) Court records of adoption;
- (3) Court records of guardianship; or
- (4) Other written documentation such as written designation from the Minor Child's parent.

- (d) **Social Security Numbers.** One of the following documents may be accepted to verify Social Security Numbers (SSN):

- (1) Original Social Security Card;
- (2) Original Report from the Social Security Administration documenting the availability/non-assignment of a SSN (BHA will make a copy for the file); or
- (3) A written statement from the Social Security Administration documenting the assigned SSN.

Family members under the age of six (6) years old do not need to provide a SSN.

No SSN or verification needs to be provided for individuals who certify that they have not been assigned a SSN. However, proof must be provided to show that no SSN was assigned.

- (e) **Status as an Elderly Person.** The BHA will accept Proof of Birth (see subsection (b) above) of the Head and/or Co-Head of Household indicating an age of 62 years or older to verify that person's status as an Elderly Person.

- (f) **Status as a Disabled Person.** In general, the BHA shall not inquire as to the existence or nature of a disability, or ask for information related to a disability or the medical history of an Applicant or a Participant. However, the BHA can require verification where it is claimed that a Family member is a Disabled Person for two purposes:

- (1) For the purpose of applying for Admissions Preferences and Priorities (see section 3.3.6); and
- (2) For the purpose of calculating Household income and rent.

In addition, when an Applicant or Participant requests a Reasonable Accommodation on account of a disability, the BHA

may require documentation as to the disability and the need to be served by an accommodation or modification. An Applicant or Participant may choose not to disclose the fact of a disability and request an accommodation; however, in this case, the BHA is not obligated to provide any such accommodation.

The following documentation will be accepted for purposes of verifying the status of a Family member as a Disabled Person:

- (1) Evidence that the Applicant or Participant's sole source of income is SSI benefits, SSDI benefits or disability retirement income (see income verification below); or
- (1) A certification from a Qualified Health Care Provider verifying that the Applicant or Participant meets the criteria of a Disabled Person for the Federal Housing Program (see Definitions for eligibility of Disabled Persons).

5.4.2 Determining Family Unit Size (BHA Subsidy Standards)

The following BHA Subsidy Standards have been established to determine the number of bedrooms needed for Families of different sizes and compositions. For each Family the BHA will determine the appropriate number of bedrooms under the BHA Subsidy Standards. The Family Unit Size number is entered on the Voucher issued to the Family.

The following factors are used to determine the Family Unit Size:

- (a) The Head of Household (and spouse or domestic partner, if applicable), shall be entitled to one bedroom.
- (b) Two persons who are of the same sex shall only be entitled to one bedroom.
- (c) The BHA shall inform the Applicant/Participant that s/he may elect to have a Child share a bedroom with another Child of the opposite sex, in order to be eligible for a smaller Voucher Unit Size.
- (d) The BHA may assign an additional bedroom as a Reasonable Accommodation to a Disabled Family member.
- (e) A single pregnant woman, as documented by a physician, with no other persons will be treated as a two-person Family. A pregnant woman whose Family includes other children will not be assigned an additional bedroom until the sex of the Child is determined and documented by a physician (either before or after birth). Once the sex of the Child is documented the BHA will assign the Family an additional bedroom if they are eligible.

- (f) A Child who is temporarily away from the home because of placement in foster care (as documented by the Department of Children and Families) is considered a member of the Family in determining Family Unit Size.

- (g) Live-In-Aide

Any Live-In-Aide, approved to live in the Unit to care for a Family member who is Disabled or is at least 50 years of age (near-Elderly), will be counted in determining the Family Unit Size.

(1) **Definition:**

A Live-In-Aide is defined as a person who:

- (i) Is determined by BHA based upon medical documentation from a Qualified Healthcare Provider to be essential to the care and wellbeing of an Elderly or Disabled Person or persons; **AND**
- (ii) Is not obligated to support the Elderly or Disabled Person or persons; **AND**
- (iii) would not be living in the Apartment except to provide the necessary supportive care; **AND**
- (iv) Has no right to the Apartment as a Residual Tenant except as provided in section 11.8, **AND**
- (v) Does not have his/her income included in the Elderly or Disabled Participant's Household for the purposes of determining total Family income and rent except as provided in section 11.8.

(2) **Live-In-Aide Policy**

- (i) Any Live-In-Aide must meet the definition of a Live-In-Aide as stated above.
- (ii) A Live-In-Aide can be a Single Person or a person with a Household (*Example:* a Live-In-Aide may have his/her own children that reside with them).
- (iii) No addition of a Live-In-Aide and his/her Household, if applicable, shall result in overcrowding of the Apartment.
- (iv) No Live-In-Aide and his/her Household, if applicable, has the right to the Apartment as a Residual Tenant except as provided in Section (vii)(B) below.

- (v) Any Live-In-Aide and his/her Household, if applicable, must sign a waiver of residual residency status except as provided in (vii)(B) below.
- (vi) Any Live-In-Aide and his/her Household, if applicable, must meet the BHA's Eligibility Requirements.
- (vii) Any Live-In-Aide and his/her Household, if applicable, will be counted as a member of the Participant's Household composition for the purposes of determining the appropriate Apartment size ONLY.
- (viii) A relative who satisfies the definition above will be notified in writing that s/he may be qualified as a Live-In-Aide and may choose one of the following two options:
 - (A) S/he can qualify as a Live-In-Aide, choose not to include his/her income as part of the total Household income and sign a waiver of residual residency status.
 - OR**
 - (B) S/he can qualify as a Live-In-Aide, have his/her income included as part of the total Household income and retain rights as a remaining member of the Household.
- (ix) A Live-In-Aide must reside with the Family. An occasional, intermittent multiple or rotating care givers typically do not reside in the unit and do not qualify as live –in-aides. Therefore an additional bedroom would not be approved for an aide under these circumstances. The Family Unit Size for any family consisting of a single person must be either a zero or one-bedroom Unit, as determined under the BHA Subsidy Standards.
- (h) Exceptions to the Subsidy Standards

Exceptions to the above Subsidy Standard policies may be made if the BHA determines that such an exception is justified by the sex, age, health, Disability, handicap, relationship of the Family members, or other personal circumstances. However, for a Single Person who is not a Disabled Person, or an Elderly Person, such exception will not override (g)(2)(ix) above.

- (i) When a Family May Rent an Apartment Larger than the Voucher Size

The Family may select a larger Apartment if the Family is willing to pay the difference between the rent and the approved subsidy and doing so would not require the Family to pay more than 40% of the Family's Monthly Adjusted Income for rent and utilities. The requested rent must be reasonable in comparison to similar unassisted units.

- (j) When a Family May Rent an Apartment Smaller than the Voucher Size

The Family may select a smaller Unit than that which is listed on the Voucher in the following instances:

- (i) The Head of Household, if single, chooses to share a bedroom with another member of the Family of the same sex or with a child of the opposite sex of less than three years of age; or
- (i) There is at least one bedroom or living/sleeping room of appropriate size for each two persons; or
- (ii) The State Sanitary Code requirements are met if on member of the Family is using or will use the living area as a sleeping area instead of a bedroom.

- (k) Changes in an Applicant's Family Composition.

If the Family's composition has changed since their initial application, the Family must provide verification of the change. Changes in Family Composition must be reported within thirty (30) days from the date of the change. (See also sections 11.1.1(a), 10.1.3 and 10.1.4 for more regarding changes in Family Composition). The BHA will issue a Voucher of the appropriate bedroom size based upon the Family's current composition except in cases where the relationship, age (not generational gap), sex, health, disability or handicap of the Family members warrants the assignment of a larger Voucher Size than that which would result from a strict application of the above criteria. These exceptions must be documented and approved by Administrator or his/her designee.

5.5 Income Eligibility and Targeting

Persons meeting BHA income qualifications are those whose Annual Income at the time of Admission, does not exceed the income limits for occupancy established by HUD. The BHA posts Income limits separately in BHA offices and on its web site (www.bostonhousing.org).

5.5.1 Income Eligible Family

To be income eligible the Family must be a Family in any of the following categories:

- (a) A Family with an annual gross income equal to or less than 50% of Area Median Income (which is also known as “very low-income”);
- (b) A low-income Family that is Continuously Assisted under the 1937 Housing Act;
- (c) A low-income Family that currently resides in a BHA state subsidized public housing development, but is being displaced due to modernization or rehabilitation or other reasons due to no fault of the Family and the Family was initially eligible for BHA state subsidized public housing;
- (d) A Family residing in “expiring use” developments where the Family’s household income does not exceed 80% of Area Median Income (or “low- income”);
- (e) A Family residing in developments which are eligible for the receipt of enhanced Vouchers according to applicable law, may be eligible for the Section 8 program as long as the Applicant’s household gross income does not exceed 95% of area median income.
- (f) A low-income Family that qualifies for Voucher assistance as a non-purchasing Family residing in a HOPE 1 or Hope 2 project. (Section 8(o)(4)(D) of the 1937 Act (42 U.S.C. § 1437f(o)(4)(D));
- (g) A low- or moderate-income Family that is displaced as the result of the prepayment of the mortgage or voluntary termination of an insurance contract on eligible low income housing as defined in 24 C.F.R. § 248.101.
- (h) A low-income Family that qualifies for Voucher assistance as a non-purchasing Family residing in a project subject to a Participant homeownership program under 24 C.F.R. § 248.173.

(i) ~~(i)~~ A low-income Family that is currently assisted by a state subsidized housing program.

(j) A low income family that is referred by the VA for participation in the VASH program.

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5.5.2 Targeting Requirements

The BHA will conduct “income targeting” as required by applicable law¹⁵ to ensure that 75% of all Section 8 tenant-based program waiting list Admissions go to Extremely Low-Income Families (those with incomes at or below 30% of the area median income). Income targeting requirements do not apply to Special Admissions (see section 3.6).

- (a) **“Continuously Assisted” families** are not subject to the aforementioned targeting requirements and need not be at 50% of Area Median Income or below to be eligible, as long as their income is low enough to qualify for some level of subsidy assistance.

The BHA considers a Family to be Continuously Assisted under the 1937 Housing Act if the Family is already receiving assistance under any 1937 Housing Act program when the Family is admitted to the Certificate or Voucher program.

A brief interruption between assistance under one of these programs and Admission to the Certificate or Voucher program shall not be considered a break in the continuity of assistance as long as:

- (1) The Family was qualified to enter the subsequent program at the time participation in the prior program was terminated; and
- (2) The interruption of assistance was not caused by the Family's willful violation of program regulations; or
- (3) The termination of assistance under the earlier program was not due to the Family's violation of program regulations.

5.5.3 Determining and Verifying Family Income

During the eligibility interview and/or Recertification interview, the Applicant/Participant must certify any income, Assets, income deductions and income exclusions pertaining to an Applicant/Participant's Household. In conjunction with Applicant/Participant reported income, **Upfront Income Verification (UIV)** or **third party verification** is required to determine income eligibility and amount of the subsidy.

Income eligibility. The BHA bases Income eligibility for the program on annual gross Family income without taking into account any deductions.

¹⁵ See 24 C.F.R. section 982.201(b)(2)(i)

Subsidy and monthly rent calculation. The monthly rent is determined by adding together gross income from all sources for all Family members, including income from Assets, and reducing that income by allowable deductions and income exclusions, in accordance with Federal (HUD) regulations.

See Section 4.3.3 for length of eligibility of income documentation and verification.

Projections of Annual Income shall be based on the best available information, with due consideration to the past year's income of all Family members, current income and effective date, and shall include projections for each income recipient in the household.

All forms of income, deductions, exclusions and Assets must be verified in accordance with BHA policy and HUD requirements. The following is a non-exhaustive list of information that may be accepted to verify income:

(a) Income from Employment

- (1) *Upfront Income Verification (UIV) (See section 4.3.2(a))*
- (2) A completed employment verification form (third party verification) stating the gross wages of the employee, including history or anticipated amounts of overtime or bonus to be earned by the employee, or
- (2) Pay stubs showing gross income for each pay period and all deductions taken for four consecutive weeks;
- (3) The income of workers employed on an irregular basis will be estimated based on verification of the best information available, with due consideration to earning ability and work history.
- (4) Up to \$480 of earned income of an 18-year-old or older Full-time student will be counted. The student must verify full time status with a statement on the letterhead of an accredited educational institution stating that the student is enrolled as a Full-time student at that institution.
- (5) The BHA may also require the tenant to produce additional information from the Internal Revenue Service (IRS) when annual income cannot be determined from the previous sources listed in this section. The BHA may request that the tax information be sent directly to the BHA using tax form 4506-T.

- (b) Income from Governmental Agencies.** A statement from the appropriate agency (Social Security, Department of Transitional Assistance, Employment Security, etc), stating the amount of

annual or Monthly Income provided, including the gross amount and any deductions taken.

- (c) **Income from Retirement Accounts.** A statement from the source stating the amount of annual or Monthly Income provided, including the gross amount and any deductions taken

(d) Income from operation of a business or profession

- (1) Most recent audited financial statement of income and loss;
- (2) Most recent tax return showing income and/or loss from the operation of a business or profession.

(e) Child Support, alimony, regular gifts and gambling proceeds

- (1) A statement from the individual, business or agency providing the income and the frequency and amount of income provided; and/or
- (2) Signed release form allowing the BHA to obtain information from the State Division of Child Support.

(f) Income from Assets

- (1) *Definition of Assets.* Assets consist of bank accounts, trust funds, investments in stocks, bonds, certificates of deposit or money market funds, individual retirement accounts, and Keough accounts, life insurance, real property (buildings or land), or capital investments.
- (2) *Actual vs. Imputed Income.* Income from Assets shall be based on either the actual income received or Imputed Income based upon current passbook savings rates in accordance with federal and state regulations as applicable. For instance, actual interest received shall be used for interest bearing bank accounts, money market funds, rented property, etc. Imputed Income will be used for real property which is not rented, jewelry, coin collections, works of art and other non-income bearing Assets. If the value of the asset is more than \$5,000 the higher of Imputed Income or actual income received will be used.
- (3) Common household items such as furniture, clothing, and vehicles used for day-to-day transportation shall not be considered Assets for the purposes of calculating income.

- (4) Estimated bank withdrawal penalties, fees, and settlement costs used to determine cash value will be determined in accordance with the Code of Federal Regulations.
- (5) In the case of tenants who own real estate, the property tax assessment will be used to determine the fair market value of real estate.
- (6) If the Family claims to have inaccessible Assets or a trust that is not revocable or under the control of any Family member, it is up to the Family to prove such inaccessibility with reasonable, sufficient, valid documentation. Any income distributed from the trust or any other inaccessible asset will be considered when determining the Family's annual income.
- (7) Types of verification that will be accepted for purposes of determining the value and income received from an asset include:
 - (i) For a family with net assets equal to or less than \$5,000, a BHA may accept a family's declaration that it has net assets equal to or less than \$5,000 without taking additional steps to verify the accuracy of the declaration. The BHA must obtain third-party verification of all family assets every three years (24 CFR 982.516(3)(ii)).
 - (ii) Third Party Income Verification form filled out by a financial institution;
 - (iii) Original passbook for passbook savings accounts;
 - (iv) Most recent (no older than one year) appraised value of real property owned provided it's reflective of fair market value, in the form of property tax bill or appraisal from a Real Estate Appraiser; and
 - (v) Appraised valuations of any non-essential personal Assets such as jewelry, coin collections, antiques or classic cars.
- (g) **Income from financial assistance for higher education.**
 - (1) Income from financial assistance for higher education includes any amounts received in excess of tuition, fees and charges as defined by the Department of Education.
- (h) **Verification of childcare expenses or care of Disabled Family Member deductions.** This deduction is available for any **reasonable** childcare expenses to enable a Family member to be employed (including a family member on a leave of absence from

his/her job with an anticipated return); actively seek employment, or to further his or her education. Such expenses are amounts anticipated to be paid by the Family for the care of children under 13 years of age during the period for which Annual Income is computed, but only where such care is necessary to enable a Family member to actively seek employment, be gainfully employed, or to further his or her education. The deduction will not be granted for any amount that is reimbursed.

In determining whether childcare expenses are reasonable, the BHA will verify that a family member is engaged in an eligible activity and that the time spent at the eligible activity is commensurate to the child care expense.

Verification required:

- (1) Statement from the provider of childcare or care of Disabled Person who is a Household Member of the amount of payment made on a periodic basis by the Applicant and proof of payment (e.g., cancelled check, money order receipt, IRS-1099 Form, etc.).
 - (2) Third party verification will be required: from employer verifying employment ; from employer verifying leave of absence and anticipated return date; letter from educational institution verifying student status ; verification of unemployment benefits or self-certification that he/she is seeking employment.
- (i) **Verification of Medical Deductions.** This deduction is available to an Elderly or Disabled Family (i.e., in which the Head of Household or spouse is 62 years of age or older or is a Disabled Person). The BHA requires third party verification of ~~the following~~ un-reimbursed medical expenses for any Family member paid within the last twelve months. The BHA will allow medical deductions in accordance with IRS Topic 502. :
- ~~(1) — Statement of the cost of medical insurance and the frequency of cost from the provider or in the form of deductions indicated on pay stubs or Social Security statements accompanied by proof of payment;~~
 - ~~(2) — Receipts for payment of prescriptions and other health care needs. Non-prescription health care needs must be documented by both receipts and a statement from a Qualified Health Care Provider of the need for such items (including non-prescription medications, wheelchairs or other disability related aids, etc);~~
 - ~~(3) — A printout of prescription costs from a pharmacy accompanied by proof of payment by a Family member;~~

~~(4) — Medical or dental bills for a Family member paid and proof of payment by a Family member.~~

(j) Verification of Disability Assistance Expenses

This deduction is available for ***un-reimbursed*** attendant care and auxiliary apparatus expenses for each member of the Family who is a Disabled Person, to the extent necessary to enable any member of the Family (including but limited to the member who is a Disabled Person) to be employed. This deduction may not exceed the earned income received by Family members who are 18 years of age or older and who are able to work because of such attendant care or auxiliary apparatus.

(k) Verification of Permanent Residence at a Hospital

The income of a Family member confined to a long-term health care facility, as well as the deductions for their care may be excluded from consideration.

(l) Disallowance of an Increase in Annual Income for Participant Families with Disabled Members (Earned Income Disregard or EID)

If a Family's income increases as a result of employment of a Participant Family member who is a Disabled Person who has not been employed for one or more years prior to employment, the BHA will not count the increase in income due to the employment for a 12 month period. During the second 12-month period after the new employment the BHA will only count 50% of the income.

The earned income disallowance is limited to a lifetime 24-month period for each Disabled Family member; that is, the disallowance applies for a maximum of 12 months of full exclusion of incremental increase, and a maximum of 12 months of phase-in exclusion.

If the period of increased income does not last for 12 consecutive months, the disallowance period continues for the remainder of the 24-month period.

No earned income disallowance will be applied after the 24-month period following the initial date the exclusion was applied.

(m) Exclusions from Income include but are not limited to the following (for a complete list refer to 24 C.F.R. 5.609(c))

- (1) Annual income does not include the following:
Income from employment of children (including foster children) under the age of 18 years.

(2) Payments received for the care of foster of children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone).

(3) Lump sum additions to family assets, such as inheritances, insurance payments, (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses, except as provided 5.5.3(b).

(4) Amounts received by the family that are specifically for, or in reimbursement of the cost of medical expenses for any family member.

(5) Income of a *live in aide* as defined in Section 5.4.2 (g)

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(6) Education fees- financial assistance that is equal to tuition and any mandatory fees or charges in addition to tuition

(7) The special pay to a family member serving in the armed forces who is exposed to hostile fire.

(8) Amounts received under training programs funded by HUD.

(9) Temporary, nonrecurring or sporadic income (including gifts).

Income received as part of a guaranteed income pilot shall be considered temporary and therefore excluded from annual income determinations

(10) Earnings in excess of \$480 for each full time student 18 years of older excluding the head of household and spouse.

(11) Adoption assistance payments in excess of \$480 per adopted child.

(12) Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home.

5.5.4 Zero Income

When a Family reports zero income, the BHA may require the Household to complete a budget or statement of financial responsibility. If the Family owns a motor vehicle, a telephone, or has other evidence of some form of expenditures reflecting income, the Family will be asked to explain the source of funds supporting such cash expenditures

In addition, adult Family members will be required to sign releases allowing the BHA to obtain verification of no-income from sources such as Dept. of Transitional Assistance, Internal Revenue Service, Department of Revenue, Social Security Administration, Employment Security and Veterans Affairs.

(a) Frequency of Zero Income Recertification

The BHA may require a zero income Participant to recertify every month. The BHA will review EIV quarterly until an Annual Income is determined..

5.6 Review of Citizenship and Eligible Immigration Status

Each Applicant/Participant's status as a U.S. Citizen, Eligible Non-Citizen or ineligible Non-Citizen must be verified except as indicated below. Determination of eligibility or partial eligibility for subsidized housing is affected by Citizen or Non-Citizen status. At least one Household Member must be a Citizen or Eligible Non-Citizen.

5.6.1 What Evidence Will Be Required.

Evidence of U.S. Citizenship or "Eligible Immigration Status" will be required to be submitted for all Family members regardless of their age, except as indicated below. **If you choose not to contend that you are a Citizen or have eligible immigration status you must** complete a form electing not to contend to such status

(a) **If You Are a U.S. Citizen:**

A signed Declaration of U.S. Citizenship

(b) **If You Are a Non-Citizen Who is Age 62 or Over:**

A signed Declaration of "Eligible Immigration Status". You will also need to provide a "proof of age" document.

(c) **If You Are a Non-Citizen Who Does Not Fall into One of the Categories Above:**

A signed Declaration of "Eligible Immigration Status," a signed Verification Consent Form **and** you must provide **the original** of one of the documents listed below:

- (1) Registered Alien Card: U.S. Immigration and Naturalization Service ("INS") I-551 Form;
 - (2) Arrival /Departure Record: INS I-94 Form; with one of the following annotations:
 - (i) "Admitted as Refugee pursuant to Section 207;"
 - (ii) "Section 208" or "Asylum;"
 - (iii) "Section 243(h)" or "Deportation stayed by Attorney General;" or
 - (iv) "Paroled pursuant to Section 212(d)(5) of the INAA."
 - (3) Arrival /Departure Record: INS I-94 Form, not annotated, accompanied by one of the following documents:
 - (i) A final court decision granting asylum to which no appeal was taken;
 - (ii) A letter from an INS Asylum Officer granting asylum (if application was filed on or after October 1, 1990) or from an INS District Director (if application filed before October 1, 1990);
 - (iii) A court decision granting the withholding of deportation; or
 - (iv) A letter from an INS Asylum Officer granting withholding of deportation (if application was filed on or after October 1, 1990).
 - (4) Temporary Participant Card: INS I-688 Form, which must be annotated with the notation of either "Section 245A" or "Section 210;"
 - (5) Employment Authorization Card: INS Employment Authorization Card I-688B Form, which must be annotated with the notation either: "Provision of Law 274a.12(11)" or "Provision of Law 274a.12;" or
 - (6) Receipt from the INS indicating Application for Issuance of a Replacement Document.
- (d) Eligible Immigration Status for all Non-Citizen Family members must be verified through the INS unless there is an election not to contend or all Family members are 62 years of age or older and have submitted proof of age and a declaration of eligible non-Citizen status.

5.7 Review of Criminal Offender Record Information (CORI)

The BHA uses criminal offender (CORI) records obtained from law enforcement agencies to screen Applicants for eligibility to the HCVP. All Applicants are advised in writing that criminal activity by any Applicant may be a cause for denial to the Section 8 Program. To determine eligibility the BHA reviews a Criminal Offender Record Information ("CORI") report from the Massachusetts Department of Criminal Justice Information Services ~~Criminal History Systems Board~~ ("CHSBD/CJIS"), or a similar entity in another state, if the Applicant has not been residing in Massachusetts for the past two (2) years. The BHA will pay costs associated with obtaining criminal record reports.

The BHA will request CORI for an Applicant who is fourteen (14) years of age or older in accordance with State and federal law. ~~The BHA will does not have access review to any juvenile offender information. The BHA shall only review CORI for an applicant who is 14 or older that is or was has been tried as an adult.~~

In conducting a review of an applicant's history of criminal activity the review shall be limited to a period of ~~five-three (53)~~ years for criminal activities which would be punishable as a misdemeanor or equivalent level of culpability under local law and ~~ten-seven (107)~~ years (except where the Housing Authority has an obligation to ban applicants whose criminal activity is subject to mandatory denial) for an activity which would be punishable as a felony or equivalent level of culpability under local law. The time period shall run from the date of conviction or the release date, whichever is later.

The Housing Authority may deny an applicant whose criminal record shows a pattern of violent criminal activity, or activity that is inherently violent, even though the activity has occurred outside of the time frame set out above.

For the purposes of CORI certification, the BHA must verify the identity of the Applicant with a form of government-issued photographic identification (if photographic identification is unavailable the BHA may accept proof of birth). The BHA will obtain the following information on the CORI request form to ensure the correct identity of the Applicant:

- Full Name;
- Maiden name or Alias;
- Date of Birth;
- Place of Birth;
- Social Security Number (requested but not required);
- Mother's maiden name;
- Former addresses;
- Sex;
- Height;
- Weight; and

- Eye Color
- Other information as required under State or federal law.

If the BHA obtains criminal record information showing that an Applicant Family member has been convicted of a crime relevant to eligibility, the BHA will notify the Applicant of the proposed denial and provide the subject of the record and the Applicant a copy of such information, and an opportunity to dispute the accuracy and relevance of the information. The BHA may also consider evidence that any criminal activity was directly related to or resulting from incidents of Domestic Violence, Dating Violence, Stalking, or Sexual Assault as Mitigating Circumstances. The BHA will send the Applicant a letter offering the Applicant the opportunity to provide information by mail to dispute, resolve, or mitigate the criminal record information. The BHA will also provide the Applicant and the subject of the criminal record with a copy of the criminal record and let the Applicant know which portion of the record appears to make the Family ineligible. Upon receipt of additional information from the Applicant, the BHA will review the information and inform the Applicant of the decision.

5.7.1 Use and Maintenance of CORI

The BHA will use, maintain, and destroy CORI in accordance with 803 CMR § 5.00

No BHA employee shall disseminate or retain CORI for any purpose other than that expressly permitted by law. No BHA employee shall disseminate CORI to any individual other than an individual involved in the Applicant Certification process who is expressly authorized to have access to CORI.

CORI shall be destroyed when the Applicant to whom it pertains has been housed or has received a subsidy. If an Applicant has been determined ineligible for housing or subsidy, the Applicant's CORI shall be destroyed three (3) years from the date of the application's rejection, or after all administrative and judicial proceedings concerning the rejection are exhausted, whichever is later.

An Applicant shall be determined eligible on the basis of all other HCVP criteria before eligibility is determined on the basis of CORI.

5.8 Required Release Forms

All Adult Family members will be required to execute the following releases of information or sign information forms as appropriate:

- (i) The single standard **Release of Information** form that is to be signed by the Applicant and each adult Family member;
- (ii) Non-Citizen Rule– Verification of Consent for all Family members;

- (iii) One copy of the **CORI Release of Information** form advising the Family member that CORI will be used on all persons fourteen (14) and over; and
- (iv) The **Privacy Act Notice**.

Note: Refusal to sign these forms or other documents required to process the application, complete Recertification, or conduct screening will result in the withdrawal of the application or termination of the subsidy. The BHA has discretion to determine what constitutes adequate and credible documentation. If staff has doubts about the veracity or reliability of information received, they may examine alternative methods of verification with the Applicant or third parties until they are satisfied that the documentation is reliable or that reliable documentation is unattainable. The BHA will not offer housing to an Applicant who has failed to provide requested documentation or to identify sources who can provide documentation which demonstrates the ability of the Family to comply with the essential obligations of the Lease or meet other eligibility requirements.

5.9 Briefing Session

If the Applicant is determined eligible for the HCVP, the BHA will provide a letter inviting them to a briefing session.

If the Applicant is ineligible, the BHA will give them a letter stating the reason for ineligibility and informing the Family of their right to request an informal review of the determination or a reasonable accommodation. The letter will also include a description of the process for obtaining such a review. Failure to attend the briefing session will result in withdrawal from the waiting list.

5.9.1 Issuing Vouchers

At the briefing session, the BHA will issue the Family a Voucher. The size of the Voucher will be in accordance with the BHA Subsidy Standards.

5.9.2 Conducting Briefing Sessions

The BHA will provide briefing sessions when necessary. Applicants may supply their own interpreter, but the BHA will take reasonable steps to assure meaningful access by Disabled Persons and persons with limited English ability in accordance with section 1.3.4 of this Administrative Plan. At the briefing session the Voucher will be issued to the Family. The instructor will orally brief the Family and supply them with an information packet regarding the rules of the program.

- (a) **Oral Briefing.** When the BHA selects a Family to participate in a tenant-based program, the BHA will give the Family an oral briefing. The briefing must include information on the following subjects:

- (1) A description of how the program works;

- (2) Family and Owner responsibilities; and
 - (3) Where the Family may Lease a Unit, including renting a dwelling Unit inside or outside the BHA Jurisdiction;
 - (4) For a Family that qualifies to Lease a Unit outside the BHA Jurisdiction under Portability procedures, the briefing must include an explanation of how Portability works. The BHA may not discourage the Family from choosing to live anywhere in the BHA Jurisdiction, or outside the BHA Jurisdiction under Portability procedures;
 - (5) If the Family is currently living in a high poverty census tract in the BHA's Jurisdiction, the briefing must also explain the advantages of moving to an area that does not have a high concentration of poor families;
 - (6) In briefing a Family that includes any Disabled person, the BHA must take appropriate steps to ensure effective communication in accordance with 24 C.F.R. § 8.6.
- (b) **Information packet.** When a Family is selected to participate in the program, the BHA will give the Family a packet that includes information on the following subjects:
- (1) The term of the Voucher, and BHA policy on any extensions or suspensions of the term. If the BHA allows extensions, the packet must explain how the Family can request an extension;
 - (2) How the PHA determines the amount of the Housing Assistance Payment for a Family, including:
 - (i) How the PHA determines the Payment Standard for a Family; and
 - (ii) How the PHA determines the Total Tenant Payment for a Family.
 - (3) How the BHA determines the maximum rent for an assisted unit;
 - (4) Where the Family may Lease a Unit. For a Family that qualifies to Lease a Unit outside the BHA Jurisdiction under Portability procedures, the information packet will also include an explanation of how Portability works and the list of city of towns that the BHA services;
 - (5) The HUD-required "tenancy addendum" that must be included in the Lease;

- (6) The form that the Family uses to request BHA approval of the assisted tenancy, and an explanation of how to request such approval;
- (7) A statement of the BHA policy on providing information about a Family to prospective Owners;
- (8) BHA Subsidy Standards, including when the BHA will consider granting exceptions to the standards;
- (9) The HUD brochure on how to select a unit;
- (10) Information on federal, State and local fair housing and equal opportunity laws, a copy of the housing discrimination complaint form and the phone number for the Fair Housing Complaint Hotline (currently 1-800-669-9777 or TTY 800-887-8339 for persons with hearing or speech impairments);
- (11) A list of landlords or other parties known to the BHA who may be willing to Lease a Unit to the Family, or help the Family find a Unit;
- (12) Notice that if the Family includes a Disabled Person, the Family may request a current listing of accessible units known to the BHA that may be available;
- (13) BHA informal hearing procedures. This information must describe when the BHA is required to give a Participant the opportunity for an informal hearing; and
- (14) The BHA Family Break-Up Policy and the Residual Family Policy.

CHAPTER 6: Denial of Voucher and Applicant Appeals

6.1 Denial of a Voucher

The BHA may deny eligibility for the reasons set forth below.

The BHA shall not automatically deny an applicant based on the presence criminal history.

The BHA review of criminal history only considers convictions and charges awaiting trial for drug related, violent, and other criminal activity that could affect the health and safety of others potentially living nearby.

The BHA shall not consider arrests, cases that were continued without a finding as a means of probation, or charges that did not get prosecuted. Convictions for crimes such as larceny and other non-violent, non-drug related criminal activity are generally not considered unless, the BHA determines that the activity might affect the health and safety of other in the area. For example, illegal possession of a firearm or ammunition is not dangerous in itself, but may be considered to affect the health and safety of others.

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6.1.1 Definitions

- (a) **Denial** means a BHA action which denies listing on the BHA waiting list, denying or withdrawing a Voucher, refusing to enter into a HAP Contract or approve a Lease or refusing to process or provide assistance under Portability procedures.
- (b) **Drug Related Criminal Activity** means:
 - (i) The manufacture, sale, distribution, or use, or the possession with intent to manufacture, sell or distribute a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. § 802);
 - (ii) The use or possession (other than with intent to manufacture, sell or distribute) of a controlled substance, except that such use or possession must have occurred within one year before the date that the PHA provides notice to an Applicant to deny Admission pursuant to 24 C.F.R. § 982.553.
- (c) **Violent Criminal Activity**: means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or to be reasonably likely to cause, serious bodily injury or property damage.

- (d) **Denial Due to Domestic Violence.** The BHA will not deny the assistance of a Family solely for the reason of being a victim of Domestic Violence, Stalking, Sexual Assault, or Dating Violence, unless there is an actual or imminent threat to other tenants or those employed at or providing service to the property if that tenant is not denied the assistance. See also section 1.2.5.

6.1.2 Mandatory Denial

The Family must be denied a Voucher, even if they are otherwise eligible:

- (a) If any Family Member fails to sign and submit Consent forms for obtaining information in accordance with this Administrative Plan and 24 C.F.R. part 5, subpart B and F.
- (b) If any Family Member fails to submit required evidence of citizenship or eligible immigration status (or non-contending forms) in accordance with 24 C.F.R. part 5, subpart F and Section 5.6 of this Administrative Plan.
- (c) If any Family Member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the Premises of federally assisted housing, the BHA will permanently prohibit Admission to the Section 8 program.
- (d) If any Family Member is subject to a lifetime registration requirement under a State sex offender registration program in Massachusetts or any other State.
- (e) If any Family Member has been evicted from federally assisted housing within the last three years for Drug Related Criminal Activity. However, the BHA may admit the Family if the BHA determines:
 - (1) That the evicted Family Member who engaged in the drug-related criminal activity has successfully completed a supervised drug rehabilitation program.
 - (2) That the circumstances for leading to eviction no longer exist (for example, the criminal Family Member has died or is serving a lengthy prison term).
- (f) If the Family member is currently engaged in illegal use of a drug.
- (g) If the BHA determines that there is reasonable cause to believe that a Family member's illegal drug use or a pattern of illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the Premises by other residents.

- (h) If the BHA determines that it has reasonable cause to believe that a Family member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the Premises by other residents.

6.1.3 Discretionary Denial

The BHA may deny a Family a Voucher, even if they are otherwise eligible, if any Family member:

- (a) **Owes uncollected rent and/or miscellaneous charges**, such as, court costs, constable fees, or other related fees arising during the Applicant's receipt of benefits from any program administered by the BHA or Other Publicly Assisted Housing Program.
- (b) Has failed to reimburse the BHA or another PHA for rent or any other amount paid to an Owner under a contract or Lease provision;
- (c) Has committed fraud, bribery, or any other corrupt or criminal act in connection with any state or federal housing assistance program; (See also 4.2)
- (d) Has violated any Family obligation under the Section 8 Program as stated in 24 C.F.R. § 982.551 or listed in section 13.5.2;
- (e) Has breached an agreement to repay a debt to the BHA;
- (f) Any Family member is currently engaged in, or has engaged in during a reasonable¹⁶ time before the Admission:
 - (1) Drug Related Criminal Activity;
 - (i) The BHA may not deny assistance due to use or possession of a controlled substance by a Family member if the Family member can demonstrate that s/he has an addiction, has a record of an addiction, or is regarded as having an addiction to a controlled substance, and is recovering or has recovered from such addiction and does not currently use or possess a controlled substance. The BHA may require a Family member who has engaged in the illegal use of a controlled substance to submit evidence of participation in, or successful completion of, a treatment program as a condition

¹⁶ For the purposes of this provision, reasonable will depend on the individual circumstances.

to being allowed to reside in the Unit (see also section 6.1.5(c)).

- (2) Violent Criminal Activity;
- (3) Other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the Premises by other residents or persons residing in the immediate vicinity; or
- (4) Other criminal activity which may threaten the health or safety of the Owner, property management staff, or persons performing a contract administration function on behalf of the BHA (including a BHA employee or a BHA contractor, subcontractor, or agent).
- (g) Has engaged in or directed abusive, threatening or violent behavior toward BHA personnel;
- (h) Has been evicted from federally assisted housing in the last five years; or
- (i) If a PHA has ever terminated assistance under the program for any member of the Family.

6.1.4 Denial of Eligibility and Notice to Applicant

- (a) *Opportunity to Mitigate criminal record prior to denial of eligibility.* If the BHA would otherwise deny Admission based upon information contained in an accessed criminal record, the BHA will give the Applicant Family an opportunity to mitigate or dispute the accuracy and relevance of that record in accordance with 24 C.F.R. § 982.553(d). See also section 6.1.5.

The BHA will notify the Applicant of the proposed denial and provide the subject of the record and the Applicant a copy of such information, and an opportunity to dispute/mitigate the accuracy and relevance of the information. The BHA will send the Applicant a letter offering the Applicant the opportunity to provide information by mail to dispute, resolve, or mitigate the criminal record information. The BHA will also provide the Applicant and the subject of the criminal record with a copy of the criminal record and let the Applicant know which portion of the record appears to make the Family ineligible. Upon receipt of additional information from the Applicant, the BHA will review the information and inform the Applicant of the decision. (See also section 5.7 for more information on criminal record reports)

- (b) *Notice of Denial to Applicant.* When the BHA determines, based on a preponderance of the evidence, that an Applicant Family is ineligible for one of the reasons stated above, the BHA will notify

the Applicant in writing that the BHA is denying assistance for the program. The BHA will notify the Applicant of the reason for the decision and the information relied upon in reaching the decision. The notice will include:

- (1) The ground(s) for denial;
 - (2) That the Applicant has twenty (20) days, or thirty (30) days for action taken under HUD non-citizen rule cases, to request in writing an informal review with the BHA to review denial;
 - (3) That the Applicant shall have a right at the informal review (see section 6.2) to review their file at the review or prior to the review, to present a defense to the adverse information, present evidence or information which might warrant an approval for Section 8 Assistance;
 - (4) That if an Applicant believes the adverse information is incorrect and wishes to pursue modification or correction of the criminal record, (s)he can request that the BHA keep the Applicant's application open for 90 days for such purpose;
 - (5) That the Applicant has a right to request that the BHA consider a Reasonable Accommodation in evaluating said Applicant's eligibility if (s)he is disabled or handicapped as defined in 29 U.S.C. § 706(8)(B) or other applicable law.
- (c) *Withdrawal.* If an Applicant is deemed ineligible for the Section 8 Program, they will be withdrawn from all Section 8 waiting lists.

6.1.5 Consideration in Certain Denials

- (a) *Consideration of circumstances generally.* The BHA has the discretion to consider all of the circumstances in each case including, but not limited to, the seriousness of the offense, the extent of the criminal history, the extent of participation by Family members, and the effects that denial will have on Family members not involved in the alleged activity.
- (b) *Reasonable Accommodation.* The BHA shall consider a request for Reasonable Accommodation by an Applicant who has a disability or handicap, has a record of a disability or handicap, or is perceived as having a disability or handicap. The BHA will follow its Reasonable Accommodation Policy to determine whether or not an Accommodation should be made for an Applicant who is a Disabled Person.

- (c) *Mitigating Circumstances.* The BHA shall consider mitigating circumstances such as active participation in, or completion of, a supervised drug treatment program.
- (d) *Admission of a portion of the Family.* The BHA may, in its discretion, admit only a portion or certain members of the Family to the HCVP, if there is sufficient evidence that the Family member who engaged in the alleged activity will not reside in the Unit or if the Head of Household certifies that the Family Member who engaged in the alleged activity will not reside in the Unit.
- (e) *Project based vs. tenant-based assistance.* The BHA may consider whether the Applicant is to receive project based assistance, which has as one of its components supportive services that may be appropriate for the Applicant.
- (f) *Domestic Violence.* The BHA may consider an incident or incidents directly related to Domestic Violence, Dating Violence, Stalking, or Sexual Assault as mitigating circumstances when the incident or incidents of Domestic Violence, Dating Violence, Stalking, or Sexual Assault is directly related to the reason for denial.

6.2 Informal Reviews for Applicants

6.2.1 Right to an Informal Review

Applicants who are determined Ineligible for Admission, issued a Notice of Withdrawal, or denied Priority status or Preference(s) by the BHA will be sent a notice that:

- (a) Informs the Applicant of the reason(s) for Ineligibility, withdrawal or denial of Priority status or Preference(s);
- (b) Advises the Applicant of his/her right to contest the decision in an informal review provided a written request for a hearing is received within twenty (20) calendar days of the date the Notice of Denial is issued. The request must be in writing and must state clearly the basis for requesting the informal hearing and be sent to the address provided on the notice;
- (c) Advises the Applicant of his/her right to contest the CORI information in accordance with Federal and/or State law if that is the basis for determination of Ineligibility;
- (d) Advises the Applicant that if s/he has a disability, not previously disclosed, that the disclosure of such condition would lead to the consideration of Mitigating Circumstances and/or a Reasonable Accommodation, if related to the disability. Advises the Applicant that if s/he requests a Reasonable Accommodation at the time of

or after requesting an informal hearing, the hearing officer will make the decision regarding the accommodation;

- (e) Advises the Applicant that if s/he has been the victim of Domestic Violence, Dating Violence, Stalking, or Sexual Assault, that such situations could be considered as Mitigating Circumstances if they are directly related to the negative information. Advises the Applicant that if s/he requests consideration of Mitigating Circumstances at the time of or after requesting an informal hearing, the hearing officer will make the decision regarding the circumstances;
- (f) Provides a description of BHA's informal review process and advises Applicants that they have the right to be represented by an attorney or other individual at the informal review, review the contents of their file in advance of the hearing, and the right to submit additional documents and evidence and to testify at the review;
- (g) The hearing officer may consider mitigating circumstances or a reasonable accommodation presented at the hearing when determining whether or not to deny the assistance of an applicant.

6.2.2 Hearing Procedures

(a) Time to Request an Informal Review

The time to request an informal review shall be twenty (20) days from the date of notice of withdrawal, denial of assistance to the Family, denial of Priority and/or Preference, denial of a place on the appropriate waiting list, or denial of issuance of a Voucher, except in Non-Citizen Rule cases where the time period shall be thirty (30) days from the date of the notice of denial of assistance for any Family member. The BHA will grant a request for a hearing when an Applicant submits a late request, together with evidence of compelling circumstances that prevented the Applicant from requesting a hearing within the twenty (20) days. Late requests will be considered by the Administrator of Grievances and Appeals or his/her designee for thirty (30) days beyond the initial appeal period. ,

(b) Scheduling the Informal Review

When the BHA receives the Applicant's written request the Department of Grievances and Appeals ("DGA") will schedule an informal review. The DGA will notify the Applicant in writing of the date, time and place of review. The BHA will send the notice to the Applicant's address of record. The notice shall also restate the Applicant's rights to present evidence and testify, review his/her file, request a Reasonable Accommodation or interpreter and right to be represented by an attorney or other individual at the hearing. The review shall be held at a convenient time and at an

accessible location for applicant and the BHA. If an Applicant requests an Reasonable Accommodation that pertains to the how the hearing itself will be conducted the DGA Administrator will decide the accommodation request. If an Applicant requests a Reasonable Accommodation that pertains to the underlying decision, the request will be forwarded back to the Department for review. All requests will be processed in accordance with the BHA Reasonable Accommodation policy.

- c) *Default and Rescheduling.* The DGA will issue a Default if the Applicant does not appear in the DGA within 15 minutes of the scheduled time and did not submit a written request to reschedule prior to the hearing. A hearing maybe rescheduled once for any reason without verification, provided that a written request is submitted on or before the date of the hearing. Second and subsequent requests must be supported by evidence of compelling circumstances that would prevent the applicant from attending. Reschedule requests submitted after the hearing date must be submitted within 30 days of the hearing date and must be supported by evidence of compelling circumstances that prevented the applicant from attending and, if applicable, prevented the Applicant from submitting a request to reschedule prior to the hearing date. The Applicant will be withdrawn from the waiting list if the Applicant does not attend the informal review and did not attempt to reschedule.

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(d) Compelling Circumstances – when analyzing whether or not a applicant's reasons for requesting a late hearing or failing to attend a hearing are compelling, the Grievances and Appeals Administrator or his/her designee will consider the written facts or circumstances submitted by the applicant together with any documentary evidence in support of his/her request. The determination will be based on the following factors: (1) How quickly the applicant has attempted to remedy the request/default; (2) the nature of the applicant's explanation; (3) whether or not the applicant could have prevented the untimeliness; (4) whether or not granting a late hearing/removing default would produce a harsh or unfair result. ***Please Note the review will be based solely on the documents submitted, no hearing will be scheduled to determine compelling circumstances.***

Failure to receive the adverse notice or hearing notice will not be considered a compelling circumstance if the applicant did not receive the notice because of his/her failure to give the BHA the correct and most current address.

6.2.3 Applicant Rights during the Informal Review

During the hearing, the BHA will put forth its evidence in support of a determination of Ineligibility, Withdrawal, or denial of Priority status or Preference(s). The Applicant will have an opportunity to present evidence and testimony rebutting the basis for the BHA's determination.

6.2.4 Due Process Requirements

The informal review will conform to the following due process requirements:

- (a) An employee of the BHA who did not participate in the original decision must conduct the review.
- (b) The hearing officer must base the decision solely on evidence presented at the hearing as well as any evidence previously received by the BHA. All evidence submitted at the hearing shall be considered *de novo*, and the matter shall not be remanded to the Leased Housing Division or Occupancy Department for reconsideration due to submission of new evidence.
- (c) The Applicant and/or his/her representative has a right to inspect the file prior to the review, provided the Applicant provides BHA with written authorizations permitting the representative to have access to the contents of the Applicant's file and/or CORI.
- (d) Either the Applicant or the BHA may request after close of the review that the record remain open for a reasonable time for submission of new evidence. At the discretion of the hearing officer, the date may be only extended for good cause (such as the inability of the Applicant for reasons outside his/her control to provide a particular document by the requested date). Written notice of the record being held open, the cause for an extension if any, and the date the record will close will be given to the Applicant and kept in the BHA case file.

6.2.5 Informal Review Decisions

After the informal review, all Applicants will be sent an “**Informal Review Decision**” from the BHA hearing officer. This notice shall:

- (a) Provide a summary of the review;
- (b) Provide the decision of the hearing officer, together with findings and determination;
- (c) Provide an explanation of the regulations and/or other applicable provisions utilized in making the decision;

6.2.6 Reversal of BHA's Determination of Ineligibility

If the BHA **reverses** the determination to deny the Applicant assistance or Priority or Preference status, the application will return to its appropriate place on the waiting list(s) for all programs previously selected by the Applicant. The BHA will restore the status or position in accordance with the determination.

6.2.7 Confirmation of the BHA's Determination of Ineligibility

- (a) If the decision or an appeal **upholds** the determination of Ineligibility the Applicant may submit a new application for admission at a time when a waiting list is open but no earlier than eighteen (18) months after the after the initial determination of ineligibility by Leased Housing. This period of time may permit the Applicant and/or Household Member to correct the behavior or situation that resulted in rejection. A shorter period, as determined by the Authority, to be appropriate under the circumstances of the rejection, or any new Application, may be allowed.
- (b) Applicants who are withdrawn may submit a new Application at any time provided a waiting list is open.
- (c) Applicants denied Priority Status, Preference(s), or Reasonable Accommodation may re-apply for the same or a different Priority or Preference at any time provided a waiting list is open except as provided for in this policy.

CHAPTER 7: FINDING AND LEASING APPROVABLE HOUSING

7.1 Searching for Housing

The Housing Choice Voucher (Voucher) is the Family's authorization to search for housing. The Family receives the Voucher after the BHA selects the Family from the waiting list, determines the Family's eligibility for assistance, and conducts the program briefing. Upon issuance of a Voucher, the housing search process begins. Once the Family selects a potential Apartment, the BHA begins its process of approving or denying the assisted tenancy.

The Leasing Officer will refer a Family to special BHA housing counseling programs, if available, and non-BHA housing search assistance as appropriate. The BHA will make an Apartment listing and maps of Boston available at its central office located at 52 Chauncy St. and online at www.bostonhousing.org

7.1.1 Assisting the Family in Responding to Suspected Discrimination

When the Family believes it may have been discriminated against while attempting to find or lease a Unit, the Leasing Officer will instruct the Family to complete the HUD Discrimination Complaint Form and also file a complaint with the Massachusetts Commission Against Discrimination ("MCAD"). The BHA provides both forms to all Applicants at their briefing session. If necessary, the Leasing Officer will help the Family to complete the required discrimination forms. The Leasing Officer may also refer the Family to the BHA Office of Civil Rights for assistance in filing a discrimination complaint. Finally, the Family will be provided with the address and phone numbers of agencies which may be able to provide legal assistance including, but not limited to: Greater Boston Legal Services, the Lawyers Committee for Civil Rights, and the Greater Boston Fair Housing Center.

7.2 Voucher Term

7.2.1 Term Length

A Voucher has an initial term of 120 days. The term of the Voucher is the amount of time that a Family has to find approvable housing. Vouchers will expire 120 days from the date of the issuance unless the BHA suspends or extends the term of the Voucher. See sections 7.2.4 and 7.2.5. The Voucher will state the expiration date.

7.2.2 Expiration

The Voucher expires automatically on the date indicated on the Voucher unless the Voucher term changes due to an extension or suspension. See section 7.2.4. The initial Voucher states the expiration date

7.2.3 Withdrawal

The BHA may withdraw the Family's Voucher at any time if the BHA finds that the Family violated any of the Family obligations as listed in 24 C.F.R. § 982.551 or section 13.4 of this Administrative Plan.

7.2.4 Voucher Suspension Policy

For the purposes of this section Suspension or Tolling means that the term of a Voucher does not continue to run when a Family submits the Request for Tenancy Approval ("RTA") until the time the BHA approves or denies the request, or the RTA expires.

The RTA will expire if the Owner does not schedule an inspection appointment within sixty (60) days from the date the RTA is received by the BHA Inspection Department. The Suspension time will accrue until the RTA is no longer valid. The BHA will process one RTA per Family at a time. A Family may withdraw a RTA at any time. The BHA will notify the Family in writing of the new expiration date and the Suspension calculations by sending the Family an Agency Determination Form.

Suspension Example:

- i. Voucher issued: May 1; Expiration date: August 31
 - ii. Family submits the RTA: May 15
 - iii. BHA denies the RTA: May 24 (Tolling/Suspension Time: 9 days)
 - iv. New Voucher expiration date: September 9
- (a) *Calculation of new term.* If the Voucher was suspended because the Voucher holder submitted a RTA that is no longer valid, the Leasing Officer will use the Agency Determination Form to notify the Voucher holder in writing of the new Voucher expiration date. The BHA calculates the new expiration date by adding the number of days between the date the RTA was submitted and the date the RTA became invalid to the initial expiration date.
- (b) *Additional suspension time for repairs to the Unit.* If a Family submits a RTA, but the Apartment fails inspection and the Owner needs more time to bring it up to acceptable condition, or if the Apartment cannot be inspected immediately (e.g.; if the Apartment is being rehabilitated), the Inspections Department will give the Owner 30 days to make repairs. The BHA has sole discretion to decide if such additional time shall be granted.
- (c) If a Family submits a Request for Reasonable Accommodation the BHA will toll the voucher in accordance with the above calculation from the time the request is received until the Leased Housing Department issues a determination of the request.

7.2.5 Extension of Search Time

- (a) *Generally.* A Family may apply for an extension by notifying the BHA in writing that they require more time to search for an Apartment. The BHA shall use its discretion to grant a Family requesting an extension of their Voucher term. The BHA will not grant a Voucher extension after the initial Voucher term expires. The BHA will give the Family written notice of an extension and the new expiration date by using the Agency Determination Form.
- (b) *Circumstances for extension.* The BHA may grant extensions under each of the following non-exhaustive list of categories as circumstances warrant:
 - (1) The Voucher Holder was not able to actively search for housing due to extenuating circumstances beyond the control of the Voucher Holder (such as fire, flood, or other natural disaster, or death in the Family that required that the Voucher Holder travel out of the state). If these circumstances are verified, the BHA will extend the Voucher term for the number of days that the Voucher Holder was unable to actively search for housing;
 - (2) A Voucher Holder suffered from severe medical difficulties, an unexpected illness or hospitalization (including entering a rehabilitation program). If these circumstances are verified, the BHA will extend the Voucher term for as many days as an Applicant was hospitalized, in a rehabilitation center, or incapacitated due to illness;
 - (3) The Family needs and requests an extension of the initial Voucher term as a Reasonable Accommodation for an individual with a disability or handicap as defined under applicable federal or state law. Under these circumstances, the BHA may extend the Voucher term for a reasonable number of days, as determined by the BHA.
 - (4) If the Voucher Holder was not able to actively search for housing due to incident(s) of Domestic Violence, Dating Violence, Stalking, or Sexual Assault. Under these circumstances, the BHA will extend the Voucher term for a number of days equal to the amount of time the Voucher Holder was not able to search for housing.
 - (5) If the Voucher Holder has a change in family composition that effects the size of the Voucher. The BHA may extend the term of the voucher at its discretion.
- (c) *Pending discrimination action.* In cases of alleged discrimination in which the Family has filed a complaint with HUD, MCAD, or a municipality's Fair Housing Commission, or has filed a discrimination complaint in court, the BHA will extend the Family's

Voucher for an additional one hundred and eighty (180) days pending resolution of the matter or a finding of probable cause.

7.3 Requests for Tenancy Approval

7.3.1 Intake of Requests

The Family must submit the Request for Tenancy Approval ("RTA") and Rent Roll forms to their Leasing Officer. The Head of Household and the Apartment Owner or the Owner's authorized agent must sign these documents. The BHA will only accept and process one RTA per Voucher Holder at a time.

7.3.2 BHA Leasing Schedule

The BHA will have a leasing schedule which will indicate to the Owner and the Family what date a Lease, inspection approval, and all required HUD paperwork must be completed, so the Family can be leased up the following month. The BHA has discretion to make exceptions to the leasing schedule where the Family provides proof of extenuating circumstances.

7.3.3 Providing Information to Prospective Owners

Upon request, the BHA will provide the prospective HCVP Owner with the following information provided that the Family signs an authorization of release of information form:

- (a) the Family's current and prior address as shown in BHA records; and
- (b) the name and address (if known to the BHA) of the Owner at the Family's current and prior address;

This information will only be provided when an authorization for the release of information is completed and signed by the Participant. Requests for this information are submitted together with the Request for Tenancy Approval. This request will indicate the Owner's name and the address to which the BHA must send the information. This information will not be given over the telephone.

The BHA does not screen tenants with respect to their Family history or suitability for tenancy. Screening is the responsibility of the Owner.

7.3.4 Disapproval of Owners

- (a) The BHA must not approve an assisted tenancy if the BHA has been informed that the Owner has been debarred, suspended or subject to limited denial of participation under 24 C.F.R. part 24.

- (b) When directed by HUD, the BHA must not approve an assisted tenancy if:
 - (1) The Federal Government has initiated an administrative or judicial action against the Owner for violation of the Fair Housing Act or other Federal equal opportunity requirements or if such action is pending.
 - (2) A court or administrative agency has determined that the Owner has violated the Fair Housing Act or other federal equal opportunity requirements.
- (c) The BHA may use its discretion to deny approval of an assisted tenancy for any of the following reasons:
 - (1) The Owner has violated obligations under a HAP Contract;
 - (2) The Owner has committed fraud, bribery, or any other corrupt criminal act in connection with any federal housing program;
 - (3) The Owner has engaged in any Drug Related Criminal Activity or any Violent Criminal Activity;
 - (4) The Owner has a history of non-compliance with HQS (chronic sub-standard conditions) for units Leased under the tenant-based programs, or with applicable housing standards for units Leased with project-based Section 8 assistance or Leased under any other federal housing program;
 - (5) The Owner has failed to terminate the tenancy or notify the BHA of the termination of a tenant's units assisted under Section 8 or any other federally assisted housing program for activity engaged in by the tenant, any member of the Household, a guest or another person under the control of any member of the Household that:
 - (i) Threatens the right to peaceful enjoyment of the Premises by other residents; or
 - (ii) Threatens the health or safety of other residents, of employees of the BHA, or of Owner employees or other persons engaged in management of the housing; or
 - (iii) Threatens the health or safety of, or the right to peaceful enjoyment of their residences, by persons residing in the immediate vicinity of the Premises; or

- (iv) Is Drug-Related Criminal Activity or Violent Criminal Activity.
- (6) The Owner has a history or practice of renting units that fail to meet State or local housing codes, or;
- (7) The Owner has not paid State or local real estate taxes, fines or assessments.
- (d) The BHA must not approve a Unit if the Owner is the parent, child, grand-parent, grandchild, sister, brother, of any member of the Family, unless the BHA determines that approving the Unit would provide a Reasonable Accommodation for a Family member who is a Disabled Person. This restriction applies at the time a Family initially receives tenant-based assistance for occupancy of a particular Unit, but does not apply to BHA approval of a new tenancy with continued tenant-based assistance in the same Unit.
 - (1) In cases where the Owner and a prospective tenant Family member bear the same last name, the BHA may, at its discretion, require the Family and or Owner to verify (i.e. birth certificates, marriage license etc.) that they are not related to each other in any way.
- (e) Nothing in this section is intended to give any Owner any right to participate in the program.
- (f) For the purposes of this section an Owner includes a principal or other interested party with respect to the Unit.

7.4 Preparing the HAP Contract and Lease

7.4.1 Determinations and Verification

- (a) Upon inspection approval and acceptance of the negotiated rent amount, the Leasing Officer will do the following:
 - (1) Designate the Lease initiation date in accordance with the BHA Leasing Schedule (see section 7.3.2);

For example: For a Lease initiation date of February 1st the BHA must receive an Inspection approval on or before January 3rd. If the inspection approval is received after January 3rd, then the Lease initiation date will be March 1st.
 - (2) Make sure the correct "Utility Allowance" was provided on the Rent Approval Form and the Family's share of the rent and utilities;

~~(3) The Leasing Officer will encourage the Owner to use the BHA's HCVP model Lease. The HCVP model Lease is available on the BHA web site www.bostonhousing.org. If the Owner chooses not to use the BHA HCVP model Lease then he must submit a private market Lease in accordance with section 7.4.2 of this Administrative Plan.~~

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7.4.2 Variations from the BHA Model Form of Lease

- ~~(a) *Amendments to the Model Lease.* Variations from the BHA Model Lease must be in a written, standard form used by the Owner in the locality, must comply with state and local law (unit Owners will certify to this by signing the required HAP Contract), and apply to the unassisted tenants in the same property. Amendments are subject to the approval of the BHA.~~

~~(a) *Private Market Leases.* The Participant or the Owner must provide Private Market Lease to the BHA at the time the Participant gives the BHA the "Request for Tenancy Approval." If an Owner chooses to use his or her own Lease or to include additional Lease terms, the Administrator or his or her designee will review the documents to ensure they are in accordance with state and local laws. Use of a private market lease is subject to BHA approval. A Private Market Lease must comply with the Attorney General's landlord-tenant regulations.~~

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~~The Participant or the Owner must provide Private Market Lease to the BHA at the time the Participant gives the BHA the "Request for Tenancy Approval."~~

The HUD Tenancy Addendum must be executed and attached to all Leases.

The BHA private market lease rider will be attached to all private market leases to establish that the Lease will continue in month to month successive terms after the initial term stated in the Lease. The lease may not be terminated without cause even when the lease becomes a month to month agreement.

In accordance with federal regulations, the Owner's standard form Lease must include:

- (1) The names of the parties;
- (2) The term of the Lease;
- (3) Which utilities and appliances are supplied by the Owner and which are supplied by the Family;
- (4) If any security deposit is collected and the amount of any such security deposit; and

- (5) Any additional document(s) required by the BHA, if applicable

7.4.3 Signing the HCVP HAP Contracts

- (a) *Lease and Contract.* The Head and Co-Head of Household and the Owner must sign the Lease and a HUD Tenancy Addendum. The Owner must sign a HAP Contract with the BHA. The tenant must have legal capacity to enter a lease under State and local law. "Legal capacity" means that the tenant is bound by the terms of the lease and may enforce the terms of the lease against the Owner. See also, Chapter 18 for the Definition of an Emancipated Minor.
- (b) *Proof of Ownership.* The Owner must provide proof of Ownership (as filed in the Commonwealth of Massachusetts Registry of Deeds) of the assisted Unit. If the deed is over ten (10) years old, the BHA will require that the Owner supply a current tax bill. Any Owner who has recently purchased the property must provide a certificate or letter prepared by and from an attorney present at the closing, certifying the date, time and instrument number of filing at the applicable Registry of Deeds. The Owner must also execute the HAP Contract and the Owner/Agent Data Form.
 - (1) The BHA may use its discretion to accept other legal documents as proof of Ownership.
- (c) The BHA must request from the Owner, a copy of the Owner's IRS Form W-9, Request for Taxpayer Identification Number and certification, for IRS reporting purposes. IRS Form W-9 asks for the Owner's name, the business name and address, and the taxpayer identification number. The BHA uses the information obtained from the Form W-9 to report to the IRS the amount of income it has paid to Owners (in the form of Housing Assistance Payments). The BHA uses the IRS Form 1099 for this purpose.

Chapter 8: Rent

8.1 Commonly Used Rent Terms

Adjusted Annual Income - Annual Income of all Family members, as verified by the BHA, after deductions, exceptions and exclusions are made with respect to each of the members of the Family to determine initial and continued program eligibility.

Assisted Unit- For the purposes of determining rent reasonableness, units assisted under a Federal, state or local government program will be considered assisted. In addition units where rents and/or rent increases are controlled or restricted by law or a court order, (so long as the law or court order does not apply to voucher participants); units occupied by tenants on the date of an eligibility event for a housing conversion action who do not receive vouchers are considered assisted if the owner chooses to continue below market rents to those families by offering lower rents or other rent concessions to the impacted families; and, owners of multifamily properties that underwent a Housing Conversion action prior to PIH notice 2010-51 may also qualify as assisted units (See PIH Notice 2011-46)..

Contract Rent - The monthly rent payable to the Owner under the Lease and any amendments. The Rent to Owner also covers payment for any housing services, maintenance, and utilities that the Owner is required to provide and pay for.

Gross rent - The sum of the rent to the Owner plus any utility allowances.

HAP Contract – The contract that governs the monthly assistance paid by the BHA to the Owner.

Monthly Adjusted Income - One twelfth of Adjusted Annual Income.

Payment Standard - The maximum monthly assistance payment for a Family before deducting the Total Tenant Payment by a Family. For a Voucher tenancy, the housing authority sets a Payment Standard in the range from 90% to 110% of the current HUD FMR or at any exception Payment Standard amount approved by HUD.

Reasonable Rent - A Rent to Owner that is not more than charged: (a) for comparable units in the private unassisted market; and (b) for a comparable unassisted Unit in the premises.

Tenant Share of Rent (Household Rent to Owner) - In the Voucher program, the portion of the monthly Rent to Owner paid by the Household. For calculation of Rent to Owner see 24 C.F.R. § 982.515(b).

Total Tenant Payment (TTP) - Total Tenant Payment is the amount calculated under Section 3(a)(1) of the 1937 Act, which is the higher of: 30% of the Family's Monthly Adjusted Income, 10% of the Family's Monthly Income, the minimum rent, or if the Family is receiving payments for Welfare Assistance from a public

agency and a part of such payments, adjusted in accordance with the Family's actual housing costs, is specifically designated by such an agency to meet the Family's housing cost, the portion of such payments which is so designated.

Utility Allowance - If the cost of utilities (except telephone) and other housing services for an assisted Unit is not included in the tenant rent but is the responsibility of the Family occupying the Unit, an amount equal to the estimate made of approved by a housing authority or HUD of the monthly cost of a reasonable consumption of such utilities and other such services for the Unit by an energy-conservative Family of modest circumstances consistent with the requirements of a safe, sanitary, and healthful environment.

Utility Reimbursement - The amount, if any, by which the Utility Allowance for the Unit, if applicable, exceeds the Total Tenant Payment for the Family occupying the Unit.

8.2 Determination of Contract Rents

Contract rent is the total rent to the Owner specified by the Lease and any amendments. The BHA may not approve a Lease until the BHA determines that the initial rent to the Owner is a Reasonable Rent. For purposes of determining whether or not an initial rent is reasonable, the BHA will not consider comparable units at the premises where a lease has been in effect for five (5) years or more. At all times during the assisted tenancy, the Rent to Owner may not exceed the Reasonable Rent as most recently determined or re-determined by the BHA in accordance with section 8.3 of this Administrative Plan.

8.2.1 Mandatory Redetermination

The BHA must re-determine the Reasonable Rent:

- (a) Before any increase in the rent to the Owner; or
- (b) If there is a five percent (5%) decrease in the published Fair Market Rent (FMR) in effect sixty (60) days before the anniversary of the HAP Contract (for the Unit size rented by the Family) as compared with the FMR in effect one year before the HAP Contract anniversary; or
- (c) As directed HUD.

8.2.2 Permitted Redetermination

The BHA may re-determine the Reasonable Rent at any other time, in accordance with the language in the HAP Contract. The BHA may also re-determine the Reasonable Rent based on periodic surveys of rent in the City of Boston, its surrounding neighborhoods, and neighboring communities.

8.3 Reasonable Rent

The Reasonable Rent is a Rent to Owner that is not more than rent charged for comparable units in the private unassisted market and for comparable unassisted units in the premises.

The Reasonable Rent is the maximum amount the BHA may approve for the Contract Rent, even if the Family and the Owner agree to a higher rental amount.

The primary tool the BHA will utilize for the determination of Rent Reasonableness is GoSection8. GoSection8 incorporates ongoing real time data mining of open market rental data from hundreds of rental listing websites and newspapers. The data is harvested both electronically with proprietary technology, as well as manually by dedicated data analysts. The comparable database is updated daily, thus ensuring a current and accurate rent reasonable database.

Using mathematical modeling combined with a frequently updated database, the software is able to calculate a property's value at a specific point in time by analyzing values of comparable properties and meeting all of HUD's required factors. The rent reasonableness platform analyzes public record data, manually gathered data, market data and uses computer decision logic to calculate an estimate of a probable rental price of a residential property based on a requested date.

In conjunction with the GoSection8 software, the BHA determines Reasonable Rent by comparing the subject Apartment to similar Apartments in the private rental market in with a point system based on several factors of the individual Unit.

8.3.1 Point System

The BHA has established a point system to help assess the Reasonable Rent for each Unit. The BHA collects data on the Unit to be subsidized and assigns points to them using the nine factors listed below. The BHA may also collect these nine factors on a Private Market Unit when the data are available, due to the Private Market units being located in the subsidized property.

These point totals are used in determining a range for Reasonable Rent (exceptional, good, average, and below average) among the subsidized units. The BHA will use the point totals to place the best quality units on the high end of the established Reasonable Rent scale.

The weight the following factors have in determining Reasonable Rent varies depending on the conditions of the rental market. For example, in a tight rental market these factors will have less impact on determining the Reasonable Rent for a Unit.

Factors used in the point system are:

- (a) Number of Bedrooms;

- (b) Location (Street, Zip Code and Census Tract);
- (c) Unit Type;
- (d) Utilities (Types of fuels used and whether Owner supplied);
- (e) Age of Structure;
- (f) Quality (Overall assessment of the materials used such as kitchen cabinets, etc.);
- (g) Amenities;
- (h) On-Site Maintenance;
- (i) Housing Services Available.

8.3.2 Assessment of Private Market Value Rents (Comparables)

The BHA determines a Reasonable Rent for the subject Unit by comparing it to the market information gathered in a similar area.

- (a) In the private sector, market lease rents are typically based on location, bedroom size, and quality. However, the BHA gathers additional data when available. The data that the BHA collects includes:
 - (1) **Location:** The geographical area or neighborhood of the subject Unit.
 - (2) **Number of Bedrooms:** The number of bedrooms and the size of the overall Unit. A three-bedroom Unit would be compared to other similarly sized three-bedroom units.
 - (3) **Quality:** The BHA rewards those Units that are higher quality by setting higher Reasonable Rent.
 - (4) **Other relevant data upon availability:** The BHA will also use any other relevant data, including but not limited to: amenities, housing services, age of structure, on-site maintenance, if available.
- (b) The BHA collects data on the four factors listed above to compare the subsidized Unit to a private market Unit. The following, is a non-exhaustive list of some of the types of data that the BHA may use to assess the above listed factors:

- (1) Certification supplied either by the Owner or manager including a rent roll of similar unassisted Units in the building,
 - (2) Copies of existing Leases of similar unassisted Units either in the building or the surrounding neighborhood, affidavits from realtors in the neighborhood providing the current rents,
 - (3) Internet resources (GoSection8).
- (c) Weight of Comparison Data
- When determining the Reasonable Rent, Private Market comparison data is used in the following preferential order:
- (1) Data on the Units located in the same building or developments as the assisted Unit. The BHA will not consider the rent amount on any unit at the premises where a lease is in effect for five (5) years or more. However, the BHA will consider the owner's rent setting policies for these units when determining a whether rent increase is reasonable. For example, existing HCV tenants may not exceed the rents charged to unassisted tenants in comparable units who have been at the property for approximately the same amount of time.
 - (2) Data from GoSection8.

8.3.3 Owner certification of comparability

By accepting each monthly housing assistance payment from the BHA, the Owner certifies that the Contract Rent is not more than rent charged by the Owner for comparable unassisted Units in the premises. The Owner must give the BHA information requested by the BHA on rents charged by the Owner for other Units in the premises or elsewhere.

8.4 Maximum Initial Rent Burden

At the time the BHA approves a tenancy for initial occupancy of an Apartment by a Family with HCV assistance, and where the Gross rent of the Unit exceeds the applicable Payment Standard for the Family, the Family Share may not exceed forty percent (40%) of the Family's Adjusted Monthly Income. See also 24 C.F.R. § 982.508.

8.5 Rent Exceptions

The BHA may approve an exception of up to 120% of the HUD ~~SAFMR~~ as a Reasonable Accommodation.

The BHA will request the HUD field office to approve an exception Payment Standard of more than 120% of the ~~Small Area~~-Fair Market Rent (~~SAFMR~~) if the exception is needed as a Reasonable Accommodation so that the HCVP is readily accessible to a Disabled Person in accordance with 24 C.F.R. parts 8 and 982. The BHA will apply to HUD for higher Payment Standards for neighborhoods when the BHA determines that exception Payment Standards are necessary to effectively administer its HCVP, and where such exception Payment Standard can assist Participants in leasing units outside areas of low income or Minority concentrations. Such rents must meet Reasonable Rent standards for comparable units. Any request for a Payment Standard exception over 120% of the HUD ~~SAFMR~~ must be made to the HUD central office located in Washington D.C.

8.6 Rent Increases

8.6.1 General Procedure and Policy

The Lease governs rent increases. To receive a rent increase, the Owner must send the request for a rent increase to the Participant and send copy of the request to the BHA sixty (60) days prior to the date of the requested increase. The rent may not be increased until after the initial one-year term of the Lease, or one-year has elapsed from the prior Lease amendment increasing the rent.

The Owner will send the initial rent increase request either to the Leasing Officer or directly to the Inspections Department, who will determine whether or not the requested rent is reasonable and advise the Leasing Officer of same. The Leasing Officer will then send the Participant the BHA Lease Amendment Form which advises the Participant of the new contract rent, BHA subsidy and Participant share of rent. If the BHA grants a rent increase the adjusted rent will be the lesser of:

- (a) The Reasonable Rent as most recently determined by the BHA, or
- (b) The amount requested by the Owner.

8.6.2 Participant Approval required after BHA Approval

If the BHA grants the Owner the ability to increase the rent the Leasing Officer may discuss the effect of the proposed increased rent with the Participant. The Leasing Officer may advise the Participant of his or her share of the rent and their option to approve or disapprove of the rent increase. The Participant may negotiate the terms and the amount of the increase with the Owner and the Leasing Officer may assist the negotiation.

- (a) **Participant Approval of Rent Increase.** If the Participant agrees to the increased rent the Leasing Officer will assist the Owner and the Participant in signing a Lease amendment to adjust the Contract Rent.
- (b) **Participant Disapproval of Rent Increase.** If the Participant does not accept the increase in rent or negotiate a rent that is acceptable to both parties, one of the following may occur:
 - (1) The Owner may start an eviction proceeding against the Participant by citing a refusal to enter into a Lease amendment as a business or economic reason at the end of the initial one-year Lease term or after a year has elapsed from the last rent increase.
 - (2) The Owner and the Participant continue under the current terms of the Lease and contract, moving forward without an increase in rent.
 - (3) The Participant may request a Voucher to move to another Unit. The Participant must give thirty (30) days notice to the Owner and a copy of the notice to the BHA if the Participant intends to vacate the Unit, unless the owner has already given such notice.

8.6.3 The rent will not be increased unless:

- (a) The Owner requests the increase in writing sixty (60) days prior to the date of the requested increase;
- (b) The Owner has complied with all obligations of the HAP Contract
- (c) The Participant approves the increase in rent to the Owner; and

8.6.4 Date of Rent Increase.

After all other conditions of this policy are met; the Contract Rent will only be increased for housing assistance payments commencing on the later of:

- (a) The first day of the first month commencing on or after the initial Lease term; or
- (b) At least sixty (60) days after the BHA and the Participant receives the Owner's request for a rent increase.

8.7 Written Notice of Rent Share Change

Before the BHA makes a change in the Rent Share, the BHA will notify the Participant and the Owner in writing. The notice to the Owner will only contain the

new rent and the date that it will be effective. The Notice of Rent Share Change to the Participant will contain the following information:

- The Contract Rent and the Tenant Share of Rent and the date it will be effective,
- The amount of Participant's Household income, Family Composition and other facts considered by BHA in determining the new rent,
- If the rent share results from Proration of the Family's subsidy because not all Family members are U.S. Citizens or have eligible immigration status, an explanation of the formula used to determine the rent share,
- The Family's right to request in writing an explanation of the basis of the BHA's determination and, to request in writing, an informal hearing if the Family still does not agree with the determination after the explanation,
- If the Family requests an explanation, BHA staff will confer with the Family, and shall provide the Family with a written notice of adjustments made to the original determination,
- The BHA will also notify the Family of their right to and the method of, calculation of rent and/or rent share.

8.7.1 Effective Dates of Rent Share Increases and Decreases

- (a) *Decrease in Tenant Share of Rent*~~*Rent Decreases*~~ If a Family reports in writing a change in income within 30 days, a decrease in tenant share shall *be* effective the month following the verified decrease in income. For example, if a Family reports a decrease in income on March 3 that resulted from a job loss on February 20, the change in tenant share shall be processed effective March 1.

If the family fails to report the change income within 30 days, the decrease in tenant share shall be made effective the month following the reported change.

- (b) *Increase in Tenant Share of Rent* will be effective the first day of the second month after BHA sends Participant a Notice of Rent Change. If a Participant failed to report income in accordance with BHA policy, the BHA may request repayment for the overpayment of housing assistance in lieu of termination. The BHA shall not retroactively increase a tenant share due to a failure to report income. Increases in a

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Participant's share of rent due to a relocation to a new unit will be effective on the initial date of the lease term.

~~Rent increases will be effective the first day of the second month after BHA sends Participant a Notice of Rent Change. If a Participant fails to report a change which would have resulted in an increase in the tenant share of rent, the tenant share of rent shall be increased retroactively to the second month following the change had the reporting of income been timely. Increases in a Participant's share of rent due to a relocation to a new unit will be effective on the initial date of the lease term.~~

8.8 Tenant Share of Rent

8.8.1 BHA determination

- (a) The Tenant Share of Rent is the portion of the Rent to Owner paid by the Family. The BHA determines the Tenant Share of Rent in accordance with HUD requirements and BHA procedures.
- (b) Any changes in the amount of the tenant rent will be effective on the date stated in a notice by the BHA to the Family and the Owner.

8.8.2 Total Tenant Payment

The Total Tenant Payment (TTP) represents the minimum amount a family must contribute toward rent and utilities regardless of the Unit selected. The TTP is calculated using a statutory formula and individual income information. To calculate TTP, annual adjusted income and annual (gross) income must be converted to monthly adjusted income and monthly gross income by dividing the annual figures by 12 months. The TTP is the greater of:

- (a) 30 percent (30%) of monthly adjusted income; or
- (b) 10 percent (10%) of monthly gross income.

8.8.3 Minimum Rent – The BHA may adopt a minimum rent within the range as prescribed by 24 CFR 5.630. Minimum rent may be applied immediately (upon 30 days written notice) but no later than the participants next annual recertification following its implementation .

- (a) Financial hardship exceptions: - A family may request and the BHA may grant exceptions to minimum rent requirements if the BHA determines that the family is unable to pay the amount due to financial hardship, unless the hardship is temporary. Financial hardship may include the following:

- (1). Have lost eligibility or are awaiting eligibility determination for a federal, state or local assistance program, including a family

having a noncitizen household member lawfully admitted for permanent residence and who would be entitled to public benefits but for Title IV of the Personal Responsibility and Work Opportunity Act of 1996;

(2) Would be evicted as a result of the imposing the minimum rent requirement;

(3) Experience income decreases because of changed circumstances including the loss of employment;

(4) have a death in the family; or

(5) have other circumstances as determined by the PHA or HUD

(b) Any requests made for a hardship exception will be reviewed and implemented by the BHA in accordance with the regulation as cited above.

8.8.4 Maximum Subsidy

The maximum subsidy the BHA can pay in the HCVP is the Payment Standard minus the TTP. The BHA sets a Payment Standard in the range from 90% to 110% of the current HUD Fair Market Rent or at any exception Payment Standard amount approved by HUD (potentially the Small Area Fair Market Rent for the applicable zip code). The maximum subsidy calculation is done at the time the Family is issued a Voucher. It is important for the Family to know the maximum the BHA will pay while searching for a Unit. The actual BHA subsidy can be calculated only after the family has selected an Apartment.

8.8.5 Tenant payment to Owner

- (a) The Family is responsible for paying the Tenant Share of Rent (Total Tenant Payment minus the Utility Allowance).
- (b) The amount of the tenant rent as determined by the BHA is the maximum amount the Owner may accept as payment from the Family. The Contract Rent is payment for all housing services, maintenance, equipment, and utilities to be provided by the Owner without additional charge to the tenant, in accordance with the HAP Contract and lease.
- (c) The Owner may not demand or accept any rent payment from the tenant in excess of the Tenant Share of Rent as determined by the BHA. The Owner must immediately return any excess payment to the tenant.

- (d) The Family is not responsible for payment of the portion of the Rent to Owner covered by the housing assistance payment under the HAP Contract. The Owner may not terminate the tenancy of an assisted Family for non-payment of the BHA housing assistance payment.

8.8.6 Limit of BHA responsibility.

- (a) The BHA is responsible only for making housing assistance payments to the Owner on behalf of a Family in accordance with the HAP Contract. The BHA is not responsible for paying the Tenant Share of Rent, or for paying any other claim by the Owner.
- (b) The BHA may not use housing assistance payments or other program funds (including any administrative fee reserve) to pay any part of the Tenant Share of Rent or to pay any other claim by the Owner. The BHA may not make any payment to the Owner for any damage to the Unit, or for any other amount owed by a Family under the Family's Lease or otherwise.

8.8.7 Utility reimbursement

- (a) If the amount of the Utility Allowance exceeds the Total Tenant Payment, the BHA shall pay the amount of such excess as a reimbursement for tenant-paid utilities (Utility Reimbursement) and the Tenant Share of Rent shall be zero. Note, utility allowances shall be calculated based on the lesser of the size of the dwelling unit actually leased by the family or the voucher size issued as determined by PHA subsidy standards.
- (b) The BHA either may pay the Utility Reimbursement to the Family or may pay the utility bill directly to the utility supplier on behalf of the Family.
- (c) If the BHA chooses to pay the utility supplier directly, the BHA must notify the Family of the amount paid to the utility supplier.

8.9 Error Correction

8.9.1 Mistake discovered after Lease signed.

If the BHA or the Participant discovers a mistake in the rent calculation after the Lease is effective and a correction will cause the Family an increase in rent, the Leasing Officer will notify the Family in writing thirty (30) days before making the adjustment. If the BHA or the Participant discovers the mistake after the Lease is effective and the correction reduces the Tenant Share of the Rent, the Leasing Officer will make the necessary correction effective retroactively. The Leasing Officer will notify the Family and Owner in writing of the error and the correction.

8.9.2 Retroactive only when BHA is at fault.

The BHA will only make a retroactive payment when the BHA is responsible for making a mistake. The BHA will not make retroactive payments when the Owner or the Family is responsible for intentionally or unintentionally withholding information.

Chapter 9: INSPECTIONS (Initial, Interim, and Annual)

The BHA must inspect an Apartment leased to a Family prior to the initial term of the Lease, and as required by Federal Regulation (i.e. annually or biennially) during assisted occupancy, and at other times as needed, to determine if the Apartment meets the Housing Quality Standards (HQS)¹⁷ and Chapter II of the Massachusetts State Sanitary Code¹⁸.

A thorough Unit inspection is required for the BHA to determine compliance with HQS and determine the Rent Reasonableness. See also Chapter 8.

HQS regulations include requirements for all housing types including single and multi-Family dwelling units, as well as specific requirements for Special Housing Types such as Single Room Occupancy ("SRO") and Shared Housing.

9.1 Inspection Performance Requirements

9.1.1 Generally

The BHA will perform inspections in accordance with Chapter II of the Massachusetts State Sanitary Code and the Housing Quality Standards ("HQS") prescribed by HUD. The inspector will also check for compliance regarding things including but not limited to: compliance with the Boston City Ordinance requiring smoke detectors, verify that the type of structure and utilities are accurately described on the RTA (if applicable), rate the quality of the Unit, measure the square footage of each room where necessary, and list all amenities and services as noted on the Housing Quality Addendum. HQS consists of the following thirteen performance requirements:

- (a) Sanitary facilities;
- (b) Food preparation and disposal;
- (c) Space and security;
- (d) Thermal environment;
- (e) Illumination and electricity;
- (f) Structure and Materials;
- (g) Interior air quality;
- (h) Water supply;
- (i) Lead-based paint;

¹⁷ See 24 C.F.R. section 982.404

¹⁸ See 105 CMR 410.000

- (j) Access;
- (k) Site and neighborhood;
- (l) Sanitary conditions; and
- (m) Smoke detectors.

9.1.2 Quality Control

The BHA will re-inspect a sample number of units to verify accuracy and consistency. The re-inspected sample will be selected from inspections that were completed in the previous three months and represent a cross section of neighborhoods and BHA inspectors. The BHA re-inspects 30 units plus 1 Unit for every 200 inspections (or part of 200) over 2000 inspections. See also 24 C.F.R. § 985.2-3.

9.2 Initial Inspections

When a Family submits a RTA to the BHA an initial inspection is triggered.

In cases of initial inspections, the Owner has an obligation to schedule the inspection once a RTA is submitted to the BHA. The RTA will expire within sixty (60) days of submission if no action is taken by the Owner to schedule the inspection for the Apartment.

The Unit must pass the HQS inspection before the execution of the Assisted Lease and Housing Assistance Payments (HAP) contract and the initiation of payments.

The BHA must conduct the inspection within a reasonable time after the Family submits a RTA. If possible, the inspection should be completed within fifteen (15) days.

9.2.1 Apartment cannot be inspected.

If for any reason the Apartment cannot be inspected (the Apartment is occupied or inaccessible), the Inspections Department will immediately notify the Leasing Officer, who will in turn send the Family an Agency Determination Form. The BHA will not inspect occupied Apartments

9.2.2 Deny Request for Tenancy Approval

The BHA may deny a request to inspect an Apartment of behalf of a Family because an Owner has a repeated history of violations of program rules and regulations including repeated violations of HQS or records indicate that the Owner did not make corrections after he was notified of deficiencies related to lead based paint.

9.2.3 Length of Validity (Initial Inspection)

If an Apartment passes initial inspection, the results are valid for a maximum of one hundred twenty (120) calendar days. The start date of the Assisted Lease must fall within this period. If the Lease term will start later than one hundred twenty (120) days after the Unit passed inspection, the Unit must be re-inspected and must pass inspection prior to the start of the HAP Contract.

9.2.4 Time Provided for Repairs

If the Unit does not comply with HQS requirements within the BHA specified time frame, the BHA may cancel the tenancy approval process and instruct the Family to search for another Apartment.

In cases of **initial inspections**, the BHA Inspection Department will re-inspect the Unit prior to the thirty (30) day period granted to make the repairs if request is made by Owner and provided that adequate staffing exists to perform such an inspection.

9.2.5 Inspection Notice Requirements

The BHA will notify the Family and Owner of the inspection results in writing.

The Owner must receive detailed information for all failed and inconclusive inspection items so that he or she is fully aware of the work necessary to pass the HQS inspection.

9.2.6 Initial Inspection Failure

If the Apartment fails inspection for any reason, the Leasing Officer will notify the Family and Owner by sending them an Agency Determination Form. If the Owner is unwilling to perform the requested repairs, computation of the term of the Voucher will resume (see section 6.2.2 for more information on tolling). The Voucher holder must then submit another "Request for Tenancy Approval" before his/her Voucher or any Voucher expires.

If the Owner indicates that (s)he is willing to make the requisite repairs, the BHA shall exercise discretion with respect to the period within which the Owner must make repairs in order for the Voucher holder to execute a Lease for the Apartment.

9.3 Routine Inspections

The BHA will inspect occupied units at least biennially (every other year)

9.3.1 Scheduling Inspections (Routine)

The BHA Inspections Department schedules all inspections. The Inspections Department will inform the Owner and the Participant of the date of the inspection in writing.

The Inspections Department will ask the Participant to contact the Inspections Department to make other arrangements if the Apartment cannot be inspected at the assigned time.

The Inspections Department will mail a copy of the inspection report to the Owner on the first business day after the inspection. A copy of the inspection report will be provided to the Family if the report cites tenant caused violations, otherwise a copy is available upon request

9.3.2 Denial of Inspector's Access to Unit

Unexcused failure by a Participant to grant access to BHA inspectors is grounds for termination of HCVP assistance. Notices of inspections or notices sent because of failure to provide access will include the following information.

- (a) *Excuse for denied access.* If the Family denies the inspector access to the Unit after reasonable notice, the inspection Department will reschedule the inspection appointment if the tenant has a reasonable excuse for denying access to the Unit.
- (b) *No Excuse for denied access.* If the Family denies the inspector access to the Unit after reasonable notice and the tenant does not give a reasonable excuse, the BHA will propose termination of the tenant's subsidy.
- (c) *Denied access for a rescheduled appointment.* If the Family denies the inspector access to the Unit after reasonable notice for a second/rescheduled appointment the BHA will propose termination of the Family's subsidy.

9.3.3 Length of Validity

Once the Apartment has been inspected and approved, the approval shall be valid for a twelve (12) month period from the date of the routine inspection unless the inspection department conducts an interim re-inspection during the twelve (12) month period.

9.4 Interim Inspections

The BHA may order an interim inspection of any Apartment upon the request of the Family or Owner to determine that:

- The Apartment is still in acceptable condition; or

- The Owner or Family is meeting contractual and regulatory obligations to provide utilities and other services; or
- If an Owner or Family is violating other program rules.

9.5 Inspection Failure (Routine and Interim)

9.5.1 Time Parameters for Corrections of Inspections Violations

- (a) The BHA requires that a landlord correct any conditions deemed to endanger or impair health or safety within 24 hours. Serious violations of this nature include but are not limited to: lack of heat, lack of water, lack of bathing facilities, lack of electricity, lack of gas (where applicable), exposed wiring or other hazardous defects in the electrical system, and dangerous structural defects.
- (b) All other violations must be corrected within thirty (30) days, unless the BHA approves an extension.
- (c) The BHA will also comply with the time parameters set forth in the Massachusetts State Sanitary Code. (See 105 CMR § 410.830).

9.5.2 Stopping and Resuming Payments after Interim or Routine Inspection

If an Apartment fails inspection, the Inspection Department will notify the Owner of the violations in writing. The Inspection Department will schedule the re-inspection within thirty (30) days from the date the Inspections Department sent the notice of violations to the Owner.

- (a) *Serious Violations and “Stop Payment”*. If a serious violation exists, the Inspection Department will notify the Owner by telephone that the violations must be corrected within 24 hours. The Inspection Department may also issue the Owner a written letter detailing the serious violations. The Inspection Department will inform the Owner of a re-inspection date that is at least twenty-four (24) hours after the inspector identified the violation(s). If the Owner fails to correct the violations within the twenty four (24) hour period, or fails to give access to the unit, the BHA will place the Unit on Stop Payment. The BHA reserves the right to terminate a HAP Contract for a Unit that is placed on Stop Payment. A Stop Payment will remain in effect until the Unit receives inspection approval. The Owner cannot recover Subsidy payments for periods during which a Unit is on Stop Payment.

Examples of serious violations include but are not limited to the following: lack of heat, lack of water, lack of bathing facilities, lack of electricity, lack of gas (where applicable), exposed wiring or other hazardous defects in the electrical system, and dangerous structural defects.

9.5.3 Re-inspection (Follow-up inspection)

BHA staff will abide by the following procedures in processing re-inspections.

- (a) *Incomplete Repairs.* When the Owner is in the process of correcting cited violations resulting from the initial inspection; the inspector will reject the Unit and may grant the Owner additional time to complete the repairs. The BHA will then reschedule a second re-inspection date and notify the Owner in writing. The Inspection Department will send a copy of the second re-inspection notice to the Family.

If upon the second re-inspection the Owner has not completed and repaired all cited items set forth in the initial inspection the inspector will note the remaining cited items on the inspection report and recommend to the Director of the Inspection Department that the BHA suspend subsidy payments. If the Director approves the recommendation, the Owner will be informed in writing that the BHA has stopped subsidy payments on the Unit.

- (b) *No Effort to Make Repairs.* If the inspector determines that the Owner made no effort to repair the previously cited item(s), the inspector will note this on his report and recommend to the Director of the Inspection Department that the BHA suspend subsidy payments to the Owner. If the Director approves the recommendation to suspend the subsidy, the Inspection Department will notify the Owner of the "Stop Payment" by mailing a letter.
- (c) *Cited Items Repaired, New Violations Discovered.* If the Inspector determines that the Owner has repaired all cited items but discovers new violations during the re inspection, the inspector will reject the Unit. The inspector will note on the inspection report that the Owner repaired the previously cited items. The Inspector will also specify and separately list the new violations in a new inspection report.

The Inspection Department will then schedule a re-inspection date and notify the Owner in writing. The re-inspection will be within thirty (30) days of the notice to the Owner date. The BHA will send a copy of this letter to the tenant.

New violations in such a Unit, for purposes of scheduling re-inspection and imposing suspensions of subsidy payments, will be considered first time violations, unless the violations are deemed "serious" as examples in section 9.5.2(a)

9.5.4 HAP Contract Termination Criteria

The BHA may terminate the HAP Contract for the following causes:

- (a) The BHA has suspended the subsidy and found the Unit to be uninhabitable due to fire or other natural disaster;
- (b) The Unit has been without one or more of the following for a period of thirty (30) days: heat, hot water, electricity, or bathing facilities (this does not apply to conditions resulting from Tenant neglect);
- (c) If the Owner does not complete the necessary repairs within the specified time granted by the BHA, and offers no acceptable explanation for the delay, the BHA may terminate the HAP Contract for the Apartment. If the BHA terminates the HAP Contract due to Owner non-compliance, the BHA will issue the Family a new Voucher.
- (d) If after six (6) consecutive months of Stop Payment, the BHA determines that the Owner will not make repairs, or the Owner notifies the BHA that they will not make the necessary repairs to bring the Unit into compliance with the State Sanitary Code, the BHA will terminate the HAP Contract for the Unit and offer the Family a new Voucher.
- (e) The BHA shall terminate the HAP Contract with an Owner who, after notification that a child under the age of six (6) residing in the Unit has an elevated intervention blood level of lead (EBLL) in his/her blood, fails to have the Unit (including the exterior and common areas) tested within fourteen (14) days by a licensed lead-based paint inspection company using an X-ray fluorescence analyzer (XRF machine). The BHA will also terminate the HAP Contract with an Owner of a Unit where a child under six (6) lives, after notification that the Unit common areas, or exterior of the building contains lead based paint, fails to have the Unit, common areas and/or exterior de-lead within thirty (30) days.
- (f) The BHA shall terminate the HAP Contract with an owner who, after notification that a child under the age of six is now residing in the unit of a building constructed prior to 1978, fails to provide a Lead Certificate of Compliance or Letter of Interim Control by the deadline date spelled out in the notification letter.

9.5.5 Notice of Subsidy Termination

The BHA will notify the Owner in writing of the HAP Contract termination. The BHA will give the Participant a new Voucher if the BHA terminated the HAP Contract due to Owner non-compliance.

9.5.6 HQS Violations

See Chapter 13 for information on HQS violations by the Participant Family.

9.6 Lead Paint Policy

The BHA Leased Housing Division has established the following policies and procedures to comply with federal regulations pertaining to the identification and treatment of lead-based paint hazards in Section 8 Units. The following policy is in two sections: Part I - New and Relocating Tenants, and Part II- Annual and Interim Recertification.

As used in this document, the term "EBLL" shall mean Elevated Blood Lead Level, defined as a condition in which the amount of lead detected in a child's system is at or exceeds 5 micrograms per deciliter of whole blood.

9.6.1 Part I – New and Relocating Tenants

(a) *Child Under Six -- No EBLL.* If a child under the age of six without an EBLL will live in the Unit, the BHA will require the Owner to:

- (1) Provide proof that the building was constructed after 1978. Gut rehabilitation does not qualify as new construction, or:
- (2) Provide the BHA with a certificate indicating compliance with the Massachusetts lead-based paint law. The certificate must be issued by a registered lead paint inspection company and must indicate that the unit's interior, common areas, and exterior are in compliance with the Massachusetts lead paint law.

Certificates dated prior to 7/1/88 will be accepted unless previously intact paint in the interior, common areas, or exterior of the Unit is now cracking, scaling, chipping, peeling, or loose; or the building has undergone renovation since a certificate was issued.

- (3) The BHA Inspection Department will reject any Unit that has any cracking, scaling, chipping, peeling, or loose paint on the apartment interior, common areas, or exterior of the building.

Note on HAP effective dates in buildings constructed before 1978:

The BHA will not execute a HAP Contract for a Unit in a building constructed before 1978 without first receiving a Certificate of Compliance. The HAP Contract in such a Unit may then be made effective no earlier than the later of these two dates: the inspection approval date; or the date indicated on the Certificate of Compliance.

Note on HAP effective dates in buildings constructed after 1978:

HAP Contracts in Units constructed after 1978 shall be made effective no earlier than the date of inspection approval.

- (b) *Child Under Six - EBLL History.* If a child under six who has or has ever had an EBLL will live in the Unit, the BHA will require the Owner to:
- (1) Provide proof that the building was constructed after 1978. Gut rehabilitation does not qualify as new construction; or
 - (2) Provide the BHA with a certificate indicating compliance with the Massachusetts lead-based paint law. The certificate must be issued by a registered lead paint inspection company using an X-ray Fluorescence Analyzer (XRF) and must indicate that the unit's interior, common areas, and exterior are in compliance with the Massachusetts lead paint law. HUD will accept only XRF results. Certificates dated prior to 7/1/95 will not be accepted.

Regardless of the receipt of a certificate of compliance, the BHA Inspection Department will reject any Unit for leasing that has any cracking, scaling, chipping, peeling, or loose paint on the interior, common areas, or exterior of the building. Once the offending surfaces have been brought back into compliance, the owner must provide the BHA Inspection Department an addendum to the original lead certificate of compliance. The owner may also be required to submit clearance test results (aka surface wipe test) from a Massachusetts licensed laboratory.

Note on HAP Contract effective dates in buildings constructed before 1978:

The BHA will not execute a HAP Contract for a Unit in a building constructed before 1978 without first receiving a certificate of compliance or Letter of Interim Control. The HAP Contract in such a Unit may then be made effective no earlier than the later of these two dates: the inspection approval date; or the date indicated on the certificate of compliance.

Note on HAP Contract effective dates in buildings constructed after 1978:

HAP Contracts in Units constructed after 1978 shall be made effective no earlier than the date of inspection approval.

- (c) *No Child Under Six.* There are no lead paint requirements for Units where no child under six will reside.

9.6.2 Part II - Annual and Interim Recertification

- (a) *Child Under Six - EBLI History.* When a Leased Housing staff member becomes aware during the annual or Interim Recertification process that a child under six living in a Unit has or has ever had an EBLI, the staff member shall ask the Head of Household for medical documentation of the lead poisoning. Once medical documentation has been received, the Leasing Officer shall forward said documentation to the Director of Inspections. The Director of Inspections shall send a letter to the Apartment Owner informing him/her that (s)he must:
 - (1) Provide proof that the building was constructed after 1978. Gut rehabilitation does not qualify as new construction; or
 - (2) Have the Apartment, its common areas, and exterior, tested in accordance with Massachusetts law by a registered lead paint inspection company using an XRF analyzer. The letter from the Director of Inspections shall also inform the Owner that he must send a copy of the XRF test results to the BHA within fourteen (14) days or the BHA will terminate the unit's HAP Contract. If the XRF test results indicate unacceptable lead levels in the Unit, its common areas, or exterior, the Director of Inspections will notify the Owner in writing that he must de-lead the Unit and affected areas within 30 days and provide the BHA with a certificate from a registered lead paint testing company verifying that abatement has been completed.
 - (3) Failure to do so will result in the BHA's termination of the HAP.

Child Under Six – No EBLI History. When a Leased Housing staff member becomes aware during the annual or Interim Recertification process that there is a child under six living in a Unit, the staff member shall so inform the Director of Inspections. The Director of Inspections shall send a letter to the Apartment Owner informing him/her that (s)he must:

- (1) Provide proof that the building was constructed after 1978. Gut rehabilitation does not qualify as new construction; or
- (2) Have the Apartment, its common areas, and exterior, tested in accordance with Massachusetts law by a

registered lead paint inspection company using an XRF analyzer. The letter from the Director of Inspections shall also inform the Owner that he must send a copy of the XRF test results to the BHA within fourteen (14) days or the BHA will terminate the unit's HAP Contract. If the XRF test results indicate unacceptable lead levels in the Unit, its common areas, or exterior, the Director of Inspections will notify the Owner in writing that he must de-lead the Unit and affected areas within 30 days and provide the BHA with a certificate from a registered lead paint testing company verifying that abatement has been completed.

- (3) Failure to do so will result in the BHA's termination of the HAP.
- (b) *Rejection regardless of Certificate.* Regardless of the receipt of a certificate of compliance, the BHA Inspection Department will reject any Unit for leasing that has any cracking, scaling, chipping, peeling, or loose paint on the interior, common areas, or exterior of the building.
- (c) *No child under six.* There are no lead paint requirements for units where no child under six (6) resides.

CHAPTER 10: RENEWAL

10.1 Annual Recertification

The BHA must conduct a reexamination of the Family's income and composition at least annually. The BHA will also conduct an annual recertification at relocation and portability.

10.1.1 Appointment for Recertification

The Leasing Officer will contact the Head of Household in writing three to four months before the anniversary of their last annual Recertification by sending the Family an appointment letter. The appointment letter requests that the Head of Household bring the necessary verification of Annual Income and Family Composition (see Chapter 5: Determination of Eligibility). The appointment letter also lists the required documentation and information and states that a failure to comply with the obligation to supply information may result in the termination of the Family's HCVF assistance.

(a) Failure to Keep the Appointment.

If the Family fails to keep the initial Recertification appointment, the Leasing Officer will reschedule the appointment. The BHA considers it a failure to attend an appointment if the Participant is more than one-half (1/2) an hour late for a scheduled appointment.

If the Family fails to attend a second Recertification appointment, the Leasing Officer may terminate the Family's assistance in accordance with Chapter 13.

If the Participant contacts the Leasing Officer prior to the appointment to reschedule or has a reasonable excuse for missing the appointment, the BHA will excuse the missed appointment. The BHA will use its discretion to determine what excuses are reasonable. The Leasing Officer may ask the Family to supply documentation to verify their inability to attend the appointment. See also sections 1.2.4-1.2.5.

(b) *Failure to provide complete information.* If the Family attends the annual Recertification appointment but fails to provide the BHA with the documentation necessary to recertify the Family, the Leasing Officer will schedule an additional appointment and notify the Participant what documentation the BHA still requires to complete the Recertification. If the Participant does not supply the required information or does not attend the rescheduled appointment, the Leasing Officer may send the Family a notice of proposed termination of assistance that also contains a list of the documentation required to complete Recertification. The BHA may

recertify the Family and rescind the proposed termination if the Family provides the Leasing Officer with all of the required documentation.

10.1.2 Determining Family's Appropriate Unit Size and Subsidy.

At the appointment, the Leasing Officer will verify the Family's anticipated income, verify Family Composition determine the appropriate Apartment size, and establish the Family's subsidy in accordance with Chapter 5 of this Administrative Plan. The Leasing Officer will also ask for verification of any changes in Family Composition.

(a) *Change of Voucher Size.*

The appropriate Unit size will be determined and exceptions made as previously described. See section 5.4.2. If the Family requires a smaller or larger Apartment, the Leasing Officer will notify them in writing of the change in bedroom size, , and the right to an informal hearing to dispute the determination.

(b) *Unit too small.* If the Apartment is too small for the Family according to BHA Subsidy Standards and the Family has not obtained an exception to the Subsidy Standards or requested a hearing, the Leasing Officer will issue the Family a Voucher and the Family must find an acceptable Apartment before the Voucher expires. The BHA will provide the Family with information on any available units.

(c) *Unit too large.* If a Unit is too large for the Family according to BHA Subsidy Standards and the Family has not obtained an exception to the Subsidy Standards or requested a hearing, the Payment Standard will be reduced accordingly at the effective date of the Family's annual Recertification. The Family may either remain in the Unit and pay the difference, or move to a smaller Unit.

10.1.3 Additions to Family Composition

(a) *Owner and BHA Approval.* At the initial briefing session and at each Recertification, the BHA will advise the Family that additions cannot be made to the Family Composition without prior written approval from Owner and BHA approval, except in the instances of birth, adoption, or the court-awarded custody of a child. However, a family must notify the BHA in writing within thirty (30) days when a new Family member begins living in the Unit due to a birth adoption or court-awarded custody of a Minor. The BHA will begin the eligibility determination of the additional Family member regardless of the Owner's approval or disapproval.

(i) *Owner Denial.* If the Owner does not give written approval to add the Family member to the Lease, the Family may move if the Lease is no longer in its initial term. If the

Lease is in its initial term, the Family must request permission from the Owner to break the Lease. If the Family moves in order to add the additional member to their Family Composition, the BHA will begin to determine eligibility for the additional member when the Family submits a RTA. If the Family vacates the Apartment in violation of the Lease, their Section 8 assistance may be terminated in accordance with Chapter 13 of this Administrative Plan.

- (b) *No severe overcrowding.* Regardless of landlord approval or eligibility for the program, the BHA will not allow additions to the Family Composition that result in severe overcrowding in the existing Apartment. If the approved additional Family member(s) will cause severe overcrowding, the BHA will issue the Family a new Voucher so the Family can relocate to an appropriately sized Unit.
- (c) *Addition to Family Composition is subject to BHA and HUD eligibility.* Any person(s) must be determined eligible for the BHA HCVP before the BHA will permit the addition of the person to the Family Composition. Additional person(s) must first be determined to be eligible by BHA and HUD standards before being added to the Family Composition. The new Family member must: complete all BHA and/or HUD required eligibility forms, provide authorization to conduct a CORI check (if the person is fourteen (14) years or older), provide evidence of citizenship or Eligible Non-Citizen Status or sign a non-contending status form, and provide information required to verify income and program eligibility in accordance with program requirements.

Additions to the Family in instances of birth, adoption, or court awarded custody of a Minor, do not require advance approval to live in the Unit. However, any addition to the Family may be denied eligibility for the HCVP. If they are denied eligibility and a hearing is requested, the Minor may remain in the Unit until the review is final.

- (d) *BHA Approval.* If the BHA approves the addition of such person to the Family Composition and Lease, the BHA will re-calculate the Family's Rent to Owner and the BHA's Housing Assistance Payment paid on the Family's behalf to the Owner including the provided information. The BHA reserves the right to deny addition of any person to a Family Composition and/or Lease for good cause.
- (e) *Denial.* If a proposed addition to the Family is denied, a hearing may be requested to dispute the BHA decision.

10.1.4 Removal of Members from Family Composition

The Family must notify the BHA within thirty (30) days that a Family member no longer resides in the Unit and will no longer be a member of the Family Composition.

- (a) A child, under the age of eighteen, who is temporarily away from the home because of placement in Foster care, will be considered a member of the Family Composition.
- (b) A student who is away from the unit during the school year will be considered a member of the family composition, if the student has not established another place of residence by registering for school from an address other than the subsidized unit.
- (c) The BHA requires documentation to show that a Family member no longer resides with the Household in the subsidized Apartment.

10.1.5 Change the Head of Household / Co-Head of Household

A Family may request to change which Family member is designated the Head of Household. The Family may also decide to designate or change a Co-Head of Household. The BHA will approve the change if the Family member is able to take on the responsibilities of being the Head of Household/Co-Head of Household, including, but not limited to, communicating with the BHA and the Owner.

Chapter 11: Continued Participation

11.1 Interim Recertification

A Family may request in writing an interim determination of Family Share at any time because of a change in the Family's income, Adjusted Income (household deductions), family size, or composition. A Family must report changes in the circumstances described in the section below.

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See Section 8.7.1 regarding the effective dates of the reported change.

11.1.1 Circumstances Requiring an Interim Recertification

(a) All Changes in Family Composition

Family Reporting Requirements:

A Family is required to inform and supply any necessary verification to the BHA within thirty (30) days of a birth, adoption, or court awarded custody.

The BHA must approve the eligibility for any addition to the Family that does not result from a birth, court-awarded custody, or adoption in accordance with section 10.1.3. Any income attributable to the new family member must be reported and will be included in the interim recertification for the addition to family.

A Family must also notify the BHA in **writing** within 30 days of any departure of a Family member due to death, permanent institutionalization, or other reason, and provide the BHA with verification, including, where applicable, the verification of the new address of the departed Family member. See also section 10.1.4.

(b) Increase in Family Income for Family without Income

The BHA shall process an interim certification of income when a family without income (a "zero income" family) receives any earned or unearned income.

If a Family's income is too unstable to project for 12 months or if a Family temporarily has no income (a "zero-income Family") or if a Family has a temporary decrease in income, the BHA may schedule special Recertification with the Family's Leasing Officer every month, or at least quarterly, until the income stabilizes and/or an Annual Income can be determined

A Family may request an interim certification due to an increase in income. In certain circumstances, such as FSS participation, it may be advantageous for the family to do so.

A relocation or portability is considered an annual recertification not an interim recertification action.

(c) Decrease in Family income.

If a Family has a decrease in income, it must be reported to the BHA within thirty (30) days of the loss or decrease in income. When a decrease in family income is reported the BHA shall consider any effect that the reduction in income may have on child care or disability assistance expense deductions.

11.2 Termination of HAP Contract

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11.2.1 Grounds for Termination

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If the BHA finds that the Owner or Family has failed to meet the program or contractual obligations, the BHA may suspend the subsidy payments, terminate the HAP Contract, or terminate the subsidy accordingly.

11.2.2 Owner breach of obligations

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If the BHA terminates the HAP Contract because the Owner has breached the terms of the HAP contract or Owner responsibilities as provided in 24 C.F.R. § 982.404, the Leasing Officer will issue the Family a new Voucher. However, the Family does not have to wait for the BHA to terminate the HAP Contract if a serious breach or serious violations occur. If there is a serious breach and the Inspection Services Department of the City of Boston has determined that the Unit is uninhabitable, the BHA may direct the Family to relocate at an earlier point or the Family may vacate the Unit within a reasonable time consistent with State law.

11.2.3 . Owner Debts to the BHA

An owner may become indebted to the BHA when he/she receives HAP payments to which he/she is not entitled due to termination of the HAP contract for reasons, including but not limited to the following: the owner has violated any obligation under the HAP contract including keeping the unit in compliance with HQS; the owner has violated any other obligation under any other HAP contract under Section 8; the owner has committed fraud, bribery or any other corrupt criminal act in connection with any Federal Housing Assistance Program; the owner has engaged in drug related or violent criminal activity; the BHA learns that the participant no longer resides in the unit or is deceased.

- (a) Any amount due to the BHA by an owner must be repaid within thirty (30) days of the BHA determination of the debt.
- (b) If the owner fails to repay the debt within the required time frame and is entitled to future HAP payments, the BHA will reduce any future HAP payments until the debt is satisfied in full.
- (c) If the owner is not entitled to future HAP payments the BHA may enter into a repayment agreement with the owner for the debt owed, or seek to collect the monies via third party debt collector or legal action.
- (d) If the owner refuses to repay the debt, enter into a repayment agreement or breaches a repayment agreement, the owner maybe banned from future participation in the program, and the BHA may seek to collect the monies via third party debt collector or legal action.
- (e) The BHA will not enter into a repayment agreement if there is already a repayment agreement in place with the owner, or if the amount of debt owed exceeds the Federal or State threshold for criminal prosecution.

11.3 Restriction on Relocating

Generally, a participant may not relocate during the initial lease term or if there is pending grounds for termination of assistance. The following exceptions may apply:

A participant may relocate in the during the term of the lease, initial or otherwise, or when grounds for termination are present, if on or more of the following conditions is present:

- (a) The Unit has been on stop payment for more than 30 days.
- (b) An HQS breach not caused by the Family is determined to be life-threatening.
- (c) The move is required as a Reasonable Accommodation for a Disabled Person.
- (d) There is mutual consent between the Owner and the Participant.
- (e) The Family will not be prohibited from moving during the initial lease term so long as the tenant has complied with all other requirements of the Section 8 program and has moved from the

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Unit in order to protect the health or safety of any individual member of the household who is or has been the victim of Domestic Violence, Dating Violence Stalking, or Sexual Assault and who reasonably believes that the tenant or other household member will be imminently threatened by harm from further violence if the individual remains in the present dwelling Unit (If the family or family member, or any family member is a victim of sexual assault that occurred on the premises during the 90 day period prior to the family's request to move, the family member is not required to believe that he or she was threatened with imminent harm from further violence if he or she remains in the dwelling unit..

(f) Other exceptions which the BHA deems it necessary for the Family to relocate, including but not limited to, Domestic Violence, Dating Violence, Stalking, or Sexual Assault.

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~~11.3 Restriction on Number of Relocates~~

~~For the tenant-based programs, whether the Participant is residing in the Jurisdiction of the BHA or has exercised Portability, the following limitation applies:~~

~~11.3.1 Initial Lease Term~~

~~The BHA prohibits a Family from moving during the initial Lease term. If the Family vacates the Apartment in violation of the Lease, their Section 8 assistance may be terminated in accordance with Chapter 13 of this Administrative Plan.~~

~~11.3.2 Pending Adverse Action~~

~~The BHA may deny relocation with continued assistance where there are grounds for denial or termination of assistance. See also Chapter 6: Denial of Voucher and Applicant Appeals and Chapter 13: Termination of Assistance.~~

~~11.3.3 Exceptions to the Restriction~~

- ~~(a) The Unit has been on Stop Payment for more than 30 days.~~
- ~~(b) An HQS breach not caused by the Family is determined to be life-threatening.~~
- ~~(c) The move is required as a Reasonable Accommodation for a Disabled Person.~~

~~(d) There is mutual consent between the Owner and the Participant.~~

~~(e) — The Family will not be prohibited from moving during the initial lease term so long as the tenant has complied with all other requirements of the Section 8 program and has moved from the Unit in order to protect the health or safety of any individual member of the household who is or has been the victim of Domestic Violence, Dating Violence Stalking, or Sexual Assault and who reasonably believes that the tenant or other household member will be imminently threatened by harm from further violence if the individual remains in the present dwelling Unit (If the family or family member, or any family member is a victim of sexual assault that occurred on the premises during the 90-day period prior to the family's request to move, the family member is not required to believe that he or she was threatened with imminent harm from further violence if he or she remains in the dwelling unit.)~~

~~(f) Other exceptions which the BHA deems it necessary for the Family to relocate, including but not limited to, Domestic Violence, Dating Violence, Stalking, or Sexual Assault.~~

11.3.4 Issuance of a Voucher

- (a) The BHA will issue a Voucher anytime that a Participant requests one, regardless of whether or not they gave proper notice to their current landlord.
- (b) If a Participant vacates his/her unit and a new tenancy has not been approved by the BHA, he/she must contact the Housing Authority within twenty (20) days of receiving notice in order to obtain a Final Voucher and retain voucher holder status. Failure to contact the Housing Authority within twenty (20) days will result in the loss of rights to retain voucher holder status. No further notice will be given and all rights to participate in the Housing Choice Voucher Program will end.

11.4 Change of Ownership

Upon notification in writing that Ownership of an assisted Unit has changed, the BHA will Stop Payment to the former Owner. In order for the BHA to begin payment to the new Owner, the former Owner must assign the HAP Contract and Lease to the new Owner, the new Owner must complete and sign an Owner/Agent Data Form and a W-9 form to verify tax reporting. The new Owner must also provide the BHA with a certified copy of the deed or attorney's letter documenting Ownership.

11.5 Eviction

The Owner must notify the Family's Leasing Officer in writing when commencing eviction procedures against the Family. A copy of the eviction notice served on the Family to the Leasing Officer is sufficient notice. If the Family contests the Owner's decision to evict and refuses to leave the Apartment, the Owner must commence an eviction proceeding in a court of law.

11.6 Family Absence from a Unit

Absence means that no member of the Family is residing in the Unit.

11.6.1 Absence of up to Thirty (30) Days

A Family may be absent from the Unit for any reason for up to 30 consecutive days.

11.6.2 Absence Greater Than Thirty (30) Days

The Family may not be absent from the dwelling Unit for more than thirty (30) days without BHA written approval. If the Family plans to be absent from the Unit for more than thirty (30) days, the Family must request approval from the BHA in writing and provide documentation indicating the reason for the extended absence from the Unit. An absence for greater than thirty (30) days may be approved by the BHA for reasons of health, rehabilitation, convalescence, incarceration or the personal needs of the Family. Each case will be evaluated based on the individual circumstances. Failure to request and receive approval to be absent from the Unit for more than thirty (30) days may result in termination of assistance.

11.6.3 Absence may not Exceed 180 Days

A Family's absence from a Unit assisted by the Section 8 program may not exceed 180 consecutive calendar days without exception. If a Family is absent from the Unit for more than 180 consecutive calendar days the BHA shall terminate the HAP Contract for the Unit.

11.7 Family Break-Up Policy

A Family Break-Up occurs when one or more adult Household Members will no longer reside together and there is a dispute as to who will retain the HCVP assistance. A Family Break-Up may occur in instances including but not limited to: divorce, separation, or protective order. When a Family Break-Up occurs, the HCVP assistance does not always remain with the Head of Household. Any recorded adult Household Member, Emancipated Minor, or adult assuming responsibility for one or more minor Family members could potentially retain the HCVP Assistance.

When the BHA receives notice that there has been a Family Break-up or that a Family Break-up will imminently occur, the BHA will determine which Family member shall retain the HCVP assistance using the criteria and procedure provided below.

11.7.1 Court Determination

- (a) If a court determines which Family member shall retain the HCVP Assistance, the BHA is bound by the court's decision¹⁹. A court determination cannot be appealed through any BHA review process.
- (b) If the family break-up results from an occurrence of domestic violence, dating violence, sexual assault, or stalking as provided in 24 C.F.R. part 5, subpart L, the PHA must ensure that the victim retains assistance.

11.7.2 BHA Determination

When there is no court determination, the BHA determines which Household Members will continue to receive HCVP assistance upon a Family Break-up. In making this determination, the BHA shall consider the interests of all assisted Family members. The BHA will use its discretion to decide which Household Members will continue to receive HCVP assistance by taking into account the following:

- (a) The interests of any minor children, with consideration to custody rights;
- (b) The interests of any Elderly, or Disabled Household Member;
- (c) Whether a Household Member *fled* the Unit because of actual or threatened violence by a spouse or other Household Member. The BHA will take into consideration incidents of actual or threatened violence regardless of whether the Household Member leaving the Unit is the victim or the Perpetrator;
- (d) Whether the assistance should remain with a Household Member remaining in the original assisted Unit or a Household Member who has fled or left the Unit; AND
- (e) The amount of time since the Household Member was added to the Family Composition. The BHA will take this factor into consideration based on the individual circumstances surrounding the addition of the Household Member.

¹⁹ The BHA may challenge the court's order on the grounds that any portion of the decision is contrary to State or Federal housing law.

11.7.3 Notice of Proposed Subsidy Allocation

When the BHA receives notice that there has been a Family Break-up or that a Family Break-up will imminently occur, the BHA will make an initial determination in accordance with section 11.7.2 regarding which person shall retain the HCVP assistance. The BHA will also determine which Household Member will become new Head of Household or Co-Head of Household. All adult Household Members and other adults as, identified in section 11.7.8, shall be notified of these determinations. Notice shall be sent to any and all addresses identified by such adults and not solely to the last address for the Head of Household. The notice shall describe what factors BHA utilized in making its determinations. The notice shall also state that any adult Household Member or other adult, as identified in section 11.7.8, has twenty (20) days to request a review of the decision.

11.7.4 Right to Appeal BHA's Proposed Subsidy Allocation

If a Household Member or another adult, as identified in section 11.7.8, disagrees with the BHA's determination regarding which person shall retain the HCVP assistance, that person may appeal the decision. The request for a hearing must be in writing and received by the BHA Leased Housing Division within twenty (20) days of the date of the BHA's notice of Proposed Allocation.

11.7.5 Procedure for Informal Hearings Regarding Family Break-Up

If any Household Member or other adult, as identified in section 11.7.8, requests a hearing to dispute the BHA's proposed subsidy allocation, the BHA Leased Housing Division shall conduct a hearing to review that decision. All Household Members and other adults, as identified by section 11.7.8, shall be given notice of the hearing date. The hearing will be conducted by a person who did not make or is not the subordinate of the person who made the initial determination. The person requesting the hearing shall have the right to review those portions of the file relied upon in the BHA's determination except that the BHA will redact any information, including addresses where applicable, which could compromise the safety of any person. The BHA may alter its usual hearing procedure and rules, consistent with applicable law, to assure the safety of all individuals who may be participating in the proceeding.

The person conducting the hearing shall issue a written decision within thirty (30) days from the close of the hearing record. The decision shall be sent to each adult Household Member who is claiming a right to the subsidy or any other adult as identified by section 11.7.8.

11.7.6 Assistance Pending the Exhaustion of Right of Review

The BHA will continue to pay assistance under the existing HAP Contract and will not issue a voucher for relocation based on a determination under section 11.7.2 until either the time period to appeal the

determination has lapsed or a hearing decision has been issued. Any housing assistance thereafter shall be in accordance with the BHA's Family Break-Up determination or hearing decision.

11.7.7 Recertification of Family's Income and Change in Rent Share

Where there has been a Family Break-Up and the right of appeal has been exhausted the BHA will recalculate the Family's rent share to reflect the current Family Composition in accordance with the provisions of section 7.1.3 of this Administrative Plan. Any change in the Family's Share of rent will be effective retroactive to the first of the month following the date the Family Break-Up occurred.

11.7.8 Non-Household Members Who Advance a Claim on Behalf of Minor or Incapacitated Household Members

- (a) Where there has been a Family Break-Up with one or more remaining Minor Household Members; AND one or more adults who are not currently Household Members advance a claim that they wish to become the Head of Household on behalf of one or more remaining Minor or incapacitated Household Members; AND there is a dispute about who should become the Head of Household or Co-Head of Household, the BHA shall determine which such claimant shall take over the Voucher as Head of Household using the criteria under section 11.7.2 above.
- (b) In the event a remaining Household Member is an incapacitated Adult who is unable to fulfill the Family obligations, the person asserting a right to the subsidy on behalf of the incapacitated Household Member must be an adult who has been appointed either a temporary or permanent guardian and is willing to assume the obligations of the HCVP as Head of Household.
- (c) Any adult who the BHA determines is appropriate to become the Head of Household is subject to fulfilling all preliminary and final eligibility requirements in accordance with this Administrative Plan or its successor.

11.8 Residual Family Policy

A remaining Household Member may apply to become the Head of Household, in the event of the death, departure or incapacity of the Head of Household. This person is referred to as a Residual Family Applicant for the purposes of this Administrative Plan. Application approval is contingent on the Residual Family Applicant and all Household Members meeting the criteria set forth below.

11.8.1 Qualifications for Residual Family

In order to assume the status of Head of Household and continue as a Participant under this policy, the Residual Family Applicant must be:

- (a) An Adult who was a Household Member at the last annual Recertification if the Head is removed due to death or incapacity, or who has been a Household Member for more than twelve months, if the Head departed to other non-BHA housing, and whose income was recorded and considered in the rent computations during the period of his/her participation, unless he/she was without income or was a Full-Time Student; OR
- (b) In the event the remaining Household Member(s) consists only of Minor children, the Residual Family Applicant must be an adult, or a court granted Emancipated Minor or an adult, who has been appointed either a temporary or permanent guardian, or is the natural parent of one or more Household Members, and is willing to assume responsibility for the Apartment and the remaining Family members, and is willing to become a Participant and Head of Household in the Section 8 program; OR
- (c) In the event the remaining Household Member(s) is an incapacitated adult who is unable to fulfill the Family obligations, the Residual Family Applicant must be an adult who has been appointed either a temporary or permanent guardian, and is willing to assume the obligations and become a Participant in the Section 8 Program and assume the responsibilities as Head of Household; AND
- (d) The Residual Family Applicant and Family, if any, for Residual Family status must meet the eligibility requirements for Applicants as set forth in this Administrative Plan.

11.8.2 Calculation of Rent Once Residual Applicant Approved

The BHA will calculate the Family Share and adjust the Voucher Size appropriately once the Residual Family Applicant has been approved. The rent will be retroactive to the date that the original Head of Household/Co-Head of Household left the Unit.

11.8.3 Limitations of Policy

The remaining Household Members will not become Residual Family, if the departing or incapacitated Head, has an outstanding balance due to the BHA (except in the case of the Head's death) or termination of the subsidy by the BHA is pending.

11.8.4 Residual Family – Right of Appeal

A Residual Family Applicant who disagrees with a decision made by the BHA may request an informal hearing pursuant to 24 C.F.R. § 982.555 and Chapter 13 of this Administrative Plan.

11.9 Ineligible for Continued Assistance

11.9.1 Income Ineligible

If thirty percent (30%) of the Family's Monthly Adjusted Income equals or exceeds the lower of the Gross Rent or the Payment Standard, the BHA will suspend the end of participation for six (6) months from the effective date of the certification. The BHA will inform the Family in writing of the anticipated end of participation and its right to appeal the anticipated end of participation through an informal hearing.

11.9.2 Resumption of the Subsidy

If within six (6) months after notifying the Family of the anticipated end of participation: (i) the Family's income share falls below the lower of the Gross Rent or the Payment Standard, (ii) the Contract Rent increases, or (iii) the Family moves to a new Apartment, the BHA will reexamine the Family's eligibility for participation in the HCVP upon the Family's request. If thirty percent (30%) of the Family's Monthly Adjusted Income is then less than the lower of the Gross Rent or the applicable Payment Standard, then the BHA will resume making assistance payments on behalf of the Family.

11.9.3 Termination of subsidy

If the Family's income share does not fall below the lower of the Gross Rent or the applicable Payment Standard in six (6) months from the effective date of the certification, the BHA will terminate the Family's assistance.

11.10 Family Moves within BHA Jurisdiction

HUD permits participants to move to another unit while maintaining housing assistance. This section discusses the conditions that permit the family to move with continued assistance

11.10.1 Voucher Issuance Upon Request for Relocation

Families who intend to move with continued assistance are issued a Relocation Voucher with a term of 120 days. See *24 CFR § 982.302(a)*. If a Family does not locate a new unit within the term of the voucher and any extensions, the Family may remain in its current unit with continued assistance if both the owner and the BHA approves. Otherwise, the Family will lose its assistance

11.10.2 Denial of Relocation and / or Voucher Issuance

The BHA may deny a move with continued assistance if there are grounds for denial or termination of assistance in accordance with Chapters 6 and 13 of this Administrative Plan.

The Family will be required to complete any annual reexamination process due within 120 days before the request to move is approved.

11.10.3 Notice Requirements to Relocate

In order to move with continued assistance one or more of the following scenarios must occur with respect to the Family's tenancy:

- (a) The assisted lease for the current unit has terminated, including termination because the BHA has terminated the HAP contract due to owner's breach, or the lease has terminated by mutual agreement of the owner and tenant. A copy of any notice of termination must be provided to the BHA.
- (b) The owner has given the Family a notice to vacate, commenced an action to evict the tenant, or obtained a court judgment or other process allowing owner to evict the tenant. The Owner and the Tenant must provide copies of all notices to BHA. In this scenario BHA may deny a move with continued assistance if the Family's violation of the tenancy is also grounds for termination of assistance.
- (c) The Family has given proper notice of lease termination (if tenant has the right to terminate lease on notice to owner).
- (d) The BHA determines that the Family's unit does not meet the HQS space standards (due to increase in family size or change in family composition).
- (e) None of the scenarios above are true, however, the Family or member of the Family is or has been a victim of domestic violence, dating violence, Stalking, or Sexual Assault, and the move is needed to protect the health or safety of the family or family member.

11.10.4 Owner HAP When the Family Moves

If the family moves out of the unit, the PHA may not make any HAP to the owner for any month after the month the family moves out. The owner may keep, however, any housing assistance payment for the month during which the family moves out.

Chapter 12: Portability

A Housing Choice Voucher Holder or a Participant has the right to receive tenant-based assistance outside the BHA Jurisdiction. The Voucher Holder or Participant may lease a Unit anywhere in the United States, in the jurisdiction of a Public Housing Authority. The BHA will brief Participant Families on Portability in an oral presentation when they receive their Voucher. The briefing packet provided to Families will also contain information about Portability.

12.1 Portability Requirements for Applicant Families

12.1.1 Applicant Families Residing Outside of Massachusetts

The BHA Jurisdiction is anywhere within the Commonwealth of Massachusetts.

Families on the BHA waiting list in which neither the Head of Household nor the spouse has a Domicile within the BHA Jurisdiction at the time of initial application have no right to Portability within the first twelve (12) months of HCVP participation.

When such Families reach the top of the waiting list they will be offered the opportunity to use a Voucher to locate an assisted Unit within the BHA Jurisdiction. The Family will be withdrawn from the wait list if, after appropriate counseling, the Family decides not to exercise this option and is unwilling to reside in the BHA Jurisdiction for the initial twelve (12) months of assistance. See also section 3.2.3 – Withdrawal from the Waiting List.

The BHA requires that such Families, who initially reside outside of BHA Jurisdiction, complete twelve (12) months residency in an assisted Unit within BHA Jurisdiction in order to exercise their option for Portability. However, BHA may allow portability to a Unit located in another jurisdiction (notwithstanding the term of the tenant's existing lease has not expired, or the family has not occupied the Unit for 12 months) so long as the tenant has complied with all other requirements of the Section 8 program and has moved from the Unit in order to protect the health or safety of an individual member of the household who is or has been the victim of Domestic Violence, Dating Violence, Stalking, or Sexual Assault and who reasonably believes that the tenant or other household member will be imminently threatened by harm from further violence if the individual remains in the present dwelling Unit.

12.1.2 Applicant Families within BHA Jurisdiction

A Family that has not yet leased a Unit under the HCVP is eligible for Portability if the Head of Household or spouse has a Domicile within BHA Jurisdiction at the time the application was submitted.

Verification of Domicile. A Lease, school records, or voter registration are acceptable forms of documentation to verify Domicile.

12.2 When an Assisted Family Moves Into the BHA Jurisdiction

12.2.1 BHA Procedure for Receiving Families

When a Family with HCVP assistance from another Jurisdiction arrives at the BHA, the BHA will issue the Family a Housing Choice Voucher to enable the Family to conduct a housing search within the BHA Jurisdiction. The Voucher issued by the BHA may not expire less than thirty (30) days after the expiration date established by the Initial Housing Authority. If the Voucher has already expired when the BHA receives the paperwork from the Initial Housing Authority, the BHA will refer the incoming portable Family back to the Initial Housing Authority, who may decide to extend the Voucher term and the billing deadline. BHA (the Receiving Housing Authority) policies and procedures as the regarding extensions and Voucher term shall apply. In addition, the BHA will use its own Subsidy Standards to determine the appropriate Voucher Size for a Family that will be administered by the BHA.

The BHA will inform the Initial Housing Authority immediately whether it will absorb or administer the Family's Housing Choice Voucher assistance, and if it approves an extension to the Voucher term or changes the Family's Voucher Size.

The BHA's Payment Standards are used when the portable Family Leases a Unit. The BHA will inform the incoming Family of the BHA's policies and Payment Standards before the Family begins its housing search.

The BHA may delay approval of the Unit or issuance of the Voucher if the Family refuses to comply with BHA procedures (such as completing disclosure forms or certifications). The BHA may not delay issuing a voucher unless recertification is necessary to determine income eligibility. If the BHA is refusing to process or provide assistance under the Portability procedures, the Family will be given the opportunity for an informal review or hearing in accordance with Chapters 5 and 13 of this Administrative Plan.

12.2.2 Absorb or Administer

The BHA has the option to *administer* the subsidy on behalf of the Initial Housing Authority or to *absorb* the portable Family into its own Housing Choice Voucher Program. The Receiving Housing Authority must promptly inform the Initial Housing Authority whether it will bill the Initial Housing Authority for assistance on behalf of the portable Family or will absorb the portable Family into its own program.

(a) *Administer the Voucher*

If the BHA decides to administer the Initial Housing Authority's Housing Choice Voucher assistance, the housing assistance for the portable Family comes from the Initial Housing Authority's Housing Choice Voucher allocation.

When the BHA administers the subsidy, the Initial Housing Authority will retain twenty percent (20%) of the ongoing Administrative Fee for that Housing Choice Voucher unless both the Initial Housing Authority and the BHA (Receiving Housing Authority) reach a different agreement. The Initial Housing Authority may also be eligible for a preliminary fee if the portable Voucher is part of a funding increment awarded during the first twelve (12) months of the PHA's Housing Choice Voucher Program.

The BHA will bill the Initial Housing Authority for the full amount of the Housing Assistance Payment and eighty percent (or other amount agreed to by both PHAs) of the ongoing Administrative Fee earned by the Initial Housing Authority.

The BHA may change its decision to administer a Voucher and decide to absorb at any time in the future.

(b) *Absorb the Voucher*

The BHA may absorb the portable Family into its own program once the HAP Contract is executed on behalf of the incoming Participant Family by the BHA. The HAP Contract must be executed within the BHA Jurisdiction for the Absorption to take place. If the BHA decides to absorb the portable Family, funds from the BHA's consolidated ACC will pay for the Family's housing assistance. The BHA will specify the effective date of the Absorption to the Initial Housing Authority.

12.2.3 Extensions and Suspensions of a Portable Voucher

The BHA will grant extensions and suspensions to a holder of a portable Voucher in accordance with the same standards it uses to grant extensions for Participants or Jurisdiction who are not exercising Portability. See section 7.2.

(a) *Extension that Extends After Initial Housing Authority Expiration Date*

If the BHA is the Receiving Housing Authority and provides an incoming portable Family with search time beyond the expiration date of the Initial Housing Authority's Voucher, it must inform the

Initial Housing Authority of the extension and should bear in mind the billing deadline provided by the Initial Housing Authority.²⁰

Unless willing and able to absorb the Family, BHA will ensure that any Voucher expiration date will leave sufficient time to process a RTA, execute a HAP Contract, and cover the anticipated delivery time (if the PHA is not submitting the billing information by fax or email) so that it will be received by the Initial Housing Authority by the deadline date (See section 12.6 on billing).

12.2.4 On-going Responsibilities of the Receiving PHA

After a portable Family Leases up in the BHA Jurisdiction, the BHA is responsible for conducting all interim and annual reexaminations for the Family and all HQS inspections of the Family's Unit. The BHA will send the Initial Housing Authority a copy of the updated Form HUD-50058 at each annual Recertification for the duration of the time the BHA is billing the Initial Housing Authority, regardless of whether there is a change in the billing amount.

Under a billing arrangement, the Initial Housing Authority must be informed of all changes affecting the Family's subsidy. After each interim and annual reexamination, the Receiving Housing Authority must send the Initial Housing Authority a completed form HUD-52665 showing the new HAP amount with a copy of the form HUD-50058 if the billing amount changes.

If the receiving PHA has absorbed the Family, the Family is no longer considered a portable Family. The Initial Housing Authority is no longer involved with the Family's subsidy. There is no billing and no communication on other details of the Family's occupancy.

12.3 When an Assisted Family Moves out of the BHA Jurisdiction

12.3.1 Family Interest in Portability

After a Family announces its interest in Portability, the BHA will provide the Family with information to help it contact the PHA in the Jurisdiction where the Family wishes to live. If this will be the Family's first Lease under the Housing Choice Voucher Program, the BHA will compare the Family's income to the applicable-income limit (typically the very low-income limit) for the community where the Family wants to move and determine if the Family will be able to Lease an Apartment with continued assistance in the Jurisdiction of their choice.

²⁰ The initial billing submission must be received no later than 60 days following the expiration of the voucher issued by the initial PHA.

Addresses and telephone numbers for PHAs around the country are available on HUD's web site: www.hud.gov. Income limits are available at www.huduser.org.

12.3.2 Decision to Move Outside BHA Jurisdiction

When the Family decides to move outside the BHA Jurisdiction the BHA will:

- (a) Contact the Receiving Housing Authority by phone, fax, or email to alert that agency to expect the Family; and
- (b) Send the Receiving Housing Authority, by mail or facsimile, a completed form HUD-52665, Family Portability Information form.

12.3.3 Selecting the Receiving PHA

When there is more than one PHA administering a Housing Choice Voucher Program within the Jurisdiction where the portable families wants to move, the Initial Housing Authority has the authority to select the receiving PHA.

12.3.4 Limitations on Moving

- (a) Participants who have utilized Portability to move outside the BHA jurisdiction are bound by the same limitations on moving as Participants not exercising Portability. See section 11.3.1 and 11.3.2. Thereafter, a move at the Family's request may not occur more than once in any twelve (12) month period. See section 11.3.3 for exceptions to this limitation.

Exception: A Receiving Housing Authority must absorb the Family to alleviate this limitation.

- (b) The BHA will not provide portable assistance for a Participant Family if the Family has moved out of its assisted Unit in violation of the Lease. See 24 C.F.R. § 982.355 (b).

12.4 Portability Terminations

The BHA may terminate a Family's assistance when it is acting as the Initial Housing Authority or the Receiving Housing Authority.

In cases where the BHA is the Initial Housing Authority and is terminating assistance, the Participant shall be advised of the reason for the termination as provided by the BHA and of the Participant's right to request a hearing of the terminating BHA. The result of decision rendered by the BHA (the Initial Housing Authority) is binding upon the Receiving Housing Authority. The Family's participation shall be terminated on the date specified in the hearing notice or at

the end of the month following the month in which the BHA has notified the tenant and the Owner of the termination, whichever is later.

12.5 Claims by Another PHA

Any amounts owed by a Participant to an Initial Housing Authority, to any prior PHA, or to a Receiving Housing Authority which are the result of the Family's participation in a housing program while in the Jurisdiction of that PHA must be collected by that PHA. The BHA will not collect amounts owed to another PHA on behalf of that PHA.

Either PHA may contact the HUD state or area office for assistance in resolving Portability disputes between PHAs, although efforts to reach mutual agreements without HUD's involvement are encouraged. Frequently, involvement of management or executive staff at both agencies and agreement to use logs and other monitoring tools internally is all that is required.

12.6 Portability Billing Requirements

12.6.1 Summary of Portability Billing Deadlines.

Failure to meet the following deadlines may result in a reduction of administrative fees or a transfer of the amount of baseline units from one Housing Authority to another in accordance with HUD regulations and guidelines.

- (a) *Submission of Initial Billing Amount* (Part II of the Form HUD-52665) -- Receiving PHA must submit initial billing notice (1) no later than ten (10) working days following the date the HAP Contract was executed and (2) in time that it will be received no later than sixty (60) days following the expiration date of the Family's Voucher issued by the Initial Housing Authority.
- (b) *Payment of First Billing Amount* - Initial Housing Authority makes payment within thirty (30) days of receipt of Part II of the Form HUD 52665 indicating billing amount.
- (c) *Payment of Subsequent Billing Amounts* – The Initial Housing Authority is responsible for ensuring that subsequent billing amounts are received no later than the fifth working day of each month for which the monthly billing amount is due.
- (d) *Notification of Change in Billing Amount or Other Action* – The receiving PHA notifies the Initial Housing Authority of any change in the billing amount as soon as possible (preferably before the effective date to avoid retroactive adjustments) but in no circumstance any later than ten (10) working days following the effective date of the change.

CHAPTER 13: Termination of Assistance

13.1 Definitions

13.1.1 Drug Related Criminal Activity

- (a) The manufacture, sale, distribution, or use, or the possession with intent to manufacture, sell or distribute a controlled substance, as defined in section 802 of the Controlled Substances Act (21 U.S.C. § 802);

13.1.2 Violent Criminal Activity

Violent Criminal Activity includes any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

13.1.3 Termination Due to Domestic Violence

See section 1.2.5 for restrictions regarding the termination of a participant who may be a victim of Domestic Violence, Dating Violence, Stalking, or Sexual Assault.

13.2 Mandatory Termination

The following chapter outlines the program violations for which the BHA can terminate a Family's assistance. Certain program violations allow the BHA to use its discretion in deciding whether or not terminate the Family's assistance. See section 13.3. The following are list of program violations which require the BHA to terminate the Family's assistance:

13.2.1 Eviction for Lease Violations

The BHA must terminate program assistance for a Family evicted from federally assisted housing for serious violations of the Lease. The BHA will use its discretion to determine which Lease violations are serious.

13.2.2 Consent Forms

The BHA must terminate the assistance of a Participant if any Family member fails to sign the Consent forms as required in 24 C.F.R. part 5, Subparts B and F.

13.2.3 Evidence of Citizenship

The BHA must terminate assistance if the Participant has failed to submit evidence of eligible immigration status or a form certifying that a Family member does not wish to claim eligible Citizen or non-Citizen status for each Family member, or because the Applicant or Participant cannot

provide evidence of Citizen, National, or Eligible Non-Citizen Status for at least one Family Member pursuant to 24 C.F.R. part 5 (See Chapter 5 section 5.6 for requirements for evidence of Citizenship and immigration status).

13.2.4 Manufacture of Methamphetamine

The BHA must terminate assistance if a Participant has ever been convicted of Drug Related Criminal Activity as a result of manufacture or production of methamphetamine on the Premises of federally assisted housing. The Premises includes the dwelling, common areas, and grounds.

13.3 Discretionary Termination

The Administrator or his or her designee may use discretion at any time (before or after an informal hearing) to decide whether or not to terminate a Family's assistance for any of the program violations listed in this section.

13.3.1 Consideration of Circumstances

The BHA will use the following non-exhaustive list when using its discretion to decide whether or not to terminate the subsidy:

- (a) *Consideration of circumstances generally.* The BHA has the discretion to consider all of the circumstances in each case including, but not limited to, the seriousness of the offense, the extent of the criminal history, the extent of participation by Family members, and the effects that termination will have on Family members not involved in the alleged activity.
- (b) *Reasonable Accommodation.* The BHA shall consider a request for Reasonable Accommodation by a Participant who has a disability or handicap, has a record of a disability or handicap, or is perceived as having a disability or handicap. The BHA will follow its Reasonable Accommodation Policy to determine whether or not an Accommodation should be made for a Participant who is a Disabled Person.
- (c) *Mitigating Circumstances.* The BHA shall consider mitigating circumstances such as active participation in, or completion of, a supervised drug treatment program.
- (d) *Termination of a portion of the Family.* The BHA may, in its discretion, terminate only certain members of the Family, if there is sufficient evidence that the Family member who engaged in the alleged activity will not reside in the unit or if the Head of Household certifies that the Family Member who engaged in the alleged activity will not reside in the Unit.

- (e) *Domestic Violence.* The BHA may consider an incident or incidents directly related to Domestic Violence, Dating Violence, Stalking, or Sexual Assault as mitigating circumstances is directly related to the reason for termination.

13.3.2 Eviction from Federally Assisted Housing

If any member of the Family has been evicted from federally assisted housing in the past five years.

13.3.3 Termination of Assistance

If a Public Housing Authority has ever terminated assistance under the program for any member of the Family.

13.3.4 Debt to Housing Authority

- (a) If the Family currently owes rent or other amounts to the BHA or another Public Housing Authority in connection with Section 8 Program, public housing assistance under the U.S. Housing Act of 1937, or any other Publicly Assisted Housing Program.²¹
- (b) The Participant as a previous or current Participant in the Section 8 program has not reimbursed the BHA or another Public Housing Authority for amounts paid to an Owner under a Contract for rent or other amounts owed by the Family under the Lease. If the participant is a former BHA public housing resident at a site that was converted to the Section 8 Program:
 - (i) BHA will send a letter of rent balances in advance of the conversion, requesting that families pay any outstanding debt as soon as possible.
 - (ii) Balances will be reviewed again after conversion, once all accounts have been reconciled.
 - (iii) The Leased Housing Department will negotiate and execute repayment agreements with families using a similar process that is in place for HCV fraud collections set out in Section 13.3.5 below.
 - (iv) The agreements will be monitored and maintained by the Leased Housing Department.

²¹ Other Publicly Assisted Housing Program – means residence in any housing program assisted under M.G.L. Chapter 121B (such as state-assisted public housing for families, Elderly or disabled persons), or Massachusetts Rental Voucher Program or assisted under the United States Housing Act of 1937 as amended (42 U.S.C. § 1401 *et seq.*) (such as federally-assisted public housing for families, Elderly or disabled persons, Section 8 certificate/voucher, project-based certificate, moderate rehabilitation, loan management/property disposition leased housing program, Indian housing, or tenant-based assistance under the HOME program)

- (c) If the Family breaches an agreement with the BHA to pay amounts owed to the BHA, or amounts paid to an Owner by the BHA.

13.3.5 Fraud

If any member of the Family has committed fraud, bribery, or any other corrupt criminal act in connection with any Federal housing program.

- (a) When a participant has failed to accurately report his/her family composition and income information or falsely verifies said information resulting in the BHA overpaying a subsidy on his or her behalf the participant must repay these monies to the BHA. A Section 8 participant is obligated to pay money owed to the BHA as a condition of continued participation in the program.
 - (i) The family must either pay the amount owed in full within thirty (30) days of the BHA determination of debt; or
 - (ii) Enter into a repayment agreement and abide by its terms
- (c) Terms of the Agreement
 - (i) The maximum term of a repayment agreement should not exceed thirty-six (36) months. A waiver of up to twenty-four (24) additional months may be granted by a BHA Leased Housing director or his/her designee for verifiable mitigating circumstances
 - (ii) Monthly Payments – the monthly payment is set at the discretion of the BHA, so that the debt in full will be satisfied within the thirty-six (36) month period, however the monthly payment combined with the participant's monthly share of his/her rent may not exceed 40% of his/her monthly adjusted income. The participant may make a lump sum payment up front to reduce his/her monthly obligation
- (d) Missed Payments
 - (i) If a participant misses a total of three payments at any time during the term of the repayment agreement, he/she is in default of the agreement and the BHA will proceed with termination upon notice to the participant.

- (ii) If the participant pays the entire debt in full or the participant becomes current with the repayment agreement, prior to the date of the termination hearing, Leased Housing may decide to withdraw its proposed termination.
- (e) The BHA is not obligated to enter into a repayment agreement with a participant. The BHA may terminate assistance to a family for reasons including, but not limited to: 1) fraud; 2) refusing to enter into a repayment agreement; and or 3) any violation of family obligations, including fraud.
- (f) If a participant's assistance is terminated and or a participant has failed to abide by any repayment agreement, the BHA may take all necessary steps to collect monies owed including referring the matter to a third party debt collector, reporting monies owed to EIV and or legal action.
- (g) The BHA will not enter into a repayment agreement if there is already a repayment agreement in place with the family or if the amount of debt owed by the family exceeds the Federal or State threshold for criminal prosecution.

13.3.6 Drug Related Criminal Activity

The BHA may terminate assistance for a Participant Family if the BHA determines that any Family Member is currently engaged in:

- (a) Any illegal use of a drug; or
- (b) A pattern of illegal use of a drug which interferes with the health, safety or right to peaceful enjoyment of the Premises by other residents.

Note: The BHA may not deny or terminate assistance for past use or possession of a controlled substance by a Family member if the Family

member can demonstrate that (s)he has an addiction, has a record of an addiction, or is regarded as having an addiction to a controlled substance, and can demonstrate that (s)he is in recovery from any such addiction, and does not currently use or possess controlled substance. The BHA may require a Family Member who has engaged in the illegal use of a controlled substance to submit evidence of participation in, or successful completion of, a treatment program as a condition to being allowed to reside in the Unit.

13.3.7 Alcohol Abuse

The Participant's or a Family member's abuse or pattern of abuse of alcohol may threaten the health or safety of, or the right to peaceful enjoyment of the Premises by other residents.

- (a) A Participant's dependency on alcohol will not help to mitigate violations of the Participant's requirement to meet the obligations of the program.
- (b) The BHA may require a Family member whose abuse or pattern of abuse of alcohol has threatened the health or safety of, or the right to peaceful enjoyment of the Premises by other residents to submit evidence of participation in, or successful completion of, a treatment program as a condition preceding being allowed to reside in the Unit.

13.3.8 Behavior towards BHA staff

If the Family member has engaged in or threatened abusive or violent behavior towards BHA personnel.

13.3.9 Violation of Family Obligations

The Participant has violated any Family obligation under the program by action or failure to act as listed in section 13.5.2 or as set forth in 24 C.F.R. § 982.551.

13.4 Termination of Assistance Due to Lack of Adequate Funding

13.4.1 Background

The BHA is prohibited from assisting Families over either its annual baseline number of Vouchers per its approved Annual Contributions Contract (ACC) with HUD or its Annual Housing Assistance Payments (HAP) Budget Authority from HUD. In the event that the BHA's Annual HAP Budget Authority is reduced to an amount that will no longer support the number of HAP Contracts currently in the program, the BHA shall determine the number of HAP Contracts that must be terminated due to the lack of adequate funding from HUD. The BHA shall follow the steps outlined in this section in terminating assistance to families.

13.4.2 Excluded Families

A Family in any of the following categories shall be excluded from any termination of assistance due to lack of funding from HUD:

- (a) Elderly Family,
- (b) Disabled Family
- (c) Families who are Project Based Voucher participants as long as the HAP contract for the site remains in effect.
- (d) Families participating in the VASH program as long the VASH program is fully funded.
- (e) Any Family that is under an agreement in the Homeownership program or subject to a BHA relocation agreement.

13.4.3 Determining HAP Contracts to be Terminated

The BHA shall terminate the HAP contract on behalf of a Family based upon the Families date of admittance to the program. For this purpose, the BHA shall consider the Family's original Lease date under the BHA's Section 8 Program to be their date of admittance to the HCVP. The Family that was first admitted to the program, according to their Lease date, shall be the first to have the HAP contract terminated due to the lack of adequate funding from HUD. The BHA will refer Families where the HAP contract on their behalf has been terminated to appropriate agencies to find available housing.

13.4.4 Referral of Families to other BHA programs

The BHA may refer families where the HAP has been terminated due to lack of adequate funding from HUD, to any other BHA programs which may have vacancies in an effort to house these families.

13.4.5 Resumption of Terminated Subsidies

The BHA will reissue a voucher to Families, where the HAP contract has been terminated due to lack of funding only when funding is restored to levels adequate to support the resumption of additional HAP payments. The BHA will do so by the participants admittance dated (original lease date) beginning with the most recent admittance date to oldest admittance date.

13.5 Family Obligations

13.5.1 Tenants Informed of Family Obligations

- (a) The BHA will supply the Family with a written description of the Family obligations
- (b) The Head of Household will sign the Family obligations at each annual Recertification to certify that he/she understands and will comply with the obligations of the program.

13.5.2 HCVP Family Obligations

Participants in the HCVP must follow the Family obligations. Violation of the Family obligations by an act or a failure to act may result in termination of assistance.

This section states the obligations of a Participant Family under the program.

- (a) *Supplying required information.*
 - (1) The Family must supply any information that the BHA or the Department of Housing and Urban Development (HUD) determines necessary in the administration of the program, including submission of required evidence of Citizenship or eligible immigration status (as provided in section 4.6) as required by federal regulations. "Information" includes any requested certification, release or other documentation.
 - (2) The Family must supply any information requested by the BHA or HUD for use in a regularly scheduled reexamination of Family income and composition in accordance with HUD requirements. See section 10.1.1 for specific requirements.
 - (3) The Family must disclose and verify social security numbers (as provided by part 5, subpart B of 24 C.F.R.) and must sign and submit Consent forms for obtaining information in accordance with part 5, subpart B of 24 C.F.R.
- (b) *HQS Breach Caused by Family.* The BHA may terminate a Participant from the Section 8 program for life threatening HQS violations that the Participant does not correct within 24 hours. The BHA may terminate assistance for non life-threatening HQS violations that the Family does not correct the violation within thirty (30) days. The BHA may also terminate a Participant under this provision for one or more of the following reasons.
 - (1) The Family fails to pay for any utilities that the Owner is not required to provide, but which are to be paid by the tenant.

- (2) The Family fails to provide and maintain any appliances that the Owner is not required to provide, but which are to be provided by the Family.
- (3) If any Family member or any guest damages the dwelling Unit or common areas beyond ordinary wear and tear. An action for termination under this provision may be commenced for one or more of the following reasons:
 - i. A BHA Inspector determines that the damage was a result of intentional or reckless conduct. For the purpose of this section "reckless conduct" shall be defined as rash, heedless, wanton conduct; acting with indifference and/or disregard to the possibility or probability of causing damage to property of the Section 8 Family or the property of any other residents;
 - ii. The damage was of such an extreme nature. The following factors may serve as a guideline to determine whether damage is considered to be extreme:
 - 1. Number of identified areas damaged within the unit;
 - 2. The degree of damage beyond normal wear and tear.

Note: The examples above are not exclusive and a variety of authentic data relating to the damage/incident may be used either together or individually to determine if damage is extreme.
- (c) *Allowing BHA inspection.* The Family must allow the BHA to inspect the Unit at reasonable times and after reasonable notice.
- (d) *Violation of Lease.* The Family may not commit any serious or repeated violation of the Lease
- (e) *Family notice of move or Lease termination.* The Family must notify the BHA and the Owner before the Family moves out of the Unit, or terminates the Lease on notice to the Owner.

The Family must give the BHA a copy of the thirty-day notice of termination that the Family gave to the Owner before the Family can move to a new Apartment with assistance.
- (f) *Owner eviction notice.* The Family must promptly give the BHA a copy of any Owner eviction notice. Promptly means within two

weeks of receiving the eviction notice for the purposes of this section.

- (g) *Use and occupancy of the Unit.*
- (1) The Family must use the assisted Unit for residence by the Family. The assisted Unit must be the Family's only residence.
 - (2) All Family members residing in the Unit must be approved by the BHA. The Family must promptly notify (within thirty (30) days) the Housing Authority of the birth, adoption, or court-awarded custody of a child. The Family must request and receive BHA approval before adding any other Family member as an occupant of the Unit. No person other than members of the assisted Family may reside in the Unit, except a foster child²² or a Live-In-Aide
 - (3) The Family must promptly notify BHA (within thirty (30) days) that a Family member no longer resides in the Unit.
 - (4) If the BHA has given approval, a foster child or a Live-In-Aide may reside in the Unit. See also the definition of Family in Chapter 18: Glossary.
 - (5) A Family Member may engage in legal profit making activities in the Unit, but only if such activities are incidental to the primary use of the Unit for residence by members of the Family.
 - (6) The Family must not sublease or let the Unit.
 - (7) The Family must not assign the Lease or transfer the Unit.
- (h) *Absence from the Unit.* The Family must supply any information or certification requested by the BHA to verify that the Family is living in the Unit, or relating to a Family absence of the Unit, including any BHA requested information or certification regarding Family absences. The Family must cooperate with the BHA for this purpose. The Family must promptly notify (within thirty (30) days) the BHA of an absence from the Unit. Absence means that no member of the Family resides in the Unit. See also section 11.6.
- (i) *Interest in the Unit.* The Family must not own or have an interest in the Unit.

²² See definition of Family in the Glossary for BHA's policy on foster children.

- (j) *Fraud and other program violation.* The members of the Family must not commit fraud, bribery, or any other corrupt criminal act in connection with the programs.
- (k) *Crime by Family Members.* The members of the Family may not engage in Drug-Related Criminal Activity or Violent Criminal Activity or other criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the Premises.
- (l) *Alcohol abuse by Family Members.* The members of the Family must not abuse alcohol in a way that threatens the health, safety or right to peaceful enjoyment of other Participants and persons residing in the immediate vicinity of the Premises.
- (m) *Other housing assistance.* An assisted Family, or any member of the Family, may not receive Section 8 tenant-based assistance while receiving another housing subsidy, for the same Unit or for a different Unit, under any duplicative (as determined by HUD or in accordance with HUD requirements) federal, State or local housing assistance program.

13.6 Procedure for Terminating Assistance

13.6.1 Consideration of Circumstances

In determining whether to terminate assistance because of action or failure to act by members of the Family:

- (a) The BHA may consider all relevant circumstances, such as the seriousness of the violation, the extent of participation or culpability of individual Family members, mitigating circumstances related to the Disability of a Family member, the role of Domestic Violence, Dating Violence, Stalking, or Sexual Assault, and the effects of the termination of assistance on other Family members who were not involved in the violation(s).
- (b) The BHA may impose, as a condition of continued assistance for other Family members, a requirement that Family members who participated in or were culpable for the action or failure to act will not continue to reside in the Unit. The BHA will impose this requirement by removing the Family member from the Family Composition and having the Head of Household sign an agreement stating that the person who violated the program rules will not visit or reside in the assisted Unit or visit in the assisted Unit. A failure to keep this agreement may result in termination.
- (c) If the Family includes a Disabled Person, the BHA decision to terminate may be subject to consideration of a request for Reasonable Accommodation. The BHA will inform every Family

subject to termination of their right to request a Reasonable Accommodation under the BHA's Reasonable Accommodation policy.

13.6.2 Proposed Termination Notice

The Leasing Officer will send the Family a notice of proposed termination (by first class and certified mail). The notice will contain a brief statement with the reason for the proposed termination. The notice will also explain the Family's right to request an informal hearing if they disagree with the BHA basis for termination.

If the Certified Mail is returned to the BHA with a return receipt indicating that delivery was attempted by the USPS but that the addressee failed to pick up the certified mail, AND the first class mail is NOT returned, the notice will be considered received.

13.6.3 Failure to Respond to Termination Notice

If the Family fails to respond within twenty (20) days (thirty (30) days under HUD's non-citizen rule), the BHA will send the Participant a prompt notice of termination (by first class and certified mail). The BHA will also send a copy of the letter to the Owner. The BHA will grant a request for a hearing when a Participant submits a late request, together with evidence of *compelling circumstances* that prevented the Participant from requesting a hearing within twenty (20) days. Late request will be considered by the Administrator of Grievances and Appeals or his/her designee for thirty (30) days beyond the initial appeal period.

13.6.4 Reinstatement after Failure to Request a Hearing

If the failure to request a hearing within twenty (20) days is due to a documented disability, the BHA will reinstate the subsidy. See also BHA Reasonable Accommodation in Rental Assistance Policies and Procedures).

13.6.5 Private Conference

The BHA will use its discretion to schedule a private conference with a Family in an attempt to resolve the alleged violation(s). The BHA has no obligation to schedule a private conference before the informal hearing.

13.7 Informal Hearings for Participant Families

13.7.1 When an Informal Hearing must be offered to a Family

The BHA will offer a Family participating in the program an informal hearing for the following reasons:

- (a) A determination of the Family's annual or adjusted income, and the use of such income to compute the Housing Assistance Payment;
 - (b) A determination of the appropriate Utility Allowance (if any) for tenant-paid utilities from BHA allowance schedule;
 - (c) A determination of the Family Unit Size under the BHA Subsidy Standards;
 - (d) A determination to terminate assistance for a Participant Family because of the Family's action or failure to act;
 - (e) A determination to terminate assistance because the Family has been absent from the assisted Unit for longer than maximum period permitted under BHA policy and HUD rules. See section 13.5.2(h);
- (f) A determination to deny a Reasonable Accommodation;
- (g) A determination to deny assistance under the BHA's Residual Family policy.
 - (h) A determination of ineligibility for continued assistance.

13.7.2 When an informal hearing is not required

The BHA is not required to provide a Participant Family an opportunity for an informal hearing for any of the following:

- (a) Discretionary administrative determinations by the BHA;
- (b) General policy issues or class grievances;
- (c) Establishment of the BHA schedule of Utility Allowances for families in the program;
- (d) A BHA decision not to approve an extension or suspension of a Voucher term;
- (e) A BHA determination not to approve a Unit or tenancy;
- (f) A BHA determination that an assisted Unit is not in compliance with HQS;
- (g) A BHA determination that the Unit is not in accordance with HQS because of the Family size;
- (h) Failure to request a Final Voucher within 20 days of vacating a subsidized unit.

- (i) A BHA determination to exercise or not to exercise any right or remedy against the Owner under a HAP Contract.

13.7.3 Notice to the Family to Request an Informal Hearing

- (a) In the cases described in sections 13.7.1(a), (b), (c), and (h) the BHA will notify the Family of the basis for the BHA determination. If requested by the family, the BHA will schedule a private conference in accordance with section 13.6.5 and section 8.6 in these situations. The family must request the private conference with twenty (20) days of the date of the notice of rent share determination. If a resolution cannot be reached at the Private Conference, the BHA will notify the Family in writing of its decision and advise the Family that they may request an informal hearing within twenty (20) days of the date of the final ~~that~~ notice of determination.
- (b) In the cases described in sections 13.7.1(d), (e), (f), (g) the BHA will notify the Participant as explained in section 13.6.2.

13.7.4 Expeditious Hearing Process

The BHA will hold a hearing and issue a decision promptly. The Family will continue receive assistance while a decision is pending.

Pursuant to Sections 11.3, 11.3.1 and/or 11.3.2., the BHA may deny relocation with continued assistance where there are grounds for denial or termination of assistance.

13.7.5 Hearing Procedures

- (a) *Time to request a hearing..* The Participant has twenty (20) days from the date of the proposed termination letter, except in Non-Citizen Rule cases where the time period shall be 30 days from the date of the notice of termination of assistance for any Family member. The BHA will grant a request for a hearing when a Participant submits a late request, together with evidence of compelling circumstances that prevented the Participant from requesting a hearing within twenty (20) days. Late requests will be considered by the Administrator of Grievances and Appeals or his/her designee for thirty (30) days beyond the initial appeal period.
- (b) *Scheduling.* The BHA Department of Grievances and Appeals will schedule an informal hearing upon the receipt of a Participant's written request. The Participant will be given at least fourteen (14) days notice prior to the hearing date.

(c) *Discovery.*

- (1) The BHA will give the Family the opportunity to examine before the hearing, any documents in BHA's possession that are directly relevant to the hearing. The BHA will allow the Family to make copies of the relevant documents before the hearing at the Family's expense. The BHA will also allow a representative of the Family with an authorized release may have access to the file. If the BHA does not make the document available to the Family for examination upon request, then the BHA may not rely on the document at the hearing.
 - (2) The Family must allow the BHA to examine any Family documents that are directly relevant to the hearing before the hearing upon request. The Family must allow the BHA to examine the relevant documents at the BHA and the Family will allow the BHA to copy the relevant documents at the BHA's expense. If the Family does not make the document available to the BHA for examination upon request, then the Family may not rely on the document at the hearing.
 - (3) Either party may request an extension if required to rebut documents that were not provided to the opposing party prior to the hearing. Extensions will be granted at the discretion of the hearing officer.
- (d) *Amendments to Proposed Terminations.* If the BHA wishes to amend the grounds for the proposed termination, the BHA must notify the Participant of the amendment in writing, not less than fourteen (14) days prior to the hearing date. The amendment will be sent by regular and certified mail to the Participant's address of record. When sending out an amended proposed termination notice, the amended notice shall contain all violations. If the Participant has already requested a hearing due to the original proposed termination, a request for a hearing due to the amended notice is not required.
- (e) *Representation of Family.* At its own expense, the Family may be represented by a lawyer or other representative of the Family's choice.
- (f) *Evidence.* The BHA and the Family will each be given the opportunity to present evidence and question any witnesses. The Hearing Officer may consider evidence without regard to admissibility under the rules of evidence applicable to judicial proceedings.
- (g) *Hearing File.* The hearing file shall consist of all documents submitted by either party in relation to the subject of termination.

The BHA shall maintain audio recordings of all termination hearings.

- (h) *Hearing Officer.* Any designated BHA employee may conduct the informal hearing, other than a person who made the decision under review or his or her subordinate. The person who conducts the hearing may regulate the conduct of the hearing in accordance with the BHA's hearing procedures.
- (i) *Extensions.* The hearing officer may use discretion to grant an extension or continue the hearing to hear additional evidence or testimony.
- (j) *Issuance of Decision.* The hearing officer shall make a factual determination relating to the individual circumstances of the Participant based on a preponderance of the evidence presented at the hearing. The hearing officer shall take into consideration all relevant circumstances and any mitigating circumstances presented by the Participant. The hearing officer shall promptly render a written decision stating briefly the reasons for the decision. The hearing officer will send a copy of the decision to the Family by certified and first class regular mail. The hearing officer will also forward a copy of the decision to the Leased Housing Division and the Leasing Officer.
- (k) *Default and Rescheduling.* The DGA will issue a Default if the Participant does not appear in the DGA within 30 minutes of the scheduled time and did not submit a written request to reschedule prior to the hearing. A hearing may be rescheduled once for any reason without verification, provided that a written request is submitted on or before the date of the hearing. Second and subsequent reschedule requests must be supported by evidence of compelling circumstances that would prevent the participant attending. Reschedule requests submitted after the hearing date must be submitted within thirty (30) days of the hearing date and the BHA may terminate the subsidy, if the Participant does not attend the hearing and does not attempt to reschedule.
- (l) *Compelling Circumstances* Compelling Circumstances – when analyzing whether or not a participant's reasons for requesting a late hearing or failing to attend a hearing are compelling, the Grievances and Appeals Administrator or his/her designee will consider the written facts or circumstances submitted by the participant together with any documentary evidence in support of his/her request. The determination will be based on the following factors: (1) How quickly the participant has attempted to remedy the request/default; (2) the nature of the participant's explanation; (3) whether or not the participant could have prevented the untimeliness; and, (4) whether or not granting a late

hearing/removing default would produce a harsh or unfair result.
Please Note the review will be based solely on the documents submitted, no hearing will be scheduled to determine compelling circumstances.

Failure to receive the proposed termination notice or hearing notice will not be considered a compelling circumstance if the Participant did not receive the notice because of his/her failure to provide the BHA the correct and most current address. If the proposed termination /hearing notice was sent via certified mail and first class mail and is returned to the BHA with a return receipt indicating that delivery was attempted by USPS but that the addressee failed to pick up the certified mail AND the first class mail was not returned as undeliverable, the notice will be considered received and the BHA may terminate the subsidy..

(m) Effect of Decision.

- (1) If the decision to terminate the Family's assistance is ***upheld***, the Family will no longer receive assistance under the section 8 program. The Leased Housing Division will promptly send the Owner and the Participant a notice of termination. There is no additional opportunity within the BHA to appeal the hearing officer's decision.
- (2) If the decision to terminate the Family's subsidy is ***reversed***, the Family will continue to receive assistance under the Section 8 program and will be considered a tenant in good standing.
- (3) The Administrator or his or her designee may find that the BHA is not bound by an informal hearing decision:
 - (i) Concerning a matter for which the BHA is not required to provide an opportunity for an informal hearing, or that exceeds the authority of the person conducting the hearing, or
 - (ii) Is contrary to HUD regulations or requirements, or otherwise contrary to federal, State or local law.

Under such circumstances, the Administrator or his or her designee will make the determination to continue or terminate Participant's assistance. The BHA will promptly notify the Participant of the determination, and of the reasons for the determination. There will be no further opportunity within the BHA to appeal the decision.

- (4) The BHA may use its discretion to overturn a hearing that was "upheld" if the reason for termination was

discretionary. If the BHA overturns an “upheld” hearing, it does not have to meet the requirements listed in section I(3) above.

CHAPTER 14: Programs Administered by the Leased Housing Division and Special Housing Types

14.1 Family Unification Program

14.1.1 General Description

The Family Unification Program (FUP) is a program for Families referred to the BHA by the Department of Social Services (DSSDCF). Once the Family is determined to qualify by DSSDCF, the referral form for the Applicant is forwarded to the BHA. DSSDCF provides the BHA with a completed Family certification form which will certify whether the lack of adequate housing is a primary factor in the imminent placement of a Family's child or children in out-of-home care or in the delay of reuniting a child or children who are in out of home care with the Family. The BHA will notify DSSDCF when the waiting lists opens and DSSDCF may refer Applicants to the waiting list at that time. See also section 14.1.5.

14.1.2 Goals of the FUP

The goal of the FUP is to help Families within the child welfare system to find affordable and decent housing in a safe and supportive environment.

14.1.3 DSSDCF Role in the FUP

The mission of the DSSDCF is to protect children and provide preventative services which aid and support a Family environment. DSSDCF experience indicates that housing is unequivocally a critical element to the stability of any Family. As part of the DSSDCF role in protecting children who have been abused, DSSDCF provides services which enable children to occupy a safe, caring home. Therefore, the DSSDCF is pleased to commit the necessary resources to the FUP.

14.1.4 Placement Definitions that Qualify Families for FUP

The following definitions have been established to identify the Applicants who may be eligible to participate in the Family Unification Program.

(a) For families with children in placement:

- (1) Children are in placement as documented by an "Authorization for Placement Services" provided by the Department of Social Services, or a private agency acting on behalf of the Department; and
- (2) Children are remaining in placement due to lack of adequate housing as documented by the child's Family Assessment, the Service Plan, the Progress Supervisory Review Form, or other written documentation authorized by the area director; or

- (3) Children are to be returned to the Family as documented by the Service Plan, where the return date is past or pending within 90 days, and lack of adequate housing is a documented barrier to the plan with respect to the reunification of Family in a residence/home.

(b) For families with children not in placement:

- (1) Lack of adequate housing has been identified; and the Family is unable to find safe, decent and affordable permanent housing; the Family is at risk of out-of-home care for their children due to homelessness.
- (2) Lack of adequate housing exists if the Family lives in substandard housing, the Family is homeless, the Family is displaced by Domestic Violence, or the Family is living in an Overcrowded Unit.
- (3) A person who is imprisoned or otherwise detained pursuant to an Act of the United States Congress or a Federal or State Law will not be eligible to become a member of the Family Composition under the Family Unification Program.

14.1.5 Identifying Eligible Family Unification Program Families

DSSDCF will identify Families who appear to meet the eligibility for the FUP. **DSSDCF** will certify whether the lack of adequate housing is a primary factor in the imminent placement of a Family's child or children in out-of-home care or in the delay of reuniting children who are in out-of-home care with the Family. This certification form is completed by **DSSDCF**. The certification is approved by a **DSSDCF** supervisor and then forwarded to the Regional Office FUP Coordinator who will make the final determination of eligibility for the FUP. Once the Family is determined to qualify by **DSSDCF**, the referral form for the Applicant is forwarded to the BHA. The BHA shall maintain a FUP waiting list. If all slots in the FUP are full, the Applicant/Participant is placed on the FUP waiting list according to the date and time of application. Such waiting list shall be closed if the BHA receives a sufficient number of Applicants to maintain an adequate waiting list and the BHA notifies Applicants that the waiting period has become excessive. The BHA will notify **DSSDCF** when the waiting lists opens and **DSSDCF** may continue to refer Applicants to the waiting list at that time. The BHA will make a determination of final eligibility for the Housing Choice Voucher Program for a FUP Applicant.

14.1.6 Foster Youth To Independence (FYI)

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Public housing agencies (PHAs) administer FUP (including FYI) in partnership with Public Child Welfare Agencies (PCWAs), who are responsible for referring families and youth to the PHA for a determination of eligibility for FUP rental assistance. Once the PCWA makes the referral, the PHA places the FUP applicant on its waiting list,^[3] determines whether the family or youth meets HCV program eligibility requirements, and conducts all other processes relating to voucher issuance and administration. The PCWA is responsible for providing or leveraging follow-up supportive services, such as educational counseling and job preparation, for the period defined in the notice or Notice of Funding Availability/Opportunity (NOFA/O) for which the funding was made available.

FYI assistance, is subject to a 36-month time limit. However, eligible youth may request and extension of /FYI voucher assistance for up to 24 months beyond the 36-month time limit of assistance if they are participating in an FSS program.

An eligible youth who is participating in the Family Self-Sufficiency (FSS) program is entitled to receive FYI assistance for up to an additional 24 months beyond the 36-month time limit of assistance as long as the youth is in compliance with the applicable terms and conditions of the FSS program.

A PHA that carries out an FSS program must inform the FYI youth of the availability of the FSS program at the time the voucher is issued and offer them an FSS slot, if available, or offer to place them on the FSS waiting list.

At the 36-month and 48-month reexaminations, the PHA must extend the FYI voucher assistance if the youth is participating in and in compliance with the FSS program as long as the youth is still eligible for the HCV program. In any case, the FYI youth cannot receive more than a total of 60 months of FYI voucher assistance even if the FSS Contract of Participation time period extends beyond the FYI voucher 60-month mark.

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Families cannot be required to participate in the FSS program as a condition of receipt of assistance under the HCV program, including FYI assistance. However, only FYI youth that sign an FSS Contract of Participation and comply with the requirements of the FSS program are entitled to receive an extension of the time limit for voucher assistance under this statutory provision. FYI youth must participate in the FSS program if it is available to them in order to receive the extension of the time limit for voucher assistance unless the youth meets one of the statutory exceptions described below.

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(a) Extension of Assistance Exceptions

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1. FYI youth is a parent or other household member responsible for the care of a dependent child under the age of 6 or for the care of an incapacitated person.

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2. FYI youth is a person who is regularly and actively participating in a drug addiction or alcohol treatment and rehabilitation program.

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3. The FYI youth is a person who is incapable of complying with the requirement to participate in a Family Self-Sufficiency (FSS) program as described in paragraph (a) above or engage in education, workforce development, or employment activities as described in paragraph (b) above, as applicable, due to a documented medical condition.

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14.2 Non-Elderly Disabled Housing Program (Mainstream Program)

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The Non-Elderly Disabled Housing Program (Mainstream Program) is designed to provide housing assistance in the form of a one-bedroom voucher to a Disabled Person who is under the age of sixty-two (62). In addition to Section 8 assistance, the BHA has created a network of services to aid Mainstream Program Applicants and Participants in their search for housing. These services include referrals to agencies within the Boston area who offer support such as housing search assistance, information on disability issues, and advocacy services for a Disabled Person.

A Mainstream Program Applicant will be required to verify their disability by presenting the Disabled Certification Form signed by a medical or rehabilitation professional or qualified non-medical service agency whose function is to provide services to the Disabled. The Applicant will also have to meet income guidelines set by the Section 8 program and must also be eligible for a one-bedroom Apartment under BHA Subsidy Standards. After all eligibility requirements for the Section 8 program and the Mainstream Program have been determined, an eligible individual is offered a Voucher to begin searching for housing. As a Reasonable Accommodation, Mainstream program Participants shall be offered a two-bedroom Voucher if the BHA approves the Participant's request for a Live-In-Aide as an exception to the BHA's Subsidy Standards.

An Applicant who meets the definition of a Disabled Person and qualifies for a one-bedroom Voucher will be taken in the order of the BHA waiting list (based on date and time of application). An Applicant will be required to complete the requisite certification form regarding the existence of a Disability. An Applicant on the waiting list will also be required to provide documented proof of their Priority status. Respondents to this notification will be placed onto a separate, Non-Elderly Disabled Housing Program waiting list. Such waiting list shall be closed if the BHA receives a sufficient number of Applicants to maintain an adequate waiting list. The BHA will give public notice in a local newspaper of general circulation, neighborhood newspapers, and also by Minority media whenever the BHA is opening the waiting list to Applicants and will state where and when to apply.

14.3 Family Self-Sufficiency (FSS) Program

14.3.1 Introduction

The BHA developed its FSS Program for current HCVP Participants. The FSS Program is voluntary and offers Families an opportunity to receive supportive services as they work towards economic self-sufficiency by building savings through an escrow account. The BHA surveys all HCVP Participants to determine interest in participating in the FSS program. An interested Participant will be given an opportunity to apply for the FSS Program.

14.3.2 Eligibility and Recruitment

The FSS Program is open to current HCVP Participants (including Homeownership), as well as current Moderate Rehabilitation Participants. The BHA periodically surveys all HCVP Participants to determine their interest in the program. To facilitate this effort, a brochure has been developed to promote the program. Leasing Officers discuss the availability of the FSS Program to Applicants/Participants when they attend their annual Recertification appointment. Applicants/Participants who indicate an interest in the program are placed on a waiting list and invited to a group or individual information/intake appointment and provided with the opportunity to apply for the FSS Program. People will be invited in order, i.e. "first come, first served". When a participant in the BHA's Public Housing FSS program becomes a participant in the Housing Choice Voucher program via Super Priority they shall be permitted to transfer their FSS participation as well.

14.3.3 Individual Training & Service Plan (IT&SP) and FSS Contract

The BHA employs coordinators whose primary duties are to work with FSS Families, and may also partner with outside partner(s) to provide additional supportive services. The FSS Coordinator performs a "needs assessment" of each Applicant in order to determine what services are necessary for the Family to achieve the goal of self-sufficiency. The Coordinator uses the "needs assessment" to develop an Individual Training and Service Plan (IT&SP) for the Family. This plan breaks the large goal of self-sufficiency into smaller interim goals and outlines the activities and services necessary, along with an estimated time frame to achieve these goals. Interim goals help the FSS Coordinator and the Family to measure success and are required by HUD regulations.

Upon completion of the IT&SP, the FSS Coordinator will prepare the Family's FSS Contract of Participation. The FSS Contract includes the effective date, term, responsibilities of the Family and BHA and provisions for establishing an escrow account. Both the Contract and the IT&SP are explained by the FSS Coordinator who also obtains any release of Information forms necessary to monitor the plan and contract. The IT&SP and FSS Contract are signed by both the ~~Head of Household~~ Head of FSS family (the designated adult family member of the FSS Family who has

signed the COP) and the FSS Coordinator. The term of the FSS Contract is for five years and may be extended for up to two years.

14.3.4 Monitoring/Case Management

The FSS Coordinator monitors the IT&SP during the term of the FSS Contract and provides case management services. The FSS Coordinator links the Family with services and provides support to help the Family achieve its goals. Individual appointments are scheduled as necessary and the FSS Coordinator is also available by telephone for crisis intervention to help the Family achieve the goals set forth in the FSS Contract. FSS Participants are required to keep at least 2 appointments per year, although many Participants will meet with their FSS Coordinator on a much more frequent basis. Workshops are held for FSS Participants throughout the year and include topics such as budgeting, credit repair, homeownership and stress management.

14.3.5 Escrow Account

The FSS program requires establishment of an escrow account. The FSS Coordinator explains the process for creation and maintenance of the FSS escrow account during the initial intake/information session and at the time of FSS Contract execution. The BHA uses Housing Assistance funds paid by HUD for the FSS Escrow deposits. The figures of Annual Income, Earned Income and Total Tenant Payment (TTP) on the FSS Contract of Participation become the baseline for future escrow calculations. If the Family's TTP increases due to an increase in earned income beyond the baseline figures, the difference is escrowed. When the BHA calculates that the FSS Participant is entitled to its first FSS credit (generally at the annual or interim re-certification), an escrow account will be established. The BHA will utilize an escrow account credit worksheet to calculate the amount to be deposited into the escrow account. The BHA is required to deposit all escrowed funds into a single depository account for the entire FSS Program so that the IRS will not count the funds or interest for purposes of income tax. Funds held by the BHA will be invested in HUD-approved investments specified in HUD Handbook 7475. FSS Participants will receive an annual report on the status of their escrow funds at the end of each fiscal year.

The amount in the FSS account, in excess of any money owed to the BHA, is paid to the Head of FSS Family ~~Head of Household~~ upon successful completion of the FSS Contract. The BHA may disburse a portion of the FSS account before the end of the Contract if the Participant has fulfilled certain interim goal(s) and the money is necessary for completion of the FSS Contract goals.

Escrow deposits are made by the BHA on the assumption of rent paid by the tenant. If a Family does not pay their rent to the their landlord the escrow funds may be forfeited because failure to comply with the lease is a Family obligation under the FSS program. Nonpayment of rent is

grounds for terminating a Family's FSS participation and subsidy and forfeiture of the escrow. See section 13.2.1.

If a program Participant is terminated from the HCVP at any point during the term of the FSS contract, or if the Family is still receiving Temporary Aid for Needy Families (TANF) benefits at the end of the term of the Contract of Participation, the Family's accumulated escrow account will be returned to the BHA. The BHA will use such funds for HUD approved expenses and will be treated as additional program receipts.

14.3.6 Portability

Participating FSS Families are required to Lease an Apartment within the Commonwealth of Massachusetts for the first twelve months of the contract. After this period, a Family may utilize Portability. An FSS Family that chooses to move outside Boston must meet with the Coordinator to determine the best course for their FSS participation. The following options may be available:

The Family continues in the BHA's FSS Program if they are able to maintain services and activities outlined in the IT&SP.

The Family may enter the FSS Program of the Receiving Housing Authority if this option is available. The Family must demonstrate that they will be able to complete the FSS Plan in the new area. The Family would enter an FSS Contract with the Receiving Housing Authority for the term remaining on the Family's contract with the BHA. The BHA will then terminate its contract with the Family.

If the Receiving Housing Authority does not have a FSS Program, or has no opening within its FSS Program, or the Family decides not to continue in the FSS Program, the BHA will terminate its FSS Contract with the Family and any escrow funds will revert back to the BHA. To ensure continuity of service, the BHA will provide opportunities for FSS Program participation for a Family coming into Boston.

14.3.7 FSS Contract Compliance

The IT&SP will be monitored by the FSS Coordinator. A FSS Participant is required to meet with the FSS Coordinator at least once a year to determine if the Family is complying with their plan. A FSS Participant who has not kept an appointment with the FSS Coordinator for one (1) year will be placed on probation. A FSS Participant who does not keep appointments for two (2) years will be sent proposed termination notices from the program. An FSS Participant must comply with the terms of the Lease, including payment of their rent share to the landlord.

If the FSS Coordinator determines that the Family is not keeping appointments with the FSS Coordinator, is failing to actively participate in activities according to the time frames specified in their contract or if they are in violation of any provision of their contract of participation, a

conference will be scheduled to discuss the violation(s). At the conference, the Coordinator, will attempt to resolve the matter by obtaining an understanding of why the Family is not in compliance and determine if adjustments to goals, services, and/or the timetables are necessary and/or appropriate in an effort to help the Family complete their FSS Contract. The Family will be advised that the FSS Contract can be terminated and any escrow funds will be forfeited upon further violations of the FSS Contract. In most cases, problems are resolved at this step. However, if the FSS Coordinator is unable to reach a satisfactory resolution with the Family, additional administrative action may be necessary.

If additional violations of the FSS Contract occur, or the conference does not successfully resolve the matter, the Coordinator will propose termination of the FSS Contract. A letter proposing termination will be sent to the tenant via Certified Mail. The letter will state the reason(s) for the proposed termination and inform the Participant that (s) he has the right to request a conference if there is disagreement regarding the termination. The Participant will be advised to put the request for a conference into writing within ten (10) days to the FSS Coordinator.

At the conference, the Family may state its objection to termination of its FSS Contract. The Coordinator will bring this information and recommendations to hi(s) her supervisor. After a review of this information by the supervisor, the Family will be notified in writing within ten (10) business days of the decision to terminate the FSS Contract or to further modify the plan. If the decision is to terminate, the Family will receive a 30-day notice of this action and will forfeit all funds in its escrow account.

The BHA will not terminate HCVP assistance because of the Family's failure to meet FSS responsibilities (see PIH notice 95-5). Section 8 assistance will be terminated only as provided by HUD and the BHA in the manner applied to all Section 8 subsidy holders.

14.3.8 FSS Contract Completion

Completion of the FSS Contract occurs when:

- (a) The Family has fulfilled all of its responsibilities under the contract; or
- (b) 30% of the Family's monthly-adjusted income is equal to or greater than the Payment Standard amount for the Unit size for which the Family is eligible, or the Gross rent for the Unit rented.
- (c) At any time during the term of the contract of Participation, the BHA may determine that the Family has met its obligations under the FSS Contract. At that time, the amount in the Family's escrow account, less any amount owed to the BHA, will be paid to the Head of the Household.

- (d) The BHA reserves the right to terminate the FSS Contract of Participation before its expiration date under the following circumstances:
- (1) On determination that the Head of Household or participating Family member failed to fulfill the terms of the contract or any extensions thereof;
 - (2) The Family withdraws from the FSS Program;
 - (3) By mutual consent of both parties;
 - (4) For an act(s) that is/are deemed inconsistent with the purposes of the FSS Program;
 - (5) By operation of law; or
 - (6) When the participating Family is no longer receiving Section 8 assistance.
 - (7) The BHA may declare the Contract null and void if resources and services necessary to complete the contract are not available. If resources and services aren't available, can BHA may release the escrow to the tenant that has been accrued to date.

14.3.9 FSS Program Coordinating Committee

The BHA has brought together a variety of community agencies and private businesses to serve on the FSS Program Coordinating Committee. The Coordinating Committee works with the Service Coordinators to help identify and obtain services necessary to implement the program. The Coordinating Committee meets on a regular basis and the coordinators may consult with individual committee members between meetings. New committee members may be solicited from the community. The committee provides support and information to help the FSS Program serve as many families as possible.

14.4 Designated Housing Vouchers

Designated Housing Vouchers enable a non-Elderly Family with a Disabled Person, who would be eligible for public housing if occupancy were not restricted to Elderly families to lease safe, decent and affordable housing. These Vouchers also assist a Family affected by a BHA decision to designate their buildings as "mixed Elderly and disabled buildings" but demonstrate a need for alternative resources for a Family with a Disabled Person.

14.4.1 Families Eligible for Designated Housing

A Non-Elderly Family with a member who is Disabled Person that is income eligible and lives in public housing that has been designated for occupancy or is on the public housing waiting list, does not need to be listed on the BHA's HCVP waiting list receive HCVP assistance. Instead, these types of Families may be admitted to the HCVP as a Special Admission.

14.5 Skinner Program

In 1989 US District Court Judge Walter Skinner ruled against HUD and ordered the agency to design a program to “facilitate access to suburban housing opportunities for low-income minority households.” As a result the federal government made a special award of Section 8 Vouchers to the BHA. The Vouchers, called Skinner Vouchers, are to be used specifically to help minority Families explore housing opportunities in non-minority areas. The Boston Fair Housing Commission (BFHC) is responsible for providing counseling services to Families in the Skinner program.

Admission under the Skinner Program is considered a Special Admission by HUD. The BHA will issue Skinner Vouchers, when available, to Families who meet the following criteria:

- Minority Head of Household
- At least one child under the age of 18
- Willing to move to a predominantly non-minority area in metropolitan Boston.

14.6 Special Housing Types

BHA will not permit the use of any special housing types other than those listed here.

14.6.1 Shared Housing

HUD defines Shared Housing as an Apartment occupied by two or more Families. The Unit consists of both common space for shared use by the occupants of the Unit and separate private space for each Family. A Voucher may be used in Shared Housing in accordance with 24 C.F.R. §§ 982.615-618.

Shared Housing permits the assisted Family to share a Unit with one or more assisted, or unassisted families. Zero and one-bedroom units are not eligible for Shared Housing assistance.

The Owner of a Shared Housing Unit may live in the Unit with the assisted Family and enter into a HAP Contract with the BHA provided that there is no blood, marital, or domestic partnership ties between the Owner and the assisted Family. Under no circumstances may housing assistance payments be made on behalf of an Owner. The BHA may approve a Live-In-Aide in Shared Housing and must approve one if a

Disabled Person needs a Reasonable Accommodation to readily access and use the program.

- (a) *Unit Requirements.* There must be a separate HAP Contract and Lease for each assisted family residing in a Shared Housing Apartment. The entire Apartment must pass HQS and additional BHA inspection standards and provide adequate space and security, for all its residents, not just for the assisted Family. There must be at least one private bedroom for each two members of the assisted Family and the number of bedrooms may not be less than the Family Unit Size. In addition to the private space for the assisted Family, the Apartment must have a living room, sanitary facilities in accordance with 24 C.F.R. § 982.401(b) and food preparation and refuse disposal facilities in accordance with 25 C.F.R. § 982.401(c). The Rent to Owner may not exceed the pro-rata portion of the Reasonable Rent for the Shared Housing dwelling Unit.
- (b) *Payment Standard and Rent.* The Payment Standard for a family residing in a Shared Housing Unit is the lower of:
 - (1) The Payment Standard amount for the Voucher Size; or
 - (2) The pro-rata share of the Payment Standard amount for the size of the Apartment.
 - (3) Pro-rata share means the number of bedrooms for the private use of the assisted Family divided by the total number of bedrooms in the Unit. For instance, if the family required and had private use of three bedrooms in a five-bedroom Unit, then its Payment Standard would be the lower of:
 - (i) The 3 bedroom Payment Standard; or
 - (ii) Three-fifths of the 5 bedroom Payment Standard, or
 - (iii) Three-fifths of the Gross Rent.

The utility allowance is the pro-rata portion of the Utility Allowance for the Shared Housing Unit. Only the assisted Family gross income is used to determine the TTP. The TTP is subtracted from the Payment Standard, as determined above, to determine the maximum HAP. If the maximum HAP exceeds the pro-rata share of Rent to Owner, the Family may receive up to the difference as a pro-rata tenant-paid Utility Allowance.

- (c) *Who may reside in Shared Housing?* Two or more Families assisted, or unassisted, by the BHA may enter into a Shared

Housing arrangement provided that each family has private use of its Family Unit Size number of bedrooms.

14.6.2 Cooperative Housing

HUD defines a Cooperative as Housing owned by a corporation or association, and where a member of the corporation or association has the right to reside in a particular Apartment, and to participate in the management of the housing.

A Voucher may be used in Cooperative Housing in accordance with 24 C.F.R. § 982.619. The initial contract rent will be the monthly carrying charges under the Lease/Occupancy Agreement between the cooperative members and is subject to the BHA's Payment Standard limitations. The carrying charges consist of the member's proportionate share of the debt service, operating expenses and necessary payments to the reserve funds of the cooperative. Monthly carrying charges cannot include down payment or loan repayments to purchase membership shares.

14.6.3 Manufactured Home

HUD defines Manufactured Home as a manufactured structure that is built on a permanent chassis, is designed for use as a principal place of residence, and meets HQS as well as the following additional requirements. The Manufactured Home must be placed on the site in a stable manner, and must be free from hazards such as sliding or wind damage. A tie-down device that distributes and transfers the loads imposed by the Unit to appropriate ground anchors to resist wind overturning and sliding must securely anchor the manufactured home.

A voucher may be used in a manufactured home in accordance with 24 C.F.R. §§ 982.620-624.

- (a) *Payment Standard.* The Payment Standard for the space only is the lower of the space rent or 40% of the 2 bedroom FMR.

Space rent is the sum of the following as determined by the BHA:

- (1) Rent to Owner for the manufactured home space;
- (2) Owner maintenance and management charges for the space;
- (3) The utility allowance for tenant paid utilities.

- (b) *Required Forms.* The BHA shall use form HUD-52642, the Housing Assistance Payments Contract and form HUD-52642-A'', and the Tenancy Addendum for Manufactured Home Space Rentals.

14.6.4 Single Room Occupancy Housing

HUD defines Single Room Occupancy housing as a Unit that contains no sanitary facilities or food preparation facilities, or contains either, but not both, types of facilities. A Voucher may be used in SRO housing in accordance with 24 C.F.R. §§ 982.602-605.

A separate Lease and HAP Contract must be used for each assisted person residing in a SRO.

The Payment Standard is the lower of the Rent to Owner or 75% of the BHA zero bedroom Payment Standard.

The utility allowance is 75% of the zero-bedroom utility allowance.

14.6.5 Group Homes

HUD defines a Group Home as a dwelling Unit that is licensed by a State as a Group Home for the exclusive residential use of two to twelve persons who are Elderly or Disabled Persons (including any Live-In-Aide). A Voucher may be used in a Group Home in accordance with 24 C.F.R. §§ 982.610-614 provided its use will make a difference to the individual; e.g., enable the Applicant to change and improve their housing situation.

An Applicant residing in a Group Home may not use a Voucher to Lease in-place if the primary change for the Applicant would be in the state or federal agency that is paying for his housing assistance.

A separate Lease and HAP Contract must be used for each assisted Family.

- (a) *Rent.* The Rent to Owner may not exceed the pro-rata portion of the reasonable rent for the Group Home, i.e., dividing the number of persons in the assisted household by the total number of residents residing in the Group Home. If the Applicant will have private facilities, such as a private bedroom and sanitary facilities, the Family Unit size is one; otherwise the family Unit size is zero.
- (b) *Payment Standard.* The Payment Standard is the lower of:
 - (1) The Payment Standard amount or
 - (2) The pro-rata portion of the Payment Standard amount on the BHA Payment Standard for the Group Home size.
- (c) *Utility Allowance.* The utility allowance for each assisted person residing in a Group Home is the pro-rata portion of the Utility Allowance for the Group Home Unit size.

14.6.6 Congregate Housing

HUD defines Congregate Housing as housing for Elderly or Disabled Persons that meets the HQS for congregate housing.

A voucher may be used in Congregate Housing in accordance with 24 C.F.R. §§ 982.606-609 provided its use will make a difference to the individual; e.g., enable the Applicant to change and improve their housing situation.

A separate Lease and HAP Contract must be used for each assisted Family. The Payment Standard is the zero-bedroom Payment Standard amount or zero-bedroom exception Payment Standard amount, if any.

If there are two or more rooms in the Unit, not including kitchen or sanitary facilities, the Payment Standard is the one bedroom Payment Standard amount.

14.7 HUD-VASH Program

The BHA will administer the HUD Veterans Affairs Supportive Housing Vouchers ("HUD-VASH") in accordance with this Administrative Plan, 24 CFR part 982, and Docket No. FR-5213-N-01 and any subsequent notice, guidance, or regulation that amends or supersedes Docket No. FR-5213-N-01

14.7.1 Background

The HUD-VASH program combines the HCVP for homeless Veterans with case management and clinical services provided by the Department of Veterans Affairs ("VA") at its medical centers and in the community. Ongoing VA case management, health, and other supportive services will be made available to homeless Veterans through the Boston Veterans Affairs Medical Center ("VAMC").

14.7.2 Identification of HUD-VASH Vouchers

To ensure availability of a HUD-VASH voucher upon turnover, the BHA will maintain records that allow for the easy identification of all HUD-VASH vouchers. The BHA will also identify these families in the Public and Indian Housing Information Center ("PIC").

14.7.3 Family Eligibility and Selection

The VAMC will screen all Families in accordance with its screening criteria.

The VAMC will refer HUD-VASH eligible families to the BHA for the issuance of vouchers. The BHA will not maintain a waiting list for the HUD-VASH program and will not apply eligibility priorities or preferences to HUD-VASH Applicants.

The BHA shall not deny HUD-VASH applicants for any of the grounds listed in 24 C.F.R. 982.552 or 24 C.F.R. § 982.553 with the exception of 24 C.F.R. 982.553(a)(2)(i), which requires the denial of sex-offenders who have a life-time registration requirement.

14.7.4 Civil Rights and Reasonable Accommodation

Fair Housing requirements prohibit the discrimination on the basis of race, color, religion, sex, familial status, national origin, or disability. When Disabled Veterans are HUD-VASH recipients, reasonable accommodation standards apply. See also Section 1.2.4.

14.7.5 Income Eligibility

The BHA must determine the Income Eligibility for HUD-VASH Applicants in accordance with 24 C.F.R. § 982.201 and Section 5.5.1 of this Administrative Plan. The BHA is not required to include HUD-VASH vouchers in the income targeting requirements set forth at 24 C.F.R. § 982.201(b)(2) and Section 5.5.2 of this Administrative Plan.

14.7.6 Initial Term of the Voucher

The HUD-VASH voucher must have an initial search term of 120 days, which is the same as the initial search term required by this Administrative Plan. See Section 7.2 for the policies regarding initial voucher term length and term extensions and suspensions.

14.7.7 Initial Lease Term

Initial lease terms may be less than one-year for HUD-VASH Participants.

14.7.8 Ineligible Housing

HUD-VASH Families will be permitted to live on the grounds of a VAMC. This effectively waives the regulation set forth at 24 C.F.R. §982.352(a)(5) which prohibits HCVP unit on the grounds of a medical, mental, or similar public or private institution.

14.7.9 Portability of HUD-VASH Vouchers

If the Family initially leases up, or moves under portability provisions, but the initial PHA's partnering VAMC will still be able to provide the necessary case management services due to the proximity to the partnering VAMC, the receiving PHA must process the move in accordance with the Portability procedures of 24 C.F.R. § 982.355 and those in Chapter 12 of this Administrative Plan. However, the receiving PHA must bill the initial PHA to comply with the record keeping requirements established above. The receiving PHA does not have the option to absorb the HUD-VASH Family.

When the receiving PHA completes the HUD-50058 under the scenarios above, the action type that must be recorded on line 2a is "1" for a new admission (a Family that is new to the HCVP) or "4" for a portability move-in (a Family that was previously leased up in the jurisdiction of the initial PHA). Whether the Family is a new admission or a portability move-in, in section 12 of the HUD-50058, line 12d is marked "Y," 12e must have an amount recorded, and 12f must include the initial PHA's code.

If a Family moves where it will not be possible for the initial PHA's partnering VAMC to provide case management services, the VAMC must first determine whether the HUD-VASH Family could be served by another VAMC that is participating in the program, and the receiving PHA must have a HUD-VASH voucher available for this Family. If the above conditions are met, the Families must be absorbed by the receiving PHA either as a new admission (upon initial participation in the HUD-VASH program) or as a portability move-in (after an initial leasing in the initial PHA's jurisdiction). Upon absorption, the initial PHA's HUD-VASH voucher will be available to lease to a new HUD-VASH eligible Family as determined by the partnering VAMC and the absorbed Family will count towards the number of HUD-VASH slots awarded to the receiving PHA.

When the receiving PHA completes the HUD 50058 under the scenarios above, the action type that must be recorded on line 2a is "1" for a new admission (a Family that is new to the HCVP) or "4" for a portability move-in (a Family that was previously leased up in the jurisdiction of the initial PHA). Whether the Family is a new admission or a portability move-in, in section 12 of the HUD-50058, line 12d is marked "Y," 12e must be 0 since the Family must be absorbed, and 12f must be left blank.

14.7.10 Case Management Requirements

(a) The VAMC responsibilities include:

- (i) Screening of homeless Veterans to determine eligibility for the HUD-VASH program as established by Veteran's Affairs national office;
- (ii) Providing appropriate treatment and supportive services to potential HUD-VASH program Participants, if needed, prior to PHA issuance of rental vouchers;
- (iii) Providing housing search assistance to HUD-VASH voucher holders;
- (iv) Identifying the social service and medical needs of HUD-VASH Participants and providing, or ensuring the provision of regular ongoing case management, outpatient health services, hospitalization, and other supportive services as needed throughout this initiative; AND

- (v) Maintaining records and providing information for evaluation purposes, as required by HUD and Veterans Affairs.

(b) Participation Contingent on Case Management

As a condition of assistance, a HUD-VASH Participant must receive case management services as described above and the failure to participate in case services without good cause, is grounds for termination. HUD-VASH Participants will be required to acknowledge on an annual basis that housing assistance is conditioned on participation in case services. The case management requirement will be an addition to the Family Obligations described in section 13.5.

It is not grounds for termination if the VAMC determines that the Family no longer requires case management.

14.7.11 Transfer from HUD-VASH to Tenant-Based Assistance

If the VAMC determines that the Family no longer requires case management or the Veteran will no longer reside with the Family, the BHA may offer the Family a regular tenant-based voucher in the tenant-based program to free up the HUD-VASH voucher for another Family. The offer of tenant-based assistance is pending funding availability. Receipt of a regular tenant-based voucher is subject to the eligibility requirements set forth in Chapter 5 of this Administrative Plan.

14.7.12 Project Based-Assistance of HUD-VASH Vouchers

The BHA, in conjunction with its partnering VAMC may project base HUD-VASH voucher assistance in accordance with 24 C.F.R Part 983.

(a) PBV Program Requirements

- (1) All projects must be selected, developed and operate in accordance with PBV program regulations and as defined in Section 15 of this Administrative Plan, except as described below.

(b) VASH Program Requirements

- (1) Tenants shall be selected in accordance with 14.7.3 of this Administrative Plan.

(c) Right to Move

- (1) The family may terminate the assisted lease any time after the first year of occupancy. If the family has elected to terminate the lease in this manner, the BHA must offer the family the opportunity for continued tenant-based rental assistance in the

form of either assistance under the voucher program or other comparable tenant-based rental assistance as defined in 24 CFR 983.3. Comparable rental assistance would be a subsidy or other means to enable a family to obtain decent housing in the PHA jurisdiction renting at a gross rent that is not more than 40 percent of the family's adjusted monthly gross income.

- (2) However, before providing notice to terminate the lease (with a copy to the BHA), the family must contact the BHA to request comparable tenant-based rental assistance if the family wishes to move with continued assistance. If a voucher or other comparable tenant-based rental assistance is not immediately available, the BHA must give the family priority to receive the next available opportunity for continued tenant-based rental assistance.

(3) Continued Case Management Service Requirement

- i. A HUD-VASH family must receive case management services from the VAMC or CBOC; however, a VAMC or CBOC determination that the participant family no longer requires case management is not grounds for termination of assistance. In such cases where a HUD-VASH family wishes to move from its PBV unit, at its option, the BHA may offer the family continued HCV assistance through one of its regular vouchers to free up the HUD-VASH voucher for another eligible family referred by the VAMC or CBOC.
 - ii. Where case management is still required, tenant-based rental assistance will be limited to jurisdictions where VAMC or CBOC case management services are available as defined in section II.f. of the Operating Requirements and any other applicable notices.
- (d) If no HUD-VASH voucher or comparable tenant-based rental assistance is available, the BHA must:
- (1) If a HUD-VASH tenant-based voucher is not available at the time the family wants (and is eligible) to move, the PHA could require the family to wait for a HUD-VASH tenant-based voucher for a period not to exceed 180 days;
 - (2) If a HUD-VASH tenant-based voucher is still not available after that period of time, the family must be allowed to move with its HUD-VASH voucher and the BHA would be required to replace the assistance in the PBV unit with one of its regular vouchers unless the BHA and owner agree to remove the unit from the HAP contract; and

14.7.13 Section Eight Management Assessment Program

Unit months and budget authority associated with HUD-VASH vouchers will not be included in the SEMAP leasing indicator denominator because they are dependent on referrals from VAMC. Utilization of these vouchers will be monitored separately.

14.7.14 Reporting Requirements

The code "VASH" must be used in section 2n of the HUD-50058 form to indicate that the Family is a HUD-VASH Participant. The "VASH" code must remain on the HUD-50058 for the duration of the Family's participation in the HUD-VASH program.

14.8. Emergency Housing Vouchers

BHA will administer the Emergency Housing Vouchers (EHV) in accordance with PIH notice 2021-15 and any subsequent notice, guidance, or regulation that amends or supersedes it.

14.8.1 Background

Section 3203 of the American Rescue Plan Act (ARP) enacted March of 2021 appropriated funding for the EHVs. EHVs are to assist individuals and families who are experiencing homelessness; at risk of experiencing homelessness; fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking; or were recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability.

14.8.2 Required partnerships with the CoC and other organizations for direct referrals and services

The BHA will administer the program in partnership with the City of Boston COC and any other COC partnering organizations where necessary. The COC will perform initial eligibility screening and will directly refer eligible applicants to the BHA. The COC will utilize the City of Boston Coordinated Entry (CE/CAS) system for all referrals.

14.8.3 Family Eligibility and Selection

The COC will screen all Families in accordance with its screening criteria. In order to be eligible for an EHV, an individual or family must meet one of four eligibility categories:

- a. Homeless. Individuals and families who are homeless.

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The meaning of "homeless" is as such term is defined in section 103(a) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302(a)), which is codified in HUD's Continuum of Care Program regulations at 24 CFR 578.3 and reads as follows:

Homeless means:

(1) An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:

- (i) An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
- (ii) An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, State, or local government programs for low-income individuals); or
- (iii) An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.

(2) An individual or family who will imminently lose their primary nighttime residence, provided that:

- (i) The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance;
- (ii) No subsequent residence has been identified; and
- (ii) The individual or family lacks the resources or support networks, e.g., family, friends, faith-based or other social networks, needed to obtain other permanent housing.

(3) Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:

- (i) Are defined as homeless under section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832), section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2), section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)), or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a);
- (ii) Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance;

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- (iii) Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and
- (iv) Can be expected to continue in such status for an extended period of time because of chronic disabilities; chronic physical health or mental health conditions; substance addiction; histories of domestic violence or childhood abuse (including neglect); the presence of a child or youth with a disability; or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment.

b. At risk of homelessness. Individuals or Families who are at-risk of homelessness. The meaning of "at-risk of homelessness" is as such term is defined in section 401(1) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(1)), which is codified in HUD's Continuum of Care Program regulations at 24 CFR 578.3 and reads as follows:

At risk of homelessness. (1) An individual or family who:

(i) Has an annual income below 30 percent of median family income for the area, as determined by HUD;

(ii) Does not have sufficient resources or support networks, e.g., family, friends, faith-based or other social networks, immediately available to prevent them from moving to an emergency shelter or another place described in paragraph (1) of the "Homeless" definition above; and

(iii) Meets one of the following conditions:

(A) Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance;

(B) Is living in the home of another because of economic hardship;

(C) Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days of the date of application for assistance;

(D) Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by federal, State, or local government programs for low-income individuals;

(E) Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons, or lives in a larger housing unit in which there reside more than 1.5 people per room, as defined by the U.S. Census Bureau;

(F) Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); or

(G) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved consolidated plan.

(2) A child or youth who does not qualify as "homeless" under this section, but qualifies as "homeless" under section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)), section 637(11) of the Head Start Act (42 U.S.C. 9832(11)), section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), section 330(h)(5)(A) of the Public Health Service Act (42 U.S.C. 254b(h)(5)(A)), section 3(m) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(m)), or section 17(b)(15) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(15)); or (3) A child or youth who does not qualify as "homeless" under this section, but qualifies as "homeless" under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), and the parent(s) or guardian(s) of that child or youth if living with her or him.

c. Fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking.

This category is composed of any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking. This includes cases where a HUD-assisted tenant reasonably believes that there is a threat of imminent harm from further violence if they remain within the same dwelling unit, or in the case of sexual assault, the HUD-assisted tenant reasonably believes there is a threat of imminent harm from further violence if they remain within the same dwelling unit that they are currently occupying, or the sexual assault occurred on the premise during the 90-day period preceding the date of the request for transfer.

Domestic violence includes felony or misdemeanor crimes of violence committed by:

a. a current or former spouse or intimate partner of the victim (the term "spouse or intimate partner of the victim" includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship),

b. a person with whom the victim shares a child in common,

c. a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,

d. a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or

e. any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Dating violence means violence committed by a person:

- a. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- b. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - 1. The length of the relationship;
 - 2. The type of relationship; and
 - 3. The frequency of interaction between the persons involved in the relationship.

Sexual assault means any nonconsensual sexual act proscribed by Federal, Tribal, or State law, including when the victim lacks capacity to consent.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (1) Fear for the person's individual safety or the safety of others; or
- (2) Suffer substantial emotional distress.

Human trafficking includes both sex and labor trafficking, as outlined in the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. § 7102). These are defined as:

Sex trafficking means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; (and)

Labor trafficking means the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

d. Recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability. Individuals or families who are recently homeless. This category is composed of individuals and families determined by the CoC or its designee to meet the following definition.

Recently homeless is defined as individuals and families who have previously been classified by a member agency of the CoC as homeless but are not currently homeless as a result of homeless assistance (financial assistance or services), temporary rental assistance or some type of other assistance, and where the CoC or its designee determines that the loss of such assistance would result in a return to homelessness or the family having a high risk of housing instability. Examples of households that may be defined as recently homeless by the CoC include, but are not limited to, participants in rapid rehousing, and permanent supportive housing.

Individuals and families classified as recently homeless must be referred by the CoC or its designee.

14.8.4 Screening requirements

- (a) Mandatory Prohibitions
 - (1) Conviction of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing to EHV applicants.
 - (2) Lifetime registration requirement as a sex offender
- (b) Permissive Prohibitions
 - (1) If the PHA determines that any household member is currently engaged in, or has engaged in within the previous 12 months Violent criminal activity or other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity
 - (2) If any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program within the previous 12 months.
 - (3) If the family engaged in or threatened abusive or violent behavior toward PHA personnel within the previous 12 months

14.8.5 Income Eligibility

The BHA must determine the Income Eligibility for EHV Applicants in accordance with 24 C.F.R. § 982.201 and Section 5.5.1 of this Administrative Plan

The BHA is adopting the following HUD waivers, as described in Notice PIH 2021-15

(a) Income Verification at Admissions

Third-party income verification requirements for EHV applicants and, alternatively, consider self-certification as the highest form of income verification at admission. Applicants must submit an affidavit attesting to reported income, assets, expenses and other factors which would affect an income eligibility determination. Additionally, applicants may provide third-party documentation which represents the applicant's income within the 60-day period prior to admission or voucher issuance but is not dated within 60 days of the PHA's request. For example, a Supplemental Security Income (SSI) benefit letter that was issued in November 2020 to represent the applicant's benefit amount for 2021 and was provided to the PHA in September 2021 would be an acceptable form of income verification.

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Once HUD makes the EIV data available to PHAs under this waiver and alternative requirement, the PHA must: review the EIV Income and Income Validation Tool (IVT). Reports to confirm/validate family-reported income within 90 days of the PIC-NG (see Section 15 of this notice below) submission date; print and maintain copies of the EIV Income and IVT Reports in the tenant file; and resolve any income discrepancy with the family within 60 days of the EIV Income or IVT Report dates.

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PHAs that conduct eligibility determinations under this waiver/alternative requirement will be responsible for addressing any material discrepancies (i.e., unreported income or a substantial difference in reported income) that may arise later and must take necessary enforcement actions if the tenant was never eligible due to their income, as well as initiate HUD-compliant payment plans for those whose unreported income was unintentional and do not make the tenant ineligible for the program accordingly.

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The adoption of this waiver does not authorize any ineligible family to receive assistance under these programs. If a PHA later determines that an ineligible family received assistance, the PHA must take steps to terminate that family from the program.

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(b) Eligibility Determination: Social Security Number and Citizenship Verification

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The BHA has adopted policies to admit EHV applicants who are unable to provide the required SSN or citizenship documentation during the initial eligibility determination. As an alternative requirement, such individuals must provide the required documentation within 180 days of admission to be eligible for continued assistance, pending verification, unless the PHA provides an extension based on evidence from the family or confirmation from the CoC or other partnering agency that the family has made a good-faith effort to obtain the documentation. If a family member appeals secondary verification of immigration documents, PHAs are reminded that assistance may not be delayed, denied, reduced or terminated on the basis of immigration status pending the completion of the appeal as described in § 5.514(e).

Additionally, PHAs may accept self-certification of date of birth and disability status if a higher level of verification is not immediately available. If self-certification is used, the PHA must obtain a higher level of verification within 90 days of admission or verify the information in EIV.

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The adoption of this waiver does not authorize any ineligible family to receive assistance under these programs. If a PHA determines that an

ineligible family received assistance, the PHA must take steps to terminate that family from the program.

14.8.6 Initial Term of the Voucher

The EHV voucher must have an initial search term of 120 days, which is the same as the initial search term required by this Administrative Plan. See Section 7.2 for the policies regarding initial voucher term length and term extensions and suspensions.

14.8.7 Initial Lease Term

Initial lease terms may be less than one-year for EHV Participants, regardless of whether the shorter term is prevailing market practice (HUD waiver of 24 C.F.R. 982.309 (a)(2)(ii)).

14.8.8 Portability of EHV Vouchers

The normal HCV portability procedures and requirements generally apply to EHV's with the following exceptions.

a. No prohibition on portability for non-resident applicants

Under the HCV program, if neither the household head nor spouse of an assisted family already had a "domicile" (legal residence) in the jurisdiction of the PHA at the time the family first submitted an application for participation in the program, the family does not have any right to portability during the 12-month period from when the family is admitted to the program. Such a family is a "non-resident applicant." The initial PHA may choose to allow portability during this period but is not required to do so.

In order to provide maximum housing choice for the targeted populations, HUD is removing this restriction for EHV nonresident applicants to allow all EHV families to immediately move under portability. Accordingly, HUD is waiving section 8(r)(1)(B)(i) of the United States Housing Act of 1937 and § 982.353(c). The PHA may not restrict an EHV family from exercising portability because they are a non-resident applicant.

b. Portability billing and absorption

A receiving PHA cannot refuse to assist an incoming EHV family, regardless of whether the PHA does or does not currently administer EHV's under its own ACC.

If the EHV family moves under portability to another PHA that administers EHV's under its own ACC:

1. The receiving PHA may only absorb the incoming EHV family with an EHV (assuming it has an EHV voucher available to do). If the PHA does not have an EHV available to absorb the family, it must bill the initial PHA. The receiving PHA must allow the family to lease the unit

with EHV assistance and may not absorb the family with a regular HCV when the family leases the unit.

2. Regardless of whether the receiving PHA absorbs or bills the initial PHA for the family's EHV assistance, the EHV administration of the voucher is in accordance with the receiving PHA's EHV policies, although neighboring PHAs and PHAs in the same metro area or region are strongly encouraged to work collaboratively with one another to align EHV policies and help facilitate EHV portability moves between their jurisdictions.

If the EHV family moves under portability to another PHA that does not administer EHV under its own ACC, the receiving PHA may absorb the family into its regular HCV program or may bill the initial PHA.

c. Family briefing/initial PHA and receiving PHA coordination on services

In addition to the applicable family briefing requirements at § 982.301(a)(2) as to how portability works and how portability may affect the family's assistance, the initial PHA must inform the family how portability may impact the special EHV services and assistance that may be available to the family.

The initial PHA is required to help facilitate the family's portability move to the receiving PHA and inform the family of this requirement in writing taking reasonable steps to ensure meaningful access for persons with limited English proficiency (LEP). If the portability move is in connection with the EHV family's initial lease-up, the receiving PHA and the initial PHA must consult and coordinate on the EHV services and assistance that will be made available to the family. The primary purpose of this communication is to ensure there is no duplication of EHV services and assistance provided to the family and that the receiving PHA is aware of the maximum amount of services fee funding that the initial PHA may provide to the receiving PHA on behalf of the family. (Further information on this subject is provided in subsection d below.)

d. EHV portability – HAP and EHV administrative fees

1. HAP and ongoing fees

The requirements at 982.355(e) apply to portability billing arrangements on behalf of an EHV family:

- i. The initial PHA must promptly reimburse the receiving PHA for the full amount of the housing assistance payments made by the receiving PHA for the family.
- ii. The initial PHA must promptly reimburse the receiving PHA for the lesser of 80% of the initial PHA's EHV ongoing administrative fee or 100% of the receiving PHA's ongoing administrative fee (or the receiving PHA's EHV ongoing administrative fee if the receiving PHA administers the EHV program). If both PHAs agree, the PHAs may negotiate a different amount of reimbursement.

2. Services Fee Funding:

If the receiving PHA, in consultation and coordination with the initial PHA, will provide eligible services or assistance to the incoming EHV family,

the receiving PHA may be compensated for those costs by the initial PHA. This is the case regardless of whether the receiving PHA bills the initial PHA or absorbs the family into its own program at initial lease-up.

If the receiving PHA administers EHV's under its CACC, the receiving PHA may use its own services fee and may be reimbursed by the initial PHA, or the initial PHA may provide the services funding upfront to the receiving PHA for those fees and assistance. If the receiving PHA does not administer EHV's under its CACC, the initial PHA must provide the services funding upfront to the receiving PHA. Any amounts provided to the receiving the PHA that are not used for services or assistance on behalf of the EHV family must promptly be returned by the receiving PHA to the initial PHA. The amount of the service fee provided by the initial PHA may not exceed the lesser of the actual cost of the services and assistance provided to the family by the receiving PHA or \$1750, unless the initial PHA and receiving PHA mutually agree to change the \$1750 cap.

3. Placement fee/issuance reporting fee:

If the portability lease-up qualifies for the placement fee/issuance reporting fee, the receiving PHA receives the full amount of the placement component of the placement/issuing reporting fee. The receiving PHA is eligible for the placement fee regardless of whether the receiving PHA bills the initial PHA or absorbs the family into its own program at initial lease-up. The initial PHA qualifies for the issuance reporting component of the placement fee, as applicable.

Note that the entire preliminary fee is always paid to and retained by the initial PHA and is not impacted by an EHV portability move.

14.8.9 Housing Search Assistance Requirements

- (a) The PHA must ensure that Housing Assistance search is available to EHV families during their initial housing search. The assistance may be provided by the PHA directly or through the COC or another partnering agency or entity.
- (b) Housing Search Assistance is a broad term which can include many activities, but with respect to this requirement it must be at a minimum
 - (1) Help individual families identify potentially available units during their housing search, including physically accessible units with features for family members with disabilities, as well as units in low poverty neighborhoods;
 - (2) Provide transportation assistance and directions to potential units,
 - (3) Conduct owner outreach,
 - (4) Assist with completion of rental applications and PHA forms, and
 - (5) Help expedite EHV leasing process for the family.

(c) Recommended Housing Search activities

Helping individual families identifying barriers to leasing (e.g. low credit score, eviction history) and strategies to address these barriers to leasing, workshops on how to conduct an effective housing search, enhanced support for portability processing, regular proactive check-ins for expiration date and extension policies, and a dedicated landlord liaison for EHV voucher families. The PHA may use any of the EHV administrative fees (including the services fees) described in Section 6 of the EHV notice.

(e) Service Fees

The BHA shall utilize EHV service fees to pay a security deposit and real estate broker's fees where other funds are not available.

Effective January 1, 2023, the BHA shall pay a fee to hold a unit while the BHA processes the inspection. The fee shall not exceed the greater of 1/2 of the contract or the prorated amount of the contract rent that equals the number of days that the unit is held for.

The BHA shall utilize the EHV service fees to pay a landlord incentive of up to one month's contract rent for an lease of an EHV voucher after January 1, 2023.

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14.8.10 Payment Standard Amounts

The Payment Standards for the EHV's will be the same as all other HCVs.

CHAPTER 15: HOMEOWNERSHIP OPTION

15.1 INTRODUCTION

The BHA's Section 8 Homeownership Option of the Housing Choice Voucher Program ("homeownership program" or "homeownership assistance") is designed to promote and support homeownership by a "first-time" homeowner—a Family that moves for the first time from rental housing to a Family-owned Home. Under the Homeownership Program, HCVP Assistance payments supplement the Family's own income to facilitate the transition from rental to homeownership. The initial availability of assistance payments may also provide additional assurance to lenders.

The BHA's Section 8 Homeownership program is generally limited to First-Time Homeowners first time home buyers who are currently Participants in the Section 8 Tenant-Based Program current Housing Choice Voucher program Participants; Moderate Rehabilitation Participants; or, BHA Public Housing Residents. Public Housing residents may qualify for the Homeownership Voucher once they meet eligibility requirements. Residents shall be placed on a list and given priority status to allow them to accomplish the home purchase.

The BHA will market the homeownership option on its website and through regular communications to families. At the initial briefing of Section 8 Participant Families, the BHA will inform the Participant Family of the homeownership option. Family participation in the Homeownership program is voluntary. However, the BHA may limit the number of homeownership program families.

All s, and there are statutory Family eligibility requirements such as a minimum level of income and a history of full-time employment. (The employment history requirement is not applicable to Elderly and Disabled families, and there is a modified income requirement for Elderly and Disabled families.)

The BHA has chosen to require participation in the Family Self-Sufficiency (FSS) program as a criterion for eligibility unless the Family qualifies for a waiver. See also section 14.3. Participation in the FSS Program is open to all Section 8 Participants. Requests for an exception to the FSS requirement will be evaluated on a case-by-case basis. Families requesting a waiver must meet all other eligibility criteria, including income and employment requirements. Participation in the FSS Program may also be waived if necessary as a Reasonable Accommodation for a Disabled Person.

Once a Family has been determined by the BHA to be preliminarily eligible for Homeownership assistance, the Family must attend pre-purchase homeownership counseling sessions conducted by another entity such as a HUD- and BHA-approved housing counseling agency and FSS counseling sessions conducted by BHA staff.

If determined eligible for a Homeownership Voucher, the Family will then arrange for an independent home inspection, and seek to obtain financing. Homeownership assistance will begin when the Family purchases the Home and after all of the requirements of the homeownership program are met.

All civil rights laws applicable to the Section 8 Housing Choice Voucher Program are applicable to the homeownership program. The BHA must comply with all equal opportunity and nondiscrimination requirements imposed by contract or Federal law. In addition, the BHA may not steer families to particular units or neighborhoods. Further, as in the tenant-based rental Voucher program, the BHA must provide assistance to expand housing opportunities.

If a Family includes any Disabled Person, the BHA will take appropriate steps to ensure effective communication with such Family in accordance with 24 C.F.R. part 8 and to provide Reasonable Accommodation. Except as otherwise provided, no Disabled Person shall be denied the benefits of, excluded from participation in, or otherwise subjected to discrimination because the BHA's facilities are inaccessible to a person with a disability. Accessibility for the hearing impaired is provided by the TDD/TDY telephone number. The BHA will also take reasonable steps to insure effective communication with people with limited language or English ability.

The process for submitting applications or any other documents required for participation in the BHA's programs shall be accessible to all persons. All communications that are part of the process should be in plain language that the applicant can understand, in a form that is appropriate to meet the needs of the person with a disability. If necessary, a format other than written documents will be used. The BHA shall also prepare such documents in clear and simple language, to the extent possible, to assist persons with learning and cognitive disabilities. If requested by persons with such disabilities, BHA staff will explain written material verbally, and possibly more than once, and if necessary, assist the individuals or obtain assistance for them in filling out any necessary forms.

The BHA shall furnish appropriate auxiliary aids (e.g., qualified sign language and oral interpreters, readers, use of taped materials) where necessary to facilitate communication with an individual who has a disability. Auxiliary aids shall be furnished in a timely manner. If a Participant requests an extension of any deadline because of a delay in providing effective communication, such a request shall be considered. The BHA is not required to provide personal items such as hearing aids, magnifying eyeglasses, or readers for personal study.

15.1.1 Why Participation in the Family Self-Sufficiency Program?

~~The goals of the Homeownership Option are two-fold: to help families achieve the dream of homeownership and to assist them in sustaining this dream for the long term. Participation in the FSS Program is a requirement for Applicants who do not meet the FSS waiver requirements of the Homeownership program because it is an excellent way to establish the financial foundation necessary for owning a Home. The path to homeownership begins where the FSS Program begins: with a realistic assessment of income, savings and credit status. Furthermore, the escrow account component of the FSS Program allows low-income families to accumulate substantial savings over the term of their contract as their income increases.~~

The homebuyer counseling portion of the FSS Program includes in-depth, ongoing sessions on the home buying process including the purchase and sale, the role of the lender, etc. The sessions will feature guest speakers from lending institutions, attorneys, housing inspectors and appraisers, as well as FSS "graduates" who have purchased homes.

The FSS/ Homeownership Counseling will offer long-term assistance to families, enabling them to:

- Build a good job history
- Minimize their debt
- Preserve a good credit rating
- Accumulate adequate savings

Homeownership may provide many individual opportunities for Participant families but it will require that a Family commit to building a strong financial foundation on which those opportunities are preserved for an extended period of time. The Department of Housing and Urban Development (HUD) emphasizes the need for adequate counseling assistance under this program as the regulations only allow the Family to have one chance at receiving homeownership assistance. HUD regulations state that the Family is not eligible if any Family member has previously received homeownership assistance and defaulted on a mortgage.

Initial eligibility for the BHA Section 8 Voucher program has historically been based on the Family's status both as "low income" and "homeless or imminently in danger of homelessness". Thus, families begin participation in the Section 8 program with incomes that are woefully inadequate in terms of qualifying for a mortgage. Additionally, families who are new to the Section 8 program are initially striving to stabilize their families and recover from the housing-related emergency that qualified them for the program. Hence, families are generally not prepared to provide potential lenders with a good work history, credit report and evidence of savings. These things take time to build.

The FSS Program is a perfect fit with the Homeownership program as it combines the Family's plan to achieve clearly articulated financial goals with the opportunity for homeownership. The ultimate goal for most current FSS Program Participants already under a 5-year FSS Individual Training and Service Plan contract is homeownership.

Several FSS Participants have successfully purchased housing after successfully completing their FSS Contract. All of these families left Section 8 assistance and became private homeowners. Many of these successful homebuyers required more intensive assistance than the average homebuyer and have recommended that Section 8 families contemplating homeownership be offered a year or more of counseling. The Neighborworks Network's 2001 report "Using Section 8 Vouchers for Homeownership", recorded the following comments regarding the FSS Program:

- ~~Counseling for Section 8 Homeownership can take up to three times longer than for a traditional first-time homebuyer. The counseling needed is intense and usually takes the form of one-on-one assistance.~~
- ~~Involvement in the FSS Program is key to creating strong borrowers.~~
- ~~Due to FSS participation and an FSS escrow account a Family may have a substantial down payment.~~

~~Homeownership is a nearly universal goal for most Americans. Unfortunately, many low-income families who have been left out of the American economic mainstream may not realize the enormous responsibilities, expenses, and realities that homeownership involves, especially in a tight housing market. FSS, with its emphasis on goals that move people into employment and help families improve their financial situations, is a natural link between Section 8 families and homeownership.~~

15.1.12 Keys to a Successful Section 8 Homeownership Program

Education - The BHA program will work with families very early in the process to alert them to potential barriers to homeownership, and assist families to develop and execute a plan to address those barriers.

Partnerships - The BHA ~~FSS~~/Homeownership counseling program will leverage local resources. Partnerships between the public and private sectors will enable families to access funds for down payment and closing costs, attend consumer counseling courses to improve credit, and utilize career counseling services to improve income.

15.2 Eligibility

15.2.1 How to Qualify for Homeownership Assistance

To qualify for assistance under the homeownership option, a Family must meet the general requirements for admission to the BHA's Section 8 tenant-based Voucher program and additional requirements for homeownership assistance (See 24 C.F.R. § 982.627). The BHA may not provide homeownership assistance for a Family unless the BHA determines that the Family satisfies all of the following initial requirements at commencement of homeownership assistance for the Family:

- (a) The Family satisfies the minimum income requirements described in 24 C.F.R. § 982.627(c); ~~and~~
- (b) The Family satisfies the additional income requirements set by the BHA ~~to obtain a waiver from participation in the FSS Program.~~
~~The additional income requirements are as follows:~~

- (1) Participant Family must be above 50% median income;
- (2) Must have at least two years of continuous employment
- (3) Must have a down payment (3% total and 1% must be from the Family's own funds)
- (c) The Family satisfies the employment requirements described in 24 C.F.R. § 982.627(d);
- (d) The Family has not defaulted on a mortgage securing debt to purchase a Home under the homeownership option (see 24 C.F.R. § 982.627(e);
- (e) No Family member has a Present Ownership Interest in a residence at the commencement of homeownership assistance for the purchase of any Home, except for Cooperative Members who have acquired Cooperative Membership Shares prior to the commencement of homeownership assistance;
- (f) The Family has entered into a contract of sale/purchase and sales agreement in accordance with 24 C.F.R. § 982.631(c), except for Cooperative Members who have acquired Cooperative Membership Shares prior to the commencement of homeownership assistance.

15.2.2 Family be a First-Time Homeowner

To qualify as a "First-Time Homeowner," no member of the assisted Family may own or have owned a Present Ownership Interest in a residence of any Family member during the three years preceding the commencement of homeownership assistance for the Family (regulatory definition at 24 C.F.R. § 982.4; statutory definition at 42 U.S.C 1437f(y)(87)(A)). Such interest includes ownership of title or of Cooperative Membership Shares. However, an assisted Family that meets the regulatory definition of "Cooperative Member" found at 24 C.F.R. § 982.4, qualifies to participate in the Section 8 homeownership program under the regulation regarding First-Time Homeowner requirements found at 24 C.F.R. § 982.627. The right to purchase title under a Lease-purchase agreement does not constitute a prohibited Present Ownership Interest. The term First-Time Homeowner includes a single parent or displaced homemaker who, while married, owned a home with his or her spouse, or resided in a home owned by his or her spouse, and includes a Disabled Family, and participation in the Homeownership program is needed as a Reasonable Accommodation so that the program is readily accessible to, and usable by, a Disabled Person.

The restriction to "first-time" homeowners is intended to direct homeownership assistance to "new" homeowners who may be unable to purchase a Home without this assistance, but to discourage use of Section 8 subsidy on behalf of families who have achieved

homeownership independently, without benefit of the Federal Section 8 subsidy.

In addition, the BHA may not commence homeownership assistance for a Family if any Family member has previously received assistance under the homeownership program and has defaulted on a mortgage securing debt incurred to purchase the Home. See 24 C.F.R. § 982.627(e).

The Section 8 Homeownership program authorizes homeownership assistance for a Family that "owns or is acquiring shares in a Cooperative." The program allows assistance for a Family that already owns Cooperative shares in the Unit in which the Section 8 Homeownership assistance will be utilized before commencement of Section 8 homeownership assistance, not just for a Family that acquires the Cooperative shares for the first time with the support of such assistance.

The Section 8 Homeownership Program also permits the use of Section 8 homeownership assistance by a Family that purchases a Home that the Family previously occupied under a "Lease-purchase agreement"--generally a Lease with option to purchase. The Housing Assistance Payment for a Lease-purchase Unit may not exceed the amount that would be paid on behalf of the Family if the rental Unit was not subject to a Lease-purchase agreement. Any "homeownership premium" included in the rent to the Owner that would result in a higher subsidy amount than would otherwise be paid by the BHA must be absorbed by the Family. "Homeownership premium" is defined as an increment of value attributable to the value of the Lease-purchase right or agreement such as an extra monthly payment to accumulate a down payment or reduce the purchase price. Families are permitted to pay an extra amount out-of-pocket to the Owner for purchase related expenses.

Lease-purchase agreements are considered rental, and all the normal tenant-based Section 8 rental rules are applicable. The Family will be subject to the Homeownership regulatory requirements at the time the Family is ready to exercise the homeownership option under the Lease-purchase agreement. At that point in time, the BHA will determine whether the Family is eligible for Section 8 homeownership assistance (e.g., whether the Family meets the income and employment thresholds and any other criteria established by the BHA).

15.2.3 Minimum Income Requirement

~~To enter the HCVP, a Family must be income eligible (i.e., below the maximum income cutoff). However, to qualify for the Homeownership option in the Voucher program, Family income must be above 50% of the area median income or the minimum wage time 2000 hours whichever is greater; the Family must demonstrate sufficient income to meet a minimum income standard, which is intended to assure that a Family will have sufficient income to pay homeownership and other Family expenses not covered by the Section 8 subsidy.~~

~~The Section 8 Homeownership program provides that a Family may not receive homeownership assistance unless the Family demonstrates that gross annual income of the adult Family members who will own the Home is not less the federal minimum multiplied by 2,000 hours. The adult Family members who will own the Home at the commencement of the homeownership assistance (not only the Head of Household and spouse) (excluding income from any person who is not an adult and Owner) must have annual income (gross income) that is not less than the minimum income requirement.~~

In the case of a Disabled Family (but not an Elderly Family) the minimum annual income shall be the monthly federal Supplemental Security Income (SSI) benefit for an individual living alone (or paying his or her share of food and housing costs) multiplied by 12.

Any minimum income requirement will only be applied to determine initial qualification to purchase a particular Home, not as a continuing [eligibility](#) requirement. The minimum income requirement will only apply again if the Family purchases a subsequent Home with Section 8 homeownership assistance.

The income counted in meeting any minimum income requirement under the homeownership program must come from sources other than Welfare Assistance. The BHA may limit homeownership assistance to families with substantial non-welfare income available to pay housing and non-housing costs. However, the law provides that HUD may count Welfare Assistance in determining availability of Voucher homeownership assistance for an Elderly or disabled Family (in which the Head of Household or spouse is an Elderly or Disabled Person). The term "Welfare Assistance" is defined in HUD's regulations at 24 C.F.R. § 5.603 or any succeeding provision, and includes welfare or other payments to individuals or families, based on need, that are made under programs funded, separately or jointly, by Federal, State, or local governments, such as Temporary Aid to Needy Families (TANF), or Supplemental Security Income (SSI).

The requirement to disregard Welfare Assistance income only applies in determining whether a Family has the minimum income to qualify for homeownership assistance. However, Welfare Assistance income is counted for other program purposes: in determining income-eligibility for admission to the Voucher program; in calculating the amount of the Family's Total Tenant Payment (gross Family contribution); and in calculating the amount of the monthly homeownership assistance payment for a Family assisted under the homeownership program.

For an Elderly or Disabled Family, the BHA will count Welfare Assistance income of the adult Family members who will own the Home in determining whether a Family has the minimum income to qualify for homeownership assistance. This requirement to count Welfare Assistance in determining whether a Family has the minimum income to

qualify for homeownership assistance only applies, however, to Families that satisfy the statutory definition of an Elderly or Disabled Family. The requirement to count Welfare Assistance income does not apply in the case of a Family that includes a Disabled Person other than the Head of Household or spouse (and where the Head of Household or spouse is not Elderly or Disabled).

Notwithstanding the minimum income requirement as set by law, the decision as to whether or not a Family actually qualifies for and obtains financing based upon its income is left to the discretion of the lender.

15.2.4 Family Employment Requirement

Except as provided by HUD, at the time that the Family initially receives homeownership assistance, the Family must demonstrate that one or more adult members of the Family who will own the Home at commencement of homeownership assistance:

- Is currently employed on a full-time basis (the term “full-time employment” is defined to mean not less than an average of 30 hours per week); and
- Has been continuously so employed during the year before commencement of Homeownership assistance for the Family.

The BHA has the discretion to determine whether (and to what extent) an employment interruption is considered permissible in satisfying the employment requirement (e.g. maternity leave, or other leave authorized by federal and/or state law). The BHA may consider successive employment during the one-year period and self-employment in a business.

THE EMPLOYMENT REQUIREMENT DOES NOT APPLY TO AN ELDERLY FAMILY OR A DISABLED FAMILY.

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~~15.2.5 Participation in the BHA's Family Self-Sufficiency Program~~

~~The BHA has chosen to require FSS Program participation as a prerequisite to participation in its Homeownership Program unless Participants receive a waiver to FSS participation. Requests for an exception to this policy will be evaluated on a case-by-case basis. Families requesting an exception must still meet all other eligibility criteria, including income and employment requirements. The requirement may also be waived if necessary as a Reasonable Accommodation for a Disabled Person.~~

~~Participation in the Family Self-Sufficiency Program is voluntary for Section 8 Participants; current Participants in the Section 8 Voucher program are eligible. The Family Self-Sufficiency Program is designed to~~

promote employment and increase savings among families receiving Section 8 assistance. The Center on Budget and Policy Priorities has referred to it as “HUD’s Best Kept Secret for Promoting Employment and Asset Growth”.

There are two main components to FSS: case management and an escrow savings account.

(a) Case Management

Each FSS Family works with a case manager who develops an Individual Training and Service Plan and Contract that outlines how the Family will achieve and maintain economic self-sufficiency. Adult Family members who are parties to the FSS contract must obtain and maintain full-time (at least 30 hours per week) employment. No one in the Family may receive public assistance for at least the last year of the five-year contract. The case manager can help the Family access supportive services to help them achieve success in their plan. The services may include referrals for job training, education, healthcare, childcare and transportation assistance. In addition, the FSS Program provides workshops and training sessions on various money management skills including credit education and budgeting.

(b) Escrow Account

A Participant in the FSS Program, like most tenants in public or assisted housing, must pay a higher share of the rent when her/his income increases. Unlike other tenants, the FSS Participant, depending on their income, will have most or all of the increased rental charges put into an escrow savings account. The increased rental charges, plus interest, will be returned to the Participant upon successful completion of the program.

(c) How the FSS Escrow is Calculated

If an FSS Participant receives \$400 per month in TANF benefits when she enters the program, and after completing a training program gets a job that pays \$1,000 per month (and causes her to lose her TANF benefits), 30% of the increased income (i.e., 30% of \$600, which is \$180) is deposited in the FSS escrow account each subsequent month. If the Participant’s earnings increase again during the FSS contract, the escrow deposit will increase as well. For example, if her earnings increase to \$1,200 per month, the escrow deposit will increase to \$240 per month (i.e., 30% of \$800, the difference between her initial income and her total earnings). If this Participant worked for 18 months at the initial salary and three years at the increased rate of pay before completing her FSS contract, she would accumulate a total of \$11,880 in her escrow account (18 months at \$180 per month and 36 months at \$240 per month). Barbara Sard “*The Family Self*

15.2.65 Other Eligibility Criteria

In addition to the above requirements, to qualify for the BHA's Section 8 Homeownership Program, applicants must:

- (a) Be a Participant ~~or Resident~~ in good standing in ~~one of the BHA's Section 8 tenant-based assistance program eligible programs~~ (See glossary for definition of a Participant in Good Standing.) The BHA will determine the BHA Homeownership Program eligibility of families with Homeownership Vouchers from other PHAs according to all of the BHA's homeownership program policies, as long as the BHA is still accepting new families into its homeownership program.
- (b) ~~Must be a Have a Section 8 Voucher issued from~~ Boston Housing Authority ~~Participant or Resident~~.
- (c) ~~Be a current Participant in, or have successfully completed, the Boston Housing Authority's Section 8 FSS program. If the Family has completed the FSS Program, eligibility would depend on the Head of Household maintaining full time employment (not required for Disabled Families), and no non-disabled member of the Family receiving public assistance other than Section 8.~~
- (d) Have successfully completed First-Time Homebuyer Education Classes ~~provided by the City of Boston's Department of Neighborhood Development or an equivalent program approved by the BHA.~~
- ~~(e) Have successfully completed the FSS homeownership counseling courses.~~
- (ef) Have at least one percent (1%) of the purchase price for a down payment, which must come from the Family's own resources and may include funds from an FSS escrow account, plus a total of three percent (3%) of the purchase price for a down payment which may include grants from public or private agencies.
- ~~(g) Have been receiving Section 8 tenant-based rental assistance through the BHA or another PHA for a minimum of one year.~~
- (fh) Agree to use the Home purchased with homeownership program assistance as the only residence.

Eligibility will be determined through the application process.

15.3 Application Process

Final applications for the homeownership program will be given to interested and preliminarily qualified applicants upon request. Completed final applications will be reviewed for eligibility status. If an applicant is deemed ineligible and is denied, the BHA will afford the Family the right to an informal review regarding such denial.

~~If deemed eligible, the Family will be invited to an informational meeting organized by the FSS Program Coordinator. At this informational meeting, the following timeline will be explained:~~

- ~~• Step 1: Applicants are invited to an informational meeting and are advised of BHA approved first time homebuyer education classes available in the next eight (8) weeks.~~
- ~~• Step 2: The next step in the process will involve a six (6) to twelve (12) month FSS homeownership counseling course conducted by the BHA FSS Coordinator. At this step an FSS Individual Training and Service Plan and Contract is developed for each Family to address problems for the Family to correct such as poor credit history, low household income or other barriers to obtaining an adequate mortgage. This step may occur simultaneously with the classes described in Step 1.~~
- ~~• Step 3: After successfully completing a qualified first-time homebuyer courses and additional FSS counseling courses, the applicant should pre-qualify for a mortgage. After the applicant presents a certificate of completion of BHA approved homebuyer classes to the FSS Coordinator the BHA will issue the applicant a homeownership "Voucher". Once an applicant is issued a homeownership "Voucher", the applicant may start to look for a Home to purchase.~~

15.4 Homeownership Counseling

Experience with low-income homeownership programs has demonstrated that quality counseling is imperative for successful homeownership and prevention of mortgage defaults. In addition, counseling will assist families in making informed decisions when selecting the Home they wish to purchase.

Qualified applicants in this program must participate in and satisfactorily complete a qualified BHA approved first-time homebuyer classes before commencement of homeownership assistance. ~~Suggested topics for the BHA-required pre-purchase counseling program include:~~

- ~~• Home maintenance (including care of the grounds);~~
- ~~• Budgeting and money management;~~
- ~~• Credit counseling;~~
- ~~• How to negotiate the purchase price of a Home;~~
- ~~• How to obtain homeownership financing and loan pre-approvals, including a description of types of financing that may be available, and the pros and cons of different types of financing;~~
- ~~• How to find a Home, including information about homeownership opportunities;~~

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~~schools, and transportation in the BHA's Jurisdiction;~~

~~• Advantages of purchasing a Home in an area that does not have a high concentration of low-income families and how to locate Homes in such areas; and~~

~~• Information on fair housing, including fair housing lending and local fair housing enforcement agencies; and Information about the Real Estate Settlement Procedures Act ("RESPA") (12 U.S.C. § 2601, et seq.), state and Federal truth-in-lending laws, and how to identify and avoid loans with oppressive terms and conditions.~~

~~The BHA may adapt subjects covered in pre-assistance and pre-purchase FSS counseling to local circumstances and the needs of individual families. The BHA will also require program Participants to attend ongoing post-purchase counseling after commencement of homeownership assistance.~~

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The counseling will be provided by another entity such as a BHA- and HUD-approved housing counseling agency. HUD-approved housing counseling agencies provide free counseling. The HUD field office will provide the BHA with a list of the HUD-approved counseling agencies. If an applicant does not attend a HUD-approved housing counseling agency to provide the counseling for families participating in the homeownership program, the BHA will ensure that any BHA-approved counseling program is consistent with the homeownership counseling provided by the HUD-approved counseling agencies.

First-time homebuyer class time must exceed 10 hours. Attending all classes, arriving on time, completing all assignments and fulfilling all requirements will lead to successful completion. For a Family with multiple adult members, all adults who will hold title to the property purchased through the program must attend all pre-purchase classes. The Family member(s) may attend separate sessions, and finish the program on different timetables, as their schedules permit. The BHA does not provide childcare assistance.

A qualified class must have been completed in the six (6) months prior to the BHA's issuance of the homeownership "Voucher". If an applicant has completed a qualified course more than six months prior to the issuance of the homeownership "Voucher", the applicant must provide the BHA with proof that the applicant's certificate of completion has not expired, or that the applicant has renewed such certificate by taking a BHA-approved "refresher" course.

15.5 Briefing Session

After the BHA has determined an applicant finally eligible to participate in the Homeownership program, the BHA will conduct a briefing session at which time it will issue applicants a homeownership "Voucher". This homeownership "Voucher" will be issued according to the BHA's Family Unit Size Subsidy Standards which are applicable to the Housing Choice Voucher Program. At this briefing session, the BHA must advise the Family of any deadlines on locating a Home, securing financing, and purchasing the Home. In establishing such time limits, the BHA should ensure that a Family who has executed a sales contract is provided reasonable time to close on the purchase of the Home.

The BHA briefing for both rental and homeownership families will explain:

- Where the Family may Lease or purchase a unit;
- How Portability works (if the Family qualifies to Lease or purchase a Unit outside the BHA Jurisdiction under Portability procedures); and
- The advantages of moving to an area that does not have a high concentration of poor families (if the Family is currently living in a high poverty census tract within the Jurisdiction of the BHA).

Further, if the Family includes any Disabled Person or a person with limited English ability, the BHA will take appropriate steps to ensure effective communication during the briefing in accordance with 24 C.F.R. § 8.6.

15.6 Homeownership Voucher Term

Upon issuance of Section 8 Homeownership "Voucher", the Family will have 180 days to enter into a Purchase and Sales Agreement. In the event a Family cannot find a Home that meets their needs in the allotted 180 days, BHA will determine if an extension should be granted. The extensions will be determined on a case-by-case basis.

15.7 Requirement for an Attorney and Recommendation for a Buyer's Agent

The BHA requires that all homeownership program families contract with an attorney prior to the execution of a Purchase and Sales Agreement. The BHA also recommends that families contract with a buyer's agent early in the process of searching for a Home. The attorney and, if applicable, the buyer's agent will ensure that the Family is protected in all aspects of house hunting and the transactions that follow.

15.8 Eligible Homes

The BHA will administer the Homeownership voucher for a Family that purchases a home within ~~the area that the BHA administers~~BHA jurisdiction administrative area. The Home must be the Family's only residence and be a single Family Home with only one Unit, Cooperative, or condominium. The Family must be prepared to own and reside in the home for a minimum of one year.

~~The Family may look outside of the City of Boston.~~ Families may search for Homes in other communities ~~outside of the BHA's jurisdiction administrative area~~outside of the BHA's jurisdiction administrative area where other public housing agencies (PHAs) offer the Section 8 Homeownership Program and are accepting new Families in to their program. ~~A list of cities and towns with homeownership programs will be provided to applicants when the homeownership "Voucher" is issued.~~

In general, the Portability procedures for the Housing Choice Voucher Program apply to the homeownership program. When a Family that has a homeownership Voucher from another public housing authority chooses to purchase a Home in Boston, the BHA will evaluate that Family according to all of the BHA's

homeownership program policies, as long as the BHA is still accepting new families into its homeownership program. The BHA will evaluate whether the Family will be required to attend the briefing and counseling sessions required by the BHA. The BHA will determine whether the financing for and the physical condition of the Unit are acceptable.

15.9 Down Payments

The BHA requires a minimum down payment of three percent (3%). One percent (1%) of the down payment must come from the Family's own resources. A Participant in the FSS Program may use escrow funds toward any part of the down payment, including the one percent (1%) contribution from the Family's own resources, providing that the Family fulfills the other goals of the FSS Program as stated in the Family's Individual Training and Service Plan. There is no prohibition against utilizing several different resources for down payment assistance including grants from public or private agencies.

15.10 Inspections

The home chosen by the Family must pass an initial BHA Housing Quality Standards (HQS) inspection. (The HQS used for the Section 8 rental program is applicable to the homeownership program.) The BHA inspection is the same as the initial HQS inspection conducted by the BHA for the tenant-based rental assistance program. This inspection will indicate the current physical condition of the Unit and any repairs necessary to ensure that the Unit is safe and otherwise habitable under HQS standards. The BHA HQS inspection does not include an assessment of the adequacy and life span of the major building components, building systems, appliances and other structural components.

The only difference between the HQS inspection requirements for the tenant-based rental and homeownership programs is that the BHA is not required by the regulation to conduct annual inspections. The initial (prior to the commencement of housing assistance) HQS inspection is the only BHA inspection required for homeownership units during the entire time the Family is receiving Section 8 homeownership assistance. The BHA reserves the right to conduct additional HQS inspection(s) of a homeownership program Participant's Unit during the term of homeownership assistance for good cause.

In addition, prior to purchase the Family must select and pay for an independent, professional home inspector to conduct a home inspection. The independent professional home inspection is conducted by a private market home inspector (not BHA staff) that is experienced and qualified to conduct pre-purchase inspections for homebuyers. The purpose of the home inspection is the identification of home defects and an assessment of the adequacy and life span of the major building components, building systems, appliances and other structural components, radon and insect infestation. The BHA, the buyer's agent and Family will meet and discuss the inspection and corrections that need to be made.

The requirement for an inspection arranged by the buyer and satisfactory to the buyer is a required contingency clause in all purchase and sale contracts

according to HUD regulations. The ~~Section 8 Family~~family selects the home inspector and pays the home inspector's fees. (The source of funds for Family payment of the home inspection may be a gift, Family savings or an inheritance, or sources other than Family own resources.) A copy of the inspection report must be provided to the Family and the BHA.

The BHA requires that the home inspector is certified by the American Society of Home Inspectors, has a Certified Massachusetts State Home Inspector License, and must carry Errors and Omission Insurance.

The BHA will review the home inspector's report to determine whether repairs are necessary prior to purchase, and to generally assess whether the purchase transaction makes sense in light of the overall condition of the home and the likely costs of repairs and capital expenditures. For example, the home inspector's report might reveal foundation instability, and a defective roof and heating system that needs immediate replacement at great cost. Confronted with these facts the BHA would discuss the inspection results with the Family and decide whether to disapprove the Unit for assistance under the homeownership program because of the major physical problems and substantial correction costs, or whether it is feasible to have the seller make the necessary repairs prior to purchase.

15.11 Financing and Purchasing Requirements

A Family selected to participate in the Section 8 Homeownership program must secure their own financing. There are no Section 8 funds available for Home purchase financing. The Section 8 housing assistance will be provided monthly to ~~a lender to help~~ the Family to meet Homeownership expenses.

The Family enters into a Purchase and Sale contract with the seller and is the party obligated by such contract. A copy of the Purchase and Sale contract must be provided to the BHA. Under federal law the contract must specify: the price and other terms of sale by the seller to the purchaser; provide that the purchaser will arrange for a pre-purchase inspection of the dwelling Unit by an independent inspector selected by the purchaser, provided that the purchaser is not obligated to purchase the Unit unless the inspection is satisfactory to the purchaser; provide that the purchaser is not obligated to pay for any necessary repairs; and contain a certification from the seller that the seller has not been debarred, suspended, or subject to a limited denial of participation under HUD regulations.

Under the homeownership program, a borrower may use Section 8 rental assistance to help the borrower qualify for a mortgage. It is anticipated that mortgage lenders will consider the Section 8 assistance when underwriting the loan. If purchase of the Home is financed with FHA-insured mortgage financing, such financing is subject to FHA mortgage insurance credit underwriting requirements. Otherwise, all traditional underwriting standards apply. The manner in which an individual lender may structure a particular loan product can vary.

The Family has the discretion to choose which lender they use but the BHA must approve the financing before it is finalized. The BHA may disapprove proposed

financing, refinancing, or other debt if the BHA determines that the debt is unaffordable, or if the BHA determines that the lender or loan terms do not meet the BHA's qualifications. In making this determination, the BHA may take into account other Family expenses, such as childcare, unreimbursed medical expenses, homeownership expenses, and other Family expenses as determined by the BHA. The BHA will not unreasonably withhold approval of financing. Generally, the BHA will withhold approval of financing to prevent the Family from falling victim to predatory lending practices.

~~It is the responsibility of the Family to secure its own financing for the purchase of the Home. The BHA will provide supportive services but only related to a Family's credit score, income and overall viability to obtain mortgage approval.~~

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The BHA will conduct a financing review to determine whether the monthly mortgage or loan payment is affordable after considering other Family expenses. The BHA may disapprove proposed financing, refinancing or other debt if the BHA determines that the debt is unaffordable.

The BHA will review seller-financing and variable rate financing on a case-by-case basis. The BHA may opt to prohibit seller financing, or to only allow seller financing in cases when the seller is a nonprofit or the purchase price can be clearly supported by an independent appraisal.

There is no prohibition against using local or State Community Development Block Grant ("CDBG") or other subsidized financing in conjunction with the Section 8 homeownership program.

The BHA requires a maximum loan to value ratio consistent with standard secondary market guidelines and prohibits balloon payments. The Family may not refinance, apply for an equity loan, or undertake any other loans using the Home as security without BHA approval.

15.12 Homeownership Housing Assistance Payment (HAP)

The homeownership Housing Assistance Payment will equal the lower of: (1) the Payment Standard minus the Total Tenant Payment; or (2) the monthly homeownership expenses minus the Total Tenant Payment. The Family is responsible for the monthly homeownership expenses not reimbursed by the Housing Assistance Payment. (Total Tenant Payment is higher of the minimum rent, 10 percent of Monthly Income, or 30 percent of monthly-adjusted income.) The BHA must use the Utility Allowance schedule and Payment Standard schedules applicable to the Housing Choice Voucher rental program.

BHA homeownership program Housing Assistance Payments will be made directly to the lender on behalf of the Family. The BHA will pay the excess amount, if any, directly to the Family.

Before the Housing Assistance Payments begins, the Family and the BHA must execute a "Statement of Homeowner Obligations." The Section 8 tenant-based HAP Contract, RTA and Lease addendum are not applicable to the Section 8 Homeownership program.

After the homeownership Housing Assistance Payments begin, the BHA will annually reexamine Family income and composition at a Recertification appointment and make appropriate adjustments to the amount of the monthly homeownership assistance payment.

In calculating the homeownership assistance payments, the BHA will also include an allowance for "Homeownership Expenses", which may include:

- Principal & Interest on the mortgage debt;
- Principal & Interest on debt for improvements, if any;
- Taxes and Insurance;
- Mortgage Insurance Premium;
- Condo or Cooperative Fees;
- Utility Allowance; and
- Homeownership Allowances.

The Homeownership allowances are broken down into two categories, one for routine maintenance and one for major repairs. The BHA will allot one percent (1%) of the purchase price per year each for major repairs and one-half percent (.5%) for routine maintenance for a total allowance of one and one-half percent (1.5%). 24 C.F.R. § 982.635(c) or any successor provision details the expenses that the BHA will include when determining the Family's homeownership expenses. If the Home is a Cooperative or condominium Unit, homeownership expenses may include Cooperative or condominium operating charges or maintenance fees assessed by the condominium or Cooperative homeowner association. The principal and interest amount is the debt service amount for the initial (original) mortgage debt, any refinancing of such debt, and any mortgage insurance premium.

The Utility Allowance is the same Utility Allowance schedule as used in the Housing Choice Voucher Program. The BHA allowance for maintenance expenses is the amount the BHA determines is appropriate for routine maintenance for a Home. The BHA allowance for major repairs and replacements is the amount the BHA determines is appropriate for a replacement "reserve" for a Home. If a member of the Family is a Disabled Person, such debt may include debt incurred by the Family to finance costs needed to make the Home accessible for such person, if the BHA determines that allowance of such costs as homeownership expenses qualifies as a Reasonable Accommodation so that the homeownership program is readily accessible to, and usable by such person, in accordance with 24 C.F.R. Part 8.

Families are not required to put the amount set aside for these two maintenance allowances in the bank or in escrow. Further, it is not expected that the monthly amounts for these allowances will cover all maintenance and capital expenditures.

An Example:

Major repairs allowance is calculated as follows:

Purchase Price	\$80,000
	<u>x 1%</u>
	\$800
Divided by 12 months =	\$66 per month

Routine maintenance uses the same calculation:

Purchase Price	\$80,000
	<u>x .5%</u>
	\$400
Divided by 12 months =	\$33 per month

Therefore, the total homeownership allowance per month is \$ 99.00. This would be added to the other expenses to determine total monthly "Homeownership Expenses."

15.13 Continued Participation

Families participating in the Section 8 Homeownership Program must abide by the Rules and Regulations of the Section 8 Program. The Family is STILL a Section 8 Participant, the only difference is the Family owns the property instead of renting the property. If a Family violates any of the rules and regulations of the Section 8 Program, they may be terminated from the homeownership program.

Annual Recertifications of Household income and Family Composition will be conducted to ensure that the Family is still eligible for assistance. If the Family is determined ineligible for Section 8 Assistance, their homeownership assistance will be terminated and the Family will be responsible for the entire mortgage. A Family must comply with the Statement of Homeownership Obligations and sign it annually at the Recertification appointment.

In the event that the BHA proposes to terminate homeownership program assistance, the BHA will inform the Family that it has a right to an informal hearing pursuant to the hearing procedures applicable to the Housing Choice Voucher Program. In the event the BHA terminates a Family's participation in the homeownership program, the Family is responsible for the entire mortgage payment and other homeownership expenses.

15.14 Statement of Homeowner Obligations

To be eligible to participate in the BHA's Homeownership Program the Family must agree to adhere to the following program Participant's Statement of Homeowner Obligations:

- Be a Section 8 Participant in good standing in the BHA's Section 8 program (see glossary for definition of a Participant in good standing);
- Have been a Family Self Sufficiency program Participant and have remained a Participant in good standing with respect to the contractual goals and requirements of the Family's FSS Individual Training and Service Plan;

- Have no ownership interest in other property.
- Meet all eligibility criteria as described in the Section 8 Homeownership Program Administrative Plan Amendment.
- Attend homeownership counseling prior to purchase and post-purchase as offered by BHA-approved counseling agencies;
- Secure financing through a lender acceptable to the BHA;
- Provide a down payment of at least three percent (3%) of the purchase price, with one percent (1%) of the down payment supplied from the Family's own resources;
- Be able to make the monthly payment of the Family's portion of the mortgage payment;
- Enter into a "Purchase and Sale Agreement" for a Home within 180 days of receiving a homeownership Voucher, provided the financing commitment has not expired prior to that date;
- Enter into this Statement of Homeowner Obligations Agreement and comply with its provisions;
- Sign a certification form stating that they will comply with this "Statement of Homeowner Obligations" annually at the Family's Recertification appointment;
- Sign a release allowing the BHA to exchange information with the lender and the lender with the BHA;
- Sign an acknowledgment form that the Family becomes obligated for the whole mortgage payment in the event of termination of assistance;
- Sign an acknowledgment form that the Family will continue to comply with the appropriate provisions of the HUD Section 8 Rental Assistance regulations, Family obligations and the BHA's Section 8 rental assistance and homeownership administrative plans;
- Agree that the Family may not enter into an agreement to sell or refinance the Home unless the BHA has first approved the sale or the refinance;
- Agree to use the Home as the Family's only residence;
- Agree to supply any information to the BHA regarding any mortgage or other debt incurred to purchase the Home, any refinancing of such debt, any satisfaction or payment of the mortgage debt, and any sale or other transfer of any Interest in the Home;

- Agree to notify the BHA before the Family moves out of the Home;
- Agree that during the period the Family receives homeownership assistance, no Family member may have any ownership interest in any other property receiving a subsidized rental payment; and
- Comply with applicable rules of the Housing Choice Voucher Program such as the requirements contained in the "Family Obligations", including the rule to fully report household income and Family Composition annually at the Recertification appointment.

15.15 Maximum Term of Assistance

Except for Elderly and Disabled Families, Section 8 homeownership assistance may only be paid for a maximum period of 15 years if the initial mortgage incurred to finance purchase of the Home has a term that is for 20 years or longer. In all other cases, the maximum term of homeownership assistance is 10 years. The BHA has the discretion to grant relief from this requirement in those cases where automatic termination would result in extreme hardship for the Family. The maximum term of homeownership assistance is not capped for Elderly and Disabled families. The maximum term for homeownership assistance applies to any member of the Family who has an ownership interest in the Unit during any time that homeownership payments are made, or is the spouse of any member of the Family who has an ownership interest in the Unit at the time homeownership payments are made.

The maximum term for homeownership assistance does not apply to an Elderly or Disabled Family. In the case of an Elderly Family, this exception only applies if the Family qualifies as an Elderly Family at the commencement of homeownership assistance. In the case of a Disabled Family, this exception applies if at any time during receipt of Homeownership assistance the Family qualifies as a Disabled Family. If, during the course of homeownership assistance, the Family ceases to qualify as a Disabled or Elderly Family, the maximum term becomes applicable from the date homeownership assistance commenced. However, such a Family must be provided at least 6 months of homeownership assistance after the maximum term becomes applicable (provided the Family is otherwise eligible to receive Section 8 homeownership assistance).

15.16 Relocation with Homeownership Assistance

The Family may purchase one Home in a one-year period. If the Family moves, the BHA may not begin continued homeownership assistance for occupancy of the new Unit so long as any Family member owns any title or other interest in the prior Home.

Most of the homeownership requirements applicable to the first Home purchase remain applicable to a subsequent purchase. For example, the Family must once again meet the employment threshold. The necessity of any counseling will be determined by the BHA. An independent Home inspection will be conducted and the BHA will determine the acceptability of the financing. The maximum term of

homeownership assistance applies to the cumulative time the Family receives homeownership assistance. The only exception to eligibility requirements applicable to initial receipt of homeownership assistance is that the Family need not meet the first-time homebuyer requirement. See 24 C.F.R. § 982.637(b).

If the Family decides to sell the property, the BHA must be consulted before the Home is placed on the market and the BHA must approve any sale of the property.

The maximum term of assistance described in Section XV above applies cumulatively. Thus if a Family is eligible for a maximum term of assistance of 15 years and receives benefits for 10 years in one Home, then the Family is eligible for a maximum of 5 years of assistance in a second Home.

15.17 Defaults

The PHA shall not commence homeownership assistance for a Family that includes an individual who was an adult member of a Family at the time when such Family received homeownership assistance and defaulted on a mortgage securing debt incurred to purchase the Home.

If the Family defaults on a mortgage securing any debt incurred to purchase the Home, the Family must notify the BHA within five days of receipt of a default letter. The BHA will not allow the Family to continue in or participate in the future in the BHA's Homeownership Program after a default on the mortgage by any member of the Family. The BHA must terminate Voucher homeownership assistance for any member of a Family that is dispossessed from the Home pursuant to a judgment or order of foreclosure on any mortgage (whether FHA-insured or non-FHA) securing debt incurred to purchase the Home, or any refinancing of such debt. However, the Family may be eligible to receive continued Voucher rental assistance. The BHA may consider mitigating circumstances in determining whether to provide a Family with rental assistance after a mortgage default.

The BHA has the discretion to allow a Family to revert to Section 8 Housing Choice Voucher Program rental assistance after a mortgage default through the BHA's Homeownership Program. If the BHA denies rental assistance to a Family who defaults on a mortgage through the Section 8 to Homeownership program, the BHA will afford the Family the right to an informal hearing regarding such denial.

15.18 Prohibition of Ownership in a Second Residence

No Family member of a Family assisted by Section 8 program Home-ownership assistance may have a Present Ownership Interest in a second residence while receiving homeownership assistance.

15.19 Automatic Termination of Homeownership Assistance

Homeownership assistance for a Family terminates automatically 180 calendar days after the last Housing Assistance Payment on behalf of the Family.

However, the BHA has the discretion to grant relief from this requirement in those cases where automatic termination would result in extreme hardship for the Family.

15.20 Single Downpayment Assistance Program

The Boston Housing Authority does not offer a single downpayment assistance program as provided for in 24 C.F.R. § 982.625(ii).

Chapter 16: PROJECT-BASED VOUCHER (PBV) PROGRAM

16.1 General

16.1.1 BHA Administration of the PBV Program

The BHA administers the PBV in accordance with federal regulations, specifically 24 C.F.R. part 982 and 24 C.F.R. part 983, as well as State and local law.

16.1.2 Description of the PBV Program

- (a) The PBV Program is funded from the Voucher Annual Contributions Contract (ACC) between the BHA and HUD. Project-based means that the subsidy is attached to the Unit, whereas tenant-based assistance allows the tenant to move with the subsidy (see difference between project-based and tenant-based assistance at 24 C.F.R. § 982.1(b)).
- (b) The BHA enters into a HAP Contract with an Owner for Units in existing housing or in newly constructed or rehabilitated housing.
- (c) When the PBV housing is new construction or rehabilitation, the housing is developed under an Agreement to enter into a Housing Assistance Payments ("AHAP") contract between the BHA and the Owner.
- (d) During the term of the HAP Contract the BHA makes payments to the Owners for Units leased and occupied by eligible Families.

16.1.3 Goal of the PBV Program

It is the goal of the BHA to make project-based rental subsidies accessible so interested and eligible Families can afford safe, decent and sanitary housing; to provide the services with integrity and mutual accountability; and to create housing situations which will serve as catalysts for the transformation from dependence to economic self-sufficiency. It is also the goal of the PBV program to create new affordable housing resources.

16.1.4 Maximum Amount of PBV Assistance

The BHA may project-base up to twenty percent (20%) of the BHA's authorized units, dependent upon funding availability. The BHA may project base an additional 10% of its units above the 20% program limit provided the additional units are designated for homeless families, families with veterans, supportive housing for persons with disabilities or elderly persons, or in areas where the vouchers are difficult to use

- A. The following are not subject to the PBV unit limitation provided the unit was covered under a PBV contract that first became effective date on or after HOTMA (4/18/17); and in the five years prior to the date the PHA either issued the RFP under which the project was selected or selected the project based on a prior competition or without competition:
1. The unit received one of the following types of HUD assistance
 - a. Public housing capital or operating funds;
 - b. Project Based Rental Assistance (Section 8 Moderate Rehabilitation including SRO).
 - c. Housing for the elderly (Section 202)
 - d. Housing for Persons with disabilities (Section 811 of Cranston Gonzalez National Affordable Housing Act)
 - e. The Rent Supplement Program "Rent Supp".
 - f. Rental Assistance Program "RAP" (Section 236); or
 2. The unit was subject to one of the following rent restrictions:
 - a. Section 236
 - b. Section 221(d)(3) or (d)(4) BMIR
 - c. Housing for the Elderly (Section 202)
 - d. Housing for Person's with disabilities (Section 811)
 - i. Existing and Rehabbed units are eligible based on criteria above.
 - a. New Construction maybe eligible under the conditions listed below:
 - 1, The unit for which the PBV unit is replacing must have received one of the forms of HUD assistance/ rent restrictions listed above.
 2. The newly constructed unit must be located on the same site as the unit it is replacing.
 3. One of the primary purposes of the planned development of the PBV new construction project is or was to replace affordable rental units that previously existed at the site, as evidenced by one of the following:

- (i) Former residents of the original project are provided with a selection preference that provides the family with the right of the first occupancy at the PBV new construction project when it is ready for occupancy.
 - (ii) Prior to demolition of the original project, the PBV new construction project was specifically identified as replacement housing for that original project as part of a documented plan for redevelopment of the site.
3. Units under the RAD demonstration (RAD PBV units are excluded from both the total number of units under the ACC and the units committed to PBV when determining if the PHA has vouchers available to project base under the program limit requirements).
 4. HUD VASH set aside vouchers
 5. Additional categories as established by HUD regulation.

16.2 Selection of PBV Owner Proposals

16.2.1 Owner Proposal Selection Procedures

The BHA may use one of the two following methods to select Owner proposals:

(a) Request for Proposal (RFP)

The BHA may publicly issue a competitive request for PBV proposals. The BHA may not limit a Request for Proposal (RFP) to a single site or impose restrictions that explicitly or practically preclude Owner submission of proposals for PBV housing on different sites. The BHA will only use competitive selection procedures when non-competitive selection as described below, is not applicable.

(1) Public Notice Requirement

The BHA will publish a RFP in a newspaper of general circulation and will make the RFP available on its web site (www.bostonhousing.org). The public notice must specify the submission deadline. The BHA will provide detailed application and selection criteria at the request of interested parties.

(b) The BHA may determine to provide PBV funding to a proposal for housing assisted under a federal, state, or local government housing assistance, community development, or supportive

services program that requires competitive selection of proposals (e.g., HOME, and units for which competitively awarded Low Income Housing Tax Credits have been provided), where the proposal has already been selected in accordance with such program's competitive selection requirements within three years of the BHA's PBV proposal selection date, and the earlier competitive selection proposal did not involve any consideration that the project would receive BHA PBV assistance.

(c) The BHA may provide PBV funding to a project where it has an ownership interest or control of the site, where the BHA is engaged in an initiative to improve, develop or replace a public housing property or site. In order to be subject to this noncompetitive exception the BHA must be planning rehabilitation or construction on the project with a minimum of \$25,000.00 per unit in hard costs. For the purposes of this section ownership interest is defined as the PHA or its officers, employees or agents are in an entity that holds any such direct or indirect interest in the building including but not limited to an interest as: title holder, lessee, stockholder, a member or a general or limited partner, or a member of a limited liability corporation. A list of the BHA's redevelopment plans that fall under this exception is incorporated at Appendix B of this Plan.

16.2.2 Subsidy Layering Review (SLR) Prohibition of Excess Public Assistance

The SLR is intended to prevent excessive public assistance for the housing by combining (layering) housing assistance subsidy under the PBV program with other governmental assistance from federal, state, or local agencies, including but not limited to, assistance such as tax concessions or tax credits.

- (a) The BHA shall obtain from the Applicant all the information required by the HUD mandated SLR checklist.
- (b) The BHA must review the SLR package prepared by the Applicant for its completeness and consistency with program requirements.
- (c) If it appears complete and acceptable, the BHA shall forward the SLR package to HUD's Boston office. The HUD Boston office will also review the material and if found acceptable, submit it to HUD Headquarters for final review and approval.
- (d) The subsidy layering requirements are not applicable to existing housing.

16.2.3 Cap on Number of PBV Units in each Project Pre-HOTMA 4/18/17

- (a) The BHA may not select a proposal to provide PBV

assistance for Units in a project or enter into an Agreement or HAP Contract to provide PBV assistance for Units in a project, if the total number of dwelling units in the project that will receive PBV assistance is more than 25 percent of the number of Units (assisted or unassisted) in the project, unless the project qualifies for an exception.

(b) Exceptions to 25 percent per project cap.

- (1) Units in a single-family building (a building with no more than four dwelling units);
- (2) Units in a multifamily building that are specifically made available for:
 - (i) Elderly or disabled families; or
 - (ii) Families receiving supportive services.

(c) Supportive Services that Qualify for an Exception

Supportive services that qualify for an exception are those services that assist a person with a medical condition or disability or services that assist a Family in becoming self-sufficient. Examples of supportive services that qualify for an exception include but are not limited to:

- (1) Household Training (e.g., homemaking, parenting skills, money management)
- (2) Job Training (e.g., preparation and counseling, job development and placement, follow-up assistance after job placement, completion of FSS Contract of Family Participation)
- (3) Services and Resources (appropriate to assist families to achieve economic independence and self-sufficiency)
- (4) Child Care (provide sufficient hours of operation and serve an appropriate range of ages)
- (5) Counseling for parents and other kinship relations caring for children with special needs (programs for families adopting children from MA Department of Social Services (~~DSS~~DCF), foster care programs, Grandfamily programs)
- (6) Remedial Education (education for the completion of Secondary or post-secondary education)
- (7) Substance Abuse Treatment (counseling and treatment for substance abuse)

(d) Other Qualifications for Supportive Services

- (1) It is not necessary that the services be provided at or by the project, if they are BHA approved/qualified services.
- (2) A Qualifying Family must have at least one member receiving at least one qualifying supportive service.
- (3) The BHA may not require participation in medical or disability-related services as a condition of living in an excepted Unit, other than drug and alcohol treatment in the case of current abusers as a condition of living in an excepted Unit, although such services may be offered.

(e) Participant Completion of Services or Service Contract.

If a Family at the time of initial tenancy is receiving, and while the resident of an excepted Unit has received, FSS supportive services or any other supportive services as defined in the BHA administrative plan, and successfully completes the FSS contract of participation or the supportive services requirement, the Unit continues to count as an excepted Unit for as long as the Family resides in the Unit.

(f) Participant Failure to Complete Supportive Services or Service Contract.

(1) Termination of Lease.

If a Family in an excepted Unit fails without good cause to complete its FSS contract of participation or if the Family fails to complete the supportive services requirement as outlined in this Administrative Plan, the BHA will take the actions provided under 24 C.F.R. § 983.261(d), and the Owner may terminate the Lease in accordance with 24 C.F.R. § 983.257(c). See also section 14.3.

(2) Termination of Assistance

At the time of initial Lease execution, the Family and the BHA must sign a statement of Family responsibility. The statement of Family responsibility must contain all Family obligations including the Family's participation in a service program under this section. Failure by the Family without good cause to fulfill its service obligation will require the BHA to terminate assistance.

(3) Unit Continues to be an Excepted Unit

If the Unit at the time of such termination is an excepted Unit, the exception continues to apply to the Unit as long as the Unit is made available to another Qualifying Family.

(g) BHA Monitoring of Supportive Services

Providers of supportive services are obligated to report to the BHA regarding any changes in the supportive services at least on annual basis. The BHA may request more frequent reports from supportive service agencies at its discretion. A supportive service agency must inform the BHA immediately when a Family fails to meet their supportive service requirements.

(1) Set-aside for Qualifying Families.

- (i) In leasing units in a multifamily building pursuant to the PBV HAP, the Owner must set aside the number of excepted Units made available for occupancy by Qualifying Families.
- (ii) The BHA may refer only Qualifying Families for occupancy of excepted Units.

(h) Ninety Percent Cap

The BHA may require a 90% (ninety percent) per- project cap on the number of Units that will receive PBV assistance or other project-based assistance in a multifamily building containing excepted Units.

16.2.4 Cap on Number of PBV Units in each Project Post HOTMA 4/18/2017

- (a) The BHA may not select a proposal to provide PBV assistance for Units in a project or enter into an Agreement or HAP Contract to provide PBV assistance for Units in a project, if the total number of dwelling units in the project that will receive PBV assistance exceeds 25 units or 25 percent of the total number of Units (assisted or unassisted) in the project whichever is greater, unless the project qualifies for an exception.
- (b) Exceptions to 25 unit/ 25 percent per project cap.
 - (1) Units in a single-family building (a building with no more than four dwelling units);
 - (2) Units in a multifamily building that are:

- (j) exclusively serving elderly families
 - (ii) made available for all Families that are eligible to receive supportive services, including families with a household member with a disability among other such populations. Supportive services need not be provided by the owner or on-site, but must be reasonably available to the families receiving PBV assistance at the project
 - a) Supportive Services that Qualify for an Exception. supportive services that qualify for an exception are those services that assist a person with a medical condition or disability or services that assist a Family in becoming self-sufficient. Examples of supportive services that qualify for an exception include but are not limited to:
 - 1) Household Training (e.g., homemaking, parenting skills, money management)
 - 2) Job Training (e.g., preparation and counseling, job development and placement, follow-up assistance after job placement, completion of FSS Contract of Family Participation)
 - 3) Services and Resources (appropriate to assist families to achieve economic independence and self-sufficiency)
 - 4) Child Care (provide sufficient hours of operation and serve an appropriate range of ages)
 - 5) Counseling for parents and other kinship relations caring for children with special needs (programs for families adopting children from MA Department of Social Services (~~DSS~~DCF), foster care programs, Grandfamily programs)
 - 6) Education (education for the completion of Secondary or post-secondary education)
 - 7) Substance Abuse Treatment (counseling and treatment for substance abuse)
 - (b) Other Qualifications for Supportive Services
 - (1) It is not necessary that the services be provided at or by the project, if they are BHA approved/qualified services.

(2) The BHA may not require participation in medical or disability-related services as a condition of living in an excepted Unit, other than drug and alcohol treatment in the case of current abusers as a condition of living in an excepted Unit, although such services may be offered.

(c) Participant Completion of Services or Service Contract. If a Family at the time of initial tenancy is receiving, and while the resident of an excepted Unit has received, FSS supportive services or any other supportive services as defined in the BHA administrative plan, and successfully completes the FSS contract of participation or the supportive services requirement, the Unit continues to count as an excepted Unit for as long as the Family resides in the Unit.

(d) Participant Failure to Complete Supportive Services or Service Contract.

(1) Termination of Lease.

If a Family in an excepted Unit fails without good cause to complete its FSS contract of participation or if the Family fails to complete the supportive services and is no longer eligible for the supportive services and does not vacate the unit in a reasonable amount of time the BHA is required to remove the unit from the HAP contract as outlined in this Administrative Plan, the BHA will take the actions provided under 24 C.F.R. § 983.261(d) and the Owner may terminate the Lease in accordance with 24 C.F.R. § 983.257(b). See also section 14.3. Unless, it is possible to substitute a different unit for the formerly excepted unit in the project in accordance with 983.207(a).

(2) Termination of Assistance

At the time of initial Lease execution, the Family and the BHA must sign a statement of Family responsibility. The statement of Family responsibility must contain all Family obligations including the Family's eligibility to participate in a service program under this section. The Failure by the Family without good cause to fulfill its service obligation will require the BHA to terminate the assistance of those families who are no longer eligible for said services as a result of the failure to complete the service contract. If a family is no longer eligible to receive the services offered, the family must vacate the unit within a reasonable period of time as noted above.

(3) Unit Continues to be an Excepted Unit

If the Unit at the time of such termination is an excepted Unit, the exception continues to apply to the Unit as long as the Unit is made available to another eligible Family.

(e) BHA Monitoring of Supportive Services

Providers of supportive services are obligated to report to the BHA regarding any changes in the supportive services at least on annual basis. The BHA may request more frequent reports from supportive service agencies at its discretion. A supportive service agency must inform the BHA immediately when a Family fails to meet their supportive service eligibility.

(1) Set-aside for Qualifying Families.

- (i) In leasing units in a multifamily building pursuant to the PBV HAP, the Owner must set aside the number of excepted Units made available for occupancy by eligible Families.
- (ii) The BHA may refer only Qualifying Families for occupancy of excepted Units.

(f) Ninety Percent Cap

The BHA may require a 90% (ninety percent) per- project cap on the number of Units that will receive PBV assistance or other project-based assistance in a multifamily building containing excepted Units.

(d) Projects that are in a census tract with a poverty rate of 20% or less, as determined in the most recent American Community Survey 5-Year Estimates.

(e) Projects not subject to Project Cap

_(a) Certain types of projects that were previously subject to certain federal rent restrictions or receiving another type of long-term housing subsidy provided by HUD are not subject to the Project Cap.

(1) Exception Requirements:

- (i) the unit must be covered by a PBV HAP contract that first became effective after 4/18/2017, and
- (ii) in the 5 years prior to the date the PHA either (a) issued the RFP under which the project was selected or (b) selected the project without competition, the unit met at least one of the two following conditions:
 - (a) the unit received one of the following types of HUD assistance:
 - (i) Public Housing Capital or Operating Funds;
 - (ii) other Project Based Rental Assistance, including Moderate Rehabilitation and SRO Program;
 - (iii) Housing for Elderly (§202 of the Housing Act of 1959);
 - (iv) Housing for persons with Disabilities (§811 of the Cranston Gonzalez National Affordable Housing Act);

- (v) The Rent Supplement Program (§101 of the Housing and Urban Development Act of 1965);
- (vi) The Rental Assistance Program (§236(f)(2) of the National Housing Act; or
- (b) the unit was subject to a rent restriction as a result of one of the following HUD programs:
 - (i) §236;
 - (ii) §221(d)(3) or (d)(4) BMIR;
 - (iii) Housing for Elderly (§202 of the Housing Act of 1959);
 - (iv) Housing for persons with Disabilities (§811 of the Cranston Gonzalez National Affordable Housing Act).
- (b) Any PBV assistance provided to these properties may be used to project base up to 100% of the units in the project.
- (c) Both existing units and rehabilitated units qualify for the exception under this section.
 - (i) new construction units qualify as replacement housing if:
 - (a) the unit that it is replacing received one of the two forms of HUD assistance listed above within 5 years from the date the PHA either issued the RFP under which the PBV new construct project was selected or selected the PBV new construction project under a prior competition or without competition, the date of selection is the date the PHA notice of owner selection.
 - (b) the new unit is located on the same site as the unit it is replacing;
 - (c) one of the primary purposes of the planned development of the PBV new construction project is or was to replace the affordable rental units that existed at the site, as evidenced by at least one of the following:
 - (i) Former residents of the original project are provided with a selection preference that provided the family with the right of first occupancy at the PBV new construction project when it is ready for occupancy.
 - (ii) Prior to demolition of the original project, the PBV new construction project was specifically identified as replacement housing for that original project as part of a documented plan for redevelopment of the site.
 - (ii) The unit size confirmation and number of units may differ from the original project that the PBV units are replacing, as well as the total number of units. However, under no may the project cap exception be applied to PBV new construction units that exceed the total number of covered units in the original project that the PBV units are replacing.

16.2.5 Site Selection Standards

The BHA's site selection standards must comply with PBV goals, civil rights requirements, and HQS.

The BHA may not select a proposal for existing, newly constructed, or rehabilitated PBV housing on a site or enter into an Agreement or HAP Contract for Units on the site, unless the BHA has determined that:

- (a) Project-based assistance for housing at the selected site is consistent with the goal of deconcentrating poverty and expanding housing and economic opportunities. The standard for

deconcentrating poverty and expanding housing and economic opportunities must be consistent with the BHA Annual Plan, the BHA Administrative Plan, and 24 C.F.R. part 903. In developing the standards to apply in determining whether a proposed PBV development will be selected, the BHA shall consider the following:

- (1) Whether the census tract in which the proposed PBV development will be located is in a HUD-designated Enterprise Zone, Economic Community, or Renewal Community;
 - (2) Whether a PBV development will be located in a census tract where the concentration of assisted Units will be or has decreased as a result of public housing demolition;
 - (3) Whether the census tract in which the proposed PBV development will be located is undergoing significant revitalization;
 - (4) Whether state, local, or federal dollars have been invested in the area that has assisted in the achievement of the statutory requirement for the deconcentration of poverty at 24 C.F.R. part 903;
 - (5) Whether new market rate Units are being developed in the same census tract where the proposed PBV development will be located and the likelihood that such market rate Units will positively impact the poverty rate in the area;
 - (6) If the poverty rate in the area where the proposed PBV development will be located is greater than 20 percent, the PHA may consider whether in the past five years there has been an overall decline in the poverty rate;
 - (7) Whether there are meaningful opportunities for educational and economic advancement in the census tract where the proposed PBV development will be located.
- (b) The site is suitable from the standpoint of facilitating and furthering full compliance with the applicable provisions of Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d-2000d(4)) and HUD's implementing regulations at 24 C.F.R. Part 1; Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601-3629); and HUD's implementing regulations at 24 C.F.R. Parts 100 through 199; Executive Order 11063 (27 FR 11527; 3 C.F.R., 1959-1963 Comp., p. 652) and HUD's implementing regulations at 24 C.F.R. Part 107. The site must meet the section 504 site selection requirements described in 24 C.F.R. § 8.4(b)(5).

- (c) The site meets the HQS site standards at 24 C.F.R. § 982.401(l).

(d)

16.2.6 BHA PBV Site Selection Policy

- (a) Each prospective BHA PBV site applicant must demonstrate to the BHA that their respective project satisfies the goals of deconcentrating poverty and expanding housing and economic opportunity, regardless of the project's poverty rate as defined by the most recent census data. The BHA will make its assessment of an applicant project's compliance with achieving these goals based on the totality of the applicant's response, taking into consideration the target population to be served (i.e., Family, Elderly, Disabled, and populations needing supportive services.
- (b) The BHA will also further assess each proposal to determine if they achieve the following BHA Agency Plan objectives:
 - (1) Development and maintenance of an adequate supply of safe, decent housing that is affordable to residents with a range of income levels and household needs;
 - (2) Assurance that a resident with long term support needs have access to appropriate services and accessible community and housing options.
 - (3) Assurance of full and fair access to housing for all residents.

16.2.7 Environmental Review

The local governmental Unit responsible (RE or Responsible Entity) for the federal environmental review under the National Environmental Protection Act (NEPA) of 1969 (42 U.S.C. § 42331 et. Seq.)²³ will conduct environmental reviews in connection with the project-based program. If the responsible entity declines to do the review then HUD may perform the environmental review itself.

(a) Existing Housing

The RE will determine whether the existing building is excluded from environmental review. The RE will also determine whether

²³ The Boston Environmental Department is responsible for environmental review under NEPA in the City of Boston. The department analyzes projects for potential environmental impacts on the City of Boston and its residents. The reviews identify specific environmental impacts and the department suggests potential solutions.

or not the assistance is subject to review under the laws and authorities under 24 C.F.R. § 58.5.

- (b) The BHA may not enter into an Agreement or HAP Contract with an Owner, and the BHA, the Owner, and its contractors may not acquire, rehabilitate, convert, lease, repair, dispose of, demolish, or construct real property or commit or expend program or local funds for PBV activities under this part, until the following HUD environmental requirements are met:
 - (1) The RE entity has completed the environmental review and HUD has approved the environmental certification and request for release of funds;
 - (2) The RE has determined that the project to be assisted is exempt from an environmental review or is categorically excluded and not subject to compliance with environmental laws under 24 C.F.R. § 58.35(b); or
 - (3) HUD has performed an environmental review and has notified the BHA in writing of environmental approval of the site.

(c) Mitigating Circumstances

The BHA must require the Owner to carry out mitigating circumstances required by the RE or required by HUD.

(d) Verification

The BHA will keep verification of the review or verification of the exemption in the BHA file for the building.

16.2.8 BHA-owned Units

- (a) The selection of BHA-owned Units must be done in accordance with 24 C.F.R. § 983.51(e) and section 15.2.5 of this Administrative Plan.
- (b) Inspection and determination of reasonable rent by independent entity
 - (1) The BHA will have the units inspected by an independent entity to be sure the Units meet the requirements of HQS and Chapter II of the State Sanitary Code.
 - (2) The BHA will have the reasonable rent determined by a HUD-approved appraisal or, by a licensed HUD approved appraiser by a licensed state certified appraiser.

(c) Nature of independent entity

The independent entity that performs these program services may be the Unit of general local government for the BHA jurisdiction (unless the BHA is itself the Unit of general local government or an agency of such government) or another HUD-approved public or private independent entity.

(d) Payment to independent entity and appraiser

- (1) The BHA may only compensate the independent entity and appraiser from BHA ongoing administrative fee income (including amounts credited to the administrative fee reserve). The BHA may not use other program receipts to compensate the independent entity and appraiser for their services.
- (2) The BHA, independent entity, and appraiser may not charge the Family any fee for the appraisal or the services provided by the independent entity.

16.3 Dwelling Units

16.3.1 Housing accessibility for persons with Disabilities

(a) Program accessibility.

The housing must comply with program accessibility requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) and implementing regulations at 24 C.F.R. part 8. The BHA shall ensure that the percentage of accessible dwelling Units complies with the requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), as implemented by HUD's regulations at 24 C.F.R. Part 8, Subpart C.

(b) Design and construction.

Housing first occupied after March 13, 1991, must comply with design and construction requirements of the Fair Housing Amendments Act of 1988 and implementing regulations at 24 C.F.R. § 100.205, as applicable.

16.3.2 Inspecting Units

(a) Pre-selection inspection.

(1) Inspection of site

The BHA must examine the proposed site before the proposal selection date.

(2) Inspection of existing Units

If the units to be assisted already exist, the BHA must inspect all the units before the proposal selection date, and must determine whether the Units substantially comply with the HQS. To qualify as existing housing, Units must substantially comply with the HQS on the proposal selection date. However, the BHA may not execute the HAP Contract until the Units fully comply with the HQS.

(b) Pre-HAP Contract inspections

The BHA must inspect each contract Unit before execution of the HAP Contract. The PHA may not enter into a HAP Contract covering a Unit until the Unit fully complies with the HQS.

(c) Turnover inspections.

Before providing assistance to a new Family in a contract Unit, the BHA must inspect the Unit. The BHA may not provide assistance on behalf of the Family until the Unit fully complies with the HQS.

(d) Routine inspections.

(1) At least biennially during the term of the HAP Contract, the PHA must inspect a random sample, consisting of at least twenty percent (20%) of the contract units in each building, to determine if the contract Units and the premises are maintained in accordance with the HQS. Turnover inspections pursuant to paragraph (c) of this section are not counted toward meeting this annual inspection requirement.

(2) If more than twenty percent (20%) of the sample of inspected contract Units in a building fail the initial inspection, the BHA must re-inspect one hundred percent (100%) of the contract Units in the building.

(e) Other inspections.

(1) The BHA must inspect contract units whenever needed to determine that the contract Units comply with the HQS and that the Owner is providing maintenance, utilities, and other services in accordance with the HAP Contract. The BHA must take into account complaints and any other information coming to its attention in scheduling inspections.

(2) The BHA must conduct follow-up inspections needed to determine if the Owner (or, if applicable, the Family) has corrected an HQS violation, and must conduct inspections

to determine the basis for exercise of contractual and other remedies for Owner or Family violation of the HQS.

- (3) In conducting BHA supervisory quality control HQS inspections, the BHA should include a representative sample of both tenant-based and project-based Units.

(f) Inspecting BHA-owned Units

- (1) In the case of BHA-owned Units, the inspections required under this section must be performed by an independent agency designated in accordance with section 15.2.7 of this Administrative Plan, rather than by the BHA.
- (2) The independent entity must furnish a copy of each inspection report to the BHA and to the HUD field office where the project is located.
- (3) The BHA must take all necessary actions in response to inspection reports from the independent agency, including exercise of contractual remedies for violation of the HAP Contract by the BHA Owner.

16.3.3 Requirements for Rehabilitated and Newly Constructed Units

An Owner or project sponsor, must enter into an Agreement to Enter in to a Housing Assistance Payments contract (AHAP) before any demolition, construction, or rehabilitation takes place. For the purposes of this section commencement of construction occurs when excavation, or site preparation (including clearing of the land) begins. This requirement only applies to non-existing PBV Units.

16.3.4 Purpose and content of the Agreement to enter into HAP Contract

(a) Requirement

The BHA must enter into an Agreement (AHAP) with the Owner to enter in a HAP Contract.

(b) Purpose of the AHAP

In the Agreement the Owner agrees to develop the contract units to comply with the HQS, and the BHA agrees that, upon timely completion of such development in accordance with the terms of the Agreement, the BHA will enter into a HAP Contract with the Owner for the contract Units.

(c) Description of Housing.

The AHAP must describe the following features of the housing to be developed (newly constructed or rehabilitated) and assisted under the PBV program:

- (1) Site and evidence of site control;
- (2) Location of contract Units on site;
- (3) Number of contract Units by area (size) and number of bedrooms and bathrooms;
- (4) Services, maintenance, or equipment to be supplied by the Owner without charges in addition to the rent;
- (5) Utilities available to the contract Units, including a specification of utility services to be paid by Owner (without charges in addition to rent) and utility services to be paid by the Tenant;
- (6) Indication of whether or not the design and construction requirements of the Fair Housing Act and implementing regulations at 24 C.F.R. § 100.205 and the accessibility requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) and implementing regulations at 24 C.F.R. §§ 8.22 and 8.23 apply to units under the Agreement. If these requirements are applicable, any required work item resulting from these requirements must be included in the description of work to be performed under the Agreement, as specified in paragraphs (c)(1 – 8) of this section.
- (7) Initial rents to Owner for the contract Units;
- (8) Description of the work to be performed under the Agreement. If the Agreement is for rehabilitation of units, the work description must include the rehabilitation work write up and, where determined necessary by the BHA, specifications, and plans. If the Agreement is for new construction, the work description must include the working drawings and specifications.

(d) Additional Requirements Established by the BHA

The BHA may also establish, in the AHAP, additional requirements for quality, architecture, or design of PBV housing, over and above the minimum requirements of HQS.

16.3.5 Conduct of New Construction and Rehabilitation Work

- (a) Development requirements.

The Owner must carry out development work in accordance with the Agreement and the requirements of this section.

(b) Labor standards.

- (1) In the case of an Agreement for development of nine or more contract units (whether or not completed in stages), the Owner and the Owner's contractors and subcontractors must pay Davis-Bacon wages to laborers and mechanics employed in development of the housing.
- (2) The HUD prescribed form of Agreement shall include the labor standards clauses required by HUD, such as those involving Davis-Bacon wage rates.
- (3) The Owner and the Owner's contractors and subcontractors must comply with the Contract Work Hours and Safety Standards Act, Department of Labor regulations in 29 C.F.R. part 5, and other applicable federal labor relations laws and regulations. The PHA must monitor compliance with labor standards.

(c) Equal opportunity.

(1) Equal employment opportunity.

The Owner must comply with federal equal employment opportunity requirements of Executive Orders 11246 as amended (3 C.F.R., 1964-1965 Comp., p. 339), 11625 (3 C.F.R., 1971-1975 Comp., p. 616), 12432 (3 C.F.R., 1983 Comp., p. 198) and 12138 (3 C.F.R., 1977 Comp., p. 393).

(2) Eligibility to participate in federal programs and activities.

The Agreement and HAP Contract shall include a certification by the Owner that the Owner and other project principals (including the officers and principal members, shareholders, investors, and other parties having a substantial interest in the project) are not on the U.S. General Services Administration list of parties excluded from federal procurement and non-procurement programs.

(3) Disclosure of conflict of interest.

The Owner must disclose any possible conflict of interest that would be a violation of the Agreement, the HAP Contract, or HUD regulations.

16.3.6 Completion of Housing

(a) Completion deadline.

The Owner must develop and complete the housing in accordance with the Agreement. The Agreement must specify the deadlines for completion of the housing and for submission by the Owner of the required evidence of completion.

(b) Required evidence of completion.

(1) Minimum submission.

At a minimum, the Owner must submit the following evidence of completion to the BHA in the form and manner required by the BHA:

- (i) Owner certification that the work has been completed in accordance with the HQS and all requirements of the Agreement; and
- (ii) Owner certification that the Owner has complied with labor standards and equal opportunity requirements in development of the housing.

(2) Additional documentation.

At the discretion of the BHA, the Agreement may specify additional documentation that must be submitted by the Owner as evidence of housing completion. For example, such documentation may include:

- (i) A certificate of occupancy or other evidence that the units comply with local requirements (such as code and zoning requirements);
- (ii) An architect's certification that the housing complies with:

(A) HUD housing quality standards;

(B) State, local, or other building codes;

(C) Zoning;

(D) The rehabilitation work write-up (for rehabilitated housing) or the work description (for newly constructed housing); or

(E) Any additional design or quality requirements pursuant to the Agreement.

(c) BHA determination of completion.

When the BHA has received Owner notice that the housing is completed:

- (1) Upon notice from the Owner, the BHA must inspect to determine if the housing has been completed in accordance with the Agreement, including compliance with the HQS and any additional requirement imposed by the BHA under the Agreement.
- (2) The BHA must determine if the Owner has submitted all required evidence of completion.
- (3) If the work has not been completed in accordance with the Agreement, the BHA must not enter into the HAP Contract.

(d) Execution of HAP Contract.

If the BHA determines that the housing has been completed in accordance with the Agreement and that the Owner has submitted all required evidence of completion, the BHA must submit the HAP Contract for execution by the Owner and must then execute the HAP Contract.

16.4 Housing Assistance Payments Contract

16.4.1 Purpose of HAP Contract

The purpose of the HAP Contract is to provide housing assistance payments for eligible families. The BHA makes housing assistance payments to the Owner in accordance with the HAP Contract. Housing assistance is paid for contract Units leased and occupied by eligible families during the HAP Contract term.

16.4.2 HAP Contract information.

The HAP Contract must specify:

- (a) The total number of contract units by number of bedrooms;
- (b) Information needed to identify the site and the building or buildings where the contract units are located. The information must include the project's name, street address, city or county, state and zip code, block and lot number (if known), and any other information necessary to clearly identify the site and the building;
- (c) Information needed to identify the specific contract units in each building. The information must include the number of contract

units in the building, the location of each contract Unit, the area of each contract Unit, and the number of bedrooms and bathrooms in each contract unit;

- (d) Services, maintenance, and equipment to be supplied by the Owner without charges in addition to the rent;
- (e) Utilities available to the contract units, including a specification of utility services to be paid by the Owner (without charges in addition to rent) and utility services to be paid by the tenant;
- (f) Features provided to comply with program accessibility requirements of Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) and implementing regulations at 24 C.F.R. part 8;
- (g) The HAP Contract term;
- (h) The number of units in any building that will exceed the 25 percent per building cap (as described in 24 C.F.R. § 983.56), which will be set-aside for occupancy by Qualifying Families; and
- (i) The initial Rent to Owner (for the first 12 months of the HAP Contract term).

16.4.3 When HAP Contract is Executed

- (a) BHA inspection of housing.
 - (1) Before execution of the HAP Contract, the BHA must inspect each contract Unit in accordance with 24 C.F.R. § 983.103(b).
 - (2) The BHA may not enter into a HAP Contract for any contract Unit until the BHA has determined that the Unit complies with the HQS.
- (b) Newly constructed or rehabilitated housing.
 - (1) In the case of newly constructed or rehabilitated housing the HAP Contract shall be executed after the BHA has inspected the completed units and has determined that the units have been completed in accordance with the Agreement and the Owner has furnished all required evidence of completion (see 24 C.F.R. §§ 983.155 and 983.156).
 - (2) In the HAP Contract, the Owner certifies that the units have been completed in accordance with the Agreement. Completion of the units by the Owner and acceptance of units by the BHA is subject to the provisions of the Agreement.

16.4.4 Term of HAP Contract

(a) Initial term.

The BHA may enter into a HAP Contract with an Owner for an initial term of up to twenty years for each contract Unit. The length of the term of the HAP Contract for any contract Unit may not be less than one year, nor more than twenty years.

(b) Extension of term.

At any time prior to the expiration of the contract, the BHA may agree to extend the term of the HAP Contract for an additional term of up to twenty years if the BHA determines an extension is appropriate to continue providing affordable housing for low-income families. Subsequent extensions are subject to the same limitations. Any extension of the term must be on the form and subject to the conditions prescribed by HUD at the time of the extension. If the project is a PHA owned project any change in the initial term and any subsequent extension is also subject to the approval of the independent entity as approved by HUD in accordance with 24 C.F.R. 983.59 and See also Section 15.2.7

(c) Termination by BHA.

- (1) The HAP Contract must provide that the term of the PHA's contractual commitment is subject to the availability of sufficient appropriated funding (budget authority) as determined by HUD or by the PHA in accordance with HUD instructions. For purposes of this section, "sufficient funding" means the availability of appropriations, and of funding under the ACC from such appropriations, to make full payment of housing assistance payments to the Owner for any contract year in accordance with the terms of the HAP Contract.
- (2) The availability of sufficient funding must be determined by HUD or by the BHA in accordance with HUD instructions. If it is determined that there may not be sufficient funding to continue housing assistance payments for all contract units and for the full term of the HAP Contract, the BHA has the right to terminate the HAP Contract by notice to the Owner for all or any of the contract units. Such action by the BHA shall be implemented in accordance with HUD instructions. The BHA reserves the right to exercise full and unencumbered discretion as to which HAP Contract may or may not be terminated due to insufficient funding, including all PBV contracts in those areas not specifically referenced by a HUD directive.

- (3) The BHA may terminate the contract or reduce the number of units under the contract if it is determined that the owner is not leasing to program eligible families in accordance with 24 CFR 983.253(a).
- (4) The BHA may reduce the number units on a contract that have been vacant for 120 days or more.
- (d) Termination by Owner--reduction below initial rent.

The Owner may terminate the HAP Contract, upon notice to the BHA, if the amount of the Rent to Owner for any contract Unit, as adjusted in accordance with 24 C.F.R. § 983.302, is reduced below the amount of the initial Rent to Owner (Rent to Owner at the beginning of the HAP Contract term). In this case, the assisted families residing in the contract units will be offered tenant-based voucher assistance.

16.4.5 HAP Contract Amendments

- (a) Amendment to substitute contract units.

At the discretion of the BHA and subject to all PBV requirements, the HAP Contract may be amended to substitute a different Unit with the same number of bedrooms in the same building for a previously covered contract Unit. Prior to such substitution, the BHA must inspect the proposed substitute Unit and must determine the reasonable rent for such Unit.

- (1) If an income ineligible family remains in occupancy of a PBV unit under contract, the owner can opt to have that unit reinstated once the family vacates, provided the project is fully assisted (See 15.5.4(b)(2)).

- (b) Amendment to add contract units.

At the discretion of the BHA, and provided that the total number of units in a building that will receive PBV assistance or other project-based assistance will not exceed the greater of 25 units (assisted or unassisted) in a non-exception project or 25 percent of the of the units in the project provided there is sufficient annual budget authority as provided in 24 C.F.R. § 983.6, a HAP Contract may be amended to add additional PBV contract units.. An amendment to the HAP Contract is subject to all PBV requirements (e.g., rents are reasonable), except that a new PBV request for proposals is not required. The anniversary and expiration dates of the HAP Contract for the additional units must be the same as the anniversary and expiration dates of the HAP Contract term for the PBV units originally placed under HAP Contract. The BHA will exercise its discretion to add units to a

PBV contract by mutual agreement with the owner from time to time. See Attachment for details regarding specific projects.

(c) Amendment to add a preference - At the discretion of the BHA and subject to all PBV requirements, the HAP Contract may be amended to add a preference.

(c) Staged completion of contract units.

Even if contract units are placed under the HAP Contract in stages commencing on different dates, there is a single annual anniversary for all contract units under the HAP Contract. The annual anniversary for all contract units is the annual anniversary date for the first contract units placed under the HAP Contract. The expiration of the HAP Contract for all the contract units completed in stages must be concurrent with the end of the HAP Contract term for the units originally placed under HAP Contract.

16.4.6 Condition of Contract Units

(a) Owner maintenance and operation.

- (1) The Owner must maintain and operate the contract units and premises in accordance with the HQS, including performance of ordinary and extraordinary maintenance.
- (2) The Owner must provide all the services, maintenance, equipment, and utilities specified in the HAP Contract with the BHA and in the Lease with each assisted Family.
- (3) At the discretion of the BHA, the HAP Contract may also require continuing Owner compliance during the HAP term with additional housing quality requirements specified by the BHA (in addition to, but not in place of, compliance with the HUD-prescribed HQS). Such additional requirements may be designed to assure continued compliance with a design, architecture, or quality requirement specified in the Agreement.

(b) Remedies for HQS violation.

- (1) The BHA must vigorously enforce the Owner's obligation to maintain contract units in accordance with the HQS. The BHA may not make any HAP payment to the Owner for a contract Unit covering any period during which the contract Unit does not comply with the HQS.
- (2) If the BHA determines that a contract Unit is not in accordance with the housing quality standards (or other HAP Contract requirement), the BHA may exercise any of its remedies under the HAP Contract for all or any contract units. Such remedies include termination of housing assistance payments, abatement or reduction of housing

assistance payments, reduction of contract units, and termination of the HAP Contract. If the BHA terminates the HAP Contract for a particular PBV Unit the BHA will attempt to relocate the participant to another PBV Unit. If there are no PBV units available in the building or otherwise suitable, the BHA will offer the Family a tenant-based voucher if they are available. If the Family has been in the PBV program for more than one-year, the Family may request a tenant-based voucher.

- (c) Maintenance and replacement--Owner's standard practice.

Maintenance and replacement (including redecoration) must be in accordance with the standard practice for the building concerned as established by the Owner.

16.4.7 Owner Responsibilities

The Owner is responsible for performing all of the Owner responsibilities under the Agreement and the HAP Contract. 24 C.F.R. § 982.452 (Owner Responsibilities) applies.

16.4.8 Owner Certification

By execution of the HAP Contract, the Owner certifies that at such execution and at all times during the term of the HAP Contract:

- (a) All contract units are in good and tenantable condition. The Owner is maintaining the premises and all contract units in accordance with the HQS.
- (b) The Owner is providing all the services, maintenance, equipment, and utilities as agreed to under the HAP Contract and the Leases with assisted families.
- (c) Each contract Unit for which the Owner is receiving housing assistance payments is leased to an eligible Family referred by the BHA, and the Lease is in accordance with the HAP Contract and HUD requirements.
- (d) To the best of the Owner's knowledge, the members of the Family reside in each contract Unit for which the Owner is receiving housing assistance payments, and the Unit is the Family's only residence.
- (e) The Owner (including a principal or other interested party) is not the spouse, parent, child, grandparent, grandchild, sister, or brother of any member of a Family residing in a contract Unit.
- (f) The amount of the housing assistance payment is the correct amount due under the HAP Contract.

- (g) The Rent to Owner for each contract Unit does not exceed rents charged by the Owner for other comparable unassisted Units.
- (h) Except for the housing assistance payment and the tenant rent as provided under the HAP Contract, the Owner has not received and will not receive any payment or other consideration (from the Family, the BHA, HUD, or any other public or private source) for rental of the contract Unit.
- (i) The Family does not own or have any interest in the contract Unit.

16.5 Occupancy

16.5.1 How Participants are Selected

- (a) Who may receive PBV assistance?
 - (1) The BHA may select Families who are Participants in the BHA's tenant-based voucher program and Families who have applied for admission to the voucher program.
 - (2) Except for voucher participants (determined eligible at original admission to the voucher program), the BHA may only select families determined eligible for admission at commencement of PBV assistance.
 - (3) The BHA maintains site based waiting lists for each PBV Development in its portfolio. An otherwise eligible applicant has the ability to apply for any and all open site based waiting lists
 - (4) An Eligible applicant with the earliest approval date, Priority and/or Preference(s) will receive one offer of an apartment of appropriate size at a PBV site of choice. Failure to accept the first housing offer will result in the withdrawal from the particular site where the offer was made.
Failure to accept the housing offer will result in the withdrawal from all PBV site based waiting lists. The Applicant will lose any approved Priority and/or Preference. Furthermore, the Applicant will only be eligible to re-apply after one year from the date of the most recent apartment assignment rejection

Withdrawal from a PBV site based waiting list(s) will have no effect on an applicant's position on either the BHA's tenant based HCVP waiting list or the BHA's Public Housing waiting list(s).

(b) Protection of in-place Families.

- (1) The term "in-place Family" means an eligible Family residing in a proposed contract Unit on the proposal selection date.
- (2) In order to minimize displacement of in-place families, if a Unit to be placed under contract that is either an existing Unit or one requiring rehabilitation is occupied by an eligible Family on the proposal selection date, the in-place Family must be placed on the BHA's waiting list (if the Family is not already on the list) and, once its continued eligibility is determined, given an absolute selection preference and referred to the project Owner for an appropriately sized PBV Unit in the project. (However, the BHA may deny assistance for the grounds specified in 24 C.F.R. § 982.552 and 982.553.) Admission of such families is not subject to income-targeting under 24 C.F.R. § 982.201(b)(2)(i), and such families must be referred to the Owner from the BHA's waiting list. BHA shall give such families priority for admission to the PBV program. This protection does not apply to families that are not eligible to participate in the program on the proposal selection date.

16.5.2 BHA Information for Accepted Family

(a) Oral briefing.

When a Family accepts an offer of PBV assistance, the BHA must give the Family an oral briefing. The briefing must include information on the following subjects:

- (1) A description of how the program works; and
- (2) Family and owner responsibilities.

(b) Information packet.

The BHA must give the Family a packet that includes information on the following subjects:

- (1) How the BHA determines the total tenant payment for a Family;
 - (2) Family obligations under the program; and
 - (3) Applicable fair housing information.
- (c) Providing information for persons with Disabilities.

- (1) If the Family head or spouse is a Disabled Person, the BHA must take appropriate steps to assure effective communication, in accordance with 24 CFR 8.6, in conducting the oral briefing and in providing the written information packet, including in alternative formats.
 - (2) The BHA shall have some mechanism for referring to accessible PBV units to a Family that includes a person with mobility impairment.
- (d) Providing information for persons with limited English ability.

The BHA will communicate with persons of limited English ability in accordance with section 1.3.4.

16.5.3 Leasing of Contract Units

(a) Owner selection of tenants.

- (1) During the term of the HAP contract, the owner must Lease contract units only to eligible Families selected and referred by the BHA from the BHA waiting list.
- (2) The owner is responsible for adopting written tenant selection procedures that are consistent with the purpose of improving housing opportunities for very Low-Income Families and reasonably related to program eligibility and an applicant's ability to perform the lease obligations.
- (3) An owner must promptly notify in writing any rejected applicant of the grounds for any rejection.

(b) Size of unit.

The contract unit Leased to each Family must be appropriate for the size of the Family under the BHA's subsidy standards. See section 15.5.9

16.5.4 Vacancies

(a) Filling vacant units.

- (1) The Owner must promptly notify the BHA of any vacancy or expected vacancy in a contract unit. After receiving the owner notice, the BHA must make every reasonable effort to refer promptly a sufficient number of Families for the owner to fill such vacancies.

- (2) The Owner must Lease vacant contract units only to eligible Families on the BHA waiting list referred by the BHA.
- (3) The BHA and the Owner must make reasonable good faith efforts to minimize the likelihood and length of any vacancy.

(b) Reducing number of contract units.

- (1) If any contract units have been vacant for a period of 120 or more days since owner notice of vacancy (and notwithstanding the reasonable good faith efforts of the BHA to fill such vacancies), the BHA may give notice to the owner amending the HAP contract to reduce the number of contract units by subtracting the number of contract units (by number of bedrooms) that have been vacant for such period.
- (2) If a unit is occupied by a family whose income increases or exceeds the rent to owner the unit must be removed from the HAP contract 180 days after the last HAP payment .

The BHA may add units to the building by amending the HAP contract in accordance with section 15.4.5

16.5.5 Tenant Screening

(a) BHA option.

- (1) The BHA will screen tenants for eligibility. The owner is also responsible for screening tenants.

(b) Owner responsibility

- (1) The owner is responsible for screening of families on the basis of their tenancy histories. An owner may consider a Family's background with respect to such factors as:

(i) Payment of rent and utility bills;

(ii) Caring for a unit and premises;

(iii) Respecting the rights of other residents to the peaceful enjoyment of their housing;

(iv) Drug-related criminal activity or other criminal activity that is a threat to the health, safety, or property of others; and

(v) Compliance with other essential conditions of tenancy;

(c) Providing tenant information to owner.

- (1) The BHA will provide information to the owner in accordance with section 7.3.3:

16.5.6 Lease

(a) Tenant's legal capacity

The tenant must have legal capacity to enter a Lease under State and local law. "Legal capacity" means that the tenant is bound by the terms of the Lease and may enforce the terms of the Lease against the Owner.

(b) Form of Lease

- (1) The tenant and the Owner must enter a written Lease for the Unit. The Lease must be executed by the Owner and the tenant.
- (2) If the Owner uses a standard Lease form for rental to unassisted tenants in the locality or the premises, the Lease must be in ~~such a standard form, except as provided in paragraph (b)(4) of this section. If the Owner does not use a standard Lease form for rental to unassisted tenants, the Owner may use another form of Lease, such as a BHA model Lease.~~
- (3) In all cases, the Lease must include a HUD-required tenancy addendum. The tenancy addendum must include, word-for-word, all provisions required by HUD.
- (4) ~~The BHA will review the Owner's Lease form to determine if the Lease complies with State and local law. The BHA may decline to approve the tenancy if the BHA determines that the Lease does not comply with state or local law.~~

(c) Required information

The Lease must specify all of the following:

- (1) The names of the Owner and the tenant;
- (2) The Unit rented (address, Apartment number, if any, and any other information needed to identify the leased contract unit);
- (3) The term of the Lease (initial term and any provision for renewal);

- (4) The amount of the tenant Rent to Owner. The tenant Rent to Owner is subject to change during the term of the Lease in accordance with HUD requirements;
- (5) A specification of what services, maintenance, equipment, and utilities are to be provided by the Owner; and
- (6) The amount of any charges for food, furniture, or supportive services.

(d) Tenancy addendum

- (1) The tenancy addendum in the Lease shall state:
 - (i) The program tenancy requirements (as specified in this part);
 - (ii) The Family Composition as approved by the BHA (names of Family members and any BHA-approved Live-In-Aide).
- (2) All provisions in the HUD-required tenancy addendum must be included in the Lease. The terms of the tenancy addendum shall prevail over other provisions of the Lease.

(e) Changes in Lease

- (1) If the tenant and the Owner agree to any change in the Lease, such change must be in writing, and the Owner must immediately give the BHA a copy of all such changes.
- (2) The Owner must notify the BHA in advance of any proposed change in Lease requirements governing the allocation of tenant and Owner responsibilities for utilities. Such changes may be made only if approved by the BHA and in accordance with the terms of the Lease relating to its amendment. The BHA must redetermine reasonable rent, in accordance with 24 C.F.R. § 983.303(c), based on any change in the allocation of responsibility for utilities between the Owner and the tenant, and the redetermined reasonable rent shall be used in calculation of Rent to Owner from the effective date of the change.

(f) Initial term of Lease.

The initial Lease term must be for at least one year.

- (g) Lease provisions governing tenant absence from the Unit.

The Lease may specify a maximum period of tenant absence from the Unit that is shorter than the maximum period permitted by BHA policy.

16.5.7 Owner Termination of Tenancy and Eviction

(a) In general.

24 C.F.R. § 982.310 applies with the exception that §§ 982.310(d)(1)(iii) and (iv) do not apply to the PBV program. (In the PBV program, "good cause" does not include a business or economic reason or desire to use the Unit for an individual, Family, or non-residential rental purpose.) 24 C.F.R. §§ 5.858-5.861 on eviction for drug and alcohol abuse apply to this part.

(b) Upon Lease expiration, an Owner may:

- (1) Renew the Lease;
- (2) Refuse to renew the Lease for good cause as stated in paragraph (a) of this section;
- (3) Refuse to renew the Lease without good cause, in which case the BHA would provide the Family with a tenant-based voucher, if available, and the Unit would be removed from the PBV HAP Contract.

(c) If a Family resides in a project-based Unit excepted from the twenty five percent (25%) per-building cap on project-basing because of participation in an FSS or other supportive services program, and the Family fails, without good cause, to complete its FSS contract of participation or supportive services requirement, such failure is grounds for Lease termination by the Owner.

16.5.8 Security deposit: amounts owed by tenant

(a) The Owner may collect a security deposit from the tenant in accordance with Massachusetts State law.

16.5.9 Overcrowded, under-occupied, and accessible units

(a) Family occupancy of wrong-size or accessible Unit.

The BHA subsidy standards determine the appropriate Unit size for the Family size and composition. If the BHA determines that a Family is occupying a:

- (1) Wrong-size Unit, or

- (2) Unit with accessibility features that the Family does not require, and the Unit is needed by a Family that requires the accessibility features, the BHA must promptly notify the Family and the Owner of this determination, and of the BHA's offer of continued assistance in another Unit pursuant to paragraph (b) of this section.

(b) BHA offer of continued assistance.

(1) If a Family is occupying a:

- (i) Wrong-size Unit, or
- (ii) Unit with accessibility features that the Family does not require, and the Unit is needed by a Family that requires the accessibility features, the BHA must offer the Family the opportunity to receive continued housing assistance in another Unit.

(2) The BHA will offer continued housing assistance in the form of:

- (i) PBV assistance in an appropriate-size Unit (in the same building or in another building);
 - (A) When offering continued assistance in another PBV Unit, the BHA will first attempt to place the Family in the same project. If no units are available in the same project, the BHA will attempt to offer the Family a PBV Unit with same Owner. If a Unit is not available in the same project or with the same Owner, then the BHA will offer the Family any other PBV Unit that they qualify for.
Or:
- (ii) Tenant-based rental assistance under the voucher program

(c) BHA termination of housing assistance payments

- (1) If the BHA offers the Family the opportunity to receive tenant-based rental assistance under the voucher program, the BHA must terminate the housing assistance payments for a wrong-sized or accessible Unit at expiration of the term of the Family's voucher (including any extension granted by the BHA) or the date the family vacates the unit, whichever comes first.

- (a) If the family does not vacate the unit by the voucher expiration date, the BHA must remove the unit from the HAP contract.
- (2) If the BHA offers the Family the opportunity for another form of continued housing assistance in accordance with paragraph (b)(2) of this section (not in the tenant-based voucher program), and the Family does not accept the offer within fourteen (14) days of the date of the offer (or rejects the offer), and does not move out of the unit or both, the BHA must terminate the housing assistance payments for the wrong-sized or accessible Unit at the end of the second month following the offer. The BHA must also remove the unit from the HAP contract.

16.5.10 Family right to move

- (a) The Family may terminate the assisted Lease at any time after the first year of occupancy.

The Family must give the Owner advance written notice of intent to vacate (with a copy to the BHA) in accordance with the Lease. See also section 11.4.
- (b) If the Family has elected to terminate the Lease in this manner, the BHA must offer the Family the opportunity for continued tenant-based rental assistance, in the form of either assistance under the voucher program or other comparable tenant-based rental assistance.
- (c) Before providing notice to terminate the Lease under paragraph (a) of this section, a Family must make a written request for tenant-based rental assistance if the Family wishes to move with continued assistance. If voucher or other comparable tenant-based rental assistance is not immediately available upon termination of the Family's Lease of a PBV Unit, the BHA will place the Family on a waiting list by date and time of request to receive the next available opportunity for continued tenant-based rental assistance.
- (d) If the Family terminates the assisted Lease before the end of one year, the Family relinquishes the opportunity for continued tenant-based assistance.
- (e) Good standing requirement to receive continued assistance in the tenant-based voucher program. The BHA may deny the opportunity for a tenant-based voucher where there are grounds for denial or termination. See 24 C.F.R. § 982.314(e)(2).

16.5.11 When occupancy may exceed 25-percent cap

- (b) (a) The BHA may not select a proposal to provide PBV assistance for Units in a project or enter into an Agreement or HAP Contract to provide PBV assistance for Units in a project, if the total number of dwelling units in the project that will receive PBV assistance exceeds 25 units or 25 percent of the total number of Units (assisted or unassisted) in the project whichever is greater, unless the project qualifies for an exception.
- (b) In referring families to the Owner for admission to excepted units, the BHA must give preference to Elderly or Disabled Families; or to Families receiving supportive services. Said preferences will be applied to those waiting lists in conjunction with the executed HAP contract.
- (c) If a Family at the time of initial tenancy is receiving and while the resident of an excepted Unit has received FSS supportive services or any other service as defined in the BHA administrative plan, and successfully completes the FSS contract of participation or the supportive services requirement, the Unit continues to count as an excepted Unit for as long as the Family resides in the Unit.
- (d) A Family (or the remaining members of the Family) residing in an excepted Unit that no longer meets the criteria for a "qualifying Family" in connection with the 25 percent per building cap exception (e.g., a Family that does not successfully complete its FSS contract of participation or the supportive services requirement as defined in the BHA administrative plan or the remaining members of a Family that no longer qualifies for Elderly or Disabled Family status) must vacate the Unit within a reasonable period of time established by the BHA, and the BHA shall cease paying housing assistance payments on behalf of the non-qualifying Family. If the Family fails to vacate the Unit within the established time, the Unit must be removed from the HAP Contract unless the project is partially assisted, and it is possible for the HAP Contract to be amended to substitute a different Unit in the building in accordance with 24 C.F.R. § 983.206(a); or the Owner terminates the Lease and evicts the Family. The housing assistance payments for a Family residing in an excepted Unit that is not in compliance with its Family obligations (e.g., a Family fails, without good cause, to successfully complete its FSS contract of participation or supportive services requirement) shall be terminated by the BHA.

16.6 Rent to Owner

15.6.1 Determining the Rent to Owner

- (a) Initial and Redetermined rents

- (1) The amount of the initial and redetermined Rent to Owner is determined in accordance with this section and 24 C.F.R. § 983.302.
 - (2) The amount of the initial Rent to Owner is established at the beginning of the HAP Contract term.
 - (3) The Rent to Owner is redetermined at the Owner's request for a rent increase in accordance with this section and 24 C.F.R. § 983.302. The Rent to Owner is also redetermined at such time when there is a five percent or greater decrease in the published FMR in accordance with 24 C.F.R. § 983.302.
- (b) Amount of Rent to Owner
- Except for certain tax credit units as provided in paragraph (c) of this section, the Rent to Owner must not exceed the lowest of:
- (1) An amount determined by the BHA, not to exceed 110 percent of the applicable fair market rent (or any exception payment standard approved by the Secretary) for the Unit bedroom size minus any utility allowance;
 - (2) The Reasonable Rent; or
 - (3) The rent requested by the Owner.
- (c) Rent to Owner for Certain Tax Credit Units
- (1) The BHA will determine the rent on tax credit units in accordance with federal law.
- (d) Rent to Owner for Other Tax Credit Units
- Except in the case of a tax credit Unit described in paragraph (c)(1) of this section, the Rent to Owner for all other tax credit units is determined pursuant to paragraph (b) of this section.
- (e) Reasonable Rent
- The BHA shall determine Reasonable Rent in accordance with 24 C.F.R. § 983.303. The Rent to Owner for each contract Unit may at no time exceed the Reasonable Rent.
- (f) Use of FMRs and utility allowance schedule in determining the amount of Rent to Owner.
- (1) Amounts Used

- (i) Determination of initial rent (at beginning of HAP Contract term). When determining the initial Rent to Owner, the BHA shall use the most recently published FMR in effect and the utility allowance schedule in effect at execution of the HAP Contract. At its discretion, the BHA may use the amounts in effect at any time during the 30-day period immediately before the beginning date of the HAP Contract.
 - (ii) Redetermination of Rent to Owner. When redetermining the Rent to Owner, the BHA shall use the most recently published FMR and the BHA utility allowance schedule in effect at the time of redetermination. At its discretion, the BHA may use the amounts in effect at any time during the 30-day period immediately before the redetermination date.
- (2) Exception Payment Standard and PHA Utility Allowance Schedule
 - (i) Any HUD-approved exception payment standard amount under 24 C.F.R. § 982.503(c) applies to both the tenant-based and project-based voucher programs. HUD will not approve a different exception payment standard amount for use in the PBV program.
 - (ii) The PHA may not establish or apply different utility allowance amounts for the PBV program. The same PHA utility allowance schedule applies to both the tenant-based and the PBV programs.
- (g) BHA-Owned Units

For BHA-owned PBV units, the initial Rent to Owner and the annual redetermination of rent at the annual anniversary of the HAP Contract are determined by the independent entity approved by HUD in accordance with 24 C.F.R. § 983.59. The BHA must use the Rent to Owner established by the independent entity.

16.6.2 Redetermination of Rent to Owner

- (a) The BHA must redetermine the Rent to Owner:
 - (1) Upon the Owner's request; or
 - (2) When there is a ten percent or greater decrease in the published FMR in accordance with 24 C.F.R. § 983.301.
- (b) Rent Increase
 - (1) The BHA may not make any rent increase other

than an increase in the Rent to Owner as determined pursuant to 24 C.F.R. § 983.301.

- (2) The Owner must submit a written request for a rent increase at least sixty (60) days prior to the date of the anniversary of the HAP contract to receive and increase in rent. A rent increase that is not submitted at least (60) days prior to the date of the anniversary of the HAP contract shall not be processed until the following year.

(c) Rent Decrease

If there is a decrease in the Rent to Owner, as established in accordance with 24 C.F.R. § 983.301, the Rent to Owner must be decreased, regardless of whether the Owner requested a rent adjustment.

(d) Notice of rent redetermination

Rent to Owner is redetermined by written notice by the BHA to the Owner specifying the amount of the redetermined rent. The BHA notice of the rent adjustment constitutes an amendment of the Rent to Owner specified in the HAP Contract.

(e) Contract year and annual anniversary of the HAP Contract

- (1) The contract year is the period of 12 calendar months preceding each annual anniversary of the HAP Contract during the HAP Contract term. The initial contract year is calculated from the first day of the first calendar month of the HAP Contract term.
- (2) The annual anniversary of the HAP Contract is the first day of the first calendar month after the end of the preceding contract year. The adjusted Rent to Owner amount applies for the period of 12 calendar months from the annual anniversary of the HAP Contract.
- (3) See 24 C.F.R. § 983.206(c) for information on the annual anniversary of the HAP Contract for contract units completed in stages.

16.6.3 Reasonable Rent

(a) Owner Certification of Comparability

By accepting each monthly housing assistance payment from the BHA, the Owner certifies that the Rent to Owner is not more than rent charged by the Owner for comparable

unassisted units in the premises. The Owner must give the BHA information requested by the BHA on rents charged by the Owner for other units in the premises or elsewhere.

(b) Determining Reasonable Rent for BHA-Owned Units

- (1) For BHA-owned units, the amount of the reasonable rent must be determined by an independent agency approved by HUD in accordance with 24 C.F.R. § 983.59, rather than by the BHA. Reasonable rent must be determined in accordance with this section.
- (2) The independent entity must furnish a copy of the independent entity determination of reasonable rent for BHA-owned units to the BHA and to the HUD field office where the project is located.

16.6.4 Other Subsidy: Effect on Rent to Owner

(a) General

In addition to the rent limits established in accordance with Sec. 983.301 and 24 C.F.R. § 982.302, the following restrictions apply to certain units.

(b) HOME

For units assisted under the HOME program, rents may not exceed rent limits as required by the HOME program (24 C.F.R. § 92.252).

(c) Subsidized Projects

- (1) This paragraph (c) applies to any contract units in any of the following types of federally subsidized project:
 - (i) An insured or non-insured Section 236 project;
 - (ii) A formerly insured or non-insured Section 236 project that continues to receive Interest Reduction Payment following a decoupling action;
 - (iii) A Section 221(d)(3) below market interest rate (BMIR) project;
 - (iv) A Section 515 project of the Rural Housing Service;
 - (v) A project receiving low-income housing tax credits;
 - (vi) Any other type of federally subsidized project specified by HUD.

- (2) The Rent to Owner may not exceed the subsidized rent (basic rent) or tax credit rent as determined in accordance with requirements for the applicable federal program listed in paragraph (c)(1) of this section.

(d) Combining Subsidy

Rent to Owner may not exceed any limitation required to comply with HUD subsidy layering requirements. See 24 C.F.R. § 983.55.

(e) Other Subsidy: BHA Discretion to Reduce Rent

At its discretion, a BHA may reduce the initial Rent to Owner because of other governmental subsidies, including tax credit or tax exemption, grants, or other subsidized financing.

(f) Prohibition of Other Subsidy

For provisions that prohibit PBV assistance to units in certain types of subsidized housing, see 24 C.F.R. § 983.54.

16.6.5 Rent to Owner: Effect of Rent Control and Other Rent Limits

In addition to the limitation to 110 percent of the FMR in 24 C.F.R. § 983.301(b)(1), the rent reasonableness limit under §§ 983.301(b)(2) and 983.303, the rental determination provisions of § 983.301(f), the special limitations for tax credit units under § 983.301(c), and other rent limits under this part, the amount of Rent to Owner also may be subject to rent control or other limits under local, state, or federal law.

16.6.6 Payment to Owner

(a) When Payments are Made

- (1) During the term of the HAP Contract, the BHA shall make housing assistance payments to the Owner in accordance with the terms of the HAP Contract. The payments shall be made for the months during which a contract Unit is Leased to and actually occupied by an eligible Family.
- (2) Except for discretionary vacancy payments in accordance with 24 C.F.R. § 983.352, the BHA may not make any housing assistance payment to the Owner for any month after the month when the Family moves out of the Unit (even if household goods or property are left in the unit).

(b) Monthly Payment

Each month, the BHA shall make a housing assistance payment to the Owner for each contract Unit that complies with the HQS and is Leased to and occupied by an eligible Family in accordance with the HAP Contract.

(c) Calculating Amount of Payment

The monthly housing assistance payment by the BHA to the Owner for a contract Unit Leased to a Family is the Rent to Owner minus the tenant rent (total tenant payment minus the utility allowance).

(d) Prompt Payment

The housing assistance payment by the BHA to the Owner under the HAP Contract shall be paid to the Owner on or about the first day of the month for which payment is due, unless the Owner and the BHA agree on a later date.

(e) Owner Compliance with Contract

To receive housing assistance payments in accordance with the HAP Contract, the Owner must comply with all the provisions of the HAP Contract. Unless the Owner complies with all the provisions of the HAP Contract, the Owner does not have a right to receive housing assistance payments.

16.6.7 Vacancy Payment

(a) Payment for Move-out Month

If an assisted Family moves out of the Unit, the Owner may keep the housing assistance payment payable for the calendar month when the Family moves out ("move-out month"). However, the Owner may not keep the payment if the BHA determines that the vacancy is due to the Owner's fault.

16.6.8 Tenant Rent; Payment to Owner

(a) BHA Determination

- (1) The tenant rent is the portion of the Rent to Owner paid by the Family. The BHA determines the tenant rent in accordance with HUD requirements.
- (2) Any changes in the amount of the tenant rent will be effective on the date stated in a notice by the BHA to the Family and the Owner. See also section 8.6 of this Administrative Plan.

(b) Tenant Payment to Owner

(1) The Family is responsible for paying the tenant rent (total tenant payment minus the utility allowance).

- (2) The amount of the tenant rent as determined by the BHA is the maximum amount the Owner may charge the Family for rent of a contract Unit. The tenant rent is payment for all housing services, maintenance, equipment, and utilities to be provided by the Owner without additional charge to the tenant, in accordance with the HAP Contract and Lease.
- (3) The Owner may not demand or accept any rent payment from the tenant in excess of the tenant rent as determined by the BHA. The Owner must immediately return any excess payment to the tenant.
- (4) The Family is not responsible for payment of the portion of the Rent to Owner covered by the housing assistance payment under the HAP Contract. The Owner may not terminate the tenancy of an assisted Family for nonpayment of the BHA housing assistance payment.

(c) Limit of BHA Responsibility

- (1) The BHA is responsible only for making housing assistance payments to the Owner on behalf of a Family in accordance with the HAP Contract. The BHA is not responsible for paying the tenant rent, or for paying any other claim by the Owner.
- (2) The BHA may not use housing assistance payments or other program funds (including any administrative fee reserve) to pay any part of the tenant rent or to pay any other claim by the Owner. The BHA may not make any payment to the Owner for any damage to the Unit, or for any other amount owed by a Family under the Family's Lease or otherwise.

(d) Utility Reimbursement

- (1) If the amount of the utility allowance exceeds the total tenant payment, the BHA shall pay the amount of such excess as a reimbursement for tenant-paid utilities ("utility reimbursement") and the tenant rent to the Owner shall be zero.
- (2) The BHA either may pay the utility reimbursement to the Family or may pay the utility bill directly to the utility supplier on behalf of the Family.

- (3) If the BHA chooses to pay the utility supplier directly, the BHA must notify the Family of the amount paid to the utility supplier.

16.6.9 Other Fees and Charges

(a) Meals and Supportive Services

- (1) Except as provided in paragraph (a)(2) of this section, the Owner may not require the tenant or Family members to pay charges for meals or supportive services. Non-payment of such charges is not grounds for termination of tenancy.
- (2) In assisted living developments receiving project-based assistance, Owners may charge tenants, Family members, or both for meals or supportive services. These charges may not be included in the Rent to Owner, nor may the value of meals and supportive services be included in the calculation of reasonable rent. Non-payment of such charges is grounds for termination of the Lease by the Owner in an assisted living development.

(b) Other Charges by Owner

The Owner may not charge the tenant or Family members extra amounts for items customarily included in rent in the locality or provided at no additional cost to unsubsidized tenants in the premises. If an Owner does charge extra amounts the BHA reserves the right to terminate all HAP Contracts with that Owner.

CHAPTER 17: RENTAL ASSISTANCE DEMONSTRATION (RAD)

HUD's Rental Assistance Demonstration (RAD) is a voluntary conversion program whereby Public Housing Agencies can convert housing stock to a different platform (PBV or PBRA) in order to access more stable funding for improvements and preservation.

The PBV rules and regulations as set out in Chapter 16 apply to RAD units, except as stated within this chapter.

17.1 Site Selection

RAD units will follow the Site Selection standards as set out in Chapter 16. 2.1 above, and in accordance with exceptions allowable under HOTMA.

17.2 Eligibility The following applies to in place families, both RAD and non RAD PBVs, at a converting site:

17.2.1 Eligibility at Conversion- All current residents are eligible at the time of conversion. No rescreening or re-certification will be performed at the time of conversion

17.2.2 Under-housing- In order for a unit to be included in the RAD HAP contract, the existing family must not be under-housed according BHA subsidy standards.

17.2.3 Eligibility at Turn-Over – Vacancies will be filled in accordance with eligibility requirements as set out in Chapters 5 & 16 of this Administrative Plan.

17.3 HQS (Housing Quality Standards)

17.3.1 Units are all eligible at the time of conversion with the exception of units that have health and safety violations, or units in which the family is under-housed.

(a) Individual Inspection approvals for each unit are not required at the time of RAD HAP execution. Individual Inspection approvals will be conducted in accordance with the RCC (RAD Conversion Commitment)

17.4 Initial Contract Rent and Rent Increases

Initial contract rent to owner is set by HUD, and based upon the amount of subsidy the project was receiving under the Public Housing Program.

17.4.1 Rent increases. The contract rent is adjustable annually at the anniversary of the RAD HAP contract upon request of the owner. The adjustment will be made using the Operating Cost Adjustment Factor (OCAF) published by HUD, and will be the lower of rent reasonableness or OCAF. The rent to owner will never be reduced below the initial contract rent.

17.5 Right to Return This applies to in place families, both RAD and non RAD PBVs, at a converting site:

Residents who are relocated during rehabilitation/construction shall have a right of return.

17.6 Payments to the Owner during Rehabilitation/Construction

17.6.1 RRAP (RAD Rental Assistance Payments) Owners are eligible for RRAP payments for units undergoing rehabilitation/construction during the term of the RCC for all units under the RAD HAP contract.

17.7 Tenant Share - The following applies to in place families, both RAD and non RAD PBVs, at a converting site:

17.7.1 Initial Tenant Share will be Participant's TTP or Flat rent at the time of conversion.

- (a) If the Participant's rent increases by more than the greater of 10% or \$25.00 solely as a result of the conversion the increase in the tenant share will be phased in over a three (3) year period.
- (b) If during the term of the phase in the TTP becomes less than or equal to the initial conversion TTP then the phase in will cease.
- (c)
- (d) Earned Income Disregard (EID). See eligibility criteria in Sections 5.5.3(j) & 5.5.3(l). Participants who at the time of conversion are employed and are receiving EID shall continue to receive the EID after conversion until maximum twenty-four (24) month time frame elapses.
 - (i) A Participant only receives one EID during their stay in assisted housing.
 - (j) Upon the expiration of the EID the rent adjustment shall not be subject to rent phase-in
- (e) When TTP exceeds the gross rent, the requirement to remove the unit from the contract after six (6) months of nonpayment has been waived by HUD. The converting family may remain in the unit and when and if the converting family's TTP falls below the gross rent the converting family may be eligible to receive a subsidy. During the time the families TTP exceeds the gross rent all other PBV rules apply. .

17.8 Choice Mobility

17.8.1 Voucher Inventory Turnover Cap- If the BHA as a result of RAD, has a total number of PBV units (including RAD PBV units) under HAP contract which exceeds

twenty (20%) of the BHA's authorized units under its HCV ACC with HUD, the BHA may limit the issuance of vouchers to three quarter of its turnover vouchers in any single year to residents of the covered projects.

CHAPTER 18: GENERAL ADMINISTRATIVE PROCEDURES

18.1 Fraud and Criminal Acts Against the BHA

17.1.1 Fraud Defined

Fraud is an intentional misrepresentation of the truth or concealing of material fact to induce another to act to his or her detriment.

18.1.2 Fraud by a Family

- (a) *Family Fraud Against the BHA.* Examples of fraud by a Family against the BHA include, but are not limited to:
 - (1) Misrepresentation of income, Assets, or deductions;
 - (2) Misrepresentation of the Family's residence or composition; and
 - (3) Subletting or assigning the Apartment.
- (b) *Termination or Denial of Assistance.* The BHA will propose termination of the Participant's assistance in accordance with Chapter 13 or deny assistance, in accordance with Chapter 6, to an Applicant who commits fraud. The BHA may use its discretion to enter into a repayment agreement with a family.
- (c) *Fraud Reporting.* The BHA may report any incident of Fraud to the HUD Office of the Inspector General or any other applicable law enforcement agency.

18.1.3 Owner Fraud and Program Abuse

- (a) Examples of fraud and program abuse by an Owner include, but are not limited to:
 - (1) Providing false information on a Rent Roll or RTA;
 - (2) Collecting extra or side rent payments from the Participant;
 - (3) Collecting assistance for Apartments not occupied by eligible families;
 - (4) Filing false vacancy loss or damage claims; and
 - (6) Bribing, or attempting to bribe, a BHA employee.
- (b) *Action for Owner Fraud or Program Abuse.* In cases of suspected or alleged Owner fraud, the Leasing Officer will ask the Owner for an explanation of the suspected or alleged abuse. If the Owner is

found to have intentionally abused the program, the BHA may cancel the HAP Contract (issuing the Family a new Voucher) and require the Owner to reimburse the BHA for extra or excessive HAP payments, overcompensated claims for vacancy loss, unpaid Tenant Rent, or damages. The BHA may require the Owner to reimburse the tenant for any overpayment, unauthorized side agreements, or utility costs. The BHA will ask the Owner for proof that the matter has been resolved.

The BHA may also seek redress in these matters through the Courts, with the HUD Inspector General's office, the Boston Police Department, or the Massachusetts District Attorney. In addition, the BHA may refuse to enter into a new HAP Contract with such an Owner.

18.2 Special BHA Analyses

18.2.1 Analysis of Utility Costs

The BHA will review Utility Allowances at least annually. The BHA will establish new Allowances if old Utility Allowances are inadequate. The BHA will always revise its Utility Allowance for any and all utility categories if there has been a change of ten percent (10%) or more in the utility rate since the last Utility Allowance revision. The BHA may revise the utility allowances for any change in rate supported by data analysis. The Administrator or his or her designee will approve all adjustments to the Utility Allowance schedules. The BHA will retain the documentation utilized in the annual review for seven (7) years.

When there is a change in the utility allowance schedule the BHA may implement the revised utility allowance immediately (upon 30 days written notice), but no later than the next reexamination.

18.2.2 Analysis of Rental Opportunities

To provide assistance in further expanding housing opportunities for Voucher holders, the BHA may periodically analyze rental prices both within and outside of the City, especially in areas with relatively low poverty and low concentrations of assisted housing, to determine whether the current Payment Standards allow families to find housing in a broad variety of areas. The BHA may also seek general adjustments or neighborhood exceptions from HUD as appropriate.

18.2.3 Housing Assistance Payments Register Review

On a monthly basis the Administrator or his or her designee shall review the Housing Assistance Payments register to ensure that it is current and

reflects changes in payment due to Owners of Units assisted under the Section 8 program.

18.2.4 Revising the Payment Standard; Affordability Adjustments

The Payment Standard established by the BHA shall not exceed the greater of 110% of the metropolitan area FMR or an exception Payment Standard as permitted or approved by HUD. The Payment Standard shall not be less than 90% of the metropolitan FMR.

The BHA may establish a payment standard in between 90 and 110% of the applicable metropolitan area FMR in each zip code within the BHA's administrative jurisdiction.

The BHA may utilize up 110% Small Area Fair Market (SAFMR) as an exception payment standard in a zip code after considering the local rental market.

When a New Payment Standard is Applied. The BHA will apply the Payment Standard that is effective on the date the initial Lease and HAP Contract are effective. If the Payment Standard has increased, the BHA will change a Family's Payment Standard at the first annual reexamination after the New Payment standard is effective. If the Payment standard has decreased the BHA will make no change to the Family's Payment Standard for the duration of the HAP contract, except when the Family has a change in voucher size, or a waiver is granted by HUD, then the BHA will give 30 days written notice of said change.

- (a) *The Review Process.* On a periodic basis, the BHA will review the Tenant Share of Rent for families subsidized under the Voucher program. If the rent burdens are determined to be high, the BHA may decide to adjust the Payment Standard upward. In no instance shall the Payment Standard be raised above 110% of the Fair Market Rents except for Reasonable Accommodation and exception Payment Standards.
- (b) In the case of a Reasonable Accommodation request by a Disabled Person for a Payment Standard of 120% of the Fair Market Rent, where the requisite verification of the disability or handicap and the higher Payment Standard would accommodate the disability or handicap, the BHA will seek HUD approval of a higher Payment Standard.
- (c) *Local Factors.* The BHA will take into consideration local factors when reviewing the applicable Payment Standards. Survey and research data will be utilized to review any overall increase in rental prices for the city and their effect on Voucher subsidy holders.

18.3 Omitted Intentionally

18.4 Periodic Review of Administration

The Leased Housing Division will periodically review its procedures and revise them as necessary to accomplish its goals more efficiently and effectively and to assure compliance with the requirements of the Section 8 Management Assessment Program ("SEMAP"), and applicable federal, State, and local laws. The review and revision of this Administrative Plan is an example of such an undertaking.

18.5 Administration of Vouchers in Accordance with HUD NOFA.

The BHA has the ability to administer new Section 8 set-asides in accordance with such criteria as listed in HUD Notices of Funding Availability ("NOFA"). The BHA will track/monitor any special set-asides in a manner consistent with the NOFAs and HUD requirements.

Chapter 19: Glossary

1937 Act - 1937 Act means the United States Housing Act of 11037 (42 U.S.C. § 1437 et seq.).

Absence – Means that no member of the Family is residing in the Unit.

Absorption - In Portability, the point at which a Receiving Housing Authority stops billing the Initial Housing Authority for assistance on behalf of a portable Family.

ACC reserve account (Project Account) - The account established and maintained in accordance with 24 C.F.R. § 882.403(b).

Adjusted Annual Income - Annual Income of all family members, as verified by the BHA, after deductions, exceptions and exclusions are made with respect to each of the members of the Family to determine initial and continued program eligibility.

Administrative Fee - Fee paid by HUD to the BHA for the administration of the program.

Administrative Plan - This plan that describes the BHA policies for the administration of the HCVP.

Administrator - The chief executive officer of the BHA.

Admission - The point when the Applicant Family becomes a Participant in the program. In a tenant-based program, the date used for this purpose is the effective dated of the first HAP Contract for a Family (first day of initial Lease term).

Adult - A Family Member who is 18 years or older, or who is the Head of the Household, or spouse, or Co-Head.

Agency Determination Form - The form used by the BHA to calculate the term of the Voucher and notify the Applicant or Participant of any Suspension period due to the submission of a RTA or and Extension granted by the BHA.

Agency Plan - The BHA Agency Plan is a comprehensive guide to BHA policies, programs, operations, and strategies for meeting local housing needs and goals. There are two parts to the BHA Plan: the Five-Year Plan, which the BHA submits to HUD once every fifth year, and the Annual Plan, which is submitted to HUD every year.

Agreement to enter into Housing Assistance Payments Contract (AHAP) - A written agreement between the Owner and the PHA that, upon satisfactory completion of the rehabilitation in accordance with requirements specified in the AHAP, the PHA will enter into a Housing Assistance Payments Contract with the Owner.

Annual Contributions Contract (ACC) - The written contract between HUD and a housing authority under which HUD agrees to provide funding for a program under the HCVP, and the BHA agrees to comply with HUD requirements for the program.

Annual Income -

- (a) **Annual income** means all amounts, monetary or not, which:
- (1) Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or
 - (2) Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
 - (3) Which are not specifically excluded in paragraph (c) of this definition.
 - (4) Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.
- (b) **Annual income** includes, but is not limited to (See 24 C.F.R. § 5.609):
- (1) The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
 - (2) The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family;
 - (3) Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation is permitted only as authorized in paragraph (b)(2) of this definition. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD;
 - (4) The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for

the delayed start of a periodic amount (except as provided in paragraph (c)(14) of this definition);

- (5) Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay (except as provided in paragraph (c)(3) of this definition);
- (6) Welfare assistance payments.
 - (i) Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income only to the extent such payments:
 - (A) Qualify as assistance under the TANF program definition at 45 C.F.R. § 260.31; and
 - (B) Are not otherwise excluded under paragraph (c) of this section.
 - (ii) If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of:
 - (A) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
 - (B) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph shall be the amount resulting from one application of the percentage.
- (7) Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling;
- (8) All regular pay, special pay and allowances of a member of the Armed Forces (except as provided in paragraph (c)(7) of this section)
- (c) Annual income does not include the following:
 - (1) Income from employment of children (including foster children) under the age of 18 years;

- (2) Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);
- (3) Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses (except as provided in paragraph (b)(5) of this section);
- (4) Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- (5) Income of a Live-In-Aide, as defined in section 5.4.2 of this Administrative Plan;
- (6) The full amount of student financial assistance paid directly to the student or to the educational institution;
- (7) The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- (8)
 - (i) Amounts received under training programs funded by HUD;
 - (ii) Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
 - (iii) Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;
 - (iv) Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the PHA or Owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of the PHA's governing board. No resident may receive more than one such stipend during the same period of time;

- (v) Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program;
- (9) Temporary, nonrecurring or sporadic income (including gifts);
- (10) Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
- (11) Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
- (12) Adoption assistance payments in excess of \$480 per adopted child;
- (13) Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts.
- (14) Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;
- (15) Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or
- (16) Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24 C.F.R. § 5.609(c) apply. A notice will be published in the Federal Register and distributed to PHAs and housing Owners identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary.
- (d) Annualization of income. If it is not feasible to anticipate a level of income over a 12-month period (e.g., seasonal or cyclic income), or the PHA believes that past income is the best available indicator of expected future income, the PHA may annualize the income anticipated for a shorter period, subject to a redetermination at the end of the shorter period.

Apartment - Residential space for the private use of a Family. Also referred to as a Unit.

Applicant (Applicant Family) - A Family that has applied for Admission to a program but is not yet a Participant.

Appointment – the use of “appointment” in this Plan may mean: a telephone call, a written exchange (e.g. email), a virtual meeting or an in person meeting.

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Assets - Assets generally means cash which is accessible to a person including: checking and savings accounts, stocks, bonds, equity in real property, and the cash value of tangible personal property such as furniture, automobiles and household effects. (Certain types of tangible personal property are included, such as coin collections or jewelry, but essential tangible personal property reasonably necessary for everyday living, such as furniture and automobiles are not included. For included real or personal property holdings, the value of the asset is the cash amount that would remain if the resident converted the asset to cash and deducted any outstanding mortgages, liens or selling expenses.)²⁴

Assisted Lease (Lease) - A written agreement between an Owner and a Family for the leasing of a dwelling Unit to the Family. The Lease establishes the conditions for occupancy of the dwelling Unit by a Family with Housing Assistance Payments under a HAP Contract between the Owner and the housing authority.

Area Median Income (AMI) - The median income of the greater Boston area as determined by HUD.

Base Rent - The base rent is calculated using the rent charged for the Unit or the estimated costs to the Owner of owning, managing and maintaining the rehabilitated unit.

Bedroom Size – See Unit Size.

Child - For purposes of Citizenship regulations, a member of the Family other than the Family head or spouse who is under 18 years of age.

Child Care Expenses - Amounts anticipated to be paid by the Family for the care of children under 13 years of age during the period for which Annual Income is computed, but only where such care is necessary to enable a Family member to actively seek employment, be gainfully employed, or to further his or her education, and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for childcare. In the case of childcare necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income.

Citizen - A Citizen or National of the United States.

Co-Head of Household - A person who, with the Head of Household, assumes the responsibility and accountability for the Family and signs the Lease. The Co-Head of

²⁴ For more guidance on assets see HUD Handbook 4350.3, REV-1

Household is equal to and has the same rights and responsibilities as the Head of Household.

Congregate housing - Housing for Elderly or persons with disabilities that meets the HQS for congregate housing.

Consent Form - Any Consent form approved by HUD to be signed by assistance Applicants and Participants for the purpose of obtaining income information from employers and SWICAs, return information from the Social Security Administration, and return information for unearned income from the Internal Revenue Service. The Consent forms may authorize the collection of other information from assistance Applicants or Participant to determine eligibility or level of benefits.

Continuously Assisted - An Applicant is Continuously Assisted under the 1937 Housing Act if the Family is already receiving assistance under any 1937 Housing Act program when the becomes a Participant in the HCVP or any subprogram of the HCVP including the PBV program. Brief interruptions in assistance caused by transitioning from one form of assistance under one 1937 Act program to another will not be considered to break the continuity of assistance where the reason for the transition was through no fault of the family, including but not limited to, the expiration of a HAP Contract for a project-based development or termination of a HAP Contract for Owner breach or other extenuating circumstances.

Contract - See definition of Housing Assistance Payments Contract.

Contract Rent - The monthly rent payable to the Owner under the Lease and any amendments. The Contract Rent covers payment for any housing services, maintenance, and utilities that the Owner is required to provide and pay for.

Cooperative - Housing owned by a non-profit corporation or association, and where a member of the corporation or association has the right to reside in a particular Apartment, and to participate in management of the housing.

Cooperative Member - A family of which one or more members owns Membership Shares in a Cooperative.

Covered Person – A Tenant, any member of the Tenant's household, a guest or another person under the Tenant's control.

Dating Violence - Violence committed by a person:

- (a) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (b) Where the existence of such a relationship shall be based on a consideration of the following factors:
 - (1) The length of the relationship;
 - (2) The type of the relationship; and

- (3) The frequency of interaction between the persons involved in the relationship.

Dependent - A member of the Family (except foster children and foster adults) other than the Head of Household, Co-Head of Household, spouse, or Emancipated Minor who is under 18 years of age, or is a Disabled Person, or is a Full-time student.

Disabled Family - A Family whose head, spouse, or sole member is a Disabled Person; or two or more Disabled Persons living together; or one or more Disabled Persons living with one or more Live-In-Aides

Disabled Person - For program eligibility, a person who is under a disability as defined in Section 223 of the Social Security Act (42 U.S.C. § 423).

For Eligibility in Federally-Assisted Housing – A person who:

- (i) Has a disability defined as an inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months; or, in the case of a person who has attained the age of 55 and is blind, the inability by reason of such blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which he or she has previously engaged with some regularity and over a substantial period of time, or
- (ii) Has a physical, mental, or emotional impairment which is expected to be of long-continued and indefinite duration, which substantially impedes his or her ability to live independently, and is of such a nature that the ability to live independently could be improved by more suitable housing conditions, or
- (iii) Has a developmental disability which is a severe, chronic disability of an individual 5 years or older which is attributable to a mental or physical impairment or combination of impairments and which is manifested before the age of 22 and is likely to continue indefinitely and which results in substantial functional limitations in three or more of the following areas of major life activity (self-care; receptive and expressive language; learning; mobility; self-direction; capacity for independent living and economic self-sufficiency), and which reflects the individual's need for assistance that is lifelong or of extended duration and is individually planned and coordinated. Such term shall not exclude persons who have the disease acquired immunodeficiency syndrome ("AIDS") or any conditions arising from the etiologic agent for AIDS.

For all purposes other than Eligibility, a person with a physical or mental impairment which substantially limits one or more life activities, or has a record of such impairment, or is regarded as having such an impairment.

- *No individual shall be considered a person with a disability solely because of drug or alcohol dependence.*

Displaced Person - A person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws." See also 24 C.F.R. § 5.403's definition of "displaced family."

Domestic Violence – Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the Massachusetts or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. The BHA will form its Domestic Violence policies in accordance with federal, State and local laws.

Domestic Violence (for Priority Determination) - Continuing actual or threatened physical violence (including sexual abuse) directed against one or more of the Household Members by another Household Member or by a non-Household Member.

Domicile - The legal residence of the Family as determined in accordance with State and local law.

Drug – A controlled substance as defined in § 102 of the Controlled Substances Act (21 U.S.C. § 802).

Drug Related Criminal Activity - Illegal use of a controlled substance, and the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use, of a controlled substance.

Elderly Person - A person who is at least sixty-two (62) years of age.

Eligible Non-Citizen Status - The admittance of a Non-Citizen to the United States under one of the following categories:

- (1) A Non-Citizen lawfully admitted for permanent residence as an immigrant as defined by sections 101(a)(15) and 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. § 1101(a)(15) and 8 U.S.C. § 1101(a)(20)), excluding, among others, Non-Citizen visitors, tourists, diplomats, and students who enter the United States temporarily with no intention of abandoning their residence in a foreign country;
- (2) A Non-Citizen who entered the United States prior to June 30, 1948, or such subsequent date as is enacted by law, has continuously maintained his or her residence in the United States since then, and is not ineligible for citizenship, but who is deemed to be lawfully admitted for permanent residence as a result of an exercise of discretion by the Attorney General pursuant to section 249 of the Immigration and Nationality Act (8 U.S.C. § 1259) [8 U.S.C. § 1259];
- (3) A Non-Citizen who is lawfully present in the United States pursuant to an Admission under section 207 of the Immigration and Nationality Act (8 U.S.C. § 1157) or pursuant to the granting of asylum (which has not been

- terminated) under section 208 of such Act (8 U.S.C. § 1158);
- (4) A Non-Citizen who is lawfully present in the United States as a result of an exercise of discretion by the Attorney General for emergent reasons or reasons deemed strictly in the public interest pursuant to Section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. § 1182(d)(5))
 - (5) A Non-Citizen who is lawfully present in the United States as a result of the Attorney General's withholding deportation pursuant to section 243 (h) of the Immigration and Nationality Act (8 U.S.C. § 1253(h));
 - (6) A Non-Citizen lawfully admitted for temporary or permanent residence under section 245A of the Immigration and Nationality Act (8 U.S.C. § 1255a).

Emancipated Minor - Minor (under 18 years old) with a child who has otherwise established him/herself as a non-Dependent individual.

Extremely Low-Income Families - low income families whose incomes does not exceed the higher of thirty percent (30%) of the area median income or the federal poverty level.

Fair Housing Act - Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. § 3601 et seq.).

Fair Market Rent (FMR) - The rent, including the cost of utilities (except telephone), as established by HUD for units of varying sizes (by number of bedrooms), that must be paid in the housing market area to rent privately owned, existing, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. FMRs are published periodically in the Federal Register.

Family -

- (1) Two or more persons regularly living together, related by blood, marriage, adoption, guardianship or operation of law; or who are not so related, but share income and resources and intend to live together;
- (2) This definition includes single persons.²⁵
- (3) Other persons, including foster children, Live-In-Aides²⁶, and members temporarily absent (including children temporarily assigned to foster

²⁵ Single persons include: a single man; a single woman who is pregnant at the time of admission; a single person who has secured, or is in the process of securing, the custody of any individual(s) below the age of 18; an Elderly person; a Person with a Disability or Handicap; a Displaced Person; or a Single Person who is not Elderly, disabled, handicapped or displaced, each as defined in Chapter 11 of this Policy.

²⁶ Live-in-Aidess do not have rights of tenancy, nor can they be considered the remaining member of a resident household unless they are found to be a licensed Live-inAide and select one of the options in Chapter 5, section 5.4.2(g).

care²⁷), may be considered a part of the household if they are living or will live regularly with the Household.

Family Break-Up - A Family Break-Up occurs when there one or more adult Household Members will no longer reside together and there is a dispute as to whom the subsidy will remain with. A Family Break-Up situation may often occur in instances including but not limited to: divorce, separation, or protective order. When a Family Break-Up occurs, the HCVP assistance does not necessarily remain with the Head of Household. Any adult Household Member, Emancipated Minor, or adult assuming responsibility for one or more minor family members could retain the HCVP Assistance.

Family Composition – See Household.

Family Self-Sufficiency Program (FSS Program) - The program established by the BHA to promote self-sufficiency or assisted families, including the coordination of supportive services (42 U.S.C. § 1437u).

FSS Contract - The FSS Contract includes the effective date, term, responsibilities of the Family and BHA and provisions for establishing an escrow account.

FSS Coordinator - The BHA employee that oversees Participants in the FSS program.

Family Share - The portion of rent and utilities paid by the Family or the Gross rent minus the amount of the Housing Assistance Payment.

Family Unit Size - The appropriate number of bedrooms for a Family as determined by the housing authority under the BHA's Subsidy Standards.

Full-Time Student - A person who is carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended. An educational institution shall include but not be limited to: college, university, secondary school, vocational school, or trade school.

Good Cause - A set of standards used by the Authority to determine the need for and special offer of housing in order to avoid a verifiable hardship. The basis for the special offer must be reliably documented and cannot result in discrimination on the basis of race, color, sex, sexual orientation, ethnicity, religion or national origin or handicap or disability.

Gross Rent - The sum of the rent to the Owner plus any utility allowances.

Group Home - A dwelling Unit that is licensed by a State as a Group Home for the exclusive residential use of two to twelve persons who are Elderly or persons with disabilities (including any PCA).

Head of Household - The Family member who assumes the responsibility and accountability for the Household and signs the Lease.

²⁷ See 24 C.F.R. § 5.403.

Home - In the homeownership option: A dwelling Unit for which the BHA pays homeownership assistance.

Homeless - A Household lacks a fixed, regular and adequate nighttime habitation OR the primary nighttime dwelling is one of the following:

- (a) A supervised public or private shelter designed to provide temporary living accommodations (includes welfare hotels, congregate shelters and transitional housing);
- (b) A public or private place not designed for, or ordinarily used as, a regular sleeping place for human beings.

Homeowner - In the homeownership option: A Family of which one or more members own title to the Home.

Homeownership Expenses - In the homeownership option: A Household's allowable monthly expenses for the home, as determined by the PHA in accordance with HUD requirements.

Homeownership Option - Assistance for a Homeowner or Cooperative Member under 24 C.F.R. § 982.625 to 24 C.F.R. § 982.641.

Household (Family Composition) - All persons residing in an Apartment who are listed on the HUD 50058 as Household Members. The Household may include an approved PCA, who resides in the Apartment.

Household Member - A person residing in an Apartment who is listed on the HUD 50058 form as a Household Member. A Household Member may be an approved PCA who resides in the Apartment. Household Members are listed on the HUD-50058.

Housing Assistance Payment (HAP) - The monthly assistance by the BHA or another housing authority paid to the Owner in accordance with the HAP Contract.

HAP Contract - The contract that governs the monthly assistance paid by the BHA to the Owner.

Housing Quality Standards (HQS) - The HUD minimum quality standards for housing assisted under the Section 8 program.

Housing Choice Voucher - A document issued by the BHA to an eligible Applicant selected for admission to the HCVP or issued to a Participant during a relocation process. This document describes the program what the eligible Applicant must do to Lease an Apartment. The Voucher also states the obligations of the Family under the program. No Housing Choice Voucher will be effective for more than 120 days.

Housing Choice Voucher Holder - An Applicant or Participant Family that has an unexpired Housing Choice Voucher.

Housing Choice Voucher Program (HCVP) - The program that HUD pays rental subsidies so eligible families can afford decent, safe, and sanitary housing.

HUD (U.S. Department of Housing & Urban Development) - The federal department responsible for the Section 8 and public housing program as provided for in the 1937 Housing Act.

Immediate Family Member (for definition of Stalking) – A person who is:

- (a) A spouse, parent, brother, sister, or child of that person, or an individual to whom that person stands in loco parentis; or
- (b) Any other person living in the household of that person and related to that person by blood or marriage.

Imputed Welfare Income - The amount of Annual Income not actually received by a Family, as a result of a specified welfare benefit reduction, that is nonetheless included in the Family's Annual Income for the purposes of determining rent.

Individual Training and Service Plan (IT&SP) - The FSS Coordinator uses the needs assessment to develop an Individual Training and Service Plan (IT&SP) for the tenant. This IT&SP breaks the large goal of self-sufficiency into smaller interim goals and outlines the activities and services necessary, along with an estimated time frame to achieve FSS program goals.

Initial Housing Authority - In Portability both: (1) a housing authority that originally selected a Family that later decides to move out of the Jurisdiction of the selecting housing authority, and (2) a housing authority that absorbed a Family that later decides to move out of the Jurisdiction of the absorbing housing authority.

Initial Payment Standard - The Payment Standard at the beginning of the HAP Contract term.

Initial Rent to Owner - The Rent to Owner at the beginning of the initial Lease term.

In-place Tenants - Tenants living on a rehabilitated property at the time the HAP Contract is executed between the BHA and the Owner.

Interest in the Home - In the homeownership option:

- (1) In the case of assistance for a homeowner, "Interest in the Home" includes title to the home, any Lease or other right to occupy the home, or any other present Interest in the Home.
- (2) In the case of assistance for a Cooperative Member, "Interest in the Home" includes ownership of Membership Shares in the Cooperative, any Lease or other right to occupy the home, or any other present Interest in the Home.

Interim Recertification - A reexamination of a Participant's income, expenses, and Family Composition conducted between the annual re-certifications when a change in a Family's circumstances warrant such a reexamination.

Jurisdiction - The area in which the BHA has authority under State and local law to administer the program. Under Massachusetts Law the BHA Jurisdiction is anywhere within the Commonwealth of Massachusetts.

Lease - A written agreement between the Apartment Owner and the Head or Co-Head of Household for the occupancy of the Apartment.

Leased Housing Division - The division within BHA that is responsible for the administration of the Section 8 Programs and other various subsidized housing programs.

Leasing Officer - The employee of the BHA that assists the Participant with continued eligibility and participation in the Section 8 program.

Live-in Aide - a person who:

- (i) Is determined by BHA based upon medical documentation from a Qualified Healthcare Provider to be essential to the care and wellbeing of an Elderly or Disabled Person or persons; **AND**
- (ii) Is not obligated to support the Elderly or Disabled Person or persons; **AND**
- (iii) Would not be living in the Apartment except to provide the necessary supportive care; **AND**
- (v) Has no right to the Apartment as a Residual Tenant except as provided in section 8.9, **AND**
- (vi) Does not have his/her income included in the Elderly or Disabled Participant's Household for the purposes of determining total Family income and rent except as provided in section 8.9.

Lower Income Families – Families with incomes between 51 percent and 80 percent of the median income.

Low-Income Household - A Household whose Annual Income does not exceed 80 percent of the median income for the area as determined by HUD with adjustments for smaller and larger families. [1937 Act]

Manufactured Home - A manufactured structure that is built on a permanent chassis, is designed for use as a principal place of residence, and meets the HQS.

Manufactured Home Space - A space Leased by an Owner to a Family. A Manufactured Home owned and occupied by the Family is located on the space.

Medical Expenses - Medical expenses, including medical insurance premiums, that are anticipated during the period for which annual income is computed, and that are not covered by insurance.

Minor - A Minor is a person less than 18 years of age. An unborn child will not be

considered as a Minor. (See also the definition of Dependent)

Mitigating Circumstances - Circumstances which would tend to lessen the negative impact of unsuitable behavior and which may overcome or outweigh negative information gathered in the Admissions or Termination process about the Applicant/Participant.

Mixed Family - A Family whose members include those with citizenship or Eligible Non-Citizen Status, and those without citizenship or Eligible Non-Citizen Status.

Membership Shares - In the homeownership option: shares in a Cooperative. By owning such Cooperative shares, the share-owner has the right to reside in a particular Unit in the Cooperative, and the right to participate in management of the housing.

Moderate Rehabilitation – Section 8 Housing Program which requires rehabilitation involving a minimum expenditure of \$1000 for a unit, including its prorated share of work to be accomplished on common areas or systems, to:

- (1) Upgrade to decent, safe and sanitary condition to comply with the Housing Quality Standards or other standards approved by HUD, from a condition below these standards (improvements being of a modest nature and other than routine maintenance); or
- (2) Repair or replace major building systems or components in danger of failure.

Monthly Adjusted Income - One twelfth of Adjusted Income Annual.

Monthly Income - One twelfth of Annual Income.

Mutual Housing - included in the definition of "Cooperative."

National - A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.

Near-Elderly Family - A Family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; or two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62 living with one or more Live-In-Aides.

Non-Citizen - A person who is neither a Citizen nor National of the United States.

Notice Of Funding Availability (NOFA) - For budget authority that HUD distributes by competitive process, the Federal Register document that invites applications for funding. This document explains how to apply for assistance, and the criteria for awarding the funding.

Other Person Under the Tenant's Control - A person who, although not staying as a guest in the unit, is, or was at the time of the activity in question, on the premises because of an invitation from the Tenant or other member of the household who has express or implied authority to so consent on behalf of the Tenant. Absent evidence to

the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not under the Tenant's control.

Overcrowded – A condition of occupancy where given its bedroom size and applicable HQS standards, too many people reside in an Apartment.

Owner – Any person or entity, including a Cooperative, having the legal right to Lease or Sub-lease existing housing.

Participant (Participant Family) – A Family that has been admitted to the housing authority's program and is currently assisted in the program. A Participant will also include those persons which the BHA has an obligation to offer Continued Assistance. The Family becomes a Participant on the effective date of the first HAP Contract executed by the housing authority for the Family (first day of initial Lease).

Participant in Good Standing – A Participant who has not violated any rules of the Section 8 program in the prior year is a Participant in good standing. If a Participant has violated Section 8 program rules but the violation has been resolved by agreement between the Participant and the BHA or another PHA, and, if applicable, the Participant has honored the terms of the agreement for the prior year, then the Participant is in good standing. If a determination is pending, the Participant will be considered "in good standing" pending the final decision or resolution of any pending proposed violation of Section 8 program rules and obligations.

Payment Standard – The maximum monthly assistance payment for a Family before deducting the Total Tenant Payment by a Family. For a Voucher tenancy, the housing authority sets a Payment Standard in the range from 90% to 110% of the current FMR or at any exception Payment Standard amount approved by HUD.

Perpetrator – A person who commits an act of Domestic Violence, Dating Violence Stalking, or Sexual Assault against a victim.

Personal Care Attendant (PCA) – See Live-In-Aide :

Portability - Renting a dwelling Unit with Section 8 tenant-based assistance outside the Jurisdiction of the Initial Housing Authority.

Preference - The BHA gives preference to an Applicant on the waiting list if they qualify for one of the Preference categories listed below. See section 3.3.6. Preference points are cumulative and are added to the Applicant's Priority points (if any) to determine an Applicant's position on each BHA waiting list. An Applicant may qualify for more than one Preference at a time. Specific Preference definitions and point information can be found in section 3.3.6 of this Administrative Plan.

Premises - The building or complex in which the dwelling Unit is located, including common areas and grounds.

Present Ownership Interest - In the homeownership option: "Present Ownership option" in a residence includes title, in whole or in part, to a residence, or ownership, in whole or in part, of Membership Shares in a Cooperative. "Present Ownership Interest"

in a residence does not include the right to purchase title to the residence under a Lease-purchase agreement.

Priority - Priority is a housing-related situation that affects an Applicant's present residential status. The BHA gives points to an Applicant with a Priority that ranks an Applicant higher on each waiting list than an Applicant without Priority. An Applicant can qualify for only one Priority at any given time. Certain Priorities are given more points than others are. An Applicant will always be assigned to the highest Priority for which they qualify.

Private Space - In Shared Housing: The portion of a contract Unit that is for the exclusive use of an assisted Family.

Proration of Assistance - The reduction in a Family's Housing Assistance Payment to reflect the proportion of the Household Members in a Mixed Family who are eligible for assistance.

Project (PBV) – a single building, multiple contiguous buildings, or multiple buildings on contiguous parcels of land.

Public Housing Agency (PHA) - A State, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) authorized to engage in or assist in the development or operation of low-income housing.

Qualifying Family - An Elderly or Disabled family; or a Family receiving supportive services. To qualify, a Family must have at least one member receiving at least one qualifying supportive service. The BHA may not require participation in medical or disability-related services other than drug and alcohol treatment in the case of current abusers as a condition of living in an excepted Unit, although such services may be offered. If a family at the time of initial tenancy is receiving, and while the resident of an excepted Unit has received, FSS supportive services or any other supportive services as defined in the Administrative Plan, and successfully completes the FSS contract of participation or the supportive services requirement, the Unit continues to count as an excepted Unit for as long as the family resides in the Unit. If a Family in an excepted Unit fails without good cause to complete its FSS contract of participation or if the family fails to complete the supportive services requirement as outlined in the PHA administrative plan, the PHA will take the actions provided under 24 C.F.R. § 983.261(d), and the Owner may terminate the Lease in accordance with § 983.257(c).

Qualified Healthcare Provider - A medical or rehabilitation professional or expert, **OR** non-medical service agency whose function is to provide services to the disabled.

Rapid Re-Housing Assistance – The provision of housing relocation and stabilization services and short and/or medium term rental assistance (not to exceed thirty (30) months) as necessary to help a homeless individual or family move as quickly as possible into permanent housing and achieve stability in that housing.

Reasonable Accommodation - A change or modification to BHA rules, policies, practices, or services when such a change is reasonable and necessary because of a person's disability, and provided that the change does not pose an undue financial or administrative burden, or result in a fundamental Alteration of BHA policies.

Reasonable Modification - A change to the public or common use areas of a building or any change to a dwelling Unit when such a change may be necessary to afford the Disabled person full enjoyment of the premises occupied and is made at the expense of the Disabled Person. See 24 C.F.R. § 100.203.

Reasonable Rent - A Rent to Owner that is not more than charged: (a) for comparable units in the private unassisted market; and (b) for a comparable unassisted Unit in the premises.

Receiving Housing Authority - In Portability, a housing authority that receives a Family selected for participation in the tenant-based program of another housing authority. The Receiving Housing Authority issues a Voucher, and provides program assistance to the Family.

Recertification - A reexamination of a Participant Family's income, expenses, and Family Composition to determine the Tenant Share of Rent for the following twelve (12) months.

Remaining Member of a Tenant Family - A Household Member listed on the Lease who continues to live in the assisted Unit after the Head of the Household has left.

Rent to Owner - See Contract Rent

Repayment Agreement - (24 C.F.R. 792.103) –Repayment agreement means a formal document signed by a tenant or owner and provided to a PHA which a tenant or owner acknowledges a debt in a specific amount, and agrees to repay the amount due at specific time period(s).

Residual Tenancy Applicant - An existing Household Member, (except a Live-in-Aide), or an adult (if all other Household Members in the Apartment are Minors or incapacitated adults), willing to assume guardianship where appropriate of an Apartment where the Head and Co-Head of Household vacates or becomes incapacitated.

Residual Tenant - A remaining Household Member, (except a Live-in-Aide), or an adult (if all other Household Members in the Apartment are Minors or incapacitated adults) who has been approved under this Administrative Plan to remain a BHA resident.

Section 8 – Refers to Section 8 of the United State Housing Act of 1937 (42 U.S.C. § 1437f) and its associated programs, such as the Housing Choice Voucher Program and Moderate Rehabilitation Program.

Shared Housing - A Unit occupied by two or more families. The Unit consists of both Common space for shared use by the occupants of the Unit and separate Private Space for each assisted Family.

Single Person - Someone living alone or intending to live alone who does not qualify as an Elderly Person, a Disabled Person, a displaced person, or the Remaining Member of a Tenant Family.

Single Room Occupancy Housing (SRO) - A Unit for occupancy by a single eligible individual capable of independent living that contains no sanitary facilities or food preparation facilities, or contains either, but not both, types of facilities.

Special Admission - Admission of an Applicant that is not on the housing authority waiting list, or without considering the Applicant's waiting list position.

Special Housing Types - Housing that includes: SRO housing, Congregate housing, Group Homes, Shared Housing, Cooperatives (including Mutual Housing), and Manufactured Homes (including manufactured home space rental).

Stalking – Means:

- (a) To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; and to place under surveillance with the intent to kill, injure, harass or intimidate another person; and
- (b) In the course of, or as a result of, such following, pursuit, surveillance or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to:
 - (i) That person;
 - (ii) A member of the immediate family of that person; or
 - (iii) The spouse or intimate partner of that person.

Statement of Homeowner Obligations - In the homeownership option: The Household's agreement to comply with program obligations.

Statement of Family Responsibility – In the Moderate Rehabilitation Program, an agreement in the form prescribed by HUD, between the PHA and a Family to be assisted under the Program, stating the obligations and responsibilities of the Family.

State Wage Information Collection Agency (SWICA) - The State agency receiving quarterly wage reports from employers in the State, or an alternative system that has been determined by the Secretary of Labor to be as effective and timely in providing employment-related income and eligibility information.

Subsidy Standards - Standards established by a housing authority to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

Suspension - Stopping the clock on the term of a Household's Voucher, for such period as determined by the housing authority, from the time when the Household submits a request for tenancy approval to Lease a Unit, until the time when the housing authority approves or denies the request, and upon BHA approval based on other extenuating circumstances. Also referred to as Tolling.

Tenant - The person or persons (other than a PCA) who execute(s) the Lease as lessee of the dwelling Unit.

Temporary Housing /Temporarily Housed - a person or family shall be considered temporarily housed if he/she has not entered into a tenancy. For this purpose a tenancy will be taken to mean an agreement (written or verbal) by which an individual or family occupies the real property (house or apartment) of another with permission and subject to a rental fee."

Tenant Share of Rent (Household Rent to Owner) - In the Voucher program, the portion of the monthly Rent to Owner paid by the Household. For calculation of Rent to Owner see 24 C.F.R. § 982.515(b).

Third-Party Verification - Oral or written confirmation of a Applicant/Participant's income, expenses, or Family Composition provided by a source outside the household, such as an employer, doctor, school official, etc.

Tolling - See Suspension

Total Tenant Payment (TTP) - Total Tenant Payment is the amount calculated under Section 3(a)(1) of the 1937 Act, which is the higher of: 30% of the Family's Monthly Adjusted Income; 10% of the Family's Monthly Income; Minimum rent; or if the Family is receiving payments for Welfare Assistance from a public agency and a part of such payments, adjusted in accordance with the Family's actual housing costs, is specifically designated by such an agency to meet the Family's housing cost, the portion of such payments which is so designated.

Transitional Housing Assistance- (as defined by HUD) means a project that has as its purpose facilitating the movement of homeless individuals and families to permanent housing within a reasonable amount of time (usually 24 months),. Transitional housing includes housing primarily designed to serve deinstitutionalized homeless individuals and other homeless individuals with mental or physical disabilities and homeless families with children.

Underoccupied - A condition of occupancy where given its bedroom size too few people reside in an Apartment.

Unit - See Apartment

United States Department of Housing & Urban Development (HUD) - The federal department responsible for the Section 8 and public housing program as provided for in the 11037 Housing Act.

Use – For the purposes of drug related criminal activity, use will include simple possession of an illegal substance as defined by federal and or state law.

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Utility Allowance - If the cost of utilities (except telephone) and other housing services for an assisted Unit is not included in the tenant rent but is the responsibility of the Family occupying the Unit, an amount equal to the estimate made of approved by a housing authority or HUD of the monthly cost of a reasonable consumption of such utilities and other such services for the Unit by an energy-conservative Family of modest

circumstances consistent with the requirements of a safe, sanitary, and healthful environment.

Utility Reimbursement - The amount, if any, by which the Utility Allowance for the Unit, if applicable, exceeds the Total Tenant Payment for the Family occupying the unit

Verification - The process of obtaining statements from individuals whom can attest to the accuracy of the amounts of income, expenses, or Family Composition (e.g., employers, public assistance agency staff, doctors).

Very Low-Income Families - Low-income families whose incomes do not exceed 50% of the median Family income for the area, as determined by the Secretary with adjustments for smaller and larger Families.

Veteran - The word "Veteran" as used in this Administrative Plan shall include the spouse, surviving spouse, dependent, parent or Child of a Veteran and the divorced spouse of a Veteran who is the legal guardian of a Child of a Veteran.

Visitor/ Guest Policy- Participants are allowed to have guests and other temporary visitors. However, the leased premises may not be occupied for more than fourteen (14) cumulative days, or as prescribed in the lease agreement, by any one visitor/guest in a calendar year without prior permission from both the BHA and the Owner.

Violent Criminal Activity - Any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause or be reasonably likely to cause serious bodily injury or property damage.

Voucher - See Housing Choice Voucher.

Voucher Holder - A Family holding a Voucher with unexpired search time.

Voucher Size – See Family Unit Size.

Welfare Assistance - Welfare or other payments to Families or individuals, based on need, that are distributed through programs funded by Federal, State or local governments. See 24 C.F.R. § 5.603(d).



A home for every story

**ADMISSIONS AND CONTINUED
OCCUPANCY POLICY (ACOP)
FOR
BHA PUBLIC HOUSING
PROGRAMS**

Effective: ~~June 1, 2022~~

CONTENTS

CHAPTER 1: INTRODUCTION AND GENERAL POLICY	1
1.1 INTRODUCTION	1
1.2 STATEMENT OF NONDISCRIMINATION.....	1
1.2.1 <i>Compliance with Federal and State Laws</i>	1
1.2.2 <i>Civil Rights and Fair Housing</i>	1
1.2.3 <i>Fair Admissions</i>	2
1.2.4 <i>Reasonable Accommodations</i>	2
1.2.5 <i>Records of Applications for Admission and Transfer</i>	3
1.2.6 <i>Records of Apartments Offered</i>	4
1.2.7 <i>Applicant/Transfer Applicant Appeal Procedure</i>	4
1.3 DOMESTIC VIOLENCE	4
1.4 ACCESSIBILITY AND PLAIN LANGUAGE	6
1.4.1 <i>Accessible Facilities and Programs</i>	6
1.4.2 <i>Plain Language Paperwork</i>	6
1.4.3 <i>Forms of Communication other than Plain Language Paperwork</i>	6
1.4.4 <i>English Language Ability</i>	6
1.5 INCOME MIXING AND DECONCENTRATION	6
1.5.1 <i>Definitions</i>	7
1.5.2 <i>Income-Mixing</i>	7
1.5.3 <i>Deconcentration</i>	8
1.5.4 <i>Monitoring</i>	10
1.6 CIVIL RIGHTS PROTECTION PLAN	10
CHAPTER 2: MARKETING AND OUTREACH.....	11
2.1 MARKETING POLICY	11
2.1.1 <i>Marketing Purposes</i>	11
2.2 MARKETING REQUIREMENTS	11
2.2.1 <i>Fair Housing</i>	11
2.2.2 <i>Accurate Descriptions</i>	11
2.2.3 <i>Plain Language</i>	11
2.2.4 <i>Eligibility</i>	11
2.2.5 <i>Reasonable Accommodations and Structural Modifications</i>	12
2.3 MARKETING AND OUTREACH STRATEGIES	12
2.3.1 <i>When BHA Will Market Apartments</i>	12
CHAPTER 3: APPLICATION SUBMISSION	13
3.1 APPLICATION	13
3.2 DEVELOPMENT CHOICE.....	13
3.2.1 <i>Monitoring</i>	14
3.2.2 <i>Remedial Action</i>	14
3.3 PROCESSING APPLICATIONS FOR ADMISSION.....	14
3.3.1 <i>Processing</i>	14
3.3.2 <i>Communication Regarding Applications</i>	15
3.3.3 <i>Waiting List Updates</i>	15
CHAPTER 4: ESTABLISHING AND MAINTAINING WAITING LISTS	17
4.1 WAITING LIST MANAGEMENT FOR STATE PUBLIC HOUSING.....	17
4.1.1 <i>Organization of the Waiting Lists</i>	17

4.2	WAITING LIST MANAGEMENT FOR FEDERAL PUBLIC HOUSING	18
4.2.1	Organization of the Waiting Lists.....	18
4.2.2	Opening and Closing Waiting Lists (Federal Programs Only)	18
4.2.3	Withdrawal / Removal of an Application from a Waiting List	19
4.3	APPLICANT APPEALS – INFORMAL HEARINGS	21
4.3.1	Requirements of Denial or Withdrawal Notice	21
4.3.2	Scheduling the Informal Hearing.....	21
4.3.3	Applicant Rights during the Informal Hearing	23
4.3.4	Informal Hearing Decisions	23
4.4	PRIORITIES AND PREFERENCES FOR FEDERAL PROGRAMS.....	26
4.4.1	Definitions.....	26
4.4.2	Points for Priorities and Preferences.....	26
4.5	PRIORITY CATEGORIES AND VERIFICATION REQUIREMENTS	29
4.5.1	Transfers	29
4.5.2	Supported Housing Programs	29
4.5.3	Super Priority.....	29
4.5.4	Priority 1 for Federal Housing Programs (“P1”)	29
4.5.5	Priority 1 Displaced Categories	30
4.5.6	Priority 1 Homeless for Non-State Program	35
4.5.8	Standard (no Priority) Applicants	36
4.5.9	Housing Situation for State Programs.....	37
4.6	PREFERENCES	38
4.6.1	Veterans Preference	38
4.6.2	Disabled Non-Elderly Persons.....	38
4.6.3	Designated Housing Preference	39
4.6.4	Displaced Boston Tenant Preference.....	40
4.6.5	Residency Preference	41
4.7	APARTMENT FEATURES CONSIDERED.....	42
4.8	CHANGES IN PRIORITY AND/OR PREFERENCE.....	42
4.9	APPLICANT FAMILY BREAK-UP POLICY.....	42
4.9.1	Split between Head and Co-Head of Household.....	42
4.9.2	Applicant Family Break Up for Minor Households	44
CHAPTER 5:	DETERMINATION OF ELIGIBILITY	45
5.1	ELIGIBILITY	45
5.1.1	Threshold Eligibility Requirements	45
5.1.2	Eligibility Determination.....	46
5.2	VERIFICATION GENERALLY	47
5.2.1	Documentation	48
5.2.2	Applicant Release of Information.....	48
5.2.3	Verification Order of Preference for Federal Programs.....	48
5.2.4	Verification Timelines.....	49
5.2.5	BHA Right to Request Additional Verification	49
5.3	VERIFICATION OF FAMILY COMPOSITION	50
5.3.1	Photo identification.....	50
5.3.2	Proof of Birth	50
5.3.4	Proof of Relationships	51
5.3.5	Social Security Numbers	51
5.3.6	Verification of Student Status	51
5.3.7	Verification of Disability	51
5.3.8	Verification of Need for Special Unit Features	53
5.3.9	Verification of Citizenship Status (Federal Programs Only).....	53
5.4	VERIFICATION OF INCOME AND DEDUCTIONS	56

5.4.1	Income from Employment	56
5.4.2	Income from governmental agencies.....	57
5.4.3	Income from Retirement Accounts.....	57
5.4.4	Income from the operation of a business or profession.....	57
5.4.5	Zero Income.....	57
5.4.6	Child Support, alimony, regular gifts and gambling proceeds	57
5.4.7	Income from Assets	57
5.4.8	Verification of childcare expenses or care of disabled household member deductions.....	58
5.4.9	Verification of Medical Deductions	58
5.4.10	Verification Medical Deductions.....	59
5.4.11	Permissive Deduction in Excess of Monthly Stipend.....	60
5.4.12	Income Exclusions.....	60
5.5	SCREENING FOR SUITABILITY	60
5.5.1	Purpose of Suitability Screening	60
5.5.2	Housing History	61
5.5.3	Criminal History.....	61
5.5.4	Evaluation of Screening Criteria	65
5.5.5	Rehabilitation and Mitigating Circumstances.....	66
5.5.6	Outcome of Screening Process	66
5.6	PERSONAL CARE ATTENDANTS (PCAs) / LIVE-IN AIDES	67
5.6.1	Definition.....	67
5.6.2	Policy on Addition of a licensed PCA or Live-in Aide to the Household	67
CHAPTER 6:	ASSIGNMENTS AND OFFERS	69
6.1	APARTMENT OCCUPANCY GUIDELINES.....	69
6.1.1	Occupation by Households of Appropriate Size	69
6.1.2	Table of Occupancy Standards.....	69
6.1.3	Apartment Assignments	69
6.2	OFFERS	72
6.2.1	Allocation of Offers to Different Applicant Types.....	72
6.2.2	Offers of Accessible Apartments	72
6.2.5	Acceptance or Rejection of an Offer.....	75
6.2.7	Good Cause or Reasonable Accommodation.....	78
CHAPTER 7:	TRANSFERS.....	81
7.1	TRANSFER CATEGORIES.....	81
7.1.1	Administrative Transfer.....	81
7.1.2	Special Circumstances	83
7.2	TRANSFER PROCESS.....	84
7.1.1	Resident Initiated Transfer.....	84
7.1.2	BHA Initiated Transfer	84
7.1.3	Transfer Review Process	84
7.3	GOOD CAUSE OR REASONABLE ACCOMMODATION	85
7.4	VERIFICATION OF REASON FOR TRANSFER.....	85
7.5	DENIAL OF TRANSFER REQUESTS.....	86
7.6	TRANSFERS ON A WAITING LIST/AMP.....	86
7.7	ON-SITE UNDER OR OVER HOUSED TRANSFER APARTMENT ASSIGNMENTS	86
7.8	TRANSFER AT RESIDENTS EXPENSE	86
7.9	TRANSFER WAIVER/REASONABLE ACCOMMODATION	87
7.10	CONTINUED OCCUPANCY FOR VETERANS	87
7.11	REJECTION OF APPROVED TRANSFER BY RESIDENT	87
7.11.1	Special Circumstances and Administrative Transfers	87
7.11.2	On-Site Under or Over Housed Transfers.....	88

CHAPTER 8: RESIDUAL TENANCY POLICY	89
8.1 QUALIFICATIONS FOR RESIDUAL TENANCY	89
8.2 DIVORCE, SEPARATION OR PROTECTIVE ORDER	89
8.3 RESIDUAL TENANCY AND INCOME	90
8.4 RENT DURING USE AND OCCUPANCY PERIOD	90
8.5 LIMITATIONS OF POLICY	90
8.6 RESIDUAL TENANCY – RIGHT OF APPEAL	90
CHAPTER 9: OTHER OCCUPANCY PROVISIONS	92
9.1 LEASE PROVISIONS	92
9.1.1 <i>Leasing of Apartments</i>	92
9.1.2 <i>Length of Lease</i>	92
9.1.3 <i>Additions to the Lease</i>	92
9.1.4 <i>Other Occupancy Provisions</i>	94
9.2 ANNUAL RECERTIFICATIONS	95
9.2.1 <i>Annual Recertification Requirement</i>	95
9.2.2 <i>Responding to BHA Requests for Information</i>	95
9.2.3 <i>Fraud or Misrepresentation</i>	95
9.2.4 <i>Imputed Welfare Income</i>	95
9.2.5 <i>Zero Income Family</i>	96
9.2.6 <i>Effective Date of Rent Share Change</i>	96
9.2.7 <i>Notice of Rent Share Change</i>	96
9.2.8 <i>Choice of Rent Calculation Method</i>	97
9.3.1 <i>Circumstances Requiring an Interim Recertification. Separate requirements for State program. Self-reporting requirements. Look @ Lease see what's there.</i>	99
9.4 OVER-INCOME	101
9.5 USE OF HUD'S ENTERPRISE INCOME VERIFICATION (EIV) SYSTEM	102
9.5.1 <i>Required Use of EIV</i>	102
9.6 SELF-SUFFICIENCY INCOME EXCLUSIONS	105
9.6.1 <i>Employment After Unemployment</i>	106
9.6.2 <i>Income Increase After Training</i>	106
9.6.3 <i>Income Increase After Receiving Welfare</i>	106
9.7 COMMUNITY SERVICE AND ECONOMIC SELF-SUFFICIENCY POLICY (APPLICABLE TO FEDERAL DEVELOPMENTS/AMPS ONLY)	106
9.7.1 <i>Definitions</i>	107
9.7.2 <i>Notification of Residents</i>	107
9.7.3 <i>Exemptions</i>	108
9.7.4 <i>Initial Determination of Exemption</i>	109
9.7.5 <i>Continuing Determination of Exemption and Compliance</i>	110
9.7.6 <i>Non-Compliance</i>	111
9.7.7 <i>Documentation</i>	112
9.7.8 <i>Grievance Procedure</i>	112
9.7.9 <i>Prohibition Against the Replacement of Employees</i>	112
9.7.10 <i>Third Party Coordinating</i>	113
9.8 INSPECTIONS	113
9.8.1 <i>Pre-Occupancy Inspections</i>	113
9.8.2 <i>Annual Inspections</i>	113
9.8.3 <i>Move-Out Inspection</i>	114
9.9 LEASE TERMINATION PROCEDURES	114
9.9.1 <i>Recordkeeping Requirements for Lease Termination</i>	114
CHAPTER 10: MISCELLANEOUS PROVISIONS	116

10.1	DEPROGRAMMING APARTMENTS	116
10.2	SUPPORTED HOUSING PROGRAMS.....	116
10.2.1	<i>Social Service Agreements</i>	<i>116</i>
10.2.2	<i>Apartment/Development/AMP Designations</i>	<i>116</i>
10.3	DESIGNATED HOUSING PROGRAM	116
10.3.1	<i>Plan Description</i>	<i>117</i>
10.3.2	<i>Development/AMP Designation.....</i>	<i>117</i>
10.5	RESIDENT CUSTODIANS AND SPECIAL ASSIGNMENT LABORERS	117
10.5.1	<i>Rules Governing Residency.....</i>	<i>117</i>
10.5.2	<i>Admission as Residents</i>	<i>118</i>
10.6	OCCUPANCY BY POLICE OFFICERS (FEDERAL DEVELOPMENTS/AMPS ONLY)	118
10.6.1	<i>Definition of Police Officer.....</i>	<i>118</i>
10.6.2	<i>Purpose of Policy</i>	<i>118</i>
10.6.3	<i>Terms of Tenancy for Police Officers</i>	<i>118</i>
10.6.4	<i>Apartments to be Occupied by Police Officers</i>	<i>119</i>
10.7	PET POLICY.....	119
10.8	POLICY WAIVERS	120
10.8.1	<i>ACOP Waivers.....</i>	<i>120</i>
10.8.2	<i>Waiver of State Regulation</i>	<i>120</i>
10.8	NON-SMOKING POLICY	120
CHAPTER 11: DEFINITIONS.....		120

CHAPTER 1: INTRODUCTION AND GENERAL POLICY

1.1 Introduction

Boston Housing Authority's Mission Statement: It is the mission of the Boston Housing Authority ("BHA" or "the Authority") to provide stable, quality affordable housing for low- and moderate-income persons; to deliver these services with integrity and mutual accountability; and to create living environments, which serve as catalysts for the transformation from dependence to economic self-sufficiency.

This Admissions and Continued Occupancy Policy (ACOP) describes the admission, occupancy and transfer policies by which the BHA determines eligibility for admission, selects prospective residents, assigns apartments, admits residents, and processes transfers, in a fair and nondiscriminatory manner.

This ACOP is applicable to BHA Public Housing Developments only. [The BHA has additional housing units within its portfolio. Application information for those sites can be found on the BHA website. The BHA's Hope VI Program developments utilize a separate HUD-approved admissions and occupancy system which can be obtained from the property management agent for those developments.](#)

1.2 Statement of Nondiscrimination

1.2.1 Compliance with Federal and State Laws

It is the policy of the BHA to comply fully with existing Federal and State laws¹ protecting the individual rights of applicants, residents, or staff and any laws subsequently enacted.

1.2.2 Civil Rights and Fair Housing

The Authority does not discriminate because of race, color, sex, sexual orientation, gender identity, religion, age, handicap, disability, national origin, ethnicity, familial status or marital status, in the leasing, rental, sale or transfer of apartments, buildings, and related facilities, including land that it owns or controls.²

¹ Title VI of the Civil Rights Act of 1964 and the implementing regulations at 24 CFR Part 1; Title VIII of the Civil Rights Act of 1968 (as amended by the Fair Housing Amendment Act of 1988); Executive Order 11063 on Equal Opportunity in Housing and the implementing regulations at 24 CFR Part 107; Section 504 of the Rehabilitation Act of 1973 and the implementing regulations at 24 CFR Part 8; the Age Discrimination Act of 1975 and the implementing regulations at 24 CFR Part 146; and the implementing regulations at 24 CFR Parts 100, 108, 110, and 121. Title II of the Americans with Disabilities Act and the implementing regulations at 28 CFR Part 35 and M.G.L. Chapter 151B. For BHA's state-aided housing, applicable regulations are found at 760 CMR 4.00, 5.00 and 6.00 covering housing developed under the Chapter 200, Chapter 667 and Chapter 705 programs.

² Buildings must be owned by the Authority and covered by a contract for annual contributions under the United States Housing Act of 1937 for properties in the Federal program, and/or a Massachusetts

The BHA shall not, on account of race, color, sex, religion, age, sexual orientation, gender identity, disability, handicap, national origin, ethnicity, marital status or familial status:³

- (a) Deny to any Household the opportunity to apply for housing, or deny to any qualified Applicant the opportunity to lease housing suitable to his/her needs;
- (b) Provide housing which is different from that provided others except as required or permitted by law and in accordance with this Policy;
- (c) Subject any person to segregation or disparate treatment;
- (d) Restrict a person's access to any benefit enjoyed by others in connection with the housing program;
- (e) Treat a person differently in determining eligibility or other requirements for admission;
- (f) Deny a person access to the same level of services available to other similarly situated individuals; or
- (g) Deny a person the opportunity to participate in a planning or advisory group that is an integral part of the housing program.

1.2.3 Fair Admissions

The BHA shall not automatically deny admission to a particular group or category of otherwise eligible Applicants (e.g., Households with children born to unmarried parents or Households where the Head of Household or Co-Head of Household is a student). Each Applicant in a particular group or category must be treated on an individual basis in the normal processing routine.

1.2.4 Reasonable Accommodations

The BHA shall make reasonable accommodations in policies and procedures and, if necessary and reasonable, make certain structural modifications for persons with disabilities (Applicants or residents) in accordance with the BHA's **Reasonable Accommodation Policy**.

- (a) The BHA cannot refuse to make a Reasonable Accommodation in rules, policies, practices or services when such accommodation may be necessary to afford a person with a physical or mental impairment equal opportunity to use and enjoy a BHA apartment, including public and common use areas.

Department of Housing and Community Development Contract for Financial Assistance or operating funds for properties in the State program.

³ See M.G.L. Chapter. 151B, § 4 and 42 U.S.C. § 3601

(b) The BHA must make a modification to existing premises, when requested by a Disabled person, if the modification is reasonable and necessary to afford equal opportunity to use and enjoy BHA premises.

(c) An accommodation or structural modification is not reasonable if it would impose an undue administrative and financial burden on the BHA, or fundamentally alter the nature of the public housing program. The burden of demonstrating that a requested accommodation is unreasonable and imposes an undue administrative and financial burden, or fundamentally alters the nature of the public housing program is on the BHA. If granting the requested accommodation would create an undue administrative and financial burden, the BHA shall approve the request to the extent that it can do so without undergoing the undue burden or fundamental program alteration as described above.

(d) Requests for accommodation with respect to documents used by the BHA should be made to the Authority's TDD phone number, TTY phone number, Civil Rights Department, Admissions Department, Development Manager's Office, or the Housing Service Center. In addition, although there are many different staff members who may review a request for reasonable accommodation, the BHA has a Reasonable Accommodation Coordinator who may be contacted for assistance. The Reasonable Accommodation Coordinator can be reached in the BHA's Office of Civil Rights.

1.2.5 Records of Applications for Admission and Transfer

BHA records with respect to applications for admission and transfer shall indicate the following for each application:

- (a) Date and time of receipt
- (b) The Applicant's choice(s) of development(s)
- (c) The determination of the BHA as to eligibility or non-eligibility of the Applicant or Resident
- (d) Where eligible, the apartment size for which eligible.
- (e) Where eligible the Priority and/or Preference category granted, if any and the date such eligibility is granted.
- (f) Race of Household Members (for statistical purposes only)
- (g) Status as a Disabled Household or Household Member
- (h) Name(s) of Household Member(s)
- (i) Address of Household including mailing address

(j) Client number

1.2.6 Records of Apartments Offered

The BHA will maintain a record of apartments offered and to whom offered, including the date, location, apartment identification, client number, circumstances of each offer, each acceptance or rejection, and the reason for any rejection.

1.2.7 Applicant/Transfer Applicant Appeal Procedure

An Applicant or resident who believes himself/herself to have been aggrieved by any action, inaction or decision of the BHA in the processing of his/her application for admission or transfer application shall have the right to a hearing. Applicants for admission are entitled to an appeal before a hearing officer pursuant to the provisions of this Policy and transfer applicants are entitled to a hearing pursuant to BHA's Tenant Grievance Procedures.

1.3 Domestic Violence

It is the policy of BHA to assist victims of Domestic Violence, Dating Violence, Stalking, or Sexual Assault who are otherwise eligible for the BHA Housing Programs, to access and retain safe and affordable housing. The BHA follows the provisions listed below and those in the BHA Violence Against Women Act ("VAWA") Policy when considering the denial or termination of assistance of a victim of Domestic Violence, Dating Violence, Stalking, or Sexual Assault. See also BHA VAWA Policy.

(a) That an Applicant or Participant is or has been a victim of Domestic Violence, Dating Violence, Stalking, or Sexual Assault, is not an appropriate basis for denial of program assistance or for denial of admission, if the Applicant otherwise qualifies for assistance in accordance with this plan.

(b) An incident or incidents of actual or threatened Domestic Violence, Dating Violence, Stalking, or Sexual Assault will not be construed as a serious or repeated violation of the Lease by the victim or threatened victim of that violence and shall not be good cause for terminating the assistance, tenancy, or occupancy rights of the victim of such violence.

(c) Criminal Activity directly relating to Domestic Violence, Dating Violence, Stalking, or Sexual Assault, engaged in by a member of a tenant's household or any guest or another person under the household member's control shall not be cause for termination of assistance, tenancy or occupancy rights if the tenant or an immediate member of the tenant's Family is the victim, or threatened victim of that Domestic Violence, Dating Violence, Stalking, or Sexual Assault.

(i) Notwithstanding clause (c), the BHA may bifurcate a Lease under this section, in order to evict, remove or terminate assistance to any individual who is a tenant or a lawful

occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating the assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant.

(ii) Nothing in clause (c) may be construed to limit the authority of the BHA, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the Household members.

(iii) Nothing in clause (c) limits any otherwise available authority of the BHA to evict for any violation of a Lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided the BHA does not subject an individual who is or has been a victim of Domestic Violence, Dating Violence, Stalking, or Sexual Assault to a more demanding standard than other tenants in determining whether to evict or terminate.

(iv) Nothing in clause (c) may be construed to limit the authority of the BHA to evict any tenant or lawful occupant if the BHA can demonstrate an actual or imminent threat to other tenants or those employed at providing service to the property if that tenant is not evicted or the program assistance is terminated.

(d) Verification of Status as a Victim of Domestic Violence. When a Family member seeks to avoid an adverse decision by the BHA on the grounds of being the victim of Domestic Violence, Dating Violence Stalking, or Sexual Assault, the BHA will require verification of the claimed incident or incidents. The BHA will request this verification in writing. Verification must be provided within 14 business days (i.e., 14 calendar days, excluding Saturdays, Sundays, and federally recognized holidays) after receipt of the request for verification. Failure to provide verification, in proper form within such time will result in loss of protection under VAWA and this policy against a proposed adverse action. The 14-day period may be extended for good cause.

The following documentation will be accepted for purposes of such verification:

(i) A HUD-approved form;

(ii) Documentation signed and attested under penalty of perjury by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing the Domestic Violence, Dating Violence Stalking, or Sexual Assault, or the effects of the abuse, described in such documentation; or

(iii) A Federal, State, tribal, territorial, or local police or court record describing the incident or incidents in question.

(iv) Other forms of verification as deemed acceptable by the BHA.

1.4 Accessibility and Plain Language

1.4.1 Accessible Facilities and Programs

Facilities and programs used by Applicants and residents shall be made accessible. Application and management offices, hearing rooms, community centers, laundry facilities, craft and game rooms and other public spaces will be available for use by residents with disabilities. If these facilities are not already accessible (and located on accessible routes), they will be made accessible so long as this does not impose an undue financial and administrative burden on the Authority.

1.4.2 Plain Language Paperwork

Documents intended for use by Applicants and residents will be presented in accessible formats for those with vision or hearing impairments and they will be written simply and clearly to enable Applicants and residents with learning or cognitive disabilities to understand as much as possible. Requests for accommodation with respect to documents used by the BHA should be made to the Authority's TDD phone number, TTY phone number, Civil Rights Department, Admissions Department, or the Housing Service Center.

1.4.3 Forms of Communication other than Plain Language Paperwork

At the point of initial contact, BHA staff shall ask all Applicants whether they need some form of communication other than plain language paperwork. Some alternatives might include: sign language interpretation, having materials explained orally by staff, either in person or by phone or video, large type materials, information on tape, and having someone (friend, relative or advocate) accompany the Applicant to receive, interpret and explain housing materials. The BHA will pay for sign language interpreters for the hearing impaired.

1.4.4 English Language Ability

Some Applicants will not be able to read (or to read English), so staff must be prepared to read and explain documents that they would normally hand to an Applicant to be read or filled out. Applicants who read or understand little English may need to be provided with an interpreter who can explain what is occurring. The BHA will make an effort to have its written materials translated into those languages frequently spoken by Applicants and to provide oral interpretation, upon request, in accordance with its Limited English Proficiency Policy (LEP).

1.5 Income Mixing and Deconcentration (Federal Only)

In accordance with the Congressional mandate in the Quality Housing and Work Responsibility Act of 1998, the Boston Housing Authority has adopted the federally required policies to provide for deconcentration of poverty and to encourage income

mixing in all federal Family (general occupancy) developments. BHA offers the plan below to facilitate both deconcentration and income mixing in BHA developments. The goals of the plan are to provide a sufficient mixture of extremely low-income, very-low, and low-income Households at all BHA developments, and to avoid circumstances wherein higher-income or lower-income developments are created with respect to the Authority-wide average income.

1.5.1 Definitions

For the purposes of this Admissions and Continued Occupancy Policy (ACOP), Lower-Income Households are defined as Households whose annual income does not exceed eighty (80) percent of the Boston area median income (AMI), with adjustments for smaller and larger Households, as determined by the Secretary of Housing and Urban Development. In accordance with 24 CFR 5.603, HUD may establish income ceilings higher or lower than 80% of the median income for the area on the basis of HUD's findings that such variations are necessary because of unusually high or low household incomes. However, with regard to state developments, state income rules of eligibility as defined in 760 CMR 5.00 or any successor regulations will apply. Within this category of Lower-Income Households, the following definitions apply:

(a) Low-Income Household

A Low-Income Household is defined as a Household whose annual income exceeds fifty (50) percent but does not exceed eighty (80) percent of the Boston AMI, with adjustments for smaller and larger Households, as determined by the Secretary of Housing and Urban Development or Massachusetts Department of Housing and Community Development.

(b) Very Low-Income Household

A Very Low-Income Household is defined as a Household whose annual income exceeds thirty (30) percent of the Boston AMI but does not exceed fifty (50) percent of the AMI for the area with adjustments for smaller and larger Households, as determined by the Secretary of Housing and Urban Development or Massachusetts Department of Housing and Community Development.

(c) Extremely Low-Income Household

An Extremely Low-Income Household is defined as a Household whose annual income does not exceed the higher of the federal poverty level or thirty (30) percent of the AMI for the Boston area, with adjustments for smaller and larger Households, as determined by the Secretary of Housing and Urban Development or Massachusetts Department of Housing and Community Development.

1.5.2 Income-Mixing

(a) Income Mixing Goals (Federal Programs Only)

It is the goal of BHA to attain, within a reasonable period of time, a resident population in each development composed of Lower-Income Households with a broad range of incomes.

To achieve and maintain a population with a broad range of incomes, BHA will review its waiting list to determine whether there is a representative income mix of Low, Very-Low, and Extremely-Low Income Households. If there is not a representative income mix, BHA will consider strategies to encourage a greater income mix including, but not limited to, conducting targeted outreach efforts and/or establishing income Preferences.

(b) Targeting Requirements

Regardless of any discretionary strategies the BHA may adopt to achieve the goal of income mixing, the BHA will ensure that it meets the following targeting requirements as set forth by federal regulation:

(i) In federal developments only, at least 40% of new admissions to the BHA's public housing program during each fiscal year will be Extremely-Low Income Households.

(ii) BHA may reduce the required percentage of public housing apartments to which Extremely-Low Income Households must be admitted to the extent that the BHA has credits, in the same fiscal year, for admissions of Extremely-Low Income Households to its Section 8 tenant-based assistance program beyond the number required for that program. However, the BHA may not have more credits than the lesser of the following:

- Ten percent of the total number of Households admitted to the Section 8 tenant-based assistance program during the fiscal year,
- The number of the BHA's public housing apartments in developments located in census tracts with a poverty rate of 30 percent or more that are made available and filled by eligible Households who are not Extremely-Low income Households.

(iii) During any fiscal year and regardless of the number of credits from Section 8 tenant-based assistance admissions, at least 30 percent of BHA admissions to public housing apartments will be Extremely-Low income Households.

1.5.3 Deconcentration

The admissions policies contained in this ACOP are designed to deconcentrate poverty. This objective will be achieved by bringing higher-income Households into lower-income developments and/or lower-income Households into higher-income developments. While information regarding specifics of each development is contained each year in the BHA's Annual Plan, which is submitted to HUD and DHCD, below is an outline of BHA's deconcentration policy.

The BHA will accomplish the deconcentration goal in a uniform and non-discriminatory manner. While targeting certain levels of income for admission to BHA public housing,

BHA will not intentionally concentrate lower-income Households, as defined below, in one public housing development or building within a development.

(a) Deconcentration – Identification Procedures

Annually, the BHA will calculate the average income at all BHA Family developments ("the Authority-wide average income"). The Authority will also calculate the average income of all Households at each Development separately ("the Development average income"). Developments in which the Development average income is above 115% of the Authority-wide average income will be considered "higher-income" developments. Likewise, Developments in which the Development average income is below 85% of the Authority-wide average income will be considered "lower-income" Developments.

(b) Definitions

(i) The Authority-wide average income: The average income of all Households residing in BHA Family developments. Such an average is used as a base measure from which Developments are either determined to be "higher-income" or "lower-income" for purposes of the BHA's deconcentration policy.

(ii) The Development average income: The average income of all Households residing in a single BHA Family Housing development.

(iii) Higher-income Development: A development in which the Development average income is above 115% of the Authority-wide average income.

(iv) Lower-income Development: A development in which the Development average income is below 85% of the Authority-wide average income.

(c) Remedial Action

Based upon the above-mentioned analysis, the BHA will review the need to offer incentives to eligible families that would help accomplish the deconcentration objectives at individual developments. Should the average income at a development(s) vary more than 15% from the Authority-wide average, the BHA may utilize some or all of the policies and/or incentives listed below:

(i) Establish an income Preference in order to reach Applicant Households with lower or higher incomes as appropriate.

(ii) Initiate affirmative marketing strategies to all eligible income groups.

(iii) Provide additional applicant consultation and information.

(iv) Provide additional supportive services and amenities.

(v) Provide rent incentives authorized by Quality Housing and Work Responsibility Act of 1998 ("QHWRA")

(vi) Targeting investment and capital improvements towards a development(s) below 85% of the Authority-wide average income.

1.5.4 Monitoring

As part of the BHA's Annual Plan submission to HUD and as part of an annual report to DHCD, the BHA will annually monitor the income levels of Households residing in BHA housing and on the waiting list to assess its progress in attaining the deconcentration and income mixing goals. The BHA will calculate and compare the average Household incomes at each development with the Authority-wide average, as described above. In addition, the income status of Applicants on the BHA's waiting list will be analyzed to determine the percentage of Applicants with "Low," "Very Low" and "Extremely Low" incomes.

The BHA will also ascertain its progress in meeting the income-targeting goal that requires in federal developments that 40% of new admissions must be Extremely-Low Income Households. If the monitored data indicates any problems, BHA will alter its marketing and deconcentration strategies in accordance with this policy and federal and State requirements.

1.6 Civil Rights Protection Plan

It is the policy and obligation of the Boston Housing Authority to administer all aspects of its housing programs without regard to race, color, age, sex, sexual orientation, gender identity, national origin, ethnicity, religion, familial or marital status or handicap/disability. The BHA's **Civil Rights Protection Plan** ("CRPP") approved by the U.S. Department of Justice on July 26, 1999, is designed to protect Applicants, residents and their visitors from threats, harassment, violence or abuse while they are on BHA property. (Please refer to the BHA's CRPP for specific policies and procedures).

CHAPTER 2: MARKETING AND OUTREACH

2.1 Marketing Policy

It is the policy of the BHA to conduct marketing and outreach as needed to maintain an adequate application pool representative of the eligible population in the area. In marketing its developments, it is the policy of the BHA to comply fully with existing Federal and State laws protecting the individual rights of applicants, residents, or staff and any laws subsequently enacted.

2.1.1 Marketing Purposes

Marketing has two primary purposes:

- (a) to make all potential applicants aware of the housing and related services that BHA offers its residents; and
- (b) to attract specific groups of applicants, such as, those with Low- and Very low-income levels, as defined in Chapter 1, section 1.4.1 “Definitions,” of this policy, Disabled Persons who require units with accessible features, or those determined by an annual analysis of site-based waiting lists to be the least likely to apply for the housing market area.

2.2 Marketing Requirements

The following requirements apply to BHA marketing efforts:

2.2.1 Fair Housing

Materials must comply with the Fair Housing Act and any other federal, state and local, fair housing rules or requirements.

2.2.2 Accurate Descriptions

Materials shall accurately describe each development, its apartments by size and type, its application process, waiting list, estimated wait time, amenities and Priority and Preference structure and shall include the availability of apartments with accessible features, and any designation that applies to the property.

2.2.3 Plain Language

Marketing materials shall be in “plain language”. The BHA shall make an effort to use print media, videos and multi-media in a variety of languages.

2.2.4 Eligibility

Marketing materials shall make clear to individuals and Households, who is eligible for housing including people with physical and/or mental disabilities.

2.2.5 Reasonable Accommodations and Structural Modifications

BHA's marketing materials will include notice of the Authority's responsibility to provide reasonable accommodations and structural modifications for people with disabilities if reasonably required on account of disability.

2.3 Marketing and Outreach Strategies

2.3.1 When BHA Will Market Apartments

The BHA will undertake marketing efforts whenever there is a need to do so in order to address: changes required as a result of legislative or regulatory requirements; fair housing needs; apartment vacancy or turnover considerations; deconcentration and income mixing needs with respect to federal developments; an insufficient pool of Applicants on the waiting list; or any other factor which may require marketing efforts to further public housing program goals. The BHA shall assess these factors at least annually as part of its Agency Plan in order to determine the need and scope of the marketing effort.

The BHA shall widely circulate the marketing of apartments through print, and online media sources, as well as direct contact of local social service providers. Contacts shall be regularly updated and to ensure appropriate outreach.

State Public Housing 760 CMR 5.04 - Marketing

Each LHA has a continuing responsibility to ensure that households in its region of the state are aware of any availability of units and have an opportunity to apply. The LHA shall undertake a marketing effort whenever its waiting list for units is less than the number of applicants anticipated to be placed in the next 12 months.

The LHA shall undertake appropriate affirmative fair marketing efforts pursuant to 760 CMR 4.07: LHA Fair Housing Marketing Plan whenever the number of its minority tenant households and minority households on the waiting list for either family housing or elderly/handicapped housing is less than the number of households meeting its Affirmative Action Goal established pursuant to 760 CMR 5.10(3) for the respective program.

CHAPTER 3: APPLICATION SUBMISSION

3.1 Application

Applicants may apply for BHA subsidized housing by applying online or by submitting a paper application form. Further instructions are detailed at www.bostonhousing.org.

State Public Housing 760 CMR 5.05(1)-(2) – Application Procedures

Every applicant shall use the online Common Housing Application for Massachusetts Programs (CHAMP) or other application forms approved by the Department. The application forms shall be available at all BHAs' central offices or, upon request, by mail. The BHA shall provide reasonable assistance to applicants in completing the application forms. When an applicant submits a paper application form at any LHA, the BHA shall accept the application and promptly enter the information thereon into the Statewide Online Application System.

Every application entered into the Statewide Online Application System shall receive a date and timestamp for each program at each LHA to which the application is made. Applicants may return to their online applications to view their application status and to make changes at any time. Applicants may also make changes at any LHA in person or by mail.

The BHA Waiting Lists are organized by development in the Statewide Online Application System.

3.2 Development Choice

The BHA maintains separate waiting lists for each of its public housing developments. Applicants may choose to apply for any or all of the developments for which they meet the minimum threshold requirements.

State Public Housing 760 CMR 5.12(1)

Any grant or denial of a Preference, or determination of ineligibility or disqualification, that is made by an LHA shall only affect the application on that LHA's waiting list for the program for which the Applicant is being considered at that LHA. For example, if an Applicant is denied from a State Public Housing Family program development, the Applicant shall be withdrawn from all Family program development waiting lists.

3.2.1 Monitoring

As part of the Annual Plan submission to HUD and as part of a semi-annual report to DHCD, the BHA will monitor the racial, ethnic, and disability-related composition of Households residing at each BHA development and on each development waiting list. The purpose of this monitoring will be to assess changes in racial, ethnic, or disability-related Household composition at each BHA development that may have occurred during the implementation of the site-based waiting list.

In addition, at least every three years the BHA shall contract with an independent agency specializing in fair housing, to employ independent testers or other means satisfactory to HUD and DHCD, to assure that its site-based waiting lists are not being implemented in a discriminatory manner, and that no patterns or practices of discrimination exist. The BHA shall provide the results of this review to HUD and DHCD and shall take steps to remedy any problems found during the review including steps necessary to affirmatively further fair housing.

3.2.2 Remedial Action

Based upon the above-mentioned monitoring, the BHA will review the need to take steps to remedy any problems that surfaced during the review. These steps may include some or all of the following:

- (a) Initiate affirmative marketing strategies
- (b) Provide additional applicant consultation and information
- (c) Provide additional supportive services and amenities
- (d) Target investment and capital improvements towards a development
- (e) Modify marketing efforts in response to assessment of occupancy patterns and the composition of the waiting lists.

3.3 Processing Applications for Admission

3.3.1 Processing

It is the BHA's policy to accept and process applications in accordance with applicable BHA, Federal and State regulations and handbooks.

Applicants must supply complete and necessary information for an application to be processed. BHA will notify Applicants of incomplete Applications and make an effort to assist in completion of the application.

All applications shall receive a date/ timestamp and confirmation. Applicants shall be informed of their responsibility to notify the BHA of any change of address or Household composition and to respond to application update requests sent to them.

3.3.2 Communication Regarding Applications

(a) BHA to Applicants

All communications with Applicants will be by first class mail as a default, but by other means in addition, where accepted by the Applicant, including but not limited to communication through an applicant web portal or email. Failure to respond to BHA communications may result in withdrawal of an Applicant from all waiting lists.

Email or other electronic communications shall also be used as a method of communication to supplement any communication conducted by mail.

(b) Applicants to BHA

It is the responsibility of each Applicant to inform the BHA in writing of any change in address, telephone number, Household composition, change in Priority, Preference, Good Cause, or other information, which may affect the status of the application while on the waiting lists. For an Applicant with no fixed address, such as homeless Households, the address of a social service agency may be used for BHA contacts; however, if the Applicant finds permanent housing, the address must be reported to the BHA immediately.

(c) Confidentiality of File Information

BHA maintains all applicant, resident, and participant information in accordance with federal and state privacy laws.

3.3.3 Waiting List Updates

For non-state programs, the BHA shall conduct waiting list updates from time to time as necessary. The purpose of a waiting list update is to determine the applicant has continued interest. Applicants will have twenty (20) calendar days from date of a waiting list update notice to respond and express continued interest and provide any other updates to their current housing status. Failure to respond to a waiting list update notice shall result in the application being denied.

State Public Housing 760 CMR 5.14 – Update and Reclassification of Waiting List

- (1) Applicants who have not contacted an LHA or logged into the Statewide Online Application System for two years shall be contacted by the Department Systems Administrator by email, and if there is no response, by first class mail.

- (a) to determine whether:
1. applicant is still interested in obtaining state-aided public housing;
 2. the applicant's appropriate unit size or accessibility needs have changed;
 3. the applicant's claimed priority and preference status remain the same; and
- (b) to advise the applicant that a failure to respond within 30 days will cause the application to be made inactive in the Statewide Online Application System resulting in the application not being processed by any LHA. Any applicant whose application is made inactive shall be notified of the same and will be restored to the waiting list(s) if the applicant contacts an LHA or logs into the Statewide Online Application System within one year after the notice. If the applicant fails to log into the Statewide Online Application System or contact an LHA within one year after the notice, then the applicant shall be given notice of removal of the application from all waiting lists and the right to request review pursuant to 760 CMR 5.13 above by any LHA to which the applicant applied.
- (2) In its contact inquiry, the Department Systems Administrator will instruct applicants to update their applications in the Statewide Online Application System or to return the update form to an LHA. An LHA that receives a paper update from an applicant shall review all updated information and promptly log in on behalf of the applicant and enter any changes made by the applicant into the Statewide Online Application System.

All Applicants subject to a waiting list update receive notice explaining the BHA's responsibilities for providing reasonable accommodations and recites examples of what a reasonable accommodation might entail.

CHAPTER 4: ESTABLISHING AND MAINTAINING WAITING LISTS

4.1 Waiting List Management for State Public Housing

4.1.1 Organization of the Waiting Lists

The BHA shall maintain separate waiting lists for each of its state public housing developments through the Statewide Online Application System, also known as CHAMP. The lists will be managed and eligibility will be determined in accordance with the state regulations at 760 CMR 5.00, notwithstanding any waivers requested by BHA and granted by DHCD.

Generally, when an applicant approaches the top of a waiting list, the BHA shall make a final determination of the applicant's priority, preference, eligibility and qualification. The applicant shall update the application and provide any additional information or verification required.

BHA manages the waiting lists transfers and supported housing programs outside of CHAMP, waiving certain provisions of 760 CMR 5.00 Supported Housing Program Applicants will be offered state public housing units from time to time in accordance with agreements with service providers and Chapters 7 and 10. Transfer Applicants shall receive offers to state public housing in accordance with Chapters 6 and 7.

All other Applicants shall be managed in accordance with 760 CMR 5.00.

4.1.2 Denial or Removal of an Application

If the BHA determines that an applicant is ineligible for a claimed priority or preference or is ineligible for housing, it shall send written notification to the applicant in accordance with Section 4.3.

State Public Housing 760 CMR 5.05 (3) - Determinations of Priority, Preference, Eligibility and Qualification.

(a) When an applicant approaches the top of a waiting list for a BHA program to which the applicant has applied, the LHA shall make a final determination of the applicant's priority, preference, eligibility and qualification. The applicant shall update the application and provide any additional information or verification reasonably required by the BHA.

(b) If the LHA determines that an applicant is not eligible for a claimed priority or preference or is ineligible or unqualified for housing, it shall send written notification to the applicant of:

1. the determination;
2. the reason(s) for the determination detailing the material facts; and

3. the right to request a private conference to redetermine the applicant's priority, preference, eligibility and/or qualification pursuant to 760 CMR 5.13.

After a final determination of priority, preference, eligibility and/or qualification has been made by the LHA, that determination will govern the application only for the application to that program at that LHA in the Statewide Online Application System. If an applicant who has been removed from the waiting list reapplies for any program at that LHA, the reapplication will receive a new date and time stamp, and new final determinations shall be made on the application when the application reaches the top of the waiting list.

4.2 Waiting List Management for Federal Public Housing

4.2.1 Organization of the Waiting Lists

The BHA maintains a waiting list for each of its federally assisted public housing developments/AMPs. Each waiting list is maintained by apartment size, Applicants' Priority and/or Preference points and the date such points are granted and then chronologically according to application date.

Assignments to each waiting list shall be in order based upon suitable type and size of apartment, date Priority and/or Preference points are granted as established in these policies, and the date and time the application is received. Generally, an Eligible Applicant with the highest Priority and/or Preference points and the earliest date of approval of such Priority and/or Preference points per category of apartment size will be placed at the top of each waiting list. If no Application with approved Priority and/or Preference points exists, an Eligible Applicant with the earliest date and time of application will be placed at the top of each waiting list. This explanation does not pertain to State assisted public housing, which is detailed below and in 760 CMR 5.09 (1)

Priority and Preference points are added together to determine position on each selected development / AMP waiting list. The more points an Applicant has and the earlier the date such points are granted, the higher on the list the Applicant will be in relation to other persons who applied for the same bedroom size and hold the same date of preliminary application

In the event the BHA merges two or more waiting lists as a result of two or more developments being designated as one AMP, the BHA shall, after giving notice to the affected applicants, rank each applicant on the single waiting list by providing each client with their respective oldest application date and approved Priority and/or Preference sequence dates.

4.2.2 Opening and Closing Waiting Lists (Federal Programs Only)

(a) Opening the Waiting List (Federal Programs Only)

The BHA will give at least two weeks advance public notice that a Family may apply for housing assistance before opening any waiting list. The notice must state where and when a Family should apply. The notice shall also state any limitations on the criteria for the type of Family that may apply. The notice shall be posted on BHA's website, circulated in a local newspaper of general circulation, by minority media, and any other means that the BHA finds suitable. The notice shall also state the time limitation of the application period. Once a waiting list is open, the BHA must accept applications from a Family for whom the waiting list is open. Any opening of the waiting list will be publicized in accordance with the Marketing and Outreach requirements of this ACOP.

If the waiting list is open for special programs, it will only be open for the purpose of accepting applications for the special programs.

(b) Closing a Waiting List (Federal Programs Only)

The BHA may close a waiting list anytime that the BHA determines that the Applicant pool is large enough to fill the estimated amount of available units for the next twelve (12) months. The BHA may close an entire waiting list or close only a portion, keeping part of the waiting list open to a certain Priority, or for any special programs.

During the period when the waiting list is closed, the BHA will not maintain a list of individuals who wish to be notified when the waiting list is reopened.

BHA will notify HUD and DHCD prior to closing and re-opening of any waiting list as required by regulation or guidance.

4.2.3 Removal of an Application from a Waiting List [\(Federal Programs Only\)](#)

Applicants whose applications are removed from any waiting list are entitled to an informal hearing where they may appeal this decision. A Request for an appeal must be made **in writing** and must be received by the BHA within 20 calendar days of the date of the notice removing them from the waiting list. BHA shall consider

Circumstances that will lead to removal of an Applicant from any or all waiting lists include:

(a) Voluntary Withdrawal

The Applicant requests **in writing** that his/her name be removed.

(b) Failure to Respond

The Applicant is non-responsive to a BHA request to determine continued interest or to schedule an interview. BHA shall communicate with the applicant using the most updated electronic email or physical mailing address information provided by the Applicant.

(c) Failure to Maintain a Scheduled Appointment

The Applicant fails to keep an appointment and fails to notify the BHA, within ten (10) days after the date of the appointment, of his/her inability to keep an appointment.

(d) Failure to Supply Information

The Applicant fails to supply requested documentation to the BHA in accordance with admissions or eligibility requirements.

(e) Denial of Assistance

The Applicant is denied assistance due to being ineligible for housing programs.

If the Applicant is denied assistance due to intentional misrepresentation, it may result in federal or state criminal prosecution for fraud, and removal from the waiting list, and disqualification from further consideration for admission or transfer for a three (3) year period beginning on the date of such determination by the BHA.

(f) Reject an Offer of Housing

The BHA will remove an Applicant from all federal Public Housing Waiting lists if they reject an offer of Federal Public Housing without good cause.

Furthermore, the Applicant will only be eligible to re-apply after two (2) years year from the date of the most recent unit rejection.

(g) Withdrawal Upon Becoming Housed

When an Applicant becomes housed, the BHA will withdraw the Applicant from all BHA waiting lists for which the Applicant no longer qualifies for as a result of becoming housed.

(h) Ineligible for Priority

The Applicant has no eligibility for any Priority category for which the waiting list is open.

4.3 Applicant Appeals – Informal Hearings

State Public Housing 760 CMR 5.13 - Review of Denial of Eligibility, Qualification, Priority or Preference Status

This section, 4.3 generally is the procedure required for state and federal applicants. The requirements in this section meet those set forth in 760 CMR 5.13

4.3.1 Requirements of Denial or Withdrawal Notice

All Applicants who are determined Ineligible for admission, issued a Notice of Withdrawal, denied Priority status or Preference(s) or denied Reasonable Accommodation or Good Cause by the BHA will be sent a notice that provides:

- (a) The reason(s) for Ineligibility, withdrawal or denial of Priority status or Preference(s) or denial of Reasonable Accommodation or Good Cause;
- (b) The right to contest the decision in an informal hearing provided a request for a hearing is received within 20 calendar days of the date the Notice of Adverse Action is issued. Such request must be in writing and must state clearly the basis for requesting the informal hearing and be sent to the address provided on the notice.
- (c) The right to contest Applicant Background Check and Eviction Report information and/or CORI information in accordance with Federal and/or State law if that is the basis for determination of Ineligibility.
- (d) Language explaining mitigating circumstances for situations including, but not limited to Domestic Violence or the disability of a household member.
- (e) Provides a description of BHA's informal hearing process and advises Applicants that they have the right to be represented by an attorney or other individual at the informal hearing, review the contents of their file in advance of the hearing, the right to submit additional documents and evidence and to testify at the hearing, the right to request reconsideration.
- (f) The right of an Applicant to a state aided program to request a review of the decision by the Massachusetts Department of Housing and Community Development within twenty-one (21) calendar days of the initial decision or after a decision on reconsideration.

4.3.2 Scheduling the Informal Hearing

(a) *When a Hearing is Scheduled*

Upon receipt of the Applicant's written request a hearing shall be scheduled within a 30-day period following the receipt of the Applicant's request for an informal hearing unless

the applicant requests it to be postponed as a “reasonable accommodation” or for “good cause” see 760 CMR 5.13(1)(d).

Late requests will be considered by the Administrator of Grievances and Appeals or his/her designee for thirty (30) days beyond the initial appeal period

(b) Scheduling Notice Requirements

The notice scheduling the informal hearing must contain the following information:

- (i) A letter scheduling the hearing shall be sent to the BHA Applicant's address of record.
- (ii) The letter shall list the date, time and place of the hearing.
- (iii) The scheduling notice shall state the Applicant's rights to present evidence and testify, review their file, request a reasonable accommodation or interpreter and be represented by an attorney or other individual at the hearing.

(c) Reasonable Accommodation Regarding Hearing Procedures

The hearing shall be held at a convenient time and at an accessible location for the Applicant and the BHA. If an Applicant requests a reasonable accommodation regarding the Informal Hearing procedures at the time of or after requesting an informal hearing, the decision regarding the accommodation will be made by the Grievance and Appeals Department staff.

(d) Failure to Attend the Informal Review

The Hearing Officer will uphold the BHA decision by default if the Applicant does not attend the informal review and did not attempt to reschedule at least twenty-four (24) hours prior to the scheduled date and time.

(e) Compelling Circumstances Related to Missed Hearings or Late Requests

The BHA will reschedule an informal review when an Applicant submits evidence of compelling circumstances that prevented the Applicant attending the hearing on the scheduled date or making a timely request. Requests submitted after the hearing date must be submitted within 30 days of the hearing date or deadline to request a hearing and must be supported by evidence of compelling circumstances that prevented the applicant from attending, rescheduling, or requesting a hearing in a timely manner.

When analyzing whether or not an Applicant's reasons for requesting a late hearing are compelling, the hearing officer will consider:

- (i) the written facts or circumstances submitted by the Applicant which show that the Applicant is not willful (a willful act is a deliberate, intentional or voluntary act) or culpable (culpable is to be responsible or liable) in making the late request, which would require more than mere action or inaction (for example the Applicant's reason for not

requesting a hearing timely should not due be to something the Applicant did or failed to do);

(ii) the swiftness with which the Applicant has attempted to remedy the default;

(iii) the existence of any meritorious defense to the underlying allegations; as well as, other equitable criteria such as: (a) whether the default resulted from a good faith mistake in following a rule or procedure; (b) the nature of the Applicant's explanation for not requesting a timely hearing; (c) the availability of other alternative sanctions; (d) whether not granting a late hearing would produce a harsh or unfair result.

4.3.3 Applicant Rights during the Informal Hearing

The informal hearing will conform to the following due process requirements:

(a) During the hearing, the BHA will put forth its evidence in support of a determination of Ineligibility, Withdrawal, denial of Priority status or Preference(s) or denial of Good Cause or Reasonable Accommodation. The Applicant will be afforded an opportunity to present evidence and testimony rebutting the basis for the BHA's determination.

(b) If the Applicant requests, the BHA employee who made the decision must be present to provide available facts, and to be questioned, if still a BHA employee.

(c) An employee of the Authority who did not participate in the original decision must conduct the hearing.

(d) The decision must be based solely on evidence presented at the hearing as well as any evidence previously received by the BHA. All evidence submitted at the hearing shall be considered de novo, and the matter shall not be sent back to the Admissions Department for reconsideration due to submission of new evidence.

(e) The Applicant and/or his/her representative has a right to inspect the file prior to the hearing, provided the Applicant provides BHA with written authorizations permitting the representative to have access to the contents of the Applicant's file including CORI information.

(f) Either the Applicant or the BHA may request after close of the hearing that the record remain open for submission of new or rebuttal evidence. The Hearing Officer shall designate a date by which the record shall be closed and may extend it for good cause. The Applicant shall receive notice in writing of the date on which the record will close and of any extension. If BHA wishes to consider additional evidence not submitted at the hearing or submitted after the hearing, it shall give written notice to the Applicant with an opportunity to review such evidence and a reasonable period for the Applicant to respond.

4.3.4 Informal Hearing Decisions

(a) Hearing Decision Notice Requirements

After the informal hearing, all Applicants will be sent an **"Informal Hearing Decision"** from the BHA hearing officer. This notice shall:

- (i) Provide a summary of the hearing;
- (ii) Provide the decision of the hearing officer, together with findings and determination;
- (iii) Provide an explanation of the regulations and/or other applicable provisions utilized in making the decision
- (iv) Explain the rights of the Applicant to seek reconsideration by the BHA within 14 days of the decision;
- (v) Explain the rights of an Applicant to a state-aided program to request a review of the decision by the Massachusetts Department of Housing and Community Development within 21 calendar days of the decision or decision on reconsideration pursuant to 760 CMR 5.13(4).
- (vi) All informal hearing decisions shall be made within 15 working days of the close of the hearing or the record, whichever is later.

(b) Decision to Reverse BHA's Determination

If, as a result of information presented by the Applicant at the informal hearing, the BHA reverses its decision to deny or withdraw the Applicant, no new application is required and the application will be returned to its appropriate place on the waiting list(s) for all developments/AMPs previously selected by the Applicant using the original date and time of application and applicable Priority and/or Preference(s).

If the decision to deny Priority status and/or Preference(s), Good Cause or Reasonable Accommodation is reversed, the Applicant's position on the waiting list(s) for all developments/AMPs previously selected by the Applicant will be restored in accordance with the determination.

(c) Decision to Uphold BHA's Determination

If an appeal decision upholds the determination of Ineligibility, the Applicant may submit a new application for admission at a time when a waiting list is open but no earlier than 18 months after the decision of Ineligibility.

State program applicants may re-apply at any time.

Applicants who are found ineligible for any of the following reasons may re-apply at any time **if** they meet the preliminary eligibility requirements when they submit a new application and they shall be given a new application date effective the date the application is received by the BHA's Admissions Department: 1) the Applicant's total household income was over the income limits; 2) the Applicant had failed to pay an outstanding balance owed to the BHA or other Federal or State housing assistance program; 3) the entire household had no eligible immigration status; 4) the pro-rated rent

amount was more than 50% of the total household income; and/or 5) the applicant was not elderly or disabled and, therefore, did not qualify for the elderly/disabled housing program.

Applicants who are withdrawn may submit a new Application at any time provided a waiting list is open.

Applicants denied Priority Status, Preference(s), Good Cause or Reasonable Accommodation may re-apply for the same or a different Priority or Preference at any time provided a waiting list is open except as provided for in this policy.

4.4 Priorities and Preferences for Federal Programs

An Applicant for new admission or Transfer may qualify for a Priority and/or Preference that establishes their position on the waiting list and the order to which they are screened for program eligibility.

Preference points are cumulative and are added to Priority points (if any) to determine an Applicant's position on each BHA waiting list.

4.4.1 Definitions

(a) Priority

Priority is defined as a housing-related situation that affects a Household's present residential status. The BHA gives points to Applicants with a Priority that ranks those Applicants higher on each waiting list than Applicants without Priority. An Applicant can qualify for only one Priority at any given time. Certain priorities are given more points than others are. An Applicant will always be assigned to the highest Priority for which they qualify.

(b) Preference

Preference refers to points given to BHA Applicants who are veterans, Boston Residents, employed in Boston, offered employment in Boston, a Disabled Person (Family Developments/AMPs only) or Elderly Households who apply for certain developments in accordance with State regulations and the BHA's Designated Housing Program. An Applicant may qualify for more than one Preference at a time.

4.4.2 Points for Priorities and Preferences

(a) The BHA assigns Priority points to each Applicant for New Admission and Transfer on all Waiting Lists.

Federal Housing Program Priority	Points
Super Priority	75
Special Circumstances Transfers	67
Supported Housing Programs	50
Priority One Applicants <ul style="list-style-type: none">• Displaced Due to Disaster• Displaced Due to Domestic Violence/ Dating Violence/Sexual Assault/ or Stalking	30

<ul style="list-style-type: none"> • Displaced due to Being a Victim of Hate Crime • Displaced due Avoidance of Reprisal/Witness Protection • Displaced due to Court Ordered no Fault Eviction • Displaced due to Government Action • For Disabled Persons only, Inaccessibility of a Critical Element of their current Dwelling Unit • Displaced due to Being Cost Burdened in Boston • Homeless 	
Standard Applicants	0

(b) The BHA assigns Preference points to each Applicant for New Admission.

Federal Housing Program Preference	Points
Veteran	3
Non-Elderly Disabled Household not requiring Wheelchair Accessible units (Family Developments/AMP only)	6
BHA Resident in Federal Housing Pro-Rated rent burden	3
Designated Housing not requiring Wheelchair Accessible units	100
Displaced Boston Tenant	2
Residency Preference	1

State Public Housing 760 CMR 5.09(1) – Priority Categories

Priority Categories. The BHA shall use the following priority categories in descending order in determining the order of tenant selection:

1st Priority. Homeless due to Displacement by Natural Forces an applicant, otherwise eligible and qualified, who has been displaced by:

1. fire not due to the negligence or intentional act of applicant or a household member;
2. earthquake, flood or other natural cause; or
3. a disaster declared or otherwise formally recognized under disaster relief laws.

2nd Priority. Homeless due to Displacement by Public Action (Urban Renewal) an applicant, otherwise eligible and qualified, who will be displaced within 90 days, or has been displaced within the three years prior to application, by:

1. any low rent housing project as defined in M.G.L. c. 121B, § 1;
2. a public slum clearance or urban renewal project initiated after January 1, 1947; or
3. other public improvement.

3rd Priority. Homeless due to Displacement by Public Action (Sanitary Code Violations) an applicant, otherwise eligible and qualified, who is being displaced, or has been displaced within 90 days prior to application, by enforcement of minimum standards of fitness for human habitation established by 105 CMR 410.000: Minimum Standards of Fitness for Human Habitation (State Sanitary Code: Chapter II) or local ordinances, provided that:

1. neither the applicant nor a household member has caused or substantially contributed to the cause of enforcement proceedings; and
2. the applicant has pursued available ways to remedy the situation by seeking assistance through the courts or appropriate administrative or enforcement agencies.

4th Priority. Other Priority situations as described in the Housing Situation Priority Policy established by the Department pursuant to 760 CMR 5.11 [or other housing situations requested by BHA and granted as a waiver by BHA]

5th Priority. AHVP Participant an applicant, otherwise eligible and qualified, who is living in a non-permanent, transitional housing subsidized by the AHVP.

6th Priority. Transfer for Good Cause.

7th Priority. Standard Applicant an applicant, otherwise eligible and qualified, who does not fit within any of the previous six priority categories.

4.5 Priority Categories and Verification Requirements

State Public Housing 760 CMR 5.05 (3)(a) - Determinations of Priority, Preference, Eligibility and Qualification.

(a) When an applicant approaches the top of a waiting list for a BHA program to which the applicant has applied, the BHA shall make a final determination of the applicant's priority, preference, eligibility and qualification. The applicant shall update the application and provide any additional information or verification reasonably required by the BHA.

Note: The BHA shall use the verification requirements outlined in the sections below as a guideline for verification for the State Public Housing programs.

4.5.1 Transfers

See Chapter on Transfers for explanation of Administrative Transfers and Special Circumstances Transfers.

4.5.2 Supported Housing Programs

See Chapter 10.

4.5.3 Super Priority

The BHA will admit an Applicant to the Public Housing program before all other Applicants on the waiting list if:

The Applicant was a resident in a BHA public housing site the has been converted to other low-income housing.

The Applicant Family is or will be temporarily displaced due to rehabilitation and modernization programs (an applicant family shall be deemed temporarily displaced from the time the family vacates the public housing unit until an offer is made to return to the site).

4.5.4 Priority 1 for Federal Housing Programs ("P1")

(a) Verification of Priority 1 Generally

The BHA grants Priority 1 status based on circumstances verified at two points:

- (i) At the time of application submission, AND
- (ii) Immediately prior to time the final eligibility personal interview is scheduled.

(b) Changes of Priority 1 Status

Gaps on non-Priority 1 status in between points (i) and (ii) above shall not disqualify an applicant from their original application date and time. Additionally, a change from one Priority 1 category to another Priority 1 category in between points (i) and (ii) above shall not disqualify an applicant from their original application date and time.

4.5.5 Priority 1 Displaced Categories

The **Displaced Priority** categories are:

1. Government Action
2. Disaster
3. Domestic Violence
4. Victim of a Hate Crime
5. Fear of Reprisal / Witness Protection
6. Court Ordered No-Fault Eviction
7. Cost Burdened in Boston
8. Inaccessibility to the Dwelling Unit
9. Graduates of Project-Based Units Who Have Fulfilled Supportive Service Goals

(a) Displaced Category Threshold Verification Requirements

In order to qualify as Displaced in one of the categories detailed below, the Applicant must meet the following threshold verification requirements:

(i) Displaced or Imminent Danger of Displacement: the Applicant must have been Displaced from their residence or is in imminent danger of being Displaced due to one of the categories set forth below, AND

(ii) Proof of Address: the Applicant must verify proof of residence at the address of displacement by providing a lease, utility bill(s), official mail from a government agency, or a written certification from the owner of the property or other government official, AND

(iii) No Receipt of other Subsidized Housing: The Applicant must not be in receipt of adequate subsidized or other low-income housing from the BHA or another government agency. An applicant will continue to be considered displaced if they reside in subsidized housing that is not permanent or is not accessible as defined in Priority Category 8 below.

(b) Displaced due to Government Action

(i) A Household is required to permanently move from their residence by a Federal, State or local governmental action such as code enforcement, public improvements or a development program.

(ii) Verification Requirements:

- third-party, written verification from the appropriate unit or agency of government certifying that the applicant has been displaced or will be displaced in the next ninety days, as a result of action by that agency; AND
- the precise reason(s) for such displacement.

(c) Displacement Due to a Disaster

(i) Applicant was Displaced due to a disaster such as flood or fire, that results in the uninhabitability of an Applicant's apartment or dwelling unit not due to the fault of the Applicant and/or Household member or beyond the Applicant's control;

(ii) Verification requirements:

- A copy of the incident report from the local Fire Department or other appropriate agency who deals with disasters, OR
- Written verification from the appropriate unit or agency of government certifying that the applicant has been displaced or will be imminently be displaced, as a result of action by that agency, AND
- Verification the appropriate agency that the dwelling unit is now uninhabitable AND
- If applicable, the cause of the disaster. If you or a household member or guest was the cause of the disaster, approval for priority status will be denied unless mitigating circumstances are established to the satisfaction of the reviewing department.

(d) Displacement Due to Domestic Violence/Dating Violence / Stalking/ Sexual Assault

(i) Displacement or threat of imminent displacement from an address due to continuing actual or threatened physical violence (including sexual abuse) directed against one or more of the Applicant Family members.

(ii) Verification requirements:

- Submission of a fully completed "Certificate of Involuntary Displacement Due to Domestic Violence/Dating Violence/ Stalking/ Sexual Assault" HUD Form 5382, OR
- A document, (1) signed by an employee, agent, or volunteer of a victim service provider, an attorney or medical professional or a mental health professional (collectively, "professional") from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, (2) signed by the applicant or tenant, (3) that specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic

violence, dating violence, sexual assault or stalking is the grounds for protection and remedies under the VAWA Final Rule, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault or stalking under 24 C.F.R. 5.2003; OR

- A record of a Federal, State, tribal, territorial, or local law enforcement agency (may include a police report), court, or administrative agency; OR
- At the discretion of a covered housing provider, a statement or other evidence provided by the applicant or tenant.
- Verification will not be considered valid unless it: (1) supplies the name of the threatening or abusive Household Member or other legal occupant of the dwelling Unit if known is safe to do so, AND (2) describes how the situation came to certifier or verifier's attention, AND (3) Indicates that the Applicant was displaced because of the threats and/or violence and that the Applicant is in imminent danger where he/she now resides.

(e) Displaced Due to Being a Victim of a Hate Crime

(i) The Applicant or a member of the Household has been a victim of one or more hate crimes AND the Applicant Family has vacated a dwelling Unit because of this crime OR the fear associated with the crime has destroyed the peaceful enjoyment of the dwelling Unit.

(ii) "Hate crime", is defined as any criminal act coupled with overt actions motivated by bigotry and bias including, but not limited to, a threatened, attempted or completed overt act motivated at least in part by racial, religious, ethnic, handicap, gender or sexual orientation, prejudice, or which otherwise deprives another person of his/her constitutional rights by threats, intimidation or coercion, or which seeks to interfere with or disrupt a person's exercise of constitutional rights through harassment or intimidation.

(iii) Verification must include:

- Submission the appropriate BHA form, OR
- Documentation from a law enforcement agency that the Applicant or a Household Member was a victim of such crime(s)

(f) Displaced Due to Avoidance of Reprisal or Witness Protection

(i) Relocation is required because an Applicant provided information or testimony on criminal activities to a law enforcement agency; and based upon a threat assessment, a law enforcement agency recommends the relocation of the Applicant to avoid or minimize risk of violence against Applicant as reprisal for providing such information.

(ii) Verification requirements:

- Submission of the appropriate BHA form or documentation from a law enforcement agency that the Applicant and/or a household member provided information on criminal activity; AND
- Documentation that, following a threat assessment conducted by the law enforcement agency, the agency recommends the relocation/re-housing of the household to avoid or minimize the threat of violence or reprisal to or against the household member(s) for providing such information.
- This includes situations in which the Applicant and/or Family member(s) are themselves the victims of such crimes and have provided information or testimony to a law enforcement agency.

(g) Displaced Due to Court-Ordered No-Fault Eviction:

(i) Eviction occurred pursuant to an Order for Judgment (or Agreement for Judgment) issued by a court because of:

- Landlord action beyond the applicant's ability to control or prevent, such as failure to accept an offer of a new lease; owner's desire to use the unit for personal use, or a non-residential purpose; a business or economic reason such as sale or renovation of the property or a desire to lease at a higher rent , AND
- the action occurred despite the applicant's having met all lawfully imposed lease conditions, AND
- Displacement was not the result of failure to comply with HUD and State policies in its housing programs with respect to occupancy of under-occupied and overcrowded units or failure to accept a transfer to another unit in accordance with a court order or policies or procedures under a HUD-approved desegregation plan.

(i) Verification Requirements:

- A copy of the Notice to Quit issued by the landlord or property manager; AND
- a copy of the Summons and Complaint available from the court; AND
- a copy of the Judgment of the Court (Agreement for Judgment, Order for Judgment and Findings of Fact, or Default Judgment); AND
- if applicable, a copy of the execution issued by the court.

(iii) The information contained in the above-referenced documents must clearly establish to the satisfaction of the BHA that:

- the action taken by the landlord or property manager was beyond the Applicant's ability to control or prevent; AND

- the action by the landlord or property manager occurred despite the Applicant Household having met all previously imposed conditions of occupancy; AND
- displacement was not the result of failure to comply with HUD and State policies in its housing programs with respect to occupancy of under-occupied and over-crowded Apartments or failure to accept a Transfer to another Apartment in accordance with a court order or policies or procedures under a HUD-approved desegregation plan.

(h) Displaced Due to Being Cost Burdened in Boston

(i) The Applicant can demonstrate paying more than fifty (50) percent of their total household monthly gross income towards housing and utilities in a Boston residence (excluding internet and telephone).

(ii) Verification requirements:

- A Lease providing the rent amount and showing Applicant is or was a tenant and confirming the rent, OR
- A mortgage statement providing the monthly payment amount and showing the Applicant is or was the owner of the property, AND
- Verification of the gross income, including all earned income and benefits, for the Applicant and all household members, AND
- Utility bills paid for by the Applicant or Applicant household members, AND
- Copies of any foreclosure notices, if applicable, AND
- Other applicable documentation to demonstrate that the non-payment eviction or foreclosure was due to unforeseen circumstances beyond the Applicant's ability to control or prevent the non-payment eviction or foreclosure

(i) Inaccessibility of a critical element of their current dwelling unit

(i) A Household Member has a mobility or other impairment that makes the person unable to use a critical element of the current Apartment or development AND the neither the Owner nor administering agency is legally obligated under the law pertaining to Reasonable Accommodation to make changes to the Apartment or dwelling Unit that would make these critical elements accessible to the Family member with the disability.

(ii) Verification Requirements:

- The name of the Family member who is unable to use the critical element;

- A written statement from a Qualified Healthcare Provider verifying that a Family member has a Disability (but not necessarily the nature of the Disability) and identifying the critical element of the dwelling which is not accessible and the reasons why it is not accessible; AND
- A statement from the landlord or official of a government or other agency providing service to such Disabled Person explaining the reason(s) that the landlord is not required to make changes which would render the dwelling accessible to the individual as a Reasonable Accommodation.

(j) Graduates of Project-Based Units Who Have Fulfilled Supportive Service Goals:

(i) A participant in a transitional housing program for Elderly or Disabled Persons which includes a supportive services component (e.g., the Shelter Plus Care Program) shall be considered to be imminently in danger of homelessness. Such a program participant shall be eligible as a Priority One Applicant if:

(ii) Verification requirements:

- The person has been a tenant in such a program for not less than twelve (12) months; AND
- The person no longer requires the or completed the program's services (as determined by the program service provider); AND
- As a result must relocate from such housing.

4.5.6 Priority 1 Homeless for Non-State Program

(a) Homeless Defined

The Applicant Household lacks a fixed, regular and adequate nighttime residence, meaning:

(i) Has a primary nighttime residence that is a public or private place not meant for human habitation; OR

(ii) is living in a publicly or privately operated shelter designated to provide temporary, living arrangements (including congregate shelters, Transitional Housing, and hotels and motels paid for by non-profit, charitable organizations, or by federal, state and local government programs); OR

(iii) Is living in housing that is being funded or provided to offer homeless individuals and families with the interim stability and support to ultimately make the transition to and maintain permanent housing; OR

(iv) An Applicant would otherwise be in shelter if not for a medical condition which precludes a person from staying in shelter as verified by a medical provider.

(b) Verification Requirements:

(i) Submission of the applicable BHA form that providing that the Applicant is homeless as defined above; AND

(ii) A third-party written verification from a public or private facility that provides shelter for homeless individuals, the local police department, or a social services agency, certifying the Applicant's homeless status in accordance with the definition in this policy; OR,

(iii) In the case that the Applicant cannot be in the shelter due to a medical condition, written verification from a medical provider must be provided to demonstrate that the individual is unable to live in a public or private shelter, or any other place unfit for human habitation due to the applicant's severe medical condition or disability.

(iv) The Applicant shall be verified as Homeless at the time the application is submitted and immediately prior to the final eligibility personal interview is scheduled. Gaps of non-homelessness in between those two points shall not result in denial of Priority 1 Homeless qualification.

4.5.7 Standard (no Priority) Applicants

Standard Applicants are those who do not qualify for any Priority category under this policy.

4.5.8 Housing Situation for State Programs

State Public Housing 760 CMR 5.11 – Housing Situation

The Housing Situation Priority Policy issued by the Department sets out the criteria to be used by BHA to determine the Priority to be granted to the applications of Homeless Applicants. The Priority of an application on the LHA waiting list shall be initially set by the Statewide Online Application System (CHAMP) based on the unverified Housing Situation that is claimed by the applicant on the application form.

When an application nears the top of BHA's waiting list, the BHA shall require the applicant to provide verification of the Housing Situation that was claimed on the application. If the applicant fails to submit all documentation necessary to verify the Housing Situation that was claimed on the application within ten business days of the BHA's request for verification, then the application will be granted Priority 7 Standard. If at any subsequent time the applicant submits verification of the previously claimed Housing Situation, the BHA will grant the verified Priority as of the date and time of the applicant's initial claim.

If an applicant submits documentation that fails to verify any criteria of the claimed Housing Situation Priority, then the BHA shall deny the Priority and inform the applicant of the right to appeal the determination pursuant to 760 CMR 5.13. An applicant may claim or delete an existing claim of Housing Situation Priority at any time. Any grant of a claimed Priority by a BHA shall be made only after verification of the circumstances that meet the criteria for the Priority as set out in the Housing Situation Priority Policy. Any change to an application's Priority, including the grant or denial of a Priority, that is made by BHA shall only affect the position of the application on that BHA's waiting list for the program [or developments] for which the applicant is being considered.

The DHCD Housing Situation Priority Policy shall be posted at all times on DHCD's website at <https://www.mass.gov/orgs/housing-and-community-development> and in the LHA's administrative office where applications are received and shall be a public record.

4.6 Preferences

Preference points apply only to Applicants for new admission on BHA waiting lists.

Preference points will be added to Priority points to determine an Applicants' placement on each BHA waiting list. For example, a Priority 1 Applicant with a residency Preference will be ranked above a Priority 1 Applicant with no Preferences. Preference points are cumulative meaning that an Applicant can receive points from more than one Preference category.

State Public Housing 760 CMR 5.09(2) – Preference Categories

Preference Categories. Apart from the affirmative action preference to be applied pursuant to 760 CMR 5.10(3) the LHA shall apply the following preferences in descending order within each of the priority categories in determining the order of tenant selection:

Veteran. Any veteran applying for elderly/handicapped housing receives this preference. A veteran applying for family housing receives this preference in all St. 1948, c. 200 units or, if the LHA has no St. 1948, c. 200 units, in all St. 1966, c. 705 units. In St. 1948, c. 200 and St. 1966, c. 705 units the order of preference is as follows:

1. Veterans with service-connected disability;
2. Families of deceased veterans whose death was service connected; and
3. Other veterans.

Local Resident. Any Local Resident applying for public housing receives this preference.

4.6.1 Veterans Preference

The Veterans' Preference shall be ranked above the residency Preference.

A "veteran", as used in this Admission and Continued Occupancy Policy (ACOP) shall include the Veteran, the spouse, surviving spouse, Dependent parent or child of a Veteran and the divorced spouse of a Veteran who is the legal guardian of a child of a Veteran.

Verification Requirement:

Applicants claiming a Veteran's Preference must provide a copy of the discharge documents of the Veteran for whom the Preference is claimed. The Veteran's Preference is only applicable to Veterans and/or immediate families of Veterans who were discharged under circumstances other than dishonorable.

4.6.2 Disabled Non-Elderly Persons

Disabled Non-Elderly Persons who do not require wheelchair accessible units will receive Preference points on Family development/AMP waiting lists. Households claiming this preference must verify their Household composition and show that the Head or Co-Head of Household is disabled.

4.6.3 Designated Housing Preference

(a) Federal

(i) When Non-Elderly Disabled Resident Population is less than 20%

Disabled Head or Co-Head Applicants who are under 62 years of age and are on a Federal Elderly and Disabled Program designated development/AMP wait list where the non-elderly disabled resident population is less than 20% **AND** who do not require wheelchair accessible units will receive preference points. The Designated Housing Preference shall be further ranked in the following order:

- Among households (i.e. within the same housing Priority category), first Preference shall be given to non-elderly disabled households whose Head and/or Co-Head is/are under 62 years of age.
- Among households (i.e. within the same housing Priority category), second Preference shall be given to households whose Head and/or Co-Head is/are Elderly (62 years of age or older).

(ii) When Elderly Resident Population is less than 80%

Applicants who are 62 years of age or older and are on a Federal Elderly and Disabled Program designated development/AMP wait list where the elderly resident population is less than 80% **AND** who do not require wheelchair accessible units will receive preference points. The Designated Housing Preference shall be further ranked in the following order:

- Among households (i.e. within the same housing Priority category), first Preference shall be given to households whose Head and/or Co-Head is/are 62 years of age or older.
- Among households (i.e. within the same housing Priority category), second Preference shall be given to households whose Head and/or Co-Head is/are Non Elderly Disabled (<62 years of age).

(a) State

(i) General Provisions for Placements

Placements are to be made in elderly/disabled housing to achieve a mixed population of elderly households in 86.5% of the units and handicapped households in 13.5% of the units. The BHA shall place applicants in accordance with 760 CMR 5.10(2) in order to attain or

to sustain these percentages. Such placements shall also be made in accordance with any applicable priority and preference categories.

Any accessible or modified unit shall be offered to an applicant household that includes a person, regardless of age, who has a physical handicap which handicap necessitates one or more of the special design features of the unit.

(ii) Placements by BHA in Elderly/Disabled Housing

Prior to making a placement in elderly/disabled housing, the BHA shall determine the BHA's current percentage of c. 667 units occupied by disabled households. In making this determination the BHA shall count all c. 667 units including c. 667 congregate units, c. 667 section 8 new construction or substantial rehabilitation units, c. 667 modified units, and c. 667 conventional units. The BHA shall then place applicants as follows:

If the percentage of units occupied by disabled households is less than 13.5%, the BHA shall place one eligible and qualified disabled household for each eligible and qualified elderly household placed until the percentage of disabled households equals or exceeds 13.5%.

If the percentage of the units occupied by disabled households equals or exceeds 13.5%, the BHA shall place eligible and qualified elderly households until the percentage of disabled households falls below 13.5%.

If the percentage of units occupied by disabled households equals or exceeds 13.5%, but the BHA has exhausted its waiting list of eligible and qualified elderly households, the BHA shall place those eligible and qualified disabled households whose members have attained the age of 50 but are less than 60 years old until such time as the percentage of disabled households falls below 13.5% or until there is an application from an eligible and qualified elderly household.

If the percentage of units occupied by disabled households equals or exceeds 13.5%, and the BHA has exhausted its waiting list of eligible and qualified elderly households and eligible and qualified disabled households whose members have attained the age of 50 but are less than 60 years old, the BHA shall place eligible and qualified disabled households, without regard to age, until there is an eligible and qualified elderly household or, in the absence of such an elderly household, an eligible and qualified disabled household whose members have attained age 50 but who are less than 60 years old.

4.6.4 Displaced Boston Tenant Preference

The BHA shall give two (2) Preference points to an Applicant who was displaced from a unit within the City of Boston that was the Applicant's last permanent residence

(a) No length of Residency Required

This Preference is not based on how long an Applicant has resident of the City of Boston, but only upon the establishment and proper verification of residency within the City Of Boston.

(b) Verification Requirements

To receive this Preference, an Applicant must verify that: (1) they were displaced from a unit within the City of Boston, (2) that the unit was the Applicant's last permanent residence, and since the Applicant has been unable to obtain permanent housing.

The following documentation is a non-exhaustive list of documentation that may be used, in conjunction with Priority documentation that establishes displacement, will verify the Displaced Boston Tenant Preference:

- (i) Landlord verification
- (ii) A copy of a Lease
- (iii) Utility Bill (electric, gas, oil, or water)
- (iv) Mortgage Payments
- (v) Taxes
- (vi) Other verification deemed acceptable or necessary by BHA.

4.6.5 Residency Preference

(a) Residency Preference shall be given to BHA Applicants who are:

- (i) Residents of the City of Boston, OR
- (ii) Employed in the City of Boston, OR
- (iii) Had their last permanent address in the City of Boston and has not claimed local residency preference in another community.

(b) Verification Requirements

- (i) Proof of residency at an address within the Boston city limits (No length of stay verification will be imposed on Applicants claiming this Preference.); **OR**
- (ii) Proof that the Applicant is currently employed or has obtained employment in the city;
or
- (iii) Proof that the Applicant's last permanent address was within the Boston city limits;
and

(iii) Proof that an Applicant has not claimed local preference in another community.

4.7 Apartment Features Considered

Before applying Priorities and Preferences, BHA will determine the appropriate apartment size and special features based on Household composition and needs. In making the selection of a Household for an apartment with accessible features, the BHA will give preference to Households with the greatest number of Priority/Preference points, the earliest approval date for said Priority/Preference points and earliest application date that include a person with disabilities who has a specific need for the apartment features.

4.8 Changes in Priority and/or Preference

An Applicant is required to report any change in circumstances that may result in a change of priority or preferences.

Verification

To the extent that the verification determines that the Household does now qualify for a Priority and/or Preference, the Household will be moved up on any waiting list previously selected in accordance with its Priority and/or Preference(s), and the date such Priority and/or Preference(s) is approved.

Similarly, removal of a Priority and/or Preference (because a Household is discovered to be ineligible for a Priority and/or Preference) will result in a reduction of waiting list points, and therefore change of waiting list position, for the Household.

4.9 Applicant Family Break-Up Policy

An Applicant Family Break-Up occurs when a Head and Co-head of household will no longer reside together and/or there is a dispute as to who will retain the original Application date or any approved Priority and/or Preference(s). An Applicant Family Break-Up situation where only one individual signed the Application (i.e., where there is a Head but no Co-head of household) occurs in instances of domestic violence and where an Adult(s) who is/are not currently a household member(s) advance(s) a claim on behalf of a minor or incapacitated Head who is/are on the Application's household composition.

When the BHA receives notice that a Family has broken up or will imminently break-up, the BHA will make the determination of which Family member will retain what Application date and/or any approved Priority and/or Preference(s) using the criteria and the procedure provided below.

4.9.1 Split between Head and Co-Head of Household

(a) When the Head and Co-Head of Household no longer wish to reside with each other, the BHA will split the application between the two.

(i) Application Date and Priority/Preference for Split Household

If both Head and Co-Head signed the original application and both qualified for the Priority and/or Preference(s) status that was selected by the united Family, prior to the Break-up, both the Head and Co-Head shall retain the original application date and Priority status. Otherwise, only the portion of the Family that qualifies for the Priority and/or Preference(s) status selected prior to the break-up shall retain such Priority and/or Preference(s).

(ii) If the Co-Head was added later, s/he shall be approved for the application date equal to the date when s/he was added to the application of the individual who originally applied. The BHA will determine if there are any applicable Priority and/or Preference(s) based on the documentation that was submitted when the Co-head was added to the application.

(b) BHA Determination in cases of a split between a Head of Household and other Adult Household member due to domestic violence:

(i) If a court has determined the disposition of the Family's Application in a divorce or separation under a court order or court approved settlement (provided that no provision is against State or Federal Housing regulations), the BHA is bound by the court's determination as to which Household Member(s) will continue with the Application. Such a determination cannot be appealed through the BHA review process, as it is the court's determination and not the BHA's determination that governs.

(ii) In the absence of a court order, the BHA shall determine whether the Family member who did not sign the Application should be given a separate Application. The BHA will make this determination based on individual circumstances.

(iii) Verification Requirements

A third-party, written verification from the local police department, a social service agency, a court of competent jurisdiction, a clergy member, a physician, or a public or private facility that provides shelter or counseling to the victims of domestic violence.

Verification will not be considered valid unless it, (1) supplies the name of the threatening or abusive Household Member, and (2) describes how the situation came to verifier's attention, and Indicates that the threats and/or violence are of a recent (within the past six [6] months)

(c) Notice of Proposed Disposition of Application

A notice shall be sent to any and all addresses identified by the Head of Household and Co-Head of Household, and not solely to the last address for the Head of Household.

In cases where a Household Member who is an alleged victim of Domestic Violence, but is not a Head or Co-Head of Household requests a separate application, the notice shall describe what factors BHA utilized in arriving at its decision. The notice shall also state the alleged victim of Domestic Violence has twenty (20) days to request a review of the decision.

(d) Any adult granted the Application is subject to fulfill all preliminary and final eligibility requirements governed by the ACOP or its successor.

4.9.2 Applicant Family Break Up for Minor Households

Procedure Where There is a Family Break-Up and Adults Who Are Not Currently Household Members Advance a Claim on Behalf of Minor or Incapacitated Household Members.

(a) Where there has been an Applicant Family Break-Up with one or more remaining Minor and/or incapacitated Household Members and no remaining Co-Head, AND The result of the Break-up was due to reasons included but not limited to death, incarceration, or incapacitation of the Head, AND one or more adults who are not currently Household Members advance a claim that they wish to become the Head of Household on behalf of one or more remaining Minor or incapacitated Household Members, AND there is a dispute about who should become the Head of Household, the BHA shall determine which such claimant, if any, shall take over the Application.

(b) In the event the remaining Household Member(s) is an incapacitated Adult who is unable to fulfill the Family obligations, the proposed Applicant must be an adult who has been appointed either a temporary or permanent guardianship, and is willing to assume the obligations and responsibilities as Head of Household.

(c) Any adult granted the Application is subject to fulfill all preliminary and final eligibility requirements governed by the ACOP or its successor.

CHAPTER 5: DETERMINATION OF ELIGIBILITY

5.1 Eligibility

Eligibility for Federal programs is determined in accordance with federal regulations and this policy.

Eligibility for State Public housing is governed by 760 CMR 5.00

5.1.1 Threshold Eligibility Requirements

(a) Family Program and Elderly Disabled Program

In order to be preliminarily eligible for the Family Program or Elderly Disabled Program, a Household must meet the following threshold requirements:

- (i) The Household must be a Family as defined in this policy;
- (ii) The Household must have an Annual Income at or below program guidelines, as defined below; and
- (iii) The Applicant must not owe uncollected rent and/or miscellaneous charges (for any program administered by the BHA or Other Publicly Assisted Housing Program⁴).

An Applicant that owes a balance to the BHA, will be notified of the requirement to repay the balance prior to admission. The Applicant shall have the opportunity to dispute the past debt or to establish any mitigating circumstances and/or reasonable accommodation and of the right to seek a review of the determination on mitigating circumstances and reasonable accommodation.

In certain circumstances, such as a conversion action where public housing is being converted to another form of subsidized housing, the BHA may consider entering into a repayment agreement with the applicant.

(b) Elderly and Disabled Program Only

In order to be eligible for the Elderly and Disabled Program a Household must meet the above threshold requirements. In addition:

⁴ Other Publicly Assisted Housing Program – means residence in any housing program assisted under M.G.L. Chapter 121B (such as state-assisted public housing for families, elderly or disabled persons), or Massachusetts Rental Voucher Program or assisted under the United States Housing Act of 1937 as amended (42 U.S.C. 1401 et seq.) (such as federally-assisted public housing for families, elderly or disabled persons, Section 8 certificate/voucher, project-based certificate, moderate rehabilitation, loan management/property disposition leased housing program, Indian housing, or tenant-based assistance under the HOME program)

- (i) The Head of Household, Co-Head of Household or Sole Member must be 62 years of age or older (60 years of age or older for State-Aided Housing) or handicapped or Disabled.

State Public Housing 760 CMR 5.03 – Elderly Housing

Elderly Household. A household, residing in or applying for elderly/handicapped housing, containing at least one elderly person.

Elderly Persons of Low Income. Persons having reached 60 years of age or older who are income eligible for state-aided public housing. As used in 760 CMR 5.00, Elderly Person shall mean an elderly person of low income.

Elderly/Handicapped Housing. St. 1954, c. 667 housing managed pursuant to the provisions of M.G.L. c. 121B, §§ 39 and 40 for elderly persons of low income and handicapped persons of low income.

5.1.2 Eligibility Determination

To determine final eligibility of the Applicant, BHA will verify the following:

- (a) Whether the Applicant meets the definition of Family,
- (b) Elderly or Disabled status of the Applicant,
- (c) Income,
- (d) Appropriate bedroom size and features required for the family,
- (e) Priority and/or Preference,
- (f) Qualification of the Applicant with to the Screening Criteria set forth below,
- (g) Proof of Social Security Number,
- (h) Citizenship status, if applicable
- (i) The calculated pro-rated rent for admission shall not exceed 50% of the household's total gross income.

5.2 Verification Generally

When an application nears the top of a waiting list the BHA will request access to reliable and reasonably obtainable documentation verifying the accuracy of information appearing on the application form and the selected priority, preference, eligibility and qualification.

State Public Housing 760 CMR 5.12 – Verification of Preference, Eligibility and Qualification

(1) When an application nears the top of a waiting list for housing in a program at an LHA, the LHA shall require the applicant to provide the LHA access to reliable and reasonably obtainable documentation verifying the accuracy of information appearing on the application form or otherwise necessary for the LHA's final determination of the applicant's Preference, eligibility and qualification. If the LHA is unable to verify the information that was provided in the application within ten business days of the LHA's request for verification, then the LHA may make an offer of housing to the applicant appearing next on the waiting list for whom it has obtained fully verified information. If an LHA determines that the criteria for Preference, eligibility or qualification is not met, then the LHA shall deny the applicant's Preference, eligibility or qualification and inform the applicant of the right to appeal the determination pursuant to 760 CMR 5.13. Any grant or denial of a Preference, or determination of ineligibility or disqualification, that is made by an LHA shall only affect the application on that LHA's waiting list for the program for which the applicant is being considered at that LHA.

(2) Income of applicants shall be verified by the procedure specified for rent determination. If the LHA has verified any information when making a preliminary determination of eligibility for the applicant, and that information is more than 90 days old, the LHA shall reverify such information on its final determination of eligibility and qualification. Non-receipt of requested documentation, without good cause established by applicant, shall be cause for determining applicant unqualified.

(3) The LHA shall require an applicant to provide the names and current addresses of all landlords (or housing providers) for applicant and household members during the period five years prior to application through the date of the final determination. If, after request the LHA has failed to receive a reference from a landlord (or housing provider) it shall notify applicant of non-receipt, and the LHA shall request that applicant use his or her best efforts to cause the landlord (or housing provider) to submit the reference to the LHA. In the event the applicant uses his or her best efforts but is unsuccessful, the applicant shall cooperate with the LHA in securing information from other sources about the tenancy. Non-receipt of a reference from a landlord (or housing provider) shall be cause for determining an applicant unqualified, unless the applicant can show that he or she has used best efforts to secure the reference and that he or she has complied with reasonable requests for cooperation in securing other information.

(4) In determining qualification the LHA shall check Criminal Offender Record Information and Sex Offender Registration Information and make reasonable efforts to check available records of out-of-state criminal convictions. The LHA may also check: public records; other sources of public information; credit reports; and other reliable sources. The LHA may also make a home visit, which shall be scheduled reasonably in advance. Observations by the person making such a visit shall be promptly reduced to writing and placed in the applicant's file.

(5) Information regarding eligibility or qualification may be obtained by the LHA from interviews with the applicant and with others, from telephone conversations, letters, or other documents, and from other oral or written materials. All such information received shall be recorded in the applicant's file, including the date of its receipt, the identity of the source, and the person receiving the information.

5.2.1 Documentation

All documents used to determine or verify eligibility shall be maintained in the Applicant file. Files should be maintained in accordance with State and federal laws.

5.2.2 Applicant Release of Information

All adult household members will be required to execute releases of information to allow the BHA to verify eligibility.

Refusal to sign these forms or other documents required to process the Application or conduct screening will result in the withdrawal of the Application.

5.2.3 Verification Order of Preference for Federal Programs

The BHA will accept verification of screening and eligibility information in the following order of preference:

(a) Up Front Verification

Verification through the computer matching system employed by HUD (EIV) when available or required or another computer wage reporting system is the highest, most acceptable form of verification. This type of verification is not limited to income, but also pertains to verification of family composition, housing situation, and other factors that may be useful in determining admission and continued eligibility.

(b) Written Third Party Verification Supplied by Household

Written verification originated by a third party when Up-Front verification is not available, up to date or is disputed by a resident. Written third party verification includes resident-supplied original or authentic documents generated by a third party source. Resident-supplied documents must be dated within sixty (60) days of receipt by the BHA.

Certain documents, such as birth certificates and social security cards are not subject to change and do not need to meet the sixty (60) day requirements. See 5.3.4 below.

(c) Written Third Party Verification Responding to BHA Request

A standardized form to collect information from a third party source. The form is completed by the third party by hand (in writing or typeset). The BHA will send the form directly to the third party source by mail, fax, or e-mail. This type of verification will be used if the resident is unable to provide acceptable documents that are generated by a third party.

(d) Oral Third Party Verification

Staff documented verification from a third party by telephone will be accepted where written verification is impractical, or the third party is unresponsive to BHA's written requests within ten (10) business days of mailing. Staff shall utilize the same form that would have been mailed to the third party. All the information required by the written verification form should be requested during the telephone contact. BHA staff will complete the form on the basis of such information. The contact person, date and time of conversation will be noted and the BHA staff person who made the telephone call will sign the form.

(e) Verification by Self-Certification

The BHA may choose to accept an affidavit from an Applicant regarding housing and employment history only when verification by a third party written or oral, and verification by documents is impossible to obtain.

5.2.4 Verification Timelines

General procedures applicable to screening information are as follows:

(a) Information subject to change

Generally, documents should be dated within sixty (60) days of receipt. Verification information is valid for ninety (90) days from the date received by the BHA. Information may be updated by telephone or fax for an additional thirty (30) days. After one hundred and twenty (120) days, the Applicant must obtain new verification documentation.

(b) Information not subject to change

BHA will verify this information (e.g. verification of age or place of birth) only once during the screening process.

5.2.5 BHA Right to Request Additional Verification

In the case that the documentation provided by the applicant is not complete or is otherwise doubtful, the BHA may require the Household Member to sign a release allowing the BHA to obtain the information directly from the third party.

The BHA has discretion to determine what constitutes adequate and credible documentation. If staff has doubts about the veracity or reliability of information received, they may examine alternative methods of verification with the Applicant or third parties until they are satisfied that the documentation is reliable or that reliable documentation is unattainable. The BHA will not offer housing to an Applicant household who has failed to provide requested documentation or to identify sources who can provide documentation which demonstrates the ability of the household to comply with the essential obligations of the Lease or meet other eligibility requirements.

5.3 Verification of Family Composition

5.3.1 Photo identification

The Head and Co-Head of Household must supply one of the following forms of photo identification:

- (a) Driver's license
- (b) Registry of Motor Vehicles picture ID
- (c) Passport
- (d) Student or employer ID
- (e) Other photo ID acceptable to BHA

5.3.2 Proof of Birth

Proof of Birth or Expected Birth for all Household Members (One of the following proof of birth documents in order of preferred documentation):

- (a) Birth Certificates
- (b) Passports
- (c) Original Baptismal Records
- (d) Original INS documents for eligible Non-Citizens (Federal only)
- (e) Other records as deemed appropriate by BHA (Marriage certificate, DDG214, Statement from Social Security Administration)

(f) A letter documenting pregnancy as well as anticipated date of birth will be required for all unborn children listed on application.

5.3.3 Proof of Relationships

Applies to minor children or the care of adults in guardianship situations. The following types of documents will be accepted:

- (a) Birth Certificates
- (b) Court records of adoption
- (c) Court records of guardianship
- (d) Other written documentation or designation from the minor child's parent or other such person having legal custody.

5.3.4 Social Security Numbers

Federal regulations require that the social security numbers of all Applicant household members must be verified except for those individuals who do not contend to have eligible immigration status. One of the following types of documents may be accepted:

- (a) Social security card. Copies of Social Security cards shall be destroyed if an Applicant becomes housed and the Social Security number is verified through the HUD Enterprise Income Verification (EIV) system.
- (b) Original Report from the Social Security Administration documenting the unavailability/non-assignment of a social security number for that Applicant household member
- (c) A written statement from the Social Security Administration documenting the social security number assigned for that Applicant household member.

5.3.5 Verification of Student Status

Full time student status for an Applicant household member 18 years of age or older shall be verified through statement on the letterhead or other official documentation of an accredited educational institution stating that the Applicant household member is enrolled as a full-time student at that institution.

5.3.6 Verification of Disability

The BHA shall verify status as a Disabled Household or Disabled Person for purposes of determining eligibility and rent calculation. The following documentation will be accepted for purposes of verifying the status of a household member as a Disabled Person:

- (a) The household member's sole source of income is SSI benefits, SSDI benefits, or disability retirement income (see income verification below);
- (b) A certification from a Qualified Health Care Provider verifying that the household member meets the criteria of a Disabled Person for the state and federal housing programs.(See Definitions for eligibility of Disabled Persons)

State Public Housing 760 CMR 5.07 – Verification of Handicapped Persons

- (1) The definition of handicapped persons of low income is set out in M.G.L. c. 121B, § 1. A handicapped person of low income, as so defined, may have one or more physical or mental impairments, which shall be considered in conjunction with each other if more than one exists.
- (2) The LHA shall determine whether non-elderly applicants for elderly/handicapped housing are handicapped persons of low income. Upon request, the applicant shall provide documentation sufficient for the LHA to be able to make a determination of eligibility. Such documentation shall be subject to third-party verification. As part of the determination process the following actions and findings are necessary.
 - (a) The applicant shall provide certification by a physician documenting a physical or mental impairment which is expected to be of long and continued duration, but at least for more than six months;
 - (b) the LHA shall determine that either certain special architectural design features or low- rent housing are not available in the private market and that the applicant is faced with living in an institution or decadent, substandard housing, or paying excessive rents; and
 - (c) the LHA shall determine an applicant to be of low income if the applicant's household income is within the income limits set for state-aided public housing.
- (3) Examples of a person with a qualifying physical impairment which may substantially impede his or her ability to live independently in conventional housing shall include, but shall not be limited to, a person:
 - (a) who is confined to a wheelchair;
 - (b) who, because of the use of braces or crutches, or because of the loss of a foot or leg, or because of an arthritic, spastic, pulmonary or cardiac condition walks with significant difficulty or insecurity;
 - (c) who, due to a brain, spinal or peripheral nerve injury, suffers from significant coordination deficits;

- (d) who is blind within the definition of blind person set out in 111 CMR 3.03: Definitions;
- (e) who is deaf within the definition set out in M.G.L. 6, § 191; or
- (f) who has a developmental disability which prevents the person from living totally independently and would benefit from the LHA's specialized housing (such a person may include, but is not limited to, a person with cerebral palsy, mental retardation, or epilepsy).

5.3.7 Verification of Need for Special Unit Features

During the application process, the Applicant will identify any required special features that may be required due to the disability of one or more family members. Such features could include first floor apartments, inability to live in a townhouse unit, need for accessible features such as wheelchair accessibility, and other factors.

The need for special features shall be evaluated and verified in accordance with Policy for Good Cause and/or Reasonable Accommodation verifications.

5.3.8 Verification of Citizenship Status (Federal Programs Only)

State Public Housing

Provisions with respect to Citizenship status and eligibility do **not** apply to State public housing programs.

(a) Citizen and Non-Citizen Eligibility Requirements

Each Household Member's status as a U.S. citizen, Eligible Non-Citizen or ineligible Non-Citizen must be verified except as indicated below. Determination of eligibility or partial eligibility for public housing benefits (federal program only) is affected by citizen or Non-Citizen status. At least one household member must be a citizen or an Eligible Non-Citizen. Immigration Status for all Non-Citizen household members must be verified through the U.S. Department of Immigration and Naturalization Service.

(b) Mixed Household

An eligible Mixed Household is defined as a Household containing members who are citizens or with Eligible Non-Citizen Status, as well as members without such status, and that meets the criteria for eligibility for continued assistance. Continued financial assistance may be provided to an eligible mixed Household, but it will be prorated based upon the percentage of Household Members that are eligible for assistance.

(c) Evidence of Citizenship Status

Evidence of U.S. Citizenship or "Eligible Immigration Status" will be required to be submitted for all household members regardless of their age, except as indicated below:

(i) For Citizens, a signed Declaration of U.S. Citizenship

(ii) For Non-Citizen who is age 62 or over, a signed Declaration of "Eligible Immigration Status" and proof of age.

(iii) For Applicants not contending to have citizenship or eligible immigration status, a completed "Non-Contending" form certifying the lack of status.

(iv) An Applicant who is a Non-Citizen who does not fall into one of the categories above must provide a signed Declaration of "Eligible Immigration Status," a signed Verification Consent Form and one of the original documents listed below:

- Registered Alien Card (U.S. Immigration and Naturalization Service (INS) I-551 Form)
- Arrival /Departure Record (U.S. Immigration and Naturalization Service (INS) I-94 Form); with one of the following annotations:
 - (a) "Admitted as Refugee pursuant to Section 207";
 - (b) "Section 208" or "Asylum";
 - (c) "Section 243(h)" or "Deportation stayed by Attorney General";
 - (d) "Paroled pursuant to Section 2112(d)(5) of the INAA"
- Arrival /Departure Record (U.S. Immigration and Naturalization Service (INS) I-94 Form) not annotated, accompanied by one of the following documents:
 - (a) A final court decision granting asylum to which no appeal was taken.
 - (b) A letter from a U.S. Immigration and Naturalization Service (INS) Asylum Officer granting asylum (if application was filed on or after October 1, 1990) or from a U.S. Immigration and Naturalization Service (INS) District Director (if application filed before October 1, 1990).
 - (c) A court decision granting the withholding of deportation.
 - (d) A letter from a U.S. Immigration and Naturalization Service (INS) Asylum Officer granting withholding of deportation (if application was filed on or after October 1, 1990).
- Temporary Resident Card (U.S. Immigration and Naturalization Service (INS) I-688 Form or also known/replaced by the I-766 Form which must be annotated with the notation either: "Section 245A" or "Section 210")
- Employment Authorization Card (U.S. Immigration and Naturalization Service (INS) Employment Authorization Card I-688B Form or also known/replaced by the I-766 Form which must be annotated with the notation either: "Provision of Law 274a.12(11)" or "Provision of Law 274a.12")

- Receipt From the U.S. Immigration and Naturalization Service (INS) Indicating Application for Issuance of a Replacement Document

(d) Denial or Termination of Assistance

The BHA will deny assistance to an Applicant or terminate assistance to a resident in the following situations:

- (i) Evidence of citizenship or Eligible Non-Citizen status is not submitted by the date set by the BHA or by the expiration of any extension granted by the BHA;
- (ii) Evidence of Eligible Non-Citizen status is submitted in a timely fashion, but INS primary and secondary verification does not verify Eligible Non-Citizen status of a household member; and

The Household does not pursue an INS appeal or informal hearing rights; **or**

The INS appeal and informal hearing rights are pursued, but the final appeal or hearing decisions are decided against the Household Member; **or**

- (iii) The BHA determines that a Household Member has knowingly permitted another individual who is not eligible for assistance to reside on a permanent basis in the public or assisted housing apartment of the Household Member. Such termination shall be for a period of not less than 24 months. This provision does not apply to a Household if the ineligibility of the ineligible individual was considered in calculating any proration of assistance provided for the Household.

(e) Prohibition to Delay, Deny, Reduce or Terminate Assistance

The BHA will not delay, deny, reduce or terminate assistance to an Applicant or resident on the basis of ineligible Non-Citizen status of a household member if:

- (i) The primary and secondary verification of any immigration documents that were submitted in a timely manner has not been completed;
- (ii) The household member for whom required evidence has not been submitted has moved from the assisted apartment;
- (iii) The household member who is determined not to be in an Eligible Non-Citizen status following INS verification has moved from the assisted apartment;
- (iv) The INS appeals process has not been concluded;
- (v) For residents, following notification of the INS decision on appeal, or in lieu of a request of appeal to the INS, an informal BHA hearing has been requested by the Household and said hearing process has not been completed (under the regulations, the

BHA may delay but not deny assistance to an Applicant during the pendency of the informal hearing process);

(vi) Assistance is prorated in accordance with the applicable Federal requirement; or

(vii) Assistance for a mixed Household is continued in accordance with applicable Federal requirements; or

(viii) Deferral of termination of assistance is granted.

(f) Preservation of Assistance

(i) Prorated Assistance

For Resident Households prorated Assistance is available for a mixed Household that qualifies other than a Household who requests and receives Temporary deferral of Termination Assistance. Proration is calculated in accordance with Federal requirements.

(ii) Temporary Deferral of Termination of Assistance

A mixed Household that qualifies for prorated assistance but decides not to accept prorated assistance may be granted a Temporary Deferral of Termination of Assistance. The BHA will notify a resident Household in writing at least 60 calendar days in advance of the expiration of a deferral period if termination will no longer be deferred. An applicant for refugee or asylum status may receive a Temporary Deferral of Termination of Assistance pending a determination of status.

5.4 Verification of Income and Deductions

Projections of annual income shall be based on the best available information, with due consideration to the past year's income of all household members, current income rate and effective date; and shall include projections for each income recipient in the household.

HUD mandates use of Enterprise Income Verification (EIV) for current residents. However, EIV is not available to verify income of applicants.

The following outlines the types of verification of income, deductions, exclusions and assets will be accepted.

5.4.1 Income from Employment

(a) Verification through the computer matching system employed by HUD (EIV) or a computer wage reporting system.

(b) A statement from the Employer stating the gross wages of the employee, including history or anticipated amounts of overtime or bonus to be earned by the employee, or

(c) Pay stubs showing gross income for each pay period and all deductions taken for four consecutive weeks;

(d) The income of workers employed on an irregular basis will be estimated based on the verification of the best information available, with due consideration to earning ability and work history.

5.4.2 Income from governmental agencies

(a) Verification through the computer matching system employed by HUD (EIV) or a computer wage reporting system.

(b) A statement from the appropriate agency (Social Security, Department of Transitional Assistance, Employment Security, etc.), stating the amount of annual or monthly income provided, including the gross amount and any deductions taken.

5.4.3 Income from Retirement Accounts

(a) A statement from the source stating the amount of annual or monthly income provided, including the gross amount and any deductions taken

5.4.4 Income from the operation of a business or profession

(a) Most recent audited financial statement of income and loss;

(b) Most recent tax return showing income and loss from the operation of a business or profession.

5.4.5 Zero Income

(a) When an adult Applicant household member reports zero income, the BHA will require the Applicant household to complete a budget or statement of financial responsibility. The sources of regular cash expenditures will be verified and will be used as income.

5.4.6 Child Support, alimony, regular gifts and gambling proceeds

(a) A statement from the individual, business or agency providing the income and the frequency and amount of income provided; and/or

(b) Signed release form allowing the BHA to obtain information from the State Division of Child Support.

5.4.7 Income from Assets

(a) Income from assets shall be based on either the actual income received or imputed income based upon current passbook savings rates in accordance with federal and state regulations and guidance as applicable. For instance, actual interest received shall be used for interest bearing bank accounts, money market funds, rented property, etc.

Imputed income will be used for real property which is not rented, jewelry, coin collections, works of art and other non-income bearing assets. If the value of the asset is more than \$5,000 the higher of imputed income or actual income received will be used. Common household items such as furniture, clothing, and vehicles used for day-to-day transportation shall not be considered assets for the purposes of calculating income.

(b) Types of verification which will be accepted for purposes of determining the value and income received from an asset include:

(i) Two most recent statements for statement accounts, including bank accounts, money market funds, mutual funds, or other assets for which regular statements are issued;

(ii) Original passbook for passbook savings accounts;

(iii) Most recent (no older than one year) appraised value of real property owned provided it's reflective of fair market value, in the form of property tax bill or appraisal from a Real Estate Appraiser; and

(iv) Appraised valuations of any non-essential personal assets such as jewelry, coin collections, antiques or classic cars.

(v) For a family with net assets equal to or less than \$5,000, the BHA may accept a family's declaration that it has net assets equal to or less than \$5,000 without taking additional steps to verify the accuracy of the declaration. The BHA must obtain third-party verification of all family assets every three years.

5.4.8 Verification of childcare expenses or care of disabled household member deductions

(a) Statement from the provider of childcare or care of Disabled Person who is a household member of the amount of payment made on a periodic basis by the Applicant household.

(b) Filed income tax return stating the amount paid for childcare or care of a disabled household member and the person or agency to whom the expense was paid.

5.4.9 Verification of Medical Deductions

~~(a) Applicants must submit evidence of the following medical expenses for all household members paid within the last twelve months:~~

~~(i) Statement of the cost of medical insurance and the frequency of cost from the provider or in the form of deductions indicated on pay stubs or Social Security statements accompanied by proof of payment;~~

~~(ii) Receipts for payment of prescriptions and other health care needs. Non-prescription health care needs must be documented by both receipts and a statement from a Qualified Health Care Provider of the need for such items (including non-prescription medications, wheelchairs or other disability related aids, etc.);~~

~~(iii) Signed printout of prescription costs from a pharmacy accompanied by proof of payment~~

~~(iv) Medical or dental bills for a household member paid by a household member.~~

~~(v) Un-reimbursed reasonable attendant care and auxiliary apparatus expenses and for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed. This deduction may not exceed the earned income received by family members who are 18 years of age or older and who are able to work because of such attendant care or auxiliary apparatus.~~

5.4.910 Verification Medical Deductions

(a) Payments for necessary medical expenses (including co-payment amounts) which are not covered by insurance or otherwise reimbursed are deductions from income, provided that such expenses are in excess of 3% of annual gross household income and are paid by household members. Payments for medical health insurance are also considered medical expenses are a deduction. For federal programs, the medical deduction is limited to resident households where the head or spouse is not a person who is at least 62 years of age or a person with disabilities. For State programs, this deduction is applicable to all households.

Eligible residents must submit evidence of the following medical expenses for all household members paid within the last twelve months:

(i) Statement of the cost of medical insurance and the frequency of cost from the provider or in the form of deductions indicated on pay stubs or Social Security statements accompanied by proof of payment;

(ii) Receipts for payment of prescriptions and other health care needs. Non-prescription health care needs must be documented by both receipts and a statement from a Qualified Health Care Provider of the need for such items (including non-prescription medications, wheelchairs or other disability related aids, etc.);

(iii) Signed printout of prescription costs from a pharmacy accompanied by proof of payment;

(iv) Medical or dental bills for a household member paid by a household member;

(iv) Un-reimbursed reasonable attendant care and auxiliary apparatus expenses and for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed. This deduction may not exceed the earned income received by family members who are 18 years of age or older and who are able to work because of such attendant care or auxiliary apparatus.

5.4.10 Permissive Deduction in Excess of Monthly Stipend

The BHA shall deduct resident service stipend amounts in excess of the \$200 monthly limit from annual income for any period determined by its Administrator to be an emergency including but not limited to a pandemic when assistance is urgently required to assist BHA residents and when funding for stipends is available. Any such determination by the Administrator shall be in writing and include the duration of the emergency. The activities to be carried out as a result of the determination shall be clearly defined and will not include work that would ordinarily be performed by BHA staff.

5.4.11 Income Exclusions

Certain sources of income are excluded by the BHA in accordance with Federal and state regulations as set forth in 24 CFR 5.609(c) and 760 CMR respectively.

5.5 Screening for Suitability

Applicants are screened for suitability in accordance with BHA policies and HUD and DHCD regulations (24 CFR Part 960.205 and 760 CMR 5.00 respectively), and guidance. BHA shall screen all members of the applicant's household who are 18 years or older and review the criminal background for all household members that are 14 or older, the age in Massachusetts at which a minor may be tried as an adult.

5.5.1 Purpose of Suitability Screening

BHA seeks to promote safety and stability in its communities by leasing to applicants who have a reasonable expectation of being able to consistently comply with the terms of their lease agreement. Accordingly, BHA's screening process evaluates the ability of the applicant household to:

- (a) Pay rent in accordance with BHA's policies and lease provisions;
- (b) Comply with terms of a lease agreement, health and safety codes, applicable laws and regulations;
- (c) Properly maintain a residence in accordance with accepted standards of cleanliness, housekeeping, health, and safety; and applicable laws and ordinances;
- (d) Live harmoniously with other BHA residents and the community at large;

- (e) Comply with BHA policy and program requirements;
- (f) Behave in a manner that will not adversely affect the health, safety, and welfare of BHA staff, its agents or invitees; and
- (g) Not engage in criminal activity, including illegal drug-related activity, either on or off BHA premises.

The screening process may consider information, including, but not limited to the applicant's assets, income, criminal history, and housing history, and may be obtained from a variety of sources including credit reports, criminal records, rental references, criminal background reports, records of housing-related collections, evictions, and judgments.

5.5.2 Housing History

The Applicant Household shall provide a minimum of a one-year housing history upon request. The housing history shall be evaluated and verified for the criteria identified below to determine suitability for BHA housing. If the one-year housing history provides conflicting or insufficient or incomplete information, the BHA may request an additional two years of housing history from the Applicant. The BHA, at its discretion may request additional information from any of the verification sources provided or additional housing history beyond three years to clarify inconsistencies or to obtain sufficient information to evaluate an Applicant for suitability.

A BHA Applicant for the State Public Housing program shall be required to submit a five (5) year housing history in accordance with the current online application system and the State regulatory requirements.

5.5.3 Criminal History

(a) Use of Criminal History

A record of involvement in criminal activity by the Applicant or member of the Applicant Household in crimes of physical violence to persons or property, crimes of fraud, prostitution or larceny and other criminal acts including the use and/or distribution of an illegal drug, or the illegal use (or pattern of illegal use) and distribution of any illegal drug, or abuse (or pattern of abuse) of alcohol which may interfere with the health, safety, or right to peaceful enjoyment of the premises by other Residents, as prohibited by the BHA Lease will be considered in the screening process.

For State public housing, the criminal record will be considered if the applicant or a household member in the past has engaged in criminal activity, or activity in violation of section four of chapter one hundred and fifty-one B, which if repeated by a tenant in public housing, would interfere with or threaten the rights of other tenants to be secure in

their persons or in their property or with the rights of other tenants to the peaceful enjoyment of their units and the common areas of the housing development. See MGL 121B, Section 32(d).

BHA shall use Criminal Offender Record Information (CORI) provided by the Massachusetts Criminal History Systems Board, criminal histories provided by other states/jurisdictions, Federal authorities, court records, and other evidence of criminal activity including landlord references to prevent criminal activity that would adversely affect the health, safety or welfare or physical security of property of other Residents, BHA staff or guests.

BHA shall review both convictions and pending charges.

If the Criminal record information shows that a case is continued without a finding (CWO) or "placed on file" it cannot be used as a determination that the Applicant or household member, in fact, engaged in criminal activity without other independent evidence of the criminal activity charged. Independent evidence might include: police reports documenting criminal activity, statements from the arresting officer or other reliable information that the Applicant and/or a household member committed the crime charged.

Criminal record information shall be requested and maintained in accordance with guidance established by the Massachusetts Department of Housing and Community Development (DHCD) and 803 CMR 5.00 and any other applicable laws.

The Applicant Household is required to allow the BHA to review the criminal background history for all Applicant Household members who are 14 years of age or older. Criminal History may be reviewed for minors who are 14 or older if they were tried as an adult, otherwise known as youthful offender information. [The BHA will not review any juvenile offender information.](#)

(b) Mandatory Denial

(i) Lifetime Sex Offender Registration Requirement. BHA shall use Sex Offender Registry Information (SORI) as permitted by law in the eligibility determination process. Persons convicted of sexual offenses and subject to a lifetime sexual offender registration requirement are permanently prohibited from admission to Federally assisted developments/AMPs and they are only eligible for admission to State aided developments upon establishing acceptable Mitigating Circumstances. The BHA will conduct criminal history background checks sufficient to determine whether any household member is subject to such a registration requirement.

(ii) Conviction for Manufacture of Methamphetamine. Persons that have been convicted of drug-related criminal activity for the manufacture or production of methamphetamine on the premises of Federally-assisted housing are permanently prohibited from admission to Federally assisted developments/AMPs and are only eligible for admission to State aided developments upon establishing acceptable Mitigating Circumstances.

(c) Look back period

The review of criminal history shall be limited to a period of ~~five~~^{three} (53) years for criminal activities which would be punishable as a misdemeanor or equivalent level of culpability under local law and ~~ten~~^{seven} (740) years (except where the Housing Authority has an obligation to ban applicants whose criminal activity is subject to mandatory denial) for an activity which would be punishable as a felony or equivalent level of culpability under local law. The look back period shall ~~be evaluated from the date of release from incarceration, if applicable, run from the date of conviction or the release date, whichever is later.~~ The Housing Authority may deny an applicant whose criminal record shows a pattern of violent criminal activity, or activity that is inherently violent, even though the activity has occurred outside of the time frame set out above.

Once a criminal record has been sealed pursuant to G.L. c. 276, §100A, it may no longer be evaluated for the purposes of screening.

(d) Use of Illegal Drugs

(i) Current Use

BHA will not admit a current user of illegal drugs. The Fair Housing Act explicitly states that current users of illegal drugs are not a protected class. BHA will not exclude former users of illegal drugs solely because of their former illegal drug use.

(ii) Past Use Does Not Excuse Associated Behavior

The fact that an Applicant or household member may have been an illegal drug user in the past does not automatically excuse any disqualifying behavior that the Applicant or household member may have engaged in while an illegal drug user.

(iii) Documentation that a former illegal drug user is not currently using illegal drugs could include:

- Verification from a Qualified Health Care Provider stating that the former illegal drug user has been or is currently in treatment, that there is a reasonable probability that the Applicant will be successful in refraining from use of illegal drugs, that the Applicant is complying with the requirements of the treatment program, and is not currently using an illegal drug;
- Verification from a self-help program (for example, Narcotics Anonymous) stating that the former illegal drug user has been or is participating in their program, that there is a reasonable probability that the Applicant will be successful in refraining from use of illegal drugs, and is not currently using an illegal drug;
- Verification from a probation or parole officer stating that the former illegal drug user has met or is meeting the terms of probation or parole **and** that periodic screens have not revealed the presence of illegal drugs;

- Voluntary drug testing. An Applicant or household member cannot be required to undergo drug testing as a condition of eligibility. However, if s/he chooses to be tested, testing shall meet the following requirements: the drug test must be conducted at facilities that use the National Institute of Drug Abuse Guidelines (implementing EO 12564 and Pub. L. 100-71; these guidelines were published April 11, 1988 in the Federal Register) The test must screen for illegal drugs only and the Applicant's use of prescription drugs that contain controlled substances must be taken into account; and the BHA will pay for all costs associated with drug testing unless the costs are otherwise reimbursed.
- If an Applicant or household member is currently in treatment for illegal drug use (as opposed to having successfully completed treatment) or if an Applicant or household member has a history of drug treatment followed by further illegal drug use, the Applicant or household member must demonstrate why current situation and claim of non-drug use is different from the previous unsuccessful efforts to stop using drugs and that the likelihood of a change greater than in the past.
- In such cases, an Applicant or household member should successfully complete the current treatment program and maintain acceptable behavior in the community for a reasonable period established by the BHA.

(e) *Treatment for Substance Abuse*

Information related to an Applicant's or a member of an Applicant's household treatment by a substance abuse treatment facility. The BHA requires any Applicant or member of Applicant's household to sign a consent form authorizing inquiry to a substance abuse treatment facility where the BHA :

- Receives CORI information that indicates evidence of a prior arrest or conviction for criminal activity which would be a basis for denial due to reasonably current illegal drug use, OR
- Receives information from records from a prior tenancy of the Applicant or household member that demonstrate he or she was:
- Engaged in the destruction of property;
- Engaged in violent activity against another person;
- Interfered with the right to peaceful enjoyment of the premises by another tenant.

(f) *Alcohol Abuse and Screening*

An Applicant or household member who is an alcoholic may qualify as a person with a disability under State and Federal anti-discrimination laws and be entitled to certain protections afforded to Disabled Persons. If the abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents, an applicant may be disqualified.

(g) Denial for Criminal Activity

The BHA shall not automatically deny an applicant based on the presence of criminal history.

The BHA review of criminal history only considers convictions and charges awaiting trial for drug related, violent, and other criminal activity that could affect the health and safety of others potentially living nearby.

The BHA shall not consider arrests, cases that were continued without a finding as a means of probation, or charges that did not get prosecuted. Convictions for crimes such as larceny and other non-violent, non-drug related criminal activity are generally not considered unless, the BHA determines that the activity might affect the health and safety of other in the area. For example, illegal possession of a firearm or ammunition is not dangerous in itself, but may be considered to affect the health and safety of others.

If the Criminal record information indicates that an Applicant and/or household member has a record that would establish a basis for an Ineligibility finding, the Applicant will be notified of the negative information received, provided with an opportunity to review the information and to offer any information as a Mitigating Circumstance before a final determination of Ineligibility is made by the BHA.

(h) Right to Dispute Accuracy of the Criminal Record

If the Applicant believes that the Criminal record information is inaccurate, he/she must submit to BHA a written notice to this effect. The notice must be provided to BHA within the time specified in BHA's notice to the Applicant. Upon receipt of the Applicant's written notice disputing the accuracy of Criminal record information, BHA will provide the Applicant a reasonable amount of time to provide credible evidence of the report's inaccuracy.

5.5.4 Evaluation of Screening Criteria

The BHA shall deny an Applicant if it finds any of the following conditions are present and there is reason to believe the future behavior of the Applicant or Applicant household members will exhibit the same behavior, unless there are acceptable Mitigating Circumstances.

The history of the Applicant household's conduct must demonstrate that the Applicant household can reasonably be expected not to:

(a) Interfere with other residents in such a manner as to diminish their peaceful enjoyment of the premises or to adversely affect their health, safety, or welfare or the security of their property.

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- (b) Violate the civil rights of any person, while on BHA property, in accordance with the BHA's Zero Tolerance policy.
- (c) Cause damage to the property or fail to pay rent in full and on time.
- (d) Violate the terms and conditions of the BHA lease.
- (e) Require services from BHA staff that would alter the fundamental nature of the BHA's program.
- (f) Illegally use, possess or distribute a controlled substance,
- (g) Give the BHA reasonable cause to believe that the illegal use (or pattern of illegal use) of a controlled substance, or abuse (or pattern of abuse) of alcohol may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents.

5.5.5 Rehabilitation and Mitigating Circumstances

In the event of the receipt of unfavorable information with respect to an Applicant the BHA will notify the Applicant in writing, and the BHA shall permit the Applicant to show whether there are Mitigating Circumstances, which may include a showing of rehabilitation or rehabilitating efforts, sufficient so that when the potentially disqualifying conduct is weighed against the Mitigating Circumstances, the BHA is reasonably certain that the Applicant will not engage in any similar conduct in the future. In making this determination, the BHA shall consider all relevant circumstances, including the severity of the potentially disqualifying conduct, the amount of time which has elapsed since the occurrence of such conduct, the degree of danger, if any, to the health, safety and security of others or to the security of the property of others or to the physical conditions of the housing development/AMP and its common areas if the conduct recurred, the disruption and inconvenience which recurrence would cause the BHA, and the likelihood that the Applicant's behavior in the future will be substantially improved. The greater the degree of danger, if any, to the health, safety and security of others or to the security of property of others or the physical condition of the housing, the greater must be the strength of the showing that a recurrence of behavior, which would have been disqualifying, will not occur in the future.

5.5.6 Outcome of Screening Process

(a) Ineligible

An ineligible Applicant will be promptly notified. The Applicant will receive a Notice of Ineligibility from the BHA, stating the basis for such determination and advising them of the opportunity for an informal review of the determination. The ineligible Applicant will also be informed that they have a right to request reconsideration if the reason for denial of assistance is related to a disability and a reasonable accommodation on account of

that disability may make it possible for them to be housed in accordance with the Screening Procedures.

(b) Eligible

Households determined to be Eligible and Qualified after screening will be notified by the BHA of the approximate date of occupancy insofar as that date can be reasonably determined. The BHA will make reasonable effort to estimate accurately an approximate date of occupancy. However, the date given by the BHA is not a guarantee that Applicants will be housed by that date. The availability of a suitable apartment to offer a Household is contingent upon factors not directly controlled by the BHA, such as turnover rates, and availability of apartments of the appropriate size and/or with special features.

5.6 Personal Care Attendants (PCAs) / Live-in Aides

5.6.1 Definition

A Personal Care Attendant ("PCA") or Live-in Aide is defined as a person who:

- (a) is determined by BHA based upon medical documentation from a Qualified Healthcare Provider to be essential to the care and well-being of an Elderly or Disabled person or persons; AND
- (b) may or may not reside with the Elderly or Disabled person or persons; AND
- (c) is not obligated to support the Elderly or Disabled person or persons; AND
- (d) in the case of a live-in PCA or Live-in Aide, would not be living in the apartment except to provide the necessary supportive care; AND
- (e) has no right to the apartment as a Residual Tenant except as provided in 5.7.2 below.
- (f) does not have his/her income included in Elderly or Disabled persons household for the purposes of determining total household income and rent except as provided in 5.7.2 below.

5.6.2 Policy on Addition of a licensed PCA or Live-in Aide to the Household

- (a) Any PCA OR Live-in Aide must meet the definition of a PCA OR LIVE-IN AIDE as stated above.
- (b) A PCA OR Live-in Aide can be a single person or a person with a household.
- (c) No addition of a PCA OR Live-in Aide and his/her household, if applicable, shall result in overcrowding of the apartment.

(d) No PCA OR Live-in Aide and his/her household, if applicable, has/have the right to the apartment as a Residual Tenant except as provided in Section 5.7.2

(e) Any PCA OR Live-in Aide and his/her household, if applicable, must sign a waiver of residual residency status except as provided in Section 5.7.2

(f) Any PCA OR Live-in Aide and his/her household, if applicable, must meet the criteria in the BHA's Screening Policy.

(g) Any PCA OR Live-in Aide and his/her household, if applicable, will be counted as a member of the resident's Household for the purposes of determining the appropriate apartment size ONLY

(h) A relative who satisfies the definition above will be notified in writing that s/he may be qualified as a PCA OR Live-in Aide and can choose one of the following two options:

(i) S/he can qualify as a PCA OR Live-in Aide, choose not to include his/her income as part of the Total Household Income and sign a waiver of residual residency status, OR

(ii) They can qualify as a PCA OR Live-in Aide, have their income included as part of the total Household income and retain rights as a remaining member of the Household.

CHAPTER 6: ASSIGNMENTS AND OFFERS

6.1 Apartment Occupancy Guidelines

6.1.1 Occupation by Households of Appropriate Size

It is BHA's policy that federally assisted apartments will be occupied by Households of the appropriate size as determined by the Occupancy Standards.

For state aided public housing, Appropriate Unit Size is defined at 760 CMR 5.03.

6.1.2 Table of Occupancy Standards

The following table of maximum and minimum number of persons per apartment and assignment standards will govern the number of bedrooms required to accommodate a household of a given size and composition:

Number of Bedrooms	Min. Persons/Apt.	Max. Persons/Apt.
0BR	1	1
1BR	1	2
2BR	2	4
3BR	3	6
4BR	4	8
5BR	5	10
6BR	6	12

The Elderly/ Disabled Program does not have any Apartments larger than two bedrooms. Thus, Households requiring more than two (2) bedrooms may only apply for the Family Program.

6.1.3 Apartment Assignments

State Public Housing 760 CMR 5.03 – Appropriate Unit Size
State assisted housing units shall be assigned using the size requirements in 760 CMR 5.03.
The size of a unit is appropriate for a household if the unit meets all the following criteria:
(a) Household members of the opposite sex, excepting husband and wife (or those in a similar living arrangement), do not have to share a bedroom, provided that children of the opposite sex younger than eight years old shall share a bedroom and provided that other household members of the opposite sex may elect to share a bedroom. Since

the BHA will be using CHAMP, the unit size and subsidy standards shall comply with the CMR.

(b) Persons of the same sex shall share a bedroom, provided that a household member, 21 years of age or older, may elect not to share a bedroom with his or her child, grandchild, or legal ward and provided that a household member does not have to share a bedroom if a consequence of sharing is or would be a severe adverse impact on his or her mental or physical health and if the LHA receives reliable medical documentation as to such impact of sharing.

(c) Each bedroom shall contain at least 50 square feet of floor space for each occupant and a minimum of 70 square feet and shall meet all other applicable requirements of 105 CMR 410.00: *Minimum Standards of Fitness for Human Habitation (State Sanitary Code: Chapter II)* for a room occupied for sleeping purposes. No bedroom shall be shared by more persons than the number permissible under 760 CMR 5.03.

(d) Only bedrooms may be used for sleeping purposes by household members; the living room, kitchen, bathroom and hallways shall not be used for sleeping purposes by any household member.

Federally assisted apartments shall be so assigned that:

(a) The Head of Household and his /her spouse or domestic partner shall be entitled to one bedroom.

(b) Household Members under the age of twenty-five (25) who are of the same sex shall share a bedroom, with the following exemptions:

(i) Household Members more than ten years apart in age and regardless of gender may qualify for separate bedrooms, if the older Household Member is fourteen years of age or older. For example, a fifteen year-old Household Member may be eligible for a separate bedroom when living with a one-year old Household member of the same gender. HOWEVER, a thirteen year-old Household Member can be required to share a bedroom with a five-year old Household Member of the same gender.

(ii) Persons of different generations or opposite sex, other than head and spouse or partner, are not required to occupy the same bedroom.

(c) An unborn child **shall** be counted as a person in determining apartment size for admission purposes only, not for qualification for transfer.

(d) Each Applicant shall be listed for only one apartment size. However, if the Applicant's Household qualifies for two apartment sizes, the Applicant may choose to be listed for either of these sizes.

(e) Single person Households may elect to be placed on a studio waiting list(s)/AMPs of choice and shall be assigned only to a studio Apartment. Applicants electing this option after housed may apply for an Special Circumstances Transfer to move to a one-bedroom at a development of choice **if**:

(i) Has been a BHA Resident for at least two years; and

(ii) Is a Resident in good standing. No waiver of this requirement shall be approved.

(f) Single person Households may elect to be placed on a one-bedroom waiting list(s)/AMPs of choice and shall be assigned only to a one-bedroom Apartment.

(g) Transfer Applicants currently residing in a studio or a one-bedroom unit shall not be offered studio/efficiency units.

(g) Spouses, partners and children who would otherwise be required to share a bedroom under BHA's policies may be assigned separate bedrooms for substantial health-related or reasonable accommodation reasons which are thoroughly documented by a Qualified Healthcare Provider.

(h) A living room will not be counted as a bedroom, except in BHA's studio/efficiency apartments or for the use of an overnight Personal Care Attendant (PCA) OR Live-in Aide.

6.2 Offers

Offers to federally assisted housing are made in accordance with the Section below. Offers to state public housing are made in accordance with 760 CMR 5.00, except that eighth offer is made to a Special Circumstances transfer as defined in Chapter 7.

6.2.1 Allocation of Offers to Different Applicant Types

State Public Housing Offers

The BHA shall use the methodology outlined in 6.2.1 of this ACOP to offer units to applicants of state public housing. This is a waiver of provisions of 760 CMR 5.00.

(a) Counter System

The BHA uses a counter by waiting list, bedroom size, and apartment type, to allow every eighth apartment to be allocated to a special circumstances transfer.

The counter is established as units are vacated. Units will be offered as they become available. ~~The first, second, and third apartments are offered to the highest ranked waiting list applicants from either from CHAMP or the BHA's site based waiting lists for federal public housing. The fourth apartment is offered to the highest ranked Special Circumstances transfer applicant. If there are no approved Special Circumstances transfer applicants, the fourth unit shall be offered to the highest ranked waiting list applicant from CHAMP or the BHA's site based waiting list. [Note: This language was to be deleted during the annual plan amendment public process, post comment period, but unintentionally remains. The revised language in the first paragraph above directly conflicts with this.]~~

(b) Offers Made Outside of the Counter System

(i) The counter process may be interrupted at any time in order to offer a unit to an Administrative Transfer applicant.

(ii) From time to time, the BHA shall fill a vacancy outside of the counter system with a Supported Housing Applicant. Supported Housing applicant lists are established by memorandum of agreement and referrals for those programs are received from non-profit partners that provide services to residents in exchange for housing opportunities. Memorandums of agreement for current Supported Housing Programs shall be posted to BHA's website.

6.2.2 Offers of Accessible Apartments

BHA seeks to occupy apartments with adapted features with residents that require the features due to a disability. The BHA shall take the following steps to achieve this goal:

(a) The BHA shall maintain a database of all of its Accessible Apartments and Apartments with adapted features, including wheelchair accessible units, first floor units, and units with zero steps.

(b) The BHA shall utilize this database to match residents and Applicants with a Household Member having a disability with appropriate apartments.

(c) The BHA will offer an available Apartment with adapted features in the following order:

(i) First, to a current Household of another apartment of the same development/AMP, or other public housing development/AMP under BHA's control, containing a member having a disability on account of which the adapted features of the vacant Apartment are needed. (In effect an Administrative Transfer of the resident Household with a disabled Household Member from the non-adapted Apartment to the vacant adapted Apartment).

(ii) Second, to an Eligible and Qualified Applicant Household on the waiting list/AMP with a disabled household member who requires the adapted features of the vacant Apartment.

(iii) Third, to an Eligible and Qualified Applicant or Transfer Applicant Household on the waiting list/AMP that does not require the adapted features of the vacant Apartment. In this case, BHA will require that the Applicant sign a BHA lease which provides that the Applicant will move to an alternative available Apartment of appropriate size within thirty (30) calendar days when a Disabled Household Member of another Applicant household is identified as needing the adapted features of the Apartment on account of his/her disability.

(d) The BHA shall also maintain a listing of all Apartments with adapted features where the current resident Household does not require the adapted features. If there is an Eligible and Qualified Applicant or Transfer Applicant on the waiting list with a need for the adapted features in an apartment that is currently occupied by a Household without a need, the BHA shall take the following action:

(i) The BHA will notify the current resident Household of the requirement to transfer due to the existence of an Eligible and Qualified Applicant or Transfer Applicant Household with a disabled household member who requires the adapted features available in the resident's Apartment. If the BHA identifies more than one Apartment with the necessary adapted features, the resident Household with the shortest tenure in its current Apartment will be required to Transfer.

(ii) The BHA will initiate an Administrative Transfer process for the current resident Household. The BHA will identify an alternative appropriately sized Apartment based upon the resident's current Household composition on a case by case basis pursuant to the Administrative Transfer procedure of this policy.

(iii) The BHA will offer the alternative appropriately sized Apartment to the resident Household. The BHA will also notify the resident Household of their requirement to move within thirty (30) days of this offer. The resident may request and the BHA may grant a reasonable extension. As part of the transfer process, the BHA will consider any resident request for a Reasonable Accommodation and/or on-site transfer.

(iv) If the resident Household fails to vacate the Apartment with adapted features after being properly notified and offered an alternative appropriately sized Apartment, the BHA shall initiate legal action in accordance with the BHA lease.

(v) Once the Apartment with adapted features becomes available, it will be offered to the identified Eligible and Qualified Applicant or Transfer Applicant Household with a disabled household member on the waiting list in accordance with the procedures outlined in this policy.

State Public Housing 760 CMR 5.10 – Placements and Offers

(1) General Provisions for Placements.

(a) Placements are to be made in elderly/handicapped housing to achieve a mixed population of elderly households in 86.5% of the units and handicapped households in 13.5% of the units. The LHA shall place applicants in accordance with 760 CMR 5.10(2) in order to attain or to sustain these percentages. Such placements shall also be made in accordance with any applicable priority and preference categories and the affirmative action preference, if applicable.

(b) Any accessible or modified unit shall be offered to an applicant household which includes a person, regardless of age, who has a physical handicap which handicap necessitates one or more of the special design features of the unit.

(c) Except as provided in 760 CMR 5.10(1)(a) and (b) and subject to the affirmative action preference, if applicable, when a unit or rental assistance voucher becomes available, it shall be offered to the applicant for the applicable program with an appropriate household size who has the earliest date and time stamp in the highest preference category within the highest priority category.

(2) Placements by LHA in Elderly/Handicapped Housing. Prior to making a placement in elderly/handicapped housing, the LHA shall determine the LHA's current percentage of St. 1954, c. 667 units occupied by handicapped households. In making this determination the LHA shall count all St. 1954, c. 667 units, including St. 1954, c. 667 congregate units, St. 1954, c. 667 section 8 new construction or substantial rehabilitation units, St. 1954, c. 667 modified units, and St. 1954, c. 667 conventional units. The LHA shall then place applicants as follows:

- (a) If the percentage of units occupied by handicapped households is less than 13.5%, the LHA shall place one eligible and qualified handicapped household for each eligible and qualified elderly household placed until such time as the percentage of handicapped households equals or exceeds 13.5%.
- (b) If the percentage of the units occupied by handicapped households equals or exceeds 13.5%, the LHA shall place eligible and qualified elderly households until such time as the percentage of handicapped households falls below 13.5%.
- (c) If the percentage of units occupied by handicapped households equals or exceeds 13.5%, but the LHA has exhausted its waiting list of eligible and qualified elderly households, the LHA shall place those eligible and qualified handicapped households whose members have attained 50 years of age, but are younger than 60 years old, until such time as the percentage of handicapped households falls below 13.5% or until there is an application from an eligible and qualified elderly household.
- (d) If the percentage of units occupied by handicapped households equals or exceeds 13.5%, and the LHA has exhausted its waiting list of eligible and qualified elderly households and eligible and qualified handicapped households whose members have attained 50 years of age, but are younger than 60 years old, the LHA shall place eligible and qualified handicapped households, without regard to age, until there is an eligible and qualified elderly household or, in the absence of such an elderly household, an eligible and qualified handicapped household whose members have attained 50 years of age, but who are younger than 60 years old.

6.2.3 Acceptance or Rejection of an Offer

Generally, a vacant unit will be offered to the Applicant with the highest priority and preference. If multiple Applicants have equal priority and preference points the first offer will be made to the applicant with the earliest Priority and Preference approval date or the earliest application date for an Applicant without priority or preference (Standard Applicant). An Applicant will receive **one** offer at a time for housing for the first unit that is ready for occupancy that is an appropriate size at a development of choice, if applicable.

NOTE: An applicant will only be entitled to one offer at a time across federal and State portfolios.

State Public Housing 760 CMR 5.10 (4) – Accepting and Rejecting Offers

- (4) Offers to Applicants.
 - (a) An applicant offered a unit must accept the offer within seven business days of the date of the written offer. For good cause, the LHA may extend the time for

response. An applicant is entitled to only one offer of a unit of appropriate unit size provided that the LHA shall offer another unit when the applicant provides reliable documentation establishing that the unit offered is inappropriate and would cause severe and unreasonable hardship. An applicant who fails to accept the offer of a unit within seven business days or to provide such documentation within that period, shall be removed from the waiting list for that program at that LHA and after being removed from the waiting list, if the applicant files a new application with that LHA, the applicant shall not be entitled to any priority or preference previously received based on information provided in that application for a period of three years. The LHA shall give the applicant notice of the removal of the application from the LHA's waiting list for that program and the right to request review pursuant to 760 CMR 5.13.

(b) An applicant who fails to accept three unit offers as set out in 760 CMR 5.10(4)(a) within a five-year period shall be removed from the waiting lists for all programs at all LHAs in the Statewide Online Application System for which the applicant applied, and any new application filed by the applicant for those programs at those LHAs will not be entitled to any priority or preference received based on information provided in prior applications for a period of three years. The LHA that made the third offer shall give the applicant notice of the removal and the right to request review pursuant to 760 CMR 5.13. An LHA conducting a review after a third failure to accept an offer may not consider the circumstances of the application's removal for failure to accept the first and second offers made, unless the applicant can clearly demonstrate a compelling reason for not requesting a timely review of the prior removals.

(c) An applicant offered an AHVP voucher shall make a diligent search to locate an apartment within the time specified in 760 CMR 53.00: Alternative Housing Voucher Program. An applicant who is unsuccessful in locating a unit within such time shall lose the voucher, and the LHA shall remove the applicant from the AHVP waiting list. When an applicant is on the waiting list for elderly/handicapped housing and becomes an AHVP participant the LHA shall drop the applicant to the bottom of that waiting list.

(a) Applicant Acceptance of Housing Offer

Once an Offer of housing is communicated in writing, the Applicant or Resident has seven (7) business days to accept or it will be considered rejected, unless extenuating circumstances can be established for failure to respond.

An Applicant must move to their assigned unit within 30 calendar days of the offer of housing unless otherwise agreed upon by the BHA in writing. Failure to move to the unit within the 30 calendar days or agreed date shall be considered as an unacceptable housing offer refusal.

If Resident fails to **completely** move to the offered unit within the 30 calendar days from their housing offer notification or BHA agreed date, the resident shall be subject to lease enforcement or rent charges as approved by HUD and/or DHCD.

(b) Rejecting an Offer of Federal Housing

The BHA will remove an Applicant from all federal Public Housing Waiting lists if they reject an offer of Federal Public Housing. Furthermore, the Applicant will only be eligible to re-apply after two (2) years from the date of the most recent unit rejection. This is different than the policy for State Public housing as detailed above.

(c) Rejecting of Offer of Housing as a Special Circumstances Transfer Applicant

A Transfer Applicant is offered one housing unit of the appropriate size and type. Failure to accept the housing offer will result in the denial of the transfer Application and the resident may not re-apply for the same transfer type and Priority and Preference for a period of two (2) years from the date the housing offer was rejected.

(d) Change in Circumstances After Rejection

The BHA will allow an Applicant who rejects an offer of housing to re-apply as prior to the expiration of the two (2) year period if the Applicant experiences a change in circumstance that justify a different Priority/Preference(s) or Transfer type. BHA will recognize the new Transfer type and Priority and/or Preference status after verification and place the Applicant on a waiting list using the new status and the date of the new application/transfer.

(e) Rejecting an Offer of Housing as an Over or Under Housed Applicant

Under or Over Housed transfer applicants who reject an offer of housing will be will be subject to legal action(s).

(f) Rejecting an Offer of Housing Without Penalty

An Applicant or transfer applicant may reject an offer of an apartment without being removed from the waiting list only in the following circumstances

- (i) apartment cannot be restored to move in condition within thirty (30) calendar days of the date of offer as verified by the manager
- (ii) After successfully completing the final screening process, the Applicant's situation changed such that a new, different or additional Good Cause consideration has arisen and the Applicant was unable to notify the BHA of the change due to extenuating circumstances, i.e. documented hospitalization, or;

(iii) The transfer applicant's situation has changed after being approved for transfer and the resident was unable to notify the local management office or Admissions Department of the change due to extenuating circumstances, i.e. hospitalization or;

(iv) The hardship caused by acceptance of the offered apartment is due to a physical feature that was not included in the apartment characteristics inventory as documented by the applicant. This will be considered as an inappropriate housing offer.

6.2.4 Good Cause or Reasonable Accommodation

An applicant for admission or transfer may request special considerations with respect to the features of the unit or building or the location of the development. These requests may be approved as Good Cause or as a Reasonable Accommodation.

(a) Request for Good Cause or Reasonable Accommodation

Below is a description of the BHA's procedure for requesting an assignment or transfer for Good Cause or Reasonable Accommodation:

(i) The BHA maintains a detailed inventory of physical characteristics for all of its apartments. Apartment characteristics, as well as location, will be used in matching an Applicant or transfer applicant in order to address the Good Cause or Reasonable Accommodation need.

(ii) The Applicant must indicate to the Admissions Department staff prior to receiving an offer of housing, and a resident seeking transfer must advise staff in his/her management office at the time of the transfer request, that he/she requires special consideration in identifying a particular type of apartment or placement in a particular area of the city.

(iii) Changes in Applicant circumstances that occur during the final screening process or after the request for Transfer shall be considered.

(iv) Good Cause or Reasonable Accommodation must be supported in writing by a Qualified Healthcare Provider, or other professional (such as a law enforcement official, medical services provider, or social service provider) familiar with the Applicant's or resident's need, and;

(v) If the Authority determines, after reviewing the request for such consideration and the documentation submitted in support of it, that the Applicant or transfer applicant qualifies, he/she will be approved for an assignment for Good Cause or Reasonable Accommodation.

(b) Example reasons and supporting documentation

Example reasons and supporting documentation that could be considered Good Cause or a related to a request for Reasonable Accommodation are listed below:

(i) The aggravation of a serious, determinable physical or mental impairment

A statement from a Qualified Health Care Provider on letterhead stationery which establishes the precise reasons a particular apartment feature (or apartment location) is needed. The statement MUST provide information regarding the effect of the condition on the Applicant or household member and must document why a particular type of apartment (or apartment location) is needed.

(ii) Inaccessibility to supportive facilities or programs for elderly, handicapped, or disabled Household members.

A statement on letterhead stationery from a Qualified Healthcare Provider, which provides reliable documentation that a household member(s) has a condition which requires on-going regular or emergent care at a particular facility (hospital, clinic but not a practitioner's office), frequency of the treatment and anticipated length of treatment.

(iii) Participation in a Witness Protection program

Written documentation on letterhead stationery from a law enforcement agency, which indicates that a Household Member(s) is, or might be endangered because they have provided essential information in a criminal prosecution. Documentation must specify the development(s)/AMPs or areas of the city in which the affected Household Members might be endangered.

(iv) Domestic Violence/Dating Violence/sexual assault/or Stalking

The BHA prefers documentation from a court of competent jurisdiction, and/or from a law enforcement agency, in conjunction with a temporary or permanent restraining order issued pursuant to M.G.L. c209A specifying underlying circumstances which would require a Household Member(s) to be located in an area of the city away from the location of the person named in the order or his/her relatives or associates. If the Applicant has cause to believe that obtaining a restraining order will trigger a violent act by another person, a combination of the following documentation that establishes that an abusive situation exists shall be acceptable:

- Medical records reflecting incident(s)
- Police reports regarding incident(s)
- Court Reports regarding incident(s)
- Documentation that Applicant has attempted to obtain restraining orders
- Documentation that Applicant has filed charges against the accused abuser
- Legal action regarding incident(s)
- Letter from an attorney stating details of a case arising from incident(s)
- Evidence of participation in counseling regarding domestic violence/Dating Violence/Sexual Assault/or Stalking
- Psychological reports
- Letter from a director of a social service agency regarding incidents

- Documentation of changed address due to domestic violence

(v) Inaccessibility of Nighttime Transportation

The inaccessibility of public transportation for nighttime employment of the Head or Co-head of Household who does not own or lease a motor vehicle.

A statement from the employer, on letterhead stationery, detailing specific hours of nighttime employment, the date employment commenced, whether it is a permanent shift assignment and if not permanent, the length of the assignment, and a description of transportation benefits, if any.

(v) Other Reasons

The temporary hospitalization or on-duty military assignment of the Head or co-head of Household member, other Household member necessary for the care of the head or co-head of Household member, or a personal care attendant OR LIVE-IN AIDE listed on the final application or most recent Tenant Status Review (TSR).

A statement on letterhead stationery from a Qualified Health Care Provider indicating the name of the individual (must be the Head or Co-Head of Household or other Household Member necessary for the care of the Head or Co-Head of Household or personal care attendant or Live-in Aide), the date of admission, date of anticipated discharge (if known) or an estimate of the anticipated length of confinement or a statement from the individual's commanding officer indicating the date the active duty began and anticipated length of active duty.

CHAPTER 7: TRANSFERS

7.1 Transfer Categories

BHA divides transfer applicants into two separate categories: Administrative and Special Circumstances.

A resident of BHA Public Housing may request a transfer in accordance with the BHA lease.

State Public Housing – Transfers

The BHA ACOP waives State regulations with respect to transfers. This waiver will allow BHA to provide a singular transfer process across the BHA public housing portfolio, as residents transfer from state to federal properties and vice versa. Additionally the waiver enables a consistent interpretation of the BHA lease with respect regarding transfer rights and procedures regardless of the program funding source.

Specifically, the BHA ACOP waives the following regulatory provisions with respect to transfers.

1. The BHA policy waives the definition of a Transfer for Administrative Reasons as listed in 760 CMR 5.03 and substitutes with the definition below in Section 7.1.1.
2. The BHA policy waives the definition of a Transfer for Good Cause as listed in 760 CMR 5.03 and substitutes with the definition Special Circumstances Transfer as listed below in Section 7.1.2
3. The BHA will maintain waiting lists for all transfer applicants therefore, the 6th Priority as defined in 760 CMR 5.09(f) shall not be applied to applicants in CHAMP.

7.1.1 Administrative Transfer

An Administrative is a Transfer of a household from one unit to another within the BHA at the discretion of the Administrator for a sound administrative reason, including, but not limited to the reasons listed below:

(a) Uninhabitable

The current apartment has become uninhabitable and immediate relocation is required as a result of the following:

- (i) Destruction by fire or other disaster; or

(ii) The existence of a major maintenance problem that constitutes a substantial violation(s) of the state sanitary code and presents a serious danger to health and safety that cannot be repaired in a reasonable period of time or while the apartment is occupied.

(b) Capital Improvement

The apartment is located in a building or section of building scheduled for capital improvement pursuant to a funded capital improvement program or other major rehabilitation effort. (See BHA's [Residential Relocation & Rehousing Policy](#) for detailed procedures on transfers because of capital improvement programs.)

(c) Adaptive Features Required by Another Resident

The transfer is required to permit occupancy of an accessible apartment or apartment with adapted features by another resident or an Applicant with a disability.

(d) Temporary Relocation for Repairs

A temporary transfer is required to permit work required for a maintenance or repair problem that cannot be repaired while the apartment is occupied. The Resident will be returned to the same apartment if the apartment is of the appropriate size, following completion of the maintenance or repairs.

(e) Over-Under Housed Families

The BHA shall process over and under housed families as Administrative Transfers.

BHA may initiate an Administrative Transfers to bring residents into compliance with the BHA Occupancy Standards. On a regular basis, management will address over under transfer by reviewing the portfolio site by site and establishing a right sizing plan for review by the Administrator. Residents will be informed in writing that a transfer is necessary and pending. Residents who fail to transfer will be subject to eviction,

Generally, the BHA will attempt to resolve over and under housed families by relocating the most over and under housed families as a priority

Residents who are under-housed at sites where the correct unit size required does not exist shall be allowed to select other developments.

An elderly resident who is over housed by only one bedroom at a site that does not have the lower bedroom size necessary to accommodate the family will not be required to relocate to another site. See also Section 7.9 below.

(f) Domestic Violence

The relocation is necessary due to the household's current and on-going threat(s) as a result of domestic violence/sexual assault/dating violence/stalking which has been documented, investigated, and recommended by the BHA's Public Safety Department or other sources deemed acceptable by the BHA Director of Admissions or such other person as may be designated by the BHA Administrator.

The BHA shall attempt to relocate a household facing domestic violence using a tenant-based voucher and the project based programs in accordance with the Housing Choice Voucher program administrative plan. If the Applicant selects accepts a housing choice voucher or project based voucher, the Applicant is removed from all Public Housing transfer waiting lists. Any approved Domestic Violence transfer shall receive Housing Search Assistance.

BHA shall review data on an annual basis to establish the number of Domestic Violence Transfers as a way to plan for the coming year and set aside units.

(g) Medical Condition

A Household Member has a serious, medically determinable, physical or mental condition that is aggravated by the present housing such that the condition is life threatening or a condition not qualifying as life-threatening that can be alleviated and/or substantially improved only by relocation to another apartment; or

(h) Imminent Danger

The head or other Household Member is a victim of physical harassment, extreme or repeated vandalism to personal property and/or extreme and/or repeated verbal harassment, intimidation or coercion, which places them in imminent danger and that cannot be expeditiously remedied in any other way⁵; or

(i) Witness Protection

The Household needs to be relocated because of a Household Member's participation in a witness protection program or in order to avoid reprisal as a result of providing information to a law enforcement agency or participation in a witness protection program.

7.1.2 Special Circumstances

Special Circumstances Transfers are transfers necessary to the health and/or safety of one or more Household members.

The following are categories for Special Circumstances Transfers:

⁵ Transfers in this category will be processed pursuant to BHA's Civil Rights Protection Plan ("CRPP").

(a) Reasonable Accommodation

The transfer requested is for a person with a disability who requires reasonable accommodation to address dire circumstances posing serious and direct threat to health, life or safety which can only be alleviated by relocation to another apartment. The resident shall provide documentation of the disability and how the transfer will reasonably accommodate the disability.

(b) Designated Housing Transfer

(i) In accordance with the BHA's Designated Housing Plan, a Household with a Non-Elderly Disabled Head or Co-Head currently residing in the Elderly/ Disabled Federal Housing Program who wishes to transfer to the Federal Family Housing Program.

(ii) In accordance with the BHA's Designated Housing Plan, a Household with an Elderly Head or Co-Head currently residing in the Family Federal Housing Program who wishes to transfer to the Federal Elderly/Disabled Housing Program.

7.2 Transfer Process

7.2.1 Resident Initiated Transfer

A Transfer application may be initiated by a resident Head of Household occupying an apartment under a BHA lease, or under certain circumstances such as an apartment fire, under a Use and Occupancy Agreement pursuant to this Policy (Resident Initiated Transfer).

7.2.2 BHA Initiated Transfer

The BHA will initiate transfers required as a result of a scheduled capital improvement or building maintenance program; required use of an Accessible Apartment or an Apartment with adapted features by another resident or Applicant with a disability; Over or Under Housed Households; apartment conditions which seriously endanger health or safety and cannot be repaired in a reasonable period of time or while the apartment is occupied; or addition of a minor child to the Household at the future date specified by an Applicant during the final application process.

7.2.3 Transfer Review Process

To qualify for an On-Site or Special Circumstances Transfer, a Resident:

- (a) Must have been in residence for at least one (1) year.
- (b) Must be considered in "good standing" at the time of an Application for Transfer, at the time of determination of Transfer eligibility, and at the time of actual implementation. "Good standing" means the household is:

(i) Current in its rental payments unless it is legally withholding rent pursuant to the provisions of the Lease or applicable law.

(ii) Not currently under a Fourteen (14) Day or a Thirty (30) Day Notice to Quit, Summary Process Action or action pursuant to Mass. Gen. Laws, Chapter 139, section 19.3.2

Some or all of these requirements may be waived in certain situations pursuant to the provisions of this policy. For example, a resident in a situation which may constitute a life-threatening situation to the health, safety or well-being of the resident or a Household Member who does not meet all of the criteria may have some or all of these conditions waived⁶. If the resident is a party to or under a Use and Occupancy Agreement, s/he may be transferred and any legal action against the resident will continue.

Residents seeking non-Special Circumstances Transfers may apply for an On-Site transfer only. Residents seeking a Special Circumstances Transfer will be placed on all of the BHA's Public Housing waiting lists/AMPs for which their household meets the Threshold Eligibility Requirements exclusive of annual income limits (See 5.1.2) and in accordance with any approved requests for Good Cause and/or Reasonable Accommodation.

7.3 Good Cause or Reasonable Accommodation

In certain cases, residents seeking transfers may require special consideration regarding their transfer. This consideration is essential to address a particular verifiable need with respect to housing accommodations or to avoid a verified hardship. This documentation must be submitted with the transfer request. If the Authority determines, after reviewing the request for such consideration and the documentation submitted in support of it, that the Applicant or transfer applicant qualifies for such consideration, he/she will be approved for an assignment for **Good Cause or Reasonable Accommodation to a unit of appropriate size and type**. Good Cause or Reasonable Accommodation requests shall be submitted for review prior to a housing offer.

7.4 Verification of Reason for Transfer

(a) Residents will be asked to provide reliable documentation to verify and support the reasons for a Resident-Initiated transfer at the time the transfer is requested. Documentation may include, but not be limited to:

(i) Letters from Qualified Healthcare Provider describing the need for a transfer as related to disability or other medical issues,

⁶ The Administrator or his/her designee may approve a waiver of any provision of this policy not required by law if the waiver of such provision would avoid substantial hardship or substantial injustice to a Transfer applicant (See Section 10.8 Waiver Provision).

- (ii) Police reports,
- (iii) Civil Rights incident reports.
- (iv) Restraining orders,
- (v) Information on maintenance conditions,
- (vi) Documentation to show “Good Cause” or “Reasonable Accommodation” to move to or from a certain part of the city of Boston, or certain type of apartment, or
- (vii) Any other documentation that provides the BHA with evidence that the request for a transfer is based on fact and meets the transfer criteria.

7.5 Denial of Transfer Requests

In all instances, transfer approval shall be denied if the resident does not provide appropriate documentation to substantiate the transfer request; or if the BHA determines that the resident, other Household Member, or guest was the cause of the situation resulting in the need for transfer unless the existing condition of the apartment makes it uninhabitable in which case any approved transfer may be under a Use and Occupancy Agreement

7.6 Transfers on a Waiting List/AMP

Non-Administrative Transfers shall be placed on site-based Waiting Lists by bedroom size and unit type. Special Circumstances transfers will consider Priority and Preference Points as well as date and time of application.

7.7 On-Site Under or Over Housed Transfer Apartment Assignments

Transfer Applicants shall be Offered and Assigned units in accordance with the Offers and Assignments Chapter.

7.8 Transfer at Residents Expense

All transfers are at the resident's expense, except those required by capital improvement programs. See the BHA's Residential Relocation and Rehousing Policy (RRRP).

Residents offered a transfer to a unit of appropriate size and type must accept said offer, move to their new unit and vacate their current unit within thirty (30) calendar days from the offer of housing notification unless otherwise agreed upon by the BHA in writing.

BHA residents who will be relocating to another unit who fail to vacate and return the key by the determined and agreed date shall be responsible to pay a pro-rated use and

occupancy for the unit being vacated in addition to their regular monthly rent for the new transferred unit. Once the unit is accepted, the resident must move to the new unit within ten (10) calendar days after they have received the key to the new unit. BHA will consider extenuating circumstances and/or reasonable accommodation requests.

7.9 Transfer Waiver/Reasonable Accommodation

An Elderly or non-elderly disabled BHA Household residing in a Family Development/AMP which is Over-housed by not more than one bedroom, may apply for a reasonable accommodation ~~due to advanced age and/or seriously infirm health of a Household Member~~ to remain in his or her current apartment instead of transferring. A household for which separate bedrooms have been approved for health reasons is not eligible for a waiver under this section. Denial of such a waiver is reviewable pursuant to BHA's Grievance Policy.

7.10 Continued Occupancy for Veterans

In State-aided housing only, pursuant to Massachusetts General Laws the BHA shall not, if a resident in an apartment consisting of two bedrooms or less is a veteran or a widow or widower of a veteran or is a Gold Star Mother and has lived in the residence for at least the last eight (8) consecutive years, deny such resident continued occupancy at such residence provided that the rent is not more than three (3) months in arrears.

7.11 Rejection of Approved Transfer by Resident

7.11.1 Special Circumstances and Administrative Transfers

Under the terms of the BHA lease, BHA is authorized to transfer Resident to an appropriate size apartment if Resident's current apartment is needed by the BHA as a reasonable accommodation for another BHA resident who is a qualified individual with a handicap.

Additionally, BHA is authorized to transfer Resident to another apartment if BHA determines that a transfer is necessary to protect Resident's health or safety, or if BHA determines to close Resident's building or Apartment.

A Resident who refuses to move under the above circumstances shall be subject to enforcement under the lease.

The rejection of transfers related to redevelopment are covered under BHA's Residential Relocation & Rehousing Policy.

For all other transfer requests the rejection of an offer without good cause or an approved reasonable accommodation of an Apartment of appropriate size and design will result in revocation of the resident's approved Special Circumstances or Administrative Transfer status. The Resident will be removed from the transfer waiting

list and the resident will not be eligible to apply for an Special Circumstances or Administrative Transfer for the same circumstances for a period of two (2) years from the date of the most recent rejection. During the two (2) year period, the BHA will consider a change in circumstances, good cause, or other reasonable accommodation that merit a new request for transfer.

In addition, Over Housed residents in the State housing program will be charged 150% of their monthly rent upon the housing offer refusal as required by State regulations.

7.11.2 On-Site Under or Over Housed Transfers

In the case of On-Site Under or Over Housed Transfers, BHA shall proceed with eviction against an Over or Under-housed resident who has rejected an offer of transfer without good cause.

In addition Over Housed residents in the State housing program will be charged 150% of their monthly rent upon the housing offer refusal as required by State regulations.

Residents seeking to relocate to other BHA sites for other reasons not described above shall apply as a regular, non-transfer Applicant. Priorities and Preferences shall apply accordingly.

CHAPTER 8: RESIDUAL TENANCY POLICY

A remaining member(s) of a resident Household may apply to become a BHA resident as a Residual Tenancy Applicant, in the event of the death, departure or incapacity of the Head of Household. The Residual Tenancy Application will only be approved by the BHA if the Residual Tenancy Applicant including all Household Members meet the criteria below.

8.1 Qualifications for Residual Tenancy

In order to assume the status of a resident under this policy, the Residual Tenancy Applicant must be:

An adult who has been a recorded member of a resident Household on the most current lease a) Tenant Status Review form if the Head or Co-Head has been removed due to death or incapacity, or b) for more than twelve months, if the Head or Co-Head departed to other non-BHA housing and whose income has been recorded and considered in the rent computations during the period of his/her occupancy unless he/she was without income or was a full-time student. In the case that the Applicant's recorded member status was in-process but not finalized, but his or her income was already recorded and considered in the rent computations for the appropriate time period as specified above, he or she shall be eligible to be considered for Residual Tenancy.

OR

In the event the remaining member(s) of the resident Household consist only of minor children, the applicant must be an adult who, prior to entering into a lease has been appointed either a temporary or permanent guardian, or is the natural parent of one or more household members, and is willing to assume responsibility for the apartment and the household and is willing to enter into a lease.

OR

In the event the Residual Tenancy Applicant is an incapacitated adult who is unable to fulfill the responsibilities in the lease, the Applicant must be an adult who has been appointed either a temporary or permanent guardian, and is willing to assume responsibility for the apartment, and willing to enter into a lease.

AND

The Applicant and Applicant's Household, if any, for Residual Tenancy status must meet the eligibility requirements for Applicants as set forth in Chapter 5 of the Admissions and Continued Occupancy Policy (ACOP) or any successor plan.

8.2 Divorce, Separation or Protective Order

In the event of divorce, separation, submission of the 14 day victim certification as required by the BHA's Violence Against Women Act (VAWA) policy, or a protective order issued by a court under Chapter 209A, the person(s) identified as the "victim" will be permitted to apply as a Residual Tenancy Applicant to become a resident provided he or she otherwise qualifies under this policy. Person(s) not so designated may not apply as a Residual Tenancy Applicant.

8.3 Residual Tenancy and Income

Individuals applying for residual tenancy status will be found ineligible based on income exceeding the eligibility limits for Applicants for admission to public housing.

8.4 Rent During Use and Occupancy Period

Pending a decision on the request for residual tenancy status, the Residual Tenancy Applicant will be required to pay a monthly use and occupancy charge. The charge shall be calculated pursuant to Federal and State regulations for all remaining Household Members. The Use and Occupancy Agreement shall permit the occupant to occupy the apartment pending determination of the Residual Tenancy Application without being permitted to sign a BHA standard dwelling lease.

8.5 Limitations of Policy

Remaining members of a resident household will not be considered for residual tenancy, if the departing or incapacitated Head or Co-Head of Household is relocating to another BHA apartment or BHA Leased Housing, is under eviction for non-payment of rent or for cause, or vacates with an outstanding balance due to the BHA (except in case of the Head or Co-Head's death). A resident shall be regarded as being under eviction if, after a private conference, the Manager has decided to proceed with eviction and the Manager's decision has not been overturned by the BHA's tenant grievance process. The limitations of this paragraph may not be applicable to remaining household members who were verified victims of domestic violence by the former Lease Holder(s).

Approval of residual tenancy shall be conditional on the remaining members of a resident household being properly housed. Where applicable, any approved applicant for residual tenancy shall remain under a Use and Occupancy Agreement and will not sign a BHA standard dwelling lease until such time as they are transferred to an appropriately sized unit. Refusal to transfer to an appropriately sized unit shall be considered a violation of this policy and will cause the revocation of the conditional approval of residual tenancy.

8.6 Residual Tenancy – Right of Appeal

A Residual Tenancy Applicant who disagrees with a Residual Tenancy application decision made by the BHA may request an informal hearing. If the applicant has been determined ineligible for Residual Tenancy. The applicant's appeal rights shall include a hearing before the BHA Grievance Hearing Panel. An Applicant who meets Residual

Tenancy eligibility requirements but does not meet the eligibility requirements for BHA housing programs for another reason, the applicant's right to appeal shall be an informal review/hearing before a BHA hearing officer.

CHAPTER 9: OTHER OCCUPANCY PROVISIONS

9.1 Lease Provisions

9.1.1 Leasing of Apartments

(a) It is BHA's policy that all apartments must be occupied pursuant to a lease that complies with HUD & DHCD regulations as well as state and local law. In state-aided housing, the lease must be approved by DHCD.

(b) The lease shall be signed by the Head of Household, and Co-Head of Household, if any, and by the authorized representative of BHA, prior to occupancy.

(c) All members of a Household shall be listed on the lease.

(d) If a resident transfers from one BHA apartment to another, a new lease shall be executed for the apartment into which the Household moves unless relocation occurs under the terms of a Use and Occupancy Agreement.

(e) If at any time during the term of the lease, a change in the resident's status or circumstances results in the need for changing or amending any provision of the lease, either:

(i) A new lease agreement will be executed, OR

(ii) A Notice of Rent Change will be sent to the resident, OR

(iii) An appropriate lease addendum shall be executed by the BHA and the Household and incorporated into the existing lease.

Only those persons listed on the most recent lease or Tenant Status Review form shall be permitted to occupy an apartment on a continuing basis.

9.1.2 Length of Lease

Federal Developments/AMPs only: In accordance with the Quality Housing and Work Responsibility Act, all BHA leases will be for a duration of 12 months. At the end of each 12-month term, leases will be automatically renewed, unless there is noncompliance by an adult Household Member with the BHA's Community Service and Economic Self-Sufficiency Policy after its effective date.

State Developments only: Leases are continuous unless terminated by the BHA for cause or at the request of the Resident or by operation of law.

9.1.3 Additions to the Lease

(a) Request for Addition

The request for an addition of a person to the Lease must be made in writing by the Head or Co-Head of Household named in the Lease.

The addition of a household member shall be made in accordance with the lease and the ACOP. Residents who fail to notify BHA of additions to the Household are in violation of the lease. Residents who add a person or person(s) to the Household without the written permission of the BHA are also in violation of the lease. Any such persons will be considered Unauthorized Occupants by BHA and the entire Household will be subject to eviction action.

(b) Requirement for Good Standing

To qualify to apply for an addition of a person to the Lease, a Resident: must be considered in Good Standing at the time of request and addition, unless the addition is one of the categories in paragraph (c) below that does not require advance approval.

(c) Additions by Birth, Adoption or Operation of Law

Additions to the Household which occur by birth, adoption or operation of law (i.e., permanent custody, marriage) or addition of a caretaker relative or other responsible adult who has a guardianship order, or addition of a responsible adult who provides a written designation from the parent of a BHA Household Member to care for the minor Household Member, may occur subject to meeting the eligibility requirements in this plan.

(d) Other Additions to a Household

Other additions may be approved if the individual proposed as an addition is related by blood or has evidenced a stable, interdependent relationship with a current Household Member, including the sharing of financial resources and it does not create a severe overcrowded condition in accordance to the occupancy standards defined by the Massachusetts State Sanitary Code. Any such person must have the intention to live regularly in the apartment as his/her principal residence. In proposing an addition, the Head of Household shall submit the name(s) of the proposed addition(s) and identify the individual(s) as "proposed Household Member(s)".

An Applicant, at the time of final processing for admission, shall notify the BHA in writing that one or more of his/her natural or adopted minor children will be joining the Household at some future date following the leasing of the apartment. Admissions Department staff will record the name(s) of the minor child(ren) on a form attached to the Final application. At the time of assignment, the assignment transmittal notice will include this information. When the resident presents evidence to the manager that the MINOR child or children is/are ready to join the Household, the manager will add them to the Household composition and immediately generate a transfer application for a larger

apartment, if necessary. The Transfer application will be processed in accordance with Authority transfer procedures.

(f) Change of Head of Household

A Family may request to change which Family member is designated the Head of Household in situations where the Head of Household is frail or disabled and the current Head of Household continues to reside in the unit. The Family may also decide to designate or change a Co-Head of Household. The BHA will approve the change if the Family member is able to take on the responsibilities of being the Head of Household/Co-Head of Household, including, but not limited to, communicating with the BHA and the landlord. The proposed Head or Co-Head of Household will be fully screened.

(g) Screening Criteria for Additions

Any person 14 years or older, proposed for residency in a BHA apartment, must meet BHA's eligibility and screening requirements. When a Head of Household requests permission for an addition(s) to the Household, the resident selection criteria shall be used by the Admissions Department to determine whether or not the proposed household member is eligible for admission.

Should the tenant/head of household expire subsequent to the Admissions Department receiving the completed application for the proposed addition to the tenant's household, the death of the tenant/head of household shall not result in withdrawal or denial of the application and the department's review of the application shall be completed and if the subject of the application for the proposed addition to the tenant's household is determined eligible for admission to housing he/she shall be added to the household composition retroactive to the date of receipt of the application by the department and he/she shall be allowed to apply to become a BHA resident as a Residual Tenancy Applicant.

(h) Right to Appeal

A resident who disagrees with an adverse action taken by the BHA regarding a request for an addition of a person to the Lease can request a grievance hearing pursuant to the BHA Grievance Policy.

9.1.4 Other Occupancy Provisions

(a) Removal of Household Member

Any Household Member who moves from the apartment shall be removed from the lease. The Head or Co-Head of Household has the responsibility to report the move-out within 30 calendar days of its occurrence. A former Household Member may not be readmitted to the apartment except as a temporary visitor without undergoing screening by the Admissions Department and securing BHA approval. Temporary visitors may occupy the

apartment for no more than a total of forty-five calendar days within any twelve-month period.

(b) Unauthorized Occupants

A resident shall not permit the Apartment to be occupied by anyone other than Household Members, except temporary visitors, no one of whom may occupy the apartment for more than a total of forty-five (45) cumulative nights (or forty-five (45) days if the visitor regularly sleeps during the day), within any twelve-month period, unless the BHA for good cause otherwise consents to a longer period in writing before the expiration of 45 nights or such longer period as may have been authorized, or unless the visitor is first determined to be eligible to apply to be a member of the Household according to BHA policy, and an application is pending with the BHA.

Boarders and lodgers shall not be permitted to occupy an apartment, nor shall they be permitted to reside with any Household occupying an apartment.

9.2 Annual Recertifications

9.2.1 Annual Recertification Requirement

The BHA shall re-determine Resident rent, apartment size, and continued eligibility for public housing, at least once annually.

9.2.2 Responding to BHA Requests for Information

For purposes of determination or adjustment of rent and/or for assignment or transfer to a proper size apartment, Resident agrees to submit, within thirty (30) days after a request from BHA, signed, complete, true and accurate statements and/or other information setting forth pertinent facts as to Resident's household income, employment, and composition. Resident further agrees to execute documents authorizing release of such information from third parties, pursuant to requirements of State and/or Federal law.

9.2.3 Fraud or Misrepresentation

Resident agrees to pay to BHA any rent which should have been paid but for Resident's misrepresentation of any written information furnished to BHA in Resident's application for an apartment, or in substantiating documentation, or in any documentation submitted on a redetermination, or for Resident's failure to supply, in a timely manner, documentation requested by BHA on a redetermination.

9.2.4 Imputed Welfare Income

For residents in Federal developments/AMPs, if household income derives in whole or in part from benefits from welfare or public assistance from a state agency under a program for which the Federal, State or local law relating to the program requires, as a

condition of eligibility for assistance under the program, participation of a member of the household in an economic self-sufficiency program or a work activities requirement, and household income decreases as a result of failure to comply with the conditions of said program or requirement, rent will not be decreased, during the period of such income reduction (to the extent that the decrease in income is a result of the benefits reduction), in accordance with BHA policy and 42 USC §1437j(d). If such household income decreases as a result of fraud under said program or requirement, rent will not be decreased, during the period of such income reduction (to the extent that the decrease in income is a result of the benefits reduction), in accordance with BHA policy and 42 USC §1437j(d). BHA shall not make any determination regarding non-compliance or fraud under such a program or requirement until BHA receives written notification from the relevant public agency specifying that household benefits have been reduced because of such non-compliance or fraud. Any determination by BHA not to reduce rent pursuant to BHA policy and 42 USC §1437j (d) shall be subject to BHA's Grievance Procedures and Policy. For residents in Federal developments/AMPs, the BHA shall consider any decrease in income that results from the reduction of any welfare or public assistance benefits received by residents under any Federal, State or local law regarding a program for such assistance if resident(s) has complied with the conditions for receiving such assistance and is unable to obtain employment notwithstanding such compliance, pursuant to 42 USC §1437j (f). A reduction in benefits resulting from the expiration of a lifetime time limit for a household receiving said benefits shall not be considered as a failure to comply.

9.2.5 Zero Income Family

If a resident claims they have no income, management staff must use the zero income questionnaire to attempt to determine how household expenses are being paid. In the event that family and friends are assisting the household, this is considered income and needs to be verified and counted.

Households paying \$0 rent must be re-certified every ninety days. This rule requires Residents to report to the management office every 90 days to re-certify income and family status.

9.2.6 Effective Date of Rent Share Change

When household income decreases, rent shall be decreased if requested by Resident, and if such rent decrease is in accordance with BHA policy. Rent decreases will be effective either as of the current month in which the change in circumstances is reported (if reported by no later than the fifteenth day of the month), or as of the first day of the next month after the change in circumstances is reported (if reported after the fifteenth day of the month). BHA may delay processing the rent decrease until Resident provides adequate verification of such change in circumstances justifying the decrease, but once verifications have been provided, the rent change will be made effective retroactively.

9.2.7 Notice of Rent Share Change

Before any change in Resident's rent is made, Resident will be notified by a written Notice of Rent Change containing the following information:

- (a) The new rental amount and the date it will be effective,
- (b) The amount of Resident's household income, household composition and other facts considered by BHA in determining Resident's new rent,
- (c) Resident's right to and the method of obtaining a timely hearing under the grievance procedure.

9.2.8 Choice of Rent Calculation Method

(a) State Developments

Rent will be determined in accordance with applicable State regulations, the BHA Lease and the BHA Rent Manual.

(b) Federal Developments/AMPs Only

As part of the annual Tenant Status Review (TSR) process, residents in Federal Developments/AMPs will be provided written information about the following two different methods for determining the amount of rent payable by the family, their right to choose the method of determining rent and under what circumstances they may request a change to the method utilized in determining rent. As part of this process, residents will be educated about the benefits of selecting one method over another and will be asked to notify the BHA in writing as to which option they choose, except in cases where the resident is over-income as described below.

(i) Flat Rent

A fixed rent determined for each unit size based on a rent reasonableness study conducted by the BHA pursuant to 24 CFR 960.253 (b) of comparable units available in the private market or 80% of fair market rents (FMRs) as published by HUD annually. Flat rent will be set at the amounts determined by the rent reasonableness study, if such amounts exceed 80% of FMRs and at 80% of FMRs if the amounts determined by the rent reasonableness study are less than 80% of FMRs. On an annual basis the BHA will update the flat rent amounts within 90 days after HUD publishes new FMRs. The new flat rent shall apply to all new admissions and to existing residents at the time of their next scheduled annual Tenant Status Review (TSR). The BHA will maintain a current listing of its flat rent schedule as an appendix to the BHA Rent Manual and will provide this list to residents at least annually as part of the TSR process.

Financial Hardship: Residents who choose flat rents may request to change to an income-based rent at any time if the family is unable to pay the flat rent because of financial hardship. A financial hardship exists for these purposes when a family's income

is reduced or their deductions are increased to the extent that an income-based rent is lower than the flat rent.

(ii) Income-Based Rent

Rent determined by the family's income and allowable deductions in accordance with the BHA's Lease, the BHA's Rent Manual and applicable Federal regulations. Types of Income-Based rent include:

- The higher of 10% of Gross Annual Income or 30% of Adjusted Annual Income
- Ceiling Rent – a cap to the amount of income-based rent that a resident may pay for their unit, equal to the Flat Rent amount for the unit
- In the case of mixed families, Prorated Assistance
- A higher rent pursuant to the Over-Income Policy

9.3 Interim Recertification

A Family may request in writing an interim determination of **the household's rent** at any time because of a change in the Family's income, Adjusted Income (household deductions), family size, or composition. A Family must report changes in the circumstances described in the section below.

State Public Housing – Interim Re-determination of Rent 760 CMR 6.04(5)

(a) Increases.

If in any month the monthly gross household income of a tenant household increases by 10% or more from the amount contained in the most recent notice of rent as (re)determined by the LHA, the tenant shall report any such increase, including any changes in income, exclusions and deductions. The tenant shall report the increase to the LHA by the seventh day of the month following the month in which the increase occurred, provided that if the increase was anticipated in the prior computation of gross household income, the tenant need not report the increase. The LHA shall require verification of such increase in income. If as a result the amount of rent increases, at least 14 days before the effective date of a rent increase, the LHA shall give the tenant a written notice of the re-determined rent. Any such increase in rent shall be made effective on the first day of a month. The notice of re-determined rent shall set out the monthly gross household income and the monthly net household income, on the basis of which the re-determined monthly rent was calculated. In the event that a tenant shall have failed to report such an increase in income by the seventh day of the month following the increase, in addition to its other remedies, the LHA, upon discovery that

increased rent was due, shall make the effective date of the increase in rent retroactive to the first day of the second month following the increase in income.

(b) Decreases.

If, in any month, the monthly gross household income of a tenant household decreases, the tenant may provide the LHA with verified information substantiating the decrease in gross income. Following receipt of such information, the LHA shall re-determine rent. The LHA shall give the tenant written notice of any decrease in rent which shall be effective on the first day of the month following receipt of the information or at such earlier time as the LHA shall find to be warranted in the event that circumstances delayed receipt of verified information. Provided, however, that until the termination of the state of emergency declared by the Governor under Emergency Order: Declaration of a State of Emergency to Respond to COVID-19, the decrease in rent shall be retroactively effective to the first day of the month following the date of the verified decrease in income. The notice shall set out the monthly gross household income and the monthly net household income, on the basis of which the re-determined monthly rent was calculated.

9.3.1 Circumstances Requiring an Interim Recertification (Federal Programs)

(a) All Changes in Family Composition

Family Reporting Requirements:

A Family is required to inform and supply any necessary verification to the BHA within thirty (30) days of a birth, adoption, or court awarded custody. The BHA must approve the eligibility for any addition to the Family that does not result from a birth, court-awarded custody, or adoption

A Family must also notify the BHA in **writing** within 30 days of any departure of a Family member due to death, permanent institutionalization, or other reason, and provide the BHA with verification, including, where applicable, the verification of the new address of the departed Family member.

(b) Some Increases in Income

(i) Increase in Family income after reporting a decrease

The BHA will process an interim certification, if the family receives any increase in earned income after they had reported a decrease in earned income, but prior to the next regular annual recertification,

For example, the BHA will process an interim increase certification for seasonal employees who receive a decrease or loss of wages and prior to their next regular annual recertification receive an increase in earned income when the season begins.

(ii) Receipt of Unearned Income Resulting in 10% Increase

The BHA shall process an interim certification when the family begins receiving unearned income that increase annual income by ten percent (10%) or greater.

(iii) Increase in Family Income for Family without Income

The BHA shall process an interim certification of income when a without income receives any increase in earned or unearned income.

If a Family's income is too unstable to project for 12 months or if a Family temporarily has no income (a "zero-income Family") or if a Family has a temporary decrease in income, the BHA may schedule special Recertification with the site management every month, or at least quarterly, until the income stabilizes and/or an Annual Income can be determined.

Family Reporting Requirements:

If a Family has an increase in income \$200.00 dollars per month or more the family must report the increase in writing to the BHA within thirty (30) days of receiving the increase in income. The BHA shall make a determination as to whether or not an interim certification should be processed for the family. An increase in income is any increase or new source of income which was not being received at the last annual or interim recertification of the Family. If the family fails to report an increase in income, resulting in an increase in the household's rent, the rent shall be increased retroactively in accordance to the BHA's rent policy.

Residents shall report to BHA any increase in monthly gross household income of \$200 or more from the amount reported to BHA at the most recent annual rent determination or interim redetermination. Any such increase must be reported by the seventh day of the month following the month in which the increase occurs. Upon receipt of such a report, Resident's rent and family circumstances shall be reviewed in accordance with BHA's rent policy. Rent increases will be effective the second month after BHA sends Resident a Notice of Rent Change. If a Resident fails to report a change requiring a rent increase, rent shall be increased retroactively to the second month following the change.

(c) Decreases in Family income.

If a Family has a decrease in income, it must be reported to the BHA within thirty (30) days of the loss or decrease in income. When a decrease in family income is reported the BHA shall consider any effect that the reduction in income may have on child care or disability assistance expense deductions.

Family Reporting Requirements:

If a Family reports in writing a change in income within 30 days, a decrease in tenant share shall be effective the month following the verified decrease in income. For

example, if a Family reports a decrease in income on March 3 that resulted from a job loss on February 20, the change in tenant share shall be processed effective March 1.

If the family fails to report the change in income within 30 days, the decrease in tenant share shall be made effective the month following the reported change.

9.4 Over-Income

State Public Housing – 760 CMR 5.06: Income Eligibility

(2) A household occupying a unit in elderly/handicapped housing shall remain eligible for continued occupancy until such time as 30% of its monthly net household income equals or exceeds the fair market rent (FMR) then in effect for the Section 8 Existing/Voucher Program for a unit of appropriate unit size in the area in which the LHA is located.

(3) A household occupying a unit in family housing shall remain eligible for continued occupancy until such time as 32% of its monthly net household income equals or exceeds the fair market rent (FMR) then in effect for the Section 8 Existing/Voucher Program for a unit of appropriate unit size in the area in which the LHA is located. (4) An AHVP participant shall remain eligible for continued occupancy in a unit until such time as the participant's rent share equals or exceeds the contract rent. The participant shall retain his or her AHVP voucher for 90 days from the date on which the LHA determines that the participant's share equals or exceeds the contract rent. At the end of that period, if the participant's share continues to equal or exceed the contract rent, the household will not be eligible for continued assistance under the AHVP.

As part of the Housing Opportunity Through Modernization Act of 2016 (HOTMA), the BHA is required to impose an income limit for residents in Federal developments/AMPs ("over-income limit"). Households whose income exceeds the over-income limit for more than two years will be charged a rent amount equal to the higher of a) the current FMR for the unit or b) the amount of monthly subsidy for the unit, including operating and capital fund amounts, as determined under HUD guidelines.

For the purposes of this policy, the over-income limit will be set at 2.4 times the Very Low-Income level for the area. HUD will publish the over-income limits for each family size annually.

If the BHA, during the course of conducting an annual redetermination or interim redetermination due to an increase in income, determines that the family's income exceeds the over-income limit, the family's over-income status will be documented in the family's tenant file and a two-year over-income grace period will begin effective as of the beginning date of the next rent period. If after one year from the initial determination that the household income exceeds the over-income limit, the BHA determines that the

household income continues to exceed the over-income limit, the BHA will send a notice to the Resident. This notice will inform the Resident that the family income has exceeded the over-income limit for one year, and that if the family's income continues to exceed the over-income limit for the next 12 consecutive months, the family will be subject to a higher rent. If the BHA subsequently determines that the household income has exceeded the over-income limit for 24 consecutive months, the rent will be set at a higher level as prescribed above.

If at any time during the two-year over-income grace period, the BHA conducts an annual or interim redetermination and verifies that the family is now below the over-income limit, the over-income grace period will end and, if applicable, any over-income notices issued to the family during the over-income grace period will be cancelled. The household will be entitled to a new two-year grace period if the household income exceeds the over-income limit at another time.

If a change in family income is reported after the two year period and is determined to be below the over-income level, the family will no longer be subject to the higher rent calculation in this section.

9.5 Use of HUD's Enterprise Income Verification (EIV) System (Federal Only)

The EIV System is a web-based application providing employment, wage, unemployment compensation and social security benefit information of tenants who participate in the Public Housing and various Section 8 programs under the jurisdiction of HUD's Office of Public and Indian Housing (PIH). This system is available to all PHAs nationwide. Information in EIV is derived from computer matching programs initiated by HUD with the Social Security Administration (SSA) and the U.S. Department of Health and Human Services (HHS), for all program participants with valid personal identifying information (name, date of birth (DOB), and social security number (SSN)) reported on the form HUD-50058. The EIV system is for use in the federal programs only.

9.5.1 Required Use of EIV

The BHA is required to review an EIV Income Report of each family before or during mandatory annual and interim reexaminations of family income and/or composition to reduce tenant under reporting of income and improper subsidy payments. EIV is classified as an UIV technique (or automated written third party verification), which helps to identify income sources and/or amounts that the tenant may not have disclosed. The BHA is required to maintain the Income Report in the tenant file along with the form HUD-50058 and other supporting documentation to support income and rent determinations for all mandatory annual reexaminations of family income and composition.

(a) Disputing EIV Information and Resolving Discrepancies

In accordance with 24 CFR §5.236(b)(2)(3), the BHA is required to compare the information on the EIV report with family-reported information. If the EIV report reveals an income source that was not reported by the tenant or a substantial difference in the reported income information, the BHA is required to take the following actions:

- Discuss the income discrepancy with the tenant; and
- Request the tenant to provide any documentation to confirm or dispute the unreported or underreported income and/ or income sources; and
- In the event the tenant is unable to provide acceptable documentation to resolve the income discrepancy, the BHA is required to request from the third party source, any information necessary to resolve the income discrepancy; and
- If applicable, determine the tenant's underpayment of rent as a result of unreported or underreported income, retroactively as far back as reliable information will support; and
- Take any other appropriate action as directed by HUD or the BHA's administrative policies.

(b) Requirement to Reimburse for Undercharged Rent

Tenants are required to reimburse the BHA if they were charged less rent than required by HUD's rent formula due to the tenant's underreporting or failure to report income. The tenant is required to reimburse the BHA for the difference between the tenant rent that should have been paid and the tenant rent that was charged. This rent underpayment is commonly referred to as retroactive rent. If the tenant refuses to enter into a repayment agreement or fails to make payments on an existing or new repayment agreement, the BHA **must** terminate the family's tenancy or assistance, or both. HUD does **not** authorize any PHA-sponsored amnesty or debt forgiveness programs.

(c) Correction of Incorrectly Reported Information in EIV

(i) Sometimes the source or originator of EIV information may make an error when submitting or reporting information about tenants. HUD cannot correct data in the EIV system. Only the originator of the data can correct the information. When the originator corrects the data, HUD will obtain the updated information with its next computer matching process. Below are the procedures tenants and PHAs should follow regarding incorrect EIV information.

(ii) Employment and wage information reported in EIV originates from the employer. The employer reports this information to the local State Workforce Agency (SWA), who in turn, reports the information to HHS' National Directory of New Hires (NDNH) database.

If the tenant disputes this information, s/he should contact the employer directly, in writing to dispute the employment and/or wage information, and request that the employer correct erroneous information.

The tenant should provide the BHA with this written correspondence so that it may be maintained in the tenant file. If employer resolution is not possible, the tenant should contact the local SWA for assistance.

(iii) Unemployment benefit information reported in EIV originates from the local SWA. If the tenant disputes this information, s/he should contact the SWA directly, in writing to dispute the unemployment benefit information, and request that the SWA correct erroneous information. The tenant should provide the PHA with this written correspondence so that it may be maintained in the tenant file.

(iv) SS and SSI benefit information reported in EIV originates from the SSA. If the tenant disputes this information, s/he should contact the SSA at (800) 772-1213, or visit the local SSA office. SSA office information is available in the government pages of the local telephone directory or online at <http://www.socialsecurity.gov>.

(v) The tenant may also provide the BHA with third party documents which are in the tenant's possession to support their dispute of EIV information. The BHA, with the tenant's consent, is required to submit a third party verification form to third party sources for completion and submission to the BHA, when the tenant disputes EIV information and is unable to provide documentation to validate the disputed information. The tenant's failure to sign the consent form is grounds for termination of tenancy and/or assistance in accordance with 24 CFR §5.232.

(vi) Debts owed to PHAs and termination information reported in EIV originates from the PHA. If a current or former tenant disputes this information, s/he should contact the PHA (who reported the information) directly in writing to dispute this information and provide any documentation that supports the dispute. If the PHA determines that the disputed information is incorrect, the PHA will update or delete the record from EIV. Former tenants may dispute debt and termination information for a period of up to three (3) years from the end of participation date in the PIH program.

(vii) Identity Theft. Seemingly incorrect information in EIV may be a sign of identity theft. Sometimes someone else may use an individual's SSN, either on purpose or by accident. SSA does not require an individual to report a lost or stolen SSN card, and reporting a lost or stolen SSN card to SSA will not prevent the misuse of an individual's SSN. However, a person using an individual's SSN can get other personal information about that individual and apply for credit in that individual's name. So, if the tenant suspects someone is using his/her SSN, s/he should check their Social Security records to ensure their records are correct (call SSA at (800) 772-1213); file an identity theft complaint with the local police department and/or Federal Trade Commission (call FTC at (877) 438-4338, or visit their website at: <http://www.ftc.gov/bcp/edu/microsites/idtheft/>); and s/he should also monitor their credit reports with the three national credit reporting agencies (Equifax, TransUnion, and Experian). The tenant should provide the PHA written documentation of filed identity theft complaint. (Refer back to paragraph on Employment and wage information regarding disputed EIV information related to identity theft).

Tenants may request their credit report and place a fraud alert on their credit report with the three national credit reporting agencies at: www.annualcreditreport.com or by contacting the credit reporting agency directly. Each agency's contact information is listed below.

National Credit Reporting Agencies Contact Information

Equifax Credit Information Services, Inc.
P.O. Box 740241
Atlanta, GA 30374
Website: www.equifax.com
Telephone: (800) 685-1111

Experian
P.O. Box 2104
Allen, TX 75013
Website: www.experian.com
Telephone (888) 397-3742

TransUnion
P.O. Box 6790
Fullerton, CA 92834
Website: www.transunion.com
Telephone: (800) 680-7289 or (800) 888-4213

(d) Security of EIV Data

The Federal Privacy Act (5 USC §552a, as amended) prohibits the disclosure of an individual's information to another person without the written consent of such individual. As such, the EIV data of an adult household member may not be shared (or a copy provided or displayed) with another adult household member, unless the individual has provided written consent to disclose such information.

However, the PHA is not prohibited from discussing with the head of household (HOH) and showing the HOH how the household's income and rent were determined based on the total family income reported and verified.

EIV information and any other information obtained by the BHA for the purpose of determining eligibility and level of assistance may not be disclosed to third parties for any reason (even for similar verifications under other programs, such as eligibility for low income housing tax credit units, other federal or state assistance programs), unless the tenant has authorized such disclosure in writing.

9.6 Self-Sufficiency Income Exclusions

The earned income exclusion is only available for households under lease. It is not applicable at admission. Only adults can qualify for the earned income disallowance (because the earnings of family members other than the head or spouse are excluded if the family member is under age 18). Each person can receive only one 24-month disallowance period during his or her lifetime. There are three categories of individuals who qualify for the earned income disallowance:

9.6.1 Employment After Unemployment

A person whose annual income increases because of employment after having been unemployed for at least 12 months. A person is considered to have been unemployed if he or she has earned less money in the previous 12 months than would have been earned working 10 hours per week for 50 weeks at the established minimum wage. (The minimum wage to be used is that applicable to the locality in which the determination is made.) The majority of families who qualify for earned income disallowances are likely to do so under this category. Note: An individual who was unemployed for some period of time before becoming a public housing resident or who earned so little in the previous period to be considered unemployed could qualify under this category, so long as there is a 12 month period of unemployment.

9.6.2 Income Increase After Training

A person whose annual income increases because of new or increased earnings during participation in an economic self-sufficiency or other job-training program. This requirement is not the same as the previous income disregard. The key concept in this eligibility category is that the individual receives the new or additional earned income while he or she is involved in economic self-sufficiency or job training, not after the completion of such training. Note: An example of this category of qualification occurs when people are studying for a variety of medical professions. Typically, classroom work is followed by a 'practicum' in a doctor's office, hospital or clinic, during which the individual is paid.

9.6.3 Income Increase After Receiving Welfare

A person whose annual income increases because of new or increased earnings, during or within six months after the household's receiving assistance, benefits or services from a program funded by any state program for Temporary Assistance to Needy Families funded under Part A of Title VI of the Social Security.

9.7 Community Service and Economic Self-Sufficiency Policy (Applicable to Federal Developments/AMPs Only)

As part of the Quality Housing and Work Responsibility Act of 1998, Congress imposed a requirement that all adult residents of federally funded public housing, unless specifically

exempted, must perform community service activities or participate in an economic self-sufficiency program to remain eligible for public housing assistance. Therefore the federal public housing lease provides that all non-exempt residents must:

- Contribute 8 hours per month of community service (not including political activity); or
- Participate in an economic self-sufficiency program for 8 hours per month; or
- Perform eight hours each month of combined community service and self-sufficiency activities.

9.7.1 Definitions

(a) Community Service

For the purpose of this policy, community service is the performance of voluntary work or duties for the public benefit that serve to improve the quality of life and/or enhance resident self-sufficiency, and/or increase the self-responsibility of the resident within the community in which the resident resides. Community service is not limited to a single type of activity or a single location. Acceptable community service activities include, but are not limited to, improving the physical environment of the resident's development/AMP; volunteer work in a local school, hospital or child care center; working with youth organizations; or helping neighborhood groups on special projects. By statute, political activity is not an eligible form of community service.

(b) Economic Self-Sufficiency Program

For the purpose of this policy, an economic self-sufficiency program is any program designed to encourage, assist, train, or facilitate the economic independence of participants and their families or to provide work for participants. These programs may include, but are not limited to: programs for job readiness or training, employment training, work placement, basic skills training, education, English language proficiency, work fare, financial or household management, apprenticeship, and any program necessary to ready a participant to work, such as substance abuse or mental health treatment.

9.7.2 Notification of Residents

The Boston Housing Authority will notify all new residents of the community service requirement at the time of lease signing. The notification will include an explanation of the program and will list the categories of individuals who are exempt from performing community service activities. Definitions and examples of community service and economic self-sufficiency activities will be part of the notice.

All current residents will be provided with a copy of this notice at the time of annual re-examination.

The notification will also advise families when the community service obligation will begin. Non-exempt residents will be required to begin performing community service at their first lease renewal date following the adoption of this policy.

9.7.3 Exemptions

The following residents over the age of eighteen are exempt from this requirement:

- (i) Resident household members who are 62 or older;
- (ii) Resident household members who are blind or disabled as defined in the Social Security Act (Section 216 (i) (1) or Section 1614 of the Social Security Act (42 USC 416 (i) (1); 1382c);

The Social Security Act defines disability as the “inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than twelve months.”

Blindness is defined as “central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no less than 20 degrees shall be considered for purposes of this paragraph as having a central visual acuity of 20/200 or less.”

Residents who claim exemption because of disability or blindness must also certify that because of this blindness or disability they are unable to comply with the community service requirement. If a resident does not meet this definition of blindness or disability and believes that he or she is unable to perform community service or economic self-sufficiency activity, he or she may apply for an exemption from the requirement as a reasonable accommodation under the BHA Reasonable Accommodation in Housing Policy (RAHP). An application for reasonable accommodation can be obtained at the development/AMP management office.

- (iii) Resident household members who are the primary care giver of a blind or disabled individual as described in paragraph 2;

- (iv) Resident household members who are engaged in a work activity as defined under section 407 (d) of the Social Security Act (42 USC 607 (d), for ten or more hours each week;

Work activities are:

- Unsubsidized employment;
- Subsidized private sector employment;
- Subsidized public sector employment;

- Work experience, including work associated with refurbishing; publicly assisted housing, if sufficient private sector employment is not available;
- On-the-job training;
- Job search;
- Community service programs;
- Vocational educational training not to exceed twelve months;
- Job skills training directly related to employment;
- Education directly related to employment for a resident who has not received a high school diploma or a certificate of high school equivalency;
- Satisfactory attendance at a secondary school or in a course of study leading to a certificate of general equivalency for a resident who has not completed secondary school or received such a certificate; or
- The provision of childcare services to an individual who is participating in a community service program.

(v) Resident household members who are exempt from work activity under Part A of Title IV of the Social Security Act (42 USC Section 601 et seq.) or under any other state welfare program, including a State-administered welfare-to-work program; or

(vi) Resident household member of a family receiving assistance, benefits or services under a State program funded under part A of Title IV of the Social Security Act (42 USC 601 et seq.), or under any other State welfare program, including a State-administered welfare-to-work program or the Supplemental Nutrition Assistance Program (SNAP), and is in compliance with all provisions of that program.

In accordance with HUD guidelines, persons eligible for a disability deduction in rent are not automatically exempt from the community service requirement. A resident is exempt only to the extent the disability makes the person “unable to comply” with the community service requirement.

9.7.4 Initial Determination of Exemption

All applicants will be provided with an information sheet describing the community service/self-sufficiency requirement at the time they make their final application. At the time the lease is signed, the property manager will again provide the head of household with the community service information sheet. Each household member will be asked to declare if they are exempt from community service and provide the appropriate verifications.

In order to establish an exemption the following verification must be provided:

(a) Age 62 or over. Any birth certificate or proof of age already submitted by the resident to establish age or achieve eligibility for occupancy as a person 62 or older shall be deemed sufficient verification.

(b) Disability or blindness. Receipt by a household member of Social Security Disability or SSI benefits shall be deemed proof of disability under this policy. A household member whose application for disability benefits is pending shall be deemed disabled unless and until a denial of the application is received. Any resident who believes they meet the definition of disability included in this policy may submit a statement from their treating physician providing BHA staff with facts that will assist them in determining whether the resident is disabled within the definition applicable under this policy. If a resident does not meet this definition but still believes that he or she is unable to perform community service, the resident may apply for a reasonable accommodation under the BHA RAHP policy. The manager will provide an application for reasonable accommodation upon request.

Residents who are determined to be exempt because of blindness or disability shall also sign a statement certifying that they are unable to comply with the community service requirement because of the blindness or disability.

(c) Primary caregiver of a disabled or blind person. A statement from the person being cared for or his or her guardian affirming that the resident seeking exemption acts as the primary caregiver and the period during which (s)he is expected to continue in that role shall be adequate verification.

(d) Engaged in work activity. The verification of employment income provided to BHA for rent determination shall be adequate for this purpose. Verification of participation in job training or other qualifying program must be submitted by the providing organization or school.

(e) Exempt from work activity under state welfare program. Verification of the exemption should be obtained from the welfare department.

(f) Member of a family who receives assistance from a state welfare program and is in compliance with that program. Verification of receipt of program assistance and compliance should be obtained from the welfare department.

The manager will make a determination of exempt status and notify the resident. If the resident disagrees with the determination, he or she may file a grievance under the BHA grievance procedure.

The exemption status for each household member will be entered on the client worksheet. Families with non-exempt members will receive a list of community service and self-sufficiency opportunities.

9.7.5 Continuing Determination of Exemption and Compliance

Each year, as part of the Tenant Status Review, the property manager will determine whether each non-exempt household member has complied with the community service requirement and whether each exempt household member continues to be exempt.

Included with the letter requesting the head of household to come to the office for the status review will be a reminder that resident compliance with and/or exemption from community service will be determined as part of the status review. A list of exemption categories, a reminder that certain exemptions from the community service requirement must be reviewed annually and a description of the documentation needed to support each exemption will be attached to the letter. A Verification of Compliance form for each household member who was required to perform community service will be provided at the recertification appointment. These forms must be completed and returned to the property manager at least thirty (30) days before the lease term expires. The form includes confirmation of:

- the number of hours of community service/self-sufficiency work completed,
- the type of work completed
- the community organization where the work was completed
- the signature, name, title, address and phone number of the person supervising completion of the work.

At the time of the status review the manager will reconfirm the exemption status of each household member. The head of household may provide the property manager with the required documentation for any change in status claimed by an adult family member. The manager will reconfirm the following exemption categories annually:

- Blindness or disability
- Primary caregiver
- Engaged in work activity
- Exempt from work activity under a state welfare program
- Exempt through receipt of assistance, benefits or services from a state welfare program and in compliance with all provisions of the program.

If a household member becomes exempt from the community service requirement during a lease term and informs the manager so that the exemption can be verified, he or she shall be exempt from performing community service for the entire year. Unemployed residents, for example, may request an exemption if they find work or start a job training program. If a resident is determined by BHA to become exempt during the year, s/he will be excused from the entire annual 96-hour requirement. There is no obligation for a resident to report a change in status from exempt to non-exempt between regular status reviews. If a resident previously determined to be exempt becomes non-exempt during a lease term, he or she is not required to report the change in status to the manager until the next status review.

If the household is found to be in compliance with the community service/self-sufficiency requirement as well as all other requirements for continuing occupancy, the lease will be automatically renewed. An annual lease signing process is not necessary.

9.7.6 Non-Compliance

If the BHA determines that a non-exempt resident has not complied with the community service/self-sufficiency requirement, the property manager must notify the head of household of the noncompliance in writing. This notification must also inform the resident that:

- the determination of noncompliance is subject to the BHA's grievance procedure;
- unless the resident enters into an agreement to cure or the non-compliant adult no longer resides in the unit, the lease of the family of which the noncompliant adult is a member shall not be renewed; and
- the resident has the opportunity to cure the noncompliance during the next twelve-month period.

To take advantage of the statutory opportunity to cure, the noncompliant adult must sign an agreement stating that the noncompliant adult will complete, over the next 12-month term of the lease, the additional hours of community service or economic self-sufficiency activity needed to reach the required total of 96 hours for the prior year. These additional hours must be performed in addition to the 96-hour requirement for the current lease year.

As is required by law, continued non-compliance will result in the commencement of eviction proceedings against the entire household, unless the noncompliant family member is no longer part of the household.

9.7.7 Documentation

The property manager must retain documentation of community service participation and/or exemption in the resident's file.

At lease signing for new residents or at the Tenant Status Review for current residents, the manager must ensure a Certification of Exemption Status form is completed for each adult household member claiming an exemption from the community service/self-sufficiency requirement. Supporting documentation will be requested of the resident to verify exempt status and copies of the verification will be retained in the file.

At the time of the annual Tenant Status Review, the head of household is responsible for ensuring that a Verification of Compliance form is completed by the appropriate authority for every non-exempt household member. This form will also be maintained in the resident file.

9.7.8 Grievance Procedure

Upon filing a written request, as provided in the Boston Housing Authority grievance procedure, any resident who disagrees with any Boston Housing Authority (BHA) action or failure to act in accordance with the Community Service Policy shall be entitled to a grievance hearing.

9.7.9 Prohibition Against the Replacement of Employees

In implementing the community service requirement, the Boston Housing Authority will not substitute community service for work ordinarily performed by public housing employees or replace a job at any location where community work requirements are performed.

9.7.10 Third Party Coordinating

The Boston Housing Authority intends to exercise its option to administer the community service/self-sufficiency requirement through one or more of the following alternatives:

- directly administer some qualifying community service and
- economic self-sufficiency activities;
- make such activities available through a contractor; or
- make such activities available through partnerships with qualified organizations, including resident organizations and community agencies or institutions.

9.8 Inspections

In accordance with the lease, apartment inspections are performed at three times: pre-occupancy, upon move-out, and at least once annually and as further provided in the BHA lease.

9.8.1 Pre-Occupancy Inspections

The BHA and the resident or his/her representative will inspect the apartment prior to occupancy by the resident. The BHA will give the resident a copy of the statement of conditions showing the condition of the premises, interior and exterior as applicable, and of any appliances provided with the apartment.

The statement of conditions shall be signed by a BHA representative and resident and a copy of the form retained in the resident's folder. Any deficiencies noted on the statement of conditions will be corrected by the Authority before the resident moves in, and at no charge to the resident.

9.8.2 Annual Inspections

The BHA will inspect all apartments at least annually and more frequently if apartment conditions are not safe, sanitary and in good repair. Residents will be notified as to the date and time of inspections in accordance with provisions in the lease.

Annual inspections will evaluate the following: any need for repairs; housekeeping conditions; safety violations; and resident's compliance with other obligations under the lease. The resident will be informed of any deficiencies and notified of any action required by the resident or the BHA to correct deficiencies.

BHA will correct deficiencies determined to be the BHA's responsibility.

Where resident action is required, re-inspections will be conducted.

Where the resident fails to take required action to correct deficiencies, the BHA may correct the deficiencies and bill the resident. The resident shall also pay promptly, upon receipt of a bill, for lock replacements or re-keying and for the cost of all materials and/or labor for repair of any damage to BHA property caused by the negligence or intentional act of the resident, a member of resident's Household or a guest; the bill shall clearly state the items for which the charge is made, the work done, and the cost of labor and materials; the bill shall not become due and payable before the first day of the second month following the month in which the charge is billed; BHA will post in each management office a list of the hourly rate charged for labor. The resident may dispute the bill through the BHA grievance procedures.

9.8.3 Move-Out Inspection

The BHA will inspect the apartment after the resident vacates the apartment and give the resident a written statement of conditions, repairs, cleaning and replacements for which the resident is responsible. The resident and/or his/her representative may join in such inspection, unless the resident vacates without notice to the BHA.

9.9 Lease Termination Procedures

The lease of a BHA resident provides the terms and procedures for termination of the lease.

9.9.1 Recordkeeping Requirements for Lease Termination

A written record of every termination and/or eviction shall be maintained by BHA in the resident file, and shall contain the following information:

- (a) Name of resident, number and identification of the apartment occupied;
- (b) Date of the 14-Day Notice, 30-Day Notice, or other notice of Intent to Terminate and the
- (c) Notice to Vacate;
- (d) Specific reason(s) for the Notice(s), indicating the section(s) of the lease allegedly violated, and other facts pertinent to the issuing of the Notices described in detail;
- (e) Date and method of notifying the resident;
- (f) Summary of any conference held with the resident including date, names of conference participants and conclusion.

(g) Decisions of any grievance panel hearings.

CHAPTER 10: MISCELLANEOUS PROVISIONS

10.1 Deprogramming Apartments

BHA will seek approval from DHCD and HUD prior to deprogramming any apartment in Federal or State-assisted developments/AMPs in accordance with applicable regulations. A deprogrammed apartment is one that is no longer available for occupancy under a BHA resident lease.

10.2 Supported Housing Programs

10.2.1 Social Service Agreements

At its discretion, and if required with HUD and/or DHCD approval, the BHA may enter into an agreement with social service or other agencies to provide supportive services to Applicants and residents, including targeted populations, who need special help in order to establish and maintain tenancies, provided that evidence exists that the agencies are reliable organizations with experience at providing related services and are fiscally sound.

Assistance required under such agreements shall include, but is not necessarily limited to, the following services:

- (a) Assistance in evaluating applicants for program participation;
- (b) Checking to see if the residents are paying their rents and other charges and are properly maintaining their units;
- (c) Helping residents to maintain their households, including managing their money;
- (d) Providing specialized supportive services and crisis intervention in order to obtain necessary treatment to avoid eviction action.
- (e) All Applicants and residents who participate in these programs must meet the Threshold Requirements for the program for which they are applying.
- (f) All Applicants and residents who participate in these programs must meet the Applicant Screening Criteria as specified in this policy and/or any Memorandum of Agreement between the BHA and the service organization.

10.2.2 Apartment/Development/AMP Designations

Supported Housing Programs may be established for a development/AMP or certain designated apartments within a development/AMP.

10.3 Designated Housing Program

10.3.1 Plan Description

The BHA will allocate units in the Federal Elderly/Disabled developments/AMP in order to move towards a ratio of 80% designated to elderly families and 20% to non-elderly disabled families. In order to achieve these percentages additional admission Preference Points will be applied to Elderly and Non-Elderly Disabled Applicants at designated Elderly/Disabled Program developments/AMPs. The Preference Points will be applied when: 1) Applicants who are Elderly and are on an Elderly/Disabled Program development/AMP wait list where the Elderly resident population is less than 80% and who **do not** require wheelchair accessible units will receive Preference Points in addition to any they may already have and 2) Applicants who are Non- Elderly Disabled and are on an Elderly/Disabled Program development/AMP wait list where the Non-Elderly Disabled resident population is less than 20% and who **do not** require wheelchair accessible units will receive Preference Points in addition to any they may already have.

Under this Plan, there are times when BHA selects elderly applicants ahead of non-elderly disabled applicants in order to reach agreed-upon percentages in its housing developments. Non-elderly disabled applicants who are bypassed may become eligible for a Section 8 Housing Choice Voucher from a set-aside created by the Designated Housing Plan.

10.3.2 Development/AMP Designation

The BHA will monitor the percentages of elderly and non-elderly disabled households living in each Elderly/Disabled Development/AMP on a monthly basis. When the percentage of elderly households occupying a development/AMP reaches 75%, the development/AMP will be flagged so that each subsequent offer of housing will be reviewed by a Manager in the Admissions Department. When the percentage of elderly households occupying a development/AMP reaches 80%, the BHA will turn off Designated Housing preference points to elderly applicant households for this development/AMP. If the percentage of elderly households occupying a development/AMP falls below 80%, the BHA will turn on Designated Housing Preference points to elderly applicant households for this development/AMP. The BHA shall also monitor closely when the percentage of non-elderly disabled households occupying a development/AMP reaches 20%, the BHA will turn off Designated Housing preference points to non-elderly disabled applicant households for this development/AMP. If the percentage of non-elderly disabled households occupying a development/AMP falls below 20%, the BHA will turn on Designated Housing Preference points to non-elderly disabled applicant households for this development/AMP.

10.4 Resident Custodians and Special Assignment Laborers

10.4.1 Rules Governing Residency

Resident custodians and special assignment laborers (BHA employees living in BHA apartments as a condition of employment under a license agreement) must be

determined eligible in accordance to the Resident Custodian or Special Assignment Laborer license agreement. They shall not be considered public housing residents. They are not subject to the same requirements (including the waiting list procedure) and do not have the same rights as public housing residents. In particular, they:

- (a) Do not have to qualify as a Low Income Household;
- (b) Are not subject to the BHA's resident selection procedures;
- (c) May be charged a reasonable rent or may be provided a BHA apartment rent-free;
- (d) Are not subject to BHA lease and grievance procedures, but have a license agreement for occupancy with the BHA; and
- (e) Are not entitled to remain in the same apartment in public housing if their employment is terminated, but shall be entitled to apply for public housing.

10.4.2 Admission as Residents

Upon change in status, resident custodians and special assignment laborers may apply to become BHA residents, but may only be admitted to a BHA apartment after they have been determined Eligible and Qualified as defined by the BHA's ACOP. Upon the successful completion of the final eligibility determination process a housing offer assignment will be made pursuant to the Resident Custodian or Special Assignment Laborer license agreement.

10.5 Occupancy by Police Officers (Federal Developments/AMPs Only)

10.5.1 Definition of Police Officer

For purposes of this subsection, a police officer is defined as a person who is employed on a full-time basis as a duly licensed professional police officer by a Federal, State or local government or by any agency of these governments. An officer of a local police force or an accredited police force of a housing agency may qualify.

10.5.2 Purpose of Policy

In order to increase security for BHA public housing residents, the BHA may allow police officers to reside in a public housing apartment, even if such police officers might not otherwise qualify, based on income, for BHA public housing.

10.5.3 Terms of Tenancy for Police Officers

(a) Occupancy

Police Officers who apply for BHA housing will be subject to the same terms, standards (other than income) and procedures that are applied to all other BHA Applicants.

(b) Verification

Police officers will undergo the same verification procedures applied to other BHA Applicants. Those procedures are outlined in this Admission and Continued Occupancy Policy. Screening criteria contained in this policy therefore apply.

(c) Waivers

Police Officers approved for occupancy in BHA apartments will be given a waiver that allows them to be chosen for BHA housing without being placed on the Authority's waiting list.

(d) Lease

Police Officers shall execute a lease or occupancy agreement with the BHA providing for the terms of occupancy of an apartment.

(e) Annual Re-certification

Continued employment as a police officer as defined in this subsection, will remain a determining factor in the renewal of a Police Officer's lease or occupancy agreement. Police Officers are therefore required to submit annually to the BHA proof of continued employment as a police officer.

(f) Failure to remain employed as a Police Officer will therefore result in a refusal to renew a Police Officer's lease or occupancy agreement.

If a person is no longer a Police Officer, but meets the BHA eligibility standards, the Police Officer may apply for admission as a BHA resident.

10.5.4 Apartments to be Occupied by Police Officers

The BHA will offer apartments to Police Officers based upon BHA-determined security needs. In no event shall the number of apartments allotted for Police Officers exceed one Police Officer per development/AMP with more than 100 apartments but less than 500 apartments, and not more than two Police Officers for any development/AMP with over 500 apartments.

10.6 Pet Policy

BHA residents may have pets, in accordance with the BHA's current Pet Policy for the specific development(s)/AMP(s) at which they select to live. The Pet Policy is in accordance with HUD or DHCD requirements.

10.7 Policy Waivers

10.7.1 ACOP Waivers

The Administrator, or his/her designee who shall be a senior management employee, may approve a waiver of any provision of this policy not required by law if the waiver of such provision would avoid substantial hardship or substantial injustice to an Applicant or a transfer applicant. Each decision to waive a provision of the ACOP must be documented in writing. No waiver shall be contrary to federal, state, or local law. No waiver shall be in violation of Chapter 1, Section 1.1 of this ACOP. Examples of situations in which a waiver may be requested and approved include but are not limited to: individuals with a potentially terminal illness, for example, AIDS, who are experiencing a housing crisis, a Household which must abandon its current housing in a distant location in order to relocate to Boston so that a seriously ill Household Member can receive specialized medical treatment available at a Boston area medical facility.

10.7.2 Waiver of State Regulation

The BHA follows the code of Massachusetts regulation, 760 CMR 5.00 and 6.00 in administering state public housing. However, this policy waives certain provisions of state regulation with the purpose of increasing customer service and effective management of BHA programs. Specific waivers contained within this policy have been requested by BHA and authorized by DHCD. Waiver requests and approvals shall be posted on www.bostonhousing.org.

10.8 Non-Smoking Policy

The BHA has incorporated its non-smoking policy into the non-smoking Lease Addendum.

CHAPTER 11: DEFINITIONS

Accessible Route

For persons with a mobility impairment, a continuous unobstructed path that complies with space and reach requirements of the Uniform Federal Accessibility Standards. For persons with hearing or vision impairments, the route need not comply with requirements specific to mobility.

Accessible Apartment	When used with respect to the design, construction or alteration of an individual apartment, means that the apartment is located on an Accessible Route and when designed, constructed, altered, or adapted can be approached, entered, and used by individuals with physical handicaps or disability. An apartment that is on an Accessible Route and is adaptable and otherwise in compliance with the standards set forth in 24 CFR 8.32 [the Uniform Federal Accessibility Standards] is “accessible” within the meaning of this paragraph.
Adaptable	Ability of certain elements in an apartment to be changed to accommodate the needs of disabled persons; or ability of certain apartments to meet the needs of persons with different types & degrees of disability.
Administrator	The chief executive officer of the Boston Housing Authority.
Alteration	Any change in an apartment, building or common area or to its permanent fixtures or equipment. It does not include: normal maintenance or repairs, re-roofing, interior decoration or changes to mechanical systems.
Asset Management Project (AMP)	For purposes of Asset Management HUD requires PHA’s to designate a unique identifier for a development, or groupings of scattered sites or small developments, or phases of a development for purposes of implementing asset based management for HUD funded federal public housing units.
Apartment	Residential space for the private use of a Household. The number of bedrooms contained within a BHA apartment is from 0 bedrooms (studio/efficiency) to 6 bedrooms.
Applicant	A person or household member who is not a BHA leaseholder and has submitted an application for public housing that has been accepted by the Authority and entered into its management information system with a client number assigned.

Appeals

An Applicant for admission to BHA, who is dissatisfied with a decision regarding his or her application, may request an appeal before a BHA Hearing Officer. (See 4.1.4).

Applicant Information Briefing Session

A regularly scheduled meeting (or other form of communication that may be designated by the BHA) whose purpose is to: provide prospective Applicants with an explanation of the process for Application and admission to BHA Public Housing; make Applicants aware of the Priorities, Preferences and housing options available to them as a BHA Applicant; familiarize Applicants with the Preliminary Application and Related Forms; bring staff in contact with Applicants to assist Applicants in completing the application process (See Chapter 3).

Area Median Income (AMI)

The median income of the greater Boston area as determined by HUD.

Assets

Assets generally means cash which is accessible to a person including checking and savings accounts, stocks, bonds, equity in real property, and the cash value of life insurance policies, but does not include the value of tangible personal property such as furniture, automobiles and household effects. (Certain types of tangible personal property are included, such as coin collections or jewelry, but essential tangible personal property reasonably necessary for everyday living, such as furniture and automobiles, are not included. For included real or personal property holdings, the value of the asset is the cash amount that would remain if the resident converted the asset to cash and deducted any outstanding mortgages, liens or selling expenses.)

Boston Resident

A person whose last permanent address was within the City of Boston or a person who is a resident and presently domiciled in the City of Boston at the time of application and at the time of determination of eligibility and qualification, or a person who is employed or about to be employed in the City of Boston as verified by the BHA. A person with a temporary residence in the City of Boston with relatives or friends is not a resident unless the person's last residence or domicile was in the City

	of Boston. The burden of establishing Boston residency is on the Applicant.
CHAMP	CHAMP is the Common Housing Application for Massachusetts Programs, the online application system for State Public Housing.
Co-Head of Household	A person who with the Head of Household assumes responsibility and accountability for the Household and signs the lease. The Co-Head of Household is equal to and has the same rights and responsibilities as the Head of Household. This shall include a spouse even if not designated as Co-Head of Household on the application or lease.
Department of Housing and Community Development (DHCD)	The agency responsible for the oversight and monitoring of the State's public housing program.
Dependent	A member of the Household, other than head, co-head, sole member, foster child, or Personal Care Attendant or Live-in Aide, who is under 18 years of age, a Disabled Person, or a full-time student.
Development	Refers to low income housing developed, acquired or rehabilitated by BHA under the U.S. Housing Act of 1937 (other than Section 8) for which there is an annual contributions contract (ACC) between the U.S. Department of Housing & Urban Development or one or more public housing apartments developed and/or administered by the BHA with a separate contract for financial assistance with the Massachusetts Department of Housing Community Development under the Chapter 705, Chapter 200 or Chapter 667 program.
Disabled Person	For program eligibility, a person who is under a disability as defined in Section 223 of the Social Security Act (42 U.S.C. 423) or defined as "handicapped persons of low income" in M.G.L. C121B § I and in 760 CMR 5.07.
Disabled Person (For Eligibility in State-Aided Housing)	A person who has been determined to have an impairment which is expected to be of long continued and indefinite duration, which substantially impedes the ability to live independently in conventional housing and which is

Disabled Person (For Eligibility in Federally-Assisted Housing)

of such nature that such ability could be improved by more suitable housing conditions.

– A person who

1) Has a disability defined as an inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months; or, in the case of a person who has attained the age of 55 and is blind, the inability by reason of such blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which he or she has previously engaged with some regularity and over a substantial period of time, or

2) Has a physical, mental, or emotional impairment which is expected to be of long-continued and indefinite duration, which substantially impedes his or her ability to live independently, and is of such a nature that the ability to live independently could be improved by more suitable housing conditions, or

3) Has a developmental disability which is a severe, chronic disability of an individual 5 years or older which is attributable to a mental or physical impairment or combination of impairments and which is manifested before the age of 22 and is likely to continue indefinitely and which results in substantial functional limitations in three or more of the following areas of major life activity (self-care; receptive and expressive language; learning; mobility; self-direction; capacity for independent living and economic self-sufficiency), and which reflects the individual's need for assistance that is lifelong or of extended duration and is individually planned and coordinated.

Such term shall not exclude persons who have the disease acquired immunodeficiency syndrome

	(AIDS) or any conditions arising from the etiologic agent for AIDS
	A. For all purposes other than Eligibility, a person with a physical or mental impairment which substantially limits one or more life activities, or has a record of such impairment, or is regarded as having such an impairment.
	B. No individual shall be considered a person with a disability solely because of drug or alcohol dependence.
Elderly Household	A Household whose Head of Household, Co-Head of Household, or spouse (or sole member) is an Elderly Person.
Elderly Person	A person who is at least 62 years of age. For state assisted housing a person who is at least 60 years of age.
Eligible	A person or household that has met the three threshold requirements pursuant to Section 5.1.2 for Preliminary Eligibility.
Eligible Household	A household who is determined Eligible for residence in public housing assisted under the United States Housing Act of 1937 (42 U.S.C. 1437) or under M.G.L. c121B and provisions of this Policy.
Eligible Non-Citizen Status	<p>(For Federal Program only) - The admittance of a Non-Citizen to the United States under one of the following categories:</p> <p>1) A Non-Citizen lawfully admitted for permanent residence as an immigrant as defined by sections 101(a)(15) and 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15) and 8 U.S.C. 1101(a)(20), excluding, among others, Non-Citizen visitors, tourists, diplomats, and students who enter the United States temporarily with no intention of abandoning their residence in a foreign country;</p> <p>2) A Non-Citizen who entered the United States prior to June 30, 1948, or such subsequent date as is enacted by law, has continuously maintained his or her residence in the United States since then, and is not ineligible for citizenship, but who is deemed</p>

to be lawfully admitted for permanent residence as a result of an exercise of discretion by the Attorney General pursuant to section 249 of the Immigration and Nationality Act (8 U.S.C. 1259) [8 USCS § 1259];

3) A Non-Citizen who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) or pursuant to the granting of asylum (which has not been terminated) under section 208 of such Act (8 U.S.C. 1158);

4) A Non-Citizen who is lawfully present in the United States as a result of an exercise of discretion by the Attorney General for emergent reasons or reasons deemed strictly in the public interest pursuant to Section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5));

5) A Non-Citizen who is lawfully present in the United States as a result of the Attorney General's withholding deportation pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h));

6) A Non-Citizen lawfully admitted for temporary or permanent residence under section 245A of the Immigration and Nationality Act [8 USCS § 1255a].

7) Lawfully admitted for temporary or permanent residence (amnesty granted under Immigration and Naturalization Act Section 245A).

Emancipated Minor

Minor (under 18 years of age) with a child (or children) or who has otherwise established him/herself as a non-dependent individual.

Fair Housing Act

Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3601 et seq.)

Family

A single person, two or more persons regularly living together, related by blood, marriage, adoption, guardianship or operation of law; or who are not so related, but share income and resources and intend to live together in BHA housing. Other

persons, including foster children, Personal Care Attendants or Live-in Aides, and members temporarily absent (including children temporarily assigned to foster care^[1]), may be considered a part of the Household group if they are living or will live regularly with the Household. For the federal housing programs as defined by the Department of Housing and Urban Development (HUD) at 24 CFR 5.403.

Federally-assisted Housing

For purposes of this policy, housing assisted under the U.S. Housing Act as defined in 42 USC 1437a and following provisions.

Full-time Student

For Eligibility in Federally-assisted Housing A person who is carrying a subject load which is considered full-time for day students under the standards and practices of the educational institution attended. Educational institution shall include but not be limited to: college, university, secondary school, vocational school or trade school.

For Eligibility in State-assisted Housing- a household member between the ages of 18 and 25, who is the dependent of another household member and who is enrolled in and attending an accredited educational or vocational institution and is carrying a course load that is considered full-time for day students under the standards and practices of the institution. Full-time student status shall remain in effect as long as the individual carries a full-time student course load in pursuit of a bachelor's degree, an associate's degree, or a diploma from an accredited institution or a certificate from an accredited vocational program (excluding apprenticeship programs). In no event shall full-time student status last longer than the length of time normally required for day students to complete the required course of study.

Good Cause

A set of standards used by the Authority to determine the need for and special offer of housing in order to avoid a verifiable hardship. The basis for the special offer must be reliably documented and cannot result in discrimination on the basis of race, color, sex, sexual orientation, gender identity,

ethnicity, religion or national origin or handicap or disability.

Good Standing

Good Standing means the household is:

Current in its rental payments unless it is legally withholding rent pursuant to the provisions of the Lease or applicable law and Not currently under a Fourteen (14) Day or a Thirty (30) Day Notice to Quit, Summary Process Action or action pursuant to Mass. Gen. Laws, Chapter 139, section 19.3.2

Grievance

1) An allegation, by a tenant or a remaining Household Member of a tenant's household, that the BHA or a BHA employee has acted or failed to act in accordance with the tenant's lease or any statute, regulation, or rule regarding the conditions of tenancy and that the alleged action or failure to act has adversely affected the status, rights, duties, or welfare of the tenant or a Household Member; or
2) An appeal by a data subject pursuant to 760 CMR 8.00. The meaning of a statute, regulation or rule shall not be the subject of a grievance. A dispute between a tenant and another tenant or Household Member, in which the BHA is not involved, shall not be the subject of a grievance. A grievance shall not be filed by a tenant on behalf of another tenant or any Household Member of another tenant.

Head of Household

The member who assumes responsibility and accountability for the Household and signs the lease.

Household

All persons residing in an apartment who are listed on the apartment's lease as household members or Tenant Status Review (T.S.R.); and may include an approved PCA OR LIVE-IN AIDE, who resides in the apartment.

Household Member

A person residing in an apartment who is listed on the apartment's lease as a household members or Tenant Status Review (T.S.R.); and may include an approved PCA OR LIVE-IN AIDE, who resides in the apartment.

Home Visit	A visit by BHA Admissions Department staff or contractor to the home of an Applicant pursuant to the provisions of this policy.
HUD (U.S. Department of Housing & Urban Development)	The Federal department responsible for the public housing program as provided in the 1937 Housing Act. HUD provides operating subsidies to the BHA through an Annual Contributions Contract.
Imputed Welfare Income	(In Federal Developments Only) The amount of annual income not actually received by a family, as a result of a specified welfare benefit reduction, that is nonetheless included in the family's annual income for the purposes of determining rent.
Last Permanent Residence	The last main or the only residence (home) at a fixed address a "Dwelling" or "rental dwelling." This means a unit that was owned or rented by or to one or more tenants and landlord authorized household member(s) as occupants for use as a permanent residence under a lease or tenancy at will. The term does not include a room rented to overnight guests or doubled-up guests/visitors.
Lease	A written agreement between the BHA and Head or Co-Head of Household for the occupancy of an apartment.
Minor	A person less than 18 years of age. An unborn child will not be considered to be a minor (Also see the definition for Dependent and Emancipated Minor).
Mitigating Circumstances	Circumstances which would tend to lessen the negative impact of an unsuitable housing history or unsuitable behavior and which may overcome or outweigh negative information gathered in the screening process about an Applicant or Transfer Applicant.
Mixed Family	A family whose members include those with citizenship or Eligible Non-Citizen Status, and those without citizenship or Eligible Non-Citizen Status.
National	A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.

Non-Citizen	A person who is neither a citizen nor National of the United States.
Admissions Department	The department within BHA that is responsible for the admissions and screening process. The department has responsibility for marketing, intake, waiting list management, screening, and making offers of public housing apartments to qualified Applicants and transfer applicants. The Admissions Department administers the Admissions and Continued Occupancy Policy including eligibility for resident transfers.
Overcrowded	See Under-housed.
Over-housed	A condition of occupancy where too few people reside in an apartment according to BHA standards for occupancy.
Personal Care Attendant (PCA)	(or Live-In Aide) A person that regularly provides care and support and who may or may not reside with an Elderly, Handicapped, or Disabled person or persons. (See 5.5 for full definition)
Police Officer	For the purposes of this policy, a police officer is defined as a person to be employed on a full-time basis as a duly licensed professional police officer by a Federal, State or local government or by any agency of these governments. An officer of an accredited police force of a housing agency is a police officer.
Preference	BHA gives Applicants Preference if they are veterans, Boston Residents, or non-elderly disabled with a Household. Preference points are cumulative and are added to Priority points (if any) to determine an Applicant's position on the BHA waiting list. Specific Preference definitions and point information can be found in Chapter 4 of this policy.
Priority	A defined housing related situation that necessitates a Household's relocation. The BHA gives points to Applicants with Priority that ranks those Applicants higher on the waiting list than Applicants without Priority. An Applicant can qualify for only one Priority at any given time.

	Certain priorities are given more points than others. Specific Priority definitions and point information can be found in Chapter 4 of this policy.
Qualified	An Applicant who is Eligible and has been approved for admission to BHA housing after meeting all requirements of the BHA Screening Policy.
Qualified Healthcare Provider	A medical or rehabilitation professional or expert, OR non-medical service agency whose function is to provide services to the disabled.
Rapid Re-Housing Assistance	The provision of housing relocation and stabilization services and short and/or medium term rental assistance as necessary to help a homeless individual or family move as quickly as possible into permanent housing and achieve stability in that housing
Reasonable Accommodation	A change or modification to BHA rules, policies, practices, or services or a Reasonable Structural Modification when such a change is reasonable and necessary on account of a person's disability to afford the person the ability to use and enjoy a BHA apartment or common areas, provided that the change does not pose an undue financial or administrative burden, or result in a fundamental alteration of BHA program.
Reasonable Modification	A change to a BHA apartment or to a common area which is reasonable and necessary on account of a person's disability to afford the person the ability to use and enjoy BHA premises and which does not pose an undue financial and administrative burden or result in a fundamental alteration of BHA program.
Residual Tenancy Applicant	An existing Household Member, (except a Personal Care Attendant or Live-in Aide), or an adult (if all other Household Members in the apartment are minors or incapacitated adults), willing to assume guardianship where appropriate of an apartment where the Head and Co-Head of Household vacates or becomes incapacitated.

Residual Tenant	A remaining Household Member, (except a Personal Care Attendant or Live-in Aide), or an adult (if all other Household Members in the apartment are minors or incapacitated adults) who has been approved under this policy to remain a BHA resident.
Non-Smoking	A designation whereby smoking is prohibited inside an apartment or building (including common areas) and within a defined distance of the building.
State-Aided Housing	A low-rent housing development aided or financed by loans and/or annual contributions from DHCD.
Temporary Housing	(or Temporarily Housed) - A person or family shall be considered temporarily housed if he/she has not entered into a tenancy. For this purpose a tenancy will be taken to mean an agreement (written or verbal) by which an individual or family occupies the real property (house or apartment) of another with permission and subject to a rental fee.
Tenant Status Review (TSR)	The process and the document used to complete the required annual reexamination of all BHA residents.
Transitional Housing Assistance	As defined by the Department of Housing and Urban Development (HUD), Transitional housing means a project that has as its purpose facilitating the movement of homeless individuals and families to permanent housing within a reasonable amount of time (usually 24 months). Transitional housing includes housing primarily designed to serve deinstitutionalized homeless individuals and other homeless individuals with mental or physical disabilities and homeless families with children
Transitional Housing Assistance	As defined by the Department of Housing and Community Development's (DHCD) statutory regulations for the state funded properties.
Unauthorized Occupants	Individuals or families who are staying in an apartment leased by a BHA resident who: (a) have not been approved in writing by the BHA as additions to the Household; (b) have applied but have not yet been approved by the BHA as additions to the Household; (c) are staying beyond

	the limits established in the lease for temporary visitors.
Under-housed	A condition of occupancy where too many people reside in an apartment according to BHA standards for occupancy.
Uniform Federal Accessibility Standards	Standards for the design, construction, and alteration of publicly owned residential structures to ensure that mobility and/or sensory impaired persons will have ready access to and use of such structures.
Use and Occupancy Agreement	An agreement between BHA and the occupant of a BHA apartment whereby the occupant is entitled to use and occupy the apartment under specified conditions but is not entitled to reside as a tenant under a BHA lease or otherwise.
Utilities	Utilities means water, electricity, gas, other heating, refrigeration and cooking fuels, and sewerage services. Telephone service, laundry, and cable service are not included as utilities.
Vacancy Action Form	Document by which BHA staff report the status of a vacated apartment (see Section 6.2.3 for status categories).
Vacate Date	The date on which a tenant vacates, abandonment proceedings are concluded; or the tenant is evicted.
Veteran	Anyone who is a veteran as defined in M.G.L. c4, § 7, clause 43. The word "Veteran" as used in these policies shall include the spouse, surviving spouse, Dependent parent or child of a Veteran and the divorced spouse of a Veteran who is the legal guardian of a child of a Veteran.
Veterans' Preference	A Preference that is given to Veterans, as defined above, when applying for BHA housing.