

By Mr. Owens, a petition (accompanied by bill, Senate, No. 547) of Bill Owens, Salvatore R. Albano, Shirley Owens-Hicks, Alvin E. Thompson, Nelson Merced, Raymond A. Jordan, Jr., Augusto F. Grace and Frederick E. Berry for legislation to clarify procedures for admission to certain housing programs. Housing and Urban Development.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

AN ACT CLARIFYING PROCEDURES FOR ADMISSION TO CERTAIN HOUSING PROGRAMS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 121B of the General Laws is hereby amended by
2 inserting after section 25 the following new section: —

3 Section 25A.

4 a) For purposes of this section,

5 (1) a "housing agency" is the Executive Office of Commu-
6 nities and Development (EOCD), a housing authority, any other
7 entity under the supervision or control of EOCD, or any other
8 entity under contract with EOCD that administers housing
9 programs;

10 (2) the "status" of an applicant refers to the applicant's eligi-
11 bility, qualification, preference, priority, or place on the housing
12 agency's waiting lists. The effective date of an applicant's status
13 shall be the date the applicant met the criteria for such status,
14 regardless of when the supporting evidence was submitted;
15 provided, that the effective date shall be no earlier than the date
16 of application.

17 b) A housing agency shall accept for processing all applications
18 for all state-funded, federally-funded, and/or locally-funded
19 housing programs administered by that agency; shall inform an
20 applicant of all such programs; and shall apply an individual's

21 application to all such programs unless the applicant affirmatively
22 elects not to apply for a particular housing program.

23 c) All application, documentation and verification require-
24 ments relating to an applicant's status for each such program shall
25 be reasonably related to the eligibility criteria for that program,
26 shall be reasonably obtainable, and shall provide for the use of
27 alternative forms of verification or documentation.

28 d) (1) At the time of application, a housing agency shall give
29 an applicant a written list of all documentation or verification
30 required for the determination of the applicant's status for each
31 program, shall inform the applicant, in writing, of acceptable
32 alternative verification or documentation when those on the
33 written list are not reasonably obtainable, and shall inform the
34 applicant, in writing, that the requested verification or documen-
35 tation should be submitted to the housing agency within 15 days
36 of receipt of the notice. (2) When an applicant indicates that he/
37 she has submitted all required verification or documentation, a
38 housing agency shall inform the applicant what, if any,
39 verification or documentation is incomplete or lacking, and assist
40 the applicant in obtaining such verification or alternative
41 verification. The time for submission of verification or documen-
42 tation shall be extended at the applicant's request.

43 e) A housing agency must decide an applicant's status and send
44 a written decision to the applicant within 5 days after (1) the time
45 for submission of all required verification, or (2) the applicant
46 indicates that he/she has submitted all required verification or
47 documentation, whichever is sooner.

48 f) A housing agency shall inform an applicant of its decision
49 regarding his/her status by written notice. If the decision is
50 adverse, the notice shall specify the basis of the decision with
51 sufficient particularity to afford the applicant adequate
52 opportunity to prepare and present evidence at a hearing, and
53 shall inform the applicant of his/her right to request a hearing
54 at the housing agency before an impartial hearing officer within
55 60 days of receipt of the notice of adverse decision. If the housing
56 agency's adverse decision is based on insufficient documentation
57 or verification, the notice shall specify what documentation or
58 verification is lacking, offer the housing agency's assistance in
59 obtaining necessary verification or documentation, notify the

60 applicant that such documentation or verification may be
61 submitted at any time through the completion of the appeal
62 procedure.

63 g) The hearing regarding an applicant's status shall be held in
64 accordance with chapter 30A, and shall be held within ten days
65 of receipt of the request for a hearing unless an extension of time
66 is requested by the applicant. An applicant may submit further
67 documentation, verification or other evidence in support of his/
68 her application at the time of the hearing. At the applicant's
69 request, the record shall be kept open for the submission of further
70 evidence by the applicant. A housing agency shall notify an appli-
71 cant of its decision within ten days of the conclusion of the hearing
72 by written notice which meets the requirements of chapter 30A.

73 h) An aggrieved applicant may appeal an adverse decision
74 regarding his/her status to EOCD. At the election of the appli-
75 cant, EOCD will either:

76 1) review the housing agency's decision as if it were a court
77 reviewing the decision of a state agency under c.30A, §14; or

78 2) hold a de novo hearing pursuant to chapter 30A.

79 i) An applicant aggrieved by EOCD's decision shall be entitled
80 to judicial review pursuant to section 14 of chapter 30A. Such
81 review shall be in the Superior Court, or at the election of the
82 applicant in the Housing Court.

