

## Department of Mental Health Rental Subsidy (DMHRSP) FY19 Regulations & Guidance Refresher Training January 2022



## Let's Get Started

- Mute and turn off camera during presentation
- Open Lunch Break
- Where to Find Packet Materials:
  - DHCD and DMH Regulations on Mass.gov (public)
  - DHCD Guidance, Program Documents, Today's Presentation (internal only)
    - Email Tom Timms at DHCD
  - DMH Guidelines, DMH Documents (internal only)
    - Email your DMH Area Housing Coordinator

*Refers to section numbers in DHCD's Guidance  
(revised 9/1) & FY19 Regulations (draft)*

Section 1. a. i.

## DHCD Contact

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Contacts II. A. (p6);  
Introduction IV. B. (p11)

## DMH Contacts

### DMH Area Housing Coordinators:

Northeast MA – Brent Rourke, [Brent.Rourke@mass.gov](mailto:Brent.Rourke@mass.gov), 857-278-5627

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Contacts II. B. (p6);  
Introduction IV. C. (p12)

## Overview

- Major Changes & Effective Dates
- Definitions
- Sponsor Based vs Tenant Based
- Eligibility
- Issuance
- New Unit Approvals
- Inspections
- Payments, Vacancies, & Lease Terminations
- Rent Increase Requests
- Recertifications & Interims
- Termination
- Reasonable Accommodations
- Language Assistance Plan

## Major Changes & Effective Dates

- Regulations
  - New Tenant based Program
  - Final review for promulgation 11/2/2018, Waiver Effective 7/1/2018
- DHCD Guidance
  - Revised 9/1/2018, Corrected Citations with Hyperlinks
  - Detailed Verifications Section, Clarified Conversion Inspections Section
  - Effective 7/1/2018 for Tenant based & Going Forward for Sponsor based
- Program Documents
  - Effective 7/1/2018 for Tenant based & Going Forward for Sponsor based

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## Major Changes & Effective Dates

- Tenant based Program
  - Specified Prior Conduct & CORI/SORI
  - Voucher, Inspections, Leasing, & Responsibilities
- New Vouchers & Leasing Documents
  - Better documented, easier to understand, fillable, auto-renewing
- Streamlined New Unit Approvals & Rent Increase Requests
- Clarify & Reinforce All Other Topics
  - Referral Process, Payments, Termination, etc.
  - Especially Communication and File Documentation

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## Definitions



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## Key Terms

- Administering Agency (AA)
- Service Provider (SP)
- Client
- Tenant
- Property Owner (PO)
- DHCD Coordinator
- DMH Coordinator
- Fair Market Rent (FMR)
- Utility Allowance (UA)
- Maximum Allowable Rent (MAR)
- Occupancy Charge (OC)
- Reasonable Accommodation (RA)
- Written Communication

### Administering Agency (AA)

An agency that administers DMHRSP on behalf of DHCD and includes Local Housing Authorities (LHAs) and Regional Administering Agencies (RAAs)

Introduction IV. D. (p12); 760 CMR 38.02

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### Service Provider (SP)

- An entity under contract to DMH (or sometimes DMH Case Management (CM)), which provides services to Clients
- Also serves as Sponsor by entering into a lease directly with a Property Owner for use of a Sponsor Based Unit by Client(s)
- Tenant based Clients are served by DMH Case Management (CM)

Introduction IV. C. (p12); 760 CMR 38.02

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### Client

- Enrolled in a DMH contracted or operated service for residential supportive services for DMH case management
- Approved to participate in DMHRSP

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### Tenant

- Person or entity who signs the lease for a Unit with the Property Owner
- For new Tenant based units, the Client is Tenant
- For Sponsor based units, the Service Provider is the Tenant on lease (Not the Client residing in the Unit)

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Key Terms

Administering Agency (AA)

Service Provider (SP)

Client

Tenant

Property Owner (PO)

DHCD Coordinator

DMH Coordinator

Fair Market Rent (FMR)

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Written Communication

Property Owner (PO)

Owner of a Unit

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DMH Coordinator

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Occupancy Charge (OC)

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Written Communication

DHCD Coordinator

DMHRSP Coordinator at DHCD (see slide 3)

Contacts II. A. (p6);

Introduction IV. B. (p11)

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Key Terms

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Written Communication

DMH Coordinator

DMH Area Housing Coordinator (see slide 4)

Contacts II. B. (p6);

Introduction IV. C. (p12)

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Key Terms

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Fair Market Rent (FMR)

- HUD determined fair rate in the unsubsidized rental market, specific for each year and town
- Effective with Federal FY, which starts 10/1
- Found at: <https://www.huduser.gov/portal/datasets/fmr.html>

New Unit Approval VII. A. 3. a. ii. A. (p33);

Rent Increase VII. I. 1. 5. & VII. I. 2. 3. b. (p53 & 54);

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Key Terms

Administering Agency (AA)

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Utility Allowance (UA)

- Projection of monthly utility expenses by the Tenant per the local utility chart provided by the AA
- Used in the calculation of Maximum Allowable Rent (but Not the Occupancy Charge)
- Different from heat deduction, which is used in calculation of Occupancy Charge (but not Maximum Allowable Rent)

New Unit Approval VII. A. 3. a. ii. B. (p34);

Rent Increase VII. I. 1. 5. & VII. I. 2. 3. b. (p53 & 54);

760 CMR 38.07 (3)

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Maximum Allowable Rent (MAR)

- For DMHRSP, Maximum Allowable Rent = (FMR x 110%) – Utility Allowance
- One of the criteria for determining the Maximum Allowable Rent Increase

New Unit Approval VII. A. 3. a. ii. C. (p35);

Rent Increase VII. I. 1. 5. & VII. I. 2. 3. b. (p53 & 54);

760 CMR 38.07

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## Occupancy Charge (OC)

- The Client's share of the Contract Rent, as calculated by the AA per the DMHRSP Regulations and Guidance
- Calculated at Lease ups, Recerts, and Interims

New Unit Approval VII, A . 3. d. 1. (p36);  
Recert & Interim VIII. (p56);  
760 CMR 38.07

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- Reasonable Accommodation (RA)**
- Written Communication

## Reasonable Accommodation (RA)

- Request by Client or representative for a change to any component of the program to accommodate their disability that can be reasonably made by AA, SP/CM, etc. to enable equal access to the program
- Requires formal process and sometimes supportive documentation

Reasonable Accommodations X. (p66)

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- Reasonable Accommodation (RA)**
- Written Communication**


## Written Communication

- Any hard copy or electronic communication where date and author are clearly indicated
- Email preferred between AA, SP/CM, DMH, DHCD
- Hard copy (mailed or hand delivered) preferred for Client

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## Definitions Questions



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## Sponsor Based vs Tenant Based



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## Sponsor Based vs Tenant Based

<p><b>Sponsor Based</b></p> <ul style="list-style-type: none"> <li>All Prior Vouchers</li> <li>Service Provider (DMH Case Management if no SP)</li> <li>SP is Sponsor, Tenant, &amp; Voucher Holder</li> <li>SP chooses Unit and matches Client</li> <li>Clients can Share units</li> </ul>	<p><b>Tenant Based</b></p> <ul style="list-style-type: none"> <li>Began FY19 (July 2018)</li> <li>DMH Case Management only</li> <li>Client is Tenant &amp; Voucher Holder</li> <li>SP/CM refers Client</li> <li>Client chooses Unit; more mobility</li> <li>1 Household per Unit</li> </ul>
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Sponsor Based vs Tenant Based

Sponsor Based

- Minimal Eligibility Requirements
- SP Responsible for Ensuring Completion & Compliance
  - Referral/Eligibility
  - Lease Up, Rent Guarantee, Tenancy Issues
  - Recert/Interim


Tenant Based

- More Eligibility Requirements
- More Independence; With CM assistance, Client responsible for Completion & Compliance

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Sponsor Based vs Tenant Based Questions



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Referral & Eligibility



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Referral Documents

- DMH Area Housing Coordinator Email (cc DHCD)
- DMH or AA Referral Form
- Positive Identification
- Income Verifications
- AA Forms

Eligibility V. (p12)

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Sponsor Based Eligibility

- Positive Identification
- Income Eligibility
- Other Documents & Reporting

Eligibility V. B. (p13); 760 CMR 38.05 & 38.06 (1)

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Sponsor Based Eligibility

Positive Identification

Photo ID

Legal Name

Date of Birth

Social Security Number

Income Eligibility

Income/Asset Verification

Deduction Verification

Other Documents & Reporting

Positive Identification

Any Combo of Acceptable Documents to Confirm:

- Photo ID (Client/Adults only)
- Legal Name
- Date of Birth
- Social Security Number (if any)

Must match across all documents

Eligibility V. B. 1. (p13)

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**Sponsor Based Eligibility**

- Positive Identification
  - Photo ID
  - Legal Name
  - Date of Birth
  - Social Security Number
- Income Eligibility
  - Income/Asset Verification
  - Deduction Verification
- Other Documents & Reporting

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### Photo ID

- Required for Client/Head of Household & Adults 18y/o and older
- Acceptable:
  - Driver's License, State ID, Passport, Permanent Resident Immigration Card or documentation, US Military ID
- Not Acceptable:
  - Expired, Not Valid, Altered, Illegible, Damaged
  - City, Shelter, Student, Employee, Transport ID

Eligibility V. B. 1. (p14)

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**Sponsor Based Eligibility**

- Positive Identification
  - Photo ID
  - Legal Name
  - Date of Birth
  - Social Security Number
- Income Eligibility
  - Income/Asset Verification
  - Deduction Verification
- Other Documents & Reporting

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### Legal Name

- Required for All Household Members
- Acceptable:
  - Photo ID, Birth Certificate, Social Security Card, name change certificate, marriage/divorce certificate
- If discrepancy, AA discretion to:
  - Accept the more rigorous document
  - Request "one in the same" statement
  - Request additional documents

Eligibility V. B. 1. (p14)

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**Sponsor Based Eligibility**

- Positive Identification
  - Photo ID
  - Legal Name
  - Date of Birth
  - Social Security Number
- Income Eligibility
  - Income/Asset Verification
  - Deduction Verification
- Other Documents & Reporting

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### Date of Birth

- Required for All Household Members
- Acceptable:
  - Preferably Birth Certificate
  - Also passport, immigration documentation, military discharge document, photo ID
  - For very young children, mother's/hospital letter

Eligibility V. B. 1. (p14)

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**Sponsor Based Eligibility**

- Positive Identification
  - Photo ID
  - Legal Name
  - Date of Birth
  - Social Security
- Income Eligibility
  - Income/Asset Verification
  - Deduction Verification
- Other Documents & Reporting

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### Social Security Number

- Required for All Household Members that have an assigned SSN
- Adults must authorize use of SSN for Wage Match and verifications
- Acceptable:
  - Social Security Card
  - Official Correspondence from SSA w/ Both SSN + Full legal Name (may need 2 letters)

Eligibility V. B. 1. (p15)

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**Sponsor Based Eligibility**

- Positive Identification
  - Photo ID
  - Legal Name
  - Date of Birth
  - Social Security Number
- Income Eligibility
  - Income/Asset Verification
  - Deduction Verification
- Other Documents & Reporting

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### Special Circumstances

- For Extreme Situations, such as:
  - Lost in Fire/Natural Disaster
  - Fleeing Domestic Violence
  - Fleeing for Asylum
  - Stolen
- Notarized Self Certification or Witness Statement is *Temporarily* Acceptable
- Replace with acceptable documents as soon as received

Eligibility V. B. 1. (p15)

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**Sponsor Based Eligibility**

- Positive Identification
  - Photo ID
  - Legal Name
  - Date of Birth
  - Social Security Number
- Income Eligibility
  - Income/Asset Verification
  - Deduction Verification
- Other Documents & Reporting

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### Examples

Client/Adult:

- Drivers License (Photo ID, DOB)
- Social Security Card (Legal Name, SSN)

Child:

- Birth Certificate (Legal Name, DOB)
- Social Security Card (Legal Name, SSN)

Eligibility V. B. 1. (p13)

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**Sponsor Based Eligibility**

- Positive Identification
  - Photo ID
  - Legal Name
  - Date of Birth
  - Social Security Number
- Income Eligibility
  - Income/Asset Verification
  - Deduction Verification
- Other Documents & Reporting

### Positive Identification

1. Photo ID (Client/Adults only)
2. Legal Name
3. Date of Birth
4. Social Security Number (if any)

- Only documents necessary to confirm all above
- Must match across all documents

Eligibility V. B. 1. (p13)

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**Sponsor Based Eligibility**

- Positive Identification
  - Photo ID
  - Legal Name
  - Date of Birth
  - Social Security Number
- Income Eligibility
  - Income/Asset Verification
  - Deduction Verification
- Other Documents & Reporting

### Income Eligibility

- Required for Client/Head of Household and All Adults

1. Income Verification
2. Asset Verification
3. Deduction Verification
4. SSN for AA to complete Wage Match & Independent Verification

Eligibility V. B. 2. (p15);  
760 CMR 38.05 (1) (a) & (2) (a) → 5.06 & 6.05

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**Sponsor Based Eligibility**

- Positive Identification
  - Photo ID
  - Legal Name
  - Date of Birth
  - Social Security Number
- Income Eligibility
  - Income/Asset Verification
  - Deduction Verification
- Other Documents & Reporting

### Income & Asset Verification

- Such as: Paystubs, Benefit Letters, Bank Statements, DOR Printouts, Notarized Letters
- When Recurring, must be Consecutive (additional if seasonal/highly variable)
- For Annual Non-Varying Payments
  - SS Only, Pensions
  - Within last 12 mos for that applicable year
- For All Others
  - SSI, SSDI, SSP, wages, child support, benefits, etc.
  - Within last 90 days

Eligibility V. B. 2. (p15);  
760 CMR 38.05 (1) (a) & (2) (a) → 5.06 & 6.05

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**Sponsor Based Eligibility**

- Positive Identification
  - Photo ID
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  - Date of Birth
  - Social Security Number
- Income Eligibility
  - Income/Asset Verification
  - Deduction Verification
- Other Documents & Reporting

### Income & Asset Verification

- Zero Income
  - Signed statement from Each Adult
- Every 6mos:
  - AA inquiry on income status
  - Bank Statements
  - DTA inquiry

Eligibility V. B. 2. (p15);  
760 CMR 38.05 (1) (a) & (2) (a) → 5.06 & 6.05

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**Sponsor Based Eligibility**

- Positive Identification
  - Photo ID
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  - Date of Birth
  - Social Security Number
- Income Eligibility
  - Income/Asset Verification
  - Deduction Verification
- Other Documents & Reporting

### Deduction Verification

- May Not Require Verification:
  - Disabled Household
  - Heat Deduction
  - Dependents
- May Require Verification:
  - Medical, Tuition, Childcare, Child Support
  - Only *Actual Expenses* in consecutive 12 mos (Not bill/court order)
  - Paystubs/benefit letters when auto deduct
  - Detailed receipts for all others

Eligibility V. B. 2. (p16);  
760 CMR 38.05 (1) (a) & (2) (a) → 5.06 & 6.05

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**Sponsor Based Eligibility**

- Positive Identification
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### Income Eligibility

- Required for Client/Head of Household and All Adults

1. Income Verification
2. Asset Verification
3. Deduction Verification
4. SSN for AA to complete Wage Match & Independent Verification

Eligibility V. B. 2. (p15);  
760 CMR 38.05 (1) (a) & (2) (a) → 5.06 & 6.05

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### Sponsor Based Eligibility

- Positive Identification
  - Photo ID
  - Legal Name
  - Date of Birth
  - Social Security Number
- Income Eligibility
  - Income/Asset Verification
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- Other Documents & Reporting

### Other Documents & Reporting

- AA may require other documents necessary for eligibility & program administration
- AA required to report income, unit, and household demographics
  - Client can decline to answer race, ethnicity, age that are not required to determine eligibility

Eligibility V. B. 3. & 4. (p16)

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## Sponsor Based Eligibility

1. Positive Identification
2. Income Eligibility
3. Other Documents & Reporting

Eligibility V. B. (p13); 760 CMR 38.05 & 38.06 (1)

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## Tenant Based Eligibility

1. Positive Identification
2. Income Eligibility
3. Other Documents & Reporting
4. Specified Prior Conduct & CORI/SORI

Eligibility V. C. (p17); 760 CMR 38.05 & 38.06 (2)

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### Tenant Based Eligibility

- Positive Identification
- Income Eligibility
- Other Documents & Reporting
- Specified Prior Conduct & CORI/SORI
  - Purpose & Confidentiality
  - How
  - What
  - When
  - Timeliness & Procedures
  - Mitigation
- Disqualification & Expiration

### Specified Prior Conduct & CORI/SORI

- For Tenant based eligibility only
- Required for Client/Head of Household & Adults 18y/o and older, regardless of any SSN
- Authorization of Release of Info and/or CORI/SORI Release required first
- Findings, review process, & results remain confidential

Eligibility V. C. 1. (p17 & 22); 760 CMR 38.06 (2)

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### Tenant Based Eligibility

- Positive Identification
- Income Eligibility
- Other Documents & Reporting
- Specified Prior Conduct & CORI/SORI
  - Purpose & Confidentiality
  - How
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### How

1. Last 6 digits (or all 0s if no SSN) on MA DCJIS's CORI submission site: [www.mass.gov/criminal-record-check-services](http://www.mass.gov/criminal-record-check-services)
2. MA SORB: [www.mass.gov/sorb](http://www.mass.gov/sorb)
3. Federal DOJ: [www.nsopr.gov](http://www.nsopr.gov)
4. Inquiry on Specified Prior Conduct issues

Eligibility V. C. 1. (p17); 760 CMR 38.06 (2)

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### Tenant Based Eligibility

- Positive Identification
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- Other Documents & Reporting
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  - Purpose & Confidentiality
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  - What
  - When
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  - Mitigation
- Disqualification & Expiration

### What

Specified Prior Conduct, such as:

- Back rent, damages
- Misrepresented/falsified info
- Eviction for good cause
- Noncompliance or Termination
- Abusive/threatening behavior
- Intending to live elsewhere

Eligibility V. C. 1. (p18); 760 CMR 38.06 (2) (d)-(e)

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### Tenant Based Eligibility

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## What

CORI/SORI, such as:

- Drug related within last 3yrs
- Violent criminal activity within last 3yrs
- Egregious crimes (ex. rape, murder, manslaughter)
- Sex offenses requiring level 2 or 3 registration

Eligibility V. C. 1. (p18);  
760 CMR 38.06 (2) (c)-(f)

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### Tenant Based Eligibility

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## What

**Mandatory Disqualification:**

1. Manufacture/production of Methamphetamine Conviction
2. MA Lifetime Sex Offender Registration
  - Dependent on crime committed, Not classification level (see [www.mass.gov/sorb](http://www.mass.gov/sorb))

- Required opportunity at in person conference to show inaccurate (but not mitigate)

Eligibility V. C. 1. (p19);  
760 CMR 38.06 (2) (f)

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### Tenant Based Eligibility

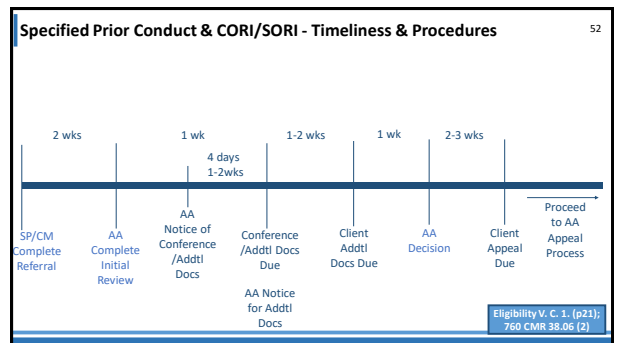
- Positive Identification
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## When

- Entry (Not for Transfers except as below)
- After 60 days of Eligible but Not Issued
- Becoming Adult
- Subsequent Cause, such as credible report of:
  - Arrest
  - Imprisoned
  - Committed Crime
  - Pertinent False/Misleading/Omitted Info

Eligibility V. C. 1. (p20);  
760 CMR 38.06 (2)

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### Tenant Based Eligibility

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## Timeliness & Procedures

- AA discretion in rescheduling and RA
- In person conference required for mandatory disqualification. Request documents or conference for mitigation at AA's discretion.
- Provide findings to review at conference (or before at request)
- Denial includes reason, availability of RA/appeal/docs requested within 2-3wks as appropriate

Eligibility V. C. 1. (p21);  
760 CMR 38.06 (2)

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### Tenant Based Eligibility

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- Purpose & Confidentiality
- How
- What
- When
- Timeliness & Procedures
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- Disqualification & Expiration

## Mitigating Circumstances

- Accuracy of the report
- Time that has passed
- Severity of the offense
- Disruption and inconvenience of any reoccurrence
- Outcome of any offense or charge (ex. arrest vs conviction)
- Domestic violence situations
- Availability of reasonable accommodation
- Likelihood of favorable future conduct
- Efforts of rehabilitation
- DMH services

Eligibility V. C. 2. (p22);  
760 CMR 38.06 (2) (e)-(g)

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### Tenant Based Eligibility

- Positive Identification
- Income Eligibility
- Other Documents & Reporting
- Specified Prior Conduct & CORI/SORI
- Purpose & Confidentiality
- How
- What
- When
- Timeliness & Procedures
- Mitigation
- Disqualification & Expiration

## Mitigation Examples

- Numerous charges imposed into a single incident but all similar and small, so unlikely to significantly increase severity of the situation
- Charge of arson was simply trying to keep warm with a small controlled fire in a can while street homeless poses no threat to the Client or others if stably housed
- Single conviction of sale of a small amount of controlled substance years ago as result of the Client's own past use might be presumed to not be an indicator of intent to continue such criminal activity if Client has undergone/undergoing successful rehabilitation

Eligibility V. C. 2. (p23);  
760 CMR 38.06 (2) (e)-(g)

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### Tenant Based Eligibility

- Positive Identification
- Income Eligibility
- Other Documents & Reporting
- Specified Prior Conduct & CORI/SORI
- Purpose & Confidentiality
- How
- What
- When
- Timeliness & Procedures
- Mitigation
- Disqualification & Expiration

## Disqualification & Expiration


- If disqualified from Tenant based, can still refer/continue Sponsor based
- Eligibility determination is valid for up to 60 days or until pertinent incident occurs – Then reconfirm eligibility before issuance

Eligibility V. C. 3. & 4. (p24);  
760 CMR 38.06 (2) (m)

56

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## Referral & Eligibility Questions



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58

## Issuance



58

59

## Sponsor Based Issuance

AA provides SP with Issuance Packet:

- Sponsor Based Voucher with AA & SP (only at first issuance to each SP)
- RFLA
- List of Towns
- Estimated Rent Ranges

Issuance VI. A. (p25)

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## Sponsor Based Voucher

- Completed & Signed by AA & SP at First Issuance Only
- AA updates the Voucher Addendum with specific units & approved sizes
- Replace all Agreement for Financial Assistance within 15mos
- SP locates both unit & client(s)
- AA provides Start Date
  - Per DMH's guidelines, 90 days + (multiple) 30 day extensions from DMH
  - Valid until DMH withdraws voucher from SP (cc AA)
- See guidance for determining household and residence unit size

Issuance VI. A. & C. 2. (p25 & 30)  
Operating Documents VI. F. 1. (p44)

60

## Tenant Based Issuance

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At Issuance Meeting with Client, provide:

1. Tenant Based Voucher with AA & Client
2. PO Packet (per AA)
3. RFLA
4. List of Towns (if searching)
5. Estimated Rent Ranges (if searching)

• At New Referral, Relo/Transfer, Voucher Size Change, Reactivation following Suspension

Issuance VI. B. & C. 1. (p26 & 28)

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## Tenant Based Voucher

62


- Signed by AA & Client with SP
- See guidance for determining Voucher Size
- 120 days initial + 30 day extension (+ Reasonable Accommodation or “Stop the Clock” during unit review)
- AA must review voucher requirements with Client and SP at in person issuance meeting

Issuance VI. B. & C. 1. (p26 & 28)  
 Operating Documents VI. F. 1. (p45)

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## Issuance Questions




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## Department of Mental Health Rental Subsidy (DMHRSP)

### FY19 Regulations & Guidance Refresher Training

January 2022




10 Minute Break



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## New Unit Approvals



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## New Unit Approvals

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1. SP/Client & PO Submission:
  1. DMH notifies of voucher details to SP, AA, & DHCD
  2. PO completes RFLA with SP (Sponsor based) or Client (Tenant based)
  3. PO provides ownership/payment & inspection (Tenant based) documents

New Unit Approvals VII. A. 1. (p31)

66

67

New Unit Approvals

2. DMH Review & Response:

1. DMH review and approve via email

2. Approval details, including if transfer, (cc DHCD)

New Unit Approvals VII. A. 2. (p32)

67

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New Unit Approvals

3. AA Review & Response:

1. Calculate Maximum Allowable Rent & Approve Requested Contract Rent

2. Confirm Inspection

3. Confirm Ownership/Payment Arrangements

4. Lease Up (Calculate Occupancy Charge, Provide Leasing Documents)

New Unit Approvals VII. A. 3. (p33)

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Maximum Allowable Rent Criteria

Calculated by AA using New Unit Review Form

Contract Rent Amounts are Restricted these Criteria:

1. Rent Reasonable

2. Maximum Allowable Rent = 110.0% FMR – Utility Allowance

New Unit Approvals VII. A. 3. a. (p33);  
Operating Documents VII. F. 4. (p45);  
760 CMR 38.07

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Maximum Allowable Rent Criteria

Rent Reasonable

Maximum Allowable Rent

110.0% FMR

Effective Date

Town

Approved Size

Utility Allowance

Effective Date

Local Chart

Approved Size

Calculating Maximum Allowable

Rent Reasonable

Determined reasonable by AA's market analysis:

• Uniform Process to compare rents

• Compare Unsubsidized units only

• Compare on Size, Location, Condition, etc.

• AA determines which to compare

New Unit Approvals VII. A. 3. a. i. (p33);  
760 CMR 38.07

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Maximum Allowable Rent Criteria

Rent Reasonable

Maximum Allowable Rent

110.0% FMR

Effective Date

Town

Approved Size

Utility Allowance

Effective Date

Local Chart

Approved Size

Calculating Maximum Allowable

110.0% Fair Market Rent (FMR)

Calculate Max of 110.0% FMR based on:

• FMR effective for Lease Start date

• Town where unit is located

• Approved Size

<https://www.huduser.gov/portal/datasets/fmr.html>

New Unit Approvals VII. A. 3. a. ii. A. (p33);  
760 CMR 38.07

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Maximum Allowable Rent Criteria

Rent Reasonable

Maximum Allowable Rent

110.0% FMR

Effective Date

Town

Approved Size

Utility Allowance

Effective Date

Local Chart

Approved Size

Calculating Maximum Allowable

FMR - Effective Date

Use the FMR effective (Federal FY 10/1) at the time of Lease Start date

Example:

• If RFLA Submitted 9/25/2018, Approved 10/5/18, Effective 10/15/18

• Then use FY19 FMR (which started 10/1/18)

New Unit Approvals VII. A. 3. a. ii. A. (p33);  
760 CMR 38.07

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### Maximum Allowable Rent Criteria

Rent Reasonable
Maximum Allowable Rent
110.0% FMR
Effective Date
Town
Approved Size
Utility Allowance
Effective Date
Local Chart
Approved Size
Calculating Maximum Allowable

## FMR - Effective Date

HUD Temporary Hold of FY22 FMRs for Boston-Cambridge-Quincy Metro Area and Franklin County Area:

- During the challenge and review period (estimated Oct-Feb), HUD will hold FY22 FMRs & FY21 FMRs will remain in effect
- See emails 10/14 & 12/9/21

New Unit Approvals VII. A. 3. a. ii. A. (p33); 760 CMR 38.07

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### Maximum Allowable Rent Criteria

Rent Reasonable
Maximum Allowable Rent
110.0% FMR
Effective Date
Town
Approved Size
Utility Allowance
Effective Date
Local Chart
Approved Size
Calculating Maximum Allowable

## FMR - Town

Look up at HUD website for the Town where unit is located

Example:

- If Brockton Housing Authority is administering unit in Plymouth, use Plymouth FMR

New Unit Approvals VII. A. 3. a. ii. A. (p33); 760 CMR 38.07

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### Maximum Allowable Rent Criteria

Rent Reasonable
Maximum Allowable Rent
110.0% FMR
Effective Date
Town
Approved Size
Utility Allowance
Effective Date
Local Chart
Approved Size
Calculating Maximum Allowable

## FMR – Approved Size, Determination

Use FMR based on approved voucher size, # of bedrooms in unit, or # of approved clients, whichever lesser

Examples:

- 1 bed voucher, 2 bed unit, 1 client = 1 bed FMR
- 1 bed voucher, studio unit, 1 client = studio FMR
- 2 - 1 bed vouchers, 3 bed unit, 2 clients = 2 bed FMR

New Unit Approvals VII. A. 3. a. ii. A. (p33); 760 CMR 38.07

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### Maximum Allowable Rent Criteria

Rent Reasonable
Maximum Allowable Rent
110.0% FMR
Effective Date
Town
Approved Size
Utility Allowance
Effective Date
Local Chart
Approved Size
Calculating Maximum Allowable

## FMR – Approved Size, Calculation

- SRO = 75% Studio
- For larger than 4 bed, +15% for each additional bed

Example:

- If 4 bed = \$1000, then 6 bed =  $1000 \times 1.30 = \$1300$

New Unit Approvals VII. A. 3. a. ii. A. (p33); 760 CMR 38.07

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### Maximum Allowable Rent Criteria

Rent Reasonable
Maximum Allowable Rent
110.0% FMR
Effective Date
Town
Approved Size
Utility Allowance
Effective Date
Local Chart
Approved Size
Calculating Maximum Allowable

## FMR – Approved Size, GLEs

- Historically, sometimes SRO FMR or alternative payment standards were applied to GLE instead of Multi bedroom FMR, often on a single lease
- Leasing and unit reviews must accurately match unit type (SRO vs multibed) – Contact DHCD
- Example: For 5 bed unit, SRO FMR x 5 instead of 5 bed FMR

New Unit Approvals VII. A. 3. a. ii. A. 4. (p34); 760 CMR 38.07

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### Maximum Allowable Rent Criteria

Rent Reasonable
Maximum Allowable Rent
110.0% FMR
Effective Date
Town
Approved Size
Utility Allowance
Effective Date
Local Chart
Approved Size
Calculating Maximum Allowable

## 110.0% Fair Market Rent (FMR)

Calculate Max of 110.0% FMR based on:

- FMR effective for Lease Start date
- Town where unit is located
- Approved Size

<https://www.huduser.gov/portal/datasets/fmr.html>

New Unit Approvals VII. A. 3. a. ii. A. (p33); 760 CMR 38.07

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### Maximum Allowable Rent Criteria

- Rent Reasonable
- Maximum Allowable Rent
- 110.0% FMR
- Effective Date
- Town
- Approved Size
- Utility Allowance
- Effective Date
- Local Chart
- Approved Size
- Calculating Maximum Allowable

### Utility Allowance (UA)

Calculate Utility Allowance based on:

- UA chart effective for date of Lease Start date
- Local UA chart provided by AA
- Approved Size

New Unit Approvals VII. A. 3. a. ii. B. (p34); 760 CMR 38.07

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### Maximum Allowable Rent Criteria

- Rent Reasonable
- Maximum Allowable Rent
- 110.0% FMR
- Effective Date
- Town
- Approved Size
- Utility Allowance
- Effective Date
- Local Chart
- Approved Size
- Calculating Maximum Allowable

### Utility Allowance (UA) – Effective Date

Use the UA chart effective at the time of the Least Start date

Example:

- If RFLA Submitted 8/10/2018, Approved 9/25/18, Effective 11/1/18
- Then use UA chart effective in 11/1/18

New Unit Approvals VII. A. 3. a. ii. B. 1. (p34); 760 CMR 38.07

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### Maximum Allowable Rent Criteria

- Rent Reasonable
- Maximum Allowable Rent
- 110.0% FMR
- Effective Date
- Town
- Approved Size
- Utility Allowance
- Effective Date
- Local Chart
- Approved Size
- Calculating Maximum Allowable

### Utility Allowance (UA) – Local Chart

- Each AA provides the local UA chart, either for region or specific town
- Can use other local UA chart if consistently do so

Examples:

- If Metro Housing | Boston is administering unit in Arlington, may use regional UA chart
- If Brockton Housing Authority is administering unit in Plymouth, may use Plymouth UA chart

New Unit Approvals VII. A. 3. a. ii. B. 2. (p34); 760 CMR 38.07

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### Maximum Allowable Rent Criteria

- Rent Reasonable
- Maximum Allowable Rent
- 110.0% FMR
- Effective Date
- Town
- Approved Size
- Utility Allowance
- Effective Date
- Local Chart
- Approved Size
- Calculating Maximum Allowable

### UA – Approved Size, Determination

Use rate based on approved voucher size, # of bedrooms in unit, or # of approved clients, whichever lesser

Examples:

- 1 bed voucher, 2 bed unit, 1 client = 1 bed UA
- 1 bed voucher, studio unit, 1 client = studio UA
- 2 - 1 bed vouchers, 3 bed unit, 2 clients = 2 bed UA

New Unit Approvals VII. A. 3. a. ii. B. 3. (p34); 760 CMR 38.07

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### Maximum Allowable Rent Criteria

- Rent Reasonable
- Maximum Allowable Rent
- 110.0% FMR
- Effective Date
- Town
- Approved Size
- Utility Allowance
- Effective Date
- Local Chart
- Approved Size
- Calculating Maximum Allowable

### UA – Approved Size, Calculation

- For larger units, continue pattern of calculation for appropriate unit size
- Contact DHCD for GLEs

From Existing Chart				Calculated by Continuing the Pattern					
1 bed	2 bed	3 bed	4 bed	5 bed	6 bed	7 bed	8 bed	9 bed	10 bed
10	15	20	25	30	35	40	45	50	55

10 bed rate calculated by continuing pattern (Not 1 bed x 10, or 2 bed x 5)

New Unit Approvals VII. A. 3. a. ii. B. 3-4. (p34); 760 CMR 38.07

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### Maximum Allowable Rent Criteria

- Rent Reasonable
- Maximum Allowable Rent
- 110.0% FMR
- Effective Date
- Town
- Approved Size
- Utility Allowance
- Effective Date
- Local Chart
- Approved Size
- Calculating Maximum Allowable

### Utility Allowance (UA)

Calculate Utility Allowance based on:

- UA chart effective for date of Lease Start date
- Local UA chart provided by AA
- Approved Size

New Unit Approvals VII. A. 3. a. ii. B. (p34); 760 CMR 38.07

84

Maximum Allowable Rent Criteria

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- Calculated by AA using New Unit Review Form

Contract Rent Amounts are Restricted these Criteria:

- Rent Reasonable
- Maximum Allowable Rent = 110.0% FMR – Utility Allowance
  - UA required in calculation, even if SP decides not to pass along to Sponsor based Client (UA Not used in calculating Client's occupancy charge)

New Unit Approvals VII. A. 3. a. (p33);  
 Operating Documents VII. F. 4. (p45);  
 760 CMR 38.07

85

Maximum Allowable Rent Criteria

86

**Approvals**

- If “Yes” to ALL questions on New Unit Review Form, approve in box and sign off

**Alternative Offer**

- If “No” to Q3 or 4, then may offer lower amount that meets criteria
- AA must notify SP to assist
- Notify PO of 5 business days to respond
- Complete Alternative Offer Box on Review Form
- Proceed with Approval or Denial as applicable

New Unit Approvals VII. A. 3. a. (p33);  
 Operating Documents VII. F. 4. (p45);  
 760 CMR 38.07

86

AA Review - Alternative Offers - Example

87

Request

- Requested Rent \$1300
- Rent Reasonable \$1175-\$1300
- FMR \$1215
- UA \$50

Unacceptable

- Rent Reasonable: <= \$1300 Yes
- Max Allowable Rent:  $(1215 \times 110\%) - 50 = \$1286$  No

Alternative Offer

- Maximum Offer = \$1286

New Unit Approvals VII. A. 3. a. iii. (p35);  
 Operating Documents VII. F. 4. (p45);  
 760 CMR 38.07

87

Maximum Allowable Rent Criteria

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**Denials**

- If “No” to ANY questions on Review Form & alternative offer declined or not applicable, Deny in box & sign off
- For Sponsor based:
  - AA sends written notice to PO, cc to SP (Not DMH or DHCD) to restart search
- For Tenant based:
  - Also “Restart the clock” & extend expiration date on voucher with remaining time to search & submit another unit

New Unit Approvals VII. A. 3. a. iii. (p35);  
 Operating Documents VII. F. 4. (p45);  
 760 CMR 38.07

88

Initial Inspection

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- Sponsor based Unit
  - DMH Licensing within last 12mos provided by DMH HC (Lead as needed)
- Sponsor to Tenant based Conversion in Same Unit
  - DMH Licensing within last 12mos provided by DMH HC
  - Or Board of Health Inspection provided by PO
  - Or HQS Inspection by AA
  - Lead certificate as needed
- Tenant based Unit, or Sponsor to Tenant based in Different Unit
  - Board of Health Inspection provided by PO
  - Or HQS Inspection by AA
  - Lead certificate as needed

New Unit Approvals VII. A. 3. b. (p35);  
 Inspections VII. E. (p42);  
 760 CMR 38.03 & 38.04

89

New Unit Approvals

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3. AA Review & Response:

- Calculate Maximum Allowable Rent & Approve Requested Contract Rent
- Confirm Inspection
- Confirm Ownership/Payment Arrangements
- Lease Up (Calculate Occupancy Charge, Provide Leasing Documents)

New Unit Approvals VII. A. 3. (p33)

90

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Lease Up

- AA calculates Occupancy Charge
- AA provides Leasing Documents and/or Information
- SP/CM notifies AA of Client move in date
- SP/CM meets with Client within 3days
- SP/CM obtains PO signature/returns documents to AA within 60days

New Unit Approvals VII. A. 3. d. (p36)

91

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Occupancy Charge

AA calculates Occupancy Charge:

- If Client does Not pay Heat or Utilities = 35%
- If Client pays Heat with or without other Utilities = Heat deduction & 30%
- If Client pays other Utilities but Not Heat = 30%

New Unit Approvals VII. A. 3- d. (p36);  
Operating Documents VII. F. 3. (p45);  
760 CMR 38.07 & 760 CMR 6.05

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Sponsor Based Lease Up

1. Sponsor based Lease (+ PO's Addendum)  
or PO's Lease + Sponsor based Lease Addendum with SP & PO
2. Voucher Payment Contract (marked Sponsor based) with AA & PO
3. Rent Share Notification to PO, SP, Client
4. Sponsor based Voucher with AA & SP (if not yet done so)
5. (Occupancy Agreement with SP & Client)

- SP/CM meets Client and explains tenancy & participation obligations
- #3-4 by AA, 1-2 by AA or SP, 5 by SP
- Compliance within 15mos

New Unit Approvals VII. A. 3. d. ii. (p37);  
Operating Documents VII. F. 6. a. (p46);  
760 CMR 38.08

93

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Tenant Based Lease Up

1. Tenant based Lease (+ PO's Addendum)  
or PO's Lease + Tenant based Lease Addendum with Client & PO
2. Voucher Payment Contract (marked Tenant based) with AA & PO
3. Rent Share Notification to PO, SP, Client
4. (Participation Agreement with SP & Client)

- SP/CM meets Client and explains lease & program requirements
- #3 by AA, 1-2 by AA or SP, 4 by SP

New Unit Approvals VII. A. 3. d. iii. (p38);  
Operating Documents VII. F. 6. b. (p46);  
760 CMR 38.08

94

95

Lease Up


- AA calculates Occupancy Charge
- AA provides Leasing Documents and/or Information
- SP/CM notifies AA of Client move in date
- SP/CM meets with Client within 3days
- SP/CM obtains PO signature/returns documents to AA within 60days

New Unit Approvals VII. A. 3. d. (p36)

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New Unit Approvals Questions



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97

## Initial Inspection

- Sponsor based Unit**
  - DMH Licensing within last 12mos provided by DMH HC (Lead as needed)
- Sponsor to Tenant based Conversion in Same Unit**
  - DMH Licensing within last 12mos provided by DMH HC
  - Or Board of Health Inspection provided by PO
  - Or HQS Inspection by AA
  - Lead certificate as needed
- Tenant based Unit, or Sponsor to Tenant based in Different Unit**
  - Board of Health Inspection provided by PO
  - Or HQS Inspection by AA
  - Lead certificate as needed

New Unit Approvals VII. A. 3. b. (p39);  
 Inspections VII. E. (p42);  
 760 CMR 38.03 & 38.04

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## Subsequent Inspection

- Sponsor based Unit**
  - DMH Licensing at least every 12mos provided by DMH HC
- Sponsor to Tenant based Conversion in Same Unit**
  - If initially DMH Licensing, No subsequent inspection unless concern
  - If initially other type, subsequent as needed dependent on type of initial inspection – check with inspecting agency
- Tenant based Unit, or Sponsor to Tenant based in Different Unit**
  - As needed, dependent on type of initial inspection – check with inspecting agency
- AA responsible to confirm and file, suspend payments as necessary
- Lead certificate as needed

Inspections VII. E. (p42);  
 760 CMR 38.03 & 38.04

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## Inspections Questions

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### Department of Mental Health Rental Subsidy (DMHRSP)

### FY19 Regulations & Guidance Refresher Training

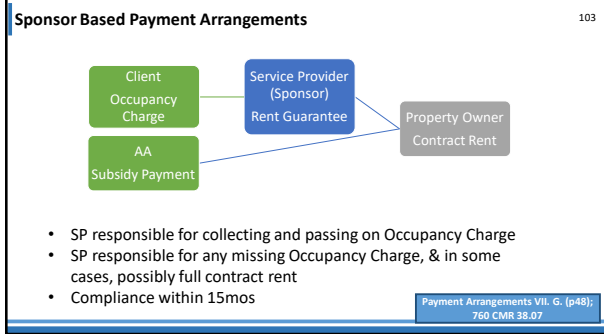
January 2022

One Hour Lunch Break

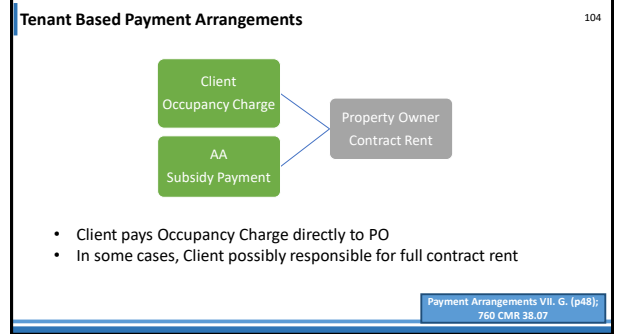
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## Payments

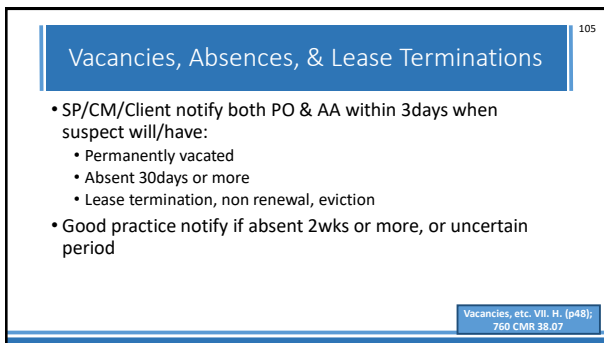
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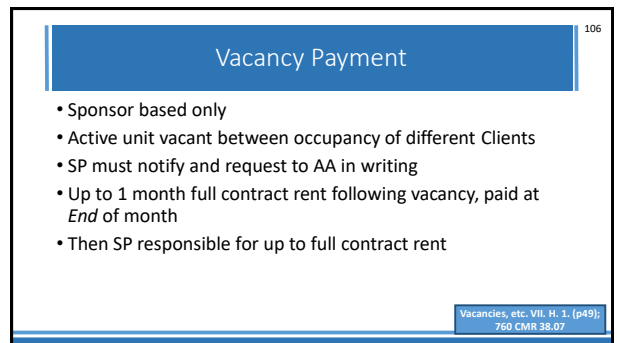
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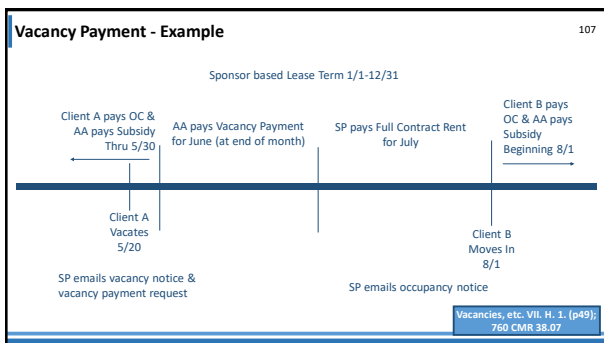
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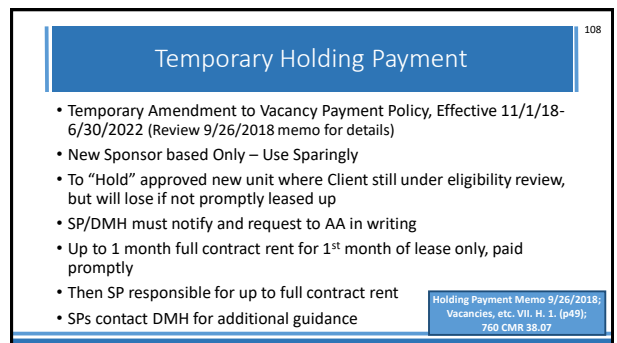
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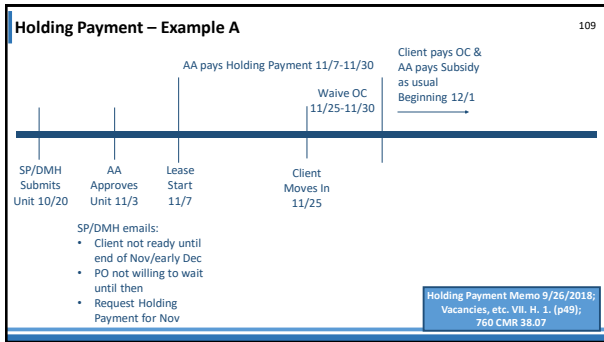
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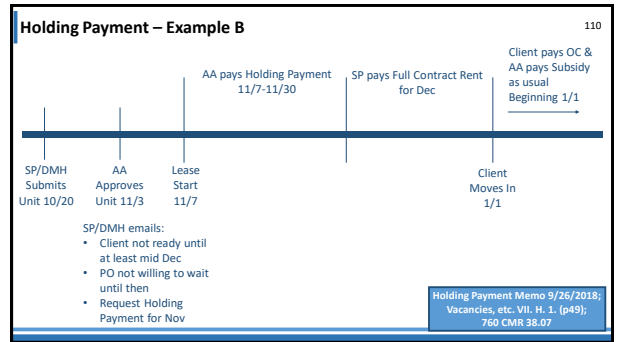
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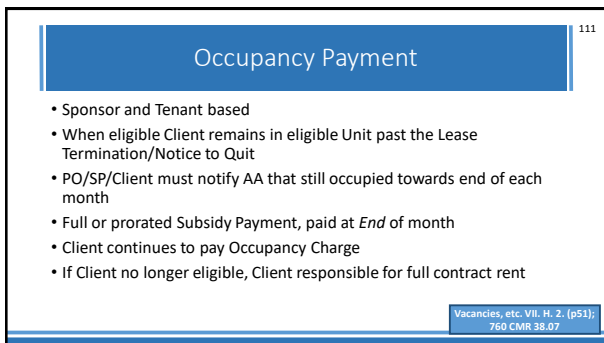
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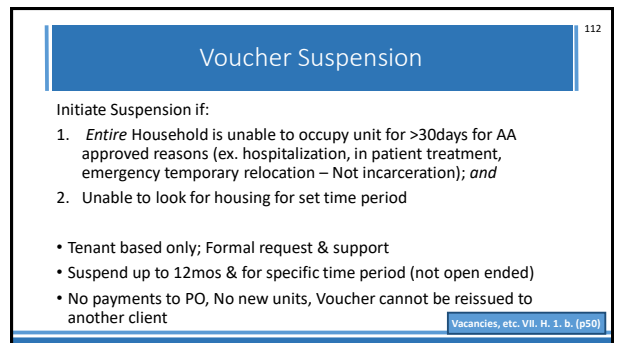
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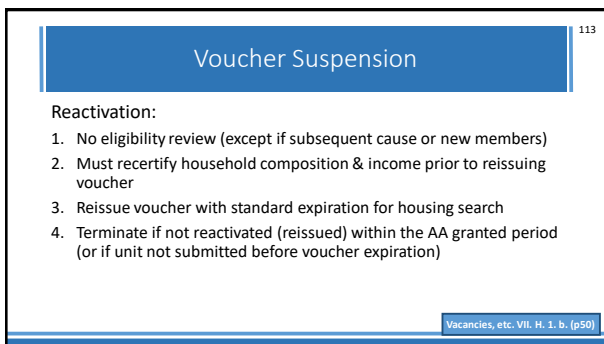
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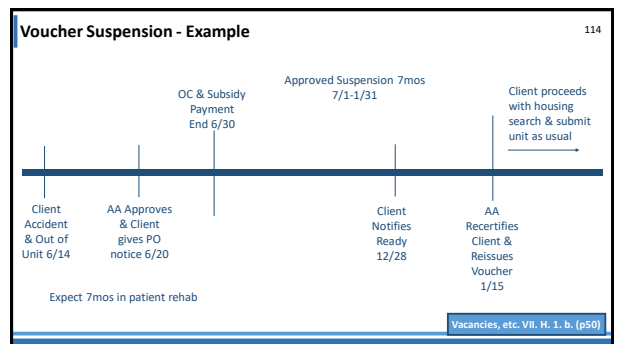
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112



113



114



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## Submission Criteria

Property Owner should consider these criteria before submitting:

- 12 Month Limit
- Renewal/Anniversary Effective Date
- 2 Month Notice
- Expected to be Acceptable
  - (5% Maximum Increase – Discontinued 5/1/2021)
  - Market Reasonable
- Unsolicited

(Questions #1-6 on Rent Increase Review Form)

Rent Increase VII. I. 1. 4. (p52); 760 CMR 38.07

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## 12 Month Limit

A rent increase has not been implemented within last 12mos

### Submission Criteria

- 12 Month Limit
- Renewal/Anniversary Effective Date
- 2 Month Notice
- Expected to be Acceptable
- 5% Maximum Increase
- Market Reasonable
- Unsolicited

Rent Increase VII. I. 1. 4. (p52); 760 CMR 38.07

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## 12 Month Limit – Practice A

- Can this new request be considered?
- If not, when is the earliest a rent increase can be considered?

Last Increase: Requested 3/1/17	Last Increase: Approved 7/1/17	Last Increase: Effective 8/1/17	New Increase: Requested 4/15/18	New Increase: Effective 7/1/18	A rent increase can only be considered if the Effective Date is 8/1/18 or later
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Last rent increase is still effective 8/1/17-7/31/18

Rent Increase VII. I. 1. 4. (p52); 760 CMR 38.07

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## 12 Month Limit – Practice B

- Can this new request be considered?
- If not, when is the earliest a rent increase can be considered?

Prior Request: Requested 1/1/17	Prior Request: Effective 2/1/17	Prior Request: Approved 3/1/17	Most Recent Request: Requested 10/1/17	Most Recent Request: Effective 12/1/17	Most Recent Request: Denied 1/20/18	New Increase: Requested 4/15/18	New Increase: Effective 7/1/18	Yes
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Last rent increase lockout period 2/1/17-1/31/18

A new increase Effective 2/1/18 or later can be considered

Rent Increase VII. I. 1. 4. (p52); 760 CMR 38.07

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Submission Criteria

- 12 Month Limit
- Renewal/Anniversary Effective Date
- 2 Month Notice
- Expected to be Acceptable
- 5% Maximum Increase
- Market Reasonable
- Unsolicited

### Renewal/Anniversary Effective Date

Rent Increases Effective Dates only on Renewal (Expiring Lease) or Anniversary (Multi-Year Lease) Dates

Examples:

- 1yr Lease/Extension 2/1/17-1/31/2018 = Renewal Date 2/1/18
- 5yr Lease/Extension 4/1/15-3/31/20 = Anniversary Date 4/1/18 and 4/1/19

Rent Increase VII. I. 1. 4. (p52); 760 CMR 38.07

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Submission Criteria

- 12 Month Limit
- Renewal/Anniversary Effective Date
- 2 Month Notice
- Expected to be Acceptable
- 5% Maximum Increase
- Market Reasonable
- Unsolicited

### 2 Month Notice

- 2 Full Calendar Months Notice prior to Effective Date (Renewal/Anniversary Date)
- Sufficient time for AA to process and give required 1mo notice of decision

Example:

- For Effective Date 11/1, Notice must be dated by End of Aug (no later than 9/1)

Rent Increase VII. I. 1. 4. (p52); 760 CMR 38.07

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### 2 Month Notice - Practice

2 Full Calendar Months

For Effective Date 8/1, what is the latest acceptable Notice Date?

For Effective Date 8/1, the Notice must be dated by end of May (No later than 6/1)

Rent Increase VII. I. 1. 4. (p52); 760 CMR 38.07

123

Submission Criteria

- 12 Month Limit
- Renewal/Anniversary Effective Date
- 2 Month Notice
- Expected to be Acceptable
- 5% Maximum Increase
- Market Reasonable
- Unsolicited

### Expected to be Acceptable

Property Owner should only submit if PO believes the new rent is:

- (Within 5.0% Increase – Discontinued 5/1/2021)
- Market Reasonable

Rent Increase VII. I. 1. 4. (p52); 760 CMR 38.07

124

Submission Criteria

- 12 Month Limit
- Renewal/Anniversary Effective Date
- 2 Month Notice
- Expected to be Acceptable
- 5% Maximum Increase
- Market Reasonable
- Unsolicited

### Unsolicited

Property Owner requests should be unsolicited

Rent Increase VII. I. 1. 4. (p52); 760 CMR 38.07

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### Submission Criteria

Property Owner should consider these criteria before submitting:

- 12 Month Limit
- Renewal/Anniversary Effective Date
- 2 Month Notice
- Expected to be Acceptable
  - (5% Maximum Increase – Discontinued 5/1/2021)
  - Market Reasonable
- Unsolicited

(Questions #1-6 on Rent Increase Review Form)

Rent Increase VII. I. 1. 4. (p52); 760 CMR 38.07

126

Maximum Allowable Rent Increase Criteria

- Calculated by AA
- Questions #7-8 on Rent Increase Review Form

Rent Increase Amounts are Restricted to All Three Criteria:

- Rent Reasonable
- (5.0% Maximum Increase – Discontinued 5/1/2021)
- Maximum Allowable Rent = 110.0% FMR – Utility Allowance

Rent Increase VII, I. 1. 5. (p52); 760 CMR 38.07

127

Maximum Allowable Rent Increase Criteria

Rent Reasonable

5.0% Maximum Increase

Maximum Allowable Rent

110.0% FMR

Effective Date

Town

Approved Size

Utility Allowance

Effective Date

Local Chart

Approved Size

Calculating Maximum Allowable

Rent Reasonable

Determined reasonable by AA's market analysis:

- Uniform Process to compare rents
- Compare Unsubsidized units only
- Compare on Size, Location, Condition, etc.
- AA determines which to compare

Rent Increase VII, I. 1. 5. (p52); 760 CMR 38.07

128

Maximum Allowable Rent Increase Criteria

Rent Reasonable

5.0% Maximum Increase

Maximum Allowable Rent

110.0% FMR

Effective Date

Town

Approved Size

Utility Allowance

Effective Date

Local Chart

Approved Size

Calculating Maximum Allowable

110.0% Fair Market Rent (FMR)

Calculate Max of 110.0% FMR based on:

- FMR effective for Rent Increase effective date
- Town where unit is located
- Approved Size

<https://www.huduser.gov/portal/dataset/s/fmr.html>

Rent Increase VII, I. 1. 5. (p52); 760 CMR 38.07

129

Maximum Allowable Rent Increase Criteria

Rent Reasonable

5.0% Maximum Increase

Maximum Allowable Rent

110.0% FMR

Effective Date

Town

Approved Size

Utility Allowance

Effective Date

Local Chart

Approved Size

Calculating Maximum Allowable

FMR - Effective Date

- Use the FMR effective (Federal FY 10/1) at the time of the rent increase effective date

Example:

- If Rent Increase Requested 8/10/2018, Approved 9/25/18, Effective 11/1/18
- Then use FY19 FMR (which started 10/1/18)

Rent Increase VII, I. 1. 5. (p52); 760 CMR 38.07

130

Maximum Allowable Rent Increase Criteria

Rent Reasonable

5.0% Maximum Increase

Maximum Allowable Rent

110.0% FMR

Effective Date

Town

Approved Size

Utility Allowance

Effective Date

Local Chart

Approved Size

Calculating Maximum Allowable

FMR - Effective Date

HUD Temporary Hold of FY22 FMRs for Boston-Cambridge-Quincy Metro Area and Franklin County Area:

- During the challenge and review period (estimated Oct-Feb), HUD will hold FY22 FMRs & FY21 FMRs will remain in effect
- See emails 10/14 & 12/9/21

Rent Increase VII, I. 1. 5. (p52); 760 CMR 38.07

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Maximum Allowable Rent Increase Criteria

Rent Reasonable

5.0% Maximum Increase

Maximum Allowable Rent

110.0% FMR

Effective Date

Town

Approved Size

Utility Allowance

Effective Date

Local Chart

Approved Size

Calculating Maximum Allowable

FMR - Town

Look up at HUD website for the Town where unit is located

Examples:

- If Brockton Housing Authority is administering unit in Plymouth, use Plymouth FMR

Rent Increase VII, I. 1. 5. (p52); 760 CMR 38.07

132

Maximum Allowable Rent Increase Criteria

Rent Reasonable  
5.0% Maximum Increase  
Maximum Allowable Rent  
110.0% FMR

Effective Date  
Town

Approved Size

Utility Allowance  
Effective Date  
Local Chart  
Approved Size

Calculating Maximum Allowable

### FMR – Approved Size, Determination

Use FMR based on approved voucher size, # of bedrooms in unit, or # of approved clients, whichever lesser

Examples:

- 1 bed voucher, 2 bed unit, 1 client = 1 bed FMR
- 1 bed voucher, studio unit, 1 client = studio FMR
- 2 - 1 bed vouchers, 3 bed unit, 2 clients = 2 bed FMR

Rent Increase VII. I. 1. 5. (p52); 760 CMR 38.07

133

Maximum Allowable Rent Increase Criteria

Rent Reasonable  
5.0% Maximum Increase  
Maximum Allowable Rent  
110.0% FMR

Effective Date  
Town

Approved Size

Utility Allowance  
Effective Date  
Local Chart  
Approved Size

Calculating Maximum Allowable

### FMR – Approved Size, Calculation

- SRO = 75% Studio
- For larger than 4 bed, +15% for each additional bed

Example:

- If 4 bed = \$1000, then 6 bed =  $1000 \times 1.30 = \$1300$

Rent Increase VII. I. 1. 5. (p52); 760 CMR 38.07

134

Maximum Allowable Rent Increase Criteria

Rent Reasonable  
5.0% Maximum Increase  
Maximum Allowable Rent  
110.0% FMR

Effective Date  
Town

Approved Size

Utility Allowance  
Effective Date  
Local Chart  
Approved Size

Calculating Maximum Allowable

### FMR – Approved Size, GLEs

- Historically, sometimes SRO FMR or alternative payment standards were applied to GLE instead of Multi bedroom FMR, often on a single lease
- Leasing and unit reviews must accurately match unit type (SRO vs multibed) – Contact DHCD
- Example: For 5 bed unit, SRO FMR x 5 instead of 5 bed FMR

Rent Increase VII. I. 1. 5. c. i. (p53); 760 CMR 38.07

135

Maximum Allowable Rent Increase Criteria

Rent Reasonable  
5.0% Maximum Increase  
Maximum Allowable Rent  
110.0% FMR

Effective Date  
Town

Approved Size

Utility Allowance  
Effective Date  
Local Chart  
Approved Size

Calculating Maximum Allowable

### FMR – Approved Size, GLE - Example

#7 A-C (4 <sup>th</sup> floor left) – 3 DMHRSP Clients	#8 A-C (4 <sup>th</sup> floor right) – 3 DMHRSP Clients
#5 A-C (3 <sup>rd</sup> floor left) – 3 DMHRSP Clients	#6 A-C (3 <sup>rd</sup> floor right) – 3 DMHRSP Clients
#3 A-C (2 <sup>nd</sup> floor left) – 3 DMHRSP Clients	#4 A-C (2 <sup>nd</sup> floor right) – 3 DMHRSP Clients
#1 (ground floor left) – Retail Space	#2 A-C (ground floor right) – Unsubsidized 3 bedroom rented by Non DMHRSP tenants

- 18 DMHRSP Clients in 6 – separate 3 bedroom units (#3-8)
- Historically calculated as 18 x SRO FMR and on 1 lease
- Going forward, recalculated each unit at 3 bedroom FMR and split into 6 leases

Rent Increase VII. I. 1. 5. c. i. (p53); 760 CMR 38.07

136

Maximum Allowable Rent Increase Criteria

Rent Reasonable  
5.0% Maximum Increase  
Maximum Allowable Rent  
110.0% FMR

Effective Date  
Town

Approved Size

Utility Allowance  
Effective Date  
Local Chart  
Approved Size

Calculating Maximum Allowable

### FMR – Approved Size, GLEs

Existing Properties will be Grandfathered:

- Current Rent Maintained if No Change
- Any Rent Increase must meet New Standards
- Contact DHCD Coordinator Promptly

Rent Increase VII. I. 1. 5. c. i. (p53); 760 CMR 38.07

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Maximum Allowable Rent Increase Criteria

Rent Reasonable  
5.0% Maximum Increase  
Maximum Allowable Rent  
110.0% FMR

Effective Date  
Town

Approved Size

Utility Allowance  
Effective Date  
Local Chart  
Approved Size

Calculating Maximum Allowable

### Questions

Calculate Max of 110% FMR based on:

- FMR effective for date of rent increase effective date
- Town where unit is located
- Approved Size

<https://www.huduser.gov/portal/datasets/fmr.html>

Rent Increase VII. I. 1. 5. (p52); 760 CMR 38.07

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Maximum Allowable Rent Increase Criteria

Rent Reasonable  
5.0% Maximum Increase  
Maximum Allowable Rent  
110.0% FMR

Effective Date  
Town  
Approved Size

Utility Allowance

Effective Date  
Local Chart  
Approved Size

Calculating Maximum Allowable

### Utility Allowance (UA)

Calculate Utility Allowance based on:

- UA chart effective for date of rent increase effective date
- Local UA chart provided by AA
- Approved Size

Rent Increase VII. I. 1. 5. (p52);  
760 CMR 38.07

139

Maximum Allowable Rent Increase Criteria

Rent Reasonable  
5.0% Maximum Increase  
Maximum Allowable Rent  
110.0% FMR

Effective Date  
Town  
Approved Size

Utility Allowance

Effective Date  
Local Chart  
Approved Size

Calculating Maximum Allowable

### Utility Allowance (UA) – Effective Date

Use the UA chart effective at the time of the rent increase effective date

Example:

- If Rent Increase Requested 8/10/2018, Approved 9/25/18, Effective 11/1/18
- Then use UA chart effective in 11/1/18

Rent Increase VII. I. 1. 5. (p52);  
760 CMR 38.07

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Maximum Allowable Rent Increase Criteria

Rent Reasonable  
5.0% Maximum Increase  
Maximum Allowable Rent  
110.0% FMR

Effective Date  
Town  
Approved Size

Utility Allowance

Effective Date  
Local Chart  
Approved Size

Calculating Maximum Allowable

### Utility Allowance (UA) – Local Chart

- Each AA provides the local UA chart, either for region or specific town
- Can use other local UA chart if consistently do so

Examples:

- If Metro Housing | Boston is administering unit in Arlington, may use regional UA chart
- If Brockton Housing Authority is administering unit in Plymouth, may use Plymouth UA chart

Rent Increase VII. I. 1. 5. (p52);  
760 CMR 38.07

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Maximum Allowable Rent Increase Criteria

Rent Reasonable  
5.0% Maximum Increase  
Maximum Allowable Rent  
110.0% FMR

Effective Date  
Town  
Approved Size

Utility Allowance

Effective Date  
Local Chart  
Approved Size

Calculating Maximum Allowable

### UA – Approved Size, Determination

Use rate based on approved voucher size, # of bedrooms in unit, or # of approved clients, whichever lesser

Examples:

- 1 bed voucher, 2 bed unit, 1 client = 1 bed UA
- 1 bed voucher, studio unit, 1 client = studio UA
- 2 - 1 bed vouchers, 3 bed unit, 2 clients = 2 bed UA

Rent Increase VII. I. 1. 5. (p52);  
760 CMR 38.07

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Maximum Allowable Rent Increase Criteria

Rent Reasonable  
5.0% Maximum Increase  
Maximum Allowable Rent  
110.0% FMR

Effective Date  
Town  
Approved Size

Utility Allowance

Effective Date  
Local Chart  
Approved Size

Calculating Maximum Allowable

### UA – Approved Size, Calculation

For larger units, continue pattern of calculation for appropriate unit size

From Existing Chart				Calculated by Continuing the Pattern					
1 bed	2 bed	3 bed	4 bed	5 bed	6 bed	7 bed	8 bed	9 bed	10 bed
10	15	20	25	30	35	40	45	50	55

10 bed rate calculated by continuing pattern (Not 1 bed x 10, or 2 bed x 5)

Rent Increase VII. I. 1. 5. (p52);  
760 CMR 38.07

143

Maximum Allowable Rent Increase Criteria

Rent Reasonable  
5.0% Maximum Increase  
Maximum Allowable Rent  
110.0% FMR

Effective Date  
Town  
Approved Size

Utility Allowance

Effective Date  
Local Chart  
Approved Size

Calculating Maximum Allowable

### UA – Approved Size, GLEs

Historically, SRO or alternative UA rates sometimes applied to Group Living Environments (GLEs) instead of Multi bedroom FMR

Example:

- For 5 bed unit, SRO UA x 5 instead of 5 bed UA

Rent Increase VII. I. 1. 5. c. i. (p53);  
760 CMR 38.07

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### Maximum Allowable Rent Increase Criteria

- Rent Reasonable
- 5.0% Maximum Increase
- Maximum Allowable Rent
- 110.0% FMR
- Effective Date
- Town
- Approved Size
- Utility Allowance
- Effective Date
- Local Chart
- Approved Size
- Calculating Maximum Allowable

## UA – Approved Size, GLEs

Existing Properties will be Grandfathered:

- Calculate using applicable UA for record but Current Rent Maintained if otherwise No Changes
- Any Rent Increase must meet New Standards
- Contact DHCD Coordinator Promptly

Rent Increase VII. I. 1. 5. c. i. (p53); 760 CMR 38.07

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### Maximum Allowable Rent Increase Criteria

- Rent Reasonable
- 5.0% Maximum Increase
- Maximum Allowable Rent
- 110.0% FMR
- Effective Date
- Town
- Approved Size
- Utility Allowance
- Effective Date
- Local Chart
- Approved Size
- Calculating Maximum Allowable

## Questions

Calculate Utility Allowance based on:

- UA chart effective for date of rent increase effective date
- Local UA chart provided by AA
- Approved Size

Rent Increase VII. I. 1. 5. (p52); 760 CMR 38.07

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### Maximum Allowable Rent Increase Criteria

- Rent Reasonable
- 5.0% Maximum Increase
- Maximum Allowable Rent
- 110.0% FMR
- Effective Date
- Town
- Approved Size
- Utility Allowance
- Effective Date
- Local Chart
- Approved Size
- Calculating Maximum Allowable

## Calculating Maximum Allowable Rent

- Maximum Allowable Rent = 110.0% FMR – Utility Allowance
- UA required in calculation, even if SP decides not to pass along to Sponsor based Client (UA Not used in calculating Client's occupancy charge)
- If already at or above Max Allowable Rent, No rent increase allowed (but Not need to reduced)

Rent Increase VII. I. 1. 5. (p52); 760 CMR 38.07

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### Maximum Allowable Rent Increase Criteria

- Rent Reasonable
- 5.0% Maximum Increase
- Maximum Allowable Rent
- 110.0% FMR
- Effective Date
- Town
- Approved Size
- Utility Allowance
- Effective Date
- Local Chart
- Approved Size
- Calculating Maximum Allowable

## Maximum Allowable Rent Increase Criteria

- Calculated by AA
- Questions #7-8 on Rent Increase Review Form

Rent Increase Amounts are Restricted to All Three Criteria:

- Rent Reasonable
- (5.0% Maximum Increase – Discontinued 5/1/2021)
- Maximum Allowable Rent = 110.0% FMR – Utility Allowance

Rent Increase VII. I. 1. 5. (p52); 760 CMR 38.07

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### Maximum Allowable Rent Increase Criteria

- Rent Reasonable
- 5.0% Maximum Increase
- Maximum Allowable Rent
- 110.0% FMR
- Effective Date
- Town
- Approved Size
- Utility Allowance
- Effective Date
- Local Chart
- Approved Size
- Calculating Maximum Allowable

## Rent Increase Request Procedures

### PO's Request Submission

- Standard Notification to Tenant, cc to AA
- 2mos Notice

### SP and Client's Responsibility

- Forward any notification to AA

### AA's Review and Response

- Determination within 30days at latest
- At least 1mo Notice to PO and SP/Tenant

Rent Increase VII. I. 2. (p53)

149

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### Rent Increase Request Procedures

- Property Owner's Submission
- Service Provider/Client Forwarding
- AA Review and Response
- Confirm Proper Notice
- Complete Review Form
- Approvals
- Alternative Offers
- Denials

## Property Owner's Request Submission

- PO sends standard notification letter directly to Tenant (SP for Sponsor based) with copy to AA
- Includes unit address, current rent, new rent, effective date, reasons for increase; Dated for date mailed/delivered to Tenant
- Should meet Submission Criteria

Rent Increase VII. I. 2. 1. (p53)

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### Rent Increase Request Procedures

- Property Owner's Submission
- Service Provider/Client Forwarding
- AA Review and Response
  - Confirm Proper Notice
  - Complete Review Form
  - Approvals
  - Alternative Offers
  - Denials

## Service Provider/Client Responsibility

- Service Provider/DMH Case Manager and/or Client Forwards Notice to AA within 3 business days

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Rent Increase VII. I. 2. 2. (p53)

151

### Rent Increase Request Procedures

- Property Owner's Submission
- Service Provider/Client Forwarding
- AA Review and Response
  - Confirm Proper Notice
  - Complete Review Form
  - Approvals
  - Alternative Offers
  - Denials

## AA Review and Response

- Confirm Proper Notice
- Complete Review Form
- Approvals, Alternative Offers, Denials

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Rent Increase VII. I. 2. 3. (p54)

152

### Rent Increase Request Procedures

- Property Owner's Submission
- Service Provider/Client Forwarding
- AA Review and Response
  - Confirm Proper Notice
  - Complete Review Form
  - Approvals
  - Alternative Offers
  - Denials

## AA Review – Confirm Proper Notice

- If PO Notice to Tenant (SP on Sponsor based) but not AA, Proceed
- If No Notice to Tenant (SP) even if to AA, then PO must resend so proper notice to Tenant
  - Deny if Tenant Not Included
  - Deny if Improperly Backdated

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Rent Increase VII. I. 2. 3. a. (p54)

153

### Rent Increase Request Procedures

- Property Owner's Submission
- Service Provider/Client Forwarding
- AA Review and Response
  - Confirm Proper Notice
  - Complete Review Form
  - Approvals
  - Alternative Offers
  - Denials

## AA Review – Complete Review Form

- AA expected to fully complete request (review, decision, notification) within 30days at latest as must provide at least 1mo notice
- Questions #1-6 checks Submission Criteria (Standards #3 & 4)
- Questions #1-8 checks Maximum Allowable Rent Increase Criteria (Standards #5)
- Indicate Decision in Boxes and Sign Off

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Rent Increase VII. I. 2. 3. b. (p54)

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### Rent Increase Request Procedures

- Property Owner's Submission
- Service Provider/Client Forwarding
- AA Review and Response
  - Confirm Proper Notice
  - Complete Review Form
  - Approvals
  - Alternative Offers
  - Denials

## AA Review – Approvals

- If "Yes" to ALL questions on Review Form, Approve in box and sign off
- Approval Docs = Notification Letter + New Lease/Lease Amendment
- Contact DHCD for GLE situations

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Rent Increase VII. I. 2. 3. c. (p54)

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### Rent Increase Request Procedures

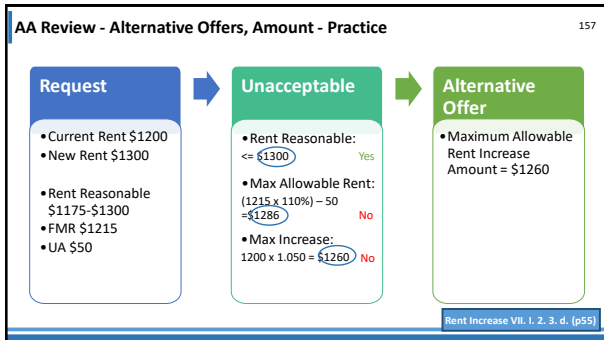
- Property Owner's Submission
- Service Provider/Client Forwarding
- AA Review and Response
  - Confirm Proper Notice
  - Complete Review Form
  - Approvals
  - Alternative Offers
  - Denials

## AA Review – Alternative Offers, Amount

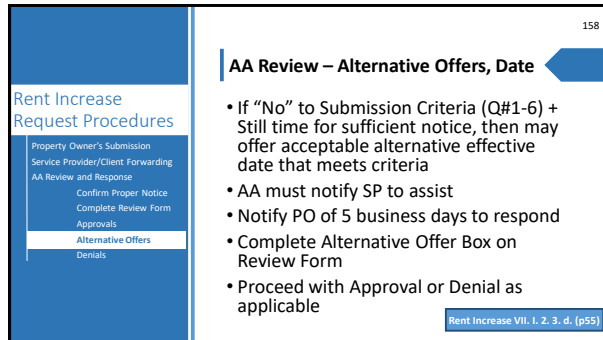
- If "No" to Max Allowable Rent Increase (Q#7-8), then may offer lower amount that meets criteria
- AA must notify SP to assist
- Notify PO of 5 business days to respond
- Complete Alternative Offer Box on Review Form
- Proceed with Approval or Denial as applicable

156
Rent Increase VII. I. 2. 3. d. (p55)

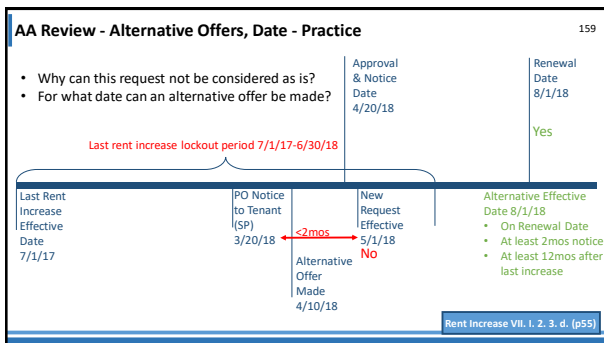
156



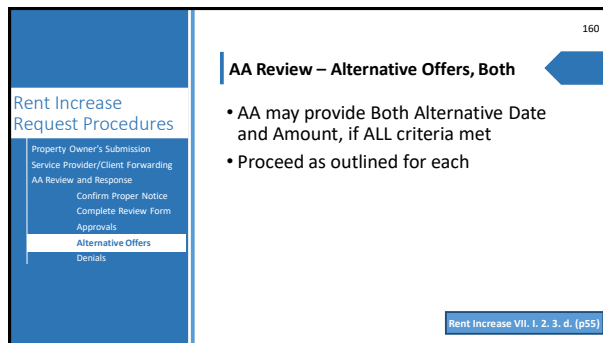
157



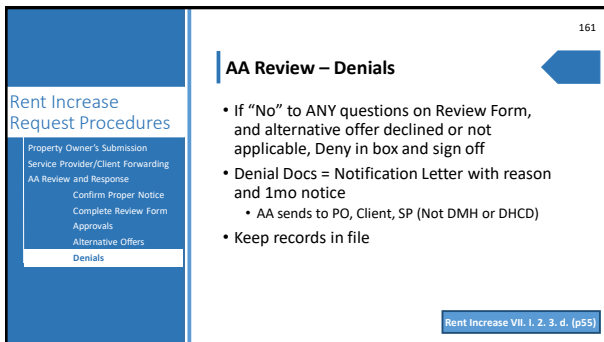
158



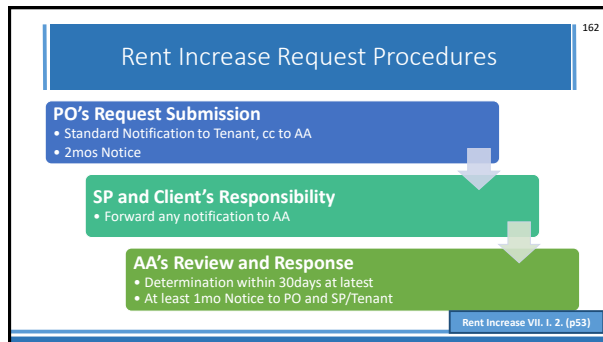
159



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## Rent Increase Policy Questions



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## Annual Recertification & Interim Reexamination



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## Annual Recertification & Interim Reexaminations

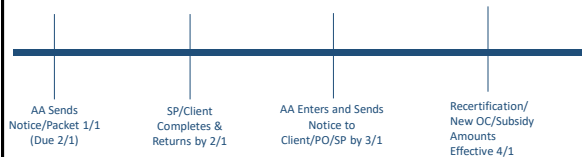
- Uniform packet by AA:
  - To verify Income, Household Composition, & Renew Signatures/Consent
  - Clearly indicate what verifications needed, due date, & possible consequences of failure to complete timely
- Annual Recertification
  - At least every 12mos
  - AA provides 2-3mos notice with at least 3wks to complete
  - Sufficient time for AA to complete & provide at least 1mo notice of change
- Interim Reexamination
  - Relocation, Household Changes, Income Changes (Required at 30%)

Annual Recertification VIII. (p56);  
760 CMR 38.07 (4) & (5)

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## Annual Recertification - Example

Annual Recertification Effective 4/1



Annual Recertification VIII. (p56);  
760 CMR 38.07 (4) & (5)

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## Annual Recertification & Interim Reexaminations

- |  |  |
|--|--|
| <b>Sponsor Based</b> <ul style="list-style-type: none"> <li>• SP/CM Responsible</li> <li>• RA &amp; LAP Available</li> <li>• Late/Incomplete may result in:                             <ul style="list-style-type: none"> <li>• Suspended payment</li> <li>• Retroactive Adjustments</li> <li>• Termination of Voucher from SP</li> <li>• Client Eligibility Unconfirmed</li> </ul> </li> </ul> | <b>Tenant Based</b> <ul style="list-style-type: none"> <li>• Client Responsible with CM</li> <li>• RA &amp; LAP Available</li> <li>• Late/Incomplete may result in:                             <ul style="list-style-type: none"> <li>• Suspended payment</li> <li>• Retroactive Adjustments</li> <li>• Termination of Voucher from Client</li> </ul> </li> </ul> |
|--|--|

Annual Recertification VIII. (p56);  
760 CMR 38.07 (4) & (5)

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## Annual Recertification & Interim Reexamination Questions



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Department of Mental Health Rental Subsidy (DMHRSP)  
FY19 Regulations & Guidance Refresher Training  
January 2022



10 Minute Break



169

## Terminations



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### Causes for Termination

Depending on Sponsor/Tenant based, potential reasons may include, but are not limited to:

- Income
- New Subsidy
- Lease, Occupancy Agreement, Participation Agreement Violations
- For Tenant based, other Conduct & CORI/SORI Issues
- Failure to Recertify
- Voluntary Withdrawal

Terminations IX, A. (p59);  
760 CMR 38.05 (2) & (3)

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### Causes for Termination

Also consider:

- Mitigating Circumstances
- Reasonable Accommodations
- Repayments & Conditional Reinstatement
- Tenant based Transfer to Sponsor based

Terminations IX, A., C., & D. (p59 & 64);  
760 CMR 38.05 (2) & (3)

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### Termination Procedures

- AA termination procedures follow 760 CMR 6.00 & DHCD's DMHRSP Guidance
- SP/CM & DMH termination procedures follow DMH's DMHRSP Guidelines & 104 CMR 29.16 (when applicable)
- Each organization must provide own formal termination notices & procedures, including warning letters, proper written notices to all applicable parties, & notice of opportunity for RA, LAP & appeal

Terminations IX, B. (p59);  
760 CMR 38.05 (2) & (3)

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### Sponsor Based Termination

- Sponsor Based Voucher held by SP & SP chooses eligible Client to reside in unit
- Termination of SP's voucher by AA (failure to recertify)
- Client Ineligibility:
  - SP must notify AA promptly
  - If Income & Program Ineligibility, AA determines and terminates Client
  - If Service related reasons (tenancy violations, noncompliance in OA), SP terminates & notifies AA to end payments (No AA termination)

Terminations IX, B. 2. (p60);  
760 CMR 38.05 (2) & (3)

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## Tenant Based Termination

- Tenant Based Voucher held directly by Client
- SP must notify AA promptly
- If Income & Program Ineligibility, AA determines & terminates Client
- If Service related reasons (tenancy violations, noncompliance in Voucher & PA), 2 terminations required:
  1. First, SP must terminate per DMH Guidelines & notifies AA
  2. Then, AA must terminate from DMHRSP (see specific language in guidance)

Terminations IX, B. 2. (p60);  
760 CMR 38.05 (2) & (3)

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## Appeals

### Termination Originating with SP/DMH

- Appeal to DMH
- SP must notify AA within 3days of both start appeal & final decision
- AA only starts DMHRSP termination after DMH confirms SP/DMH termination upheld
- No appeal to AA or DHCD

### Termination Originating with AA

- Appeal to AA
- Comply with procedures in DHCD's guidance
- Afterwards, may appeal to DHCD

Terminations IX, B. 3. (p61);  
760 CMR 38.05 (2) & (3)

176

## Appeals

- Reactivate payments & voucher during appeal
- No DHCD appeals for:
  - Issues other than termination for program ineligibility originating with AA
  - SP/DMH terminations or issues

Terminations IX, B. 3. (p61);  
760 CMR 38.05 (2) & (3)

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## Terminations Questions



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## Reasonable Accommodations



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## Reasonable Accommodations

- Special accommodation for a person with disability to have equal access to DMHRSP program
- Changes or exceptions to policy, procedure, or service
- Considered reasonable if not create undue financial or administrative burden or result in fundamental alteration in nature of program or services
- Follow your agency's existing RA plan

Reasonable Accommodations X, A. (p66)

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## Reasonable Accommodations Questions



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## Language Assistance Plan



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### Purpose

- Facilitate fair access & understanding of responsibilities & rights of Limited English Proficiency (LEP) persons to the program & services
- Where English is not primary language or limited ability to read/write/speak/understand English

Reasonable Accommodations X. E. (p68)

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### Procedures

- Verbal Interpretation – AA provides interpreters (ex. qualified community volunteers), but Client can also provide replacement or supplement
- Written Translation – When resources allow, AA should translate vital documents (especially if >5% population); other documents via verbal translation
- Always sign official English version

Reasonable Accommodations X. E. (p68)

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## Language Assistance Plan Questions



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### Q&A

- Major Changes & Effective Dates
- Definitions
- Sponsor Based vs Tenant Based
- Eligibility
- Issuance
- New Unit Approvals
- Inspections
- Payments, Vacancies, & Lease Terminations
- Rent Increase Requests
- Recertifications & Interims
- Termination
- Reasonable Accommodations
- Language Assistance Plan

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Department of Mental Health Rental Subsidy (DMHRSP)  
FY19 Regulations & Guidance Refresher Training  
January 2022



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