

Summary of Proposed Changes to the Boston Housing Authority's (BHA's) Housing Choice Voucher (HCV) Administrative Plan Effective September 1, 2015

- **Added a Priority Category for non-elderly disabled applicants in accordance with the BHA's Designated Housing Plan (DHP) and corresponding points:**

3.3.5 Priority Categories

(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 a waiting list and will be drawn in accordance with the Administrative Plan based on their Mitigation Voucher application.

3.3.8 Point System

Mitigation Vouchers

60 points

- **Added a Priority under Boston's ICHH programs for Chronically homeless individuals in partnership with Boston Public Health Commission (BPHC):**
 - (d) City of Boston Interagency Council on Housing and Homelessness (ICHH) Programs Priority:**

(2) The Social Innovation Financing (SIF) Program

The Social Innovation Financing (SIF) Housing Program is a supported housing program serving chronically homeless individuals in the City of Boston. The Boston Public Health Commission (BPHC) and the BHA have partnered to create this program which seeks to serve 25 chronically homeless individuals over a two year period. The BPHC will provide services through funding received from the Department of Housing and Community Development (DHCD). The BHA will provide a total of 25 vouchers over the next two years. The BPHC will identify qualified SIF individuals and directly refer to them to the BHA, providing a homeless certification and all required eligibility documents, wherein the BHA shall screen for HCV eligibility.

The goal of the SIF Housing program is to improve residential stability and reduce high emergency medical costs and current usage of emergency services

DHCD will fund a program to provide supportive services to SIF Program participants that will include a Clinical Manager and a staff of Case Managers. The SIF Program Case Managers will develop an Individual Service Plan (“ISP”). The BPHC shall provide a copy of the respective ISP for each eligible SIF Program Participant to the BHA and it shall become an addendum to the HCVP Family Obligations executed by the SIF Program Participant.

- **Added language which will allow for a change in an application date under the following circumstances, rather than requiring a new application:**

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 date of the eligibility interview and not the date of the original application.

- **Removed the word “conviction” and replaced it with “offender”**

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 Criminal History Systems Board (“CHSB”), 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.

- **Removed the following sentence from paragraph 2 below:**

If the BHA Obtains criminal record information showing that an Applicant Family member has been convicted of a crime relevant to eligibility

Also added the word “mitigate”

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)

- **Updated Project Based Assistance of HUD VASH Voucher section of Admin Plan to incorporate HUD’s most recent guidance (PIH 2015-10)**

14.7.12 Project Based-Assistance of HUD-VASH Vouchers

Upon request from the BHA, HUD (with the support of the VAMC) will consider on a case-by-case basis to project base a HUD-VASH voucher 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

- **Replaced the word “building” with “project” throughout Chapter 15: Project –Based Voucher Program**

15.2.3 Cap on Number of PBV Units in each Project

- (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.
- (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.

- **Added language to clarify when construction commences**

15.3.3 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.**

- **Added language regarding the circumstances which allow and or require the amending of PBV contracts**

15.4.5 HAP Contract Amendments

(a) Amendment to substitute contract units.

(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)).

15.5.4 Vacancies

(b) Reducing number of contract units.

(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

15.5.9 Overcrowded, under-occupied, and accessible units

(b) BHA offer of continued assistance

(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:

(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.

(b) (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.](#)

- **Added new definitions to the glossary:**

Chapter 18: Glossary

Project (PBV) – a single building, multiple contiguous buildings, or multiple buildings on contiguous parcels of land.

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.