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ADMISSIONS AND CONTINUED
OCCUPANCY POLICY (ACOP)
FOR
BHA PUBLIC HOUSING
PROGRAMS

Effective:
April 1, 20254

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Summary of Changes to the ACOP

Effective Date 4/1/2025

All Sections: DHCD updated to EOHLC throughout document

Added: 4.4.2 (a) - **Points for Priorities and Preferences** – added Administrative Transfer point 125

Edit: 4.4.2 (a) – updated Super Priority to include Super Priority Applicant

Edit: 4.4.2 (a) – removed list of Priority 1 categories, as they are detailed later in the plan

Edit: 4.4.2 (b) – Rearrange chart to be in numerical order

Edit: 4.5.3 – **Super priority** – revised to include participant and clarified that applicants must be in good standing for Super Priority admission

Added: 4.5.3 – added language to permit PBV participants to receive a public housing offer if the BHA the family is occupying a wrong size unit or unit with accessibility features that the family does not require

Edit: 4.6 – **Admission Preference** – revised language to align with Leased Housing Administrative Plan

Edit: 4.6.1 – **Designated Housing Preference** – moved language to align with preference chart located above in the plan

Edit: 4.6.2 – **Single Elderly or Disabled Preference** – moved language to align with preference chart located above in the plan, and added language to align with the Leased Housing Admin plan

Edit: 4.6.3 – **Veterans Preference** – moved language to align with preference chart located above in the plan

Edit: 4.6.4 – **Displaced Boston Tenant Preference** - revised language to align with Leased Housing Administrative Plan

Edit: 4.6.4 (b) **Verification Requirement** - revised language to align with Leased Housing Administrative Plan

Edit: 5.3.5 **Student Definition**- expanded to allow for income deductions for part-time students on the State Program

Edit: 5.4.1 Verification Requirements

(c)Federal: Reduced number of paystubs required from 4 to 2.

(d)State: revised language on State Programs to align with 760 CMR 6.04 requirements which requires W-2's or 1099 or other tax reporting forms from the prior year.

Edit: 5.4.4 Self-Employment Verification –State Only Schedule C of US 1040

Edit: 5.4.5 Zero Income – Removed requirement to complete a statement of family responsibility when a family reports zero income and replaced with “BHA may require” such a statement.

Edit: 5.4.7(b)(i) Asset Verification Removed required bank statements from two (2) to the most recent (1).

Edit: 5.6 Definition of Live-in PCA (State Only) Revised to align with 760CMR

Edit: 6.1.3 Apartment Assignments – revised language to the occupancy standard, current public housing residents and approved transfers will continue to follow the old occupancy standards, while new admissions and any transfers not yet approved will adhere to the new standards. This transition to the new occupancy standards is intended to facilitate a smoother conversion of public housing to the Section 8 program.

Edit: 8.1 Residual Tenancy (State Only) Revised to align with 760CMR that a PCA who's income was previously not counted may assume residual status if their income will count.

Edit: 8.1(5) Residual Tenancy (State Only) Revised to align with 760CMR that a residual family member assumes any unpaid rent or past due rent by the former Head.

Section 9: Tenant Status Review (TSR) updated to recertification throughout.

Edit: 9.1.1 Leased (State Only) BHA will use EOHLC's lease or one that has been approved by EOHLC in alignment with 760 CMR 6.06.

Edit: 9.1.3(e) & (g) Additions to the Household (State Only) Any additions to the household will be in alignment with 760 CMR 6.06 which require screening of any individual ten (10) years or older.

Edit: 9.1.4 (a) Removal of Household Members (State Only) A tenant may delete a member as outlined in 760 CMR 6.06. Further, any temporary visitor are limited to 21 nights (or days if the head sleeps during the day) in any 12 month period.

Edit: 9.1.4 (b) Unauthorized Occupants (State Only) Any temporary visitor are limited to 21 nights (or days if the head sleeps during the day) in any 12 month period unless the LHA consents in writing prior to the expiration of 21 nights.

Edit: 9.2.5(b) Zero Income Zero Income Questionnaire and 90 day recertification requirement eliminated. However, language added that BHA may require a statement of financial responsibility.

Edit: 9.2.7 Notice of Rent Share Change Language changed from “Before any change of rent is made...” to “When any change to rent is made...”

Edit: 9.2.8(b) Income-Based versus Flat Rent (Federal Program Only) Language expanded to default each family to the lower of the flat rent or the income-based rent in the notice of rent share. The family may request the higher rent by notifying the BHA in writing within twenty (20) days of the notice of rent share.

Edit: 9.3(a) Interim Requests for Increase in Income (State Program Only) Added language to align with 760 CMR to require families to report any retroactive increases in income with associated one-time retroactive rent charge.

Edit: 9.3(b) Interim Requests for Decrease in Income (State Program Only) Removed language citing COVID State of Emergency.

Edit: 9.7.4 Community Service: Revised language to state that exemption status will be on client worksheet, and will instead be on notice of family rent share.

Edit: 9.7.5 Community Service:

- a. Revised language from Property Manager to BHA staff throughout.
- b. Revised language from “come to office to complete the status review” to “complete the recertification”.
- c. Changed language from “at the appointment” to “with the recertification documents”.

Edit: 9.7.6 Non-Compliance:

- a. Revised language from Property Manager to BHA staff throughout.

Edit: 9.7.7 Verification:

- a. Revised language from Property Manager to BHA staff throughout.
- b. Revised language from Status Review to Recertification

Definitions:

- i. TSR replaced with recertification throughout.
- ii. Residual Tenant Updated to align with Changes to Chapter 8 from 760 CMR

4.4 Priorities and Preferences for Federal Programs

An Applicant for new admission or Transfer may qualify for a Priority and/or Preference that establishes their position on the waiting list and the order to which they are screened for program eligibility.

Preference points are cumulative and are added to Priority points (if any) to determine an Applicant's position on each BHA waiting list.

4.4.1 Definitions

(a) Priority

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

(b) Preference

Preference refers to points given to BHA Applicants who are veterans, Displaced Boston Residents, a Disabled Person (Family Developments/AMPs only) or Elderly Households who apply for certain developments in accordance with State regulations and the BHA's Designated Housing Program. An Applicant may qualify for more than one Preference at a time.

4.4.2 Points for Priorities and Preferences

(a) The BHA assigns Priority points to each Applicant for New Admission and Transfer on all Waiting Lists.

Federal Housing Program Priority	Points
Administrative Transfers	175
Super Priority Applicants	75
Special Circumstances Transfers	67
Supported Housing Programs	50
Priority One Applicants	30
Displaced Due to Disaster	

<ul style="list-style-type: none"> • Displaced Due to Domestic Violence/ Dating Violence/Sexual Assault/ or Stalking • Displaced due to Being a Victim of Hate Crime • Displaced due Avoidance of Reprisal/Witness Protection • Displaced due to Court Ordered no Fault Eviction • Displaced due to Government Action • For Disabled Persons only, Inaccessibility of a Critical Element of their current Dwelling Unit • Displaced due to Being Cost Burdened in Boston • Homeless 	
Standard Applicants	0

(b) The BHA assigns Preference points to each Applicant for New Admission.

Federal Housing Program Preference	Points
Designated Housing not requiring Wheelchair Accessible units Veteran	1003
Single Elderly Disabled Preference	5
Veteran	3
Designated Housing not requiring Wheelchair Accessible units	100
Displaced Boston Tenant	2

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State Public Housing 760 CMR 5.09(1) – Priority Categories

Priority Categories. The BHA shall use the following priority categories in descending order in determining the order of tenant selection:

1st Priority. Homeless due to Displacement by Natural Forces an applicant, otherwise eligible and qualified, who has been displaced by:

1. fire not due to the negligence or intentional act of applicant or a household member;
2. earthquake, flood or other natural cause; or
3. a disaster declared or otherwise formally recognized under disaster relief laws.

2nd Priority. Homeless due to Displacement by Public Action (Urban Renewal) an applicant, otherwise eligible and qualified, who will be displaced within 90 days, or has been displaced within the three years prior to application, by:

1. any low rent housing project as defined in M.G.L. c. 121B, § 1;
2. a public slum clearance or urban renewal project initiated after January 1, 1947; or
3. other public improvement.

3rd Priority. Homeless due to Displacement by Public Action (Sanitary Code Violations) an applicant, otherwise eligible and qualified, who is being displaced, or has been displaced within 90 days prior to application, by enforcement of minimum standards of fitness for human habitation established by 105 CMR 410.000: Minimum Standards of Fitness for Human Habitation (State Sanitary Code: Chapter II) or local ordinances, provided that:

1. neither the applicant nor a household member has caused or substantially contributed to the cause of enforcement proceedings; and
2. the applicant has pursued available ways to remedy the situation by seeking assistance through the courts or appropriate administrative or enforcement agencies.

4th Priority. Other Priority situations as described in the Housing Situation Priority Policy established by the Department pursuant to 760 CMR 5.11 [or other housing situations requested by BHA and granted as a waiver by BHA]

5th Priority. AHVP Participant an applicant, otherwise eligible and qualified, who is living in a non-permanent, transitional housing subsidized by the AHVP.

6th Priority. Transfer for Good Cause.

7th Priority. Standard Applicant an applicant, otherwise eligible and qualified, who does not fit within any of the previous six priority categories.

4.5 Priority Categories and Verification Requirements

State Public Housing 760 CMR 5.05 (3)(a) - Determinations of Priority, Preference, Eligibility and Qualification.

(a) When an applicant approaches the top of a waiting list for a BHA program to which the applicant has applied, the BHA shall make a final determination of the applicant's priority, preference, eligibility and qualification. The applicant shall update the application and provide any additional information or verification reasonably required by the BHA.

Note: The BHA shall use the verification requirements outlined in the sections below as a guideline for verification for the State Public Housing programs.

4.5.1 Transfers

See Chapter on Transfers for explanation of Administrative Transfers and Special Circumstances Transfers.

4.5.2 Supported Housing Programs

See Chapter 10.

4.5.3 Super Priority

The BHA will admit an Applicant/Participant in good standing to the Public Housing program before all other Applicants/Participants on the waiting list if:

The Applicant was a resident in a BHA public housing site the has been converted to other low-income housing.

The Applicant Family is or will be temporarily displaced due to rehabilitation and modernization programs (an applicant family shall be deemed temporarily displaced from the time the family vacates the public housing unit until an offer is made to return to the site).

The Project Based Voucher (PBV) Family resides in a PBV unit were the BHA determined that the family is occupying a wrong size unit or Unit with accessibility features that the Family does not require, and the Unit is needed by a Family that requires the accessibility features.

4.5.4 Priority 1 for Federal Housing Programs ("P1")

(a) Verification of Priority 1 Timeline

The BHA grants Priority 1 status based on circumstances verified at two points:

(i) at the time of application with verification as determined by BHA, AND

(ii) immediately prior to the final eligibility interview for all relevant BHA programs by satisfying the verification requirements in the relevant section below.

(b) Changes of Priority 1 Status

Additionally, a change from one Priority 1 category to another Priority 1 category in between application and the final eligibility interview shall not disqualify an applicant from their original application date and time.

Priority 1 status shall not be re-verified after a determination of eligibility is made during final eligibility screening. The BHA will verify non-receipt of subsidized housing as described in 4.5.5(a)(iii) below prior to leasing.

(c) Determinations of Priority 1 Applicants on Multiple Waitlists

(i) Approval or Denial for Priority 1 on any BHA waiting list suffices as an approval or denial for Priority 1 on all applicable BHA waiting lists.

4.5.5 Priority 1 Displaced Categories

The **Displaced Priority** categories are:

1. Government Action
2. Disaster
3. Domestic Violence
4. Victim of a Hate Crime
5. Fear of Reprisal / Witness Protection
6. Court Ordered No-Fault Eviction
7. Cost Burdened in Boston
8. Inaccessibility to the Dwelling Unit
9. Graduates of Project-Based Units Who Have Fulfilled Supportive Service Goals

(a) Displaced Category Threshold Verification Requirements

In order to qualify as Displaced in one of the categories detailed below, the Applicant must meet the following threshold verification requirements:

(i) Displaced or Imminent Danger of Displacement: the Applicant must have been Displaced from their residence or is in imminent danger of being Displaced due to one of the categories set forth below, AND

(ii) Proof of Address: the Applicant must verify proof of residence at the address of displacement by providing a lease, utility bill(s), official mail from a government agency, or a written certification from the owner of the property or other government official, AND

(iii) No Receipt of other Subsidized Housing: The Applicant must not be in receipt of adequate subsidized or other low-income housing from the BHA or another government agency. An applicant will continue to be considered displaced if they reside in subsidized housing that is not permanent or is not accessible as defined below. ▸

(b) Displaced due to Government Action

(i) A Household is required to permanently move from their residence by a Federal, State or local governmental action such as code enforcement, public improvements or a development program.

(ii) Verification Requirements:

- 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
- the precise reason(s) for such displacement.

(c) Displacement Due to a Disaster

(i) Applicant was Displaced due to a disaster such as flood or fire, that results in the uninhabitability 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;

(ii) Verification requirements:

- A copy of the incident report from the local Fire Department or other appropriate agency who deals with disasters, OR
- Written verification from the appropriate unit or agency of government certifying that the applicant has been displaced or will be imminently be displaced, as a result of action by that agency, AND
- Verification the appropriate agency that the dwelling unit is now uninhabitable AND
- If applicable, the cause of the disaster. If you 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 reviewing department.

(d) Displacement Due to Domestic Violence/Dating Violence / Stalking/ Sexual Assault

(i) Displacement or threat of imminent displacement from an address due to continuing actual or threatened physical violence (including sexual abuse) directed against one or more of the Applicant Family members.

(ii) Verification requirements:

- Submission of a fully completed "Certificate of Involuntary Displacement Due to Domestic Violence/Dating Violence/ Stalking/ Sexual Assault" HUD Form 5382, OR
- A document, (1) signed by an employee, agent, or volunteer of a victim service provider, an attorney or medical professional or a mental health professional (collectively, "professional") from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, (2) signed by the applicant or tenant, (3) that specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault or stalking is the grounds for protection and remedies under the VAWA Final Rule, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault or stalking under 24 C.F.R. 5.2003; OR
- A record of a Federal, State, tribal, territorial, or local law enforcement agency (may include a police report), court, or administrative agency; OR
- At the discretion of a covered housing provider, a statement or other evidence provided by the applicant or tenant.
- Verification will not be considered valid unless it: (1) supplies the name of the threatening or abusive Household Member or other legal occupant of the dwelling Unit if known is safe to do so, AND (2) describes how the situation came to certifier or verifier's attention, AND (3) Indicates that the Applicant was displaced because of the threats and/or violence and that the Applicant is in imminent danger where they now resides.

(e) Displaced Due to Being a Victim of a Hate Crime

(i) 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.

(ii) "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 their 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.

(iii) Verification must include:

- Submission the appropriate BHA form, OR
- Documentation from a law enforcement agency that the Applicant or a Household Member was a victim of such crime(s)

(f) Displaced Due to Avoidance of Reprisal or Witness Protection

(i) 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 to avoid or minimize risk of violence against Applicant as reprisal for providing such information.

(ii) Verification requirements:

- Submission of the appropriate BHA form or documentation from a law enforcement agency that the Applicant and/or a household member provided information on criminal activity; AND
- 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.

(g) Displaced Due to Court-Ordered No-Fault Eviction:

(i) Eviction occurred 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 or prevent, such as failure to accept an offer of a new lease; owner's desire to use the unit for personal use, or a non-residential purpose; a business or economic reason such as sale or renovation of the property or a desire to lease at a higher rent , AND
- the action occurred despite the applicant's having met all lawfully imposed lease conditions, AND
- Displacement was not the result of failure to comply with HUD and State policies in its housing programs with respect to occupancy of under-occupied and overcrowded units or failure to accept a transfer to another unit in accordance

with a court order or policies or procedures under a HUD-approved desegregation plan.

(i) Verification Requirements:

- a copy of the Judgment of the Court (Agreement for Judgment, Order for Judgment and Findings of Fact, or Default Judgment); AND
- If necessary, additional information to verify no fault if the judgment is not clear, such as the Summons and Complaint and or Notice to Quit.
- if applicable, a copy of the execution issued by the court.

(iii) 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; AND
- the action by the landlord or property manager occurred despite the Applicant Household having met all previously imposed conditions of occupancy; AND
- displacement was not the result of failure to comply with HUD and State policies in its housing programs with respect to occupancy of under-occupied and 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.

(h) Displaced Due to Being Cost Burdened in Boston

(i) The Applicant can demonstrate paying more than fifty (50) percent of their total household monthly gross income towards housing and utilities in a Boston residence (excluding internet and telephone).

(ii) Verification requirements:

- A Lease providing the rent amount and showing Applicant is or was a tenant and confirming the rent, OR
- Rent Receipts or Bank Statements providing the rent amount paid over time, OR
- A mortgage statement providing the monthly payment amount and showing the Applicant is or was the owner of the property, AND
- Verification of the gross income, including all earned income and benefits, for the Applicant and all household members, AND

- Utility bills paid for by the Applicant or Applicant household members, AND
- Copies of any foreclosure notices, if applicable, AND
- Other applicable documentation to demonstrate that the non-payment eviction or foreclosure was due to unforeseen circumstances beyond the Applicant's ability to control or prevent the non-payment eviction or foreclosure

(i) Inaccessibility of a critical element of their current dwelling unit

(i) 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 neither the Owner nor administering agency is legally obligated under the law 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.

(ii) Verification Requirements:

- The name of the Family member who is unable to use the critical element;
- 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
- 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.

(j) Graduates of Project-Based Units Who Have Fulfilled Supportive Service Goals:

(i) A participant in a transitional housing program for Elderly or Disabled Persons which includes a supportive services component (e.g., 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:

(ii) Verification requirements:

- The person has been a tenant in such a program for not less than twelve (12) months; AND
- The person no longer requires the or completed the program's services (as determined by the program service provider); AND
- As a result must relocate from such housing.

4.5.6 Priority 1 Homeless for Non-State Program

(a) Homeless Defined

The Applicant Household lacks a fixed, regular and adequate nighttime residence, meaning:

- (i) Has a primary nighttime residence that is a public or private place not meant for human habitation; OR
- (ii) is living in a publicly or privately operated shelter designated to provide temporary, living arrangements (including congregate shelters, Transitional Housing, and hotels and motels paid for by non-profit, charitable organizations, or by federal, state and local government programs); OR
- (iii) Is living in housing that is being funded or provided to offer homeless individuals and families with the interim stability and support to ultimately make the transition to and maintain permanent housing; OR
- (iv) An Applicant would otherwise be in shelter if not for a medical condition which precludes a person from staying in shelter as verified by a medical provider.

(b) Verification Requirements:

- (i) Submission of the applicable BHA form that providing that the Applicant is homeless as defined above; AND
- (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; OR,
- (iii) In the case that the Applicant cannot be in the shelter due to a medical condition, written verification from a medical provider must be provided to demonstrate that the individual is unable to live in a public or private shelter, or any other place unfit for human habitation due to the applicant's severe medical condition or disability.
- (iv) The Applicant shall be verified as Homeless at the time the application is submitted and immediately prior to the final eligibility personal interview is scheduled. Gaps of non-homelessness in between those two points shall not result in denial of Priority 1 Homeless qualification.

4.5.7 Standard (no Priority) Applicants

Standard Applicants are those who do not qualify for any Priority category under this policy.

4.5.8 Housing Situation for State Programs

State Public Housing 760 CMR 5.11 – Housing Situation

The Housing Situation Priority Policy issued by the Department sets out the criteria to be used by BHA to determine the Priority to be granted to the applications of Homeless Applicants. The Priority of an application on the LHA waiting list shall be initially set by the Statewide Online Application System (CHAMP) based on the unverified Housing Situation that is claimed by the applicant on the application form.

When an application nears the top of BHA's waiting list, the BHA shall require the applicant to provide verification of the Housing Situation that was claimed on the application. If the applicant fails to submit all documentation necessary to verify the Housing Situation that was claimed on the application within ten business days of the BHA's request for verification, then the application will be granted Priority 7 Standard. If at any subsequent time the applicant submits verification of the previously claimed Housing Situation, the BHA will grant the verified Priority as of the date and time of the applicant's initial claim.

If an applicant submits documentation that fails to verify any criteria of the claimed Housing Situation Priority, then the BHA shall deny the Priority and inform the applicant of the right to appeal the determination pursuant to 760 CMR 5.13. An applicant may claim or delete an existing claim of Housing Situation Priority at any time. Any grant of a claimed Priority by a BHA shall be made only after verification of the circumstances that meet the criteria for the Priority as set out in the Housing Situation Priority Policy. Any change to an application's Priority, including the grant or denial of a Priority, that is made by BHA shall only affect the position of the application on that BHA's waiting list for the program [or developments] for which the applicant is being considered.

The DHCD Housing Situation Priority Policy shall be posted at all times on DHCD's website at <https://www.mass.gov/orgs/housing-and-community-development> and in the LHA's administrative office where applications are received and shall be a public record.

4.6 Admission Preferences

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.

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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.

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Determinations of Preference: Approval or Denial for the Single Elderly or Disabled Preference, Veterans Preference or Displaced Boston Tenant Preference will suffice as an approval or denial for the Preference for all applicable BHA waiting lists.

~~Preference points apply only to Applicants for new admission on BHA waiting lists.~~

~~Preference points will be added to Priority points to determine an Applicants' placement on each BHA waiting list. For example, a Priority 1 Applicant with a residency Preference will be ranked above a Priority 1 Applicant with no Preferences. Preference points are cumulative meaning that an Applicant can receive points from more than one Preference category.~~

State Public Housing 760 CMR 5.09(2) – Preference Categories

Preference Categories. Apart from the affirmative action preference to be applied pursuant to 760 CMR 5.10(3) the LHA shall apply the following preferences in descending order within each of the priority categories in determining the order of tenant selection:

Veteran. Any veteran applying for elderly/handicapped housing receives this preference. A veteran applying for family housing receives this preference in all St. 1948, c. 200 units or, if the LHA has no St. 1948, c. 200 units, in all St. 1966, c. 705 units. In St. 1948, c. 200 and St. 1966, c. 705 units the order of preference is as follows:

1. Veterans with service-connected disability;
2. Families of deceased veterans whose death was service connected; and
3. Other veterans.

Local Resident. Any Local Resident applying for public housing receives this preference.

4.6.1 Designated Housing Preference

(a) Federal

(i) When Non-Elderly Disabled Resident Population is less than 20%

Disabled Head or Co-Head Applicants who are under 62 years of age and are on a Federal Elderly and Disabled Program designated development/AMP wait list where the non-elderly disabled resident population is less than 20% AND who do not require wheelchair accessible units will receive preference points. The Designated Housing Preference shall be further ranked in the following order:

- Among households (i.e. within the same housing Priority category), first Preference shall be given to non-elderly disabled households whose Head and/or Co-Head is/are under 62 years of age.
- Among households (i.e. within the same housing Priority category), second Preference shall be given to households whose Head and/or Co-Head is/are Elderly (62 years of age or older).

(ii) When Elderly Resident Population is less than 80%

Applicants who are 62 years of age or older and are on a Federal Elderly and Disabled Program designated development/AMP wait list where the elderly resident population is less than 80% AND who do not require wheelchair accessible units will receive preference points. The Designated Housing Preference shall be further ranked in the following order:

- Among households (i.e. within the same housing Priority category), first Preference shall be given to households whose Head and/or Co-Head is/are 62 years of age or older.
- Among households (i.e. within the same housing Priority category), second Preference shall be given to households whose Head and/or Co-Head is/are Non Elderly Disabled (<62 years of age).

(b) State

(i) General Provisions for Placements

Placements are to be made in elderly/disabled housing to achieve a mixed population of elderly households in 86.5% of the units and handicapped households in 13.5% of the units. The BHA shall place applicants in accordance with 760 CMR 5.10(2) in order to attain or to sustain these percentages. Such placements shall also be made in accordance with any applicable priority and preference categories.

Any accessible or modified unit shall be offered to an applicant household that includes a person, regardless of age, who has a physical handicap which handicap necessitates one or more of the special design features of the unit.

(ii) Placements by BHA in Elderly/Disabled Housing

Prior to making a placement in elderly/disabled housing, the BHA shall determine the BHA's current percentage of c. 667 units occupied by disabled households. In making this determination the BHA shall count all c. 667 units including c. 667 congregate units, c. 667 section 8 new construction or substantial rehabilitation units, c. 667 modified units, and c. 667 conventional units. The BHA shall then place applicants as follows:

If the percentage of units occupied by disabled households is less than 13.5%, the BHA shall place one eligible and qualified disabled household for each eligible and qualified elderly household placed until the percentage of disabled households equals or exceeds 13.5%.

If the percentage of the units occupied by disabled households equals or exceeds 13.5%, the BHA shall place eligible and qualified elderly households until the percentage of disabled households falls below 13.5%.

If the percentage of units occupied by disabled households equals or exceeds 13.5%, but the BHA has exhausted its waiting list of eligible and qualified elderly households, the BHA shall place those eligible and qualified disabled households whose members have attained the age of 50 but are less than 60 years old until such time as the percentage of disabled households falls below 13.5% or until there is an application from an eligible and qualified elderly household.

If the percentage of units occupied by disabled households equals or exceeds 13.5%, and the BHA has exhausted its waiting list of eligible and qualified elderly households and eligible and qualified disabled households whose members have attained the age of 50 but are less than 60 years old, the BHA shall place eligible and qualified disabled households, without regard to age, until there is an eligible and qualified elderly household or, in the absence of such an elderly household, an eligible and qualified disabled household whose members have attained age 50 but who are less than 60 years old.

~~Veterans Preference~~

~~The Veterans' Preference shall be ranked above the residency Preference.~~

~~A "veteran", as used in this Admission and Continued Occupancy Policy (ACOP) shall include the Veteran, 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.~~

~~Verification Requirement:~~

~~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.~~

4.6.2 Single Elderly and Disabled Preference

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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. Applicants who require a wheelchair will not receive these preference points since they shall be matched to wheelchair accessible units through the offers process.

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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

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~~Single Elderly and Disabled Preference~~

~~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. Applicants who require a wheelchair will not receive these preference points since they shall be matched to wheelchair accessible units through the offers process.~~

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4.6.3 **Veterans Preference**

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The Veterans' Preference shall be ranked above the residency Preference.

A "veteran", as used in this Admission and Continued Occupancy Policy (ACOP) shall include the Veteran, 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.

Verification Requirement:

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.

~~Designated Housing Preference~~

~~(a) Federal~~

~~(i) When Non Elderly Disabled Resident Population is less than 20%~~

~~Disabled Head or Co-Head Applicants who are under 62 years of age and are on a Federal Elderly and Disabled Program designated development/AMP wait list where the non-elderly disabled resident population is less than 20% AND who do not require~~

~~wheelchair accessible units will receive preference points. The Designated Housing Preference shall be further ranked in the following order:~~

- ~~• Among households (i.e. within the same housing Priority category), first Preference shall be given to non-elderly disabled households whose Head and/or Co-Head is/are under 62 years of age.~~
- ~~• Among households (i.e. within the same housing Priority category), second Preference shall be given to households whose Head and/or Co-Head is/are Elderly (62 years of age or older).~~

~~(ii) When Elderly Resident Population is less than 80%~~

~~Applicants who are 62 years of age or older and are on a Federal Elderly and Disabled Program designated development/AMP wait list where the elderly resident population is less than 80% AND who do not require wheelchair accessible units will receive preference points. The Designated Housing Preference shall be further ranked in the following order:~~

- ~~• Among households (i.e. within the same housing Priority category), first Preference shall be given to households whose Head and/or Co-Head is/are 62 years of age or older.~~
- ~~• Among households (i.e. within the same housing Priority category), second Preference shall be given to households whose Head and/or Co-Head is/are Non Elderly Disabled (<62 years of age).~~

~~(a) State~~

~~(i) General Provisions for Placements~~

~~Placements are to be made in elderly/disabled housing to achieve a mixed population of elderly households in 86.5% of the units and handicapped households in 13.5% of the units. The BHA shall place applicants in accordance with 760 CMR 5.10(2) in order to attain or to sustain these percentages. Such placements shall also be made in accordance with any applicable priority and preference categories.~~

~~Any accessible or modified unit shall be offered to an applicant household that includes a person, regardless of age, who has a physical handicap which handicap necessitates one or more of the special design features of the unit.~~

~~(ii) Placements by BHA in Elderly/Disabled Housing~~

~~Prior to making a placement in elderly/disabled housing, the BHA shall determine the BHA's current percentage of c. 667 units occupied by disabled households. In making this determination the BHA shall count all c. 667 units including c. 667 congregate units, c. 667 section 8 new construction or substantial rehabilitation units, c. 667 modified units, and c. 667 conventional units. The BHA shall then place applicants as follows:~~

~~If the percentage of units occupied by disabled households is less than 13.5%, the BHA shall place one eligible and qualified disabled household for each eligible and qualified elderly household placed until the percentage of disabled households equals or exceeds 13.5%.~~

~~If the percentage of the units occupied by disabled households equals or exceeds 13.5%, the BHA shall place eligible and qualified elderly households until the percentage of disabled households falls below 13.5%.~~

~~If the percentage of units occupied by disabled households equals or exceeds 13.5%, but the BHA has exhausted its waiting list of eligible and qualified elderly households, the BHA shall place those eligible and qualified disabled households whose members have attained the age of 50 but are less than 60 years old until such time as the percentage of disabled households falls below 13.5% or until there is an application from an eligible and qualified elderly household.~~

~~If the percentage of units occupied by disabled households equals or exceeds 13.5%, and the BHA has exhausted its waiting list of eligible and qualified elderly households and eligible and qualified disabled households whose members have attained the age of 50 but are less than 60 years old, the BHA shall place eligible and qualified disabled households, without regard to age, until there is an eligible and qualified elderly household or, in the absence of such an elderly household, an eligible and qualified disabled household whose members have attained age 50 but who are less than 60 years old.~~

4.6.4 Displaced Boston Tenant Preference

The BHA shall give two (2) Preference points to an Applicant who was displaced from a unit within the City of Boston ~~that was the Applicant's last permanent residence.~~

(a) No length of Residency Required

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

(b) Verification Requirements

To receive this Preference, an Applicant must verify that: (1) they were displaced from a unit within the City of Boston, ~~(2) that the unit was the Applicant's last permanent residence, and since the Applicant has been unable to obtain permanent housing.~~

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The following documentation is a non-exhaustive list of documentation that may be used, in conjunction with Priority documentation that establishes displacement, will verify the Displaced Boston Tenant Preference:

- ~~_____~~ ~~(i)~~ Landlord verification
- ~~(i) _____~~
- ~~_____~~ ~~(ii)~~ A copy of a Lease
- ~~(ii) _____~~
- ~~_____~~ ~~(iii)~~ Utility Bill (electric, gas, oil, or water)
- ~~(iii) _____~~
- ~~(iv) _____~~ ~~(iv)~~ Mortgage Payments
- ~~(v) _____~~ Letter from School Department
- ~~(vi) _____~~ Letter from Social Security Department
- ~~(vii) _____~~ Taxes
- ~~(viii) _____~~ Other verification deemed acceptable or necessary by BHA

~~(v) Taxes~~

~~(vi) Other verification deemed acceptable or necessary by BHA.~~

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4.7 Apartment Features Considered

Before applying Priorities and Preferences, BHA will determine the appropriate apartment size and special features based on Household composition and needs. In making the selection of a Household for an apartment with accessible features, the BHA will give preference to Households with the greatest number of Priority/Preference points, the earliest approval date for said Priority/Preference points and earliest application date that include a person with disabilities who has a specific need for the apartment features.

4.8 Changes in Priority and/or Preference

An Applicant is required to report any change in circumstances that may result in a change of priority or preferences.

Verification

To the extent that the verification determines that the Household does not now qualify for a Priority and/or Preference, the Household will be moved up on any waiting list previously selected in accordance with its Priority and/or Preference(s), and the date such Priority and/or Preference(s) is approved.

In the case that the documentation provided by the applicant is not complete or is otherwise doubtful, the BHA may require the Household Member to sign a release allowing the BHA to obtain the information directly from the third party.

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 household who has failed to provide requested documentation or to identify sources who can provide documentation which demonstrates the ability of the household to comply with the essential obligations of the Lease or meet other eligibility requirements.

5.3 Verification of Family Composition

5.3.1 Photo identification

The Head and Co-Head of Household must supply one of the following forms of photo identification:

- (a) Driver's license
- (b) Registry of Motor Vehicles picture ID
- (c) Passport
- (d) Student or employer ID
- (e) Other photo ID acceptable to BHA

5.3.2 Proof of Birth

Proof of Birth or Expected Birth for all Household Members (One of the following proof of birth documents in order of preferred documentation):

- (a) Birth Certificates
- (b) Passports
- (c) Original Baptismal Records
- (d) Original INS documents for eligible Non-Citizens (Federal only)
- (e) Other records as deemed appropriate by BHA (Marriage certificate, DDG214, Statement from Social Security Administration)

(f) A letter documenting pregnancy as well as anticipated date of birth will be required for all unborn children listed on application.

5.3.3 Proof of Relationships

Applies to minor children or the care of adults in guardianship situations. The following types of documents will be accepted:

- (a) Birth Certificates
- (b) Court records of adoption
- (c) Court records of guardianship
- (d) Other written documentation or designation from the minor child's parent or other such person having legal custody.

5.3.4 Social Security Numbers

Federal regulations require that the social security numbers of all Applicant household members must be verified except for those individuals who do not contend to have eligible immigration status. One of the following types of documents may be accepted:

- (a) Social security card. Copies of Social Security cards shall be destroyed if an Applicant becomes housed and the Social Security number is verified through the HUD Enterprise Income Verification (EIV) system.
- (b) Original Report from the Social Security Administration documenting the unavailability/non-assignment of a social security number for that Applicant household member
- (c) A written statement from the Social Security Administration documenting the social security number assigned for that Applicant household member.

5.3.5 Verification of Student Status

Federal Programs:

Full time student status for an Applicant household member 18 years of age or older shall be verified through statement on the letterhead or other official documentation of an accredited educational institution stating that the Applicant household member is enrolled as a full-time student at that institution.

State Programs:

[A Household Member between 18 and 26 years old, who is the dependent of another Household Member shall be verified on the letter of other official documentation of an accredited institution stating that the Applicant household member is carrying a course load that is considered at least half-time for students under the standards and practices of the institution](#)

5.3.6 Verification of Disability

The BHA shall verify status as a Disabled Household or Disabled Person for purposes of determining eligibility and rent calculation. The following documentation will be accepted for purposes of verifying the status of a household member as a Disabled Person:

- (a) The household member's sole source of income is SSI benefits, SSDI benefits, or disability retirement income (see income verification below);
- (b) A certification from a Qualified Health Care Provider verifying that the household member meets the criteria of a Disabled Person for the state and federal housing programs. (See Definitions for eligibility of Disabled Persons)

State Public Housing 760 CMR 5.07 – Verification of Handicapped Persons

- (1) The definition of handicapped persons of low income is set out in M.G.L. c. 121B, § 1. A handicapped person of low income, as so defined, may have one or more physical or mental impairments, which shall be considered in conjunction with each other if more than one exists.
- (2) The LHA shall determine whether non-elderly applicants for elderly/handicapped housing are handicapped persons of low income. Upon request, the applicant shall provide documentation sufficient for the LHA to be able to make a determination of eligibility. Such documentation shall be subject to third-party verification. As part of the determination process the following actions and findings are necessary.
 - (a) The applicant shall provide certification by a physician documenting a physical or mental impairment which is expected to be of long and continued duration, but at least for more than six months;
 - (b) the LHA shall determine that either certain special architectural design features or low- rent housing are not available in the private market and that the applicant is faced with living in an institution or decadent, substandard housing, or paying excessive rents; and
 - (c) the LHA shall determine an applicant to be of low income if the applicant's household income is within the income limits set for state-aided public housing.
- (3) Examples of a person with a qualifying physical impairment which may substantially impede their ability to live independently in conventional housing shall

include, but shall not be limited to, a person:

- (a) who is confined to a wheelchair;
- (b) who, because of the use of braces or crutches, or because of the loss of a foot or leg, or because of an arthritic, spastic, pulmonary or cardiac condition walks with significant difficulty or insecurity;
- (c) who, due to a brain, spinal or peripheral nerve injury, suffers from significant coordination deficits;
- (d) who is blind within the definition of blind person set out in 111 CMR 3.03: Definitions;
- (e) who is deaf within the definition set out in M.G.L. 6, § 191; or
- (f) who has a developmental disability which prevents the person from living totally independently and would benefit from the LHA's specialized housing (such a person may include, but is not limited to, a person with cerebral palsy, mental retardation, or epilepsy).

5.3.7 Verification of Need for Special Unit Features

During the application process, the Applicant will identify any required special features that may be required due to the disability of one or more family members. Such features could include first floor apartments, inability to live in a townhouse unit, need for accessible features such as wheelchair accessibility, and other factors.

The need for special features shall be evaluated and verified in accordance with Policy for Good Cause and/or Reasonable Accommodation verifications.

5.3.8 Verification of Citizenship Status (Federal Programs Only)

State Public Housing

Provisions with respect to Citizenship status and eligibility do **not** apply to State public housing programs.

(a) Citizen and Non-Citizen Eligibility Requirements

Each Household Member'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 public housing benefits (federal program only) is affected by citizen or Non-Citizen status. At least one household member must be a citizen or an Eligible Non-Citizen. Immigration Status for all Non-Citizen household members must be verified through the U.S. Department of Immigration and Naturalization Service.

(b) Mixed Household

An eligible Mixed Household is defined as a Household containing members who are citizens or with Eligible Non-Citizen Status, as well as members without such status, and that meets the criteria for eligibility for continued assistance. Continued financial assistance may be provided to an eligible mixed Household, but it will be prorated based upon the percentage of Household Members that are eligible for assistance.

(c) Evidence of Citizenship Status

Evidence of U.S. Citizenship or "Eligible Immigration Status" will be required to be submitted for all household members regardless of their age, except as indicated below:

- (i) For Citizens, a signed Declaration of U.S. Citizenship
- (ii) For Non-Citizen who is age 62 or over, a signed Declaration of "Eligible Immigration Status" and proof of age.
- (iii) For Applicants not contending to have citizenship or eligible immigration status, a completed "Non-Contending" form certifying the lack of status.
- (iv) An Applicant who is a Non-Citizen who does not fall into one of the categories above must provide a signed Declaration of "Eligible Immigration Status," a signed Verification Consent Form and one of the original documents listed below:
 - Registered Alien Card (U.S. Immigration and Naturalization Service (INS) I-551 Form)
 - Arrival /Departure Record (U.S. Immigration and Naturalization Service (INS) I-94 Form); with one of the following annotations:
 - (a) "Admitted as Refugee pursuant to Section 207";
 - (b) "Section 208" or "Asylum";
 - (c) "Section 243(h)" or "Deportation stayed by Attorney General";
 - (d) "Paroled pursuant to Section 2112(d)(5) of the INAA"
 - Arrival /Departure Record (U.S. Immigration and Naturalization Service (INS) I-94 Form) not annotated, accompanied by one of the following documents:
 - (a) A final court decision granting asylum to which no appeal was taken.
 - (b) A letter from a U.S. Immigration and Naturalization Service (INS) Asylum Officer granting asylum (if application was filed on or after October 1, 1990) or from a U.S. Immigration and Naturalization Service (INS) District Director (if application filed before October 1, 1990).
 - (c) A court decision granting the withholding of deportation.
 - (d) A letter from a U.S. Immigration and Naturalization Service (INS) Asylum Officer granting withholding of deportation (if application was filed on or after October 1, 1990).

- Temporary Resident Card (U.S. Immigration and Naturalization Service (INS) I-688 Form or also known/replaced by the I-766 Form which must be annotated with the notation either: "Section 245A" or "Section 210")
- Employment Authorization Card (U.S. Immigration and Naturalization Service (INS) Employment Authorization Card I-688B Form or also known/replaced by the I-766 Form which must be annotated with the notation either: "Provision of Law 274a.12(11)" or "Provision of Law 274a.12")
- Receipt From the U.S. Immigration and Naturalization Service (INS) Indicating Application for Issuance of a Replacement Document

(d) Denial or Termination of Assistance

The BHA will deny assistance to an Applicant or terminate assistance to a resident in the following situations:

- (i) Evidence of citizenship or Eligible Non-Citizen status is not submitted by the date set by the BHA or by the expiration of any extension granted by the BHA;
- (ii) Evidence of Eligible Non-Citizen status is submitted in a timely fashion, but INS primary and secondary verification does not verify Eligible Non-Citizen status of a household member; and

The Household does not pursue an INS appeal or informal hearing rights; **or**

The INS appeal and informal hearing rights are pursued, but the final appeal or hearing decisions are decided against the Household Member; **or**

- (iii) The BHA determines that a Household Member has knowingly permitted another individual who is not eligible for assistance to reside on a permanent basis in the public or assisted housing apartment of the Household Member. Such termination shall be for a period of not less than 24 months. This provision does not apply to a Household if the ineligibility of the ineligible individual was considered in calculating any proration of assistance provided for the Household.

(e) Prohibition to Delay, Deny, Reduce or Terminate Assistance

The BHA will not delay, deny, reduce or terminate assistance to an Applicant or resident on the basis of ineligible Non-Citizen status of a household member if:

- (i) The primary and secondary verification of any immigration documents that were submitted in a timely manner has not been completed;
- (ii) The household member for whom required evidence has not been submitted has moved from the assisted apartment;

(iii) The household member who is determined not to be in an Eligible Non-Citizen status following INS verification has moved from the assisted apartment;

(iv) The INS appeals process has not been concluded;

(v) For residents, following notification of the INS decision on appeal, or in lieu of a request of appeal to the INS, an informal BHA hearing has been requested by the Household and said hearing process has not been completed (under the regulations, the BHA may delay but not deny assistance to an Applicant during the pendency of the informal hearing process);

(vi) Assistance is prorated in accordance with the applicable Federal requirement; or

(vii) Assistance for a mixed Household is continued in accordance with applicable Federal requirements; or

(viii) Deferral of termination of assistance is granted.

(f) Preservation of Assistance

(i) Prorated Assistance

For Resident Households prorated Assistance is available for a mixed Household that qualifies other than a Household who requests and receives Temporary deferral of Termination Assistance. Proration is calculated in accordance with Federal requirements.

(ii) Temporary Deferral of Termination of Assistance

A mixed Household that qualifies for prorated assistance but decides not to accept prorated assistance may be granted a Temporary Deferral of Termination of Assistance. The BHA will notify a resident Household in writing at least 60 calendar days in advance of the expiration of a deferral period if termination will no longer be deferred. An applicant for refugee or asylum status may receive a Temporary Deferral of Termination of Assistance pending a determination of status.

5.4 Verification of Income and Deductions

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

HUD mandates use of Enterprise Income Verification (EIV) for current residents. However, EIV is not available to verify income of applicants.

The following outlines the types of verification of income, deductions, exclusions and assets will be accepted.

[State Programs: Please note that the following verification is a non-exhaustive list of types of verification that may be required to verify income and assets as permitted under 760.CMR 6.04.](#)

5.4.1 Income from Employment

[Federal Program:](#)

(a) Verification through the computer matching system employed by HUD (EIV) or a computer wage reporting system.

(b) A statement from the Employer stating the gross wages of the employee, including history or anticipated amounts of overtime or bonus to be earned by the employee, or

(c) [Two \(2\) most recent and consecutive](#) Pay stubs showing gross income for each pay period and all deductions, ~~taken for four consecutive weeks;~~

(d) The income of workers employed on an irregular basis will be estimated based on the verification of the best information available, with due consideration to earning ability and work history.

[State Program:](#)

[For wages, interest, dividends, annuities, pensions or recurring lottery winnings, the Tenant shall submit copies of the prior year's tax reporting forms received by the Tenant \(including W-2 forms, W-2G forms, and 1099 forms\).](#)

5.4.2 Income from governmental agencies

(a) Verification through the computer matching system employed by HUD (EIV) or a computer wage reporting system.

(b) 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.

5.4.3 Income from Retirement Accounts

(a) A statement from the source stating the amount of annual or monthly income provided, including the gross amount and any deductions taken

5.4.4 Income from the operation of a business or profession

[Federal Program](#)

- (a) Most recent audited financial statement of income and loss;
- (b) Most recent tax return showing income and loss from the operation of a business or profession.

[State Program](#)

[For self-employment income the Tenant shall submit a copy of the prior year's Schedule C of US Form-1040](#)

5.4.5 Zero Income

~~(a) When an adult Applicant household member reports zero income, the BHA will require the Applicant household to complete a budget or statement of financial responsibility. The sources of regular cash expenditures will be verified and will be used as income.~~

[\(a\) When an Applicant household reports zero income, the BHA may require the Applicant household to complete a budget or statement of financial responsibility. Any sources of regular cash expenditures will be used as income.](#)

5.4.6 Child Support, alimony, regular gifts and gambling proceeds

- (a) A statement from the individual, business or agency providing the income and the frequency and amount of income provided; and/or
- (b) Signed release form allowing the BHA to obtain information from the State Division of Child Support.

5.4.7 Income from Assets

(a) 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 and guidance 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. 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.

(b) Types of verification which will be accepted for purposes of determining the value and income received from an asset include:

- (i) ~~The~~[The](#) most recent statements for statement accounts, including bank accounts, money market funds, mutual funds, or other assets for which regular statements are issued;
- (ii) Original passbook for passbook savings accounts;

(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.

(v) For a family with net assets equal to or less than \$5,000, the BHA may accept a family's declaration that it has net assets equal to or less than \$5,000 without taking additional steps to verify the accuracy of the declaration. The BHA must obtain third-party verification of all family assets every three years.

5.4.8 Verification of childcare expenses or care of disabled household member deductions

(a) 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 household.

(b) Filed income tax return stating the amount paid for childcare or care of a disabled household member and the person or agency to whom the expense was paid.

5.4.9 Verification of Medical Deductions

(a) Payments for necessary medical expenses (including co-payment amounts) which are not covered by insurance or otherwise reimbursed are deductions from income, provided that such expenses are in excess of 3% of annual gross household income and are paid by household members. Payments for medical health insurance are also considered medical expenses are a deduction. For federal programs, the medical deduction is limited to resident households where the head or spouse is ~~not~~ a person who is at least 62 years of age or a person with disabilities. For State programs, this deduction is applicable to all households.

Eligible residents must submit evidence of the following medical expenses for all household members paid within the last twelve months:

(i) 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;

(ii) 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.);

- (iii) Signed printout of prescription costs from a pharmacy accompanied by proof of payment;
- (iv) Medical or dental bills for a household member paid by a household member;
- (v) Un-reimbursed reasonable attendant care and auxiliary apparatus expenses and for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) 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.

5.4.10 Permissive Deduction in Excess of Monthly Stipend

The BHA shall deduct resident service stipend amounts in excess of the \$200 monthly limit from annual income for any period determined by its Administrator to be an emergency including but not limited to a pandemic when assistance is urgently required to assist BHA residents and when funding for stipends is available. Any such determination by the Administrator shall be in writing and include the duration of the emergency. The activities to be carried out as a result of the determination shall be clearly defined and will not include work that would ordinarily be performed by BHA staff.

5.4.11 Income Exclusions

Certain sources of income are excluded by the BHA in accordance with Federal and state regulations as set forth in 24 CFR 5.609(c) and 760 CMR respectively.

5.5 Screening for Suitability

Applicants are screened for suitability in accordance with BHA policies and HUD and [EOHLC DHCED](#) regulations (24 CFR Part 960.205 and 760 CMR 5.00 respectively), and guidance. BHA shall screen all members of the applicant's household who are 18 years or older and review the criminal background for all household members that are 14 or older, the age in Massachusetts at which a minor may be tried as an adult.

5.5.1 Purpose of Suitability Screening

BHA seeks to promote safety and stability in its communities by leasing to applicants who have a reasonable expectation of being able to consistently comply with the terms of their lease agreement. Accordingly, BHA's screening process to evaluates the ability of the applicant household to:

- (a) Pay rent in accordance with BHA's policies and lease provisions;
- (b) Comply with terms of a lease agreement, health and safety codes, applicable laws and regulations;

Household is contingent upon factors not directly controlled by the BHA, such as turnover rates, and availability of apartments of the appropriate size and/or with special features.

5.6 Personal Care Attendants / Live-in Aides

5.6.1 Definition ~~for Federal Programs~~

Live-in Aide or Live-in Personal Care Attendant (PCA) is 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) Is not obligated to support the Elderly or Disabled Person or persons; **AND**
- (iii) 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, **AND**
- (vi) Does not have their income included in the Elderly or Disabled Participant's Household for the purposes of determining total Family income

Definition State Programs

Personal Care Attendant (PCA).

A person who resides with a Household Member with a disability and who:

(a) provides necessary assistance in activities of daily living to such Household Member insofar as he or she requires such assistance on account of his or her disability;

(b) is not obligated for support of the Household Member; and

(c) is paid for the fair value of such assistance.

Pursuant to 760 CMR 5.03: Family (Household)(b), if determined by the LHA to be qualified, a full-time, live-in PCA shall be deemed a Household Member for purposes of determining the appropriate unit size in public housing.

If a full-time, live in PCA's income is included in gross household income for purposes of rent determination while the PCA is serving as a PCA, then if the Household Member with a disability to whom the PCA was providing services ceases to occupy the unit, the PCA may receive permission for continued occupancy as a remaining member of the Family (Household) for purposes of 760 CMR 5.03: Family (Household)(b), provided all other criteria for remaining

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members of the Family (Household) contained in 760 CMR 5.03: Family (Household)(b) have been met.

If a full-time, live-in PCA's income is not included in gross household income for purposes of rent determination while the PCA is serving as a PCA, then the PCA is eligible to be considered a remaining member of the Family (Household) if the Household Member with a disability to whom the PCA was providing services ceases to occupy the unit if, going forward, the individual's income will be included in gross household income for purposes of rent determination and all other criteria for remaining are met.

their

5.6.2 Policy on Addition of a licensed PCA or Live-in Aide to the Household

(a) Any Live-in PCA OR Live-in Aide must meet the definition of a PCA OR LIVE-IN AIDE as stated above.

(b) A Live-in PCA OR Live-in Aide can be a single person or a person with a household.

(c) No addition of a Live-in PCA OR Live-in Aide and their household, if applicable, shall result in overcrowding of the apartment.

~~(d) No Live-in PCA OR Live-in Aide and their household, if applicable, has/have the right to the apartment as a Residual Tenant~~

~~(e) Any Live-in PCA OR Live-in Aide and their household, if applicable, must sign a waiver of residual residency status.~~

~~(d)~~ Any Live-in PCA OR Live-in Aide and their household, if applicable, must meet the criteria in the BHA's Screening Policy.

~~(e)~~ Any Live-in PCA OR Live-in Aide and their household, if applicable, will be counted as a member of the resident's Household for the purposes of determining the appropriate apartment size ONLY

Federal Program only

(f) No Live-in PCA OR Live-in Aide and their household, if applicable, has/have the right to the apartment as a Residual Tenant (Federal Program only)

(g) Any Live-in PCA OR Live-in Aide and their household, if applicable, must sign a waiver of residual residency status. (Federal Program only)

(h) A family member who satisfies the definition of Live-in PCA or Live-in Aide will be notified in writing that they may be qualified as a PCA OR Live-in Aide and can choose one of the following two options:

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(i) They can qualify as a PCA OR Live-in Aide, which is considered a household member, but not a family member and choose not to include their income as part of the Total Household Income and sign a waiver of residual residency status, OR

(ii) They can qualify as a family member who cares for their disabled or elderly family member and have their income included as part of the total Household income and retain rights as a potential residual tenant.

CHAPTER 6: ASSIGNMENTS AND OFFERS

6.1 Apartment Occupancy Guidelines

6.1.1 Occupation by Households of Appropriate Size

It is BHA's policy that federally assisted apartments will be occupied by Households of the appropriate size as determined by the Occupancy Standards.

For state aided public housing, Appropriate Unit Size is defined at 760 CMR 5.03.

6.1.2 Table of Occupancy Standards

The following table of maximum and minimum number of persons per apartment and assignment standards will govern the number of bedrooms required to accommodate a household of a given size and composition:

Number of Bedrooms	Min. Persons/Apt.	Max. Persons/Apt.
0BR	1	1
1BR	1	2
2BR	2	4
3BR	3	6
4BR	4	8
5BR	5	10
6BR	6	12

The Elderly/ Disabled Program does not have any Apartments larger than two bedrooms. Thus, Households requiring more than two (2) bedrooms may only apply for the Family Program.

6.1.3 Apartment Assignments

State Public Housing 760 CMR 5.03 – Appropriate Unit Size

State assisted housing -units shall be assigned using the size requirements in 760 CMR 5.03.

The size of a unit is appropriate for a household if the unit meets all the following criteria:

(a) Household members of the opposite sex, excepting husband and wife (or those in a similar living arrangement), do not have to share a bedroom, provided that children of the opposite sex younger than eight years old shall share a bedroom and provided that other household members of the opposite sex may elect to share a bedroom. Since

the BHA will be using CHAMP, the unit size and subsidy standards shall comply with the CMR.

(b) Persons of the same sex shall share a bedroom, provided that a household member, 21 years of age or older, may elect not to share a bedroom with their child, grandchild, or legal ward and provided that a household member does not have to share a bedroom if a consequence of sharing is or would be a severe adverse impact on their mental or physical health and if the LHA receives reliable medical documentation as to such impact of sharing.

(c) Each bedroom shall contain at least 50 square feet of floor space for each occupant and a minimum of 70 square feet and shall meet all other applicable requirements of 105 CMR 410.00: *Minimum Standards of Fitness for Human Habitation (State Sanitary Code: Chapter II)* for a room occupied for sleeping purposes. No bedroom shall be shared by more persons than the number permissible under 760 CMR 5.03.

(d) Only bedrooms may be used for sleeping purposes by household members; the living room, kitchen, bathroom and hallways shall not be used for sleeping purposes by any household member.

Applies to current Federally assisted participants or previously approved transfer:
Federally assisted apartments shall be so assigned that:

(a) The Head of Household and their spouse or domestic partner shall be entitled to one bedroom.

(b) Household Members under the age of twenty-five (25) who are of the same sex shall share a bedroom, with the following exemptions:

(i) Household Members more than ten years apart in age and regardless of gender may qualify for separate bedrooms, if the older Household Member is fourteen years of age or older. For example, a fifteen year-old Household Member may be eligible for a separate bedroom when living with a one-year old Household member of the same gender. HOWEVER, a thirteen year-old Household Member can be required to share a bedroom with a five-year old Household Member of the same gender.

(ii) Persons of different generations or opposite sex, other than head and spouse or partner, are not required to occupy the same bedroom.

(c) An unborn child **shall** be counted as a person in determining apartment size for admission purposes only, not for qualification for transfer.

(d) Each Applicant shall be listed for only one apartment size. However, if the Applicant's Household qualifies for two apartment sizes, the Applicant may choose to be listed for either of these sizes.

(e) Single person Households may elect to be placed on a studio waiting list(s)/AMPs of choice and shall be assigned only to a studio Apartment. Applicants electing this option after housed may apply for an Special Circumstances Transfer to move to a one-bedroom at a development of choice **if**:

(i) Has been a BHA Resident for at least two years; and

(ii) Is a Resident in good standing. No waiver of this requirement shall be approved.

(f) Single person Households may elect to be placed on a one-bedroom waiting list(s)/AMPs of choice and shall be assigned only to a one-bedroom Apartment.

(g) Transfer Applicants currently residing in a studio or a one-bedroom unit shall not be offered studio/efficiency units.

(g) Spouses, partners and children who would otherwise be required to share a bedroom under BHA's policies may be assigned separate bedrooms for substantial health-related or reasonable accommodation reasons which are thoroughly documented by a Qualified Healthcare Provider.

(h) A living room will not be counted as a bedroom, except in BHA's studio/efficiency apartments or for the use of an overnight Personal Care Attendant (PCA) OR Live-in Aide.

Applies to all new admissions or transfers not yet approved:

(a) The Head of Household (and spouse or domestic partner, if applicable), shall be entitled to one bedroom.

(b) Two persons who are of the same sex shall only be entitled to one bedroom.

(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, in order to be eligible for a smaller 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.

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(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) A living room will not be counted as a bedroom, except in BHA's studio/efficiency apartments or for the use of an overnight Personal Care Attendant (PCA) OR Live-in Aide.

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CHAPTER 8: RESIDUAL TENANCY POLICY

A remaining member(s) of a resident Household may apply to become a BHA resident as a Residual Tenancy Applicant, in the event of the death, departure or incapacity of the Head of Household. The Residual Tenancy Application will only be approved by the BHA if the Residual Tenancy Applicant including all Household Members meet the criteria below.

8.1 Qualifications for Residual Tenancy

In order to assume the status of a resident under this policy, the Residual Tenancy Applicant must be:

An adult who has been a recorded member of a resident Household on the most current lease a) Tenant Status Review form if the Head or Co-Head has been removed due to death or incapacity, or b) for more than twelve months, if the Head or Co-Head departed to other non-BHA housing and whose income has been recorded and considered in the rent computations during the period of their occupancy unless they was without income or was a full-time student. In the case that the Applicant's recorded member status was in-process but not finalized, but his or her income was already recorded and considered in the rent computations for the appropriate time period as specified above, he or she shall be eligible to be considered for Residual Tenancy
OR

(B) The adult is a temporary or permanent guardian seeking to assume responsibility of the unit and household, on behalf of minor children who were tenants of record at the time of the Head of Household or Co-Head's departure due to death, or incapacity.

OR

(C) An adult, who is willing to assume responsibility for the apartment and enter into a lease, with temporary or permanent guardianship of an incapacitated adult Household member, who is unable to fulfill the responsibilities in the lease.

OR

(D) A SPAR Applicant, with an application date prior to the date of the Head of Household or Co-Head's death or incapacitation, who satisfies all of the requirements of Chapter 9.1.3., and who verifies that they did not reside in the BHA unit for the twelve-month period prior to the SPAR application date.

[OR](#)

[\(E\) State Program Only: A PCA If a full-time, live-in PCA's income was not included in gross household income for purposes of rent determination while the PCA is serving as a PCA, then the PCA is eligible to be considered a remaining member of the Family](#)

(Household) if the Household Member with a disability to whom the PCA was providing services ceases to occupy the unit if, going forward, the individual's income will be included in gross household income for purposes of rent determination and all other criteria for remaining are met.

AND

The Applicant and Applicant's Household, if any, for Residual Tenancy status must meet the eligibility requirements for Applicants as set forth in Chapter 5 of the Admissions and Continued Occupancy Policy (ACOP) or any successor plan.

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8.2 Divorce, Separation or Protective Order

In the event of divorce, separation, submission of the 14 day victim certification as required by the BHA's Violence Against Women Act (VAWA) policy, or a protective order issued by a court under Chapter 209A, the person(s) identified as the "victim" will be permitted to apply as a Residual Tenancy Applicant to become a resident provided he or she otherwise qualifies under this policy. Person(s) not so designated may not apply as a Residual Tenancy Applicant.

8.3 Residual Tenancy and Income

Individuals applying for residual tenancy status will be found ineligible based on income exceeding the eligibility limits for Applicants for admission to public housing.

8.4 Rent During Use and Occupancy Period

Pending a decision on the request for residual tenancy status, the Residual Tenancy Applicant will be required to pay a monthly use and occupancy charge. The charge shall be calculated pursuant to Federal and State regulations for all remaining Household Members. The Use and Occupancy Agreement shall permit the occupant to occupy the apartment pending determination of the Residual Tenancy Application without being permitted to sign a BHA standard dwelling lease.

8.5 Limitations of Policy

Federal Program

Remaining members of a resident household will not be considered for residual tenancy, if the departing or incapacitated Head or Co-Head of Household is relocating to another BHA apartment or BHA Leased Housing, is under eviction for non-payment of rent or for cause, or vacates with an outstanding balance due to the BHA (except in case of the Head or Co-Head's death). A resident shall be regarded as being under eviction if, after a private conference, the Manager has decided to proceed with eviction and the Manager's decision has not been overturned by the BHA's tenant grievance process. The limitations of this paragraph may not be applicable to remaining household members who were verified victims of domestic violence by the former Lease Holder(s).

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Approval of residual tenancy shall be conditional on the remaining members of a resident household being properly housed. Where applicable, any approved applicant for residual tenancy shall remain under a Use and Occupancy Agreement and will not sign a BHA standard dwelling lease until such time as they are transferred to an appropriately sized unit. Refusal to transfer to an appropriately sized unit shall be considered a violation of this policy and will cause the revocation of the conditional approval of residual tenancy.

State Program

(e) In the event the Tenant ceases to occupy the unit, provided that the tenancy has not been terminated and is not in the process of being terminated and there is no pending eviction action and provided that the conditions set out in the definition of Family (Household) in 760 CMR 5.03: Definitions have been met, a Household comprising of the remaining Household Members shall be given permission for continued occupancy. Any rent due or past due on the date when the Tenant ceases to occupy the unit shall become the obligation of the new Tenant in such Household

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8.6 Residual Tenancy – Right of Appeal

A Residual Tenancy Applicant who disagrees with a Residual Tenancy application decision made by the BHA may request an informal hearing. If the applicant has been determined ineligible for Residual Tenancy. The applicant's appeal rights shall include a hearing before the BHA Grievance Hearing Panel. An Applicant who meets Residual Tenancy eligibility requirements but does not meet the eligibility requirements for BHA housing programs for another reason, the applicant's right to appeal shall be an informal review/hearing before a BHA hearing officer.

CHAPTER 9: OTHER OCCUPANCY PROVISIONS

9.1 Lease Provisions

9.1.1 Leasing of Apartments

Federal Programs

(a) It is BHA's policy that all apartments must be occupied pursuant to a lease that complies with HUD & EOHLC/DHCD regulations as well as state and local law. ~~In state-aided housing, the lease must be approved by DHCD.~~

(b) The lease shall be signed by the Head of Household, and Co-Head of Household, if any, and by the authorized representative of BHA, prior to occupancy.

(c) All members of a Household shall be listed on the lease.

(d) If a resident transfers from one BHA apartment to another, a new lease shall be executed for the apartment into which the Household moves unless relocation occurs under the terms of a Use and Occupancy Agreement.

(e) If at any time during the term of the lease, a change in the resident's status or circumstances results in the need for changing or amending any provision of the lease, either:

(i) A new lease agreement will be executed, OR

(ii) A Notice of Rent Change will be sent to the resident, OR

(iii) An appropriate lease addendum shall be executed by the BHA and the Household and incorporated into the existing lease.

Only those persons listed on the most recent lease or approved recertification/Tenant Status Review form shall be permitted to occupy an apartment on a continuing basis.

State Program

In state-aided housing, BHA will use the lease issued by EOHLC or will use a lease approved by EOHLC with the requirements outlined in 760CMR 6.06.

9.1.2 Length of Lease

Federal Developments/AMPs only: In accordance with the Quality Housing and Work Responsibility Act, all BHA leases will be for a duration of 12 months. At the end of each 12-month term, leases will be automatically renewed, unless there is noncompliance by

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an adult Household Member with the BHA's Community Service and Economic Self-Sufficiency Policy after its effective date.

State Developments only: Leases are continuous ~~unless terminated by the BHA for cause or at the request of the Resident or by operation of law, as described in the lease issued by or approved by EOHLC.~~

9.1.3 Additions to the Lease

(a) Request for Addition

The request for an addition of a person to the Lease must be made in writing by the Head or Co-Head of Household named in the Lease.

The addition of a household member shall be made in accordance with the lease and the ACOP. Residents who fail to notify BHA of additions to the Household are in violation of the lease. Residents who add a person or person(s) to the Household without the written permission of the BHA are also in violation of the lease. Any such persons will be considered Unauthorized Occupants by BHA and the entire Household will be subject to eviction action.

(b) Requirement for Good Standing

To qualify to apply for an addition of a person to the Lease, a Resident: must be considered in Good Standing at the time of request and addition, unless the addition is one of the categories in paragraph (c) below that does not require advance approval.

(c) Additions by Birth, Adoption or Operation of Law

Additions to the Household which occur by birth, adoption or operation of law (i.e., permanent custody, marriage) or addition of a caretaker relative or other responsible adult who has a guardianship order, or addition of a responsible adult who provides a written designation from the parent of a BHA Household Member to care for the minor Household Member, may occur subject to meeting the eligibility requirements in this plan.

(d) Other Additions to a Household

Other additions may be approved if the individual proposed as an addition is related by blood or has evidenced a stable, interdependent relationship with a current Household Member, including the sharing of financial resources and it does not create a severe overcrowded condition in accordance to the occupancy standards defined by the Massachusetts State Sanitary Code. Any such person must have the intention to live regularly in the apartment as their principal residence. In proposing an addition, the Head of Household shall submit the name(s) of the proposed addition(s) and identify the individual(s) as "proposed Household Member(s)".

An Applicant, at the time of final processing for admission, shall notify the BHA in writing that one or more of their natural or adopted minor children will be joining the Household at some future date following the leasing of the apartment. Admissions Department staff will record the name(s) of the minor child(ren) on a form attached to the Final application. At the time of assignment, the assignment transmittal notice will include this information. When the resident presents evidence to the manager that the MINOR child or children is/are ready to join the Household, the manager will add them to the Household composition and immediately generate a transfer application for a larger apartment, if necessary. The Transfer application will be processed in accordance with Authority transfer procedures.

State Program:

Before any person not named in the lease may be added as a Household Member (excepting a new born), Tenant and the person involved shall have applied in writing to the LHA for approval of a Household including such person and the LHA shall have screened the person, ten years of age or older, as an applicant and found him or her to be qualified. The enlarged Household shall meet all applicable eligibility requirements for a Household initially applying for housing, except income shall be within the limit for continued occupancy and the leased unit shall be of appropriate unit size for the enlarged Household.

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(f) Change of Head of Household

A Family may request to change which Family member is designated the Head of Household ~~in situations where the Head of Household is frail or disabled and if~~ the current Head of Household continues to reside in the unit. 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 landlord. The proposed Head or Co-Head of Household will be fully screened.

(g) Screening Criteria for Additions

Any person 14 years or older for the Federal Program, and 10 years or older for the State Program, proposed for residency in a BHA apartment, must meet BHA's eligibility and screening requirements. When a Head of Household requests permission for an addition(s) to the Household, the resident selection criteria shall be used by the Admissions Department to determine whether or not the proposed household member is eligible for admission.

Should the tenant/head of household expire subsequent to the Admissions Department receiving the completed application for the proposed addition to the tenant's household, the death of the tenant/head of household shall not result in withdrawal or denial of the application and the department's review of the application shall be completed and if the

subject of the application for the proposed addition to the tenant's household is determined eligible for admission to housing he/she shall be added to the household composition retroactive to the date of receipt of the application by the department and he/she shall be allowed to apply to become a BHA resident as a Residual Tenancy Applicant.

(h) Right to Appeal

A resident who disagrees with an adverse action taken by the BHA regarding a request for an addition of a person to the Lease can request a grievance hearing pursuant to the BHA Grievance Policy.

9.1.4 Other Occupancy Provisions

(a) Removal of Household Member

Any Household Member who moves from the apartment shall be removed from the lease. The Head or Co-Head of Household has the responsibility to report the move-out within 30 calendar days of its occurrence. A former Household Member may not be readmitted to the apartment except as a temporary visitor without undergoing screening by the Admissions Department and securing BHA approval.

Federal Program: Temporary visitors may occupy the apartment for no more than a total of forty-five calendar days within any twelve-month period.

State Program: The Tenant may delete a Household Member named in an existing lease by a new lease or a lease amendment signed by Tenant and the LHA. Any person so deleted shall cease to be a Household Member and shall cease to occupy the unit. Temporary visitors may occupy the apartment for no more than a total of twenty one (21) calendar days within any twelve-month period.

(b) Unauthorized Occupants

Federal Program: A resident shall not permit the Apartment to be occupied by anyone other than Household Members, except temporary visitors, no one of whom may occupy the apartment for more than a total of forty-five (45) cumulative nights (or forty-five (45) days if the visitor regularly sleeps during the day), within any twelve-month period, unless the BHA for good cause otherwise consents to a longer period in writing before the expiration of 45 nights or such longer period as may have been authorized, or unless the visitor is first determined to be eligible to apply to be a member of the Household according to BHA policy, and an application is pending with the BHA.

Boarders and lodgers shall not be permitted to occupy an apartment, nor shall they be permitted to reside with any Household occupying an apartment.

State Program: The stay of any overnight Guest shall be limited to no more than a total of 21 nights (21 days if the Guest regularly sleeps during the day) during any 12-month period unless the LHA for good cause otherwise consents to a longer period in writing prior to the expiration of 21 nights or such longer period as may have been authorized.

9.2 Annual Recertifications

9.2.1 Annual Recertification Requirement

The BHA shall re-determine Resident rent, apartment size, and continued eligibility for public housing, at least once annually.

9.2.2 Responding to BHA Requests for Information

For purposes of determination or adjustment of rent and/or for assignment or transfer to a proper size apartment, Resident agrees to submit, within thirty (30) days after a request from BHA, signed, complete, true and accurate statements and/or other information setting forth pertinent facts as to Resident's household income, employment, and composition. Resident further agrees to execute documents authorizing release of such information from third parties, pursuant to requirements of State and/or Federal law.

9.2.3 Fraud or Misrepresentation

Resident agrees to pay to BHA any rent which should have been paid but for Resident's misrepresentation of any written information furnished to BHA in Resident's application for an apartment, or in substantiating documentation, or in any documentation submitted on a redetermination, or for Resident's failure to supply, in a timely manner, documentation requested by BHA on a redetermination.

9.2.4 Imputed Welfare Income

For residents in Federal developments/AMPs, if household income derives in whole or in part from benefits from welfare or public assistance from a state agency under a program for which the Federal, State or local law relating to the program requires, as a condition of eligibility for assistance under the program, participation of a member of the household in an economic self-sufficiency program or a work activities requirement, and household income decreases as a result of failure to comply with the conditions of said program or requirement, rent will not be decreased, during the period of such income reduction (to the extent that the decrease in income is a result of the benefits reduction), in accordance with BHA policy and 42 USC §1437j(d). If such household income decreases as a result of fraud under said program or requirement, rent will not be decreased, during the period of such income reduction (to the extent that the decrease in income is a result of the benefits reduction), in accordance with BHA policy and 42 USCS §1437j(d). BHA shall not make any determination regarding non-compliance or fraud under such a program or requirement until BHA receives written notification from the relevant public agency specifying that household benefits have been reduced because of

such non-compliance or fraud. Any determination by BHA not to reduce rent pursuant to BHA policy and 42 USCS §1437j (d) shall be subject to BHA's Grievance Procedures and Policy. For residents in Federal developments/AMPs, the BHA shall consider any decrease in income that results from the reduction of any welfare or public assistance benefits received by residents under any Federal, State or local law regarding a program for such assistance if resident(s) has complied with the conditions for receiving such assistance and is unable to obtain employment notwithstanding such compliance, pursuant to 42 USCS §1437j (f). A reduction in benefits resulting from the expiration of a lifetime time limit for a household receiving said benefits shall not be considered as a failure to comply.

9.2.5 Zero Income Family

~~If a resident claims they have no income, management staff must use the zero income questionnaire to attempt to determine how household expenses are being paid. In the event that family and friends are assisting the household, this is considered income and needs to be verified and counted.~~

~~Households paying \$0 rent must be re-certified every ninety days. This rule requires Residents to report to the management office every 90 days to re-certify income and family status.~~

When a family reports zero income, the BHA may require the Household to complete a budget or statement of financial responsibility. In the event family and friends are paying bills, or providing regular cash to the household, this is considered income and will be counted.

9.2.6 Effective Date of Rent Share Change

When household income decreases, rent shall be decreased if requested by Resident, and if such rent decrease is in accordance with BHA policy. Rent decreases will be effective either as of the current month in which the change in circumstances is reported (if reported by no later than the fifteenth day of the month), or as of the first day of the next month after the change in circumstances is reported (if reported after the fifteenth day of the month). BHA may delay processing the rent decrease until Resident provides adequate verification of such change in circumstances justifying the decrease, but once verifications have been provided, the rent change will be made effective retroactively.

9.2.7 Notice of Rent Share Change

When Before any change in Resident's rent is made, Resident will be notified by a written Notice of Rent Change containing the following information:

- (a) The new rental amount and the date it will be effective,

- (b) The amount of Resident's household income, household composition and other facts considered by BHA in determining Resident's new rent,
- (c) Resident's right to and the method of obtaining a timely hearing under the grievance procedure.

9.2.8 Choice of Rent Calculation Method

(a) State Developments

Rent will be determined in accordance with applicable State regulations, the BHA Lease and the BHA Rent Manual.

(b) Federal Developments/AMPs Only

As part of the annual [Tenant Status Review \(TSR\)-recertification](#) process, residents in Federal Developments/AMPs will be provided written information about the following two different methods for determining the amount of rent payable by the family, their right to choose the method of determining rent and under what circumstances they may request a change to the method utilized in determining rent. As part of this process, residents will be educated about the benefits of selecting one method over another and [will be defaulted to the lower rent share for the family in their notice of tenant share. The Family will be advised that they may elect the higher form of rent by notifying BHA in writing within twenty\) 20 days of the notice of rent share, will be asked to notify the BHA in writing as to which option they choose,](#) except in cases where the resident is over-income as described below.

(i) Flat Rent

A fixed rent determined for each unit size based on a rent reasonableness study conducted by the BHA pursuant to 24 CFR 960.253 (b) of comparable units available in the private market or 80% of fair market rents (FMRs) as published by HUD annually. Flat rent will be set at the amounts determined by the rent reasonableness study, if such amounts exceed 80% of FMRs and at 80% of FMRs if the amounts determined by the rent reasonableness study are less than 80% of FMRs. On an annual basis the BHA will update the flat rent amounts within 90 days after HUD publishes new FMRs. The new flat rent shall apply to all new admissions and to existing residents at the time of their next scheduled annual [recertification](#) ~~Tenant Status Review (TSR)~~. The BHA will maintain a current listing of its flat rent schedule as an appendix to the BHA Rent Manual and will provide this list to residents at least annually as part of the [recertification](#) ~~TSR~~ process.

Financial Hardship: Residents who choose flat rents may request to change to an income-based rent at any time if the family is unable to pay the flat rent because of financial hardship. A financial hardship exists for these purposes when a family's income is reduced or their deductions are increased to the extent that an income-based rent is lower than the flat rent.

(ii) Income-Based Rent

Rent determined by the family's income and allowable deductions in accordance with the BHA's Lease, the BHA's Rent Manual and applicable Federal regulations. Types of Income-Based rent include:

- The higher of 10% of Gross Annual Income or 30% of Adjusted Annual Income
- Ceiling Rent – a cap to the amount of income-based rent that a resident may pay for their unit, equal to the Flat Rent amount for the unit
- In the case of mixed families, Prorated Assistance
- A higher rent pursuant to the Over-Income Policy

9.3 Interim Recertification

A Family may request in writing an interim determination of **the household's rent** at any time because of a change in the Family's income, Adjusted Income (household deductions), family size, or composition. A Family must report changes in the circumstances described in the section below.

State Public Housing – Interim Re-determination of Rent 760 CMR 6.04(5)

(a) Increases.

If in any month the monthly gross household income of a tenant household increases by 10% or more from the amount contained in the most recent notice of rent as (re)determined by the LHA, the tenant shall report any such increase, including any changes in income, exclusions and deductions. The tenant shall report the increase to the LHA by the seventh day of the month following the month in which the increase occurred, provided that if the increase was anticipated in the prior computation of gross household income, the tenant need not report the increase. The LHA shall require verification of such increase in income. If as a result the amount of rent increases, at least 14 days before the effective date of a rent increase, the LHA shall give the tenant a written notice of the re-determined rent. Any such increase in rent shall be made effective on the first day of a month. The notice of re-determined rent shall set out the monthly gross household income and the monthly net household income, on the basis of which the re-determined monthly rent was calculated. In the event that a tenant shall have failed to report such an increase in income by the seventh day of the month following the increase, in addition to its other remedies, the LHA, upon discovery that increased rent was due, shall make the effective date of the increase in rent retroactive to the first day of the second month following the increase in income.

(b) Decreases.

If, in any month, the monthly gross household income of a tenant household decreases, the tenant may provide the LHA with verified information substantiating the decrease in gross income. Following receipt of such information, the LHA shall re-determine rent. The LHA shall give the tenant written notice of any decrease in rent which shall be effective on the first day of the month following receipt of the information or at such earlier time as the LHA shall find to be warranted in the event that circumstances delayed receipt of verified information. ~~Provided, however, that until the termination of the state of emergency declared by the Governor under Emergency Order: Declaration of a State of Emergency to Respond to COVID-19, the decrease in rent shall be retroactively effective to the first day of the month following the date of the verified decrease in income.~~ The notice shall set out the monthly gross household income and the monthly net household income, on the basis of which the re-determined monthly rent was calculated.

Late Payments of Income. If a Tenant receives any includable income at a date later than the date when the income would have been paid in the normal course (such as payment of past due workers' compensation benefits for lost wages, past due SSI or SSDI benefits, or retroactive salary increases, and if such income has not been included in the determination of Household income), Tenant shall report receipt of the income to the LHA within seven days after receipt. The LHA shall charge a one time retroactive rent charge on account of any part of such income which in the normal course would have been paid at a time when Tenant occupied an LHA unit. A Tenant who receives and timely reports receipt of such income shall pay any such retroactive rent due on account of such income without interest upon receipt of a bill from the LHA. If Tenant shall fail to report such income or shall fail to make such a one time retroactive rent payment within 30 days of receipt of a bill, the LHA may charge interest on the additional rent due for the period beginning 30 days after receipt of the income at a rate of interest in accordance with law and the LHA's rules.

9.3.1 Circumstances Requiring an Interim Recertification (Federal Programs)

(a) All Changes in Family Composition

Family Reporting Requirements:

A Family is required to inform and supply any necessary verification to the BHA within thirty (30) days of a birth, adoption, or court awarded custody. The BHA must approve the eligibility for any addition to the Family that does not result from a birth, court-awarded custody, or adoption

A Family must also notify the BHA in **writing** within 30 days of any departure of a Family member due to death, permanent institutionalization, or other reason, and provide the BHA with verification, including, where applicable, the verification of the new address of the departed Family member.

(b) Some Increases in Income

(i) Increase in Family income after reporting a decrease

The BHA will process an interim certification, if the family receives any increase in earned income after they had reported a decrease in earned income, but prior to the next regular annual recertification,

For example, the BHA will process an interim increase certification for seasonal employees who receive a decrease or loss of wages and prior to their next regular annual recertification receive an increase in earned income when the season begins.

(ii) Receipt of Unearned Income Resulting in 10% Increase

The BHA shall process an interim certification when the family begins receiving unearned income that increase annual income by ten percent (10%) or greater.

(iii) Increase in Family Income for Family without Income

The BHA shall process an interim certification of income when a without income receives any increase in earned or unearned income.

If a Family's income is too unstable to project for 12 months or if a Family temporarily has no income (a "zero-income Family") or if a Family has a temporary decrease in income, the BHA may schedule special Recertification with the site management every month, or at least quarterly, until the income stabilizes and/or an Annual Income can be determined.

Family Reporting Requirements:

If a Family has an increase in income \$200.00 dollars per month or more the family must report the increase in writing to the BHA within thirty (30) days of receiving the increase in income. The BHA shall make a determination as to whether or not an interim certification should be processed for the family. An increase in income is any increase or new source of income which was not being received at the last annual or interim recertification of the Family. If the family fails to report an increase in income, resulting in an increase in the household's rent, the rent shall be increased retroactively in accordance to the BHA's rent policy.

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. Any such increase must be reported by the seventh day of the month following the month in which the increase occurs. Upon receipt of such a report, Resident's rent and family circumstances shall be reviewed in accordance with BHA's rent policy. Rent increases will be effective the second month after BHA sends Resident a Notice of Rent Change. If a Resident fails to report a change requiring a rent increase, rent shall be increased retroactively to the second month following the change.

(c) Decreases in Family income.

If a Family has a decrease in income, it must be reported to the BHA within thirty (30) days of the loss or decrease in income. When a decrease in family income is reported the BHA shall consider any effect that the reduction in income may have on child care or disability assistance expense deductions.

Family Reporting Requirements:

If a Family reports in writing a change in income within 30 days, a decrease in tenant share shall be effective the month following the verified decrease in income. For example, if a Family reports a decrease in income on March 3 that resulted from a job loss on February 20, the change in tenant share shall be processed effective March 1.

If the family fails to report the change in income within 30 days, the decrease in tenant share shall be made effective the month following the reported change.

9.4 Over-Income

<p>State Public Housing – 760 CMR 5.06: Income Eligibility</p> <p>(2) A household occupying a unit in elderly/handicapped housing shall remain eligible for continued occupancy until such time as 30% of its monthly net household income equals or exceeds the fair market rent (FMR) then in effect for the Section 8 Existing/Voucher Program for a unit of appropriate unit size in the area in which the LHA is located.</p> <p>(3) A household occupying a unit in family housing shall remain eligible for continued occupancy until such time as 32% of its monthly net household income equals or exceeds the fair market rent (FMR) then in effect for the Section 8 Existing/Voucher Program for a unit of appropriate unit size in the area in which the LHA is located. (4) An AHVP participant shall remain eligible for continued occupancy in a unit until such time as the participant's rent share equals or exceeds the contract rent. The participant shall retain their AHVP voucher for 90 days from the date on which the LHA determines that the participant's share equals or exceeds the contract rent. At the end of that period, if the participant's share continues to equal or exceed the contract rent, the household will not be eligible for continued assistance under the AHVP.</p>

Federal Public Housing

The "over-income limit" will be determined in accordance with 24 CFR 960.507. Families whose income exceeds the over-income limit for 24 consecutive months will have their tenancy terminated.

Determination of over-income limit

The over-income limit is set by multiplying the Very Low-Income level applicable for the area and the correct family size by a factor of 2.4. HUD will publish the income limits for each family size annually, and the BHA will calculate and post the over-income limits within 60 days following the effective date of the income limits.

Notifying over-income families

1. If the BHA, during the course of conducting an annual or interim rent redetermination, or at any other time, determines that the family's income exceeds the over-income limit, the family's over-income status will be documented in the family's tenant file and the BHA will send a written notice to the family of the over-income determination no later than 30 days after the income examination. The notice shall state that the family income exceeds the over-income limit and that by continuing to exceed the over-income limit for a total of 24 consecutive months results in the termination of tenancy. The family may dispute the determination by making a written request for a hearing within 30 days of the notice.

2. The BHA must conduct an income examination 12 months after the initial over-income determination. If the BHA determines that the family's income still exceeds the over-income limit, the BHA will send a second notice to the family of the over-income determination no later than 30 days after the 12-month income examination. This second notice shall state that the family income has exceeded the over-income limit for 12 consecutive months and continuing to exceed the over-income limit for a total of 24 consecutive months will result in the termination of tenancy. The family may dispute the determination by making a written request for a hearing within 30 days of the notice.

3. The BHA must conduct an income examination 24 months after the initial over-income determination. If the BHA determines that the family's income has exceeded the over-income limit for 24 consecutive months, the BHA will send a third notice to the family of the over-income determination no later than 30 days after the 24-month over-income examination. The third notice must state that: (i) the family's income has exceeded the over-income limit for 24 consecutive months and (ii) the BHA shall terminate the family's tenancy within six months of the third notice.

The over-income family will continue to be a public housing program participant until the tenancy is terminated and the BHA shall continue to charge the family's choice of income-based, flat rent, or prorated rent for mixed households during the period before the lease termination.

The 24 months must be consecutive for the tenancy to be terminated. If the BHA determines that the family is no longer over-income prior to the expiration of the 24-month period, the 24-month period is reset. The household will be entitled to a new 24-month grace period if the household income exceeds the over-income limit at another time.

If the family has been over-income for 24 consecutive months, their tenancy will be terminated even if their income subsequently goes below the over-income limit after the 24-month period.

Reporting Requirements

In accordance with 24 CFR 960.507(f) requirements, as amended, BHA will report the following data as of the end of the calendar year, i.e., December 31st, to HUD:

1. The total number of over-income families residing in public housing; and
2. The total number of families on waiting lists for admission to the public housing developments/AMPs.

Per the regulations, this information must also be made publicly available.

9.5 Use of HUD's Enterprise Income Verification (EIV) System (Federal Only)

The EIV System is a web-based application providing employment, wage, unemployment compensation and social security benefit information of tenants who participate in the Public Housing and various Section 8 programs under the jurisdiction of HUD's Office of Public and Indian Housing (PIH). This system is available to all PHAs nationwide. Information in EIV is derived from computer matching programs initiated by HUD with the Social Security Administration (SSA) and the U.S. Department of Health and Human Services (HHS), for all program participants with valid personal identifying information (name, date of birth (DOB), and social security number (SSN)) reported on the form HUD-50058. The EIV system is for use in the federal programs only.

9.5.1 Required Use of EIV

The BHA is required to review an EIV Income Report of each family before or during mandatory annual and interim reexaminations of family income and/or composition to reduce tenant under reporting of income and improper subsidy payments. EIV is classified as an UIV technique (or automated written third party verification), which helps to identify income sources and/or amounts that the tenant may not have disclosed. The BHA is required to maintain the Income Report in the tenant file along with the form HUD-50058 and other supporting documentation to support income and rent determinations for all mandatory annual reexaminations of family income and composition.

(a) Disputing EIV Information and Resolving Discrepancies

In accordance with 24 CFR §5.236(b)(2)(3), the BHA is required to compare the information on the EIV report with family-reported information. If the EIV report reveals an income source that was not reported by the tenant or a substantial difference in the reported income information, the BHA is required to take the following actions:

- Discuss the income discrepancy with the tenant; and
- Request the tenant to provide any documentation to confirm or dispute the unreported or underreported income and/ or income sources; and
- In the event the tenant is unable to provide acceptable documentation to resolve the income discrepancy, the BHA is required to request from the third party source, any information necessary to resolve the income discrepancy; and
- If applicable, determine the tenant's underpayment of rent as a result of unreported or underreported income, retroactively as far back as reliable information will support; and
- Take any other appropriate action as directed by HUD or the BHA's administrative policies.

(b) Requirement to Reimburse for Undercharged Rent

Tenants are required to reimburse the BHA if they were charged less rent than required by HUD's rent formula due to the tenant's underreporting or failure to report income. The tenant is required to reimburse the BHA for the difference between the tenant rent that should have been paid and the tenant rent that was charged. This rent underpayment is commonly referred to as retroactive rent. If the tenant refuses to enter into a repayment agreement or fails to make payments on an existing or new repayment agreement, the BHA **must** terminate the family's tenancy or assistance, or both. HUD does **not** authorize any PHA-sponsored amnesty or debt forgiveness programs.

(c) Correction of Incorrectly Reported Information in EIV

(i) Sometimes the source or originator of EIV information may make an error when submitting or reporting information about tenants. HUD cannot correct data in the EIV system. Only the originator of the data can correct the information. When the originator corrects the data, HUD will obtain the updated information with its next computer matching process. Below are the procedures tenants and PHAs should follow regarding incorrect EIV information.

(ii) Employment and wage information reported in EIV originates from the employer. The employer reports this information to the local State Workforce Agency (SWA), who in turn, reports the information to HHS' National Directory of New Hires (NDNH) database.

If the tenant disputes this information, they should contact the employer directly, in writing to dispute the employment and/or wage information, and request that the employer correct erroneous information.

The tenant should provide the BHA with this written correspondence so that it may be maintained in the tenant file. If employer resolution is not possible, the tenant should contact the local SWA for assistance.

(iii) Unemployment benefit information reported in EIV originates from the local SWA. If the tenant disputes this information, they should contact the SWA directly, in writing to dispute the unemployment benefit information, and request that the SWA correct

erroneous information. The tenant should provide the PHA with this written correspondence so that it may be maintained in the tenant file.

(iv) SS and SSI benefit information reported in EIV originates from the SSA. If the tenant disputes this information, they should contact the SSA at (800) 772-1213, or visit the local SSA office. SSA office information is available in the government pages of the local telephone directory or online at <http://www.socialsecurity.gov>.

(v) The tenant may also provide the BHA with third party documents which are in the tenant's possession to support their dispute of EIV information. The BHA, with the tenant's consent, is required to submit a third party verification form to third party sources for completion and submission to the BHA, when the tenant disputes EIV information and is unable to provide documentation to validate the disputed information. The tenant's failure to sign the consent form is grounds for termination of tenancy and/or assistance in accordance with 24 CFR §5.232.

(vi) Debts owed to PHAs and termination information reported in EIV originates from the PHA. If a current or former tenant disputes this information, they should contact the PHA (who reported the information) directly in writing to dispute this information and provide any documentation that supports the dispute. If the PHA determines that the disputed information is incorrect, the PHA will update or delete the record from EIV. Former tenants may dispute debt and termination information for a period of up to three (3) years from the end of participation date in the PIH program.

(vii) Identity Theft. Seemingly incorrect information in EIV may be a sign of identity theft. Sometimes someone else may use an individual's SSN, either on purpose or by accident. SSA does not require an individual to report a lost or stolen SSN card, and reporting a lost or stolen SSN card to SSA will not prevent the misuse of an individual's SSN. However, a person using an individual's SSN can get other personal information about that individual and apply for credit in that individual's name. So, if the tenant suspects someone is using their SSN, they should check their Social Security records to ensure their records are correct (call SSA at (800) 772-1213); file an identity theft complaint with the local police department and/or Federal Trade Commission (call FTC at (877) 438-4338, or visit their website at: <http://www.ftc.gov/bcp/edu/microsites/idtheft/>); and they should also monitor their credit reports with the three national credit reporting agencies (Equifax, TransUnion, and Experian). The tenant should provide the PHA written documentation of filed identity theft complaint. (Refer back to paragraph on Employment and wage information regarding disputed EIV information related to identity theft).

Tenants may request their credit report and place a fraud alert on their credit report with the three national credit reporting agencies at: www.annualcreditreport.com or by contacting the credit reporting agency directly. Each agency's contact information is listed below.

National Credit Reporting Agencies Contact Information

Equifax Credit Information Services, Inc.
P.O. Box 740241
Atlanta, GA 30374
Website: www.equifax.com
Telephone: (800) 685-1111

Experian
P.O. Box 2104
Allen, TX 75013
Website: www.experian.com
Telephone (888) 397-3742

TransUnion
P.O. Box 6790
Fullerton, CA 92834
Website: www.transunion.com
Telephone: (800) 680-7289 or (800) 888-4213

(d) Security of EIV Data

The Federal Privacy Act (5 USC §552a, as amended) prohibits the disclosure of an individual's information to another person without the written consent of such individual. As such, the EIV data of an adult household member may not be shared (or a copy provided or displayed) with another adult household member, unless the individual has provided written consent to disclose such information.

However, the PHA is not prohibited from discussing with the head of household (HOH) and showing the HOH how the household's income and rent were determined based on the total family income reported and verified.

EIV information and any other information obtained by the BHA for the purpose of determining eligibility and level of assistance may not be disclosed to third parties for any reason (even for similar verifications under other programs, such as eligibility for low income housing tax credit units, other federal or state assistance programs), unless the tenant has authorized such disclosure in writing.

9.6 Self-Sufficiency Income Exclusions

The earned income exclusion is only available for households under lease. It is not applicable at admission. Only adults can qualify for the earned income disallowance (because the earnings of family members other than the head or spouse are excluded if the family member is under age 18). Each person can receive only one 24-month disallowance period during their lifetime. There are three categories of individuals who qualify for the earned income disallowance:

9.6.1 Employment After Unemployment

A person whose annual income increases because of employment after having been unemployed for at least 12 months. A person is considered to have been unemployed if he or she has earned less money in the previous 12 months than would have been earned working 10 hours per week for 50 weeks at the established minimum wage. (The minimum wage to be used is that applicable to the locality in which the determination is made.) The majority of families who qualify for earned income disallowances are likely to do so under this category. Note: An individual who was unemployed for some period of time before becoming a public housing resident or who earned so little in the previous period to be considered unemployed could qualify under this category, so long as there is a 12 month period of unemployment.

9.6.2 Income Increase After Training

A person whose annual income increases because of new or increased earnings during participation in an economic self-sufficiency or other job-training program. This requirement is not the same as the previous income disregard. The key concept in this eligibility category is that the individual receives the new or additional earned income while he or she is involved in economic self-sufficiency or job training, not after the completion of such training. Note: An example of this category of qualification occurs when people are studying for a variety of medical professions. Typically, classroom work is followed by a 'practicum' in a doctor's office, hospital or clinic, during which the individual is paid.

9.6.3 Income Increase After Receiving Welfare

A person whose annual income increases because of new or increased earnings, during or within six months after the household's receiving assistance, benefits or services from a program funded by any state program for Temporary Assistance to Needy Families funded under Part A of Title VI of the Social Security.

9.7 Community Service and Economic Self-Sufficiency Policy (Applicable to Federal Developments/AMPs Only)

As part of the Quality Housing and Work Responsibility Act of 1998, Congress imposed a requirement that all adult residents of federally funded public housing, unless specifically exempted, must perform community service activities or participate in an economic self-sufficiency program to remain eligible for public housing assistance. Therefore the federal public housing lease provides that all non-exempt residents must:

- Contribute 8 hours per month of community service (not including political activity); or
- Participate in an economic self-sufficiency program for 8 hours per month; or

- Perform eight hours each month of combined community service and self-sufficiency activities.

9.7.1 Definitions

(a) Community Service

For the purpose of this policy, community service is the performance of voluntary work or duties for the public benefit that serve to improve the quality of life and/or enhance resident self-sufficiency, and/or increase the self-responsibility of the resident within the community in which the resident resides. Community service is not limited to a single type of activity or a single location. Acceptable community service activities include, but are not limited to, improving the physical environment of the resident's development/AMP; volunteer work in a local school, hospital or child care center; working with youth organizations; or helping neighborhood groups on special projects. By statute, political activity is not an eligible form of community service.

(b) Economic Self-Sufficiency Program

For the purpose of this policy, an economic self-sufficiency program is any program designed to encourage, assist, train, or facilitate the economic independence of participants and their families or to provide work for participants. These programs may include, but are not limited to: programs for job readiness or training, employment training, work placement, basic skills training, education, English language proficiency, work fare, financial or household management, apprenticeship, and any program necessary to ready a participant to work, such as substance abuse or mental health treatment.

9.7.2 Notification of Residents

The Boston Housing Authority will notify all new residents of the community service requirement at the time of lease signing. The notification will include an explanation of the program and will list the categories of individuals who are exempt from performing community service activities. Definitions and examples of community service and economic self-sufficiency activities will be part of the notice.

All current residents will be provided with a copy of this notice at the time of annual re-examination.

The notification will also advise families when the community service obligation will begin. Non-exempt residents will be required to begin performing community service at their first lease renewal date following the adoption of this policy.

9.7.3 Exemptions

The following residents over the age of eighteen are exempt from this requirement:

(i) Resident household members who are 62 or older;

(ii) Resident household members who are blind or disabled as defined in the Social Security Act (Section 216 (i) (1) or Section 1614 of the Social Security Act (42 USC 416 (i) (1); 1382c);

The Social Security Act defines disability as the “inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than twelve months.”

Blindness is defined as “central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no less than 20 degrees shall be considered for purposes of this paragraph as having a central visual acuity of 20/200 or less.”

Residents who claim exemption because of disability or blindness must also certify that because of this blindness or disability they are unable to comply with the community service requirement. If a resident does not meet this definition of blindness or disability and believes that he or she is unable to perform community service or economic self-sufficiency activity, he or she may apply for an exemption from the requirement as a reasonable accommodation under the BHA Reasonable Accommodation in Housing Policy (RAHP). An application for reasonable accommodation can be obtained at the development/AMP management office.

(iii) Resident household members who are the primary care giver of a blind or disabled individual as described in paragraph 2;

(iv) Resident household members who are engaged in a work activity as defined under section 407 (d) of the Social Security Act (42 USC 607 (d), for ten or more hours each week;

Work activities are:

- Unsubsidized employment;
- Subsidized private sector employment;
- Subsidized public sector employment;
- Work experience, including work associated with refurbishing; publicly assisted housing, if sufficient private sector employment is not available;
- On-the-job training;
- Job search;
- Community service programs;
- Vocational educational training not to exceed twelve months;
- Job skills training directly related to employment;

- Education directly related to employment for a resident who has not received a high school diploma or a certificate of high school equivalency;
- Satisfactory attendance at a secondary school or in a course of study leading to a certificate of general equivalency for a resident who has not completed secondary school or received such a certificate; or
- The provision of childcare services to an individual who is participating in a community service program.

(v) Resident household members who are exempt from work activity under Part A of Title IV of the Social Security Act (42 USC Section 601 et seq.) or under any other state welfare program, including a State-administered welfare-to-work program; or

(vi) Resident household member of a family receiving assistance, benefits or services under a State program funded under part A of Title IV of the Social Security Act (42 USC 601 et seq.), or under any other State welfare program, including a State-administered welfare-to-work program or the Supplemental Nutrition Assistance Program (SNAP), and is in compliance with all provisions of that program.

In accordance with HUD guidelines, persons eligible for a disability deduction in rent are not automatically exempt from the community service requirement. A resident is exempt only to the extent the disability makes the person “unable to comply” with the community service requirement.

9.7.4 Initial Determination of Exemption

All applicants will be provided with an information sheet describing the community service/self-sufficiency requirement at the time they make their final application. At the time the lease is signed, the property manager will again provide the head of household with the community service information sheet. Each household member will be asked to declare if they are exempt from community service and provide the appropriate verifications.

In order to establish an exemption the following verification must be provided:

(a) Age 62 or over. Any birth certificate or proof of age already submitted by the resident to establish age or achieve eligibility for occupancy as a person 62 or older shall be deemed sufficient verification.

(b) Disability or blindness. Receipt by a household member of Social Security Disability or SSI benefits shall be deemed proof of disability under this policy. A household member whose application for disability benefits is pending shall be deemed disabled unless and until a denial of the application is received. Any resident who believes they meet the definition of disability included in this policy may submit a statement from their treating physician providing BHA staff with facts that will assist them in determining whether the resident is disabled within the definition applicable under this policy. If a resident does not meet this definition but still believes that he or she is unable to perform community

service, the resident may apply for a reasonable accommodation under the BHA RAHP policy. The manager will provide an application for reasonable accommodation upon request.

Residents who are determined to be exempt because of blindness or disability shall also sign a statement certifying that they are unable to comply with the community service requirement because of the blindness or disability.

(c) Primary caregiver of a disabled or blind person. A statement from the person being cared for or their guardian affirming that the resident seeking exemption acts as the primary caregiver and the period during which they are expected to continue in that role shall be adequate verification.

(d) Engaged in work activity. The verification of employment income provided to BHA for rent determination shall be adequate for this purpose. Verification of participation in job training or other qualifying program must be submitted by the providing organization or school.

(e) Exempt from work activity under state welfare program. Verification of the exemption should be obtained from the welfare department.

(f) Member of a family who receives assistance from a state welfare program and is in compliance with that program. Verification of receipt of program assistance and compliance should be obtained from the welfare department.

The manager will make a determination of exempt status and notify the resident. If the resident disagrees with the determination, he or she may file a grievance under the BHA grievance procedure.

The exemption status for each household member will be [indicated on the notice of tenant share entered on the client worksheet](#). Families with non-exempt members will receive a list of community service and self-sufficiency opportunities.

9.7.5 Continuing Determination of Exemption and Compliance

Each year, as part of the [recertification](#) ~~rt of the Tenant Status Review~~, the [BHA staff property manager](#) will determine whether each non-exempt household member has complied with the community service requirement and whether each exempt household member continues to be exempt.

Included with the letter requesting the head of household [complete the recertification](#) ~~to come to the office for the status review~~ will be a reminder that resident compliance with and/or exemption from community service will be determined as part of [recertification](#) ~~the status review~~. A list of exemption categories, a reminder that certain exemptions from the community service requirement must be reviewed annually and a description of the documentation needed to support each exemption will be attached to the letter. A

Verification of Compliance form for each household member who was required to perform community service will be provided ~~with~~ the recertification ~~documents~~ ~~appointment~~. These forms must be completed and returned to the property manager at least thirty (30) days before the lease term expires. The form includes confirmation of:

- the number of hours of community service/self-sufficiency work completed,
- the type of work completed
- the community organization where the work was completed
- the signature, name, title, address and phone number of the person supervising completion of the work.

At the time of ~~the recertification, BHA staff~~ ~~the status review~~ ~~the manager~~ will reconfirm the exemption status of each household member. The head of household may provide ~~BHA staff~~ ~~to the property manager~~ with the required documentation for any change in status claimed by an adult family member. The manager will reconfirm the following exemption categories annually:

- Blindness or disability
- Primary caregiver
- Engaged in work activity
- Exempt from work activity under a state welfare program
- Exempt through receipt of assistance, benefits or services from a state welfare program and in compliance with all provisions of the program.

If a household member becomes exempt from the community service requirement during a lease term and informs the manager so that the exemption can be verified, he or she shall be exempt from performing community service for the entire year. Unemployed residents, for example, may request an exemption if they find work or start a job training program. If a resident is determined by BHA to become exempt during the year, they will be excused from the entire annual 96-hour requirement. There is no obligation for a resident to report a change in status from exempt to non-exempt between regular status reviews. If a resident previously determined to be exempt becomes non-exempt during a lease term, he or she is not required to report the change in status ~~BHA staff~~ ~~to the manager~~ until the next ~~annual recertification~~ ~~status review~~.

If the household is found to be in compliance with the community service/self-sufficiency requirement as well as all other requirements for continuing occupancy, the lease will be automatically renewed. An annual lease signing process is not necessary.

9.7.6 Non-Compliance

If the BHA determines that a non-exempt resident has not complied with the community service/self-sufficiency require~~BHA staff~~ ~~ment~~ ~~the property manager~~ must notify the head of household of the noncompliance in writing. This notification must also inform the resident that:

- the determination of noncompliance is subject to the BHA's grievance procedure;

- unless the resident enters into an agreement to cure or the non-compliant adult no longer resides in the unit, the lease of the family of which the noncompliant adult is a member shall not be renewed; and
- the resident has the opportunity to cure the noncompliance during the next twelve-month period.

To take advantage of the statutory opportunity to cure, the noncompliant adult must sign an agreement stating that the noncompliant adult will complete, over the next 12-month term of the lease, the additional hours of community service or economic self-sufficiency activity needed to reach the required total of 96 hours for the prior year. These additional hours must be performed in addition to the 96-hour requirement for the current lease year.

As is required by law, continued non-compliance will result in the commencement of eviction proceedings against the entire household, unless the noncompliant family member is no longer part of the household.

9.7.7 Documentation

The property manager BHA staff must retain documentation of community service participation and/or exemption in the resident's file.

At lease signing for new residents or a recertification the Tenant Status Review for current residents, BHA staff the manager must ensure a Certification of Exemption Status form is completed for each adult household member claiming an exemption from the community service/self-sufficiency requirement. Supporting documentation will be requested of the resident to verify exempt status and copies of the verification will be retained in the file.

At the time of the annual recertificaion Tenant Status Review, the head of household is responsible for ensuring that a Verification of Compliance form is completed by the appropriate authority for every non-exempt household member. This form will also be maintained in the resident file.

9.7.8 Grievance Procedure

Upon filing a written request, as provided in the Boston Housing Authority grievance procedure, any resident who disagrees with any Boston Housing Authority (BHA) action or failure to act in accordance with the Community Service Policy shall be entitled to a grievance hearing.

9.7.9 Prohibition Against the Replacement of Employees

In implementing the community service requirement, the Boston Housing Authority will not substitute community service for work ordinarily performed by public housing

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	administrative burden, or result in a fundamental alteration of BHA program.
Reasonable Modification	A change to a BHA apartment or to a common area which is reasonable and necessary on account of a person's disability to afford the person the ability to use and enjoy BHA premises and which does not pose an undue financial and administrative burden or result in a fundamental alteration of BHA program.
Residual Tenancy Applicant	An existing Household Member (Federal Program: Except a Personal Care Attendant or Live-in Aide; State Program a PCA may qualify as outlined under 760CMR), or (Federal Program: Except a Personal Care Attendant or Live-in Aide; State Program a PCA may qualify as outlined under 760CMR) , or an adult (if all other Household Members in the apartment are minors or incapacitated adults), willing to assume guardianship where appropriate of an apartment where the Head and Co-Head of Household vacates or becomes incapacitated.
Residual Tenant	A remaining Household Member, (Federal Program: Except a Personal Care Attendant or Live-in Aide; State Program a PCA may qualify as outlined under 760CMR) , (Federal Program: Except a Personal Care Attendant or Live-in Aide; State Program a PCA may qualify as outlined under 760CMR) , or an adult (if all other Household Members in the apartment are minors or incapacitated adults) who has been approved under this policy to remain a BHA resident.
Non-Smoking	A designation whereby smoking is prohibited inside an apartment or building (including common areas) and within a defined distance of the building.
State-Aided Housing	A low-rent housing development aided or financed by loans and/or annual contributions from EOHLC , DHCD .
Temporary Housing	(or Temporarily Housed) - A person or family shall be considered temporarily housed if they have not entered into a tenancy. For this purpose a tenancy will be taken to mean an agreement (written or verbal) by which an individual or family occupies the real property (house or apartment) of another with permission and subject to a rental fee.

[Tenant Status Review \(TSR\) Recertification](#)

The process and the document used to complete the required ~~annual~~ reexamination of all BHA residents.

Transitional Housing Assistance

As defined by the Department of Housing and Urban Development (HUD), Transitional housing means a project that has as its purpose facilitating the movement of homeless individuals and families to permanent housing within a reasonable amount of time (usually 24 months). Transitional housing includes housing primarily designed to serve deinstitutionalized homeless individuals and other homeless individuals with mental or physical disabilities and homeless families with children

Transitional Housing Assistance

As defined by the Department of Housing and Community Development's (DHCD) statutory regulations for the state funded properties.

Unauthorized Occupants

Individuals or families who are staying in an apartment leased by a BHA resident who: (a) have not been approved in writing by the BHA as additions to the Household; (b) have applied but have not yet been approved by the BHA as additions to the Household; (c) are staying beyond the limits established in the lease for temporary visitors.

Under-housed

A condition of occupancy where too many people reside in an apartment according to BHA standards for occupancy.

Uniform Federal Accessibility Standards

Standards for the design, construction, and alteration of publicly owned residential structures to ensure that mobility and/or sensory impaired persons will have ready access to and use of such structures.

Use and Occupancy Agreement

A temporary agreement between BHA and the occupant of a BHA apartment whereby the occupant is entitled to use and occupy the apartment under specified conditions but is not entitled to reside as a tenant under a BHA lease or otherwise.

Utilities

Utilities means water, electricity, gas, other heating, refrigeration and cooking fuels, and sewerage

BHA's HOTMA ACOP APPENDIX

Background

The Housing Opportunity Through Modernization Act of 2016 (HOTMA) was enacted on July 29, 2016. The HOTMA statute consists of 14 sections of law that affect the Public Housing and Section 8 rental assistance programs. On September 17, 2019, HUD issued a proposed rule to update its regulations according to HOTMA's statutory mandate. The proposed rule may be found at 84 FR 48820 (September 17, 2019).

Sections 102 and 104 of HOTMA make sweeping changes to the United States Housing Act of 1937 (1937 Act), particularly those affecting income calculations and reviews. **Section 102** changes requirements related to income reviews for Public Housing and Section 8 programs. **Section 104** sets maximum asset limits for Public Housing and Section 8 applicants and participants.

Despite later compliance date, the final rule implementing Sections 102 and 104 of HOTMA is in effect, but compliance with some of the income and assets provisions in these sections of HOTMA requires access to the HOTMA-compliant HUD-50058 in HIP, which will not be ready by January 1, 2025.

In order to update BHA's policy documents for HOTMA, HUD has advised PHAs to create an appendix to their Administrative Plan or ACOP that contains the HOTMA policies that will be incorporated at a later date. BHA will inform all program participants of the date the BHA will transition to HOTMA policies before BHA starts to conduct reexaminations using the HOTMA policies.

This appendix contain just the policies that are relevant to Sections 102 or 104 of HOTMA

Section 102

Interim Re-Certifications

All families are required to report any changes in family **unearned income** that will result in an increase of 10% or more in annual adjusted income.

Boston Housing Authority will perform an interim reexamination when the family reports a change in **unearned income** that will result in an increase of 10% or more in annual adjusted income.

Boston Housing Authority will take into consideration not only changes to unearned income but must also consider changes to eligible deductions, if applicable, to determine if an interim reexamination will be completed.

Boston Housing Authority will not consider any increase in **earned income** when estimating or calculating whether or the family's adjusted income has increased at an interim.

No interim reexaminations will be conducted due to **increases** in unearned or earned income in the 3 months before the next regular annual examination.

Phased-in Relief

All families who received a deduction for unreimbursed health and medical care and/or reasonable attendant care or auxiliary apparatus expenses based on their most recent income examination prior to compliance date, will begin receiving the 24-month phased-in relief upon the HOTMA compliance date (this date will be publicly announced when available).

Families who receive this phased-in relief will have eligible expenses deducted as follows:

- 1st twelve months– in excess of 5% of annual income.
- 2nd twelve months – in excess of 7.5% of annual income.
- After 24 months – in excess of 10% threshold will phase in and remain in effect unless the family qualifies for general hardship relief.

Once a family chooses to obtain General Relief, a family may no longer receive the phased-in relief.

General Relief

A family may request a hardship exemption for health or medical care expenses, reasonable attendant care, or auxiliary apparatus expenses.

- The Family must notify the BHA in writing within (30) days, from the date the family experiences a change in circumstances that has resulted in the financial hardship.
- Eligibility: A family must demonstrate that their applicable expenses increased or they experienced a change in circumstances that resulted in a financial hardship, as defined below, which would not otherwise trigger an interim reexamination. This relief is available regardless of whether the family previously received health and medical deductions or is currently receiving, or previously received, a phased-in hardship exemption.
- A change in circumstances includes the need for new, qualifying, health/ medical, reasonable attendant care and auxiliary apparatus expenses or an increase in the cost of qualifying expenses so that qualifying expenses exceed 5% of the family's annual income.
- The exemption ends when the circumstances that made the family eligible for the exemption no longer apply or after 90 days, whichever comes earlier.
- If the family wishes to request a successive 90-day period for the exemption, they must notify the BHA in writing prior to the expiration of the current eligibility period and must demonstrate to the BHA why an additional period of exemption is warranted.

If BHA determines that the expense giving rise to the hardship exemption will not end within 90 days, BHA may grant one or more 90-day extensions in advance.

BHA will not consider [more than four (4) consecutive] requests for this hardship exemption.

Verification Requirements:

A third-party written verification the family has experienced unanticipated expenses that have affected their ability to pay rent.

BHA may not request documentation beyond what is sufficient to determine anticipated health and medical care and/or reasonable attendant care and auxiliary apparatus costs or when a change in circumstances took place.

Attendant Care

BHA will accept written third-party documents provided by the family. If family-provided documents are not available, BHA will provide a third-party verification form directly to the care provider requesting the needed information.

Expenses for attendant care will be verified through:

- Written third-party documents provided by the family, such as receipts or canceled checks.
- Third-party verification form signed by the provider, if family-provided documents are not available.
- If third-party verification is not possible, BHA may consider an alternative certification as to costs anticipated to be incurred and the anticipated period.

Auxiliary apparatus expenses will be verified through:

- Written third-party documents provided by the family, such as billing statements for purchase of auxiliary apparatus, or other evidence of monthly payments or total payments that will be due for the apparatus during the period for which the hardship is requested.
- Third-party verification form signed by the provider, if family-provided documents are not available.
- If third-party or document review is not possible, BHA may consider an alternative certification of estimated apparatus costs for the period for which the hardship is requested.

In addition, BHA will verify that:

- The family member for whom the expense is incurred is a person with disabilities.
- The expense permits a family member, or members, to work.
- The expense is not reimbursed from another source.

Family member(s) permitted to work:

- BHA will verify that the expenses claimed enable a family member, including the person with disabilities, to work.
- BHA will request third-party verification from a rehabilitation agency or knowledgeable medical professional indicating that the person with disabilities requires attendant care or an auxiliary apparatus to be employed, or that the attendant care or auxiliary apparatus enables another family member, or members, to work.
- This documentation may be provided by the family. If third-party verification has been attempted and is either unavailable or proves unsuccessful, the family must certify that the disability assistance expense enables a family member, including the family member receiving the assistance, to work.

Unreimbursed Expenses:

- To be eligible, the costs must not be reimbursed by another source.
- The family is required to certify that attendant care or auxiliary apparatus expenses are not paid by or reimbursed to the family from any source.

Hardship Exemption for Childcare:

A family's whose eligibility for the child-care deduction is ending may receive a hardship exemption to continue a child-care expense in certain circumstances.

BHA will recalculate the family's adjusted income and continue the child-care deduction if the family demonstrates that the family is unable to pay their rent due to the loss of the child-care expense

deduction and the child-care expense is necessary even though the family member is no longer working, looking for work, or furthering their education. The hardship and the resulting alternative adjust income calculation will remain in place for a period of up to 90 days.

It is the policy of the BHA to extend the childcare expense deduction for additional 90-day periods if the family demonstrates that they are unable to pay their rent because of loss of the child care expenses deduction, and the child care expense is still necessary even though the family member is no longer employed, looking for work, or furthering his or her education.

BHA may terminate the hardship exemption if it is determined that the family no longer needs the exemption.

It is the Family responsibility to report if the circumstances that made the family eligible for the hardship exemption are no longer applicable.

If the family reports the change in circumstances in a timely manner within 7 days, **BHA** will provide the family with 30 days advance notice of any rent increase, and such rent increase will be effective the first day of the month beginning after the end of that 30- day notice period.

If the family does not report the change in a timely manner, the adjustment will be made retroactive to the date it would have been effective had the information been provided on a timely basis. The family will be responsible for any underpaid rent and may be offered a repayment agreement.

Hardship may include but not limited to the following situations:

Child care

- A death has occurred in the family. In order to qualify under this provision, a family must describe how the death has created a need for child care.
- A health/ medical issue in the family which has created the need for child care. In order to qualify under this provision, a family must describe how the health or medical issues have created a need for child care.

A family is considered to have a hardship when:

- The household's family share of total housing costs exceeds 35 percent of adjusted household income.
- Or when the family would be evicted because it is unable to pay the tenant portion of the rent.

Family health and medical expenses

- A change in circumstances includes the need for new, qualifying, health/medical, reasonable attendant care and auxiliary apparatus expenses or an increase in the cost of qualifying expenses so that qualifying expenses exceed 5% of the family's annual income.
- For hardship conditions based on loss of income, the hardship condition will continue to be recognized until new sources of income are received that are at least equal to the amount lost.
- For hardship conditions based upon hardship-related expenses, the minimum rent exemption will continue to be recognized until the cumulative amount exempted is equal to the expense incurred.
- The family may receive a deduction of all eligible expenses exceeding 5% of their annual income.

- The exemption ends when the circumstances that made the family eligible for the exemption no longer apply or after 90 days, whichever comes earlier.

Permissive Deductions:

All families who received a deduction for a permissive deduction based on their most recent income examination prior to compliance date, will begin receiving the 24-month phased-in relief upon the HOTMA compliance date (this date will be publicly announced when available).

Families who receive this phased-in relief will have eligible expenses deducted as follows:

- 1st twelve months– in excess of 5% of annual income.
- 2nd twelve months – in excess of 7.5% of annual income.
- After 24 months – in excess of 10% threshold will phase in and remain in effect unless the family qualifies for general hardship relief.

Net Family Assets:

It is the policy of BHA to determine each family’s net family assets at the time of admission and at annual and interim reexaminations.

BHA will determine net family assets and anticipated income earned from assets based on a family self-certification, certifying that their net family assets are equal to or less than \$50,000 without taking additional steps to verify accuracy. However, assets will be fully verified using third-party documentation at new admission and every three years.

Third-party verification of assets is always required when net family assets exceed \$50,000, adjusted annually by HUD.

When determining Net Family Assets, *BHA* will take the following steps:

- Provide the family with a description of non-necessary personal property and ask the family to estimate the total value of their non-necessary personal property. If the family estimates that their non-necessary personal property is valued under \$50,000 (as adjusted annually for inflation) then the BHA will not ask the family to report the individual items of non-necessary personal property, except every third year when the BHA is fully verifying all assets.
- If the family’s non-necessary personal property has a net value over \$50,000, *BHA* will ask the family to report a full list of their non-necessary personal property. BHA will assess the list to determine if any of the items are necessary personal property. BHA will make a determination as to each item identified, based on HUD or *BHA* guidance, and if the item is determined to be necessary, or otherwise excluded from net family assets, like a retirement account, educational savings account, etc, it will be excluded from the family’s net assets.

BHA will consider the following to be necessary items of personal property but not limited to:

- Any automobile regularly used by a member of the family to commute to work, school, or childcare
- Any computer or electronic device (such as laptop, tablet, monitor, or cellphone) that is used by any family member to work, look for work, or study
- Any item used for religious purposes (such as a historic book of scripture).
- Any furniture used in the family’s home

- Jewelry or other keepsakes which hold religious or cultural value, or deep family significance. For example, a watch which has been in the family and passed down from generation to generation.

BHA will consider the following to be non-necessary items of personal property but not limited to:

- Bank accounts and other financial investments (e.g., checking account, savings account, stocks/bonds)
- Any automobile that is used purely for recreation (such as an RV or camping trailer) and not for any of the defined “necessary” uses, is a “non-necessary” item of personal property and is included in the calculation of net family assets
- Collectible items (such as sports cards or trading cards) that are not used for a work-related purpose by a family member

BHA may make case-specific determinations of other “necessary” items.

Authorization of Release of Information (HUD 9886A):

Applicants and participants, including all adults (i.e., 18 years of age and older) in their households, are required to sign the HUD 9886A Authorization for Release of Information form. All applicants must sign the consent at admission, and participants must sign the consent form no later their next interim or regular scheduled income reexamination.

The BHA will deny admission to the program if any member of the applicant family fails to sign and submit the consent forms for obtaining information.

The BHA has established a policy that the family’s revocation of consent to allow the BHA to access records from financial institutions will result in denial of admission or termination from the program.

Safe Harbor Income:

The BHA has established a policy that we will not accept Safe Harbor income determination from other federal means-tested forms of assistance.

Passbook Rate:

HUD will annually publish a passbook rate. BHA must use the HUD-published passbook rate when calculating imputed assets income for net family assets that exceed \$50,000. For 2024, the passbook rate will be 0.40 percent.

BHA will use the HUD-published passbook rate upon compliance date.

Section 104

Asset Limitation for New Admission

BHA will deny admission of an applicant family for the following:

- Net family assets that exceed \$100,000 (adjusted annually for inflation); and/or

- The family has a present ownership interest in, a legal right to reside in, and the effective legal authority to sell (based on laws of the state or locality in which the property is located), real property that is suitable for occupancy by the family as a residence.

BHA will not enforce the asset limitation for all families at annual and interim reexamination.

References:

More information on HOTMA can be found by following the links below.

PIH Notice 2023-27 Implementation Guidance: Sections 102 and 104 of the Housing Opportunity Through Modernization Act of 2016 (HOTMA)

<https://www.hud.gov/sites/dfiles/OCHCO/documents/2023-27pihn.pdf>

Exclusions, and Limitation on Assets Resource Sheet

<https://files.hudexchange.info/resources/documents/Assets-Asset-Exclusions-and-Limitation-on-Assets-Resource-Sheet.pdf>