

Summary of Proposed Administrative Plan Changes
Effective 4-1-2019
(changes are in italics)

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;

11.8.3 Limitations of Policy

The remaining Household Members will not become Residual Family, if the departing or incapacitated Head: ~~is relocating to another subsidized or non-subsidized Apartment, is purchasing a home,~~ has an outstanding balance due to the BHA *(except in case of the Head's death)*, or termination of the subsidy by the BHA is pending.

~~Remaining Household Members will not become a Residual Family, if the deceased Participant has an outstanding balance due to the BHA.~~



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BOSTON HOUSING AUTHORITY

Leased Housing Division Administrative Plan for Section 8 Programs

William McGonagle
Administrator

As Amended, ~~April 1, 2019,~~

Deleted: October 9, 2017



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:

Deleted: October 9, 2017

- (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.

Deleted: is relocating to another subsidized or non-subsidized Apartment, is purchasing a home

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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.

Deleted: Remaining Household Members will not become a Residual Family, if the deceased Participant has an outstanding balance due to the BHA.¶

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