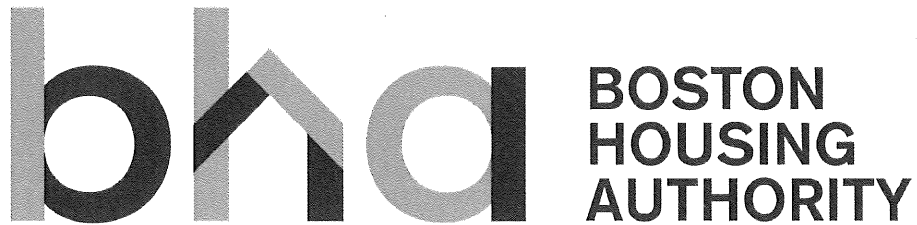


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*A home for every story*

## **Administrative Plan**

# **Housing Choice Voucher Program**

Effective: August 1, 2023

# Summary of Changes to the Administrative Plan

Effective Date TBD

**Edit:** 3.3.5(b)(2) – Priority Categories: Super priority for a participant in the BHA's PBV program or Mod Rehab program – clarifying that the BHA and or the owner cannot accommodate the resident request (rather than not approve).

3.3.5 (e): Update regarding Priority 1 verification requirements and timeline. . A determination of Priority 1 denial will apply to other applicable BHA programs.

3.3.5 (e) (6)

Copies of the Notice to Quit and Summons and Complaints are no longer required as long as Judgement of the Court verifies no fault.

3.3.5 (e) (7)

Added verification requirement to include rent receipts or bank statement as an acceptable verification to demonstrate the household has been displaced.

**3.3.7(c):** Removal of Working Families preference.

**Edit:** 3.3.7(i) - Admissions Preference: SRO Preference – added verification requirement (owner will verify)

**Edit:** 3.3.9(a) – Point System: Added SRO Preference points (20pts)

**Edit** 9.5.3 - Re-inspection (Follow-up inspection) **Added**

- (d) The BHA may allow the owner to verify repairs by an owner certification accompanied by receipt(s), photo(s) and any other verification deemed necessary as determined by BHA.

**Edit:** 11.1.1 Circumstances Requiring an Interim Recertification: A time limit added for supplying required verification of a change in income for both decreases in income and any increase for a zero income family (30 days)

**Edit:** 14.8.9(e) Housing Search Assistance Requirements - Service Fees: added language to include other owner related fees (e.g. retention payments).

**Edit:** 17.8 Choice Mobility: **Added** -

17.8.2 – Participants residing in RAD PBV units will be eligible for a Choice Mobility voucher one (1) year after the conversion of the property (effective date of the HAP contract) or one year after they move into the property, whichever comes later.

17.8.3 – The BHA will manage the Choice Mobility process in accordance with its policy and in concert with the Project Based owner.

### 3.3.1 Definition of Priority

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

### 3.3.2 Definition of Preference

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

### 3.3.3 Verification of Priority or Preference Status

The BHA will provide to each potential Applicant a description of all Priorities and Preferences that may be available. BHA will verify the Priority at initial application and when the applicant is called in for final eligibility.

### 3.3.4 Granting of Priorities and/or Preferences

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

Applicants can apply for Priority status at anytime the waiting list is open.

### 3.3.5 Priority Categories

- a) **Special Purpose Vouchers:** The BHA will admit an Applicant who qualifies for a particular category of Special Purpose Vouchers to the Section 8 program before all other Applicants on the waiting list if the BHA is not currently assisting the required number of special purpose vouchers families.
- (b) **Super Priority.** The BHA will admit an Applicant to the Section 8 program before all other Applicants on the waiting list if:

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

- (1) The Applicant resides in BHA public housing<sup>8</sup>, AND;
- (i) The Applicant Family is or will be temporarily displaced due to BHA 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); or
  - (ii) The Applicant or a member of the Applicant Household is in imminent danger of life threatening injuries due to providing testimony or information regarding criminal activity to a local law enforcement agency and cannot be expeditiously remedied in any other way by the public housing program; or
  - (iii) The Applicant or a member of the Applicant Household is a victim of physical harassment, extreme or repeated vandalism to personal property and/or extreme and/or repeated verbal harassment, intimidation or coercion which places them in imminent danger and that cannot be expeditiously remedied in any other way by the public housing program; or
  - (iv) The Applicant or a member of the Applicant Household has been or is currently a victim of Domestic Violence, Dating Violence, Stalking, or Sexual Assault, and has a reasonable belief of risk of imminent harm if he or she remains in the current Unit and no other BHA public housing sites are an appropriate alternative, or
  - (v) The BHA cannot approve the Applicant's request for Reasonable Accommodation at any of the BHA's public housingsitesand the Applicant's Request for Reasonable Accommodation could be resolved by being assisted under the HCVP.
  - (vi) Has met all qualifications for the Section 8 homeownership program as set forth in Chapter 15 of this Plan.

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<sup>8</sup> If the Leased Housing Department has verified that the applicant was offered and accepted housing in the public housing portfolio that resolves the need for which Super Priority was granted, the Super Priority status approval will be withdrawn. The applicant will be removed from all Section 8 waiting lists for which he/she has Super Priority status only. The applicant will retain any other priority status for which he/she may have applied.

- (2) The Applicant is a Participant in the BHA's Section 8 Moderate Rehabilitation Program, or the Project Based Voucher Program<sup>9</sup>AND;
- (i) The Applicant or a member of the Applicant Household is in imminent danger of life threatening injuries due to providing testimony or information regarding criminal activity to a local law enforcement agency, OR
  - (ii) The Applicant or a member of the Applicant Household is a victim of physical harassment, extreme or repeated vandalism to personal property and/or extreme and/or repeated verbal harassment, intimidation or coercion which places them in imminent danger, OR
  - (iii) The Applicant or a member of the Applicant Household has been or is currently a victim of Domestic Violence, Dating Violence, Stalking, or Sexual Assault, and has a reasonable belief of risk of imminent harm if he or she remains in the current Unit, OR
  - (iv) The Owner and/or the BHA cannot ~~approve the Applicant's request for Reasonable Accommodation~~ accommodate the Applicant or member of the Applicant Household at any of the BHA's Section 8 Moderate Rehabilitation or Project Based Voucher sites because the request would be unreasonable, an undue financial burden for the Owner, or a fundamental alteration of the program, and the Applicant's Request for Reasonable Accommodation could be resolved by being assisted under the HCVP.
  - (v) A Moderate Rehabilitation Program participant who demonstrates they have met all qualifications for the Section 8 homeownership program as set forth in Chapter 15 of this Plan

(3) Verification Requirements:

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<sup>9</sup> If the Leased Housing Department withdraws Super Priority status approval the applicant will be removed from all Section 8 waiting lists for which he/she has Super Priority status only. The applicant will retain any other priority status for which he/she may have applied.

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

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

**(c) Mitigation Vouchers** – The BHA will provide three hundred (300) Mitigation Vouchers to be issued over the next five years to priority one, non-elderly disabled applicants in accordance with the Boston Housing Authority Designated Housing Plan who would have otherwise been called in for screening for a public housing unit. These applicants will be given the opportunity to apply for a Section 8 Housing Choice Mitigation Voucher at the time that they would have otherwise been called into screening for a public housing unit. If a Housing Choice Mitigation Voucher is not immediately available these individuals will be placed on

waiting list and will be drawn in accordance with the Administrative Plan based on their Mitigation Voucher application.

**(d) Supported Housing Programs**

At its discretion, and if required with HUD and/or DHCD approval, the BHA may enter into an agreement with social service or other agencies to provide set asides of tenant based or project based vouchers coupled with supportive services to Applicants and residents, including targeted populations, who need special help in order to establish and maintain tenancies, provided that evidence exists that the agencies are reliable organizations with experience at providing related services and are fiscally sound.

Assistance required under such agreements shall include, but is not necessarily limited to, the following services:

- (i) Assistance in evaluating applicants for program participation;
  - (ii) Checking to see if the residents are paying their rents and other charges and are properly maintaining their units;
  - (iii) Helping residents to maintain their households, including managing their money;
  - (iv) Providing specialized supportive services and crisis intervention in order to obtain necessary treatment to avoid eviction action.
- All Applicants and residents who participate in these programs must meet the Threshold Requirements for the program for which they are applying.

All Applicants and residents who participate in these programs must meet the Applicant Screening Criteria as specified in this policy and/or any Memorandum of Agreement between the BHA and the service organization.

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**(e) Priority 1**

**(a) Verification of Priority 1 Timeline**

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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

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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.

Displaced 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 3.3.5 (A) (3) below prior to leasing.

#### (c) Determinations of Priority 1 Applicants on Multiple Waitlists

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- (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.

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~~The BHA grants Priority 1 based on circumstances verified at application and immediately prior to the final eligibility interview.~~

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Applicants who qualify as Priority 1, will either be Displaced or Homeless

The **Displaced** 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. Rent Burdened
8. Inaccessibility to the Dwelling Unit
9. Graduates of Supportive Housing Programs

#### A. Displaced Categories

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

- (1) **Displaced or Imminent Danger of Displacement:** the Applicable 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



#### **4. Displaced Due to Being a Victim of a Hate Crime**

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

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

Verification must include:

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

#### **5. Displaced Due Avoidance of Reprisal or Witness Protection:**

Relocation is required because an Applicant provided information or testimony on criminal activities to a law enforcement agency; and based upon a threat assessment, a law enforcement agency recommends the relocation of the Applicant to avoid or minimize risk of violence against Applicant as reprisal for providing such information.

Verification requirements:

- (1) 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
- (2) 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.

#### **6. Displaced Due to Court-Ordered No-Fault Eviction:**

Eviction occurred pursuant to an Order for Judgment (or Agreement for Judgment) issued by a court because of:

- (1) 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
- (2) the action occurred despite the applicant's having met all lawfully imposed lease conditions, AND
- (3) Displacement was not the result of failure to comply with HUD and State policies in its housing programs with respect to occupancy of under-occupied and overcrowded units or failure to accept a transfer to another unit in accordance with a court order or policies or procedures under a HUD-approved desegregation plan.

**Verification Requirements:**

(1) A copy of the Notice to Quit issued by the landlord or property manager; AND

(2) a copy of the Summons and Complaint available from the court; AND

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(1) a copy of the Judgment of the Court ( Agreement for Judgment, Order for Judgment and Findings of Fact, or Default Judgment); AND

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(3)(2) if necessary, additional information to verify no fault if the judgement is not clean, such as a Summons and Complaint and/or Notice to Quit,

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(4)(3) if applicable, a copy of the execution issued by the court.

The information contained in the above-referenced documents must clearly establish to the satisfaction of the BHA that:

- (1) the action taken by the landlord or property manager was beyond the Applicant's ability to control or prevent; AND
- (2) the action by the landlord or property manager occurred despite the Applicant Household having met all previously imposed conditions of occupancy; AND
- (3) displacement was not the result of failure to comply with HUD and State policies in its housing programs with respect to occupancy of under-occupied and overcrowded 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.

## 7. Displaced Due to Being Cost Burdened in Boston

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).

Verification requirements:

- (1) A Lease providing the rent amount and showing Applicant is or was a tenant and confirming the rent, OR

(1)(2) Rent Receipts or Bank Statements providing the rent amount paid over time, OR

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- (2)(3) A mortgage statement providing the monthly payment amount and showing the Applicant is or was the owner of the property, AND

- (3)(4) Verification of the gross income, including all earned income and benefits, for the Applicant and all household members, AND

- (4)(5) Utility bills paid for by the Applicant or Applicant household members, AND

- (5)(6) Copies of any foreclosure notices, if applicable, AND

- (6)(7) 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

**8. For Disabled Persons only, inaccessibility of a critical element of their current dwelling unit:**

A Household Member has a mobility or other impairment that makes the person unable to use a critical element of the current Apartment or development AND the 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.

Verification Requirements:

- (1) The name of the Family member who is unable to use the critical element;
- (2) 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

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

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

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

**The Preference categories are described below:**

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

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

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

(2) The Boston Housing Authority has an Admissions preference for Elderly households at specific Project Based Section 8 sites where such a preference is designated in the Owner's Housing Assistance Payments Contract ("HAP").

(3) Non-Elderly Disabled (NED)  
The BHA will grant a preference for non-elderly disabled (NED) applicants to waiting lists at sites which were formerly public housing; were part of a designated housing plan, and have been converted to Project Based Section 8.

**(b) *Veterans Preference***

A "veteran", as used in this Administrative Plan shall include the spouse, surviving spouse, dependent, parent or child of a Veteran and the divorced spouse of a Veteran who is the legal guardian of a child of a Veteran.

Verification Requirement:

1 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.

(c) ~~Working Families Preference~~

(1) ~~Definition of a Working Family:~~

~~A Family where the head, spouse, or sole member is employed full time. Full time is defined as working at least 30 hours a week.~~

(2) ~~An Applicant shall be given the benefit of the Working Family preference if the head and spouse, or sole member is age 62 or older, or is a person with disabilities.~~

(3) ~~Verification Requirements:~~

~~(i) Verification from employer that Family meets the definition of a working Family.~~

(d) **Displaced Boston Tenant Preference**

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

(1) No length of Residency Required

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

(2) Verification Requirements

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

- (a) Landlord verification;
- (b) A copy of a Lease;

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

(3) Non-discriminatory Effect of Preference

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

(e) Preference under Olmstead

The BHA has an admissions preference for those qualified individuals with mental and/or physical disabilities exiting institutions or who are at serious risk of institutionalization. Applicants who receive this preference must be willing to participate in services as provided by State Money Follows the Person (MFP) entities or other support service agencies and partnering organizations. The services may include case management and personal care.

*Verification Requirement:*

The BHA will accept verification that the applicant is exiting an institution or is at serious risk of institutionalization from the treating facility or hospital. The facility or hospital must also verify that the applicant will be receiving appropriate supportive services by state MFP entities or other support service agencies and partnering organizations.

(f) Homeless Service Organizations Preference

The BHA has an admissions preference for those applicants who are referred by a partnering homeless service organization or consortia of homeless service organizations. This preference will be applied to specific site based lists where supported housing services are offered by said organization.

*Verification Requirement:*

**Applicant**

The Applicant must provide verification of his/her homeless status in accordance with BHA's previously referenced Priority category; and, also provide verification that he or she is working with and being referred by a homeless service organization which provides supported housing services at the site to which he/she is applying.

**Homeless Service Organization**

The partnering homeless service organization must show that it is the supported housing service provider for the specific site for which the preference is being applied and may not deny its services to members of any federally protected class under fair housing laws, i. e. race, color, religion, national origin, sex, disability or familial status.

**(g) No Fault Displacement**

Preference for PBV participant who is otherwise eligible for a TBV (has resided in current PBV unit for at least one year and is in good standing), whose unit is or will be permanently lost due to demolition, disposition, fire, condemnation or other action out of the participant's control (not due to the fault of the participant or participant's household members).

**Verification Requirement**

The current owner must verify in writing that the participant is in good standing and that the unit is being permanently lost due to one of the above.

**(h) Right of First Refusal**

Preference for former residents returning to a PBV new construction or rehabilitation project that was specifically identified as replacement housing for the original project as part of a documented plan for redevelopment which had one of the forms of funding listed in §15 of this plan.

(i) This preference may only be applied at initial reoccupation of the site, and will not extend past an initial offer to re-occupy.

**(i) Long Term Homeless**

Homeless in or displaced from Boston twelve (12) months or longer as defined below:

1. Three hundred and sixty-five (365) days in shelter, transitional housing, or safe haven over the last three (3) years in Boston or;
2. at least one (1) night per month for twelve (12) months homeless unsheltered in Boston over the last three (3) years, or;
3. Same as above, however, homeless days are outside of Boston and city of origin is Boston as documented by DHCD's Emergency Assistance System.

(a) Verification

Verification will be documented by the Shelter Provider.

(i) SRO Referral Preference

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An otherwise qualified Priority 1 applicant that has been referred by the owner of an SRO site to their waiting list, for an SRO shall receive 20 preference points.

(a) Verification

Verification will be documented by Owner.

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### 3.3.8 Standard Applicants

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

### 3.3.9 Point System

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

PBV to TBV	<b>95 points</b>
Super Priority Applicants	<b>75 points</b>
Mitigation Vouchers	<b>60 points</b>
Supported Housing Programs (Formerly City of Boston ICHH Programs Priority)	<b>50 points</b>
Priority One Applicants	<b>30 points</b>



Standard Applicants 0 points

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

<b>Project Based Voucher Elderly</b>	<b>100 Points</b>
<b>Right of First Refusal</b>	<b>25 Points</b>
<b>No Fault Displacement</b>	<b>20 Points</b>
<b><u>SRO Owner Referral</u></b>	<b><u>20 Points</u></b>
<b>Non Elderly Disabled</b>	<b>10 Points</b>
<b>Preference Under Olmstead</b>	<b>7 Points</b>
<b>Homeless Service Organizations Preference</b>	<b>7 Points</b>
<b>Long Term Homelessness</b>	<b>7 Points</b>
<b>Single, Elderly or Disabled</b>	<b>5 Points</b>
<b>Veterans Preference</b>	<b>3 points</b>
<b>Displaced Boston Tenant Preference</b>	<b>2 points</b>
<b>Working Families Preference</b>	<b>1 point</b>

### 3.4 Special Admissions

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

- If an Owner or Family is violating other program rules.

## 9.5 Inspection Failure (Routine and Interim)

### 9.5.1 Time Parameters for Corrections of Inspections Violations

- (a) The BHA requires that a landlord correct any conditions deemed to endanger or impair health or safety within 24 hours. Serious violations of this nature include but are not limited to: lack of heat, lack of water, lack of bathing facilities, lack of electricity, lack of gas (where applicable), exposed wiring or other hazardous defects in the electrical system, and dangerous structural defects.
- (b) All other violations must be corrected within thirty (30) days, unless the BHA approves an extension.
- (c) The BHA will also comply with the time parameters set forth in the Massachusetts State Sanitary Code. (See 105 CMR § 410.830).

### 9.5.2 Stopping and Resuming Payments after Interim or Routine Inspection

If an Apartment fails inspection, the Inspection Department will notify the Owner of the violations in writing. The Inspection Department will schedule the re-inspection within thirty (30) days from the date the Inspections Department sent the notice of violations to the Owner.

- (a) **Serious Violations and "Stop Payment"**. If a serious violation exists, the Inspection Department will notify the Owner by telephone that the violations must be corrected within 24 hours. The Inspection Department may also issue the Owner a written letter detailing the serious violations. The Inspection Department will inform the Owner of a re-inspection date that is at least twenty-four (24) hours after the inspector identified the violation(s). If the Owner fails to correct the violations within the twenty four (24) hour period, or fails to give access to the unit, the BHA will place the Unit on Stop Payment. The BHA reserves the right to terminate a HAP Contract for a Unit that is placed on Stop Payment. A Stop Payment will remain in effect until the Unit receives inspection approval. The Owner cannot recover Subsidy payments for periods during which a Unit is on Stop Payment.

**Examples of serious violations** include but are not limited to the following: lack of heat, lack of water, lack of bathing facilities, lack of electricity, lack of gas (where applicable), exposed wiring or other hazardous defects in the electrical system, and dangerous structural defects.

### 9.5.3 Re-inspection (Follow-up inspection)

BHA staff will abide by the following procedures in processing re-inspections.

- (a) *Incomplete Repairs.* When the Owner is in the process of correcting cited violations resulting from the initial inspection; the inspector will reject the Unit and may grant the Owner additional time to complete the repairs. The BHA will then reschedule a second re-inspection date and notify the Owner in writing. The Inspection Department will send a copy of the second re-inspection notice to the Family.

If upon the second re-inspection the Owner has not completed and repaired all cited items set forth in the initial inspection the inspector will note the remaining cited items on the inspection report and recommend to the Director of the Inspection Department that the BHA suspend subsidy payments. If the Director approves the recommendation, the Owner will be informed in writing that the BHA has stopped subsidy payments on the Unit.

- (b) *No Effort to Make Repairs.* If the inspector determines that the Owner made no effort to repair the previously cited item(s), the inspector will note this on his report and recommend to the Director of the Inspection Department that the BHA suspend subsidy payments to the Owner. If the Director approves the recommendation to suspend the subsidy, the Inspection Department will notify the Owner of the "Stop Payment" by mailing a letter.
- (c) *Cited Items Repaired, New Violations Discovered.* If the Inspector determines that the Owner has repaired all cited items but discovers new violations during the re inspection, the inspector will reject the Unit. The inspector will note on the inspection report that the Owner repaired the previously cited items. The Inspector will also specify and separately list the new violations in a new inspection report.

The Inspection Department will then schedule a re-inspection date and notify the Owner in writing. The re-inspection will be within thirty (30) days of the notice to the Owner date. The BHA will send a copy of this letter to the tenant.

New violations in such a Unit, for purposes of scheduling re-inspection and imposing suspensions of subsidy payments, will be considered first time violations, unless the violations are deemed "serious" as examples in section 9.5.2(a)

The BHA may allow the owner to verify repairs by an owner certification accompanied by receipt(s), photo(s) and any other verification deemed necessary as determined by BHA.

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#### 9.5.4 HAP Contract Termination Criteria

The BHA may terminate the HAP Contract for the following causes:

- (a) The BHA has suspended the subsidy and found the Unit to be uninhabitable due to fire or other natural disaster;
- (b) The Unit has been without one or more of the following for a period of thirty (30) days: heat, hot water, electricity, or bathing facilities (this does not apply to conditions resulting from Tenant neglect);
- (c) If the Owner does not complete the necessary repairs within the specified time granted by the BHA, and offers no acceptable explanation for the delay, the BHA may terminate the HAP Contract for the Apartment. If the BHA terminates the HAP Contract due to Owner non-compliance, the BHA will issue the Family a new Voucher.
- (d) If after six (6) consecutive months of Stop Payment, the BHA determines that the Owner will not make repairs, or the Owner notifies the BHA that they will not make the necessary repairs to bring the Unit into compliance with the State Sanitary Code, the BHA will terminate the HAP Contract for the Unit and offer the Family a new Voucher.
- (e) The BHA shall terminate the HAP Contract with an Owner who, after notification that a child under the age of six (6) residing in the Unit has an elevated intervention blood level of lead (EBLL) in his/her blood, fails to have the Unit (including the exterior and common areas) tested within fourteen (14) days by a licensed lead-based paint inspection company using an X-ray fluorescence analyzer (XRF machine). The BHA will also terminate the HAP Contract with an Owner of a Unit where a child under six (6) lives, after notification that the Unit common areas, or exterior of the building contains lead based paint, fails to have the Unit, common areas and/or exterior de-lead within thirty (30) days.
- (f) The BHA shall terminate the HAP Contract with an owner who, after notification that a child under the age of six is now residing in the unit of a building constructed prior to 1978, fails to provide a Lead Certificate of Compliance or Letter of Interim Control by the deadline date spelled out in the notification letter.

#### 9.5.5 Notice of Subsidy Termination

The BHA will notify the Owner in writing of the HAP Contract termination. The BHA will give the Participant a new Voucher if the BHA terminated the HAP Contract due to Owner non-compliance.

## Chapter 11: Continued Participation

### 11.1 Interim Recertification

A Family may request in writing an interim determination of Family Share 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.

See Section 8.7.1 regarding the effective dates of the reported change.

#### 11.1.1 Circumstances Requiring an Interim Recertification

##### (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 in accordance with section 10.1.3. Any income attributable to the new family member must be reported and will be included in the interim recertification for the addition to family.

A Family must also notify the BHA in **writing** within 30 days and supply any necessary verification 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. See also section 10.1.4.

##### (b) Increase in Family Income for Family without Income

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A Family is required to inform and supply any necessary verification to the BHA within thirty (30) days. The BHA shall process an interim certification of income when a family without income (a "zero income" family) receives any earned or unearned income. The BHA shall then process an interim certification of 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 Family's Leasing Officer every month, or at least quarterly, until the income stabilizes and/or an Annual Income can be determined

A Family may request an interim certification due to an increase in income. In certain circumstances, such as FSS participation, it may be advantageous for the family to do so.

A relocation or portability is considered an annual recertification not an interim recertification action.

(c) Decrease 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.

(d). Verification of Interim Changes

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If the BHA does not receive the necessary information to perform the above actions in the proscribed time frame the BHA will notify the Participant that it is not taking any action on the request or proceed to termination whichever is appropriate.

## 11.2 Termination of HAP Contract

### 11.2.1 Grounds for Termination

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If the BHA finds that the Owner or Family has failed to meet the program or contractual obligations, the BHA may suspend the subsidy payments, terminate the HAP Contract, or terminate the subsidy accordingly.

### 11.2.2 Owner breach of obligations

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If the BHA terminates the HAP Contract because the Owner has breached the terms of the HAP contract or Owner responsibilities as provided in 24 C.F.R. § 982.404, the Leasing Officer will issue the Family a new Voucher. However, the Family does not have to wait for the BHA to terminate the HAP Contract if a serious breach or serious violations occur. If there is a serious breach and the Inspection Services Department of the City of Boston has determined that the Unit is uninhabitable, the BHA may direct the Family to relocate at an earlier point or the Family may vacate the Unit within a reasonable time consistent with State law.

### 11.2.3 . Owner Debts to the BHA

An owner may become indebted to the BHA when he/she receives HAP payments to which he/she is not entitled due to termination of the HAP contract for reasons, including but not limited to the following: the owner has violated any obligation under the HAP contract including keeping the unit in compliance with

If the portability lease-up qualifies for the placement fee/issuance reporting fee, the receiving PHA receives the full amount of the placement component of the placement/issuing reporting fee. The receiving PHA is eligible for the placement fee regardless of whether the receiving PHA bills the initial PHA or absorbs the family into its own program at initial lease-up. The initial PHA qualifies for the issuance reporting component of the placement fee, as applicable.

Note that the entire preliminary fee is always paid to and retained by the initial PHA and is not impacted by an EHV portability move.

#### 14.8.9 Housing Search Assistance Requirements

- (a) The PHA must ensure that Housing Assistance search is available to EHV families during their initial housing search. The assistance may be provided by the PHA directly or through the COC or another partnering agency or entity.
- (b) Housing Search Assistance is a broad term which can include many activities, but with respect to this requirement it must be at a minimum
  - (1) Help individual families identify potentially available units during their housing search, including physically accessible units with features for family members with disabilities, as well as units in low poverty neighborhoods;
  - (2) Provide transportation assistance and directions to potential units,
  - (3) Conduct owner outreach,
  - (4) Assist with completion of rental applications and PHA forms, and
  - (5) Help expedite EHV leasing process for the family.

#### (c) Recommended Housing Search activities

Helping individual families identifying barriers to leasing (e.g. low credit score, eviction history) and strategies to address these barriers to leasing, workshops on how to conduct an effective housing search, enhanced support for portability processing, regular proactive check-ins for expiration date and extension policies, and a dedicated landlord liaison for EHV voucher families. The PHA may use any of the EHV administrative fees (including the services fees) described in Section 6 of the EHV notice.

#### (e) Service Fees

The BHA shall utilize EHV service fees to pay a security deposit, ~~and real estate broker's fees; and other owner related fees such as owner retention payments~~ where other funds are not available.

Effective January 1, 2023, the BHA shall pay a fee to hold a unit while the BHA processes the inspection. The fee shall not exceed the greater of  $\frac{1}{2}$  of the contract or the prorated amount of the contract rent that equals the number of days that the unit is held for.

The BHA shall utilize the EHV service fees to pay a landlord incentive of up to one month's contract rent for an lease of an EHV voucher after January 1, 2023.

#### 14.8.10 Payment Standard Amounts

The Payment Standards for the EHV's will be the same as all other HCV's.



Residents who are relocated during rehabilitation/construction shall have a right of return.

#### **17.6 Payments to the Owner during Rehabilitation/Construction**

17.6.1 RRAP (RAD Rental Assistance Payments) Owners are eligible for RRAP payments for units undergoing rehabilitation/construction during the term of the RCC for all units under the RAD HAP contract.

#### **17.7 Tenant Share - The following applies to in place families, both RAD and non RAD PBVs, at a converting site:**

17.7.1 Initial Tenant Share will be Participant's TTP or Flat rent at the time of conversion.

- (a) If the Participant's rent increases by more than the greater of 10% or \$25.00 solely as a result of the conversion the increase in the tenant share will be phased in over a three (3) year period.
- (b) If during the term of the phase in the TTP becomes less than or equal to the initial conversion TTP then the phase in will cease.
- (c)
- (d) Earned Income Disregard (EID). See eligibility criteria in Sections 5.5.3(j) & 5.5.3(l). Participants who at the time of conversion are employed and are receiving EID shall continue to receive the EID after conversion until maximum twenty-four (24) month time frame elapses.
  - (i) A Participant only receives one EID during their stay in assisted housing.
  - (j) Upon the expiration of the EID the rent adjustment shall not be subject to rent phase-in
- (e) When TTP exceeds the gross rent, the requirement to remove the unit from the contract after six (6) months of nonpayment has been waived by HUD. The converting family may remain in the unit and when and if the converting family's TTP falls below the gross rent the converting family may be eligible to receive a subsidy. During the time the families TTP exceeds the gross rent all other PBV rules apply. .

#### **17.8 Choice Mobility**

17.8.1 Voucher Inventory Turnover Cap- If the BHA as a result of RAD, has a total number of PBV units (including RAD PBV units) under HAP contract which exceeds

twenty (20%) of the BHA's authorized units under its HCV ACC with HUD, the BHA may limit the issuance of vouchers to three quarter of its turnover vouchers in any single year to residents of the covered projects.

17.8.2 – Participants residing in RAD PBV units will be eligible for a Choice Mobility voucher one (1) year after the conversion of the property (effective date of the HAP contract) or one year after they move into the property, whichever comes later.

17.8.3 – The BHA will manage the Choice Mobility process in accordance with its policy and in concert with the Project Based owner.