

**BOSTON HOUSING AUTHORITY**  
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May 29, 2012

Ms. O'Sullivan  
Director  
U.S. Department of Housing and Urban Development  
Office of Public Housing  
Boston Hub  
Thomas P. O'Neill, Jr. Federal Building  
10 Causeway Street  
Boston MA 02222-1092

Dear Ms. O'Sullivan,

I am pleased to re-submit the Boston Housing Authority's FY2012 Annual Plan for your review and approval in response to your letter dated March 28, 2012.

**Deficiency #1:**

The Boston Housing Authority submitted an Annual Statement/Performance & Evaluation Report (HUD 50075.1) for fiscal year 2012 and a Capital Fund Five-Year Action Plan (HUD 50075.2) for fiscal years 2013-2016 using \$24,747,876 as the base funding allocation for fiscal years 2012-2016. The BHA should have used the FY 2011 CFP allocation of \$21,478,604.00 for forecasting and allocating funds for the both the Annual Statement/Performance and Evaluation Report and the Five-Year Action Plan. The recent announcement of funding for the FY2012 Capital Fund Program provides the BHA with \$19,283,501. The BHA is using an amount for modernization planning purposes which is approximately 24% more than actual funding. This is not a sustainable strategy.

**BHA Response:**

As recommended by HUD, the BHA is resubmitting the 2012 Plan with a revised Annual Statement/Performance & Evaluation Report (HUD 50075.1) for fiscal year 2012 using the non-RHF CFP12 budget of \$17,058,105 and a revised Capital Fund Five-Year Action Plan (HUD 50075.2) for fiscal years 2013-2016 using the FY2011 CFP allocation of \$21,478,604. Please see attachments.

**Deficiency #2:**

Within the comments section of the PHA Plan, on pages 52 and 58, there is conflicting information about the BHA's plans for implementation of smoke-free environments within its public housing communities. On page 52, the BHA indicates, in response to comment #7, that it has had many site-based meetings on the smoke-free policy and that it will begin more specific implementation meetings at each site in February, 2012. On page 58, in response to comment #52, the BHA states that, beginning in late January 2012, the residents will be asked to sign a lease addendum prohibiting smoking in BHA buildings. The response explains that the requests for signatures on lease addendums would take place at regular recertification appointments and residents will be informed that the policy will go into effect in late 2012.

**BHA Response:**

The BHA has been involved in over 60 site-based meetings over the past year related to its transition to Non-Smoking housing. We expect to fully implement the policy October 1, 2012, although there are a number of pilots already underway at Washington Beech, Old Colony, and Franklin Hill.

BHA sent a letter to public housing residents with a written explanation of the non-smoking policy and lease addendum on December 5, 2011 that served as the 30-day notice. In addition, similar letters describing the non-smoking policy and the lease addendum were sent in January 2012 to all transfer applicants and to all public housing applicants.

In order to ensure that each household receives significant notice of this policy change, we began to use the Non-Smoking Lease Addendum during the re-certification process beginning January 6, 2012. In this way, all families, whether they have attended community meetings and public hearings or not, will be informed of the policy and formally put on notice prior to its implementation.

Although they sign the Lease Addendum at re-certification prior to October, 2012, the policy does not take effect immediately, but will take effect at a future date to be noticed by BHA (so that although the re-certification process is "rolling" the effective date of the policy will be a date certain, October 1, 2012).

The "site-based" implementation meetings referenced to begin in February, 2012 are another layer of discussion that the BHA is having with residents at the sites about outdoor rules at each site.

In addition, the BHA has engaged in trainings for staff on the recertification process.

**Deficiency #3:**

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Within the comments section of the PHA Plan on page 58, comment #25 addresses the PHA's policy on interim reexaminations, which is summarized in the supplement to the PHA Plan, on page 17. The comment references "interim reporting any time a family experiences an income increase above a threshold amount" and states that the "BHA has not yet implemented this through an amended lease." The BHA's response to this comment advises that it will "notify the RAB of plans to implement this lease change"; but both this section of the supplement to the PHA Plan and Section 9.2 of the Admissions and Continued Occupancy Policy (ACOP) already state that "A Family must report to the BHA any increase in monthly gross household income of \$200 or more since the last recertification, whether annual or interim, by the seventh day of the month following the month in which the increase occurs."

**BHA Response:**

The policy on interim increases in income went through a full Plan process and review by the RAB and public and was approved by HUD. The BHA will implement this policy along with two other lease changes. The BHA will complete lease addendum language for the interim increases and other lease changes by July 1, 2012. The BHA will then issue a 30 day notice to residents regarding the lease change to be signed during the lease recertification process beginning August 1<sup>st</sup> with the interim increase policy becoming effective on April 1, 2013 or after if the recertification takes place after April 1, 2013 with all households subject to the lease addendum by approximately August 1, 2013. This implementation method will allow for notice to residents, training for management, and necessary computer programming to take place.

**Deficiency #4:**

There are several places within the BHA's submission that contain references to supported housing units at the Amory Street development. On page 59 of the comments, Comment #1 under Planning and Real Estate Development, as well as on pages 9 and 18 of the Progress Report, references are made to a contractual arrangement with Uphams elder services to run its Program for All-Inclusive Care (PACE) using those units. These sections make reference to 12 units of housing made available for frail elders. This office reminds the BHA that any units taken off line for purposes other than for applicants from the BHA's waiting list would require HUD approval. The BHA has not forwarded any requests to this office for approval. In addition, the BHA has not proposed making any changes to its waiting list or preferences for admissions for such an arrangement.

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The twelve units referred to here are on the first floor of the Amory Street development and have been used as agency units for many years serving as offices for various Operations functions. These units were approved for this purpose by HUD years ago. BHA is not taking units off-line, rather BHA is returning units for use as dwelling units for public housing residents.

BHA is in the process of redeveloping the 125 Amory Annex to add space for Uphams Elder Services to provide the Program for All-Inclusive Care for Elders (PACE) as well as space for Operations staff, among others. The Operations staff will vacate the agency units on the first floor at Amory and move to the 125 Annex. At that time work will be done to ready the first floor of Amory space for use by residents and BHA will submit a status change request to HUD.

The first priority for the twelve units will be current BHA residents that are PACE-eligible, essentially over the age of 55 and have difficulty with multiple activities of daily living. BHA staff have surveyed residents and found that there is a need for this type of 24/7 assisted living care. Uphams staff will screen the residents to determine PACE-eligibility and then refer them to BHA and these residents will be treated as a transfer. Other PACE program participants in need of housing will be referred to BHA for full screening and receive a lower priority than current BHA residents.

There is no change to the Admissions and Continued Occupancy Policy (ACOP). This PACE program will be treated as a Supported Housing Program and is covered in the ACOP in Section 10.2.

**Deficiency #5:**

Page 14 of the BHA's Progress Report makes reference to the BHA making available 275 units in public housing developments for families in efforts underway to end homelessness. While HUD may be in support of such efforts the BHA is undertaking in this regard, the BHA would be required to document in its Admissions and Continued Occupancy Policy how such arrangements would alter its existing waiting list structure or preference system. This office would need to ensure that such alterations would be permissible under current regulations.

**BHA Response:**

This deficiency refers to the Agreement with the Metropolitan Boston Housing Partnership (MBHP) and the Boston Public Health Commission (BPHC). Under this agreement the BHA will provide up to 275 regular BHA units to qualified, screened MBHP and BPHC clients and that MBHP and BPHC would continue to

provide case management services to these clients for one year. MBHP will have access to up to 200 units and BPHC will have access to up to 75 units.

BHA will revise the ACOP to reflect the point system used for ranking applicants for the supported housing programs. The awarding of 50 points on the waiting lists for homeless families who require supportive services and who must qualify as a displaced resident from a unit in the City of Boston. BHA will not hold any units vacant in implementing these programs. These programs are covered under the ACOP Section 10.2 dealing with Supported Housing Programs.

**Recommendation #1 – Identify and Address Impediments to Fair Housing Choice:**

The Office of Fair Housing and Equal Opportunity (FHEO) recommends that the BHA continue its efforts to address impediments to fair housing. The BHA has provided FHEO with some documentation, but efforts toward these goals are a priority and should continue.

**BHA Response:**

BHA staff will continue to make addressing impediments to fair housing a priority by, for example, conducting a training on fair housing with site management staff and ensuring fair housing notices are prominently displayed at management offices at each of our sites and on its website.

**Recommendation #2 – Site Based Affirmative Marketing:**

Although FHEO has repeatedly recommended that the BHA conduct site-based affirmative marketing specifically directed to those least likely to apply to each site, the HA has never done so. The regulations require the BHA to continue monitoring racial and ethnic diversity in its developments and on its site-based waiting lists, conduct site-based affirmative marketing specifically directed to those least likely to apply to that site, report in each annual PHA Plan on the demographic breakdowns of its developments and its site-based waiting lists, and report on its site-based affirmative marketing activities and the results of those activities. If no marketing is conducted, the HA must provide an explanation. The BHA has provided some explanation. Although the explanation was provided, it is strongly recommended that while the LIPH waiting lists are open, the BHA conduct site-based affirmative marketing specifically directed to those least likely to apply to each site. The need for such site-based affirmative marketing is confirmed by the BHA's own statistics showing that from 2008 to 2009, for those projects

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already 50% or more occupied by one race or ethnicity, 535 of the site-based waiting lists became less diverse.

**BHA Response:**

The BHA maintains a deep diverse waiting list for public housing. With the BHA 2012 Plan submission, the BHA documented there were 28,420 applicants to public housing (the number has since risen to greater than 30,000) and over 92% were Extremely Low Income demonstrating we are serving the people most in need.

In addition, the residents living in public housing are diverse racially and ethnically. The Boston Globe reported on June 5, 2011 in an article entitled "In Boston, diversity is a mixed bag" that "The five most diverse census tracts in Boston in 2010 contained public housing developments..."

BHA staff welcome the opportunity to meet with appropriate HUD staff to further discuss affirmative marketing activities.

**Recommendation #3 – We further recommend that the BHA continue its translation efforts, making the translation of vital documents a priority:**

This office reviewed comments from the public about revisions to the plan. In addition we have received a list of the vital documents maintained by the BHA that have been translated into various languages. The full list of translated documents, which is 28 pages long, is maintained in the BHA planning library at 52 Chauncy Street, which is accessible during business hours. These documents can be accessed by all BHA staff on the shared drive and can be provided upon request to individuals in need of such documents. At this time, the BHA's website is undergoing a new portal development. It is expected that the translated documents and forms will be accessible to clients and the general public via the website. The BHA's Language Access Division has been involved with the translation of over 450 pages of vital documents, and work continues in this regard. The BHA also reports, in its Four Factor Analysis for the Limited English Proficiency Policy, dated October 2011 and uploaded with the PHA Plan, that it will allocate funds, as available from appropriations, for translation of vital documents on an ongoing basis. Perhaps the BHA can work with its partners in the housing industry to come up with a list prioritizing these vital documents and some time parameters for having them translated.

**BHA Response:**

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BHA staff will continue translation of vital documents and roll-out for use with residents and applicants.

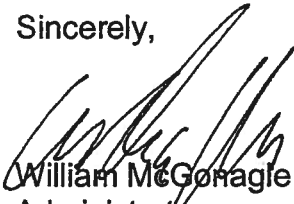
**Recommendation #4: It is recommended that the BHA continue to explore ways to improve its responsiveness and develop a more formal process of assistance with needs for language and translation assistance for applicants.** The BHA has explained, in its response to comment #7 (page 32) that it has a process of dealing with requests for such services. In instances where Occupancy Department staff have failed to provide needed assistance, supervisors should be contacted. Perhaps the BHA may look at this issue a bit further to see if the application process and ways of obtaining assistance or reporting needs for further assistance could be better communicated.

**BHA Response:**

BHA has a process in place for people with needs for language and translation assistance but will continue to look for ways to improve the services, proper communication flow among staff and staff training as well as maintaining contracts with the Language Line and a diverse staff.

If you have any further questions, please contact John Kane at (617) 988-4107.  
Thank you.

Sincerely,



William McGonagle  
Administrator

Attachments:

FY 2012 Capital Fund Annual Statement  
Capital Fund Five-year Action Plan FY 2013-2016  
Admissions and Continued Occupancy Policy in revision mode  
Supplement to HUD Form 50075: Plan Elements in revision mode