Commonwealth of Massachusetts
DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lt. Governor ◆ Jennifer D. Maddox, Undersecretary

Date: May 25, 2023
To: All Local Housing Authorities
Re: Regulatory Waiver of Provisions of 760 CMR 5.00 for Implementation of Centralized Screening for AHVP

The Department of Housing and Community Development ("DHCD") is hereby temporarily waiving effective July 1, 2023 certain provisions of the Alternative Housing Voucher Program ("AHVP") regulation at 760 CMR 53.00 to allow for the implementation of centralized screening of claimed priorities and preferences of applicants to AHVP, as more particularly described below.

I. BACKGROUND

In 2023, DHCD will pilot a centralized screening system, run by a centralized screening vendor procured by DHCD (the "Centralized Screening Agent"), to make priority and preference determinations for applicants to AHVP. This Centralized Screening Agent will handle all administrative functions related to applicant claimed priorities and preferences, *except* that individual local housing authorities ("LHAs") shall remain responsible for making determinations as to eligibility for Local Resident[1] preference for applicants who have claimed only a Local Resident preference but none of the preferences or priorities that would apply across all locations (i.e., a Veteran preference pursuant to 760 CMR 5.09(2)(a) or any of the priorities contained in 760 CMR 5.09(1)(a) - (e)).[2] The determinations of eligibility for priorities and preferences shall determine the position of applicants on the waiting list(s) maintained for each LHA in the Common Housing Application for Massachusetts Programs ("CHAMP") system.

Individual LHAs will continue to make determinations as to qualification and eligibility for applicants to AHVP, other than the determination of eligibility for priorities or preferences to be made by the Centralized Screening Agent.

DHCD believes this transition to a centralized screening system will be beneficial to both LHAs and applicants to AHVP. Currently, even if an applicant applies for AHVP at all LHAs administering the

[1] Capitalized terms not specifically defined in this waiver have the meaning assigned to them in 760 CMR 5.00, et seq. or 760 CMR 53.00, *et seq.*, as applicable.

[2] By having the Centralized Screening Agent determine eligibility for Local Resident preference in instances where an applicant has also claimed a Veteran preference or any of the priorities contained in 760 CMR 5.09(1)(a) - (e), DHCD seeks to reduce duplicative screening and verification efforts by both the Centralized Screening Agent and LHAs. Where the Centralized Screening Agent is already screening and verifying claims of Veteran preference or any of the priorities contained in 760 CMR 5.09(1)(a) - (e), it is administratively beneficial for the Centralized Screening Agent to also screen and verify the additional claim of Local Resident preference. In instances where an applicant claims only a Local Resident preference but not a Veteran preference or any of the priorities contained in 760 CMR 5.09(1)(a) - (e), LHAs will continue to screen and verify applicant claims for Local Resident preference.

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program, each individual LHA must separately determine the eligibility of such applicant for priorities and preferences. This not only creates significant administrative burden and duplication of effort for LHAs, but also creates the possibility of inconsistent determinations by different LHAs with respect to the same applicant. The volume of applications at most LHAs has increased because it is easier for an applicant to apply concurrently to multiple LHAs through CHAMP; as a result, the increased administrative burden has resulted in slower lease-up in AHVP. A centralized screening system should ease the administrative burden of LHAs, while also making the process easier and less confusing for applicants. DHCD is hopeful that a centralized screening system will make tenant selection in AHVP more efficient, reducing wait times and vacancies, and will also improve DHCD's ability to oversee the priority and preference determination process.

To accomplish this goal, certain provisions of the state-aided public housing eligibility and selection criteria regulation at 760 CMR 5.00 must be modified or waived to allow the Centralized Screening Agent to perform some of the functions currently being performed by LHAs. Pending formal amendment of the regulation, DHCD is introducing the Centralized Screening Agent function on a pilot basis, and is issuing the regulatory waivers set forth below to enable the pilot to proceed. The pilot, in turn, will provide valuable experience that will help guide the adoption of formal regulatory amendments.

II. WAIVER OF PROVISIONS OF 760 CMR 5.00 TO ALLOW FOR CENTRALIZED SCREENING OF PRIORITIES AND PREFERENCES CLAIMED BY APPLICANTS TO AHVP

In order to accomplish the above, DHCD is hereby temporarily waiving the following provisions of 760 CMR 5.00 as applied to the AHVP program (which incorporates provisions of 760 CMR 5.00 by reference) until the earlier to occur of July 1, 2025 or the effective date of revisions to 760 CMR 5.00 *et seq.* to provide for a permanent centralized screening program:

1. 5.05(3): Determinations of Priority, Preference, Eligibility and Qualification: DHCD waives its regulation at 760 CMR 5.05(3), *et seq.*, to the extent inconsistent with the implementation of a centralized screening system for applicants to AHVP and insofar as necessary to allow a Centralized Screening Agent, instead of LHAs, to determine the priorities and preferences of applicants to AHVP as described in Section I above.

2. 5.09: Selection Categories: DHCD waives its regulation at 760 CMR 5.09, *et seq.*, to the extent inconsistent with the implementation of a centralized screening system for applicants to AHVP and insofar as necessary to allow a Centralized Screening Agent, instead of LHAs, to determine the eligibility of applicants to AHVP for priorities and preferences as described in Section I above.

3. 5.11: Housing Situation Priority Policy: DHCD waives its regulation at 760 CMR 5.11, *et seq.*, to the extent inconsistent with the implementation of a centralized screening system for applicants to AHVP and insofar as necessary to allow a Centralized Screening Agent, instead of LHAs, to determine the eligibility of applicants to AHVP for priorities and preferences as described in Section I above.

4. 5.12(1): Verification of Preference, Eligibility, and Qualification: DHCD waives its regulation at 760 CMR 5.12(1) to the extent inconsistent with the implementation of a centralized screening system for applicants to AHVP and insofar as necessary to allow a Centralized Screening Agent,

instead of LHAs, to verify applicants' claimed priorities and preferences as described in Section I above.

5. 5.13(1): The Private Conference between Applicant and LHA: DHCD waives its regulation at 760 CMR 5.13(1), *et seq.*, to the extent inconsistent with the implementation of a centralized screening system for applicants to AHVP and insofar as necessary to allow a Centralized Screening Agent, instead of LHAs, to hold private conferences in accordance with 760 CMR 5.13(1) with applicants to AHVP who have been determined by the Centralized Screening Agent to be ineligible for a priority or preference.

6. 5.13(2): The LHA's Decision Following a Private Conference: DHCD waives its regulation at 760 CMR 5.13(2) to the extent inconsistent with the implementation of a centralized screening system for applicants to AHVP and insofar as necessary to allow the Centralized Screening Agent, instead of LHAs, to provide applicants to AHVP with private conference decisions with respect to negative determinations issued by the Centralized Screening Agent in accordance with 760 CMR 5.13(1) as affected by this waiver letter.

7. 5.13(3): The Right to Request Reconsideration of the LHA's Decision: DHCD waives its regulation at 760 CMR 5.13(3) to the extent inconsistent with the implementation of a centralized screening system for applicants to AHVP and insofar as necessary to allow applicants to AHVP to request a reconsideration of the Centralized Screening Agent's decision following a private conference between the Centralized Screening Agent and an applicant to AHVP. DHCD further waives the regulation at 760 CMR 5.13(3) insofar as necessary to allow the Centralized Screening Agent, instead of LHAs, to reconsider the Centralized Screening Agent's decision following a private conference.

8. 5.13(4): The Right to Request Department Review of an LHA's Decision: DHCD waives its regulation at 760 CMR 5.13(4) to the extent inconsistent with the implementation of a centralized screening system for applicants to AHVP and insofar as necessary to allow applicants to AHVP to request DHCD review of the Centralized Screening Agent's decision following a private conference or request for reconsideration.

9. 5.13(5): Department Review: DHCD waives its regulation at 760 CMR 5.13(5) to the extent inconsistent with the implementation of a centralized screening system for applicants to AHVP and insofar as necessary to allow DHCD to review decisions of the Centralized Screening Agent as to an applicant's claimed priority or preference upon a request for review by an applicant to AHVP pursuant to 760 CMR 5.13(4).

III. WAIVER OF PROVISIONS OF 760 CMR 53.00 TO ALLOW FOR CENTRALIZED SCREENING OF PRIORITIES AND PREFERENCES CLAIMED BY APPLICANTS TO AHVP

In addition to the waivers of 760 CMR 5.00 specified above, DHCD is hereby temporarily waiving the following provisions of 760 CMR 53.00 until the earlier to occur of July 1, 2025 or the effective date of revisions to 760 CMR 5.00 *et seq.* and, as necessary, revisions to 760 CMR 53.00 *et seq.* to provide for a permanent centralized screening program:

1. 53.03: Eligibility and Qualification for Program Participation: DHCD hereby waives its regulation at 760 CMR 53.03 to the extent inconsistent with the implementation of a centralized screening system for applicants to AHVP and insofar as necessary to allow a Centralized Screening Agent, instead of LHAs, to determine the priorities and preferences of applicants to AHVP as described in Section I above.

2. 53.04: Tenant Selection and Transfer: DHCD waives its regulation at 760 CMR 53.04 to the extent inconsistent with the implementation of a centralized screening system for applicants to AHVP and insofar as necessary to allow a Centralized Screening Agent, instead of LHAs, to determine the priorities and preferences of applicants to AHVP as described in Section I above.

3. 53.07: Leasing and Contracting - Timetable: DHCD hereby waives its regulation at 760 CMR 53.07 to the extent inconsistent with the implementation of a centralized screening system for applicants to AHVP and insofar as necessary to allow a Centralized Screening Agent, instead of LHAs, to determine the priorities and preferences of applicants to AHVP as described in Section I above.

DHCD is optimistic that providing these temporary waivers for a pilot of a centralized screening system of priorities and preferences will ease administrative burden for LHAs and improve the tenant selection process for applicants to AHVP. Based on the experience during the pilot, and in consideration of the impact the centralized screening system has on applicants to AHVP, LHAs, and the AHVP program as a whole, at a later date, DHCD expects to promulgate revisions to 760 CMR 5.00 and, as necessary, 760 CMR 53.00, to make the centralized screening system permanent.

If you have any questions related to these waivers, please contact Cecilia Woodworth, Assistant Director, State Programs, at cecilia.woodworth@mass.gov.

Sincerely,

Jennifer D. Maddox
Undersecretary

CC: Benjamin Stone, Director, Divisions of Public Housing and Rental Assistance
Cecilia Woodworth, Assistant Director, State Programs
Christine DeVore, Director, Bureau of Housing Management

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Date: May 25, 2023
To: All Local Housing Authorities
Re: Regulatory Waiver of Provisions of760 CMR 5.00 for Implementation of Centralized Screening in State-Aided Public Housing

The Department of Housing and Community Development ("DHCD") is hereby temporarily waiving effective September 1, 2023 certain provisions of the state-aided public housing eligibility and selection criteria regulation at 760 CMR 5.00 to allow for a pilot of centralized screening of claimed priorities and preferences of applicants to state-aided public housing, as more particularly described below.

I. BACKGROUND

In 2023, DHCD will pilot a centralized screening system, run by a centralized screening vendor procured by DHCD (the "Centralized Screening Agent"), to make priority and preference determinations for applicants to state-aided public housing. This Centralized Screening Agent will handle all administrative functions related to applicant claimed priorities and preferences, *except* that individual local housing authorities ("LHAs") shall remain responsible for making determinations as to eligibility for Local Resident[1] preference for applicants who have claimed only a Local Resident preference but none of the preferences or priorities that would apply across all locations (i.e., a Veteran preference pursuant to 760 CMR 5.09(2)(a) or any of the priorities contained in 760 CMR 5.09(1)(a) – (e)).[2] The determinations of eligibility for priorities and preferences shall determine the position of applicants on the waiting list(s) maintained for each LHA in the Common Housing Application for Massachusetts Programs ("CHAMP") system.

Individual LHAs will continue to make determinations as to qualification and eligibility for applicants to state-aided public housing, other than the determination of eligibility for priorities or preferences to be made by the Centralized Screening Agent.

[1] Capitalized terms not specifically defined in this waiver have the meaning assigned to them in 760 CMR 5.00, *et seq.*

[2] By having the Centralized Screening Agent determine eligibility for Local Resident preference in instances where an applicant has also claimed a Veteran preference or any of the priorities contained in 760 CMR 5.09(1)(a) - (e), DHCD seeks to reduce duplicative screening and verification efforts by both the Centralized Screening Agent and LHAs. Where the Centralized Screening Agent is already screening and verifying claims of Veteran preference or any of the priorities contained in 760 CMR 5.09(1)(a) - (e), it is administratively beneficial for the Centralized Screening Agent to also screen and verify the additional claim of Local Resident preference. In instances where an applicant claims only a Local Resident preference but not a Veteran preference or any of the priorities contained in 760 CMR 5.09(1)(a) - (e), LHAs will continue to screen and verify applicant claims for Local Resident preference.

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DHCD believes this transition to a centralized screening system will be beneficial to both LHAs and applicants to state-aided public housing. Currently, even if an applicant applies for state-aided public housing at all LHAs, each individual LHA must separately determine the eligibility of such applicant for priorities and preferences. This not only creates significant administrative burden and duplication of effort for LHAs, but also creates the possibility of inconsistent determinations by different LHAs with respect to the same applicant. The volume of applications at most LHAs has increased because it is easier for an applicant to apply concurrently to multiple LHAs through CHAMP; as a result, the increased administrative burden has resulted in slower lease-up and longer vacancies in state-aided public housing. A centralized screening system should ease the administrative burden of LHAs, while also making the process easier and less confusing for applicants. DHCD is hopeful that a centralized screening system will make tenant selection in state-aided public housing more efficient, reducing wait times and vacancies, and will also improve DHCD's ability to oversee the priority and preference determination process.

To accomplish this goal, certain provisions of the state-aided public housing eligibility and selection criteria regulation at 760 CMR 5.00 must be modified or waived to allow the Centralized Screening Agent to perform some of the functions currently being performed by LHAs. Pending formal amendment of the regulation, DHCD is introducing the Centralized Screening Agent function on a pilot basis, and is issuing the regulatory waivers set forth below to enable the pilot to proceed. The pilot, in turn, will provide valuable experience that will help guide the adoption of formal regulatory amendments.

II. WAIVER OF PROVISIONS OF 760 CMR 5.00 TO ALLOW FOR CENTRALIZED SCREENING OF PRIORITIES AND PREFERENCES CLAIMED BY APPLICANTS TO STATE-AIDED PUBLIC HOUSING

In order to accomplish the above, DHCD is hereby temporarily waiving the following portions of 760 CMR 5.00 until the earlier to occur of September 1, 2025 or the effective date of revisions to 760 CMR 5.00 *et seq.* to provide for a permanent centralized screening program:

1. 5.05(3): Determinations of Priority, Preference, Eligibility and Qualification: DHCD waives its regulation at 760 CMR 5.05(3), *et seq.*, to the extent inconsistent with the implementation of a centralized screening system for applicants to state-aided public housing and insofar as necessary to allow a Centralized Screening Agent, instead of LHAs, to determine the priorities and preferences of applicants to state-aided public housing as described in Section I above.

2. 5.09: Selection Categories: DHCD waives its regulation at 760 CMR 5.09, *et seq.*, to the extent inconsistent with the implementation of a centralized screening system for applicants to state-aided public housing and insofar as necessary to allow a Centralized Screening Agent, instead of LHAs, to determine the eligibility of applicants for state-aided public housing for priorities and preferences as described in Section I above.

3. 5.11: Housing Situation Priority Policy: DHCD waives its regulation at 760 CMR 5.11, *et seq.*, to the extent inconsistent with the implementation of a centralized screening system for applicants to state-aided public housing and insofar as necessary to allow a Centralized Screening Agent, instead of LHAs, to determine the eligibility of applicants for state-aided public housing for priorities and preferences as described in Section I above.

4. 5.12(1): Verification of Preference, Eligibility, and Qualification: DHCD waives its regulation at 760 CMR 5.12(1) to the extent inconsistent with the implementation of a centralized screening

system for applicants to state-aided public housing and insofar as necessary to allow a Centralized Screening Agent, instead of LHAs, to verify applicants' claimed priorities and preferences as described in Section I above.

5. 5.13(1): The Private Conference between Applicant and LHA: DHCD waives its regulation at 760 CMR 5.13(1), *et seq.*, to the extent inconsistent with the implementation of a centralized screening system for applicants to state-aided public housing and insofar as necessary to allow a Centralized Screening Agent, instead of LHAs, to hold private conferences in accordance with 760 CMR 5.13(1) with applicants to state-aided public housing who have been determined by the Centralized Screening Agent to be ineligible for a priority or preference.

6. 5.13(2): The LHA's Decision Following a Private Conference: DHCD waives its regulation at 760 CMR 5.13(2) to the extent inconsistent with the implementation of a centralized screening system for applicants to state-aided public housing and insofar as necessary to allow the Centralized Screening Agent, instead of LHAs, to provide applicants for state-aided public housing with private conference decisions with respect to negative determinations issued by the Centralized Screening Agent in accordance with 760 CMR 5.13(1) as affected by this waiver letter.

7. 5.13(3): The Right to Request Reconsideration of the LHA's Decision: DHCD waives its regulation at 760 CMR 5.13(3) to the extent inconsistent with the implementation of a centralized screening system for applicants to state-aided public housing and insofar as necessary to allow applicants to state-aided public housing to request a reconsideration of the Centralized Screening Agent's decision following a private conference between the Centralized Screening Agent and an applicant to state-aided public housing. DHCD further waives the regulation at 760 CMR 5.13(3) insofar as necessary to allow the Centralized Screening Agent, instead of LHAs, to reconsider the Centralized Screening Agent's decision following a private conference.

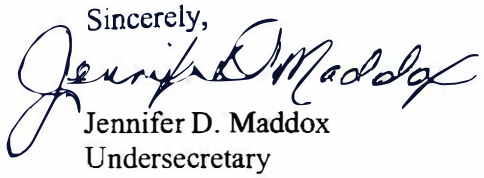
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9. 5.13(5): Department Review: DHCD waives its regulation at 760 CMR 5.13(5) to the extent inconsistent with the implementation of a centralized screening system for applicants to state-aided public housing and insofar as necessary to allow DHCD to review decisions of the Centralized Screening Agent as to an applicant's claimed priority or preference upon a request for review by an applicant to state-aided public housing pursuant to 760 CMR 5.13(4).

DHCD is optimistic that providing these temporary waivers for a pilot of a centralized screening system of priorities and preferences will ease administrative burden for LHAs and improve the tenant selection process for applicants to state-aided public housing. Based on the experience during the pilot, and in consideration of the impact the centralized screening system has on applicants to state-aided public housing, LHAs, and the state-aided public housing program as a whole, at a later date, DHCD expects to promulgate revisions to 760 CMR 5.00 to make the centralized screening system permanent.

If you have any questions related to these waivers, please contact Christine DeVore, Director, Bureau of Housing Management, at christine.devore@mass.gov.

Sincerely,



Jennifer D. Maddox
Undersecretary

CC: Benjamin Stone, Director, Division of Public Housing
Christine DeVore, Director, Bureau of Housing Management