

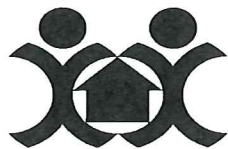
**BOSTON HOUSING AUTHORITY**

**Summary of Proposed Changes to the BHA's  
Admissions and Continued Occupancy Policy (ACOP)**

September 30, 2016

- Chapter 1 Section 1.4.1.3 page 6:
  - o Revise language for Extremely Low-Income Household by adding: "the higher of the federal poverty level or"
  - o
- Chapter 4 Section 4.1.4. 7 page 33:
  - o Remove language "is confirmed"
- Chapter 4 Section 4.4.3.3 "Priority Applicants ... J Homelessness" pages 44-45:
  - o Revise the homeless definition adding provisions for households suffering from a medical condition or disability which precludes him/her from residing in a public or private shelter.
- Chapter 9 Section 9.3 page 154:
  - o Revise language for Self-Sufficiency Income Exclusions change from "...one 48-month..." to "...one **24**-month disallowance period..."

# BOSTON HOUSING AUTHORITY



## ADMISSIONS AND CONTINUED OCCUPANCY POLICY

### FOR THE PUBLIC HOUSING PROGRAMS

DRAFT Last Revisions 07/30/16

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**សូមទូរស័ព្ទលេខខាងក្រោមនេះមកកាន់ ឬ**

**អញ្ជើញមកទាក់ទងផោយផ្ទាល់នៅការិយាល័យយើងផង។**

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Tani wan dhokomentu muhim sh. Hadhii and rabto tarjumaad, fadlan wac lambarka hoos ku goran ama imow xafilsayadayada.

هذه وثيقة مهمة، وإذا كنت في حاجة إلى ترجمة فورية، يرجى الاتصال على رقم الهاتف المذكور أدناه أو أن تتفضل بالمشي إلى مكتبنا.  
این یک سند بسیار مهم است. اگر به ترجمه آن نیاز دارید، لطفاً با شماره تلفن زیر تماس بگیرید یا به دفتر ما مراجعه کنید.

**Telephone No. : (617) 988-3400**



### 1.4.1 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:

1. **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.

2. **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.

3. **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.

**6. Reversal of BHA's Determination of Ineligibility, Application Withdrawal, Denial of Priority Status or Preference(s), Denial of Good Cause or Reasonable Accommodation**

- a. If, as a result of information presented by the Applicant at the informal hearing, the BHA reverses its decision to reject 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).
- b. If the BHA reverses its decision to withdraw the Applicant, the process described above will repeat.
- c. 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.

**7. Confirmation of the BHA's Determination of Ineligibility, application withdrawal, Denial of Priority Status or Preference(s), Denial of Good Cause or Reasonable Accommodation**

- 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 18 months after the decision of Ineligibility ~~is confirmed~~. 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 found ineligible for any of the following reasons may re-apply at anytime **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 Occupancy 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.
- c. Applicants who are withdrawn may submit a new Application at any time provided a waiting list is open.

***I. For disabled individuals only, inaccessibility of a critical element of their current dwelling:*** A member of the Household has a mobility or other impairment that makes the person unable to use a critical element of the current apartment or development AND the owner is not legally obligated under laws pertaining to reasonable accommodation to make changes to the apartment or dwelling unit that would make these critical elements accessible to the Household Member with the disability.

Verification Requirements:

- a) The name of the household member who is unable to use the critical element;
- b) a written statement from a Qualified Healthcare Provider verifying that the household 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
- c) a statement from the landlord or official of a government or other agency providing service to such Disabled Persons 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. Homelessness due to Applicant was displaced from his or her last permanent residence:*** A Household lacks a fixed, regular and adequate nighttime place of habitation and 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); or

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***b)*** A public or private place not designed for human habitation.

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***c)*** An Applicant or a member of his/her household is suffering from a medical condition or disability which precludes him/her from residing in a public or private shelter.

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Persons living with ~~existing BHA residents~~ tenants in private or ~~other~~ subsidized housing, ~~or living with residents in private housing~~ even if only temporarily DO NOT qualify as homeless, ~~except~~ for the situation described in category "c" which shall

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be reviewed and determined by the BHA's Director of Occupancy or designee.

Persons who temporarily move to a shelter for the sole purpose of qualifying for this priority shall be determined ineligible.

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Verification Requirements:

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1. Submission of a "Certificate of Homelessness" fully completed by an appropriate source that he/she lacks a fixed, regular and adequate nighttime residence; or his/her primary nighttime residence is:
  - a. a supervised public or private shelter designed to provide temporary housing accommodations (i.e., welfare hotels, congregate shelters and transitional housing);
  - b. a public or private place not designed for human habitation; and
2. 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.
- 2.3. Medical documentation verifying the existence of the medical condition or disability including the reason(s) the Applicant may not reside in a public or private shelter and acceptable verification of the current housing arrangements.

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**K. AHVP – Alternative Housing Voucher Program (STATE ONLY)**

**L. EXCESSIVE RENT BURDEN (ELDERLY/DISABLED PROGRAM ONLY):** The household pays more than 50% of its total monthly income for rent and utilities (excluding telephone, Internet and cable TV).

Verification Requirements:

1. Submission of a fully completed "certificate of excessive Shelter Costs" form ; and
2. Verification of the gross income for ALL household members; and

### **9.3 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 4824-month disallowance period during his or her lifetime. There are three categories of individuals who qualify for the earned income disallowance:

- 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.
- 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.
- 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.

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 Elderly Preference(State Elderly/Disabled Program only)

##### 10.4.1 Plan Description

(1) General Provisions for Placements.

(a) 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.

Field Code Changed

(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.

(2) 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:

(a) 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 such time as the percentage of disabled households equals or exceeds 13.5%.

(b) 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 such time as the percentage of disabled households falls below 13.5%.

(c) If the percentage of units occupied by disabled 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 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.

(d) 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