

Getting into affordable housing: overcoming admission denials

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What do we mean by “affordable” or subsidized housing?

Public housing – family and elderly disabled (housing authorities)

Multifamily subsidized programs – private owners



Tenant-based voucher programs

(There are also specialized housing programs and benefits for the chronically homeless, people living with HIV/AIDS, those receiving DMH services).

All of these have state and federal counterparts:

- ⌘ **Public housing** – the subsidy is tied to a unit. Whoever lives in the unit gets the subsidy. If you move, the subsidy does not go with you. Your landlord is the local Housing Authority.
- ⌘ **Multifamily subsidized housing** - the subsidy is tied to a unit. Whoever lives in the unit gets the subsidy. If you move, the subsidy does not go with you. Your landlord is a private owner/developer.
- ⌘ **Tenant-based voucher** – the subsidy is tied to the person. The voucher holder can move between apartment in the apartments in the private market. Often referred to as a “Section 8 voucher.”
 - ⌘ A housing authority or regional nonprofit (e.g., Way Finders) administers the voucher.
 - ⌘ There are “payment standards” – set at HUD and the Housing Authority’s determination fair market rent.
 - ⌘ In Massachusetts, a landlord cannot refuse to rent to someone because they utilize a rental subsidy voucher.

Income must be below a certain limit

Public Housing and Voucher standards are set by the government, and change each year and vary by geographical area

For federally subsidized housing, at least one member of the household must be a **U.S. citizen, Legal Permanent Resident, Asylee/Refugee/Parolee**, or other qualified immigration status.

*****This is just baseline eligibility – tenants will go through additional screening before any admission (landlord references, criminal background, etc).

How to apply?

Public Housing: there is a centralized application process for state public housing (CHAMP)

Multifamily subsidized housing: Must apply at each individual housing development.



Vouchers: Approximately 130 housing authorities have a Section 8 voucher program – can apply at any of them. There is also a state-wide centralized list with 40 participating housing authorities. There are also nine regional nonprofit agencies which have vouchers.

Waiting lists are long; waiting lists for vouchers are the longest. Smaller housing authorities may have shorter lists.

Tenants must regularly update their addresses with the housing provider, and confirm that they are still interested, or they are at risk of being removed from the list.

Sometimes the waiting lists CLOSE, which means that the agency will not accept new applications.

Waiting lists are dynamic – an applicant could move from 30th, to 21st, to 23rd. This is based on the priorities and preferences that apply to the applicant and others on the list.

If an applicant applied for different types of housing from the same provider, they will be on separate waiting lists.

More people are generally eligible for subsidized housing than the amount of available housing. Housing providers are required and/or permitted to grant certain applicants a priority or preference over other applicants.

(These words are often used interchangeably – federal housing has just preferences, while state housing there are often priorities, and then preferences within each priority).

Preferences/priorities can be dynamic – you may not qualify for a preference when you first apply for housing, but your situation may change (may be facing homelessness now).

How do I know what the preferences are?

Ask the housing provider directly.

For federal public housing, it will be listed in the housing authorities **Admissions and Continued Occupancy Policy (ACOP)**.

For state public housing, will be in the housing authorities **Emergency Case Plan**.

For vouchers, the relevant document is the **Section 8 Administrative Plan**.

For multifamily housing, it will be in the **Tenant Selection Plan**.

How do I get a preference?

Apply at the time of the original application, or at any time while on the waiting list

Provide supporting documentation (some housing providers will have specific lists of required documentation)

Can include fire reports, board of health reports, police reports, doctor's letters, restraining orders, verification from a homeless shelter provider)

Respond to any requests for more documentation

Appealing a denial of a preference or priority

If the housing provider is going to deny giving a priority or preference to an applicant, it must do so clearly and in writing, and must give the applicant the right to appeal hearing.

The applicant should request a hearing/conference to appeal the denial – there may be a deadline stated in the denial letter. The conference will be fairly informal.

Before the hearing, review the standard for the priority/preference, and gather any additional documents

Bring the documents and/or witnesses and/or advocates to the hearing.

A denial of a preference is not an ultimate denial of housing - it is easy to get confused; applicants should read the letter carefully!

When a person or family
finally gets to the top of the
list...

Two levels of screening – basic background, and then
criminal record.

First level of screening

- Eviction history (including nonpayment of rent)
- Debt to another housing authority
- Landlord references
- Truthfulness on application

Challenging a denial

- Appeal and appeal quickly!!! (“I want a hearing to appeal this decision”)
- Review the file before the hearing
- Attend the hearing - informal setting
 - Can bring an advocate
 - Present “mitigating” factors, or evidence to disprove the housing provider’s reasons.

Basic background screening

Eviction History/Landlord Reference/Credit History

Advocacy tips:

- This tenant wasn't responsible (was a minor; did not live there at the time)
- Tenant was living in an apartment that was unaffordable (rent-burdened)
- History was due to a disability
- History was due to domestic violence

Second level of screening – criminal record (CORI)

- Only reach this stage if the tenant passes the first stage
- APPEAL and appeal quickly!
- Look at the record the housing provider has
- Review their CORI policy
- Identify dismissals and pending charges
- Present mitigating factors at the hearing: type of crime, passage of time, character references
 - Addiction? Reasonable accommodation for a disability if no longer in active use.

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Individuals can apply for services by visiting one of our offices, applying online at communitylegal.org, or calling 855-CLA-LEGAL.

www.masslegalhelp.org/housing/finding-housing

<https://www.mass.gov/service-details/a-guide-to-obtaining-housing-assistance>

Questions?