



Commonwealth of Massachusetts

DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT

Mitt Romney, Governor ♦ Kerry Healey, Lt. Governor ♦ Jane Wallis Gumble, Director

PUBLIC HOUSING NOTICE 2003-08

Memorandum

To: All Local Housing Authorities
From: Marc A. Slotnick, Associate Director for Public Housing & Rental Assistance
Subject: Standard Emergency Case Plan Definition of Homeless
Date: September 9, 2003

It has been brought to the attention of DHCD staff that local housing authorities (LHAs) may not be granting emergency case status to applicants for state-aided housing who have been granted a stay of execution in an eviction case, until the stay has expired and the applicant is required to vacate.

Please be advised that under the DHCD Standard Emergency Case Plan, Applicants may be granted priority as Homeless Applicants who are "imminently faced with displacement," including situations in which the applicant is under a stay of execution by court order in a no-fault eviction case, and in which the applicant has an absolute deadline to vacate the premises within 90 days. Applicants are not "imminently faced with displacement" in situations such as when the landlord has merely asked the tenant to leave or given him/her a notice to quit, or if the landlord has filed an eviction case in court but not pursued it to conclusion. There must be an order of the court awarding possession of the premises to the landlord for a no-fault reason, and a stay of execution granted to the tenant. If an applicant has a stay of execution period which will not expire within 90 days, the housing authority should give as the reason for the denial of the priority, "You are not eligible for homeless priority because you are not required to vacate within 90 days. You may apply for emergency case status again on the same grounds when your vacate date is no more than 90 days away."

An applicant who has been granted emergency case status by virtue of a stay of execution in a no-fault eviction case shall retain that status, and the original date of the grant of emergency case status, if he or she subsequently vacates the premises, but shall lose that status once he or she obtains permanent housing of appropriate size for the applicant family. All other criteria of the DHCD Standard Emergency Case Plan must be met in order to grant Homeless Priority.

If you have any questions in this regard, contact your DHCD Asset Management Specialist.