

HOUSING SITUATION PRIORITY POLICY FOR CSO

I. **STATEMENT OF POLICY.** This Executive Office of Housing and Livable Communities (“EOHLC”) policy creates a fair and consistent standard to be applied to all Homeless Applicants to state-aided public housing, the Alternative Housing Voucher Program (“AHVP”), and Massachusetts Rental Voucher Program (“MRVP”). The goal is for all Homeless Applicants to be treated similarly. Requirements for evidence, documentation, and verification used by the Centralized Screening Office (“CSO”) must be reasonable. Reasonable means they are realistic given the capacities and resources of applicants.

II. **DEFINITIONS.**

- “Homeless Applicant” is defined in 760 CMR 5.03, as further explained in this policy and in the Homeless Priority 1-4 (A-C) Eligibility Checklist.
- “Primary Residence” is defined by 760 CMR 5.03 as the principal home (domicile) intended to be occupied by all members of an applicant household not less than nine months of the year. A home may still be considered a “Primary Residence” even if a household has not or did not live there for nine months.

III. **THE CSO SHALL GRANT PRIORITY 4 – HOUSING SITUATION PRIORITY STATUS AS FOLLOWS:**

(A) **No-Fault Loss of Housing**

A Homeless Applicant is experiencing a no-fault loss of housing when:

- the applicant has been displaced or is about to be displaced from applicant’s Primary Residence; and
- neither the applicant nor any household members are at fault for the displacement.

To be eligible for Priority 4(A) No-Fault Loss of Housing, an applicant must provide the CSO a copy of at least one of the following:

- an official eviction order or other Housing Court, District Court, or Boston Municipal Court judgment; or
- another court document requiring tenant to vacate, such as an agreement between applicant and landlord in an eviction proceeding, including but not limited to an Agreement for Judgment or Agreement of the Parties.

To qualify as “no-fault,” an eviction order or agreement between landlord and applicant must not specify a “for fault” reason for the eviction and cannot list any monetary damages for unpaid rent or damages. An agreement between applicant and landlord is considered “no-fault” as long as the applicant does not owe rent or damages and is not agreeing that they violated their lease.



A Notice to Quit alone is not sufficient documentation for an applicant to be eligible for Priority 4(A) No-Fault Loss of Housing.

(B) **Severe Medical Emergencies**

A Homeless Applicant is experiencing a severe medical emergency when:

- the applicant or member of the applicant household suffers from an illness or injury posing a severe and medically documented threat to life or safety; and
- applicant has provided evidence that the applicant's Primary Residence is or was the cause of the illness or injury or is an impediment to treatment or recovery.

(C) **Abusive Situation**

A Homeless Applicant is experiencing an abusive situation when:

- the applicant or member of the applicant household is a victim of abuse as defined in the Abuse Prevention Act (G.L. c.209A, §1); and
- as a result of the abuse, applicant has been displaced or is about to be displaced from Applicant's Primary Residence, or Applicant is currently experiencing a significant immediate and direct threat to the life and safety of the applicant or a household member associated with their Primary Residence.

The Abuse Prevention Act defines "abuse" as the occurrence of one or more of the following acts between "family or household members":

- attempting to cause or causing physical harm;
- placing another in fear of imminent serious physical harm; or
- causing another to engage involuntarily in sexual relations by force, threat or duress.

"Family or household members" are individuals who are related by blood or marriage, have a child together, or who now or formerly resided in the same household or dated each other.

Even though sexual assault or stalking do not constitute "abuse" as defined in the Abuse Prevention Act, they may qualify an applicant as being in an abusive situation. If an applicant becomes displaced or faces imminent displacement from applicant's Primary Residence as a result of sexual assault or stalking, the applicant may be eligible for abusive situation, even if the sexual assault or stalking was perpetrated by individuals who do not qualify as family or household members as defined in the Abuse Prevention Act.

There is a presumption that victims of abuse did not contribute to their circumstances. Therefore, applicants claiming Abusive Situation cannot be required to demonstrate that they did not cause or contribute to the Abusive Situation or that the applicant pursued available ways to prevent or avoid



the safety-threatening or life-threatening situation by seeking assistance through the courts or appropriate administrative or enforcement agencies.

IV. ADMINISTRATION OF THE POLICY

(A) **Applications.** The CSO will verify all applicant claims of housing situation priority. If the CSO finds the applicant qualifies for the Housing Situation Priority Status, they shall appear with that verified priority status on all waitlists to which they have applied. If an applicant is found not to qualify for Housing Situation Priority Status, the applicant shall be treated as a Standard Applicant.

(B) **Placement.** When an applicant has been determined by the CSO to be eligible for Housing Situation Priority, the applicant shall be offered the next appropriate and available unit at the applicable Local Housing Authority (“LHA”) or Regional Administering Agency (“RAA”), in accordance with the priority ranking of 760 CMR 5.09(1) and the preference ranking of 760 CMR 5.09(2). If no appropriate unit is then available, the applicant shall maintain their Housing Situation Priority on the waiting list for each appropriate housing program and bedroom size. If a LHA or RAA determines that an applicant granted Housing Situation Priority Status but not yet offered a unit has obtained permanent housing suitable for the applicant’s household size and income, the applicant will no longer be considered a Housing Situation Priority applicant, and shall remain on the appropriate waiting lists as a Standard Applicant.

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

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

