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BOSTON HOUSING AUTHORITY

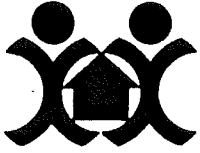
Leased Housing Division Administrative Plan for Section 8 Programs

William McGonagle
Administrator

As Amended April 1, 2013

Deleted: December 6, 201





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October 26, 2012

Summary of Proposed changes to the Boston Housing Authority's Leased Housing Division Administrative Plan for Section 8 Programs:

- Chapter 3: Revised Section 3.3.5; Note under Homeless priority; removed the word "private"
- Chapter 5: Revised Section 5.2.3 ;Past Balances. Applicants with outstanding debts will be entered into the BHA database as Preliminarily eligible, notified of the debt owed and be permitted to make full payment prior to final eligibility
- Chapter 10: Revised Section 10.1.4; added "who is at boarding school".
- Definitions: added definition of Temporary/Transitional Housing.
- Appendix A Boston Housing Authority Moderate Rehabilitation Program Administrative Plan; Chapter 16: Section 16.3; removed the exclusion of Section 13.3.4 from Discretionary Termination

CHAPTER 3: APPLICATIONS AND ADMISSION

3.1 Applications and Processing

3.1.1 Application Forms

Preliminary application forms are available at the BHA's Central Office, located at 52 Chauncy Street, Boston, in its John F. Murphy Housing Service Center, located at 56 Chauncy Street, Boston, and at other locations, as determined by the BHA. 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, *if* the waiting list for the program they want to apply to is open. The BHA will only accept applications by mail or hand delivery. The BHA will not accept applications by fax or email.

3.1.2 Processing and Maintenance

It is the BHA's policy to accept, process, and maintain applications in accordance with applicable BHA policy and federal regulations. The BHA will notify the Applicant upon receipt of an application whether the BHA is ordering its Waiting list by random or by a chronological a selection approach. See section 3.2.4. An Applicant shall be given a date and time stamped receipt that informs the Applicant of his/her responsibility to notify the BHA of any change of address or Family Composition and to respond to application update requests sent to them. Failure to update the BHA may result in removal of the application from the waiting list. See section 3.2.5

3.1.3 Assignment of Application Client Control Number

Each Application will be assigned a client control number when completed and received by the BHA.

3.2 Waiting List Administration

3.2.1 Generally

The BHA must select Participants from a BHA waiting list, unless they are Special Admissions. See section 3.4. The BHA will maintain a single waiting list for its HCVP tenant-based assistance program. The BHA will also maintain separate, site-based, waiting lists for each development in its Project-Based Voucher program. An Applicant who meets the preliminary qualifications may add their name to any or all waiting lists. Each waiting list must contain the following information about each Applicant:

- (a) Applicant name;

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- (b) Family Composition (to determine the number of bedrooms the Family qualifies for under the BHA Subsidy Standards described in section 5.4.3);
- (c) Whether the Family has any Elderly or Disabled members;
- (d) Date and time of application;
- (e) Racial and ethnic designation of each Family member;
- (f) Client Control Number (see section 3.1.3); and
- (g) Any approved Preference or Priority (see section 3.3).

3.2.2 Opening and Closing the Waiting List

- (a) **Opening the Waiting List.** The BHA will give at least two weeks advance public notice that a Family may apply for housing assistance before opening the waiting list. The notice must state where and when a Family should apply. The notice shall also state any limitations on the criteria for the type of Family that may apply. The notice shall be circulated in a local newspaper of general circulation, by minority media, and any other means that the BHA finds suitable. The notice shall also state the time limitation of the application period. Once a waiting list is open, the BHA must accept applications from a Family for whom the waiting list is open. Any opening of the waiting list will be publicized in accordance with the Marketing and Outreach requirements described in Chapter 2 of this Administrative Plan.

If the waiting list is open for special programs it will only be open for the purpose of accepting applications for the special programs.

- (b) **Closing a Waiting List.** The BHA may close a waiting list anytime that the BHA determines that the Applicant pool is large enough to fill the estimated amount of available Vouchers for the next twelve (12) months. The BHA may close an entire waiting list or close only a portion, keeping part of the waiting list open to a certain Priority, or for any special programs.

During the period when the waiting list is closed, the BHA will not maintain a list of individuals who wish to be notified when the waiting list is reopened.

3.2.3 Updating the Waiting List

The BHA will update its waiting list periodically. The BHA will perform waiting list updates by removing, in accordance with section 3.2.5, the name of any Applicant:

- (a) Who is no longer interested; OR

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- (b) No longer qualifies for housing; OR
- (c) Cannot be reached by mail sent to address provided by the Applicant (i.e., mail is returned to the BHA by the post office).

3.2.4 Selection Methods

Regardless of the selection method that the BHA uses, each application will be assigned an application client control number as described in section 3.1.3.

- (a) **Lottery or Random Selection Approach.** The BHA may order its waiting list based on a random selection method. Once the application period is over and all applications are submitted, the BHA will randomly order the applications on its waiting list.
 - (1) **Limitation on number of applications submitted.** If the BHA believes it will receive far more Applicants than it will be able to assist within a reasonable period, then the BHA will make selection rules in advance to limit the number of applications placed on the waiting list. When the application deadline passes, the BHA will randomly select the previously determined number of applications from a pool of all applications submitted. The BHA will then randomly order the selected applications on the waiting list.
- (b) **Chronological Selection Approach.** The BHA may order a waiting list based on the date and time the application is received. The BHA will assign a chronological application client control number and date and time stamp the application when the Applicant completes the application at a BHA application-taking location.

3.2.5 Removal of an Application from Waiting Lists

An Applicant may appeal the BHA's decision to remove their application from a waiting list by requesting an informal review. A request for an appeal must be made **in writing** and must be received by the BHA within twenty (20) calendar days of the date of the notice removing the Applicant from the waiting list. The BHA will hold the files of Applicants removed from any waiting list for three (3) years.

An Applicant will be removed from the waiting lists of all programs they have selected by using the following procedure:

- (a) **Withdrawal of an Application.** The circumstances that result in the withdrawal of an Applicant's name from any or all waiting lists include:

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- (1) The Applicant requests **in writing** that his/her name be removed; **OR**
- (2) The BHA has made reasonable efforts to contact the Applicant to determine continued interest or to schedule an interview, but has been unsuccessful in reaching the Applicant. A reasonable effort to contact the Applicant shall include, but not be limited to, 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; **OR**
- (3) If an Applicant fails to keep an appointment and fails to notify the BHA, within ten (10) days after the date of the appointment, of his/her inability to keep an appointment, or the Applicant fails to supply documentation to the BHA in accordance with section 5.3.2(d); **OR**
- (4) Being Denied Assistance (see Chapter 6: Denial of Voucher and Applicant Appeals).

Note: If an Applicant is otherwise eligible for the tenant-based HCVP but is denied assistance for a specific project-based program because the Applicant does not meet the specific requirements for a supportive services program, the Applicant will retain their position on the tenant-based HCVP waiting list.

- (5) An Eligible Applicant on a PBV site based waiting list will receive an offer of an apartment of appropriate size at a PBV or Mod Rehab site of choice. Failure to accept the housing offer will result in withdrawal from the PBV and Mod Rehab waiting list(s).
The Applicant will lose any approved Priority and/or Preference. Furthermore, the Applicant will only be eligible to re-apply after one (1) year from the date of the most recent PBV or Mod Rehab unit rejection

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- (6) Withdrawal Upon Becoming Housed
 - (i) When an Applicant becomes housed, the BHA will withdraw the Applicant from all BHA waiting lists for which the Applicant no longer qualifies for as a result of becoming housed.

- (b) **Consideration of Circumstances Leading to Withdrawal** The BHA will consider a Mitigating Circumstance in determining

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whether the Application should be withdrawn as described above in section 3.2.5(a). Such mitigating circumstances could include a health problem, a lack of transportation, or Domestic Violence, Dating Violence, or Stalking that affected the Applicant's ability to comply with the BHA's requirements or prevented the BHA from contacting the Applicant. The Authority will also consider a Reasonable Accommodation that may be necessary for an Applicant who is a Disabled Person to keep an appointment or provide information. Consideration of a Mitigating Circumstance does not relieve the Applicant of the responsibility to provide required information or notify the BHA in writing.

(c) **Notice of Withdrawal or Ineligibility.** The BHA will send a written notice to an Applicant who is removed from a waiting list. The notice will:

- (1) Inform the Applicant of the reasons for being withdrawn from the waiting list or being determined Ineligible;
- (2) Advise the Applicant of the right to dispute the BHA determination of ineligibility or withdrawal by requesting an informal review within twenty (20) calendar days of the date of the notice. A request for an informal review must be in writing and must state the reason(s) for the request;
- (3) Advise the Applicant that if s/he has a Disability, or is a victim of Domestic Violence, Dating Violence, or Stalking, not previously disclosed, that the disclosure of such condition or situation would initiate the consideration of Mitigating Circumstances and/or Reasonable Accommodation;
- (4) Advise the Applicant of the right to contest criminal record information in accordance with federal law if that is a basis for determination of ineligibility;
- (5) Provide a description of BHA's informal review process and advise the Applicant that s/he has a right to be represented by an attorney or other individual at the informal review, to review the contents of their file in advance of the hearing, to submit additional documentation and evidence at the hearing, and to request a Reasonable Accommodation.

3.2.6 Conversion of Project-Based to Tenant-Based Voucher

Upon completion of one year in the Project Based Voucher ("PBV") program, a Participant in good standing may choose to select a tenant-based Voucher. If a Voucher is not immediately available, an eligible PBV Participant will be placed on a waiting list by date and time of tenant-based Voucher request. As soon as a tenant-based Voucher becomes available, the BHA will grant the tenant-based Voucher to the eligible PBV

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Participants who has requested a tenant-based Voucher by date and time of request. An eligible Participant who has completed one year in the PBV program shall be granted a tenant-based Voucher before any Applicant on a waiting list is granted a Voucher.

3.2.7 Applicant Family Break-up

A Family Break-Up occurs when a Head, Co-head of household, or other adult family member will no longer reside together and there is a dispute as to who will retain the Application. A Family Break-Up situation may occur in instances including but not limited to: divorce, separation, or protective order. When a Family Break-Up occurs, the Application does not necessarily remain with the Head of Household.

When the BHA receives notice that a Family has broken up or will imminently break-up, the BHA will make the determination of which adult Family member shall retain the Application using the criteria and the procedure provided below. If the application is split between one or more adult Family members, each new Family must qualify for Priority and Preference as required to remain on the waiting list and may not rely on the Priority and Preference of the previously unified Family.

(a) Court Determination.

If a court has determined the disposition of the Family's Application subsidy in a divorce or separation under a court order or court approved settlement (provided that no provision is against State or Federal Housing regulations), the BHA is bound by the court's determination as to which Household Member(s) will continue with the Application. Such a determination cannot be appealed through the BHA review process, as it is the court's determination, and not the BHA's determination that governs.

(b) BHA Determination

When there is no court determination, the BHA shall determine:

- (1) Which adult Household Member will continue with the Application; OR
- (2) If multiple adult Family members are to be granted separate Applications where all adult Family members meet Priority and Preference requirements to remain on the waiting list.

In making this determination, the BHA shall consider the interests of all Household Members. The BHA will use its discretion to decide which adult Household Member(s) will keep the Application by taking into account the following factors:

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- (i) The interests of any minor children, physical custody;
- (ii) The interests of any ill, Elderly or Disabled Persons who are family members;
- (iii) Whether family members *fled* because of actual or threatened violence by a head or/and co-head (The BHA will take this factor into consideration regardless of whether the individuals who have fled and were recorded household members on the Application are the victims or the perpetrators);
- (iv) The amount of time since the Household Member(s) was/were added to the Family Composition. The BHA will consider this factor, on a case by case basis, the circumstances surrounding a Household Member's being added or not having been added to the Household.
- (v) Any temporary or permanent restraining or protective orders.

(c) Notice of Proposed Disposition of Application

When the BHA receives notice that a Family has broken up or will imminently break-up, the BHA will make an initial determination under section (b) regarding which Household Member shall retain the Application or if multiple Family members will have right to retain separate Applications. A notice shall be sent to any and all addresses identified by such adults, and not solely to the last address for the Head of Household. The notice shall describe what factors BHA utilized in arriving at its decision. The notice shall also state that all adult Family Members have twenty (20) days to request a review of the decision.

(d) Right to Informal Review of BHA's Initial Determination

If the Head or Co-head (or another adult as described in section (f) disagrees with the BHA's determination regarding which person(s) shall retain the Application, that person may request an informal review of the determination. The request for an informal review must be made in writing and submitted to the BHA Occupancy Department, 52 Chauncy Street, 3rd floor, Boston, MA 02111, within twenty (20) days of the date of the BHA's notice.

(e) Procedure for Informal Review

If the Head, Co-Head, or another adult as described in section (f) requests an informal review disputing the BHA's Family Break-Up determination, the BHA Occupancy Department shall conduct a review. The Head and co-Head (and other adults as may be required by section (f)) shall be given notice of the review date.

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The review will be conducted by a person who did not make, or is not the subordinate of the person who made the initial determination. The person requesting the review shall have the right to examine the documents relevant to the BHA's determination. The BHA will redact any information, including addresses where applicable, which could compromise the safety of any person. The BHA may alter its usual review procedure and rules, consistent with applicable law, to assure the safety of all individuals who may be participating in the proceeding.

The person conducting the review shall issue a written decision within thirty (30) days from the review date. The decision shall be sent to all adult Household Members (and other adults as may be required by section (f)).

(f) **Procedure Where there is a Family Break-Up and Adults Who Are Not Currently Household Members Advance a Claim on Behalf of Minor or Incapacitated Household Members**

Where:

- (1) There has been a Family Break-Up with one or more remaining Minor Household Members and no remaining Co-Head. The result of the Break-up was due to reasons included but not limited to death, incarceration, or incapacitation of the Head; **AND** one or more adults who are not currently Household Members advance a claim that they wish to become the Head of Household on behalf of one or more remaining Minor or incapacitated Household Members; **AND** there is a dispute about who should become the Head of Household, the BHA shall determine which such claimant shall take over the Application using the criteria under section (b) above.
- (2) In the event the remaining Household Member(s) is an incapacitated Adult who is unable to fulfill the Family obligations, the proposed Applicant must be an adult who has been appointed either a temporary or permanent guardianship, and is willing to assume the obligations and responsibilities as Head of Household.
- (3) Any adult granted the Application is subject to fulfill all preliminary and final eligibility requirements governed by this Administrative Plan or its successor.

(g) **Any adult granted the Application is subject to fulfill all preliminary and final eligibility requirements governed by this Administrative Plan or its successor.**

3.3 Priority and Preference Admissions

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The following system of Priorities and/or Preferences will be used for new admissions.

Process Overview:

A third party must verify all requests for Priority Status. Information shall be submitted on certificates of Priority Status and/or another form of written verification from a reliable third party as determined by the BHA. All requests for Priority status will be reviewed prior to the determination of Eligibility.

During the review of documents submitted for Priority status, it may be necessary to obtain additional documentation in order to complete the review. In this case, the Occupancy Department will send (or give) the Applicant a notice detailing the information still needed to complete the review for Priority status and the submission deadline.

Applicants who do not qualify for Priority status based on a review of the documents submitted are sent (or given) a notice detailing the specific reason(s) for the denial of Priority. This notice informs Applicants of their right to appeal the denial of Priority status through the informal hearing process conducted by the BHA Department of Grievances and Appeals.

Applicants will be sorted on each waiting list in accordance with any approved Priority and/or Preference(s). The ranking categories utilized by the BHA are outlined below.

3.3.1 Definition of Priority

Priority is a housing-related situation that affects an Applicant's present residential status. The BHA gives points to an Applicant with a Priority that ranks an Applicant higher on each waiting list than an Applicant without Priority. An Applicant can qualify for only one Priority at any given time. Certain Priorities are given more points than others are. An Applicant will always be assigned to the highest Priority for which they qualify.

3.3.2 Definition of Preference

The BHA gives preference to an Applicant on the waiting list if they qualify for one of the Preference categories listed below. See section 3.3.6. Preference points are cumulative and are added to the Applicant's Priority points (if any) to determine an Applicant's position on each BHA waiting list. An Applicant may qualify for more than one Preference at a time.

3.3.3 Verification of Priority or Preference Status

The BHA will provide to each potential Applicant a description of all Priorities and Preferences that may be available. BHA will verify the Priority during the application process as part of the determination of eligibility (See section 5.2).

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3.3.4 Granting of Priorities and/or Preferences

It is BHA policy that a Priority and/or Preference, as well as date and time of the application, establish placement position on a waiting list. The BHA will grant Priority and/or Preference to Applicants who are Eligible, Qualified, and meet the definitions of the Priorities and/or Preferences (see section 3.3.5) at the time they are certified for Admission.⁷ Applicants can apply for Priority status at anytime the waiting list is open.

3.3.5 Priority Categories

- (a) **Super Priority.** The BHA will admit an Applicant to the Section 8 program before all other Applicants on the waiting list if:
- (1) The Applicant resides in BHA public housing, AND;
 - (i) The Applicant Family is being temporarily displaced due to BHA rehabilitation and modernization programs; or
 - (ii) The Applicant or a member of the Applicant Household is in imminent danger of life threatening injuries due to providing testimony or information regarding criminal activity to a local law enforcement agency; or
 - (iii) The Applicant or a member of the Applicant Household is a victim of physical harassment, extreme or repeated vandalism to personal property and/or extreme and/or repeated verbal harassment, intimidation or coercion which places them in imminent danger and that cannot be expeditiously remedied in any other way; or
 - (iv) The Applicant or a member of the Applicant Household has been or is currently a victim of Domestic Violence, Dating Violence, or Stalking, and has a reasonable belief of risk of imminent harm if he or she remains in the current Unit and no other BHA public housing sites are an appropriate alternative, or
 - (v) The BHA cannot approve the Applicant's request for Reasonable Accommodation at any of the BHA's public housing sites because the request

⁷ If the Applicant is denied priority status and requests an informal review, the hearing officer at the review will determine the priority status at the time of certification and not at the time of the hearing. The BHA will take into consideration the individual circumstances of each Applicant.

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would be unreasonable, an undue financial burden, or a fundamental alteration of the program and the Applicant's Request for Reasonable Accommodation could be resolved by being assisted under the HCVP.

(2) The Applicant is a Participant in the BHA's Section 8 Moderate Rehabilitation Program , AND;

- (i) The Applicant or a member of the Applicant Household is in imminent danger of life threatening injuries due to providing testimony or information regarding criminal activity to a local law enforcement agency; or
- (vi) The Applicant or a member of the Applicant Household is a victim of physical harassment, extreme or repeated vandalism to personal property and/or extreme and/or repeated verbal harassment, intimidation or coercion which places them in imminent danger and that cannot be expeditiously remedied in any other way; or
- (vii) The Applicant or a member of the Applicant Household has been or is currently a victim of Domestic Violence, Dating Violence, or Stalking, and has a reasonable belief of risk of imminent harm if he or she remains in the current Unit and no other BHA Section 8 Moderate Rehabilitation sites are an appropriate alternative, or
- (viii) The Owner and/or the BHA cannot approve the Applicant's request for Reasonable Accommodation at any of the BHA's Section 8 Moderate Rehabilitation sites because the request would be unreasonable, an undue financial burden for the Owner, or a fundamental alteration of the program, and the Applicant's Request for Reasonable Accommodation could be resolved by being assisted under the HCVP.

(3) Verification Requirements:

Applicants will be asked to provide reliable documentation to show that their Family qualifies for Super-Priority as outlined in section 3.3.5(a)(1) and (2) . Such verification may include the following items:

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- (i) A letter(s) from a Qualified Healthcare Provider describing an Applicant's physical or mental condition and specifying housing conditions required because of the condition;
- (ii) For Reasonable Accommodation requests, reliable documentation from a Qualified Healthcare Provider or professional non-medical service agency, whose function it is to provide services to the disabled. Documentation should verify that the Applicant or a member of his/her Household is disabled under the applicable definitions in Federal and State law and describe the limitations attributable to the disability. Documentation must also describe how the accommodation being requested will overcome or alleviate those limitations;
- (iii) Police reports;
- (iv) Civil Rights incident reports;
- (v) Copies of restraining orders;
- (vi) Any other documentation that provides the BHA with evidence of Super Priority criteria.

(b) City of Boston Interagency Council on Housing and Homelessness (ICHH) Programs Priority:

1. Enhancing Economic Self-Sufficiency(EESS) Program

The EESS program is an employment-specialized form of supported housing designed to permanently solve homelessness amongst a subset of homeless families residing in family emergency shelter in the City of Boston. Targeted will be heads-of- households with housing barriers related to limited rental housing history and constrained income potential. Typically, these will be single, younger heads of households without educational degrees or work experience. Households fitting this profile will be offered the following supports(1) 18 months of support services focused on bettering the head of household's income opportunity, and (2) Section 8 rental assistance for those participating households that are willing to participate in economic self-sufficiency activities.

The BHA will provide no less than thirty (30) tenant based housing vouchers to qualified participants in this program. The City of Boston will provide funding from the Massachusetts Interagency

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Council on Housing and Homelessness (MICHH) to Heading Home, a EESS contracted non-profit agency to provide support services to participants. Heading Home will identify and refer qualified EESS applicants to the BHA.

2. Housing and Stabilizing Chronically Homeless with Supports and Employment (HSCHE) Program

The HSCHE program will be a Housing First Initiative designed to permanently solve homelessness amongst Long Term Stayers in Boston's homeless shelters. The HSCHE Program will combine three program features;(1) permanent housing through the BHA's public and Section 8 Program, (2) case management tailored to specific needs of the target population, and (3) Work First Services that link housing stabilization with vocational support and job opportunity.

The BHA will provide no less than fifty(50) tenant based housing vouchers to qualified participants in this program. The City of Boston will provide funding from the Massachusetts Interagency Council on Housing and Homelessness(MICHH) to Home to Stay, a group of non-profit agencies partnering to provide support services to participants. Home to Stay will identify and refer qualified applicants to the BHA.

3. Linking Treatment to Housing Program

The Linking Treatment to Housing Program is a supported housing program serving chronically homeless individuals in the City of Boston with co-occurring mental illness and substance abuse. The Boston Public Health Commission (BPHC) and the BHA have partnered to create this program which seeks to serve 325 chronically homeless individuals over a five year period. The BPHC will provide services through funding received from a five year grant from the U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration (SAMHSA). The BHA will provide a total of 325 vouchers over the grant period with 45 vouchers to be provided in the first year and 70 vouchers to be provided per year for years 2-5. The BPHC will identify and refer qualified applicants to the BHA wherein the BHA shall screen for HCVP eligibility.

The goal of the *Linking Treatment to Housing* program is to improve residential stability and reduce psychiatric symptoms and substance use for 325 chronically homeless people in Boston with co-occurring mental illness and substance abuse over the 5-year project period. To achieve this goal, the project has the following three objectives. Each objective encompasses the 325 members of the target population to be served over the project period. We expect that 45 clients will be served in Year 1 (allowing for the three-month start-up period) and 70 clients annually in Years 2-5.

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Objective 1. Client recruitment and connection to housing. Select members of the target population in need of permanent housing and, using vouchers provided by the Boston Housing Authority and housing search provided by HomeStart and other project partners, connect them to subsidized housing in the community.

Objective 2. Provide case management and integrated treatment services using the Critical Time Intervention (CTI) model. The model has three phases: 2A. *Transition to community:* Upon a client's enrollment in the project, the Clinical Supervisor or Case Manager will perform an initial needs assessment (including substance abuse, mental health, money management, housing crisis management, vocational and other needs). With the client, the Case Manager will formulate a treatment plan, focusing on selected areas identified as crucial in facilitating the client's stability and community assimilation. The Case Manager will also link the client to services in the community. 2B. *Try-out:* Test and adjust the systems of support that have been established in the community and make necessary adjustments in the treatment plan. 2C. *Transfer of care:* Secure links to community providers to support a client's longer-term reduction of stability in the community.

Objective 3. Service consortium. Support long-term stability in the community for program clients and develop capacity among Boston service providers for integrated services to newly housed homeless individuals by establishing and maintaining a consortium of services providers in housing, housing search, substance abuse treatment, mental health, employment and other support services.

Achieving these goals and objectives will strengthen the ability of service providers in Boston to stabilize and support chronically homeless individuals with serious mental illness so that they can live in their own homes.

4 Leading the Way Home

The Leading the Way Home program is a form of supported housing designed to permanently solve homelessness amongst a subset of Boston homeless families residing in family emergency shelters funded by the State of Massachusetts. Households fitting this profile will be offered the following supports (1) 18 months of support services focused on stabilization and self-sufficiency, and (2) Section 8 rental assistance for those participating households that are willing to participate in stabilization and economic self-sufficiency activities.

The BHA will provide no less than five-hundred (500) tenant based housing vouchers to qualified participants in this program. The State of Massachusetts will provide funding for the stabilization and supportive services for participants. The Massachusetts Department of Housing and Community Development (DHCD) or

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its subcontractor will identify and refer qualified Leading the Way Home applicants to the BHA.

(c) **The U.S. Congress and HUD Homeless Study Priority**

The City of Boston has been selected by HUD to be one of twelve communities nationwide that will participate in a study of the impact of various service and housing interventions in ending homelessness for families. The study will compare four types of housing assistance and services to determine which interventions work best to promote housing stability, family preservation, child well-being, adult well-being, and self-sufficiency. HUD has contracted with a team of researchers led by Abt Associates Inc. to design and carry out this evaluation. To provide the strongest possible evidence of the effects of the housing and services interventions, the evaluation will use an experimental research design, with eligible families assigned at random to one of the four designated housing and services interventions.

The four study interventions that will be offered to eligible households include transitional housing, rapid re-housing, usual care and subsidy only. The BHA will make available up to sixty-five (65) tenant based vouchers for homeless families who volunteer to participate in this study. Study participants will be selected by Abt Associates and those applicant households randomly assigned to the subsidy only intervention will be referred to the BHA by Abt Associates.

(d) **Priority 1**

The BHA grants Priority 1 status to an Applicant whose verified circumstances, during the final eligibility interview (see section 5.3) and prior to execution of the Lease, fall within one of the following categories:

- (1) **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:

- (i) A copy of the incident report from the local Fire Department or other appropriate agency who deals with disasters; **and**

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- (ii) 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**
 - (iii) Verification from the Fire department, the Inspectional Services Department, the Health Department or other appropriate agency that the dwelling Unit is now uninhabitable; **and**
 - (iv) The cause of the disaster if known (**Note:** 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 the BHA).
- (2) **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:

- (i) Submission of a fully completed "Certificate of Involuntary Displacement Due to Domestic Violence/Dating Violence/or Stalking"; **OR**
- (ii) 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.
- (iii) Verification *will not* be considered valid unless it:
 - Supplies the name of the threatening or abusive Household Member or other legal occupant of the dwelling Unit,
 - 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) or continuing nature if the Applicant is still residing in the dwelling where the violence has occurred or is occurring, **or**

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- Indicates that the Applicant was displaced because of the threats and/or violence and that the Applicant is in imminent danger where he/she now resides.

(iv) The Applicant must supply the name and address of the abuser **AND** provide documentation that the Applicant is/was a tenant of record

(3) **Victim of hate crime.** The Applicant or a member of the Household has been a victim of one or more hate crimes **AND** the Applicant Family has vacated a dwelling Unit because of this crime **OR** the fear associated with the crime has destroyed the peaceful enjoyment of the dwelling Unit.

"Hate crime", is defined as any criminal act coupled with overt actions motivated by bigotry and bias including, but not limited to, a threatened, attempted or completed overt act motivated at least in part by racial, religious, ethnic, handicap, gender or sexual orientation, prejudice, or which otherwise deprives another person of his/her constitutional rights by threats, intimidation or coercion, or which seeks to interfere with or disrupt a person's exercise of constitutional rights through harassment or intimidation.

Verification must include:

- (i) Submission of a fully completed "Certificate of Involuntary Displacement by Hate Crimes" or documentation from a law enforcement agency that the Applicant or a Household Member was a victim of such crime(s); **AND**
- (ii) Has vacated the dwelling because of such crime(s); **or** experienced fear associated with such crime(s) and the fear has destroyed the peaceful enjoyment of their current dwelling Unit.

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

Verification requirements:

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- (i) 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**
- (ii) Documentation that, following a threat assessment conducted by the law enforcement agency, the agency recommends the relocation/re-housing of the household to avoid or minimize the threat of violence or reprisal to or against the household member(s) for providing such information.

This includes situations in which the Applicant and/or Family member(s) are themselves the victims of such crimes and have provided information or testimony to a law enforcement agency.

- (5) **Court-ordered no-fault eviction:** An eviction pursuant to an Order for Judgment (or Agreement for Judgment) issued by a court because of:
 - Landlord action beyond the Applicant's ability to control to prevent; **and**
 - The action occurred despite the Applicant having met all lawfully imposed Lease conditions; **and**
 - Displacement was not the result of failure to comply with United States Department of Housing and Urban Development ("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 and failure to establish any one of the following elements will result in denial of Priority status):

- (i) Submission of a fully completed "certificate of Involuntary Displacement by Landlord Action"; **and**
- (ii) A copy of the Notice to Quit issued by the landlord or property manager; **and**
- (iii) A copy of the Summons and Complaint available from the court; **and**

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- (iv) A copy of the Answer or other response(s) filed by the Applicant in court in response to the Complaint, if any; **and**
- (v) A copy of the Judgment of the Court (or an Agreement for Judgment, Order for Judgment and Findings of Fact, or Default Judgment); **and**
- (vi) If applicable, a copy of the execution issued by the court.
- (vii) The information contained in the above-referenced documents must clearly establish to the satisfaction of the BHA that:
 - The action taken by the landlord or property manager was beyond the Applicant's ability to control or prevent;
 - The action by the landlord or property manager occurred despite the Applicant having met all previously imposed conditions of occupancy;
 - Displacement was not the result of failure to comply with HUD or 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.

- (6) **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:

- (i) 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**
- (ii) The precise reason(s) for such displacement
- (7) **Other Government Action:** An Applicant 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.

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Verification Requirements:

- (i) 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**
 - (ii) The precise reason(s) for such displacement
- (8) **For Disabled Persons only, inaccessibility of a critical element of their current dwelling unit:** A Household Member has a mobility or other impairment that makes the person unable to use a critical element of the current Apartment or development AND the 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 Family member with the disability.

Verification Requirements:

- (i) The name of the Family member who is unable to use the critical element;
 - (ii) A written statement from a Qualified Healthcare Provider verifying that a Family member has a Disability (but not necessarily the nature of the Disability) and identifying the critical element of the dwelling which is not accessible and the reasons why it is not accessible; and
 - (iii) A statement from the landlord or official of a government or other agency providing service to such Disabled Person explaining the reason(s) that the landlord is not required to make changes which would render the dwelling accessible to the individual as a Reasonable Accommodation.
- (9) **Homelessness:** A Household lacks a fixed, regular and adequate nighttime habitation OR 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);
 - A public or private place not designed for, or ordinarily used as, a regular sleeping place for human beings.

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Note: Persons living with current BHA Participants or living with tenants in subsidized housing DO NOT qualify as homeless.

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Verification Requirements:

- (i) Submission of a "Certificate of Homelessness" fully completed by an appropriate source and the Applicant's signed statement 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); or
 - (B) A public or private place not designed or used as a regular sleeping place for human beings.
 - (ii) A third-party written verification from a public or private facility that provides shelter for homeless individuals, the local police department, or a social services agency, certifying the Applicant's homeless status in accordance with the definition in this policy.
- (10) **Graduates of Project-Based Units Who Have Fulfilled Supportive Service Goals:** A participant in a transitional housing program for Elderly or Disabled Persons which includes a supportive services component (for example the Shelter Plus Care Program) shall be considered to be imminently in danger of homelessness. Such a program participant shall be eligible as a Priority One Applicant if:
- (1) The person has been a tenant in such a program for not less than twelve (12) months; and
 - (2) The person no longer requires the or completed the program's services (as determined by the program service provider); and
 - (3) As a result must relocate from such housing.

3.3.6 Admission Preference

An Applicant may only apply for a Preference when the waiting list is open.

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Preference points are cumulative and are added to Priority points (if any) to determine an Applicant's position on a BHA waiting list. An Applicant may qualify for more than one Preference at a time.

A Priority One Applicant with a Preference will be ranked above a Priority One Applicant with no Preferences. Preferences are cumulative, so an Applicant with more than one Preference (e.g., Veterans and Displaced) will be ranked higher within his or her Priority category than an Applicant with only one Preference.

The Preference categories are described below:

(a) ***Elderly/Non-Elderly Disabled Person Preferences***

The Boston Housing Authority has an Admissions preference for a single person Applicant, who is Elderly or Disabled over other single persons. An Applicant will be given preference over an Applicant who is a Single Person who is not an Elderly or Disabled person within each waiting list Priority category.

Note: A single woman who is pregnant at the time of admission, or a Single Person who has secured or is in the process of securing the custody of any individual(s) below the age of 18, will not be considered a Single Person for the purposes of this preference.

(b) ***Veterans Preference***

A Veteran is anyone who is defined as a veteran in M.G.L. ch. 4, § 7, clause 43. The word "veteran", as used in this Administrative Plan shall include the spouse, surviving spouse, Dependent parent or child of a Veteran and the divorced spouse of a Veteran who is the legal guardian of a child of a Veteran. Applicant Households may only receive points from one of the following point categories.

The Veterans Preference shall further be ranked in the following order:

- (i) *Disabled Veterans.* Among Applicants equally in need (i.e., within the same housing Priority category), first Preference shall be given to families of a disabled Veteran whose disability has been determined by the Veteran's Administration to be service-connected.

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- (ii) *Families of a Deceased Veteran.* Among Applicants equally in need, second Preference shall be given to an Applicant of a deceased Veteran whose death has been determined by the Veteran's Administration to be service-connected.
- (iii) *All other Veterans.* Among Applicants equally in need, third Preference shall be given to families of all other Veterans who are not disabled or deceased.

Verification Requirement:

- (i) Applicants claiming a Veteran's Preference must provide a copy of the discharge documents of the Veteran for whom the Preference is claimed. The Veteran's Preference is only applicable to Veterans and/or immediate families of Veterans who were discharged under circumstances other than dishonorable.

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(c) **Working Families Preference**

- (1) Definition of a Working Family:

A Family whose Head of Household or other adult member is employed full time and who has been employed for the last six months. Full time is defined as working at least 32 hours a week.

- (2) An Applicant shall be given the benefit of the Working Family preference if the head **and** spouse, or sole member is age 62 or older, or is a Disabled Person.

- (3) Verification Requirements:

- (i) Four most recent pay stubs; or
- (ii) Verification from employer that Family meets the definition of a working Family.

(d) **Displaced Boston Tenant Preference**

The BHA shall give two (2) Preference points to an Applicant who was displaced from a unit within the City of Boston

- (1) No length of Residency Required

This Preference is not based on how long the Applicant resided within the City of Boston, but only upon the establishment and proper verification of residency within the City Of Boston.

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(2) Verification Requirements

To receive this Preference, an Applicant must verify that: (1) they were displaced from a unit within the City of Boston, and (2) The following documentation in conjunction with Priority documentation to establish displacement will verify the Displaced Boston Tenant Preference:

- (a) Landlord verification;
- (b) A copy of a Lease;
- (c) Utility Bill (electric, gas, oil, or water)
- (d) Mortgage Payments;
- (e) Letter from School Department;
- (f) Letter from Social Security Department;
- (g) Taxes;
- (h) Other verification deemed acceptable by BHA.

(3) Non-discriminatory Effect of Preference

This Preference shall not have the purpose or effect of delaying or otherwise denying admission to the program based on the race, color, ethnic origin, gender, religion, disability, or age of any member of an Applicant Family.

3.3.7 Standard Applicants

Standard Applicants are Applicants that do not qualify for any Priority category.

3.3.8 Point System

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

Super Priority Applicants	75 points
City of Boston ICHH Programs Priority	50 points
US Congress and HUD Homelessness Study	50 points
Priority One Applicants	30 points
Standard Applicants	0 points

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

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<i>Single, Elderly or Disabled</i>	5 Points
<i>Disabled Veterans Preference</i>	4 points
<i>Families of Deceased Veterans Preference</i>	3 points
<i>All Other Veterans Preference</i>	2 points
<i>Displaced Boston Tenant Preference</i>	<u>2 points</u>
<i>Working Families Preference</i>	1 points

3.4 Special Admissions

Applicants may be admitted to the Housing Choice Voucher program even though they are not on the BHA's waiting list if they are part of a group targeted by HUD for special assistance. Applicants admitted as "Special Admissions" according to this section will not be counted against the income targeting requirement that a minimum of 75% of new Admissions to the BHA's Section 8 program have Family income that is thirty percent (30%) or below the Area Median Income as established by HUD. (See 24 C.F.R. § 982.203(b) for examples of assistance targeted by HUD).

CHAPTER 5: DETERMINATION OF ELIGIBILITY

5.1 Number of Vouchers Issued

At its discretion, the BHA will consider the Annual Contributions Contract ("ACC") commitment, funding availability, leasing schedule, turnover rate, historical leasing success rates, and similar factors to determine how many Vouchers should be issued.

5.2 Threshold Eligibility Requirements (Sections 5.2.1- 5.2.3)

The Applicant will be denied assistance and withdrawn from the waiting list based on information on the preliminary application if the Applicant does not meet all of the following requirements. In determining final eligibility, the BHA will consider Mitigating Circumstances including, but not limited to, being the victim of Domestic Violence, Dating Violence, or Stalking, and any request for a Reasonable Accommodation on account of a Disability. To remain on the waiting list, the Applicant must be:

5.2.1 A Family as defined by the BHA

(a) *Definition of a Family*

- (1) Two or more persons regularly living together, related by blood, marriage, adoption, guardianship or operation of law; or who are not so related, but share income and resources and intend to live together;
- (2) This definition includes single persons.⁹
- (3) Other persons, including foster children, Personal Care Attendants ("PCA")¹⁰, and members temporarily absent (including children temporarily assigned to foster care¹¹), may be considered a part of the household if they are living or will live regularly with the Household.

5.2.2 Income eligible as defined by HUD

⁹ Single persons include: a single man; a single woman who is pregnant at the time of admission; a single person who has secured, or is in the process of securing, the custody of any individual(s) below the age of 18; an Elderly person; a Person with a Disability or Handicap; a Displaced Person; or a Single Person who is not Elderly, Disabled, handicapped or displaced, each as defined in Chapter 11 of this Policy.

¹⁰ Personal Care Attendants do not have rights of tenancy, nor can they be considered the remaining member of a resident household unless they are found to be a licensed PCA and select one of the options in Chapter 5, section 5.4.2(g).

¹¹ See 24 C.F.R. § 5.403.

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Persons meeting BHA income qualifications are those whose Annual Income at the time of Admission, does not exceed the income limits for occupancy established by the HUD. Income limits are posted separately in BHA offices (see sections 5.5 – 5.6). These income limits do not apply to families who are Continuously Assisted. See also section 5.5.1 for further explanation of income eligibility.

5.2.3 Past Balances Due to any Publicly Assisted Housing Program

The Applicant must not owe uncollected rent and/or miscellaneous charges, such as court costs, constable fees, or other related fees arising during the Applicant's receipt of benefits from any program administered by the BHA or Other Publicly Assisted Housing Program¹².

(a) The BHA will check for debts owed upon receipt of the Preliminary Application. An Applicant who applies owing a balance consisting of uncollected rent, overpaid Housing Assistance Payments and/or miscellaneous charges (for any program administered by the BHA or Other Publicly Assisted Housing Programs) will be entered into the BHA database as Preliminarily Eligible and the Applicant shall be notified in writing regarding the outstanding debt. The debt must be paid in full prior to determination of final eligibility

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(b) The BHA will have the discretion to enter into an agreement for past due balances in the case of a transfer or relocation of BHA public housing resident.

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5.3 Eligibility Interview (Final Eligibility)

5.3.1 Purpose.

The purpose of the eligibility interview is to determine the Applicant's anticipated gross income, Family Composition, and appropriate Voucher Unit Size, Immigration status, Criminal Offender Record Information, and verify Priority and Preference status. The same standards to determine the Applicant's income and Family Composition in the initial eligibility interview will be used to determine the Participant's income and Family Composition for any subsequent eligibility determination or Recertification. (See Chapter 8: Renewal).

¹² Other Publicly Assisted Housing Program – means residence in any housing program assisted under M.G.L. ch. 121B (such as state-assisted public housing for families, Elderly or disabled persons), or Massachusetts Rental Voucher Program or assisted under the United States Housing Act of 1937 as amended (42 U.S.C. § 1401 *et seq.*) (such as federally-assisted public housing for families, Elderly or disabled persons, Section 8 certificate/voucher, project-based certificate, moderate rehabilitation, loan management/property disposition leased housing program, Indian housing, or tenant-based assistance under the HOME program)

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5.3.2 Scheduling Eligibility Interview Appointment

The Applicant must attend the eligibility interview and bring the requested information to the BHA.

- (a) **Letter of Interest.** The BHA will send a letter to an Applicant selected from the waiting list. The letter will tell the Applicant to contact the BHA and schedule a date and time for an eligibility interview with the BHA. The letter also informs the Applicant of the verified information that must be provided to the BHA in order to determine eligibility.
- (b) **Failure to respond to the Letter of Interest.** The BHA will send a letter of withdrawal (see section 3.2.5(c)) to an Applicant who does not respond to the letter of interest. If the Applicant responds to the Withdrawal letter within 10 days after failing to respond to the initial letter of interest, the BHA will schedule a final eligibility interview with the Participant. Failure to attend the final eligibility interview will result in being withdrawn from the waiting list (see section 3.2.5(c)).
- (c) **Failure to Attend the Eligibility Interview.** If the Applicant schedules an eligibility interview and misses the interview without contacting the BHA, the BHA will send the Applicant a letter of withdrawal. If the Applicant notifies the BHA in advance of the need to reschedule the appointment or contacts the BHA within 10 days of the missed appointment, the BHA will reschedule. The rescheduled eligibility interview will be considered a second and final appointment. If the Applicant misses the second and final interview, the Applicant will be sent a letter of withdrawal. (see section 3.2.3(c)).
- (d) **Deadline to supply documents.** If the Applicant does not supply all the necessary documentation at the eligibility interview, the BHA will give the Applicant up to twenty (20) days to supply all documentation to the BHA. The BHA may grant an Applicant a ten (10) day extension for good cause to supply information to the BHA. If the Applicant fails to meet the deadline to supply documents, they will be withdrawn from all waiting lists (see section 3.2.5).
- (e) **Reasonable Accommodation.** If the Applicant fails to Respond to the Letter of Interest, fails to attend the eligibility interview, or fails to supply information to the BHA, and the failure is due to Domestic Violence, Dating Violence, or Stalking or a documented Disability, the BHA may decide not to withdraw the Applicant from the waiting list (see also RARAPP).

5.3.3 Reassignment of Applicant to Different Priority Category

An Applicant will be placed in a different Priority category if the BHA determines:

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- (a) the Applicant's Priority status is incorrect at the time of the eligibility interview, and
- (b) the Applicant is eligible for another Priority and the waiting list is open for that Priority

If, at the time of the eligibility interview, the Applicant is not eligible for any Priority category for which the waiting list is open and the waiting list is not open for standard Applicants, the Applicant will be withdrawn from the waiting list.

If the Applicant is eligible for a new Priority status and the waiting list is open for that Priority, the Applicant will be placed on the waiting list according to the date of the eligibility interview and not the date of the original application.

5.3.4 Misrepresentation of Information or Fraud

The BHA considers falsification, misrepresentation, or failure to disclose information related to Admission, initial eligibility, participation, or Recertification grounds for denying Admission to or terminating assistance from the HCVP. If the BHA determines that the Applicant has acted as described above, the Applicant will be precluded from re-applying for assistance with the BHA for three years from the date of the determination.

5.3.5 Limitation on Number of Eligibility Determinations

For each Applicant, the BHA shall only be required to determine Section 8 eligibility once every twelve (12) months unless the Applicant was denied for one or more of the following reasons:

- (a) Lack of citizenship status;
- (b) Past due balance owed to a publicly assisted housing program;
- (c) Lack of priority status;
- (d) Family income exceeds the applicable limits;
- (e) Reasons directly related to substance abuse and the Applicant has now successfully completed a rehabilitation program;
- (f) As a reasonable accommodation.

5.4 Family Composition

The BHA will verify Family Composition at the eligibility interview and at any interim or annual Recertification appointment.

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5.4.1 Verification of Family Composition

The BHA must obtain the following information for all Applicants as applicable:

- (a) **Photo Identification for the Head of Household and the Co-Head of Household.** One of the following forms of photo identification for the Head of Household and the Co-Head of Household only:
 - (1) Driver's License;
 - (2) Registry of Motor Vehicles picture ID;
 - (3) Passport;
 - (4) Student or Employer ID; or
 - (5) Other Photo ID acceptable to the BHA.

- (b) **Proof of Birth.** One of the following proof-of-birth documents (shown in order of preference) for all Applicant Family members:
 - (1) Original and copies of Birth certificates;
 - (2) Passports;
 - (3) Original INS documents for eligible Non-Citizens;
 - (4) Other records deemed appropriate by BHA (DDG214, Statement from Social Security Administration, Original Baptismal Records); or
 - (5) A medical letter documenting pregnancy as well as anticipated date of birth will be required for all unborn children listed on the application.

- (c) **Proof of Relationships.** One of the following proof-of-relationship documents for all Minor children or situations involving the care of adults under guardianship:
 - (1) Birth certificates;
 - (2) Court records of adoption;
 - (3) Court records of guardianship; or
 - (4) Other written documentation such as written designation from the Minor Child's parent.

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- (d) **Social Security Numbers.** One of the following documents may be accepted to verify Social Security Numbers (SSN):
- (1) Original Social Security Card;
 - (2) Original Report from the Social Security Administration documenting the availability/non-assignment of a SSN (BHA will make a copy for the file); or
 - (3) A written statement from the Social Security Administration documenting the assigned SSN.

Family members under the age of six (6) years old do not need to provide a SSN.

No SSN or verification needs to be provided for individuals who certify that they have not been assigned a SSN. However, proof must be provided to show that no SSN was assigned.

- (e) **Status as an Elderly Person.** The BHA will accept Proof of Birth (see subsection (b) above) of the Head and/or Co-Head of Household indicating an age of 62 years or older to verify that person's status as an Elderly Person.
- (f) **Status as a Disabled Person.** In general, the BHA shall not inquire as to the existence or nature of a disability, or ask for information related to a disability or the medical history of an Applicant or a Participant. However, the BHA can require verification where it is claimed that a Family member is a Disabled Person for two purposes:
- (1) For the purpose of applying for Admissions Preferences and Priorities (see section 3.3.6); and
 - (2) For the purpose of calculating Household income and rent.

In addition, when an Applicant or Participant requests a Reasonable Accommodation on account of a disability, the BHA may require documentation as to the disability and the need to be served by an accommodation or modification. An Applicant or Participant may choose not to disclose the fact of a disability and request an accommodation; however, in this case, the BHA is not obligated to provide any such accommodation.

The following documentation will be accepted for purposes of verifying the status of a Family member as a Disabled Person:

- (1) Evidence that the Applicant or Participant's sole source of income is SSI benefits, SSDI benefits or disability retirement income (see income verification below); or

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- (2) A certification from a Qualified Health Care Provider verifying that the Applicant or Participant meets the criteria of a Disabled Person for the Federal Housing Program (see Definitions for eligibility of Disabled Persons).

5.4.2 Determining Family Unit Size (BHA Subsidy Standards)

The following BHA Subsidy Standards have been established to determine the number of bedrooms needed for Families of different sizes and compositions. For each Family the BHA will determine the appropriate number of bedrooms under the BHA Subsidy Standards. The Family Unit Size number is entered on the Voucher issued to the Family.

The following factors are used to determine the Family Unit Size:

- (a) The Head of Household (and spouse or domestic partner, if applicable), shall be entitled to one bedroom.
- (b) Two persons under the age of twenty-five (25) who are of the same sex shall only be entitled to one bedroom. However, if the two persons are of different generations in their family, they will not be required to share a room.
- (c) The BHA shall inform the Applicant/Participant that s/he may elect to have a Child share a bedroom with another Child of the opposite sex, if the Children's combined ages are twelve (12) or less, in order to be eligible for a smaller Voucher Unit Size.
- (d) The BHA may assign an additional bedroom as a Reasonable Accommodation to a Disabled Family member.
- (e) A single pregnant woman, as documented by a physician, with no other persons will be treated as a two-person Family. A pregnant woman whose Family includes other children will not be assigned an additional bedroom until the sex of the Child is determined and documented by a physician (either before or after birth). Once the sex of the Child is documented the BHA will assign the Family an additional bedroom if they are eligible.
- (f) A Child who is temporarily away from the home because of placement in foster care (as documented by the Department of Children and Families) is considered a member of the Family in determining Family Unit Size.
- (g) Personal Care Attendant

Any Personal Care Attendant, approved to live in the Unit to care for a Family member who is Disabled or is at least 50 years of age (near-Elderly), will be counted in determining the Family Unit Size.

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(1) **Definition:**

A Personal Care Attendant ("PCA") is defined as a person who:

- (i) Is determined by BHA based upon medical documentation from a Qualified Healthcare Provider to be essential to the care and wellbeing of an Elderly or Disabled Person or persons; **AND**
- (ii) May or may not reside with the Elderly or Disabled Person or persons; **AND**
- (iii) Is not obligated to support the Elderly or Disabled Person or persons; **AND**
- (iv) In the case of a live-in PCA, would not be living in the Apartment except to provide the necessary supportive care; **AND**
- (v) Has no right to the Apartment as a Residual Tenant except as provided in section 11.8, **AND**
- (vi) Does not have his/her income included in the Elderly or Disabled Participant's Household for the purposes of determining total Family income and rent except as provided in section 11.8.

(2) **Personal Care Attendant Policy**

- (i) Any PCA must meet the definition of a PCA as stated above.
- (ii) A PCA can be a Single Person or a person with a Household (*Example:* a PCA may have his/her own children that reside with them).
- (iii) No addition of a PCA and his/her Household, if applicable, shall result in overcrowding of the Apartment.
- (iv) No PCA and his/her Household, if applicable, has the right to the Apartment as a Residual Tenant except as provided in Section (vii)(B) below.
- (v) Any PCA and his/her Household, if applicable, must sign a waiver of residual residency status except as provided in (vii)(B) below.
- (vi) Any PCA and his/her Household, if applicable, must meet the BHA's Eligibility Requirements.

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- (vii) Any PCA and his/her Household, if applicable, will be counted as a member of the Participant's Household composition for the purposes of determining the appropriate Apartment size ONLY.
- (viii) A relative who satisfies the definition above will be notified in writing that s/he may be qualified as a PCA and may choose one of the following two options:
 - (A) S/he can qualify as a PCA, choose not to include his/her income as part of the total Household income and sign a waiver of residual residency status.
 - OR**
 - (B) S/he can qualify as a PCA, have his/her income included as part of the total Household income and retain rights as a remaining member of the Household.
- (ix) Unless a PCA resides with the Family, the Family Unit Size for any family consisting of a single person must be either a zero or one-bedroom Unit, as determined under the BHA Subsidy Standards.
- (h) **Exceptions to the Subsidy Standards**
 Exceptions to the above Subsidy Standard policies may be made if the BHA determines that such an exception is justified by the sex, age, health, Disability, handicap, relationship of the Family members, or other personal circumstances. However, for a Single Person who is not a Disabled Person, or an Elderly Person, such exception will not override (g)(2)(ix) above.
- (i) **When a Family May Rent an Apartment Larger than the Voucher Size**
 The Family may select a larger Apartment if the Family is willing to pay the difference between the rent and the approved subsidy and doing so would not require the Family to pay more than 40% of the Family's Monthly Adjusted Income for rent and utilities. The requested rent must be reasonable in comparison to similar unassisted units.
- (j) **When a Family May Rent an Apartment Smaller than the Voucher Size**

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The Family may select a smaller Unit than that which is listed on the Voucher in the following instances:

- (i) The Head of Household, if single, chooses to share a bedroom with another member of the Family of the same sex or with a child of the opposite sex of less than three years of age; or
 - (ii) There is at least one bedroom or living/sleeping room of appropriate size for each two persons; or
 - (iii) The State Sanitary Code requirements are met if on member of the Family is using or will use the living area as a sleeping area instead of a bedroom.
- (k) Changes in an Applicant's Family Composition.

If the Family's composition has changed since their initial application, the Family must provide verification of the change. Changes in Family Composition must be reported within thirty (30) days from the date of the change. (See also sections 11.1.1(a), 10.1.3 and 10.1.4 for more regarding changes in Family Composition). The BHA will issue a Voucher of the appropriate bedroom size based upon the Family's current composition except in cases where the relationship, age, sex, health, disability or handicap of the Family members warrants the assignment of a larger Voucher Size than that which would result from a strict application of the above criteria. These exceptions must be documented and approved by Administrator or his/her designee.

5.5 Income Eligibility and Targeting

Persons meeting BHA income qualifications are those whose Annual Income at the time of Admission, does not exceed the income limits for occupancy established by HUD. The BHA posts Income limits separately in BHA offices and on its web site (www.bostonhousing.org).

5.5.1 Income Eligible Family

To be income eligible the Family must be a Family in any of the following categories:

- (a) A Family with an annual gross income equal to or less than 50% of Area Median Income (which is also known as "very low-income");
- (b) A low-income Family that is Continuously Assisted under the 1937 Housing Act;
- (c) A low-income Family that currently resides in a BHA state subsidized public housing development, but is being displaced

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due to modernization or rehabilitation or other reasons due to no fault of the Family and the Family was initially eligible for BHA state subsidized public housing;

- (d) A Family residing in "expiring use" developments where the Family's household income does not exceed 80% of Area Median Income (or "low- income");
- (e) A Family residing in developments which are eligible for the receipt of enhanced Vouchers according to applicable law, may be eligible for the Section 8 program as long as the Applicant's household gross income does not exceed 95% of area median income.
- (f) A low-income Family that qualifies for Voucher assistance as a non-purchasing Family residing in a HOPE 1 or Hope 2 project. (Section 8(o)(4)(D) of the 1937 Act (42 U.S.C. § 1437f(o)(4)(D));
- (g) A low- or moderate-income Family that is displaced as the result of the prepayment of the mortgage or voluntary termination of an insurance contract on eligible low income housing as defined in 24 C.F.R. § 248.101.
- (h) A low-income Family that qualifies for Voucher assistance as a non-purchasing Family residing in a project subject to a Participant homeownership program under 24 C.F.R. § 248.173.

5.5.2 Targeting Requirements

The BHA will conduct "income targeting" as required by applicable law¹³ to ensure that 75% of all Section 8 tenant-based program waiting list Admissions go to Extremely Low-Income Families (those with incomes at or below 30% of the area median income). Income targeting requirements do not apply to Special Admissions (see section 3.6).

- (a) **"Continuously Assisted" families** are not subject to the aforementioned targeting requirements and need not be at 50% of Area Median Income or below to be eligible, as long as their income is low enough to qualify for some level of subsidy assistance.

The BHA considers a Family to be Continuously Assisted under the 1937 Housing Act if the Family is already receiving assistance under any 1937 Housing Act program when the Family is admitted to the Certificate or Voucher program.

¹³ See 24 C.F.R. section 982.201(b)(2)(i)

A brief interruption between assistance under one of these programs and Admission to the Certificate or Voucher program shall not be considered a break in the continuity of assistance as long as:

- (1) The Family was qualified to enter the subsequent program at the time participation in the prior program was terminated; and
- (2) The interruption of assistance was not caused by the Family's willful violation of program regulations; or
- (3) The termination of assistance under the earlier program was not due to the Family's violation of program regulations.

5.5.3 Determining and Verifying Family Income

During the eligibility interview and/or Recertification interview, the Applicant/Participant must certify any income, Assets, income deductions and income exclusions pertaining to an Applicant/Participant's Household. In conjunction with Applicant/Participant reported income, **Upfront Income Verification (UIV)** or **third party verification** is required to determine income eligibility and amount of the subsidy.

Income eligibility. The BHA bases Income eligibility for the program on annual gross Family income without taking into account any deductions.

Subsidy and monthly rent calculation. The monthly rent is determined by adding together gross income from all sources for all Family members, including income from Assets, and reducing that income by allowable deductions and income exclusions, in accordance with Federal (HUD) regulations.

See Section 4.3.3 for length of eligibility of income documentation and verification.

Projections of Annual Income shall be based on the best available information, with due consideration to the past year's income of all Family members, current income and effective date, and shall include projections for each income recipient in the household.

All forms of income, deductions, exclusions and Assets must be verified in accordance with BHA policy and HUD requirements. The following is a non-exhaustive list of information that may be accepted to verify income:

(a) Income from Employment

- (1) *Upfront Income Verification (UIV)* (See section 4.3.2(a))
- (2) A completed employment verification form (third party verification) stating the gross wages of the employee,

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including history or anticipated amounts of overtime or bonus to be earned by the employee, or

- (2) Pay stubs showing gross income for each pay period and all deductions taken for four consecutive weeks;
 - (3) The income of workers employed on an irregular basis will be estimated based on verification of the best information available, with due consideration to earning ability and work history.
 - (4) Up to \$480 of earned income of an 18-year-old or older Full-time student will be counted. The student must verify full time status with a statement on the letterhead of an accredited educational institution stating that the student is enrolled as a Full-time student at that institution.
 - (5) The BHA may also require the tenant to produce additional information from the Internal Revenue Service (IRS) when annual income cannot be determined from the previous sources listed in this section. The BHA may request that the tax information be sent directly to the BHA using tax form 4506-T.
- (b) **Income from Governmental Agencies.** A statement from the appropriate agency (Social Security, Department of Transitional Assistance, Employment Security, etc), stating the amount of annual or Monthly Income provided, including the gross amount and any deductions taken.
- (c) **Income from Retirement Accounts.** A statement from the source stating the amount of annual or Monthly Income provided, including the gross amount and any deductions taken
- (d) **Income from operation of a business or profession**
- (1) Most recent audited financial statement of income and loss;
 - (2) Most recent tax return showing income and/or loss from the operation of a business or profession.
- (e) **Child Support, alimony, regular gifts and gambling proceeds**
- (1) A statement from the individual, business or agency providing the income and the frequency and amount of income provided; and/or
 - (2) Signed release form allowing the BHA to obtain information from the State Division of Child Support.

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(f) **Income from Assets**

- (1) *Definition of Assets.* Assets consist of bank accounts, trust funds, investments in stocks, bonds, certificates of deposit or money market funds, individual retirement accounts, and Keough accounts, life insurance, real property (buildings or land), or capital investments.
- (2) *Actual vs. Imputed Income.* Income from Assets shall be based on either the actual income received or Imputed Income based upon current passbook savings rates in accordance with federal and state regulations as applicable. For instance, actual interest received shall be used for interest bearing bank accounts, money market funds, rented property, etc. Imputed Income will be used for real property which is not rented, jewelry, coin collections, works of art and other non-income bearing Assets. If the value of the asset is more than \$5,000 the higher of Imputed Income or actual income received will be used.
- (3) Common household items such as furniture, clothing, and vehicles used for day-to-day transportation shall not be considered Assets for the purposes of calculating income.
- (4) Estimated bank withdrawal penalties, fees, and settlement costs used to determine cash value will be determined in accordance with the Code of Federal Regulations.
- (5) In the case of tenants who own real estate, the property tax assessment will be used to determine the fair market value of real estate.
- (6) If the Family claims to have inaccessible Assets or a trust that is not revocable or under the control of any Family member, it is up to the Family to prove such inaccessibility with reasonable, sufficient, valid documentation. Any income distributed from the a trust or any other inaccessible asset will be considered when determining the Family's annual income.
- (7) Types of verification that will be accepted for purposes of determining the value and income received from an asset include:
 - (i) Third Party Income Verification form filled out by a financial institution;
 - (ii) Original passbook for passbook savings accounts;

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- (iii) Most recent (no older than one year) appraised value of real property owned provided it's reflective of fair market value, in the form of property tax bill or appraisal from a Real Estate Appraiser; and
 - (iv) Appraised valuations of any non-essential personal Assets such as jewelry, coin collections, antiques or classic cars.
- (g) **Verification of childcare expenses or care of Disabled Family Member deductions.** This deduction is available for any **reasonable** childcare expenses to enable a Family member to be employed or to further his or her education. Such expenses are amounts anticipated to be paid by the Family for the care of children under 13 years of age during the period for which Annual Income is computed, but only where such care is necessary to enable a Family member to actively seek employment, be gainfully employed, or to further his or her education. The deduction will not be granted for any amount that is reimbursed.

The BHA does not consider Child Care Expenses to be reasonable if the expense exceeds 50% of the gross income derived from the job enabled by the child care.

Verification required:

- (1) Statement from the provider of childcare or care of Disabled Person who is a Household Member of the amount of payment made on a periodic basis by the Applicant and proof of payment (e.g., cancelled check, money order receipt, IRS-1099 Form, etc.).
- (h) **Verification of Medical Deductions.** This deduction is available to an Elderly or Disabled Family (i.e., in which the Head of Household or spouse is 62 years of age or older or is a Disabled Person). The BHA requires third party verification of the following un-reimbursed medical expenses for any Family member paid within the last twelve months:
- (1) Statement of the cost of medical insurance and the frequency of cost from the provider or in the form of deductions indicated on pay stubs or Social Security statements accompanied by proof of payment;
 - (2) Receipts for payment of prescriptions and other health care needs. Non-prescription health care needs must be documented by both receipts and a statement from a Qualified Health Care Provider of the need for such items (including non-prescription medications, wheelchairs or other disability related aids, etc);

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- (3) A printout of prescription costs from a pharmacy accompanied by proof of payment by a Family member;
- (4) Medical or dental bills for a Family member paid and proof of payment by a Family member.

(i) **Verification of Disability Assistance Expenses**

This deduction is available for *un-reimbursed* attendant care and auxiliary apparatus expenses for each member of the Family who is a Disabled Person, to the extent necessary to enable any member of the Family (including but limited to the member who is a Disabled Person) to be employed. This deduction may not exceed the earned income received by Family members who are 18 years of age or older and who are able to work because of such attendant care or auxiliary apparatus.

(j) **Verification of Permanent Residence at a Hospital**

The income of a Family member confined to a long-term health care facility, as well as the deductions for their care may be excluded from consideration.

(k) **Disallowance of an Increase in Annual Income for Participant Families with Disabled Members**

If a Family's income increases as a result of employment of a Participant Family member who is a Disabled Person who has not been employed for one or more years prior to employment, the BHA will not count the increase in income due to the employment for a 12 month period. During the second 12-month period after the new employment the BHA will only count 50% of the income.

The earned income disallowance is limited to a lifetime 48-month period for each Disabled Family member; that is, the disallowance applies for a maximum of 12 months of full exclusion of incremental increase, and a maximum of 12 months of phase-in exclusion during the 48-month period starting on the date of the initial exclusion.

If the period of increased income does not last for 12 consecutive months, the disallowance period may be resumed at any time within the 48-month period, and continued until the disallowance has been applied for a total of 12 months of each disallowance (the initial 12-month full exclusion and the second 12-month phase-in exclusion).

No earned income disallowance will be applied after the 48-month period following the initial date the exclusion was applied.

5.5.4 Zero Income

When an Adult Family member reports zero income, the BHA will require the Household to complete a budget or statement of financial responsibility. An investigation may also include ordering a credit report on the Family member. If the Family member owns a motor vehicle, a telephone, or has other evidence of some form of expenditures reflecting income, the Family member will be asked to explain the source of funds supporting such cash expenditures

In addition, the Family member will be required to sign releases allowing the BHA to obtain verification of no-income from sources such as Dept. of Transitional Assistance, Internal Revenue Service, Department of Revenue, Social Security Administration, Employment Security and Veterans Affairs.

(a) **Frequency of Zero Income Recertification**

The BHA may require a zero income Participant to recertify every month, but at a minimum will require quarterly Recertifications, until an Annual Income is determined.

5.6 Review of Citizenship and Eligible Immigration Status

Each Applicant/Participant's status as a U.S. Citizen, Eligible Non-Citizen or ineligible Non-Citizen must be verified except as indicated below. Determination of eligibility or partial eligibility for subsidized housing is affected by Citizen or Non-Citizen status. At least one Household Member must be a Citizen or Eligible Non-Citizen.

5.6.1 What Evidence Will Be Required.

Evidence of U.S. Citizenship or "Eligible Immigration Status" will be required to be submitted for all Family members regardless of their age, except as indicated below. **If you choose not to contend that you are a Citizen or have eligible immigration status you must complete a form electing not to contend to such status**

(a) **If You Are a U.S. Citizen:**

A signed Declaration of U.S. Citizenship

(b) **If You Are a Non-Citizen Who is Age 62 or Over:**

A signed Declaration of "Eligible Immigration Status". You will also need to provide a "proof of age" document.

(c) **If You Are a Non-Citizen Who Does Not Fall into One of the Categories Above:**

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A signed Declaration of "Eligible Immigration Status," a signed Verification Consent Form **and** you must provide **the original** of one of the documents listed below:

- (1) Registered Alien Card: U.S. Immigration and Naturalization Service ("INS") I-551 Form;
- (2) Arrival /Departure Record: INS I-94 Form; with one of the following annotations:
 - (i) "Admitted as Refugee pursuant to Section 207;"
 - (ii) "Section 208" or "Asylum;"
 - (iii) "Section 243(h)" or "Deportation stayed by Attorney General;" or
 - (iv) "Paroled pursuant to Section 2112(d)(5) of the INAA."
- (3) Arrival /Departure Record: INS I-94 Form, not annotated, accompanied by one of the following documents:
 - (i) A final court decision granting asylum to which no appeal was taken;
 - (ii) A letter from an INS Asylum Officer granting asylum (if application was filed on or after October 1, 1990) or from an INS District Director (if application filed before October 1, 1990);
 - (iii) A court decision granting the withholding of deportation; or
 - (iv) A letter from an INS Asylum Officer granting withholding of deportation (if application was filed on or after October 1, 1990).
- (4) Temporary Participant Card: INS I-688 Form, which must be annotated with the notation of either "Section 245A" or "Section 210;"
- (5) Employment Authorization Card: INS Employment Authorization Card I-688B Form, which must be annotated with the notation either: "Provision of Law 274a.12(11)" or "Provision of Law 274a.12;" or
- (6) Receipt from the INS indicating Application for Issuance of a Replacement Document.

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- (d) Eligible Immigration Status for all Non-Citizen Family members must be verified through the INS unless there is an election not to contend or all Family members are 62 years of age or older and have submitted proof of age and a declaration of eligible non-Citizen status.

5.7 Review of Criminal Offender Record Information (CORI)

The BHA uses criminal conviction records obtained from law enforcement agencies to screen Applicants for eligibility to the HCVP. All Applicants are advised in writing that criminal activity by any Applicant may be a cause for denial to the Section 8 Program. To determine eligibility the BHA reviews a Criminal Offender Record Information ("CORI") report from the Massachusetts Criminal History Systems Board ("CHSB"), or a similar entity in another state, if the Applicant has not been residing in Massachusetts for the past two (2) years. The BHA will pay costs associated with obtaining criminal record reports.

The BHA will request CORI for an Applicant who is fourteen (14) years of age or older in accordance with State and federal law..

For the purposes of CORI certification, the BHA must verify the identity of the Applicant with a form of government-issued photographic identification (if photographic identification is unavailable the BHA may accept proof of birth). The BHA will obtain the following information on the CORI request form to ensure the correct identity of the Applicant:

- Full Name;
- Maiden name or Alias;
- Date of Birth;
- Place of Birth;
- Social Security Number (requested but not required);
- Mother's maiden name;
- Former addresses;
- Sex;
- Height;
- Weight; and
- Eye Color
- Other information as required under State or federal law.

If the BHA obtains criminal record information showing that an Applicant Family member has been convicted of a crime relevant to eligibility, the BHA will notify the Applicant of the proposed denial and provide the subject of the record and the Applicant a copy of such information, and an opportunity to dispute the accuracy and relevance of the information. The BHA may also consider evidence that any criminal activity was directly related to or resulting from incidents of Domestic Violence, Dating Violence, or Stalking as Mitigating Circumstances. The BHA will send the Applicant a letter offering the Applicant the opportunity to provide information by mail to dispute, resolve, or mitigate the criminal record information. The BHA will also provide the Applicant and the subject of the criminal record with a copy of the criminal record and let the Applicant know

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which portion of the record appears to make the Family ineligible. Upon receipt of additional information from the Applicant, the BHA will review the information and inform the Applicant of the decision.

5.7.1 Use and Maintenance of CORI

The BHA will use, maintain, and destroy CORI in accordance with 803 CMR § 5.00

No BHA employee shall disseminate or retain CORI for any purpose other than that expressly permitted by law. No BHA employee shall disseminate CORI to any individual other than an individual involved in the Applicant Certification process who is expressly authorized to have access to CORI.

CORI shall be destroyed when the Applicant to whom it pertains has been housed or has received a subsidy. If an Applicant has been determined ineligible for housing or subsidy, the Applicant's CORI shall be destroyed three (3) years from the date of the application's rejection, or after all administrative and judicial proceedings concerning the rejection are exhausted, whichever is later.

An Applicant shall be determined eligible on the basis of all other HCVP criteria before eligibility is determined on the basis of CORI.

5.8 Required Release Forms

All Adult Family members will be required to execute the following releases of information or sign information forms as appropriate:

- (ii) The single standard **Release of Information** form that is to be signed by the Applicant and each adult Family member;
- (iii) Non-Citizen Rule– Verification of Consent for all Family members;
- (iv) One copy of the **CORI Release of Information** form advising the Family member that CORI will be used on all persons fourteen (14) and over; and
- (v) The **Privacy Act Notice**.

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Note: Refusal to sign these forms or other documents required to process the application, complete Recertification, or conduct screening will result in the withdrawal of the application or termination of the subsidy. The BHA has discretion to determine what constitutes adequate and credible documentation. If staff has doubts about the veracity or reliability of information received, they may examine alternative methods of verification with the Applicant or third parties until they are satisfied that the documentation is reliable or that reliable documentation is unattainable. The BHA will not offer housing to an Applicant who has failed to provide requested documentation or to identify sources who can provide documentation which demonstrates the ability of the Family to comply with the essential obligations of the Lease or meet other eligibility requirements.

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5.9 Briefing Session

If the Applicant is determined eligible for the HCVP, the BHA will provide a letter inviting them to a briefing session.

If the Applicant is ineligible, the BHA will give them a letter stating the reason for ineligibility and informing the Family of their right to request an informal review of the determination or a reasonable accommodation. The letter will also include a description of the process for obtaining such a review. Failure to attend the briefing session will result in withdrawal from the waiting list.

5.9.1 Issuing Vouchers

At the briefing session, the BHA will issue the Family a Voucher. The size of the Voucher will be in accordance with the BHA Subsidy Standards.

5.9.2 Conducting Briefing Sessions

The BHA will provide briefing sessions when necessary. Applicants may supply their own interpreter, but the BHA will take reasonable steps to assure meaningful access by Disabled Persons and persons with limited English ability in accordance with section 1.3.4 of this Administrative Plan. At the briefing session the Voucher will be issued to the Family. The instructor will orally brief the Family and supply them with an information packet regarding the rules of the program.

- (a) **Oral Briefing.** When the BHA selects a Family to participate in a tenant-based program, the BHA will give the Family an oral briefing. The briefing must include information on the following subjects:
- (1) A description of how the program works;
 - (2) Family and Owner responsibilities; and
 - (3) Where the Family may Lease a Unit, including renting a dwelling Unit inside or outside the BHA Jurisdiction;
 - (4) For a Family that qualifies to Lease a Unit outside the BHA Jurisdiction under Portability procedures, the briefing must include an explanation of how Portability works. The BHA may not discourage the Family from choosing to live anywhere in the BHA Jurisdiction, or outside the BHA Jurisdiction under Portability procedures;
 - (5) If the Family is currently living in a high poverty census tract in the BHA's Jurisdiction, the briefing must also explain the advantages of moving to an area that does not have a high concentration of poor families;

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- (6) In briefing a Family that includes any Disabled person, the BHA must take appropriate steps to ensure effective communication in accordance with 24 C.F.R. § 8.6.
- (b) **Information packet.** When a Family is selected to participate in the program, the BHA will give the Family a packet that includes information on the following subjects:
- (1) The term of the Voucher, and BHA policy on any extensions or suspensions of the term. If the BHA allows extensions, the packet must explain how the Family can request an extension;
 - (2) How the PHA determines the amount of the Housing Assistance Payment for a Family, including:
 - (i) How the PHA determines the Payment Standard for a Family; and
 - (ii) How the PHA determines the Total Tenant Payment for a Family.
 - (3) How the BHA determines the maximum rent for an assisted unit;
 - (4) Where the Family may Lease a Unit. For a Family that qualifies to Lease a Unit outside the BHA Jurisdiction under Portability procedures, the information packet will also include an explanation of how Portability works and the list of city of towns that the BHA services;
 - (5) The HUD-required "tenancy addendum" that must be included in the Lease;
 - (6) The form that the Family uses to request BHA approval of the assisted tenancy, and an explanation of how to request such approval;
 - (7) A statement of the BHA policy on providing information about a Family to prospective Owners;
 - (8) BHA Subsidy Standards, including when the BHA will consider granting exceptions to the standards;
 - (9) The HUD brochure on how to select a unit;
 - (10) Information on federal, State and local fair housing and equal opportunity laws, a copy of the housing discrimination complaint form and the phone number for the Fair Housing Complaint Hotline (currently 1-800-669-

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9777 or TTY 800-887-8339 for persons with hearing or speech impairments);

- (11) A list of landlords or other parties known to the BHA who may be willing to Lease a Unit to the Family, or help the Family find a Unit;
- (12) Notice that if the Family includes a Disabled Person, the Family may request a current listing of accessible units known to the BHA that may be available;
- (13) BHA informal hearing procedures. This information must describe when the BHA is required to give a Participant the opportunity for an informal hearing; and
- (14) The BHA Family Break-Up Policy and the Residual Family Policy.

CHAPTER 10: RENEWAL

10.1 Annual Recertification

The BHA must conduct a reexamination of the Family's income and composition at least annually.

10.1.1 Appointment for Recertification

The Leasing Officer will contact the Head of Household in writing three to four months before the anniversary of their last annual Recertification by sending the Family an appointment letter. The appointment letter requests that the Head of Household bring the necessary verification of Annual Income and Family Composition (see Chapter 5: Determination of Eligibility). The appointment letter also lists the required documentation and information and states that a failure to comply with the obligation to supply information may result in the termination of the Family's HCVP assistance.

(a) Failure to Keep the Appointment.

If the Family fails to keep the initial Recertification appointment, the Leasing Officer will reschedule the appointment. The BHA considers it a failure to attend an appointment if the Participant is more than one-half (1/2) an hour late for a scheduled appointment.

If the Family fails to attend a second Recertification appointment, the Leasing Officer may terminate the Family's assistance in accordance with Chapter 13. The BHA may recertify the Family and rescind the proposed termination if the Family provides the Leasing Officer with all the documentation required to recertify within twenty days (20) of the date of the proposed termination letter.

If the Participant contacts the Leasing Officer prior to the appointment to reschedule or has a reasonable excuse for missing the appointment, the BHA will excuse the missed appointment. The BHA will use its discretion to determine what excuses are reasonable. The Leasing Officer may ask the Family to supply documentation to verify their inability to attend the appointment. See also sections 1.2.4-1.2.5.

(b) *Failure to provide complete information.* If the Family attends the annual Recertification appointment but fails to provide the BHA with the documentation necessary to recertify the Family, the Leasing Officer will schedule an additional appointment and notify the Participant what documentation the BHA still requires to complete the Recertification. If the Participant does not supply the required information or does not attend the rescheduled appointment, the Leasing Officer may send the Family a notice of

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proposed termination of assistance that also contains a list of the documentation required to complete Recertification. The BHA may recertify the Family and rescind the proposed termination if the Family provides the Leasing Officer with all of the required documentation no later than twenty days (20) of the date of the proposed termination letter. Submission of incomplete information within the twenty (20) days will be treated as a request for a hearing even if no official request was submitted.

10.1.2 Determining Family's Appropriate Unit Size and Subsidy.

At the appointment, the Leasing Officer will verify the Family's anticipated income, verify Family Composition determine the appropriate Apartment size, and establish the Family's subsidy in accordance with Chapter 5 of this Administrative Plan. The Leasing Officer will also ask for verification of any changes in Family Composition.

(a) *Change of Voucher Size.*

The appropriate Unit size will be determined and exceptions made as previously described. See section 5.1.2. If the Family requires a smaller or larger Apartment, the Leasing Officer will notify them in writing of the change in bedroom size, the conditions under which the BHA might allow an exception to the Subsidy Standards, and the right to an informal hearing to dispute the determination.

(b) *Unit too small.* If the Apartment is too small for the Family according to BHA Subsidy Standards and the Family has not obtained an exception to the Subsidy Standards or requested a hearing, the Leasing Officer will issue the Family a Voucher and the Family must find an acceptable Apartment before the Voucher expires. The BHA will provide the Family with information on any available units.

(c) *Unit too large.* If a Unit is too large for the Family according to BHA Subsidy Standards and the Family has not obtained an exception to the Subsidy Standards or requested a hearing, the Payment Standard will be reduced accordingly at the effective date of the Family's annual Recertification. The Family may either remain in the Unit and pay the difference, or move to a smaller Unit.

10.1.3 Additions to Family Composition

- (a) **Owner and BHA Approval.** At the initial briefing session and at each Recertification, the BHA will advise the Family that additions cannot be made to the Family Composition without prior written approval from Owner and BHA approval, except in the instances of birth, adoption, or the court-awarded custody of a child. However, a family must notify the BHA in writing within thirty (30)

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days when a new Family member begins living in the Unit due to a birth adoption or court-awarded custody of a Minor. The BHA will begin the eligibility determination of the additional Family member regardless of the Owner's approval or disapproval.

- (i) *Owner Denial.* If the Owner does not give written approval to add the Family member to the Lease, the Family may move if the Lease is no longer in its initial term. If the Lease is in its initial term, the Family must request permission from the Owner to break the Lease. If the Family moves in order to add the additional member to their Family Composition, the BHA will begin to determine eligibility for the additional member when the Family submits a RTA. If the Family vacates the Apartment in violation of the Lease, their Section 8 assistance may be terminated in accordance with Chapter 13 of this Administrative Plan.
- (b) *No severe overcrowding.* Regardless of landlord approval or eligibility for the program, the BHA will not allow additions to the Family Composition that result in severe overcrowding in the existing Apartment. If the approved additional Family member(s) will cause severe overcrowding, the BHA will issue the Family a new Voucher so the Family can relocate to an appropriately sized Unit.
- (c) *Addition to Family Composition is subject to BHA and HUD eligibility.* Any person(s) must be determined eligible for the BHA HCVP before the BHA will permit the addition of the person to the Family Composition. Additional person(s) must first be determined to be eligible by BHA and HUD standards before being added to the Family Composition. The new Family member must: complete all BHA and/or HUD required eligibility forms, provide authorization to conduct a CORI check (if the person is fourteen (14) years or older), provide evidence of citizenship or Eligible Non-Citizen Status or sign a non-contending status form, and provide information required to verify income and program eligibility in accordance with program requirements.

Additions to the Family in instances of birth, adoption, or court awarded custody of a Minor, do not require advance approval to live in the Unit. However, any addition to the Family may be denied eligibility for the HCVP. If they are denied eligibility and a hearing is requested, the Minor may remain in the Unit until the review is final.

- (d) *BHA Approval.* If the BHA approves the addition of such person to the Family Composition and Lease, the BHA will re-calculate the Family's Rent to Owner and the BHA's Housing Assistance Payment paid on the Family's behalf to the Owner including the provided information. The BHA reserves the right to deny addition

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of any person to a Family Composition and/or Lease for good cause.

- (e) *Denial.* If a proposed addition to the Family is denied, a hearing may be requested to dispute the BHA decision.

10.1.4 Removal of Members from Family Composition

The Family must notify the BHA within thirty (30) days that a Family member no longer resides in the Unit and will no longer be a member of the Family Composition.

- (a) A child, under the age of eighteen, who is temporarily away from the home because of placement in Foster care, will be considered a member of the Family Composition.
- (b) A student who is boarding at a school and away from the Unit during the school year will be considered a member of the Family Composition.
- (c) The BHA requires documentation to show that a Family member no longer resides with the Household in the subsidized Apartment.

10.1.5 Change the Head of Household / Co-Head of Household

A Family may request to change which Family member is designated the Head of Household. The Family may also decide to designate or change a Co-Head of Household. The BHA will approve the change if the Family member is able to take on the responsibilities of being the Head of Household/Co-Head of Household, including, but not limited to, communicating with the BHA and the Owner.

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Chapter 18: Glossary

Stalking – Means:

- (a) To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; and to place under surveillance with the intent to kill, injure, harass or intimidate another person; and
- (b) In the course of, or as a result of, such following, pursuit, surveillance or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to:
 - (i) That person;
 - (ii) A member of the immediate family of that person; or
 - (iii) The spouse or intimate partner of that person.

Statement of Homeowner Obligations - In the homeownership option: The Household's agreement to comply with program obligations.

Statement of Family Responsibility – In the Moderate Rehabilitation Program, an agreement in the form prescribed by HUD, between the PHA and a Family to be assisted under the Program, stating the obligations and responsibilities of the Family.

State Wage Information Collection Agency (SWICA) - The State agency receiving quarterly wage reports from employers in the State, or an alternative system that has been determined by the Secretary of Labor to be as effective and timely in providing employment-related income and eligibility information.

Subsidy Standards - Standards established by a housing authority to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

Suspension - Stopping the clock on the term of a Household's Voucher, for such period as determined by the housing authority, from the time when the Household submits a request for tenancy approval to Lease a Unit, until the time when the housing authority approves or denies the request, and upon BHA approval based on other extenuating circumstances. Also referred to as Tolling.

Tenant - The person or persons (other than a PCA) who execute(s) the Lease as lessee of the dwelling Unit.

Temporary/Transitional Housing Assistance: Applicants who receive rental assistance that is an extension of shelter that is intended to 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.

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Tenant Share of Rent (Household Rent to Owner) - In the Voucher program, the portion of the monthly Rent to Owner paid by the Household. For calculation of Rent to Owner see 24 C.F.R. § 982.515(b).

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APPENDIX A

BOSTON HOUSING AUTHORITY Moderate Rehabilitation Program Administrative Plan

William McGonagle
Administrator



Amended April 1, 2013,

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CHAPTER 16: TERMINATION OF ASSISTANCE

16.1 Definitions

See section 13.1 of the HCVP Administrative Plan.

16.2 Mandatory Termination

See section 13.2 of the HCVP Administrative Plan and all its subsections excluding 13.2.1 as there is no right to continued participation once a participant is evicted from a Moderate Rehabilitation unit and thus unnecessary for BHA to proceed with termination.

16.3 Discretionary Termination

See section 13.3 of the HCVP Administrative Plan and all of its subsection excluding Sections 13.3.2 and 13.3.3, for which there is no regulatory ground for termination in the Mod Rehab program.

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Under the Mod Rehab Program, the BHA may also terminate assistance for a Family if:

- (a) The BHA determines that a Family has failed to meet its responsibilities under the Statement of Family Responsibilities. See 24 C.F.R. § 882.413(b).
- (b) The BHA determines that a member of the household is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees. See 24 C.F.R. § 882.518(c)(2)(ii)(A).
- (c) The BHA determines that a member of the household is violating a condition of probation or parole imposed under Federal or State law. See 24 C.F.R. § 882.518(c)(2)(ii)(B)
- (d) The participant has refused to move to an appropriate-sized Apartment after the Family composition has changed enough to necessitate a change in Apartment size, provided the BHA has informed the Family of the availability of an provably Apartment. See 24 C.F.R. § 882.509.

16.4 Termination of Assistance Due to Lack of Adequate Funding

See section 13.4 of the HCVP Administrative Plan.

16.5 Family Obligations

In addition to the Statement of Family Responsibility described above, Participants in the Mod Rehab Program must follow the same Family Obligations found in Section 13.5.2 of the HCVP Administrative Plan. Violation of the Family Obligations by an act or a failure to act may result in termination of Mod Rehab

program assistance. Termination for a violation of the Family Obligations shall be at the discretion of the BHA.

16.5.1 Tenants Informed of Family Obligations

- (a) The BHA will supply the Family with a written description of the Family obligations at each annual recertification.
- (b) The Head of Household will sign the Family obligations at each annual Recertification to certify that he/she understands and will comply with the obligations of the Mod Rehab Program. See also section 13.5.1-2 of the HCVP Administrative Plan.

16.6 Procedure for Terminating Assistance

See section 13.6 of the HCVP Administrative Plan.

16.7 Informal Hearings for Participant Families

See section 13.7 of the HCVP Administrative Plan.