Public Housing Notice 2024-08

To: All Local Housing Authority Executive Directors
From: Ben Stone, Undersecretary of Public Housing and Rental Assistance
Subject: Amendments to State-Aided Public Housing Lease and Lease Addendum
Date: May 28, 2024

Need to Know: In connection with its promulgation of amendments to 760 CMR 6.00, EOHLC is making changes to its state-aided public housing form lease and lease addendum. These changes include:

- updating the utilities section to reflect changes to the heat deduction schedule;
- updating the PCA section to align with the changes to the definition of PCA in 760 CMR 6.03;
- updating the appliances section to reflect changes to the State Sanitary Code; and
- updating the language regarding the overincome household exemption to align with the changes in 760 CMR 6.06(6).

The updated lease should immediately be utilized by LHAs when entering into leases with new households.

For existing households, the lease changes will become effective 30 days after the LHA notifies households of the changes. Existing households must sign the updated lease addendum at their next redetermination following the 30-day notice period.

In connection with its amendments to its regulation at 760 CMR 6.00, detailed in PHN 2024-07, the Executive Office of Housing and Livable Communities ("EOHLC") is issuing a revised state-aided public housing form lease and state-aided public housing lease addendum. These changes correspond with the changes to 760 CMR 6.00, changes to EOHLC's heat deduction schedule, and changes in Massachusetts law. This notice describes the specific changes below.

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760 CMR 6.00 Changes

EOHLC is making two changes to the state-aided public housing form lease to correspond with changes to 760 CMR 6.00. These changes relate to Personal Care Attendants ("PCAs") and the overincome household exemption.

- **PCAs - Section V(C) of the State-Aided Public Housing Form Lease:** Section V(C) of the state-aided public housing form lease related to PCAs is being revised to correspond to changes to the definition of PCA contained in 760 CMR 6.03. The changes to the state-aided public housing form lease clarify that PCAs must be paid for their services, that full-time live-in PCAs must be deemed a household member for purposes of determining appropriate unit size and that, if a household seeks to add a PCA to the lease as a household member, the tenant must request that the PCA be added as an approved household member pursuant to Section XII of the lease and 760 CMR 5.03: Family (Household)(b). These changes are reflected in the updated lease addendum.

- **Overincome Exemption - Section X(C)(7) of the State-Aided Public Housing Form Lease:** Section X(C)(7) of the state-aided public housing form lease related to overincome households is being revised to correspond to changes to 760 CMR 6.06(6)(f) which make the previously discretionary six month exemption for overincome households mandatory and also allows, but does not require, LHAs to allow for an additional six month exemption. These changes are reflected in the updated lease addendum.

Heat Deduction Schedule Changes

One change to the state-aided public housing form lease and the state-aided public housing lease addendum is being made to reflect the updates to EOHLC's heat deduction schedule. Specifically, Section III of the state-aided public housing form lease has been updated to clarify Tenant and LHA responsibilities as they relate to utilities and to make it easier to identify when a household is using electricity as their heating source. These changes are reflected in the updated lease addendum.

State Law Changes

Two changes are being made to the state-aided public housing form lease to reflect changes in Massachusetts state law. These changes relate to provisions in the State Sanitary Code related to refrigerators and changes to M.G.L. c. 186 related to landlord obligations to re-key household locks of victims of domestic violence, rape, sexual assault, or stalking.

- **State Sanitary Code - Section VIII(G) of the State-Aided Public Housing Form Lease:** Section VIII(G) of the state-aided public housing form lease is being updated to reflect a change to the Massachusetts State Sanitary Code related to refrigerators. A 2023 revision of the State Sanitary Code required landlords to provide tenants with

refrigerators or, in instances when a landlord is not providing a tenant with a refrigerator, to clearly note the lack of a refrigerator in a lease. The revisions to the state-aided public housing form lease insert language ensuring LHAs that are not providing tenants with refrigerators will be in compliance with the State Sanitary Code. These changes are reflected in the updated lease addendum.

- **M.G.L. c. 186 - Section VIII(H) of the State-Aided Public Housing Form Lease:** Section VIII(H) of the state-aided public housing form lease is being updated to correspond to changes to M.G.L. c. 186, § 26 related to the obligation of landlords to re-key locks for victims of domestic violence, rape, sexual assault, or stalking. Previously, the state-aided public housing form lease only required LHAs to re-key locks "promptly". The lease has been updated to reflect the change in law that requires landlords to act within forty-eight hours. These changes are reflected in the updated lease addendum.

PLEASE NOTE: There are additional nuances related to the revisions of M.G.L. c. 186, § 26 not reflected in the lease or lease addendum that LHAs should be aware of. For more information on these changes, please see the amended version of 760 CMR 6.06(4)(r) and PHN 2024-07.

Implementation

On the date this PHN is issued, LHAs should immediately begin using the new lease when entering into leases with new households.

In accordance with Section XX of the lease and 760 CMR 6.06(6)(1), LHAs must provide existing households with notice of the lease changes. EOHLC has provided LHAs with a form notice, attached to this PHN as Attachment A. The new lease will automatically become effective for existing households 30 days after the LHA has provided notice of the changes. To memorialize the lease changes, existing tenants must sign the updated lease addendum at the household's next redetermination following the 30-day notice period. Copies of the notice should also be placed in the LHA's common areas.

LHAs are encouraged to review current policies and work processes to identify if any changes to policies or work processes are needed to accommodate changes to the lease.

Attachment A: Form Notice of Lease Amendment
Attachment B: State-Aided Lease Addendum
Attachment C: State-Aided Form Lease
Attachment D: Notice of Rent Adjustment