

Comments and Responses to the BHA FY 2014 Annual Plan Amendment 2.

The following document contains the comments and responses received on the BHA's FY 2014 Annual Plan Amendment 2. The Plan was put out for public comment on July 14, 2014 and the comment period closed on August 28, 2014 with a public hearing held August 18 2014 in the training room at 125 Amory Street in Roxbury at 6 pm.

The BHA took several steps to notify the public of the FY 2014 Annual Plan Amendment 2 and the opportunity to comment. The BHA placed an advertisement in the Boston Globe and mailed out flyers to public housing resident organizations notifying them of the Public Hearing and the proposed Plan Amendment. The BHA also sent letters to many local officials and advocacy groups. The Plan was made available for review at task force offices, BHA's headquarters at 52 Chauncy St., and on its website www.bostonhousing.org.

Comment: I am in receipt of the BHA's draft Amendment #2 to its FY 2014 Annual Plan, which is intended to implement Congressional and HUD directives about what are permissible Public Housing Agency (PHA) flat rent policies

for federal public housing. See, in particular, PIH Notice 2014-12 and Public Law 113-76 (Fiscal Year 2014 Appropriations Act). I have three recommendations:

1 BHA has, in its Supplement to HUD Form 50057, Plan Elements, included text about how the new flat rent formula (80% of the Section 8 Fair Market Rents (FMRs) as opposed to the prior 70% of Section 8 FMRs, will be implemented, so that increases are phased in for those tenants who would otherwise see too steep an increase in rents, as required by federal law. However, this language is NOT included in the Admissions and Continued Occupancy Policy (ACOP) amendment, which has also been provided for review. It should be there as well. While the transition rule will not be permanent, it will be important for this year and the next few years, and it is important that BHA staff get it right and that residents understand how it should operate. The ACOP is a commonly referenced document; the Plan Supplement is not.

Response: BHA thanks you for your comment. The ACOP is a permanent policy document and transitional implementation information should not be included. The transitional changes are expected to have minimal or no impact on the

operations of BHA's public housing program. It should be noted that no BHA resident currently paying flat rent faces an increase in excess of the limitation. Appropriate limitations will be included in the implementation guidelines. The BHA is satisfied that property managers will be adequately trained regarding implementation and application of the new fair market rents.

Comment: 2. In addition, on a practical level, it would be helpful to design a simple notice to residents to explain how this works, and which gives some examples. The language in such a notice would be more reader-friendly than the Plan Supplement and ACOP, and would be designed for the common readability levels that should be used for ALL BHA notices to residents.

Response: A letter explaining the change will be sent to all BHA residents currently paying the flat rent. The BHA will make this letter as reader-friendly and comprehensible as we can.

Comment: 3. Finally, while the ACOP rent provisions generally are not the subject of this hearing, since the portion of the ACOP that had to do with rent changes for public housing tenants was attached to this, I would make once suggestion for a revision of the ACOP

outside of the “flat rent” provision. This has to do with Paragraph 5 of Section 9.2 of the ACOP, which says: “Residents shall report to BHA any increase in monthly gross household income of \$200 or more from the amount reported to BHA at the most recent annual rent determination or interim redetermination.” While this does reflect the policy that has been included by the BHA in past PHA Plan amendments and has been approved, it has not yet been implemented by BHA, and inclusion of the language, without more, may lead to confusion as to what residents’ obligations are and what is current policy at BHA. I would suggest adding, prior to this sentence, the following: “To the extent required by the lease or any lease amendment or addendum,…” This would then accurately reflect the current state of affairs. BHA has not yet issued a revised lease, lease amendment, or lease addendum incorporating this change or other changes, and until it does so, this reporting obligation is not yet effective for most BHA sites. (There may be some privately managed mixed finance sites with BHA public housing units that do have this reporting obligation, but that would be pursuant to a different lease than the standard BHA residential lease.)

free to share these comments with the members of the Resident Advisory Board and with other BHA staff as you see appropriate.

Response: The BHA thanks you for your comment but believed your suggested revision to the ACOP to be unnecessary. The Housing Authority is aware of the concern and intends to address this issue directly by proceeding to implement the approved changes in the BHA residential lease subsequent to the close of the comment period on the 2015 Annual Plan. This is necessary in order to afford an adequate opportunity for interested parties to comment on the revisions to the BHA's Violence Against Women Policy (VAWA) policy.

Thank you for the opportunity to submit these comments. Feel;