



Commonwealth of Massachusetts
**DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT**

Charles D. Baker, Governor ♦ Karyn E. Polito, Lt. Governor ♦ Jennifer D. Maddox, Undersecretary

Date: December 28, 2021
To: All Local Housing Authorities
Re: Regulatory Waiver of CHAMP-related Provisions of 760 CMR 5.00 for the Congregate Program

The Department of Housing and Community Development (“DHCD”) is hereby waiving regulations related to the Common Housing Application for Massachusetts Programs (“CHAMP”) contained in [760 CMR 5.00](#) as they pertain to c. 667 congregate housing (the “Congregate Program”), as more particularly described below.

BACKGROUND

The Congregate Program was created by DHCD within the state-aided elderly handicapped program created by Chapter 667 of the Acts of 1954. The Congregate housing units, governed by DHCD regulations and operated in conjunction with the Executive Office of Elder Affairs (“EOEA”), consist of shared living arrangements for elderly individuals and individuals with disabilities. In addition to providing housing, the Congregate Program also coordinates services to residents. In order to be eligible for the Congregate Program, applicants must be elderly or disabled and must be interested in and suitable for shared living in the various unit configurations found at each Local Housing Authority (“LHA”), and be eligible for services available in the locality.

A determination of whether an applicant meets the above criteria is made by EOEA’s Multidisciplinary Assessment Team (“MAT”) who review applicant files and screen applicants for their interest in and suitability for the Congregate Program.

CHAMP was launched in 2019 in accordance with the requirements of the Massachusetts state-aided public housing reform legislation, [Chapter 235 of the Acts of 2014](#). The online application and waiting list system created a single, common application for state-aided public housing and waiting lists for each program at each LHA in which applications are ranked by their priority and preference. The Congregate Program was included in CHAMP when it launched, although the regulation at [760 CMR 5.02\(2\)](#) expressly states that the regulation does not govern the order of tenant selection for the Congregate units.

As a result of the Congregate Program’s inclusion in CHAMP, there are two administrative hurdles for applicants to the Congregate Program and LHAs with congregate housing:

- 1.) an increased volume of Congregate Program applicants, most of whom were disinterested in residing in a shared living situation, resulting in long waitlists and delaying occupancy of applicants who expressed genuine interest in residing in congregate settings; and

2.) LHAs being unable, through CHAMP, to give preference to applicants who received a successful MAT review.

These hurdles have resulted in delays filling vacancies in the Congregate Program while applicants genuinely interested in living in a congregate setting experience long wait times to be housed.

In consultation with EOEA, DHCD has determined that removing the Congregate Program from CHAMP and returning the Congregate Program application and selection process back to LHAs would allow applicants with successful MAT reviews to be more quickly housed in the Congregate Program, reduce the number of applicants disinterested in shared living arrangements from applying, and thus reduce vacancies and administrative burdens on LHAs. As a condition of this waiver, LHAs are required to follow the Housing Situation Priority Policy for c. 667 Congregate Units to be established by DHCD.

WAIVER OF CHAMP-RELATED PORTIONS OF 760 CMR 5.00 AS THEY PERTAIN TO THE CONGREGATE PROGRAM

In order to accomplish the above and to allow LHAs to maintain their own Congregate Program waitlists outside of CHAMP, DHCD is waiving the following portions of 760 CMR 5.00 as they pertain to the Congregate Program:

1. 5.03 Definition of Statewide Online Application System: DHCD waives the regulatory definition of “Statewide Online Application System” contained in 760 CMR 5.03 insofar as necessary to eliminate the requirement that applications to the Congregate Program be processed through CHAMP.
2. 5.05(1)-(3) Application Procedures: DHCD waives its regulations at 760 CMR 5.05(1), (2), and (3) insofar as necessary for applicants to apply to the Congregate Program, and for LHAs to process applications to the Congregate Program, outside of CHAMP.
3. 5.09(1)(a) and (d)-(g) Selection Categories: DHCD waives its regulations at 760 CMR 5.09(1)(a) and 760 CMR 5.09(1)(d)-(g) to the extent necessary to clarify that these waitlist priorities do not apply to the Congregate program as exempted by 760 CMR 5.02(2).
4. 5.10(4)(b) Offers to Applicants: DHCD waives its regulation at 760 CMR 5.10(4)(b) insofar as necessary for LHAs to make offers of housing in the Congregate Program outside of CHAMP and for applicants to the Congregate Program to accept offers of housing in the Congregate Program outside of CHAMP. A refusal of an offer of Congregate Housing will not be counted toward the three refusal rule established by this section, and will not have any impact on the applicant’s applications for other programs or other waitlists in state-aided housing.
5. 5.11 Housing Situation Priority: DHCD waives its regulation at 760 CMR 5.11 insofar as necessary for the Housing Situation Priority Policy, as applied to applicants to the Congregate Program, to be applied outside of CHAMP. DHCD shall establish a Housing Situation Priority Policy for the Congregate Program that shall contain a Priority for applicants recommended by the MAT Team. The Homeless due to Displacement by Public Action (Urban Renewal) priority, the Homeless due to Displacement by Public Action (Sanitary Code Violations) priority, the local preference, and the veteran preference statutorily required by M.G.L. c. 121B, § 32 shall continue

to apply to applicants to the Congregate Program. However, determinations of applicant eligibility for priorities and preferences will take place outside of CHAMP.

6. 5.14 Update and Reclassification of Waiting List: DHCD waives its regulation at 760 CMR 5.14 insofar as necessary to remove applications to the Congregate Program from CHAMP and as necessary to eliminate the updating and reclassification of the CHAMP waitlist as it pertains to applicants to the Congregate Program.

7 5.16(2) Administration: DHCD waives its regulation at 760 CMR 5.16(2) insofar as necessary to remove the Congregate Program from CHAMP.

DHCD is optimistic that by providing these waivers the Congregate Program will experience fewer vacancies, applicants to the Congregate program will be more likely to be individuals interested in living in congregate settings and will experience shorter wait times to be housed in those settings, and LHAs will experience less administrative burden in housing applicants into the Congregate Program.

This waiver will take effect on February 14th, 2022.

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
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