



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, Massachusetts 02222-1092

New England

Mr. William McGonagle
Administrator
Boston Housing Authority
52 Chauncy Street
Boston, MA 02111

2012 MAR 30 P 1:57

ADMINISTRATIVE
DEPARTMENT

MAR 28 2012

Dear Mr. McGonagle:

This office and the United States Department of Housing and Urban Development (HUD) Office of Fair Housing and Equal Opportunity have reviewed the Boston Housing Authority's (BHA's) Annual Public Housing Agency Plan submission for the Fiscal Year beginning April 1, 2012. As required by Section 511 of the 1998 Public Housing Reform Act and the implementing regulations at 24 CFR Part 903, the Plan was reviewed for: (1) Completeness of required information; (2) Consistency with the information and data available to HUD, including your jurisdiction(s) Consolidated Plan; and (3) Compliance with the provisions of the Public Housing Reform Act or other applicable Federal Law.

Based on our review, we have determined your Plan is deficient in meeting the statutory requirements and is, therefore, disapproved. This correspondence outlines the deficiencies and recommendations identified during the review process and suggested remedies which must be addressed before HUD can approve your Plan and/or authorized funding under the Capital Fund Program. The following are the 2012 Plan deficiencies that have been noted:

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 FY2011 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.

Suggested Remedy

The BHA shall submit an Annual Statement/Performance & Evaluation Report (HUD-50075.1) for FY2012 and a Five-Year Action Plan (HUD-50075.2) for FY2013-2016 based on either the

prior fiscal year allocation (FY2011 = \$21,478,604) or the FY2012 allocation of \$19,283,501.

Deficiency #2-BHA's Implementation of No Smoking Policy

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, 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.

Corrective Action:

The BHA should clarify what has been done thus far to implement this initiative. The BHA is reminded that the regulations at 24 CFR 966.3 provide that "Each PHA shall provide at least 30 days notice to tenants and resident organizations setting forth proposed changes in the lease form used by the PHA, and providing an opportunity to present written comments." In addition, HUD would urge the BHA to ensure that there is consistent application among all projects and buildings in the housing inventory in which non-smoking policies are being implemented.

Deficiency #3-BHA Policy on Interim Increases in Income

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."

Corrective Action:

If the requirement to report income increases over a certain amount is only a planned policy which has not been implemented or even reviewed by the RAB, it should not have been put in the ACOP, and it should be removed immediately.

Deficiency #4-Supported Housing and Public Housing Units

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 being 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.

Corrective Action:

The BHA must clarify this contractual arrangement with Uphams Elder Services, providing necessary details that explain such a program as well as any expected timeline for documentation to be submitted to HUD for approvals that could be necessary.

Deficiency #5-Supportive Housing Units

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 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.

Corrective Action:

The BHA must clarify what public housing units are proposed to be made available under any partnership that it may have and forward any details necessary to explain such a program. If this program would affect the BHA's tenant selection policies, the ACOP will have to be amended to reflect the changes. Please submit the proposed amendment to this office. If the program will not affect the BHA's tenant selection, please present sufficient details to explain why it will not. (For example, perhaps the partnerships would allow for the provision of services to be offered only to applicants who had already been on BHA's existing waiting list.) This office requests further details in order to review such an arrangement and reminds the BHA that any units taken off line for purposes other than housing applicants from the BHA's waiting list would require HUD approval. While HUD may be in support of the efforts the BHA is undertaking in this regard, the BHA would be required to document in its ACOP 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.

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.

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 already 50% or more occupied by one race or ethnicity, 53% of the site-based waiting lists became less diverse.

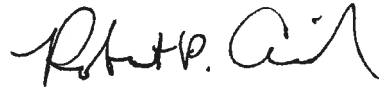
Recommendation #3--We further recommend that the BHA continue its translation efforts, making the translation of vital documents a priority. This office reviewed comments from the public about revisions to the plan. In addition we have received a list of the vital documents maintained by the BHA that 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.

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.

If the above deficiencies are technical in nature and do not meet the BHA's definition of significant amendment, we anticipate that you will be able to correct them within two weeks. Please notify me immediately if you will not be able to resubmit that Plan within that time. Your Plan cannot be approved until we have received the information/documents specified above. When resubmitting a plan file, please be sure to follow the instructions found on the PHA Plan

Webpage. If you have any questions or need assistance, please contact Ellen Bradley, Public Housing Revitalization Specialist, at (617) 994-8416 or Dwight Hebert, Facilities Management Specialist, at (617)994-8414.

Very sincerely yours,

A handwritten signature in black ink, appearing to read "Robert P. Cwieka". The signature is fluid and cursive, with the first name being the most prominent.

Robert P. Cwieka
Deputy Director