



Commonwealth of Massachusetts

EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES

Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Date: October 4, 2024

To: All Local Housing Authorities

Re: Updated Regulatory Waiver of Provisions of 760 CMR 5.00 and 760 CMR 53.00 for Implementation of Centralized Screening for AHVP

The Executive Office of Housing and Livable Communities (“EOHLC”) is hereby amending and reissuing the temporary regulatory waiver executed by EOHLC on May 25, 2023 and amended on June 30, 2023 waiving certain provisions of the state-aided public housing eligibility and selection criteria regulation at 760 CMR 5.00 and the Alternative Housing Voucher Program (“AHVP”) regulation at 760 CMR 53.00 to allow for the implementation of centralized screening of claimed priorities and preferences of applicants to AHVP, as more particularly described below. This amended waiver returns responsibility for verifying Veteran preference claims for applicants without a priority claim to the Local Housing Authority, rather than the Centralized Screening Office, **with effective date of October 31, 2024.**

The responsibility of LHAs to verify Veteran preference claims is retroactive. LHAs shall make determinations on all pending Veteran preference claims following effective date.

I.BACKGROUND

EOHLC is piloting a centralized screening system, run by a centralized screening vendor procured by EOHLC (the “Centralized Screening Office”), to make priority and preference determinations for applicants to AHVP. This Centralized Screening Office handles all administrative functions related to applicant claimed priorities and preferences, *except* that individual local housing authorities (“LHAs”) remain responsible for making determinations as to eligibility for Priority 6 Transfers for Good Cause, and for Veteran or Local Resident¹ preference for applicants who have claimed only a Veteran or Local Resident preference but none of the priorities that would apply across all locations (i.e., any of the priorities contained in 760 CMR 5.09(1)(a) - (e)).² The determinations of eligibility for priorities and

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

² Where an applicant has claimed a Veteran Preference and/or a Local Preference but none of the priorities contained in 760 CMR 5.09(1)(a) – (e), LHAs to which the applicant has applied shall make determinations as to the applicant’s eligibility for Veteran Preference and Local Preference.

preferences determine the position of applicants on the waiting list(s) maintained for each LHA in the Common Housing Application for Massachusetts Programs (“CHAMP”) system.

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

EOHLC believes this transition to a centralized screening system is beneficial to both LHAs and applicants to AHVP. Previously, even if an applicant applied for AHVP at all LHAs administering the program, each individual LHA was required to separately determine the eligibility of such applicant for priorities and preferences. This not only created significant administrative burden and duplication of effort for LHAs, but also created the possibility of inconsistent determinations by different LHAs with respect to the same applicant. The volume of applications at most LHAs had increased because it was easier for an applicant to apply concurrently to multiple LHAs through CHAMP; as a result, the increased administrative burden resulted in slower lease-up in AHVP. A centralized screening system eases the administrative burden of LHAs, while also making the process easier and less confusing for applicants. EOHLC believes that a centralized screening system makes tenant selection in AHVP more efficient, reducing wait times and vacancies, and also improves EOHLC’s ability to oversee the priority and preference determination process.

To accomplish this goal, certain provisions of the state-aided public housing eligibility and selection criteria regulation at 760 CMR 5.00 and 760 CMR 53.00 were modified or waived to allow the Centralized Screening Office to perform some of the functions previously performed by LHAs. Pending formal amendment of the regulation, EOHLC has introduced the Centralized Screening Office function on a pilot basis, and is issued the regulatory waivers set forth below, as amended on June 30, 2023 and with this waiver effective October 31, 2024, to enable the pilot to proceed. The pilot, in turn, will provide valuable experience that will help guide the adoption of formal regulatory amendments.

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

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

1. 5.05(3): Determinations of Priority, Preference, Eligibility and Qualification: EOHLC waives its regulation at 760 CMR 5.05(3), *et seq.*, to the extent inconsistent with the implementation of a centralized screening system for applicants to AHVP and insofar as necessary to allow a Centralized Screening Office, instead of LHAs, to determine the priorities and preferences of applicants to AHVP as described in Section I above.
2. 5.09: Selection Categories: EOHLC waives its regulation at 760 CMR 5.09, *et seq.*, to the extent inconsistent with the implementation of a centralized screening system for applicants to AHVP and insofar as necessary to allow a Centralized Screening Office, instead of LHAs, to determine the eligibility of applicants to AHVP for priorities and preferences as described in Section I above.

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

4. 5.12(1): Verification of Preference, Eligibility, and Qualification: EOHLC waives its regulation at 760 CMR 5.12(1) to the extent inconsistent with the implementation of a centralized screening system for applicants to AHVP and insofar as necessary to allow a Centralized Screening Office, instead of LHAs, to verify applicants' claimed priorities and preferences as described in Section I above.

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

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

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

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

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

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

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

1. 53.03: Eligibility and Qualification for Program Participation: EOHLC hereby waives its regulation at 760 CMR 53.03 to the extent inconsistent with the implementation of a centralized screening system for applicants to AHVP and insofar as necessary to allow a Centralized Screening Office, instead of LHAs, to determine the priorities and preferences of applicants to AHVP as described in Section I above.
2. 53.04: Tenant Selection and Transfer: EOHLC waives its regulation at 760 CMR 53.04 to the extent inconsistent with the implementation of a centralized screening system for applicants to AHVP and insofar as necessary to allow a Centralized Screening Office, instead of LHAs, to determine the priorities and preferences of applicants to AHVP as described in Section I above.
3. 53.07: Leasing and Contracting - Timetable: EOHLC hereby waives its regulation at 760 CMR 53.07 to the extent inconsistent with the implementation of a centralized screening system for applicants to AHVP and insofar as necessary to allow a Centralized Screening Office, instead of LHAs, to determine the priorities and preferences of applicants to AHVP as described in Section I above.

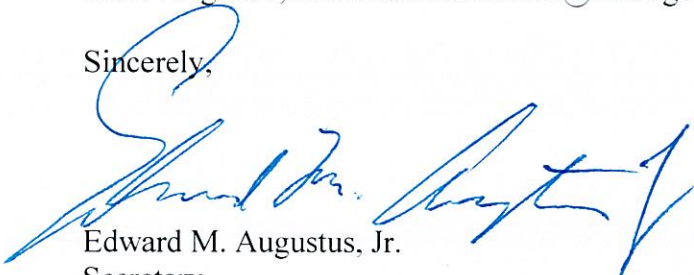
EOHLC is optimistic that providing these temporary waivers for a pilot of a centralized screening system of priorities and preferences eases the administrative burden for LHAs and improves the tenant selection process for applicants to AHVP.

EOHLC reserves the right to interpret these regulatory waivers to carry out the stated goals of the centralized screening system and to amend, rescind, or extend the regulatory waivers at any time.

Based on the experience during the pilot, and in consideration of the impact the centralized screening system has on applicants to AHVP, LHAs, and the AHVP program as a whole, at a later date, EOHLC expects to promulgate revisions to 760 CMR 5.00 and, as necessary, 760 CMR 53.00, to make the centralized screening system permanent.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Edward M. Augustus, Jr.", is written over the typed name.

Edward M. Augustus, Jr.
Secretary

CC: Benjamin Stone, Undersecretary of Public Housing and Rental Assistance
Cecilia Woodworth, Assistant Director, State Programs
Christine DeVore, Director, Bureau of Housing Management
Jennifer D. Maddox, Deputy Secretary