

BOSTON HOUSING AUTHORITY



ADMISSIONS AND CONTINUED OCCUPANCY POLICY FOR THE PUBLIC HOUSING PROGRAMS

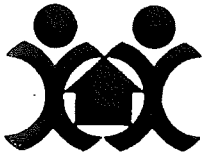
Latest Revision 10/22/12

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Latest Revision 7/24/12 per DHCD request and approved

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Sa a se yon dokiman enpòtan. Si ou bezwen entèpretasyon, tanpri rele nimewo telefòn ki anba la a oswa vini nan biwo nou.
Tani wan dhokomentì mulim ah. Hadùhì nàd rabto tarjumad, fudlan wac lambarika liosa ku qoran ama linow xalhayadnyada.
هذه وثيقة مهمة. وإذا كنت في حاجة إلى ترجمة فورية، يرجى الاتصال على رقم الهاتف المذكور أدناه أو أن تتفضل بالمجيء 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



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BOSTON HOUSING AUTHORITY

Occupancy Department
52 Chauncy Street, 3rd Floor
Boston, Massachusetts 02111

Phone: 617-988-3400
Fax: 617-988-4214
TDD: 800-545-1833 x420
www.BostonHousing.org

This information is available in an alternative format upon request.

October 22, 2012

SUMMARY OF PROPOSED ACOP CHANGES:

- ◆ Revised language related to the Waiting List Updates. Chapter 3, page 23 and Chapter 4, page 28.
- ◆ Revise language Chapter 4.1.4 (2) related to Grievance and Appeals. Pages 30, 31 and 37.
- ◆ Revised language to clarify who qualifies for the Court-Ordered-Eviction priority status due to non-payment of rent. Chapter 4, pages 41 and 42.
- ◆ Revise language related to the Resident Custodian and Special Assignment Laborer, Chapter 10 pages 159 and 160.
- ◆ Added definition for Transitional Housing to clarify which individual(s) residing in transitional housing programs qualify for the Homeless priority status. Chapter 11, page 171.

CHAPTER 3: PRELIMINARY APPLICATIONS AND PROCESSING

3.1 Application Forms

Preliminary application forms shall be available at the Boston Housing Authority's Central Office located at 52 Chauncy Street, Boston; in its Housing Service Center, located at 56 Chauncy Street, Boston, on the BHA's web-site and at other locations, as determined by the Authority. Applications shall also be available by mail and may be downloaded from the BHA's web-site at www.bostonhousing.org. A **preliminary application** will be accepted from anyone who wishes to apply provided that: the Waiting List for the development(s) in which they are interested is open.

3.2 Development Choice(s)

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 (See Section 5.1.2). Applicants may add or remove developments choices at any time prior to entering the final eligibility screening process except for reasonable accommodation and/or extenuating circumstances which will be reviewed on a case-by-case basis. Once the applicant is contacted by the BHA to schedule the personal interview appointment no changes in development choice(s) shall be accepted. Failure to schedule the personal interview appointment or complete the screening process for one of the developments of choice shall result in the withdrawal from all BHA public housing waiting lists.

Single individuals may elect to be placed either on the studio waiting list of a development(s) of choice or on the one-bedroom waiting list of a development(s) of choice.

Note: An unborn child shall be counted as a person in determining apartment size for admission purposes only. Therefore, a single individual if pregnant does not qualify to elect a studio or one-bedroom waiting list(s).

Some BHA studio waiting lists have a shorter waiting period to near the top of the waiting list. Therefore, as a result the Applicant may be contacted sooner to begin their final eligibility screening process. Applicants who elect studio waiting list(s) and are housed in a studio apartment, shall have the option to apply for an Emergency Transfer to move to a one-bedroom apartment at a development of choice if:

- a) Has resided in the studio apartment at least for two years; and
- b) Is a Resident in good standing. No waivers of this requirement shall be approved.

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- c) Approved Emergency Transfers shall be offered every other 4th available unit by waiting list by bedroom size and appropriate unit type.

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:

- ◆ Initiate affirmative marketing strategies
- ◆ Provide additional applicant consultation and information
- ◆ Provide additional supportive services and amenities
- ◆ Target investment and capital improvements towards a development
- ◆ 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.

3.3.2 Assignment of Application Control Number

All applications shall be assigned a chronological application control number and shall be dated and time stamped when they are completed

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at a BHA application-taking location. All Applicants shall be given a date and time stamped receipt that informs Applicants 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.

3.3.3 Communications

1. BHA to Applicants

All communications with Applicants will be by first class mail, except when an Applicant who is a Disabled Person requests some other form of communication (for example, a telephone call, communication with a designated third party, etc.). Failure to respond to BHA communications may result in withdrawal of an Applicant from all waiting lists.

2. 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, 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 in writing at once.

3.3.4 Waiting List Updates

On a regular cycle determined by the Authority, the BHA will send each Applicant on its waiting lists a notice (or other form of communication specified by an Applicant with a Disability) in which an appropriate response notice is enclosed. An Applicant that has through other communication with the BHA expressed wait list interest during the previous cycle will be treated as a completed update.

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The notice will request each Applicant to return the response if s/he is still interested in public housing and to indicate on the response any changes in Household size, income, address, and other information as requested. Applicants will have twenty (20) calendar days from date of the notice to respond to the update notice.

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As responses are returned, an Applicant's waiting list position is updated for each individual development for which they have applied. If an Applicant does not return the response, the Application is withdrawn from all waiting lists and the Applicant notified of the opportunity to appeal pursuant to Section 4.1.4 (Applicant Appeals/Informal Hearings) of this policy.

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If an update letter to an Applicant is returned to the BHA because the Applicant is no longer at the address to which it was mailed, and the Applicant has not notified the BHA in writing of an address change, the application will be withdrawn from all waiting lists and the Applicant notified of the opportunity to appeal pursuant Section 4.1.4 (Applicant Appeals- Informal Hearings) of this policy.

3.3.5 All Applicants will be given a Notice entitled: **Notice to All Applicants: Options for Applicants with Disabilities**. This notice explains the BHA's responsibilities for providing reasonable accommodations and recites examples of what a reasonable accommodation might entail.

3.3.6 Preliminary application forms will not be accepted unless they are complete, legible and signed by the Head of Household and Co-Head of Household (if applicable). (See section 1.3.3 for more information on forms of communication other than plain language paperwork).

CHAPTER 4: ESTABLISHING AND MAINTAINING WAITING LISTS FOR THE PUBLIC HOUSING PROGRAMS

4.1 Waiting List Management

In the state housing program the BHA shall maintain separate waiting lists for each of its public housing developments. For its federal housing programs the BHA shall maintain waiting lists based on individual developments or on the designated Asset Management Projects (AMPs). In the event that any two or more developments are designated as one AMP, the BHA may continue to maintain a separate site-based waiting list for each development if HUD regulations and policies allow. If required by HUD the BHA shall combine the site-based waiting lists into one consolidated AMP-based list, after giving notice to the affected applicants on those waiting lists. It is the policy of the BHA to administer its waiting lists as required by the U.S. Department of Housing and Urban Development (HUD) and the Massachusetts Department of Housing and Community Development (DHCD) regulations and any approved waivers to said regulations.

4.1.1 Opening and Closing Waiting Lists

1. With respect to one or more development waiting lists/AMP waiting list, the BHA may limit application intake, suspend application intake and close waiting lists in whole or in part except as otherwise provided in Federal or State regulations. The BHA will also update its waiting lists by removing the names of those Applicants who are no longer interested or no longer qualify for housing or cannot be reached by mail, utilizing information provided by the Applicant and in accordance with procedures in 4.1.3.
2. During the period when a waiting list is closed, the BHA **will not** maintain a list of individuals who wish to be notified when the waiting list is reopened.

4.1.2 Determining if a Waiting List may be Closed

The BHA will use the following method to determine whether the waiting list for a public housing development/AMP will be partially or completely closed. The BHA may elect to close the list by Priority and/or Preference category and by bedroom size.

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1. How to Determine When a Waiting List May Be Closed

- a. Staff will compute the average number of move-ins to each public housing development/AMP per year by Priority and/or Preference categories. In addition, staff will compute the average number of move-ins over the past two years by apartment size.
- b. Each waiting list will then be examined to determine how many Applicants are already on the waiting list in the Priority categories established by the BHA's Priority and Preference system described in this Admissions and Continued Occupancy Policy (see 4.2).
- c. If the number of Applicants in the Priority categories is **less than** five (5) times the average number of move-ins by bedroom size per year, the waiting list will not be closed.
- d. If the number of Applicants in the Priority categories is equal to or greater than five (5) times the average number of move-ins by bedroom size per year, the waiting list may be closed because the average wait of a new Applicant in these Priority categories would be more than one year.
- e. At any point after the waiting list has been closed, if the number of Applicants in the Priority categories drops below five (5) times the average number of move-ins per year, the BHA will reopen the waiting list and begin accepting new Applications. The BHA may elect to re-open a waiting list in whole or in part. For example, the BHA may elect to accept Applications only from individuals who appear to qualify for Priority categories or Applicants with disabilities who require an Accessible Apartment or an apartment with special features or for certain bedroom sizes.
- f. When the waiting list is to be closed or re-opened, notification will be placed in the lobby of BHA's central office Housing Service Center, development management offices, social service agencies and other housing application centers and notices will be placed in the media. The notification and notices will specify the development(s)/AMP(s) waiting list(s) affected by the closing or re-opening.

BHA will notify HUD and DHCD prior to closing and re-opening of any waiting list.

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4.1.3 Removal of Applications from All Waiting Lists

Applicant's names will be removed from the Waiting Lists of all developments/AMPs they have selected by:

- being housed
- being withdrawn (See Section 4.1.3.1)
- being determined Ineligible (See Section 4.1.3.2)

In addition, an applicant may withdraw from any or all of the BHA waiting lists at any time by their own written request.

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

The BHA will hold the files of Applicants removed from any waiting list for seven (7) years.

1. Withdrawal of an Application

Circumstances that will lead to withdrawal of an Applicant's name from any or all waiting lists include:

- a. The Applicant requests **in writing** that his/her name be removed;
OR
- b. The BHA has made reasonable efforts to contact the Applicant to determine continued interest or to schedule an interview but has been unsuccessful. Properly addressed correspondence mailed (or sent by other methods designated by an Applicant who is a Disabled Person) to the latest address provided by the Applicant in writing that is returned by the U.S. Postal Service shall constitute documentation of a reasonable effort to contact the Applicant; **OR**
- c. Failure of the Applicant to keep an appointment:
 1. If an Applicant fails to keep an appointment and fails to notify the Authority, **within ten days**, of his/her inability to keep an appointment, his/her name will be withdrawn from all waiting lists. A statement to this effect will appear on the forms used by BHA to advise Applicants of scheduled interviews or of information required.

2. The Authority will consider Mitigating Circumstances such as health problems, incidents of domestic or dating violence or stalking, or lack of transportation in evaluating whether the Application should be withdrawn as described above. The Authority will also consider a reasonable accommodation that may be necessary for Applicants who are Disabled Persons to keep appointments or provide information. Consideration of Mitigating Circumstances does not relieve the Applicant of the responsibility to provide the information or notify the BHA in writing.

- d. The Applicant has failed to supply sufficient information necessary for screening, see Chapter 5.
- e. Refusal of an appropriate offer of housing for reasons other than those that qualify as a basis for Reasonable Accommodation will result in withdrawal of the Application from all waiting lists.
- f. Failure to respond to the BHA's waiting list update.

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2. Determination of Ineligibility

Applications will be determined Ineligible for the following reasons:

- a. The Applicant failed to pay an outstanding balance owed to the BHA or other Federal or State housing assistance program;
- b. The Applicant failed to meet the Applicant selection or home visit criteria pursuant to this policy;
- c. The Applicant failed to pay a previous utility balance that result in a current denial of service by the utility supplier to the Applicant.

3. Notice of Withdrawal or Ineligibility

Applicants removed from a waiting list (s) will receive a written notice, which will:

- a. Inform the Applicant why s/he is being withdrawn or determined Ineligible;
- b. Advise the Applicant of his/her right to request an appeal of the action in an informal hearing within twenty (20) calendar days of the date of the notice. Such request must be in writing and must state clearly the Applicant's reason for requesting the informal hearing.

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- c. Advise the Applicant that if s/he or a Household Member has a disability, or is a victim of domestic or dating violence or stalking not previously disclosed that the disclosure of such condition or situation would initiate the consideration of Mitigating Circumstances and/or Reasonable Accommodation.
- d. Advise the applicant of his/her right to contest Applicant Background Check and Eviction Report information or CORI information in accordance with Federal and State law if that is a basis for determination of Ineligibility.
- e. Provide a description of BHA's Informal Hearing process and advise Applicants that they have a 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 at the hearing, the right to request a reasonable accommodation and the right, after receiving a decision, to request reconsideration.
- f. 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 twenty-one (21) calendar days of the initial decision or after a decision on reconsideration.

4.1.4 Applicant Appeals – Informal Hearings

1. Right to an Informal Hearing

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:

- a. Informs the Applicant of the reason(s) for Ineligibility, withdrawal or denial of Priority status or Preference(s) or denial of Reasonable Accommodation or Good Cause;
- b. Advises the Applicant of his/her 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. Advises the Applicant of his/her 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. Advises the Applicant that if s/he has a disability or is a victim of domestic or dating violence or stalking, not previously disclosed, that the disclosure of such condition or situation could lead to the consideration of Mitigating Circumstances and/or a reasonable accommodation, if it is related to the disability or the domestic or dating violence or stalking situation. Advises the Applicant that if s/he or a Household Member requests Mitigating Circumstances and/or reasonable accommodation at the time of or after requesting an informal hearing, the decision regarding the Mitigating Circumstances and/or accommodation may be remanded to the Occupancy Department or it may be made by the hearing officer.

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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 and for Applicants to a state-aided program, the right to request a review of the decision by the Massachusetts Department of Housing and Community Development.

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2. Scheduling the Informal Hearing

a) Upon receipt of the Applicant's written request, staff in the BHA's Grievance and Appeals Department shall schedule an informal hearing. The 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).

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A "**Notice of Informal Hearing**" shall be sent by the BHA's Grievance and Appeals Department to the Applicant's address of record listing the date, time and place of the hearing. The notice shall also restate 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. 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.

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b) Default. The BHA will uphold the Occupancy Department's decision if the Applicant does not attend the informal review and did not attempt to reschedule twenty-four (24) hours prior to the review. The BHA will reschedule an informal review when an Applicant submits evidence of

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compelling circumstances that prevented the Applicant attending the hearing on the scheduled date.

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3. Applicant Rights during the Informal Hearing

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.

4. Due Process Requirements

The informal hearing will conform to the following due process requirements:

- a. 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.
- b. An employee of the Authority who did not participate in the original decision must conduct the hearing.
- c. 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 Occupancy Department for reconsideration due to submission of new evidence.
- d. 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.
- e. 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.

5. Informal Hearing Decisions

After the informal hearing, all Applicants will be sent an "**Informal Hearing Decision**" from the BHA hearing officer. This notice shall:

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- a. Provide a summary of the hearing;
- 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;
- d. Explain the rights of the Applicant to seek reconsideration by the BHA within 14 days of the decision;
- e. 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).
- f. All informal hearing decisions shall be made within 15 working days of the close of the hearing or the record, whichever is later.

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

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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.

d. 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.

Note: Intentional misrepresentation by an Applicant 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.

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4.2 Priorities and Preferences

Certain BHA Applicants may qualify for a Priority and/or Preference, which affects the position of those Applicants on each BHA waiting list.

4.2.1 Definitions

1. **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. Specific Priority definitions and point information can be found later in this chapter in sections 4.4.3 and 4.4.5.

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2. **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 (See Section 10.3, Designated Housing and Section 10.4 Elderly Preference). Preference points are cumulative and are added to 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.

4.2.2 Verification

BHA will provide to each potential Applicant a description of each Priority and Preference available to Applicants. BHA will verify the Priority and/or Preference during the application process-as part of both the preliminary and final eligibility processes (See Section 4.4.3).

4.2.3 Matching of the Applicant and the Apartment Characteristics

Before applying Priorities and Preferences, BHA will determine the appropriate apartment size, and special needs requirements if any, based on Household composition and special needs required. 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.

4.2.4 Ranking by Priority and/or Preference Points

Applicants will be ranked on each selected development's/AMPs waiting list by Priority and/or Preference points, which are described below. Date Priority and/or Preference points are granted and original Application date will further rank each Applicant.

Although the BHA has adopted specific ranking categories, the order in which they are ranked is different in the BHA's State and Federal Public Housing Programs. A chart for each program listing the ranking categories and the order in which they are ranked follows:

Note: Approved Administrative Transfers will be offered housing before all ranking clients. Approved Emergency Transfers shall be offered every other 4th unit by waiting list by bedroom size and appropriate unit type. On-site Under or Over

Housed transfers shall be offered every 8th unit by development by bedroom size when the site is at 98% occupancy. See Chapter 6.

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BHA PRIORITY CATEGORIES

Federal Housing Programs

Administrative Transfers

Supported Housing Programs

Priority One:

- Displaced Due to Disaster
- Displaced Due to Domestic Violence
- Victim of Hate Crime
- Avoidance of Reprisal/Witness Protection
- Court Ordered no Fault Eviction
- Condemnation
- Urban Renewal
- Other Government Action
- Inaccessibility of Dwelling Unit
- Homelessness

**Priority Two:
(Elderly/Disabled
Program Only)**

- Excessive Rent Burden
- Imminent Landlord Displacement

State Housing Programs

Administrative Transfers

Supported Housing Programs

Priority One:

- Displaced Due to
- Natural Disaster

Priority Two:

- Urban Renewal
- Condemnation

Priority Three:

- Displaced Due to Domestic
- Violence
- Victim of Hate Crime
- Avoidance of Reprisal/Witness Protection
- Court Ordered No Fault Eviction
- Inaccessibility of Dwelling Unit
- Homelessness
- BHA Resident in Federal Program "Termination of Assistance" due to Lack any household member with eligible immigration status.

Priority Five:

AHVP (Alternative Housing Voucher Program)

Priority Six: (Elderly/Disabled Program Only)

- Excessive Rent Burden
- Imminent Landlord Displacement

Standard Applicants

Standard Applicant

Emergency Transfers

Emergency Transfers

On-Site Under or Over Housed Transfers

On-Site Under or Over Housed Transfers

Note: Approved Emergency Transfers shall be offered every other 4th unit by waiting list by bedroom size and appropriate unit type. On-site Under or Over Housed transfers shall be offered every eighth unit by development by bedroom size when the site is at 98% occupancy. See Chapter 6

4.2.5 Determining Placement on Waiting List

Priority and Preference points are added together to determine position on each selected development's/AMP's 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.

4.3 Organization of the Waiting Lists

The BHA maintains a waiting list for each of its 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.

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.

4.4 Application of Priorities and Preferences to the Waiting Lists

4.4.1 Not a Guarantee of Admission

It is BHA's policy that a Priority and/or Preference establishes placement position on a waiting list. Every applicant must still meet BHA's **Applicant Screening Criteria** (see Section 5.3.3) before being accepted as a resident.

4.4.2 Granting of Priorities and/or Preferences

A Priority and/or Preference will be granted to Applicants who are otherwise Eligible and Qualified and who, at the time they are certified for admission meet the definitions of the Priorities and/or Preferences described below.

Priorities and/or Preferences are established by the BHA in accordance with HUD and DHCD regulations.

4.4.3 Priority and/or Preference System

The following system of Priorities and/or Preferences will be used for new admissions to and transfers within BHA housing:

All requests for Priority Status must be verified by a third party 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 Personal Interview and/or as part of the final screening process.

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 Occupancy Department will send (or give) the Applicant a notice entitled "**Priority Status Request – Insufficient Documentation Notice**" detailing the information still needed to complete the review for Priority status.

Applicants who do not qualify for Priority status based on a review of the documents submitted are sent (or given) a notice entitled "**Notice to Applicants Denied Priority Status**" 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's Grievance and Appeals Department.

Applicants will be sorted on each waiting list in accordance with their Priority and/or Preference(s). The BHA considers residents seeking transfers as Applicants and as such they will be provided the opportunity to select the development/AMP waiting lists to which they choose to apply. The ranking categories utilized by the BHA are outlined below.

1. Emergency Transfers

For a complete listing of definitions of each Emergency Transfer Category and the verification required for each category, please refer to Section 7.2 of Chapter 7, "Transfer Policy."

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Approved emergency transfers shall be offered every other fourth unit by waiting list by bedroom size and appropriate unit type. See Chapter 6.

2. Supported Housing Programs- See Chapter 10.

3. Priority Applicants

Priority status for admission shall be granted to Applicant Households whose verified circumstances at the time of an offer of an apartment (prior to execution of the lease) fall within one of the following categories:

A. **Displacement due to a disaster**, such as flood or fire, that results in the un-inhabitability 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 must include:

1. a copy of the incident report from the local Fire Department, and
2. a copy of his/her lease, or a statement from the property owner, verifying that s/he is/was the tenant of record at the affected address, and
3. verification from the Fire Department, the Inspectional Services Department, the Health Department or other appropriate agency that the dwelling unit is now uninhabitable.
4. the cause of the disaster if known. If the Applicant 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 Occupancy Department Staff.

B. **Displacement due to domestic violence/Dating Violence or Stalking**, which is defined as displacement from an address where the Applicant is/was the tenant of record due to continuing actual or threatened physical violence (including sexual abuse) directed against one or more of the household members.

Verification must include submission of a fully completed "Certificate of Involuntary Displacement Due to Domestic Violence/Dating Violence/or Stalking " or 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. Such verification will not be considered valid unless it:

- a. Supplies the name of the abuser
- b. Describes how the situation came to verifier's attention; and
- c. Indicates that the threats and/or violence are of a recent (within the past six-(6) months) or continuing nature if the Applicant is still residing in the dwelling where the violence has occurred or is occurring.
- d. Indicates that the Applicant has been displaced because of the threats and/or violence or that the Applicant is in imminent danger where he/she now resides.

The Applicant must supply the name and address of the abuser
AND

Provide documentation that the Applicant is/was a tenant of record.

C. *Victim of hate crime:* A member of the Household has been a victim of one or more hate crimes AND the Household 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 submission of a fully completed "Certificate of Involuntary Displacement by Hate Crimes" or documentation from a law enforcement agency that the Household Member(s) was a victim of such crime(s); **and**

a. has vacated the dwelling unit because of such crime(s); **or**

- b. has experienced fear associated with such crime(s) and the fear has destroyed the peaceful enjoyment of their current dwelling unit.

D. Avoidance of reprisal/witness protection: Relocation is required because: (A) a Household Member provided information or testimony on criminal activities to a law enforcement agency; and (B) based upon a threat assessment, a law enforcement agency recommends the relocation of the Household to avoid or minimize risk of violence against Household Members as reprisal for providing such information.

Verification requirements:

- a) Submission of a fully completed "Certificate of Involuntary Displacement to Avoid Reprisal" or documentation from a law enforcement agency that the Applicant and/or a Household Member provided information on criminal activity; **AND**
- b) Documentation that, following a threat assessment conducted by the 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 Household Member(s) are themselves the victims of such crimes and have provided information (testimony) to a law enforcement agency.

E. Court-ordered no-fault eviction: eviction pursuant to an Order for Judgment (or Agreement for Judgment) issued by a court because of: (a) Landlord action beyond the applicant's ability to control or prevent, and the action occurred despite the applicant's 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 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 (ALL documents are required):

- a) submission of a fully completed "Certificate of Involuntary Displacement by Landlord Action"; **and**

- b) a copy of the Notice to Quit issued by the landlord or property manager; **and**
- c) a copy of the Summons and Complaint available from the court; **and**
- d) a copy of the Answer or other response(s) filed by the Applicant in court in response to the Complaint, if any; **and**
- e) a copy of the Judgment of the Court (Agreement for Judgment, Order for Judgment and Findings of Fact, or Default Judgment); **and**
- f) 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;
- 2. the action by the landlord or property manager occurred despite the Applicant Household having met all previously imposed conditions of occupancy;
- 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.

4. displacement was not as a result of non-payment of rent when there were no extenuating circumstance such as a rent increase or loss of income, therefore, the non-payment of rent is beyond the Applicant's ability to control or prevent the court-ordered eviction due to non-payment of rent. The following is a list of some of the additional required verification:

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- a) Verification of the gross income for ALL household members at the time the unit was rented and when the non-payment of rent started.
- b) Copies of bills and proof of payment history for all utilities listed in the Applicant's or Applicant's household members' name. The payment history must show when services connected and disconnected (when applicable) and the monthly charges and payment history.
- c) Copies of the mortgage payment history, if applicable.

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- d) Other applicable documentation to demonstrate that the non-payment eviction was due to unforeseen circumstances beyond the Applicant's ability to control or prevent the non-payment eviction.

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Failure to establish any one of the above referenced elements will result in denial of Priority status.

F. Condemnation of house/apartment: the applicant's housing has been declared unfit for habitation by an agency of government through no fault of the Applicant.

Verification Requirements:

- a) 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**
- b) the precise reason(s) for such displacement.

G. Displacement by any low-rent housing project or by a public slum clearance or urban renewal project initiated after January first, nineteen hundred and forty-seven, or other public improvement.

Verification Requirements:

- a) third-party, written verification from the appropriate unit or agency of government certifying that the Applicant has been displaced or will be displaced within the next ninety days, as a result of action by that agency, **and**
- b) the precise reason(s) for such displacement.

H. Other Government action (Federal Only): 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:

- a) 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**
- b) the precise reason(s) for such displacement.

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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 supervised public or private shelter designed to provide temporary living accommodations (includes welfare hotels, congregate shelters and transitional housing); or
- A public or private place not designed for human habitation.

Persons living with existing BHA residents or other subsidized housing, or living with residents in private housing even if only temporarily DO NOT qualify as homeless.

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

Verification Requirements:

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.

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
3. Copies of bills and proof of payment for all utilities listed in the Applicant's name for which s/he actually pays.

M. BHA Resident in Federal Program "Termination of Assistance" due to Lack any household member with eligible immigration status.

Verification requirements:

1. Notice of Termination of Assistance
2. Notice of Private Conference or Notice to

Quit.

N. IMMINENT LANDLORD DISPLACEMENT FROM A UNIT WITHIN THE CITY OF BOSTON (ELDERLY/DISABLED

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PROGRAM ONLY) You have not yet been evicted by Court-order BUT your landlord has notified you that you must vacate your dwelling unit through no fault of your own, unrelated to a rent increase, and you have actually vacated the dwelling unit or you will vacate the dwelling unit within the next six (6) months.

Verification requirements:

1. Submission of "Certificate of Involuntary Displacement by Landlord Action" form; and
2. Copies of any notices from the landlord to the Applicant regarding the termination of the tenancy.

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;
2. the action of the landlord or property manager occurred despite the Applicant Household having met all previously imposed conditions of occupancy;
3. displacement was not the result of failure to comply with HUD or DHCD policies in its housing programs with respect to occupancy of under-occupied and overcrowded Apartments or failure to accept a Transfer to another Apartment in accordance with a court order or policies or procedures under a HUD/DHCD-approved desegregation plan.

Failure to establish any one of the above referenced elements will result in denial of Priority Status.

3. On-Site Under or Over Housed Transfers

For complete definitions of each Under or Over Housed Transfer category and the verification required for each category, please refer to Section 7.2.3 of Chapter 7, "Transfer Policy."

4. Standard (no Priority) Applicants

Standard Applicants who qualify for no priority.

4.4.4 Preference System

The Preference system below applies only to Applicants for admission on BHA waiting lists.

Within Priority categories, and within the standard "no Priority" category (i.e., standard applicants), Applicants may also receive Preference points. Preference points are assigned to veterans, deceased or disabled veterans' families, handicapped/disabled Applicants (Family Program/AMP only), Elderly Households who select certain developments in accordance with state regulations and the BHA's Designated Housing Plan and Boston residents. Preference points will be added to Priority points to determine an Applicants' placement on each BHA waiting list. Thus a Priority Two Applicant with a residency Preference will be ranked above a Priority Two Applicant with no Preferences. Veterans, non-elderly disabled, Elderly Preference (State), Designated Housing (Federal) and Boston residency Preferences are cumulative, so an Applicant with more than one Preference (i.e., Veterans and residency) will be ranked higher within his or her Priority category than an Applicant with only one Preference.

The Preference categories are described below.

1. Veterans Preference

In all federal developments/AMPs and in state family developments, the Veterans' Preference shall be ranked above the residency Preference. In state elderly/disabled developments only veterans who also qualify for residency preference will receive veteran's preference. The Veterans Preference shall further be ranked in the following order:

- Among households equally in need (i.e., within the same housing Priority category), first Preference shall be given to families of non-elderly disabled veterans whose disability has been determined by the Veteran's Administration to be service-connected.
- Among households equally in need, second Preference shall be given to families of deceased veterans whose death has been determined by the Veteran's Administration to be service-connected.
- Among households equally in need, third Preference shall be given to families of other veterans. Among households of other veterans, Preference shall be given to families of disabled veterans whose disability has been determined by the Veteran's Administration to be service-connected, and second Preference shall

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be given to families of deceased veterans whose death has been determined by the Veteran's Administration to be service-connected."

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Verification Requirement:

Applicants claiming a Veteran's Preference must provide the Occupancy Department with 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.

2. Disabled Non-Elderly Persons will receive Preference points on Family development/AMP waiting lists only. Households claiming this preference must verify their Household composition and show that the Head or Co-Head of Household is disabled.
3. Designated Housing Preference(Federal Elderly/Disabled Program Only)
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 70% 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).
4. Elderly Preference (State Elderly/Disabled Program Only)
Applicants who are sixty (60) years of age or older and are on a State Elderly and Disabled Program development waiting list where the Disabled resident population is at least 13.5% will receive preference in admissions over Applicants who are under sixty (60) years of age (See Section 10.4).
5. 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

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(1) No length of Residency Required

This Preference is not based on how long an Applicant was resident of 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: (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:

- (a) Landlord verification;
- (b) A copy of a Lease;
- (c) Utility Bill (electric, gas, oil, or water)
- (d) Mortgage Payments;
- (e) Taxes;
- (f) Other verification deemed acceptable or necessary by BHA.

6. Residency Preference shall be given to BHA Applicants who are residents of the City of Boston, who work within the City of Boston, whose last permanent address was in the City of Boston and applicant has not claimed local residency preference in another community where the applicant is temporarily residing OR who have been offered employment in the City of Boston. Residency 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 household.

Applicants claiming a Boston Resident Preference shall be required to verify this through:

- 1. 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**
- 2. Proof that the Applicant is currently employed or has obtained employment in the city; **or**

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3. Proof that the Applicant's last permanent address was within the Boston city limits; and
4. Proof that an Applicant has not claimed local preference in another community.
7. BHA residents residing in federally funded developments/AMPs who are financially affected due to pro-rated rent where the rent is 50% or more of the household's total gross income.

4.4.5 Point System

1. The **Priority point system** used by BHA to process new admissions and transfers for all waiting lists for Family and Elderly/Disabled Developments/AMPs is as follows:

Federal Housing Programs:

• Administrative transfers	175 points
• Emergency transfers	67 points
• Supported Housing Programs	50 points
• Priority One Applicants	30 points
• Priority Two Applicants	10 points
• On-Site Under or Over Housed Transfers and Standard Applicants	0 points

State Housing Programs:

• Administrative transfers	175 points
• Emergency Transfers	70 points
• Priority One Applicants	60 points
• Supported Housing Programs	55 points
• Priority Two Applicants	50 points
• Priority Three Applicants	30 points
• Priority Four Applicants	20 points
• Priority Five Applicants	10 points
• Priority Six Applicants	9 points
• Under or Over Housed and Standard Applicants	0 points

2. **Preference points** will be added to Priority points as follows for Applicants for admission only:

- Veterans Preference
 - Families of non-elderly disabled veterans **4 points**
 - Families of deceased veterans **3 points**
 - All other veterans **2 points**
 - ◆ Local Veterans Preference **4 points**
(State Elderly/Disabled Only)
- Non-Elderly Disabled Household **6 points**
(Family Developments/AMP only)
- BHA resident in Federal Housing Pro-Rated rent burden (State only) **3 points**
- Designated Housing (Federal Elderly/Disabled Program only) **100 points**
Elderly
- Elderly Preference(State Elderly/Disabled Program only) **24 points**
- Displaced Boston Tenant Preference **2 points**
- Residency Preference **1 point**

3. Approved emergency transfers shall be offered every other 4th unit by waiting list by bedroom size and appropriate unit type.

4. On-site Under or Over Housed transfers shall be offered every 8th unit by development by bedroom size when the site is at 98% occupancy. See Chapter 6.

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4.5 Administrative Transfers

The BHA is occasionally required to initiate transfers that have not been requested by a resident. These transfers are required in order to free an apartment(s) for an important operational or policy reason. Typically, specific apartments must be identified for each Administrative Transfer. The BHA will consider the resident's documented need(s) for an on-or off-site transfer. Administrative Transfers will be placed on an

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on-site or off-site waiting list in accordance to the BHA's and resident's needs and thus are not available for matching under the point system described in Section 4.5.4 above. Administrative Transfers will be assigned before any other transfer type and new admissions. Administrative transfers include the following categories:

- Relocation necessary due to a redevelopment, capital improvement program, or extraordinary maintenance; or
- Compliance with legislative or regulatory requirement(s), for example sanitary code enforcement; or
- In Federal Developments/AMPs, Households Over housed by two or more bedrooms; or
- In State Developments, Households Over housed by two or more bedrooms; or
- Relocation necessary to free an accessible apartment to accommodate another BHA resident or Applicant with a disability who requires an accessible apartment or an apartment with special features.

4.6 Change in Priority and/or Preference Status While on a Waiting List

4.6.1 Change in Status

Occasionally, Households on a waiting list who did not qualify for any or a certain Priority and/or Preference at the time of application will experience a change in circumstances that qualifies them for a different Priority and/or Preference. In such instances, it is the Applicant's obligation to contact the Authority so that a change in status can be verified.

4.6.2 Verification

To the extent that the verification determines that the Household does not 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. The Household will then be informed in writing of how the change in status has affected its place on any waiting list previously selected. Intentional misrepresentation by an Applicant 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.

4.7 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.

(a) Split between Head and Co-Head of Household

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.

(1) 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).

- (2) If the Co-Head was added at a later date, 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

- (1) 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.

- (2) 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.
- (3) Verification Requirements
 - (i) 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.
 - (ii) Verification will not be considered valid unless it:
 - Supplies the name of the threatening or abusive Household Member
 - 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.

4.7.1 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 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

1. 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.
2. Assistance required under such agreements shall include, but is not necessarily limited to, the following services:
 - Assistance in evaluating applicants for program participation;
 - Checking to see if the residents are paying their rents and other charges and are properly maintaining their units;
 - Helping residents to maintain their households, including managing their money;
 - Providing specialized supportive services and crisis intervention in order to obtain necessary treatment to avoid eviction action.
3. All Applicants and residents who participate in these programs must meet the Threshold Requirements for the program for which they are applying. (See 5.1.2)

4. 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 (Federal Elderly/Disabled Program only)

10.3.1 Plan Description

The BHA will allocate units in the Elderly/Disabled developments/AMP in order to move towards a ratio of 70% designated to elderly families and 30% to non-elderly disabled families. In order to achieve these percentages additional admission Preference Points will be applied to Elderly Applicants at designated Elderly/Disabled Program developments/AMPs. Applicants who are Elderly and are on an Elderly/Disabled Program development/AMP wait list where the Elderly resident population is less than 70% will receive Preference Points in addition to any they may already have.

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 65%, the development/AMP will be flagged so that each subsequent offer of housing will be reviewed by a Manager in the Occupancy Department. When the percentage of elderly households occupying a development/AMP reaches 70%, 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 70%, the BHA will turn on Designated Housing Preference points to elderly 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.

(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 households and eligible and qualified disabled households whose members have attained the age of 50 but are less than 60 years old, the LHA 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.

10.5 Resident Custodians and Special Assignment Laborers

10.5.1 Rules Governing Residency of Resident Custodians and Special Assignment Laborers

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:

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- Do not have to qualify as a Low Income Household;
- Are not subject to the BHA's resident selection procedures;
- Are subject to the Resident Custodian or Special Assignment Laborer license agreement eligibility requirements;
- May be charged a reasonable rent or may be provided a BHA apartment rent-free;
- Are not subject to BHA lease and grievance procedures, but have a license agreement for occupancy with the BHA; and
- 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.

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10.5.2 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.

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10.6 Occupancy by Police Officers (Federal Developments/AMPs Only)

10.6.1 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.

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10.6.2 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

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such police officers might not otherwise qualify, based on income, for BHA public housing.

10.6.3 Terms of Tenancy for Police Officers

1. 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.

2. 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.

3. 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.

4. Lease

Police Officers shall execute a lease or occupancy agreement with the BHA providing for the terms of occupancy of an apartment.

5. 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.

Failure to remain employed as a Police Officer will therefore result in a refusal to renew a Police Officer's lease or occupancy agreement.

6. 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.

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10.6.4 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.

10.7 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. In state-aided housing, this policy requires the approval of DHCD.

10.8 Waiver Provision

The Director of Occupancy may recommend and 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. In each such case a written report must be filed by the Director of Occupancy, and approved by the Administrator or his/her designee. These reports (if any) shall be available to HUD and DHCD on a quarterly basis. Further, copies of these reports (if any) with names and other identifying references deleted shall be available for public inspection, upon request. 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.

CHAPTER 11: DEFINITIONS OF TERMS USED IN THIS STATEMENT OF POLICIES

1. **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.
2. **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.
3. **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.
4. **Administrator** - The chief executive officer of the Boston Housing Authority.
5. **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.
6. **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.
7. **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.
8. **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.
9. **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).

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10. **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).

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11. **Area Median Income (AMI)** – The median income of the greater Boston area as determined by HUD.

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12. **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 every day 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.)

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13. **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.

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14. **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.

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15. **Department of Housing and Community Development (DHCD)** -- the agency responsible for the oversight and monitoring of the State's public housing program.

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16. **Dependent** - A member of the Household, other than head, co-head, sole member, foster child, or Personal Care Attendant, who is under 18 years of age, a Disabled Person, or a full-time student.

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17. **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.

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18. **Disabled Person** –

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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 §1 and in 760 CMR 5.07.

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 of such nature that such ability could be improved by more suitable housing conditions.

For Eligibility in Federally-Assisted Housing – 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-

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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

B. 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.*

19. **Elderly Household** - A Household whose Head of Household, Co-Head of Household, or spouse (or sole member) is an Elderly Person.
20. **Elderly Person** - means a person who is at least 62 years of age. For state assisted housing a person who is at least 60 years of age.
21. **Eligible** – means a person or household that has met the three threshold requirements pursuant to Section 5.1.2 for Preliminary Eligibility.
22. **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.
23. **Eligible Non-Citizen Status (for Federal Program only)** - The admittance of a Non-Citizen to the United States under one of the following categories:
 - 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;
 - 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 USCS § 1259];
 - 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

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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);

- 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));
- 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));
- A Non-Citizen lawfully admitted for temporary or permanent residence under section 245A of the Immigration and Nationality Act [8 USCS § 1255a].
- Lawfully admitted for temporary or permanent residence (amnesty granted under Immigration and Naturalization Act Section 245A).

24. **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.

25. **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.*)

26. **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, and members temporarily absent (including children temporarily assigned to foster care¹⁴), may be considered a part of the Household group if they are living or will live regularly with the Household.

27. **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.

28. **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.

¹⁴ See 24 CFR 5.403.

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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.

29. **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.
30. **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.
31. **Head of Household** - means the member who assumes responsibility and accountability for the Household and signs the lease.
32. **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, who resides in the apartment.
33. **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, who resides in the apartment.
34. **Home Visit** - a visit by BHA Occupancy Department staff or contractor to the home of an Applicant pursuant to the provisions of this policy.

35. **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.
36. **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.
37. **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.
38. **Lease** -- A written agreement between the BHA and Head or Co-Head of Household for the occupancy of an apartment.
39. **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).
40. **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.
41. **Mixed Family** – A family whose members include those with citizenship or Eligible Non-Citizen Status, and those without citizenship or Eligible Non-Citizen Status.
42. **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.
43. **Non-Citizen** – A person who is neither a citizen nor National of the United States.
44. **Occupancy 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 Occupancy Department administers the Admissions and Continued Occupancy Policy including eligibility for resident transfers.

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- 45. **Overcrowded** - a condition of occupancy where too more people reside in an apartment given its bedroom size and applicable standards
- 46. **Overhoused** - a condition of occupancy where too few people reside in an apartment according to BHA standards for occupancy.
- 47. **Personal Care Attendant (PCA)** - 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)
- 48. **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.

49. **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.

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50. **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.

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51. **Qualified** – An Applicant who is Eligible and has been approved for admission to BHA housing after meeting all requirements of the BHA Screening Policy.

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52. **Qualified Healthcare Provider** - a medical or rehabilitation professional or expert, **OR** non-medical service agency whose function is to provide services to the disabled.

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53. **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 persons 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.

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54. **Reasonable Structural Modification**- A change to a BHA apartment or to a common area which is reasonable and necessary on account of a person's

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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.

55. **Residual Tenancy Applicant** - An existing Household Member, (except a Personal Care Attendant), 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.

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56. **Residual Tenant** - A remaining Household Member, (except a Personal Care Attendant), 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.

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57. **Non-Smoking** - A designation whereby smoking is prohibited inside an apartment or building (including common areas) and within a defined distance of the building.

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58. **State-Aided Housing** - A low-rent housing development aided or financed by loans and/or annual contributions from DHCD.

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59. Temporary/Transitional Housing Assistance - Housing assistance provided to Applicants who receive rental assistance from a state or federal agency which is an extension of a shelter program that last for twelve months or less and/or does not have self sufficiency goals as part of its program will be considered temporarily/transitionally housed and therefore homeless for purposes of preferences and priority under this policy.

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60. **Tenant Status Review (TSR)** - The process and the document used to complete the required annual reexamination of all BHA residents.

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61. **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.

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62. **Under housed** - a condition of occupancy where too many people reside in an apartment according to BHA standards for occupancy.

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63. **Uniform Federal Accessibility Standards** - Standards for the design, construction, and alteration of publicly owned residential structures to insure that mobility and/or sensory impaired persons will have ready access to and use of such structures.

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- 64. **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. Deleted: 1

- 65. **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. Deleted: 2.

- 64. **Vacancy Action Form** – Document by which BHA staff report the status of a vacated apartment (see Section 6.2.3 for status categories). Deleted: 63

- 66. **Vacate Date** – The date on which a tenant vacates, abandonment proceedings are concluded; or the tenant is evicted. Deleted: 64

- 67. **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. Deleted: 5

- 68. **Veterans' Preference** – A Preference that is given to Veterans, as defined above, when applying for BHA housing. Deleted: 6

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