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## **Comments and Responses to the BHA FY 2021 Annual Plan Amendment #1**

The following document contains the comments and responses received on the BHA's FY 2021 Federal Annual Plan Annual Plan Amendment #1. BHA staff met with the Resident Advisory Board regularly discussing the Plan process and documents and sent copies of the Plan to the RAB and Local Tenant Organizations. The Plan was put out for public comment on October 7, 2021 and the comment period closed on November 21, 2021 with a virtual public hearing held on zoom November 1, 2021 at 11 am and another at 6 pm.

The BHA took several steps to notify the public of the FY 2021 Federal Annual Plan Amendment #1 and the opportunity to comment. The BHA placed an advertisement in the Boston Globe, and sent letters to many local officials and advocacy groups. The Plan was made available for review at BHA's headquarters at 52 Chauncy St., and on its website [www.bostonhousing.org](http://www.bostonhousing.org).

### **Comments Regarding Proposed Changes to Admissions and Continued Occupancy Policy (ACOP)**

**Comment:** In Section 1.5, Income Mixing (p. 6), it is made clear that the Income Mixing goals only apply to federal Family public housing developments, and not to state sites, and there is no DHCD role with approval. In Section 1.5.2 (p. 7), the heading is revised to make this clear as well.

**Response:** Thanks for your comment

**Comment:** Section 2.3, Marketing and Outreach Strategies (p. 12) is revised at 2.3.1 to make clear that the existing text regarding marketing was solely for federal developments, and new text is added to describe marketing for state developments.

**Response:** Thanks for your comment

**Comment:** Section 3.1, Application (p. 13) is revised both to state that applicants can apply online or can submit a paper application and get further instructions through BHA's website. Text is then added to describe the state public housing application procedures.

**Response:** Thanks for your comment.

**Comment:** Section 3.2, Development Choice (pp. 13-14) is revised to strike the paragraph that described adding development choices to an application and when limits are imposed on changes. New text is added on state development procedures (the effect of withdrawal on other applications), and several paragraphs describing particulars (such as the ability of single individuals to elect either studio or one-bedroom apartments, or the treatment of unborn children in determining unit size) are deleted.

**Response:** Thanks for your comment.

**Comment:** (5) Section 3.3, Processing Applications for Admission (pp. 15-16) is revised at 3.3.1 to delete language that says that preliminary applications will not be accepted unless they are complete and legible. In place of that, the revised text says that applicants must supply complete and necessary information for an application to be processed. Prior text at 3.3.2 regarding application control numbers is deleted; instead, applicants will receive confirmation with a dated timestamp as to receipt of the application.

**Response:** Thanks for your comment.

**Comment:** (6) Section 3.3.2, Communications Regarding Applications (p. 16) has a revised title, and says that the other methods of communication with the applicant are in addition to paper communications (where acceptable to the applicant). It should be noted that there is no Section 3.3.3 in the revised draft, and it goes from 3.3.2 to 3.3.4. This should be fixed, and later sections renumbered.

**Response:** Thanks for your comment. The numbering issues have been resolved.

**Comment:** Section 3.3.4, Waiting List Updates (pp. 16-17) is revised so that the existing text is qualified to address non-state development assignments and new text is added to cover state developments.

**Response:** Thanks for your comment.

**Comment:** Section 4.1, Waiting List Management for State Public Housing (pp. 18-19), is revised at 4.1.1, Organization of the Waiting Lists (p. 18), to largely have BHA track DHCD regulations, rather than to have waivers, with regard to state waiting lists. However, Applications for Supported Housing Programs are to be inserted as administrative transfers into state public housing in accordance with arrangements with service providers as provided in Chapters 7 & 10 of the ACOP, and this is a waiver from DHCD regulation with respect to the definition of Administrative Transfer. This makes sense to continue a longstanding arrangement but to also be specific as to any state waivers.

**Response:** BHA plans to work closely to identify any areas of the ACOP that require specific waivers to State regulation. Any waivers will be officially requested by letter to DHCD and posted publicly on the BHA website. In addition, a section has been added to 10.8, stating that BHA will post any requests and approvals for waivers to state regulation on the BHA web site.

**Comment:** Section 4.1.2, Denial or Removal of an Application (pp. 18-19), has revised text that any BHA determination of ineligibility for a priority or preference or general ineligibility shall trigger written notification as provided in Section 4.3. Text is then added from DHCD regulations regarding determination of priority, preference, eligibility and qualification.

**Response:** Thanks for your comment.

**Comment:** Section 4.2, Waiting List Management for Federal Public Housing (pp. 19-22), is revised to: a/ strike an opening paragraph referring to Asset Management Projects (AMPs); b/ at 4.2.1, Organization of the Waiting Lists (pp. 19-20), to make clear that the description of organizing the waiting lists does not apply to state developments; c/ at 4.2.2, Opening and Closing Waiting Lists (pp. 20-21), to change the heads to make clear that this applies to federal programs only; d/ at 4.2.3, Withdrawal/Removal of an Application from a Waiting List (pp. 21-22), to revise the title, to add in (e) Denial of Assistance that denial of assistance due to intentional misrepresentation may lead to federal or state criminal prosecution for fraud and removal from the waiting list and disqualification from admission or transfer for a 3-year period, and that rejection of an offer of Federal Public housing will lead to removal from all waiting list and a 3-year (rather than a one-year) bar on reapplication. This very last provision requires further discussion. It is not clear why BHA needs to move to a 3-year bar for simple rejection of an offer. Sometimes applicants may have good cause for a refusal, and this is not mentioned here. Moreover, a 3-year bar may be unduly harsh. An applicant may not have been adequately counseled and made unwise choices, or have not fully realized the consequences of his/her/their actions.

**Response:** BHA is glad to engage in additional discussion on this particular topic and as a compromise to this issue will lower the ban to two years rather than three. The general intent is to dissuade applicants in need of housing from rejecting an offered unit without good cause or reasonable accommodation. BHA offer rejection rates are 70% for transfer applicants and 40% for new admission applicants, resulting in an inefficient use of BHA administrative costs to screen applicants for eligibility. It should be noted that a provision is contained within the ACOP that allows applicants to avoid the 3-year ban with good cause or reasonable accommodation. That provision will be emphasized here and throughout where this subject is covered. On this same subject, it was mentioned at the public hearing that applicants are often encouraged to select all of the BHA available sites, rather than carefully reviewing the hundreds of potential opportunities to determine which housing might be the best selection considering individual circumstances.

**Comment:** Section 4.3, Applicant-Appeals – Informal Hearings (pp. 23-27) has a number of revisions: a/ There is a new opening section which refers to DHCD regulations, but says what is below tracks 760 CMR 5.13; b/ While 4.3.4(c) generally imposes an 18-month bar on reapplication after a decision of ineligibility, it also says that applicants for state assisted housing can reapply at any time; and c/ Language that was here about those who commit intentional misrepresentation in the application process and a 3-year bar is moved up to 4.2.3(e), above. Here again, it's not clear that there should be a universal 18-month bar on reapplication for federal housing based on an ineligibility finding, as this may not permit the

kind of case-by-case individualized determination as may be required. It may be that there could be a presumption of ineligibility (“what’s changed so that we should change what we did before?”), but that this is rebuttable. This should particularly be the case where the applicant may not have had adequate assistance previously and might not have gotten BHA all the documentation that existed that could have led to a favorable decision the first time out, or BHA had doubts about the adequacy of supports that could help the applicant be successful after lease up, and such information or support is now evident.

**Response:** There are several exceptions written into this 18-month restriction from reapplication. Applicants who are found ineligible for the following reasons may re-apply at any time: 1) the Applicant’s total household income was over the income limits; 2) the Applicant had failed to pay an outstanding balance owed to the BHA or other Federal or State housing assistance program; 3) the entire household had no eligible immigration status; 4) the pro-rated rent amount was more than 50% of the total household income; and/or 5) the applicant was not elderly or disabled and, therefore, did not qualify for the elderly/disabled housing program.

Any applicant may also submit a request a reasonable accommodation to receive an exception from this policy.

It should also be noted that the 18-month restriction is from the date of the initial determination and not the upheld hearing decision.

**Comment:** Section 4.4, Priorities and Preferences for Federal Programs (pp. 28-31), has a slightly different heading—it used to say “Public Housing”. In 4.4.2, Points for Priorities and Preferences, the category for “On-Site Under or Over Housed Transfers” (p. 29) is eliminated. On p. 30, text is added for the state public housing priority categories. There is a question what the 4<sup>th</sup> Priority is. DHCD has long granted BHA “emergency status” preference for certain court-ordered evictions, both “no fault” and for nonpayment where there was a change in circumstances outside of the household’s ability to control or prevent, and this has been recognized under the TSATP approved during the Perez consent decree in 1978, during subsequent ACOPs that were approved by DHCD as waivers, and this was the subject of a class action consent decree between BHA and GBL in the 1990’s (Dessources v. Feaster). We want to be sure that applicants for state public housing at BHA can continue to get the benefit of this long-standing and much needed provision.<sup>1</sup>

**Response:** The BHA shall request in conjunction with other proposed waivers of state regulation that priority 4 includes those persons evicted for no fault and for nonpayment

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<sup>1</sup> This is not the same as DHCD’s own emergency case plan. DHCD doesn’t have language that recognizes “changed circumstance” nonpayment evictions with a required move-out date as emergency case. Moreover, DHCD normally requires, in no-fault cases, that the levy on execution occur within the next 90 days before it will consider the household for “emergency case” status. While this may make sense for housing authorities with smaller “emergency case” pools, it does not make sense for Boston, where it may take months before an emergency case applicant is processed, and the goal is to see if placement could occur, if possible, before the household actually becomes homeless. (State law permits stays of execution of up to 6 months for any household in a no-fault case, and up to 12 months if someone in the household is elderly or disabled. See G.L. c. 239, sec. 9.)

where there was a change in circumstances outside of the household's ability to control or prevent. Language will be added to the ACOP as appropriate.

**Comment:** Section 4.5, Priority Categories and Verification Requirements (pp. 31-39) is revised in the following respects: a/ Text is added at the beginning to cross-reference the state regulation, but then to say that BHA will apply its verification requirements as a guideline; b/ The Super-Priority text, which was previously reserved at 4.5.3 (p. 31), is now shown and provides that applicants can be admitted prior to others on the waiting list where the site has been converted to a Project-Based Voucher (PBV) contract and continues to be owned by the BHA, and the applicant will be temporarily displaced due to rehabilitation or modernization unit | an offer is made to return; c/ Section 4.5.4, Priority 1 (pp. 31-31-32), is slightly revised to say this is for federal housing programs; and d/ Section 4.5.9, Housing Situation for State Programs (p. 39), is new text and tracks DHCD regulations. There is an issue about whether the Super Priority should be revised in a few respects: (a) It may be that the site (or portions of it) may no longer be owned by BHA, but may be under Ground Lease control, but BHA would want to still provide for the Super-Priority; (b) it may be that the assistance provided is not under the PBV program, but may be MRVP, RAD (in part), or it may be that PBV assistance for certain units is temporarily delayed (as is the case at Lenox Street where PBV assistance is not provided until the household is right-sized, but HCVP assistance may be provided in the interim). However, it is in BHA's interest, in all of these situations, to grant Super-Priority so that buildings can be cleared out for rehabilitation and families successfully temporarily relocated pending any final assignments.

**Response:** Thanks for this comment. The BHA has updated the language as follows.

The BHA will admit an Applicant to the Public Housing program before all other Applicants on the waiting list if: The Applicant was a resident in a BHA public housing site that 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).

Where it makes sense for a family to remain in a public housing unit because they may be over income for a Section 8 unit or Low Income Housing Tax Credit unit, the BHA will seek a method to flag those families to return to the redeveloped site once their income falls within the necessary parameters. We understand this premise as the family has been asked to relocate due to no fault of their and should have some opportunity to return, even if limited and after all other families, who are income eligible have received their first offers. In order to effectively manage this proposal, there needs to be additional internal conversation to ensure the appropriate tools are in place to track these families.

**Comment:** Section 4.6, Preferences (pp. 39-44), is revised so that: a/ DHCD's regulation is cited in the opening section, including DHCD's definitions of "veteran" and "local resident"; b/ unnecessary language at the opening of 4.6.1, Veterans Preference (p. 40), is eliminated;

c/ Section 4.6.3, Designated Housing Preference (pp. 41-42), is revised to separately track the federal & state elder preferences, which operate somewhat differently, and a prior separate section for the state preference, 4.6.4, is deleted and later sections renumbered; d/ Section 4.6.4, Displaced Boston Tenant Preference (p. 43), is revised to apparently fix a typo, but appears to still have a typo and require correction; e/ what was Section 4.6.7 (p. 44), providing a preference for rent burdened tenants in federal housing, is eliminated. A couple of thoughts here: (a) in Section 4.6.4, should likely say “has been a”, rather than “has” (or possibly “has resided in Boston”); (b) it’s not clear what BHA’s plan may be for transfer priority for tenants in its federal program who are overly rent burdened due to pro-ration and mixed family status who would do better being transferred to state public housing where rent is set at 32% of income (perhaps this is addressed in the transfer section below.)

**Response:** The language shall be updated from “has been a” to “has”. The BHA shall utilize the administrative transfer process to move overly rent burdened families from the federal to the state program.

**Comment:** Section 5.1, Eligibility (pp. 48-50), has a revised title—the term “Preliminary” is eliminated, and the opening section refers to federal regulations and this policy & DHCD regulations (with regard to state housing). Section 5.1.1 (pp. 48-50) is retitled “Threshold Eligibility Requirements. New language is added to 5.1.1(a), Family programs, under (iii) (p. 49), to make clear that if an applicant owes a balance to the BHA, he/she/they will be notified of the requirement to repay the balance prior to admission, shall have the opportunity to dispute the past debt or establish mitigating circumstances or reasonable accommodation as well as the right to seek review regarding BHA’s determination on mitigating circumstances or reasonable accommodation. It also provided that in certain circumstances, such as a conversion of the property from public housing to another form of subsidy, BHA may consider entering into a repayment agreement with the applicant. In subsection 5.5.1(b), Elderly and Disabled Program, the term “preliminarily” prior to “eligible” is deleted. Text is also added to track DHCD regulations for state elderly housing. A new 5.1.2 “Eligibility Determination (pp. 50-51), is substituted in place of what was 5.2, Final Eligibility, and in subsection (h), Citizenship status (p. 51), the phrase “if applicable” is added. Main comment here is that the same language about ability to dispute a BHA balance, to show mitigating circumstances or reasonable accommodation, and the option for a repayment plan in certain circumstances, such as a conversion action, should be applied in elderly/disabled housing, and should not be limited to family public housing. Also note that since 5.2 was eliminated, later sections below should be renumbered.

**Response:** Thanks. The sections shall be numbered appropriately. Language was added to clarify that the ability to dispute or submit a reasonable accommodation request or other mitigating circumstances with respect to amounts owed to BHA shall be applied to the elderly disabled program as well as the family program.

**Comment:** Section 5.3, Verification Generally (pp. 52-62) is revised to: a/ insert DHCD’s applicable state public housing regulation, 760 CMR 5.12; b/change the title of Section 5.3.3, Verification Order of Preference for Federal Programs (p. 53) to say that this is for federal

programs; c/ clarify at Section 5.3.6, Verification of Student Status (pp. 56-57) that full time student status is verified for those 18 and older; d/ add to Section 5.3.7, Verification of Disability (pp. 57-58), DHCD regulations on the verification of handicapped persons, 760 CMR 5.07; e/ clarify in Section 5.3.9, Verification of Citizenship Status (Federal Programs Only) (pp. 58-61), that this does not apply to State assisted programs. Here again, as earlier, it appears that the next section is 5.5, and it should be 5.4 (or actually 5.3, given the earlier numbering issue).

**Response:** Noted. Thanks.

**Comment:** Section 5.6, Screening for Suitability (pp. 65-81) has a revised title (no longer refers to state and federal public housing) and the following revisions: a/ The opening section refers to BHA screening for suitability in accordance with BHA policies, HUD and BHA regulations, and notes that it will do screening for all who are 18 and older and will check criminal background for all household members who are 14 or older (since 14 is the age in Massachusetts at which a minor may be tried as an adult). A new subsection 5.6.1 (pp. 65-66) describes the purpose of suitability screening. It will be important to compare this with the City's bylaw on affirmatively furthering fair housing, since the end of the subsection permits a number of sources of information that may be considered, and some methods of consideration may be problematic; b/ Section 5.6.2, Housing History (p.66) provides that for state public housing, a 5-year housing history must be required in accordance with the current on-line application system and DHCD regulatory requirement; c/ language that was formerly contained at 5.6.2 forward (pp. 66-75) on Financial Obligations is stricken out. It is not clear whether this means that the BHA will no longer be doing any of what was previously described here, or if that's being moved to administrative guidance. We agree that in most instances, this would not be necessary, and the focus instead would be on the housing history and what it would show for likelihood to be lease compliant if the family is admitted; d/ Section 5.6.3, Criminal History (pp. 75-79), is renumbered, and language is added for state public housing tracking G.L. c. 121B, sec. 32; language is also added to subsection (b)(l) to refer to use of Sex Offender Registry Information (SORI) as permitted by law in the eligibility determination process, and language about mitigating circumstances and rehabilitation is eliminated here (since such considerations will be applied to all cases, and not just applications where there is criminal history), and other subsections are redesignated<sup>2</sup>; e/ Section 5.6.6, Outcome of Screening Process (pp. 80-81), revises some of the language in 5.6.6.(a), Ineligible (p. 80) to be clearer, but without any change in substance.

**Response:** Thanks for the comments on this section. The language regarding credit history will be stricken from the provisions in 5.6.1. The BHA will take under advisement the comparative evaluation of the City of Boston's affirmatively furthering fair housing.

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<sup>2</sup> It may be good to do a general "gender pronoun" scan of the document, and to change pronouns to match current usage--i.e., "he/she/they", or to avoid pronoun usage (i.e., "the applicant"). See, for example, the "he/she" in Section 5.6.3(h), on p. 79.

**Comment:** Section 6.1, Apartment Occupancy Guidelines (pp. 83-84) is revised so that for federally assisted apartments, reference is made to the Occupancy Standards included here, but for state aided public housing, Appropriate Unit Size is defined at 760 CMR 5.03. At Section 6.1.3, Apartment Assignments (pp. 83-84), David had a note proposing to bring the Public Housing Occupancy Standards in line with Leased Housing for many reasons, particularly given that as sites convert, those standards must align; the draft here does not do that, but just: (a) refers state units to state standards; and (b) for federal units, eliminates the last category (which previously had 1<sup>st</sup> floor units being offered first to existing residents who require such units for reasonable accommodation transfers. On David's suggestion, this is a very delicate issue and will require significant discussion with residents beyond the time available now, particularly since people have gotten so used to differing standards. Assume that the elimination of the transfer, etc. Language here on first floor units may be addressed below on transfer revisions.

**Response:** Indeed any adjustment to the subsidy standards would require a protracted negotiation and thoughtful planning with various stakeholders. Perhaps that will be the subject of future revisions to the plan.

**Comment:** Section 6.2, Offers (pp. 85-100), includes a number of changes: a/ It is made clear, in the opening paragraph (p. 85), that offers in federal housing follow this section, while those in state housing follow state regulations (as put in text here), except that BHA has a waiver permitting it to offer special circumstance transfers for every 4<sup>th</sup> offer; b/ specific language about methods of identifying available apartments for offers, and what happens if more than one apartment is available, is deleted (pp. 86-87); c/what was Section 6.2.3, Allocation of Offers to Different Applicant Types, is moved to 6.2.1, and has the additional heading “Offer Counter” (pp. 87-88); the description goes on to say that there is a counter by waiting list, bedroom size and apartment type to allocate offers between transfer applicants and those on the waiting list, with the first three apartments being offered to the highest ranked waiting list applicants, and the 4<sup>th</sup> apartment being offered to the highest ranked transfer applicant (if there are no approved transfer applicants, the 4<sup>th</sup> apartment goes to the next waiting list applicant); d/ Section 6.2.4 (this should be 6.2.2), Offers of Accessible Apartments (retitled) (pp. 88-89) is new text<sup>3</sup>; language about identifying wheelchair accessible, first floor units, and zero step units as part of accessibility features is added. One question here is whether BHA should have the flexibility to offer relocation expense payments/reimbursement when it requires a family who no longer needs the feature of an accessible unit to vacate so that the unit will be available for a household requiring the features—this would make sense so cost factors don't become a basis for failure to transfer; Section 6.2.5 (this should be 6.2.3), Acceptance or rejection of Offers of State Public Housing (pp. 91-92) incorporates language from DHCD's regulation, 760 CMR

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<sup>3</sup> The prior text for this section is on pp. 98-100. It would be good to have a “compare and contrast” for these two sections, if BHA can provide that.



5.10(4)<sup>4</sup>; f/ Section 6.2.6 (this should be 6.2.4), Acceptance or Rejection of an Offer of Federal Public Housing (pp. 93-95), consolidates what were previously two separate provisions on acceptance or rejection, and has some clarifying language but it's not clear if there is any change in substance (other than the language barring reapplication or special circumstance transfer for 3 years, and language regarding treatment of over or underhoused applicants, who are no longer just on an on-site list); there is language here about this being "one offer", but that may not be any different than what was previously the case. As noted previously, there is a concern that the 3-year bar on reapplication may not be the best policy, and it would be better to have this be a rebuttable presumption; the language in Section 6.2.6(d) which permits some flexibility if there is a change in circumstances that justifies a different priority/preference may not capture all of the circumstances where it may be just and reasonable to consider the request.

**Response:** BHA will seek to establish a line item budget to relocated families who no longer need the features a particular unit. See above response regarding the 3-year ban. In addition, the BHA erred in making every fourth offer in the counter to special circumstances transfer applicants. In fact, every eighth offer should be made to every to a special circumstances applicant to account for the re-categorization of administrative transfers.

**Comment:** Section 7.1, General Transfer Policy (p. 101), BHA adds a reference to the DHCD regulation for state public housing, but notes that transfers for supported housing programs and those who are no longer eligible for those programs will be handled as Administrative Transfers as a DHCD-approved waiver (also mentioned above). Section 7.1.3, Transfer Review Process for Federal Public Housing Residents (pp. 101-102) is retitled to make clear that it applies to federal housing, but it is not clear if 7.1.1 and 7.1.2 are just for state housing or for both. It may make sense to reorganize this so it's clear whether the opening is general or is just for state public housing, and to address how 7.1.2 and 7.1.3 are to be construed.

**Response:** This section has been reorganized to provide clarification with respect to state and federal delineations with respect to transfers.

**Comment:** Section 7.2, Transfer Categories (pp. 102-107), is revised in a number of ways: a/ in the opening, Under or Over Housed Transfers are eliminated as a category; b/ in Section 7.2.1, Administrative (pp. 102-104), a definition of Administrative Transfer is provided, and all over-housed and under-housed families are treated as Administrative Transfers, with BHA to periodically review its portfolio site-by-site and come up with a right-sizing plan, with residents being advised that a transfer is necessary and pending, and residents who fail to transfer being subject to eviction, and with residents who are underhoused at sites where the correct unit size is not available having the right to select other developments; provision is also included, under Section 7.2.1(f), Domestic Violence (pp.

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<sup>4</sup> This refers to the Alternative Housing Voucher Program (AHVP) among other things; I am not sure that BHA has any AHVPs, given the small size of its Chapter 667 state elderly/disabled portfolio, and it would be good to know if it does.

103-104), for households to get HCVP and project-based program assistance, along with housing search help, and to be removed from the public housing transfer list if they are placed with a voucher ; additional administrative transfer categories are established for serious medical condition aggravated by the current housing, for those facing imminent danger due to harassment, vandalism, or threats, and to those requiring witness protection. BHA should clarify, as the past ACOP did, whether a household will be required to move if it is in the smallest unit size available at the site, even if the household is technically “over housed” (such as a family living at Gallivan Boulevard, Fairmount, or Faneuil that’s in a 2-BR unit but technically may only require a 1-BR unit and there are no 1 BR’s available at those developments. There should be a provision for LTOs to be involved in reviewing and commenting on right-sizing plans, as they may have good suggestions on approaches which will minimize hardship and encourage acceptance of the plan. BHA should also share with domestic violence advocates its plan, each year, to set aside an appropriate number of vouchers to address anticipated safety needs; c/ in Section 7.2.2, Special Circumstances (pp. 104-107), three prior categories that were here (medical condition, imminent danger, and witness protection) were moved to Administrative Transfers, and what is left are the less severe reasonable accommodation transfers and designated housing transfers, and some of the earlier text is also deleted as unnecessary. Obvious it can make a critical difference how a reasonable accommodation case may be classified, and this may depend on the level of information provided by those working with the family. BHA staff need to be sensitive to this and to move cases to the higher priority category as information comes in.

**Response:** The BHA has added the following language to the ACOP in Section 7.1.1(e):

Generally, the BHA will attempt to resolve over and under housed families by relocating the most over and under housed families as a priority.

and

A Resident who is over housed by only one bedroom at site that does not have the lower bedroom site necessary to accommodate the family will not be required to relocate to another site.

In addition, the BHA commits to working with LTOs with respect to any right sizing plans. Both of these are commitments the BHA can make without inserting them into the ACOP. The transfer review committee will continue to function as it has in the past, moving cases to the higher prioritized transfer category when verification provides merit to do so. BHA will also work closely with domestic violence advocates regarding annual set-asides for transfers from public housing and voucher holders and make public associated plan. It is not necessary to write this into the Admissions and continued occupancy policy.

**Comment:** Section 7.8, Transfer at Residents Expense (p. 108), is not changed, and states that transfers are generally at residents’ expenses except where the transfer is required for capital reasons (because BHA is closing up a building to do repairs, or is undertaking rehabilitation that requires relocation). However, it may make sense to revisit this, or to allow for flexibility where carrying out a transfer may help BHA advance a policy goal and

the expense of the transfer may otherwise be a barrier. Examples would conclude where BHA has concluded that it cannot quickly repair a problem and the resident must move (but there is not yet a capital plan for the building) or where BHA requires a resident to move who is in a unit with special features that are not required by that resident. BHA may wish to strategize with the city's Office of Housing Stability (OHS) to identify if there are other situations that might warrant flexibility.

**Response:** BHA will seek funding for this issue as noted above. It is also possible that local or state funding is available to assist with relocations for emergency reasons.

**Comment:** Section 7.10, Continued Occupancy for Veterans (p. 109) is not changed, but it may make sense to change the heading, since Gold Star Mothers (one of the protected categories mentioned here and in state statute) are not themselves veterans.

**Response:** Noted. The heading is updated.

**Comment:** Section 7.11, Rejection of Approved Transfer by Resident (pp. 109-110) is revised to distinguish between different transfer types. The second sentence appears to have a typo and the words “from the” should be added in between “removed” and “transfer waiting list. Language is added to Section 7.11.1 to change from a one-year to a 3-year bar. Language about eviction is removed from Section 7.11.1 (it is kept in Section 7.11.2 for on-site under or over-housed residents refusing a transfer offer). Language is also removed from Section 7.11.2 which would make an over-housed or under-housed resident ineligible for transfer if an offer is not accepted—obviously this would be contrary to the policy, which is to get such households to transfer to right-sized units and normally these are transfers required by the BHA, as opposed to ones requested by the household. As noted above, the 3-year bar doesn't always make sense, and should be a rebuttable presumption. Moreover, in the case of designated housing transfers, in many cases BHA would want to encourage such transfers, as they would help families get into housing that may be more appropriate for them, so applying the 3-year bar to those cases may not make sense at all.

**Response:** Language has been updated to 2-years.

If a resident rejects a BHA-initiated transfer without good cause or an approved reasonable accommodation, they will be subject to lease enforcement. The 2-year bar will not apply where the transfer is BHA initiated. The exception is where the transfer is related to redevelopment and a separate agreement covers that subject.

Under the terms of the BHA [lease](#), Section 5, BHA is authorized to transfer Resident to an appropriate size apartment if Resident's current apartment is needed by the BHA as a reasonable accommodation for another BHA resident who is a qualified individual with a handicap. Additionally, BHA is authorized to transfer Resident to another apartment if BHA determines that a transfer is necessary to protect Resident's health or safety, or if BHA determines to close Resident's building or Apartment.

In the case of a resident initiated transfer, the 2-year bar will apply where the resident does not establish good cause / reasonable accommodation reason for rejecting the transfer.

**Comment:** Section 9.1.3, Additions to the Lease (pp. 114-116) is revised at 9.1.3(d), Other Additions to a Household, to provide that other additions may be approved if they do not create a severe overcrowded condition in accordance with the occupancy standards defined by the State Sanitary Code, and to substitute the word “Admissions” for “Occupancy” as the relevant BHA Department.

**Response:** Thanks for your comment. We completed a document search and updated “Occupancy” to “Admissions” where appropriate.

**Comment:** Section 9.2.3, Fraud or Misrepresentation (p. 117), fixed a typo in the title, which previously said “Fraud of Misrepresentation”.

**Response:** Thanks.

**Comment:** 9.3.1, Circumstances Requiring an Interim Recertification (pp. 120-122), is revised at 9.3.1(c) (p. 121) to delete “All” in the title, so that it now reads, “Decreases in Family Income”. In addition, as noted in the comments on the proposed changes to the Section 8 Administrative Plan, BHA is eliminating most of the language in the parallel Section 8 program (Section 11.1.1) about interim reporting of increases in income, and limiting the reporting obligation solely to the circumstances where a household was reporting zero income and has the ongoing obligation to report the first time that income is received. We would recommend that BHA make a similar change here so that the Section 8 and public housing interim reporting obligations for increases in income are the same.

**Response:** The BHA is going to keep the changes in the Administrative Plan. With respect to Public Housing, BHA is awaiting the implementation of additional provisions of HOTMA, which HUD has slated for April 2022. Those updates may prompt additional changes. Until then, the Public Housing and Section 8 policy shall be different in this area. Thanks for your comment.

**Comment:** Section 10.4, Elderly Preference (State Elderly/Disabled Program only) (pp. 137-138) was eliminated; as noted above, this is now captured in Section 4.6.3. Later sections were not renumbered and should be.

**Response:** Thank you for your comment. Sections have been renumbered appropriately.

**Comment:** Section 10.8, Non-Smoking Policy (p. 141) was added to say that the non-smoking policy was incorporated into the non-smoking Lease Addendum. This apparently moved the location for this section, which was previously at Section 6.2.9.

**Response:** Thanks for your comment.

## Comments on Administrative Plan

**Comment:** In Section 3.3.5(b) (l) (p. 21), this is a super-priority for public housing tenants whose sites are being redeveloped. The super priority is lost once an offer of the right to return is made. However, as we have discussed in our Charlestown redevelopment talks, there may be times where a household would in fact like to take a rehabbed PBV unit back at the redeveloped site but may temporarily be over-income for the Section 8 program yet remain eligible for public housing, due to the difference in public housing and Section 8 income eligibility limits. There should be some system—perhaps no longer super-priority, but somewhere on the list of PBV priorities—where such a household can continue to seek PBV housing at that site when it becomes income eligible and can return. This could occur, for example, if a family that had several adult children with incomes becomes an “empty-nester” household with reduced income.

**Response:** Thanks for your comment. We will continue to look into this issue as we move through the redevelopment process. We anticipate going out for public comment related to changes and necessary updates mid-year 2022.

**Comment:** Similarly, Section 3.3.7(h) (p. 35) provides for a right to return preference, which similarly is lost once an offer is made. Here, too, there should be some lesser priority—but nonetheless a priority—given for households that would like to exercise this right, but cannot do it immediately on the completion of buildings in their phase. Is there any route for families who obtain Leased Housing assistance through the “city-funded voucher program” or the Mass. Rental Voucher Program (MRVP) to obtain Section 8 PBV or HCVP assistance at a later date if that makes sense? For example, it may be that such families elected the city- or state-assisted program because pro-rated rent that would be required under HUD’s non-citizen rule is simply not affordable—but the family subsequently obtains eligible non-citizen status? Transitioning families to the Section 8 program will allow others who need it to get into scarce MRVP or city-funded voucher assistance slots.

**Response:** Yes. Tenant based assistance under the City Voucher program is being considered non-permanent as the ultimate intent is to provide subsidy at project-based units. Therefore, families assisted under that program will maintain priority for the purpose of transitioning to the federal program. The same logic does not follow for the MRVP program. Language has been added to the Administrative Plan homeless priority to categorize the City Funded Tenant Based Vouchers as non-permanent assistance.

**Comment:** Similarly, is there need for any language under Super-priority or elsewhere to address situations such as occurred at Lenox Street? There, BHA had a number of households who are currently “wrong-sized”, and it was not permitted to simply execute PBV HAP contracts for such households. Instead, it exercised HCVP HAP contracts and the owner elected to accept a lower payment standard temporary for such household. Eventually during the rehabilitation schedule, tenants will be relocated into right-sized units, and those HCVP arrangements will be replaced with PBV contracts. However, to the extent that BHA may need to adopt a similar strategy anywhere else in the future, is there any

need for coupling language so that there is no difficulty in moving from HCVP to PBV for such units?

**Response:** The BHA believes that the regulations, specifically, 24 C.F.R. 983.251 (a) and (b) provide protection for in place residents to receive an offer of housing when they remain on site.

**Comment:** Section 5.5.1 (pp. 57-58): Earlier, there had been some problems whether households that were temporarily relocated from public housing and were returning to a site converted to Section 8 assistance might run into unintentional problems because they didn't meet the federal definition of "continuously assisted" (see also below, p. 208). Thus, for example, someone might be moved into state public housing, or into housing which had MRVP assistance, and the federal link would be broken. The revised language here (done as part of last year's amendments) should work and cover all circumstances, as long as households are "low income" (at 80% of area median income or below (public housing admissions standards)) at the time they are considered for Section 8.

**Response:** Thanks for your comment.

**Comment:** Section 5.5.4 (pp. 65-66): Existing language on treatment of zero income is revised to say: a/ Any family member may be covered (not merely an adult—reportable income may have started for a dependent child; b/ BHA may require a budget or report (but it may choose not to do so); c/ The sentence regarding use of a credit report is deleted; d/ Any required releases (to verify income) will come from adult household members.

**Response:** Thanks for your comment.

**Comment:** Section 11.1.1 (pp. 121-122) is revised to eliminate most, but not all, interim reporting of increases in income. Families will still be required to report when they start to receive an income after being on zero income. This change is good, and we would recommend that BHA make similar changes to the ACOP for public housing (see above).

**Response:** Thanks for your comment. While this change is being made for the Administrative plan, it is not being made for the ACOP at this time.

**Comment:** Section 14.8 (pp. 174-183) addresses the new Emergency Housing Voucher (EHV) program, and indicates that BHA will follow PIH Notice 2021-15 and any subsequent notices, guidance, or regulations from HUD. It notes that the program was authorized by Section 3203 of the American Rescue Plan Act (ARPA) in March, 2021, and is to assist individuals and families who are experiencing homelessness, at risk of experiencing homelessness, fleeing or attempting to flee domestic violence, dating violence, sexual assault or human trafficking, or who were recently homeless and for whom providing rental assistance will prevent homelessness or high risk of housing instability. BHA is to administer this program in partnership with the City of Boston's Continuum of Care (COC) and any other COC partnering organizations where necessary. The COC performs eligibility screening and direct refers eligible applicants to the BHA; the City of Boston's Coordinated Entry system is used for all referrals. The Admin Plan uses a COC definition of "homeless"

and “at risk of homelessness” (at 24 CFR 578.3), and contains definitions of domestic violence, dating violence, stalking, sexual assault similar, but not identical, to those used for BHA programs under VAWA. Human trafficking is defined to include both sex trafficking and labor trafficking. A definition of “recently homeless”, for the last category of EHV assistance, is also included. Under Section 14.8.4, there is mandatory screening for the two federally required categories (registered lifetime sex offenders and those convicted of drug-related criminal activity for manufacture of methamphetamine while in federally assisted housing). Permissive prohibitions concern current or recent (within the past year) drug-related or violent criminal activity, fraud/bribery, or abusive or violent behavior toward PHA staff. Some portability provisions are more flexible than in the ordinary HCVP program, consistent with HUD guidelines. In addition, housing search must be provided through either BHA or the COC or another partner agency, and a good description is provided for what functions are comprised within housing search. Payment standards will be the same as for other HCVs. It would be good for BHA, perhaps not within the Admin Plan, to describe any partnerships it will be entering into for EHV administration, as well as who will be conducting housing search. In addition, it would be good to know what those partners will be doing if they determine that an applicant is not eligible (and is therefore not referred to the BHA). This information may be contained within Memoranda of Agreement (MOA), similar to what BHA has done with other Supported Housing arrangements, and should be available to those working with individuals and families who may be interested in pursuing EHV assistance.

**Response:** Thanks for your comment. BHA will post this information to its website. An existing page has been posted at the following link: [www.bostonhousing.org/ehv](http://www.bostonhousing.org/ehv)

**Comment:** Section 16.2.2(d) (p. 208): It is not clear that the “existing housing” language is new, but it was printed out in red for recipients of the draft, so checking on that.

**Response:** This is an unintentional formatting and has been resolved.

**Comment:** Definition of “Continuously Assisted” (p. 208): This definition picks up on federal law, but HUD also authorizes PHAs to establish some of their own criteria. The only difficulty here is that the definition only references HCVP, and does not cover PBV—BHA may want to revise it so that it explicitly covers any of the rental assistance possibilities (including RAD as well).

**Response:** The language has been clarified.

**Comment:** The changes here are parallel to those in Sections 15 and 16 of the PHA Plan Supplement, i.e., inclusion of the new RAD blend options at Ausonia (and a revised closing date in 2022 rather than 2021), and same for Mission Main and Eva White. At Orchard Offsite Phase II (Long Glen Apts.), there is a revised CFP allocation (\$37,072 rather than \$32,895) and closing date (March 2021 rather than 2020).

**Response:** Thanks for your comment.

## General Comments

**Comment:** I like how HUD tries to involve tenants in what is going on.

Just before Covid, HUD wanted to change their bad reputation, a company and their consultants were hired, and many more meetings were held in which tenants were asked how the image could be improved. HUD Image, just an expensive face-lift. Private housing Section 8 mobile voucher holders are still not wanted in landlord buildings because nothing has been done about the quality of tenants that they receive. Severe mental illness tenants and juvenile delinquents continue to destroy the quality of life for other tenants; not only have I read about this in the ratings but I have also had the misfortune to meet some of these tenants. They have ruined every opportunity which I would have considered.

You know that seasoned tenants such as myself who have come from private housing should always be first in line, as I also have a low income. I have rented for several seasons in private housing, and I have excellent credit and references which I feel should be required for ALL private housing renters. Keep the Faircloth Amendment with regard to housing because I was almost evicted twice through no fault of my own I do not want competition for places to move. Evicted how you ask? Once because HUD said they did not get enough money to support existing tenants and the second time because of Covid, Housing did not communicate with landlord and landlord did not communicate with Housing Authority. HUD has an obligation to existing tenants. The prohibition of all high-school students moving to reduced cost housing should not be allowed they should have to stay at the parents house till age 25 years. Younger people never have to try to be responsible reduced cost housing. BHA will require younger people under 45 to re-certify no income at least quarterly.

Reputation with private landlord is very important because landlord does not have to accept any tenants, especially ones that are deemed bad. I like living in private housing because buildings are quiet with lots of public transit, but nearly all private landlords do not even give me an interview, so I cannot move to an area I love with the building I love. In the RAB board meetings, I have discovered that even Public Housing tenants are now saying that they do not want the homeless in their buildings, either. Why ruin everyone else's home? With the drug epidemic, and the mental illness that follows, more residential mental health facilities should be built for those with severe mental illness and or drug addiction. These facilities built out of the Metro Area will facilitate recovery because fewer people around means a lot less access to drugs maybe even alcohol. Public funds not used for hotels but for screening populations that cannot stay housed. No emergency vouchers for Green line MBTA areas homes would be tenants, because it takes away housing from other existing low income tenants resulting in longer lines for tenants that want to move!

Every other group gets a moving allowance: Homeless, Veterans and Public Housing. How is this fair? Section 8 moving happens very quickly and others quickly get their allowance but not section 8 mobile. I do not agree that families can sign a waiver for an apartment that is too small for them. One person, one bedroom apt. Studio apartments are unhealthy and claustrophobic. Why is it out of the whole state only Boston should take all of the lowest incomes? I do not agree with this.

HUD do you realize not all buildings should be family or family with a few single people



thrown in to closet-sized apartments, yes or no?

I believe that families that live with other single people in private buildings should have a mailing that shows what appropriate behavior is and is not (such as horns, bells and certainly not drums or head /hand out the window behavior resources list).

It seems the annual plan gets further and further away from what good tenants want. I do not agree with BHA having to label everyone disabled or disability a low-income tenant just is for various reasons. The mentally ill are using disability as a cover for their real problems and this is often a problem for others having to deal with them, also the reputation of other tenants is brought down.

During the beginning of Covid, I received an alarming surprise because all agencies and the landlord did not talk with each other so I received a notice to quit. The Disability law center said they could not defend me because they only help people with mental illness and those that have a criminal record. This is not right as people like me good tenants should have top priority to be defended.

Yes, I am older now, too, but all the student group lawyers that would have defended me had left for the summer. I know personally several lawyers that defend the illegals but not any citizens. Not being forced to sign an amendment that has negative implications for the tenant when communications break down between rental parties in a would be no fault eviction case.

Inspection notices (2 within a week) in my building were recently used as intimidation, taking photos of the insides of our closets and writing reports. Asking if there is anything I can do (while management is there) I am told it will be in the mail which this should be wrong as they could write anything they want without me seeing it immediately. Tenants should be given a copy of this report on the spot like it used to be with carbon paper. I felt threatened by the notice to quit and yelled in management office and they wrote me up for it.

I like animals, but I do not like dogs that bark all the time, and so I resent that nearly every building allows dogs.

Still 6 months later, I am 3 points short of the work quotient (I am not able to work full time because of physical health.) I receive no answers on classes: invisible ques of other people, body language. EmPath does not seem to offer anything to me. I would like to become a professional speaker or maybe even a lobbyist. Amounts received under training programs funded by HUD, Where is mine? Another inclusion of exclusion? It is going to be harder when I get even older to live on such little money. For the last several years I had no social life, threatened for being in the way of progress (where I live) I am sure did not help.

There is a severe shortage of one-bedrooms across the street from me in Brookline -- the quiet area that I wish to return to if only they had a building like mine.

I am so privileged. My Grandpa's family was nearly homeless until his boss gave him a loan, which he would do anything to repay because it was a matter of pride. Then he lost his fingers on one hand because of his job no more chances to become that professional golf player which he had little time for because he was always working, and he was very good at golfing.

Boston proper is sprouting garbage with any flowers because the homeless with all their

garbage and begging for money. Cities are not like they used to be; give them back to the long-term residents. Put back up the no loitering signs and enforce them. Residency is 5 years.

OVER DEVELOPMENT such as the North Station with the horrific crowds every day just like New York city is chaos, not a place I would choose to live anymore, and this is not the only area that has been ruined. Many places in the Metro area used to be like a very small city with a town like feel.

PERSONALLY IDENTIFIABLE DATA: The only country to post nearly everything on line. Why put everything in one places unless it is for thieves to eventually steal? Home titles and personally identifiable data that each individual did not give permission to post online, such as age!

Stolen data, especially from agencies that are supposed to protect vulnerable populations – Greater Boston legal services. I told them months ago that something was wrong when I called, and a strange message was on the answering machine. Defending only mentally ill and those with a criminal record? Damages – it is now the responsibility of GBLS to contact such companies, and have taken down permanently (including all personally identifiable information where it exists and not contact these companies otherwise).

Companies selling data without your permission and then posting on the internet. Call smart 617 Businesses have more rights than individuals do. Take back our rights -- it is illegal to publish especially our age without our explicit permission!

The number of would-be tenants that get into buildings that I would rather be simply because they are 62 or 65, not a citizen here, and never even worked here a day in their life. The parents of a son or daughter instead of living with them live places I would like to live. I am still looking for a building like mine across the street where it is quiet outside, as well as inside, the building with all utilities included yet spaciouly beautiful. Review of Citizen or lawful resident status at last quarterly.

Eligible status (immigration) will be required regardless of age no exceptions!! No discounted rent!! Citizens come first. How many people are Citizens and how many tenants are non-Citizens in discounted price living quarters in the Greater Metro Area especially Brookline? No Housing due to low English Professioncy is it related to a disability or not that you can't learn?

2021 Tenants are now allowed to keep temporary non-recurring sporadic income and income gifts too late for me money that was mine was taken in one way or another now I can't buy a one-bedroom so give an exception of earned income for those 55+years old. I do not agree with having a Housing Trust Fund it is discriminatory against people with lower incomes because it is not on sight with the rest of the building. This is also a way for a landlord to get restrictions off his property while still receiving all the perks and privileges. Mop head, I don't know his name with mental illness, parks loud motorcycle in bicycle rack which he has been told before he is not supposed to!

The inclusion of exclusion had been the case when it came to rent only mental illness rents higher to pay landlord. I cannot even cannot access Broad band benefit because company does not want to fill out any paper work. I even offered them \$50 a month instead of \$30 for the duration of Covid they said no. Dislike my new company and the supplier is going to

drop my phone service. Back across the border where I am from Brookline however the Broadband benefit is given and permanent for lower income tenants. Two years of Housing Payments due to Covid NO I get nothing in terms of housing related Covid money either. RAD taking Section 8 mobile money it is concerning when thinking about budget you have an obligation to existing section 8 mobile Voucher holders.

BPDA Developers not creating places tenants want to live or forcing them to pay utilities because they had to move this is a problem.

I am happy not to have to move about is the SFMR according to zip-code which should be updated every year to include the increase in housing rents.

**Response:** Thanks for your comments.