

**SENATE . . . . . No. 521**

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By Mr. Owens, petition (accompanied by bill, Senate, No. 521) of Bill Owens, Kevin G. Honan, Gloria L. Fox, Peter A. Vellucci and other members of the General Court for legislation to clarify procedures for admission to certain housing programs. Housing and Urban Development.

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**The Commonwealth of Massachusetts**

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In the Year One Thousand Nine Hundred and Ninety-Two.

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**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. (a) For purposes of this section:
- 4 (1) a “housing agency” is the Executive Office of Communities
- 5 and Development (EOCD), a housing authority, any other entity
- 6 under the supervision or control of EOCD, or any other entity
- 7 under contract with EOCD that administers housing programs;
- 8 (2) the “status” of an applicant refers to the applicant’s
- 9 eligibility, qualification, preference, priority, or place on the
- 10 housing agency’s waiting lists. The effective date of an applicant’s
- 11 status shall be the date the applicant met the criteria for such
- 12 status, regardless of when the supporting evidence was submitted;
- 13 provided, that the effective date shall be no earlier than the date
- 14 of application;
- 15 (3) a decision is “adverse” if it either denies eligibility,
- 16 qualification, preference or priority to an applicant, or if it grants
- 17 the applicant a lower or lesser preference, priority, or place on
- 18 the housing agency’s waiting list(s) than the applicant has claimed.

19 (b) (1) A housing agency shall accept for processing all  
20 applications for all state-funded, federally-funded, and/or locally-  
21 funded housing programs administered by that housing agency;  
22 shall inform an applicant of all such programs; and shall deem  
23 an individual's application to be an application for all such  
24 programs unless the applicant affirmatively elects not to apply for  
25 a particular housing program.

26 (2) EOCD shall by regulation establish standard application  
27 forms to be used by all housing agencies. Housing agencies shall  
28 upon request, including reasonable request for multiple forms,  
29 mail blank application forms to any person making such a request.  
30 Housing agencies shall accept all applications, including those  
31 that are submitted by mail. Housing agencies must provide such  
32 forms within five days of receiving a request.

33 (c) For each housing program administered by a housing  
34 agency, the housing agency shall only request documentation and  
35 verification which are reasonably related to the status criteria for  
36 that program. The housing agency may designate preferred  
37 verification and documentation, but it shall not require  
38 verification or documentation which is not reasonably obtainable  
39 by the applicant, and it shall accept alternative verification or  
40 documentation which demonstrate the fact(s) sought to be  
41 established by the preferred verification or documentation. The  
42 housing agency shall make available, at any time upon request,  
43 lists of documentation and verification generally required for each  
44 housing program administered by it.

45 (d) (1) Within thirty (30) days of the date of application, a  
46 housing agency shall make a preliminary determination of an  
47 applicant's status, based only upon the facts stated on the  
48 application, and notify the applicant in writing of its decision. The  
49 notice shall meet the requirements of subsection (f) and include  
50 an estimate of the waiting time before placement for each  
51 program.

52 (2) Either upon initial application or no later than ninety days  
53 prior to the time that it is likely, based upon the facts claimed  
54 by the applicant, that the applicant will obtain a subsidy or a rental  
55 unit under a particular housing program, the housing agency shall  
56 provide to the applicant a written notice. The notice shall contain

57 a list of all documentation and verification necessary for the  
58 determination of the applicant's final status for that program,  
59 including acceptable alternative verification or documentation  
60 when the documentation or verification preferred by the housing  
61 agency is not reasonably obtainable. The notice shall inform the  
62 applicant that the requested verification or documentation should  
63 be submitted to the housing agency within forty-five (45) days of  
64 receipt of the notice and that this time period shall be extended  
65 for good cause upon the applicant's request.

66 (3) When an applicant indicates that he/she has submitted, for  
67 any housing program, all of the reasonably obtainable verification  
68 or documentation requested by the housing agency, the housing  
69 agency shall inform the applicant what, if any, verification or  
70 documentation is incomplete or lacking, and assist the applicant  
71 in obtaining such verification or alternative verification. The time  
72 for submission of verification or documentation shall be extended  
73 at the applicant's request.

74 (e) A housing agency must decide an applicant's final status and  
75 notify the applicant in writing of its decision within ten (10) days  
76 after (1) the time for submission of all documentation and  
77 verification, or (2) the applicant indicates that he/she has  
78 completed his/her submission, whichever is sooner.

79 (f) If the decision regarding an applicant's status for any  
80 housing program is adverse in any respect, the notice shall specify  
81 the basis of the adverse decision with sufficient particularity to  
82 afford the applicant adequate opportunity to prepare and present  
83 evidence at a conference, and shall inform the applicant of his/her  
84 right to request a conference at the housing agency before an  
85 impartial conference officer within thirty (30) days of receipt of  
86 the notice of adverse decision. This time period shall be extended  
87 for good cause. If the housing agency's adverse decision is based  
88 on the alleged failure of the applicant to provide adequate  
89 documentation or verification, the notice shall specify what  
90 documentation or verification is lacking, offer the housing  
91 agency's assistance in obtaining necessary verification or  
92 documentation, and notify the applicant that such documentation  
93 or verification may be submitted to the housing agency at any time  
94 through the completion of the appeal procedure.

95 (g) (1) The conference regarding an applicant's status shall be  
96 held within ten (10) days of receipt of the request for a conference  
97 unless an extension of time is requested by the applicant. The  
98 applicant, or his or her representative, may present rebuttal or  
99 additional information, ask questions of those present, offer  
100 additional documentation, verification, testimony, or other  
101 evidence or argument in support of his/her application. At the  
102 applicant's request, the record shall be kept open for the  
103 submission of further evidence or argument by the applicant.  
104 Within ten (10) working days after such conference or the closing  
105 of the record, the housing agency shall notify the applicant in  
106 writing of its decision, and specify any change in the applicant's  
107 status.

108 (2) If the decision is adverse in any respect, the notice shall  
109 include the specific reason(s) for the determination, the specific  
110 facts upon which the determination is based, and the source(s)  
111 of any information upon which the determination is based. The  
112 notice shall state the reason(s) for the determination with  
113 sufficient particularity to afford the applicant adequate  
114 opportunity to prepare and present evidence at a subsequent  
115 hearing, and shall inform the applicant of how to appeal the  
116 decision pursuant to subsection (h).

117 (h) An aggrieved applicant may appeal an adverse decision  
118 regarding his/her status to EOCD within sixty (60) days of receipt  
119 of the notice of adverse decision.

120 (i) All notices from housing agencies to applicants shall be  
121 deemed received by the applicant on the date stated by the  
122 applicant unless the housing agency has affirmative evidence to  
123 the contrary, such as a signed certified mail receipt.