

M E M O R A N D U M

TO: Robert W. Healy, City Manager

FROM: Daniel J. Wuenschel, Executive Director



DATE: January 18, 1995

RE: Council Order #03, dated 11/7/94

The above-mentioned order requests information regarding the process used and the laws followed in the CHA's admission of persons who have criminal records to elderly/disabled housing.

LAWS:

In screening applicants for public housing the CHA must comply with the following laws and regulations: (Highlighted excerpts are attached).

- 1) Massachusetts General Laws Chapter 6 Section 168
- 2) 760 Code of Massachusetts Regulations (CMR) 5.07 (1) and (2)
- 3) 24 Code of Federal Regulations 960.205 (b) (2) and (3) (c), (d), (1) & (2)

The first relates to the Criminal history systems board and the information it provides housing authorities.

The latter two are the state and federal regulations, respectively, governing tenant selection for public housing authorities.

PROCESS:

Among the many releases signed by applicants and areas investigated by CHA staff in the admissions process (such as landlord reference, employment/income verification, credit history, etc.), the CHA requests all applicants (and all adult household members) to sign a release permitting the CHA to view a copy of the Massachusetts Criminal Offender Record Information (CORI), held by the state concerning an individual's criminal record. This information is routinely forthcoming within a two week period.

Once in possession of CORI information the staff evaluates the nature of crime(s) committed in the past and how long ago they were committed. As to the nature of the offense, obviously direct crimes against person or property such as assault, rape, drug possession with intent to distribute, larceny, burglary, etc., are viewed much more seriously than offenses such as DUI, driving without a license, etc. Our first goal is to protect the health, safety and rights of quiet enjoyment of the premises by our existing residents. A secondary, but also important goal is to protect our property. If an applicant or other adult household member has a record of criminal activity which the CHA judges injurious to other residents or our property if similar acts were to be repeated as a CHA resident, the application is rejected on those grounds.

Applicants must be given an opportunity to provide substantial evidence that the criminal behavior is well in their past and that the criminal offender has rehabilitated herself/himself since commission of the act. We receive testimony from officers of the court, social workers, psychiatrists, pastors, etc., but the CHA, in the final analysis, reserves the right to make the admission decision based on the facts, any testimony, and on the CHA's judgement of the applicant's potential effect on the existing resident community. The severity of the crime, whether or not there has been a pattern of repetition and how far in the past a crime or crimes have occurred weigh heavily on our decision. For example, someone convicted of assault on more than one occasion with the most recent being 3 or 4 years ago would result in rejection. An old conviction of assault during one's youth, separated by five years of responsible behavior would not necessarily, by itself, cause automatic rejection.

The CHA understands its role in this process to be a most serious one. On the one hand we must respect the legal rights of the applicants; on the other hand we must jealously guard the safety and well-being of our residentsmany of whom are more vulnerable than the average citizen. In short, our task is difficult since we are being asked to make a judgement of someone's future behavior. Mistakes can be made, but I believe them to be very infrequent.

Finally, one should also be aware that CHA decisions of denial of housing to those with criminal histories can be reversed by EOCD, HUD or the court. Such reversal is, indeed, rare (which I believe is testimony to CHA's competence in this area) but there have been three or four such cases in the past six or seven years.

If I can provide further information, let me know.

§ 167. Definitions

Cross References

Hate crime data,

Availability, see c. 22C, § 35.

Dissemination of information, see c. 22C, § 35.

Code of Massachusetts Regulations

Criminal history systems board, access to CORI for research purposes, inspection by board, compliance, see 803 CMR 8.03.

Notes of Decisions

Criminal justice agency 1
Criminal offender record information 2

1. Criminal justice agency

Prison qualifies as "criminal justice agency," within meaning of this act's exception for records and data compiled by criminal justice agency. *Hawkins v. Commissioner of Correction* (1990) 551 N.E.2d 495, 406 Mass. 898.

2. Criminal offender record information

Classification and disciplinary reports prepared by prison authorities qualified as "criminal offender record information," within meaning of this act; accordingly, records were not protected from disclosure in action arising out of classification of prisoner for transfer to separate facility. *Hawkins v. Commissioner of Correction* (1990) 551 N.E.2d 495, 406 Mass. 898.

§ 168. Criminal history systems board; meetings; expenses; regulations; powers and duties; executive director and other employees; reports; funds

There shall be a criminal history systems board, hereinafter called the board, consisting of the following persons: the secretary of public safety, who shall serve as chairman, the attorney general the¹ chairperson of the Massachusetts sentencing commission, the chief counsel for the committee for public counsel services, the chairman of the parole board, the commissioner of the department of correction, the commissioner of probation and commissioner of the department of youth services, or their designees, all of whom shall serve ex officio, and nine persons to be appointed by the governor for a term of three years, one of whom shall represent the Massachusetts District Attorneys Association, one of whom shall represent the Massachusetts Chiefs of Police Sheriffs Association, and one of whom shall represent private users of criminal offender record information, one of whom shall be a victim of crime, and four of whom shall be persons who have experience in issues relating to personal privacy. Upon the expiration of the term of any appointive member, his successor shall be appointed in a like manner for a term of three years.

The chairman shall hold regular meetings, one of which shall be an annual meeting and shall notify all board members of the time and place of all meetings. Special meetings may be called at any time by a majority of the board members and shall be called by the chairman upon written application of eight or more members. Members of the board shall receive no compensation, but shall receive their expenses actually and necessarily incurred in the discharge of their duties.

The board shall, with the approval of two-thirds of the board members or their designees present and voting, promulgate regulations regarding the collection, storage, access, dissemination, content, organization, and use of criminal offender record information. Rules and regulations shall not be adopted by the board until a hearing has been held in the manner provided by section two of chapter thirty A. After consultation with the executive office of communities and development and subject to the provision of said chapter thirty A, the board shall promulgate further regulations governing the collection and use by local housing authorities of such criminal offender record information as they may lawfully receive; provided, however, that such regulations shall provide that the following information be available to housing authorities operating pursuant to chapter one hundred and twenty-one

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1986 Legislation

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1990 Legislation

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B, upon request, solely for the purpose of evaluating applicants to housing owned by such housing authorities, in order to further the protection and well-being of tenants of such housing authorities: conviction data; and arrest and other data regarding any pending criminal charge; provided, further, that any housing authority receiving such data shall not make, and shall prohibit, any dissemination of such information, for any purpose other than as set forth herein. The board shall have the authority to hear complaints alleging that criminal offender record information, evaluative information, or records of juvenile proceedings have been unlawfully disseminated or obtained, and to issue orders enforcing its rules and regulations, including the imposition of civil fines payable to the commonwealth not to exceed five hundred dollars for each willful violation thereof, after notice and hearing as provided by applicable law.

The board shall provide for and exercise control over the installation, operation and maintenance of data processing and data communication systems, hereinafter called the criminal offender record information system. Said system shall be designed to insure the prompt collection, exchange, dissemination and distribution of such criminal offender record information as may be necessary for the efficient administration and operation of criminal justice agencies, and to connect such systems directly or indirectly with similar systems in this or other states. The secretary of public safety shall, after reviewing final applicants with and securing the approval of the board, appoint an executive director who shall be classified in accordance with section forty-five of chapter thirty and the salary shall be determined in accordance with section forty-six C of said chapter thirty. Such executive director shall not be subject to the provisions of chapter thirty-one or section nine A of chapter thirty. Said director shall be responsible for all data processing, for the management of the automated criminal offender record information and teleprocessing system, for the supervision of all personnel associated with that system and for the appointment of all such personnel except as otherwise provided by the board. The board may appoint such other employees, including experts and consultants, as it deems necessary to carry out its responsibilities, none of whom shall be subject to the provisions of chapter thirty-one or of section nine A of chapter thirty.

The board shall make an annual report to the governor and file a copy thereof with the state secretary, the clerk of the house of representatives and the clerk of the senate.

The board is authorized to enter into contracts and agreements with, and accept gifts, grants, contributions, and bequests of funds from, any department, agency, or subdivision of federal, state, county, or municipal government and any individual, foundation, corporation, association, or public authority for the purpose of providing or receiving services, facilities or staff assistance in connection with its work. Such funds shall be deposited with the state treasurer and may be expended by the board in accordance with the conditions of the gift, grant, contribution, or bequest, without specific appropriation.

Amended by St.1986, c. 217, § 2; St.1990, c. 319, §§ 1 to 4; St.1991, c. 14, § 1; St.1993, c. 432, § 7.

¹ So in enrolled bill; should probably read "the attorney general."

Historical and Statutory Notes

1986 Legislation

St.1986, c. 217, § 2, by § 21 made effective as of July 6, 1986, provided for compensation of the executive director under c. 30.

St.1986, c. 217, was approved July 14, 1986. Emergency declaration by the Governor was filed July 17, 1986.

1990 Legislation

St.1990, c. 319, § 1, approved Dec. 14, 1990, in the first paragraph, rewrote the first sentence.

Section 2 of St.1990, c. 319, in the second paragraph, deleted the first and second sentences.

Section 3 of St.1990, c. 319, in the third paragraph, in the first sentence, deleted ", after giving the security and privacy council an opportunity to

present its advice and recommendations," preceding "shall".

Section 4 of St.1990, c. 319, in the third paragraph, rewrote the third sentence and added the fourth sentence.

1991 Legislation

St.1991, c. 14, § 1, an emergency act, approved April 4, 1991, and by § 2 made effective as of March 14, 1991, in the third paragraph, in the third sentence, substituted "conviction data" for "conviction date".

1993 Legislation

St.1993, c. 432, § 7, approved Jan. 12, 1994, in the first paragraph, in the first sentence, inserted

5.06: continued

3. size of unit appropriate;
 4. an estimate, according to bedroom size, of waiting time before placement (and the option to choose a smaller unit, where appropriate under 760 CMR 5.04: Appropriate Unit Size);
 5. a final and verified determination of eligibility and qualification undertaken prior to occupancy; and
 6. the applicant's ongoing responsibility to notify the LHA of any change of address and to respond promptly to LHA inquiry or be removed from the waiting list. Notice of such responsibility shall be prominently featured on the first page of the notice form.
- (6) The LHA shall enter its determination pursuant to 760 CMR 5.06(5) in its Master File.
- (7) (a) Prior to the time the LHA estimates the applicant will be offered a Unit, the LHA shall make a final and verified determination of the applicant's eligibility and qualification. The applicant shall update the application and provide any additional information required by the LHA under these regulations and 760 CMR 4.00 (Eligibility in State-Aided Public Housing). On the basis of this updated application, the LHA shall make its final determination of eligibility and qualification in accordance with the provisions of 760 CMR 4.00 and 760 CMR 5.07, using the verification procedures of 760 CMR 5.11.
- (b) Each applicant shall be notified in writing of the LHA determination. An applicant found ineligible or unqualified shall be notified of:
1. the specific reason(s) for the determination;
 2. the source(s) of any information and specific facts on which the determination is based;
 3. the right to request reconsideration in writing within ten days if there is new and relevant information not previously considered by the LHA;
 4. the right to request in writing review of a finding of ineligibility pursuant to 760 CMR 5.12;
 5. the right to be represented by counsel or other person of choice; and
 6. the right to examine his/her file prior to reconsideration or review.
- (8) (a) All information about an applicant received by the LHA shall be held in strict confidence subject to access by the applicant and limited LHA staff access in conformance with M.G.L. c. 66A (the Massachusetts Fair Information Practices Act) and 751 CMR 7.00 (Privacy and Confidentiality).
- (b) Boards of Commissioners shall not be involved in day-to-day LHA decisions on applications, transfers, or the granting of Emergency Case status. Board member access to personal data concerning an applicant or tenant should be strictly limited to those situations where there is a demonstrable need for such access in order to conduct business which is properly before the board, and every effort should be made to obtain such information without reference to personal identifiers.

5.07: Determination of Qualification for Placement

In making its final determination under 760 CMR 5.07, the LHA shall use the verification procedures of 760 CMR 5.11, and the review procedures of 760 CMR 5.12. An applicant shall be determined eligible and qualified for placement if the applicant has met the requirements of 760 CMR 4.00 (Eligibility in State-aided Public Housing) and the applicant is not determined unqualified for one or more of the following reasons:

- (1) The applicant, or any member of the applicant's household, has a record of disturbing neighbors, destroying property, or living or housekeeping habits at a prior residence which, if exhibited while a resident of public housing, would substantially interfere with the health, safety, security, or peaceful enjoyment of other tenants or adversely affect the physical environment of the resident community.

5.07: continued

(2) The applicant, or a member of the applicant's household, has a history of civil or criminal violations of the state Civil Rights Act or a history of criminal activity, including crimes of physical violence to persons or property, or other criminal acts which, if exhibited while a resident of public housing, would interfere with the health, safety, security, or peaceful enjoyment of other tenants or adversely affect the physical environment of the resident community. Examples include the possession, distribution and/or use or sale of narcotic drugs, rape, prostitution, assault, or breaking and entering.

(3) The applicant, or a member of applicant's household who will be assuming a part of the rent obligation, has a history of non-payment of rent within the past 12 months. The following circumstances would not be a basis for rejection:

- (a) the applicant (or household member) was residing in a substandard unit and such non-payment, as determined by the LHA, was reasonably justified, or
- (b) the record of non-payment was due to the applicant (or household member) being required to pay rent and utilities (other than telephone) in excess of 50% of gross income.

(4) The applicant, or member of the applicant's household, is a former tenant of a LHA whose tenancy was terminated in bad standing or who currently owes back rent or fees to a LHA.

(5) The applicant has failed to show he or she is Capable of Independent Living.

(6) The applicant has failed to provide complete and documented information pursuant to the requirements of 760 CMR 5.00 or other regulations of the Department.

(7) The applicant has knowingly misrepresented or falsified any fact required to be submitted as part of the application for admission or transfer.

(8) The applicant does not intend to occupy housing made available by the LHA as the applicant's Primary Residence.

5.08: Priority and Preference

The LHA shall determine if the applicant is entitled to be in one or more of the following priority or preference categories (see chart appearing in 760 CMR 5.09):

(1) Priority Categories.

- (a) 1st Priority - 760 CMR 5.04: Emergency Case (a) - Homeless due to Displacement by Natural Forces;
- (b) 2nd Priority - 760 CMR 5.04: Emergency Case (b) - Homeless due to Displacement by Public Action (a) pursuant to 760 CMR 5.04;
- (c) 3rd Priority - 760 CMR 5.04: Emergency Case (b) - Homeless due to Displacement by Public Action (b) pursuant to 760 CMR 5.04;
- (d) 4th Priority - Emergency Case Category(ies) as established by the LHA pursuant to 760 CMR 5.10;
- (e) 5th Priority - Transfer for Good Cause, provided that a Family or Elderly/Handicapped Applicant, as appropriate, shall be selected to occupy a unit vacated by a transfer. Where this would result in a LHA with a lengthy waiting list being unable to place applicants into larger bedroom size apartments, the LHA may fill vacant units in accordance with a prescribed ratio of transfers to placements of applicants from its waiting list with approval from the Department.

A LHA may, with approval by the Department, implement a 6th priority for applicants who are paying more than 50% of gross income for rent and utilities other than telephone.

(2) Preference Categories.

- (a) Veteran - for Chapter 200 housing (or for up to 20% of 705 family units where no Chapter 200 units exist) in the following order:

ADMISSION TO, AND OCCUPANCY OF PUBLIC HOUSING (24 CFR 960)

PART 960—ADMISSION TO, AND OCCUPANCY OF PUBLIC HOUSING

Authority: 42 U.S.C. 1437c(h), 1437d, and 3535(d).

Subpart A [Removed]

Subpart B—Admission, Rent and Reexamination

§ 960.201 Purpose and scope.

The purpose of this subpart is to prescribe standards and criteria for tenant selection and annual reexamination of income and family composition by each public housing agency (PHA) in accordance with the U.S. Housing Act of 1937 (the Act) and the Annual Contributions Contract (ACC).

§ 960.202 Applicability

This subpart is applicable to all dwelling units assisted under the United States Housing Act of 1937 in projects owned by or leased to PHAs and leased or subleased by PHAs to tenants, and is not applicable to section 23 and section 10(c) leased housing projects, the section 23 Housing Assistance Payments Program, and the section 8 Housing Assistance Payments program where the owners enter into leases directly with the tenants. This Subpart is not applicable to the Low-Rent Housing Homeownership Opportunities Program (Turnkey III), to the Mutual Help Homeownership Opportunities Program, or to Indian Tribal Housing Authorities.

§ 960.203 Nondiscrimination requirements.

(a) The tenant selection criteria and requirements used by a PHA must be established and implementing in accordance with the following authorities:

- (1) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the implementing regulations at 24 CFR part 1;
- (2) The Fair Housing Act (42 U.S.C. 3601-3619) and the implementing regulations at 24 CFR parts 100, 108, 109, and 110;
- (3) Executive Order 11063 on Equal Opportunity in Housing and the implementing regulations at 24 CFR part 107;
- (4) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and the implementing regulations at 24 CFR part 8;
- (5) The Age Discrimination Act of 1975 (42 U.S.C. 6101-6107) and the

implementing regulations at 24 CFR part 146; and

(6) The Americans with Disabilities Act (42 U.S.C. 12101-12213) to the extent applicable.

(b) Any tenant selection policies also must be consistent with HUD's affirmative fair housing objectives.

§ 960.204 Tenant selection policies.

(a) *Selection policies.* (1) The PHA shall establish and adopt written policies for admission of tenants.

(2) These policies shall be designed:

(i) To attain, to the maximum extent feasible, a tenant body in each project that is composed of families with a broad range of incomes and to avoid concentrations of the most economically deprived families with serious social problems;

(ii) To preclude admission of applicants whose habits and practices reasonably may be expected to have a detrimental effect on the residents or the project environment;

(iii) To give a preference in selection of tenants to applicants who qualify for a federal preference, ranking preference, or local preference, in accordance with §§ 960.211 through 960.215; and

(iv) To establish objective and reasonable policies for selection by the PHA among otherwise eligible applicants.

(3) The PHA tenant selection policies shall include the following:

(i) Requirements for applications and waiting lists (see 24 CFR 1.4);

(ii) Description of the policies for selection of applicants from the waiting list that includes the following:

(A) How the "federal preferences" (described in § 960.211) will be used;

(B) How any "ranking preferences" (described in § 290.211) will be used;

(C) How any "local preferences" (described in § 960.211) will be used; and

(D) How any residency preference will be used;

(iii) Policies for verification and documentation of information relevant to acceptance or rejection of an applicant; and

(iv) Policies for participant transfer between units, projects, and programs. For example, a PHA could adopt a criterion for voluntary transfer that the tenant had met all obligations under the current program, including payment of charges to the PHA.

(b) These selection policies shall:

(1) Be duly adopted; and

(2) Be publicized by posting copies thereof in each office where applications are received and by furnishing copies to applicants or tenants upon request, free

or at their expense, at the discretion of the PHA.

(c) Such policies shall be submitted to the HUD field office upon request from that office.

(d) "Residency preference" means a preference for admission of families living in the jurisdiction of the PHA. Residency provisions are subject to the following:

(1) Residency requirements are not permitted;

(2) A residency preference may not be based on how long the applicant has resided in the jurisdiction; and

(3) Applicants who are working or who have been notified that they are hired to work in the jurisdiction shall be treated as residents of the jurisdiction.

§ 960.205 Standards for PHA tenant selection criteria.

(a) The tenant selection criteria to be established and information to be considered shall be reasonably related to individual attributes and behavior of an applicant and shall not be related to those which may be imputed to a particular group or category of persons of which an applicant may be a member. The PHA may use preferences based on the employment status of family members.

(b) The criteria to be established in relation to avoiding concentration of families with serious social problems in PHA projects and information to be considered shall be reasonably related to whether the conduct of the applicant in present or prior housing has been such as would not be likely to interfere with other tenants in such a manner as to diminish their enjoyment of the premises by adversely affecting their health, safety or welfare or to affect adversely the physical environment or the financial stability of the project if the applicant were admitted to the project. Relevant information respecting habits or practices to be considered may include, but is not limited to:

(1) An applicant's past performance in meeting financial obligations, especially rent;

(2) A record of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences which may adversely affect the health, safety or welfare of other tenants; and

(3) A history of criminal activity involving crimes of physical violence to persons or property and other criminal acts which would adversely affect the health, safety or welfare of other tenants.

(c) The criteria to be established shall be reasonably related to attaining, to the

maximum extent feasible, a tenant body in each project that is composed of families with a broad range of incomes. PHAs shall develop criteria, by local preference (see § 960.211) or otherwise, which will be reasonably calculated to attain the basic objective. (But see § 960.211(d).) The criteria developed shall be sufficiently flexible to assure administrative feasibility. A dwelling unit should not be allowed to remain vacant for the purpose of awaiting application by a family falling within the appropriate range.

(d) In the event of the receipt of unfavorable information with respect to an applicant, consideration shall be given to the time, nature, and extent of the applicant's conduct and to factors which might indicate a reasonable probability of favorable future conduct for financial prospects. For example:

- (1) Evidence of rehabilitation;
- (2) Evidence of the applicant family's participation in or willingness to participate in social service or other appropriate counseling service programs and the availability of such programs;
- (3) Evidence of the applicant family's willingness to attempt to increase family income and the availability of training or employment programs in the locality.

§ 960.206 Verification procedures.

(a) *General.* Adequate procedures must be developed to obtain and verify information with respect to each applicant. (See Part 913 of this chapter and 24 CFR parts 750 and 760.) Information relative to the acceptance or rejection of an applicant, or the grant or denial of Federal preference a ranking preference, or local preference, under §§ 960.211 through 960.215, must be documented and placed in the applicant's file.

(b) *Suggested sources of information.* Sources of information may include, but are not limited to, the applicant (by means of interviews or home visits), landlords, employers, family social workers, parole officers, court records, drug treatment centers, clinics, physicians or police departments where warranted by the particular circumstances.

(c) *Tenant advisory boards.* The PHA may establish Tenant Advisory Boards for consultation in connection with the tenant selection process.

§ 960.207 Notification to applicants.

(a) The PHA must promptly notify any applicant determined to be ineligible for admission to a project of the basis for such determination, and must provide the applicant upon request, within a reasonable time after the determination is made, with an opportunity for an infor-

mal hearing on such determination (see § 960.211).

(b) When a determination has been made that an applicant is eligible and satisfies all requirements for admission, including the tenant selection criteria, the applicant must be notified of the approximate date of occupancy insofar as that date can be reasonably determined.

§ 960.208 Rent; utility reimbursement.

The amount of rent payable by the tenant to the PHA shall be the Tenant Rent, as defined in and calculated in accordance with Part 913 of this chapter. Where applicable, the Utility Reimbursement (as defined in § 913.102 of this chapter) will be paid to the tenant by the PHA. If the Family and the utility company consent, a PHA may pay the Utility Reimbursement jointly to the Family and the utility company or directly to the utility company.

§ 960.209 Reexamination of family income and composition.

(a) *Regular reexaminations.* The PHA must reexamine the income and composition of all tenant families at least once every 12 months and determine whether the family's unit size is still appropriate. After consultation with the family and upon verification of the information, the PHA must make appropriate adjustments in the Total Tenant Payment and Tenant Rent in accordance with part 913 of this chapter. At the time of the annual reexamination of family income and composition, the PHA must require the family to disclose and verify Social Security Numbers, as provided by 24 CFR part 750. For requirements regarding the signing and submitting of consent forms by families for the obtaining of wage and claim information from State Wage Information Collection Agencies, see 24 CFR part 760.

(b) *Interim reexaminations.* The family must comply with provisions in its lease regarding interim reporting of changes in income. If the PHA receives information concerning a change in the Family's income or other circumstances between regularly scheduled reexaminations, the PHA must consult with the family and make any adjustments determined to be appropriate. Any change in the family's income or other circumstances that results in adjustment in the Total Tenant Payment or Tenant Rent must be verified. See 24 CFR 750.10(d)(2)(i) for the requirements for the disclosure and verification of Social Security Numbers at interim reexaminations involving new family members. For requirements regarding the signing and submitting of

consent forms by families for the obtaining of wage and claim information from State Wage Information Collection Agencies, see 24 CFR part 760.

§ 960.210 Restriction on eviction of families based upon income.

No PHA shall commence eviction proceedings, or refuse to renew a lease, based on the income of the tenant family unless: (a) it has identified, for possible rental by the family, a unit of decent, safe, and sanitary housing of suitable size available at a rent not exceeding the Tenant Rent as defined and calculated in accordance with Part 913 of this chapter, or (b) it is required to do so by local law.

§ 960.211 Selection preferences.

(a) *Types of preference.* There are three types of admission preferences.

(1) "Federal preferences" are preferences that are prescribed by federal law and required to be used in the selection process. See § 960.212(a).

(2) "Ranking preferences" are preferences that may be established by the PHA for use in selecting among applicants that qualify for federal preferences. See § 960.212(b).

(3) "Local preferences" are preferences that may be established by the PHA for use in selecting among applicants without regard to their federal preference status.

(b) *Use of preference in selection process.*

(1) *Factors other than preference.*

(i) *Characteristics of the unit.* The PHA may match other characteristics of the applicant's family with the type of unit available, e.g., number of bedrooms. In selection of a family for a unit that has special accessibility features, the PHA must give preference to families that include persons with disabilities who can benefit from those features of the unit (see 24 CFR 8.27 and 100.202(c)(3)). Also, in selection of a family for a unit in a mixed population project, the owner will give preference to elderly families and disabled families, as provided by subpart D.

(ii) *Singles preference.* See part 912 of this chapter.

(2) *Local preference admissions.*

(i) If the PHA wants to use preferences to select among applicants without regard to their federal preference status, it may adopt a preference system for this purpose. These "local preferences" may only be adopted after the PHA has conducted a public hearing to establish preferences that respond to local housing needs and priorities. The PHA may only use local preferences in selection for admission if



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EXECUTIVE DEPARTMENT
ROBERT W. HEALY
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RICHARD C. ROSSI
Deputy City Manager

January 23, 1995

To The Honorable, The City Council:

In response to Awaiting Report Item No. 11, regarding the process and laws followed relative to the admission of persons who have criminal records to buildings which house elderly and handicapped persons, please find attached a report from Daniel J. Wuenschel, Executive Director of the Cambridge Housing Authority.

Very truly yours,

Robert W. Healy
City Manager

RWH/mev

Consent Agenda # 15

S-35

Response to Awaiting Report Item
Number Eleven, regarding the process
and laws followed when admitting
persons who have criminal records to
buildings which house elderly and
handicapped persons.

for original order
See - 1994 - City Manager
Requests # 394.

In City Council,

January 23, 1995

Placed on file