

HOUSING SITUATION PRIORITY POLICY FOR LHAS

I. STATEMENT OF POLICY AND PURPOSE. Through this Policy, DHCD seeks to establish a fair and uniform standard to be applied to all applicants for Housing Situation Priority Status to the end that similarly situated applicants will receive similar treatment. Requirements as to evidence, documentation and verification employed by the LHA in making determinations of Housing Situation Priority Status shall be reasonable in relation to the realistic capacity and resources of the applicant.

II. DEFINITION OF HOMELESS APPLICANT. As required by 760 CMR 5.11 and consistent with the definition in 5.03, the LHA shall define a "Homeless Applicant" as an applicant who has been or is imminently faced with displacement from his/her "Primary Residence" as a result of circumstances described in Section III below, and who:

- (A) is without a place to live or is in a living situation in which there is a significant immediate and direct threat to the life or safety of the applicant or a household member which situation would be alleviated by placement in an appropriate unit; and
- (B) has made reasonable efforts to locate alternative housing; and
- (C) has not caused or substantially contributed to the safety- or life threatening situation; and
- (D) has pursued available ways to prevent or avoid the safety- or life threatening situation by seeking assistance through the courts or appropriate administrative or enforcement agencies.

"Primary Residence" is defined by 760 CMR 5.03 as the principal home (domicile) **intended** to be occupied by all members of an applicant household not less than nine months of the year.

III. THE LHA SHALL GRANT PRIORITY 4 –HOUSING SITUATION PRIORITY STATUS to an otherwise eligible and qualified "Homeless Applicant" who meets the definition in Section II above, and who is displaced from his/her "Primary Residence" under the following circumstances:

(A) Homeless and Facing a Significant Immediate and Direct Threat to the Life or Safety of the Applicant or any Household Member for Causes Other Than the Fault of the Applicant or Member of the Applicant Household. Applicants are "homeless and facing a significant immediate and direct threat to life or safety" if they meet the definition set out in Section II above. "Causes other than the fault of the applicant or member of the applicant household" shall mean causes outside their reasonable control, including an eviction because of a condominium conversion or rehabilitation of the property or because the landlord wants the unit for his own or family use, and other circumstances as determined by the LHA.

(B) Severe Medical Emergencies. An applicant is suffering a severe medical emergency if the applicant or member of the applicant household is determined by the LHA to suffer from an illness or injury posing a severe and medically documented threat to life or safety which has been significantly caused by the lack of suitable housing or as to which the lack of suitable housing is a substantial impediment to treatment or recovery.



(C) **Abusive Situation.** An applicant is in an abusive situation if the applicant or member of the applicant household is determined by the LHA to be a victim of abuse as defined in the Abuse Prevention Act (G.L. c.209A, §1), which abuse constitutes a significant and direct threat to life or safety. The Abuse Prevention Act defines “abuse” as the occurrence of one or more of the following acts between “family or household members”: (1) attempting to cause or causing physical harm; (2) placing another in fear of imminent serious physical harm; or (3) causing another to engage involuntarily in sexual relations by force, threat or duress. “Family or household members” are individuals who are related by blood or marriage, have a child together, or who now or formerly resided in the same household or dated each other.

IV. ADMINISTRATION OF THE POLICY

(A) **Applications.** Applicants who claim their housing situations are a Housing Situation Priority as defined by this Policy will be presumptively placed on a waiting list in accordance with their claimed priority status. LHAs will verify all applicant housing situations prior to screening for eligibility and qualifications. If the applicant is found not to qualify for Housing Situation Priority Status, he or she shall be treated as a Standard Applicant.

(B) **Placement.** When an applicant has been determined by the LHA to qualify as an Housing Situation Priority applicant, the applicant shall be offered the next appropriate and available unit, in accordance with the priority ranking of 760 CMR 5.09(1) and the preference ranking of 760 CMR 5.09(2). If no appropriate unit is then available, the applicant shall remain as a Housing Situation Priority on the waiting list for each appropriate housing program and bedroom size. If the LHA determines that an applicant granted Housing Situation Priority Status but not yet offered a unit has obtained permanent housing suitable for his/her household size and income, the applicant shall no longer be considered an Housing Situation Priority applicant, and shall remain on the appropriate waiting lists as a Standard Applicant.

(C) **Records.** The LHA shall maintain records with regard to Housing Situation Priority applicants in accordance with 760 CMR 5.16.

(D) **Relationship to Affirmative Action Goals.** If DHCD at any time determines that the number of applicants granted Housing Situation Priority Status substantially interferes with the achievement of Affirmative Action goals by one or more LHAs, then DHCD may take any and all actions necessary to maintain a proper balance between Housing Situation Priority and Affirmative Action applicants.

V. PROCEDURES FOR PROCESSING HOUSING SITUATION PRIORITY APPLICATIONS. When an application nears the top of a waiting list, the LHA shall determine whether the applicant is eligible by obtaining third party verification of the information in the application. The applicant must qualify under each of the criteria set forth below:

- (A) Determine whether the applicant is a “Homeless Applicant” as defined above, and if so;
- (B) Determine whether displacement has been or will be from the applicant's “Primary Residence,” as defined above, and if so;



(C) Determine whether the applicant meets all of the requirements in any one of the Paragraphs (1, 2, or 3) below.

1. Requirement of Paragraph 1:

The loss of housing was not caused by the fault of the applicant or household member.

2. Requirements of Paragraph 2:

a. the applicant or a member of the applicant household is suffering an illness or injury which poses a severe and medically documented threat to life or safety; and

b. the medical emergency has either been significantly caused by lack of suitable housing or lack of suitable housing is a substantial impediment to treatment or recovery.

3. Requirements of Paragraph 3:

a. The applicant or a member of the applicant household is the victim of abuse as defined in Section III (C); and

b. the abuse constitutes a significant immediate and direct threat to life or safety of the applicant or a member of the applicant household.

If the criteria in Sections V (A) and (B) and the requirements of Paragraph 1, 2 or 3 of Section V (C) above have been met, then:

(D) Determine whether the applicant is eligible under the standards set forth in 760 CMR 5.06 and 5.07.

(E) Determine whether the applicant is qualified under the standards set forth in 760 CMR 5.08.

