



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

Charles D. Baker, Governor ♦ Karyn E. Polito, Lieutenant Governor ♦ Chrystal Komegay, Undersecretary

Public Housing Notice 2016-29

To: Local Housing Authorities
From: Amy Stitely, Acting Associate Director, Division of Public Housing & Rental Assistance
Subject: Changes Pertaining to Veterans
Date: October 5, 2016

On July 14, 2016, Chapter 141, "An Act Relative To Housing, Operations, Military Service, And Enrichment" was signed into law. This Act makes three changes to Chapter 121B, the Housing Authority Law, regarding veterans in state-aided public housing. Two of these changes affect tenant selection for applicants who are veterans, and the other change affects rent calculations.

These changes are effective immediately. The Department anticipates amending its regulation to reflect these changes soon. In the meantime, Housing Authorities need to be aware of what the new law requires and to implement these changes without delay.

The Tenant Selection Changes

The Act makes the same Veterans Preference that is currently used in the Chapter 200 Family housing program available to applicants for Chapter 667 Elderly/Handicapped housing. That means that applicants for Elderly/Handicapped housing will no longer have to reside in the community in order to receive Veterans Preference. The provision in the current regulation at 760 CMR 5.09(2)(a) limiting the Veterans Preference to veterans who are residing in the community is no longer valid.

Where the Local Housing Authority has no Chapter 200 Family Housing, Veterans Preference must now be granted to eligible and qualified applicants who are veterans in all of the LHA's Chapter 705 Scattered-Site Family Housing. The provision in the current regulation at 760 CMR 5.09(2)(a) limiting the grant of Veterans Preference to 20% of Chapter 705 units is no longer valid. Where the LHA has no Chapter 200 housing, Veterans Preference must be applicable to 100% of the units in the Chapter 705 program.

"Veteran" continues to be as defined by G.L. c. 121B, §1 and clause Forty-third of G.L. c. 4, §7, and includes the spouse, surviving spouse, parent or other dependent of a Veteran.

The Rent Calculation Change

The Act also changed how much of the disability compensation paid to a veteran who is unemployable because of a service connected disability is includable for the purpose of rent calculation. The regulation at 760 CMR 6.05(3)(n)

permitted an LHA in its discretion to exclude all but \$1,800 of the annual amount received from the federal government on account of such disability by an unemployable disabled veteran. LHA exercise of discretion is no longer valid under the Act. LHAs are now required to exclude all federal disability compensation received by unemployable disabled veterans in excess of \$1,800.00 per month. Note that no deductions may be applied against the excluded income.

Please call your DHCD Housing Management Specialist with any questions about these changes.