

SOMERVILLE HOUSING AUTHORITY
EMERGENCY CASE PLAN
(September 1992)

(Adopted September, 1992 and amended in accordance
with 760 CMR 5.12 effective 7/30/93)

Pursuant to 760 CMR 5.10, the Somerville Housing Authority (SHA) hereby adopts the following Emergency Case Plan.

I. STATEMENT OF GOALS AND POLICIES.

- (A) Through this Plan, the Authority seeks to establish a fair and uniform standard to be applied to all applicants for Emergency Case Status, to the end that similarly situated applicants will receive similar treatment.
- (B) Emergency Case Status is a priority category for placement to units and is intended to consider the needs of persons who are homeless, in abusive situations or encountering severe medical emergencies as further described in this plan. The SHA may reconsider and revise this plan from time to time after an open process of discussion with all interested members of the community and in accordance with the waiver provisions of the Executive Office of Communities and Development (EOCD) Regulations Prescribing Standards and Procedures for Tenant Selection and Transfer at 760 CMR 5.00 et seq.
- (C) Requirements employed by the SHA in making determinations of Emergency Case Status as to evidence, documentation and verification, and efforts by the applicant to

prevent, avoid or alleviate his or her situation, shall be reasonable in relation to the realistic capacity and resources of the applicant.

II. DEFINITION OF EMERGENCY CASE APPLICANT.

(A) An "Emergency Case Applicant" is an eligible and qualified applicant who, in the determination of the SHA, has been or is imminently faced with displacement from his/her "primary residence" as a result of the circumstances described in Section III of this Plan, and who is a "homeless applicant." A "homeless applicant" is an applicant who:

(1) is without a place to live or is in a living situation in which there is a significant immediate and direct threat to the life or safety of the applicant or a household member which situation would be alleviated by placement in an appropriate unit; and

(2) has made reasonable efforts to locate alternative housing; and

(3) has not caused or substantially contributed to the safety-or-life-threatening situation; and

(4) has pursued available ways to prevent or avoid the safety-or-life-threatening situation by seeking assistance through the courts or appropriate administrative or enforcement agencies.

(B) "Primary residence" is defined as the principal home

(domicile) of the applicant, which is occupied by the applicant not less than nine (9) months of the year.

III. EMERGENCY CASE STATUS

The SHA shall grant Emergency Case Status to an otherwise eligible and qualified "homeless applicant" who is displaced from his/her "primary residence" under the following circumstances:

- A. **DISPLACED BY NATURAL FORCES.** An applicant is displaced by natural forces who is displaced by:
 - (1) fire not due to the negligence or intentional act of an adult member of the applicant household,
 - (2) earthquake, flood or other natural cause, or
 - (3) a disaster declared or otherwise formally recognized under disaster relief laws.

- B. **DISPLACED BY PUBLIC ACTION.** An applicant is displaced by public action:
 - (1) who is being displaced within the next ninety (90) days, or has been displaced within the three (3) years prior to application, by:
 - (a) any low rent housing project as defined in M.G.L. c. 121B, S. 1, or
 - (b) by a public slum clearance or urban renewal project initiated after January 1, 1947, or
 - (c) by other public improvement.
 - (2) who is being displaced, or has been displaced within ninety (90) days prior to application, by

enforcement of the Minimum Standards of Fitness for Human Habitation established by the State Sanitary Code and local ordinances, provided that:

- (a) a member of the applicant household has not caused or substantially contributed to the cause of enforcement proceedings, and
 - (b) the applicant has pursued available ways to remedy the situation by seeking assistance through the courts or appropriate administrative or enforcement agencies.
- C. **DISPLACED BY LANDLORD ACTION.** An applicant is displaced by Landlord action when he/she is a primary tenant who has been evicted through no fault of his/her own or of the members of his/her household.

For the purpose of this definition, applicants must demonstrate that they are:

- (1) Primary tenants - applicants who had tenancies for which they or an adult member of their household contracted directly, excluding roommate arrangements where each roommate paid or was responsible to pay the landlord a portion of the total rent, or where one or more roommates paid or was responsible to pay a portion of the rent to another roommate who paid the landlord the total rent, or where a roommate lived free. A primary tenancy may be evidenced by a lease or rental agreement bearing the signature of the applicant or an adult member

of the applicant's household as listed on the application, or other evidence such as rent receipts, cancelled checks or utility bills.

(2) Without Fault - Causes which are not considered the fault of the applicant or member of the applicant household shall include causes determined by the SHA to be outside of the reasonable control of the applicant or household members, including evictions for condo conversion, property renovations and where the owner wants the premises for his own or family use. Evictions for breach of the lease shall not be considered "without fault."

D. **DISPLACED BY ACUTE MEDICAL EMERGENCY.** An applicant is displaced by an acute medical emergency if the applicant or a household member listed on the application is determined by the SHA to suffer from an illness or injury which poses a severe and medically documented threat to life or safety, and the lack of suitable housing is a substantial impediment to treatment or recovery.

E. **DISPLACED BY ABUSIVE SITUATION.** An applicant is displaced by an abusive situation if the applicant or a household member listed on the application is determined by SHA to be a victim of abuse as defined by the Abuse Prevention Act (M.G.L. c. 209A) or as defined by the Elderly Abuse Reporting Act (M.G.L. c. 19A), and the

abuse constitutes a significant and direct threat to life or safety. The Abuse Prevention Act defines "abuse" as the occurrence of one or more of the following acts between family or household members:

- (1) attempting to cause or causing physical harm;
- (2) placing another in fear of imminent serious physical harm; or
- (3) causing another to engage involuntarily in sexual relations by force, threat or duress.

The Elderly Abuse Reporting Act defines "abuse" as an act or omission which results in serious physical or emotional injury to a person sixty years of age or older, or financial exploitation of a person sixty years of age or older.

IV. PROCEDURES FOR DETERMINATION OF EMERGENCY CASE STATUS.

- (A) Applications for Emergency Case Status shall be accepted throughout the year at the SHA Tenant Selection Department. No one shall be denied an application form or the right to apply.
- (B) Emergency applications shall be processed using the same application procedures, determination of eligibility procedures, verification procedures, and appeal procedures as standard applicants. Any grant or denial of Emergency Case Status shall be made only after a determination of preliminary eligibility and verification of the circumstances warranting Emergency Case Status.

(C) The SHA shall make a prompt determination of eligibility, qualification, and Emergency Case Status consistent with the immediacy of the applicant's situation, the number of other Emergency Case Applicants on the waiting list for the same size and type of unit, and the number of anticipated vacancies. If the applicant is found ineligible for Emergency Case Status, the applicant may request, within twenty (20) days of mailing of the notice from the SHA, a private conference with the Executive Director, or a person designated by the Executive Director, who was not previously involved in the decision to deny Emergency Case Status. The conference shall be held within thirty (30) days after receipt of an applicant's request. A postponement of no more than fourteen (14) days may be granted by the Executive Director or his designee because of illness or other unavoidable absence of a necessary person, or for other good cause. The applicant may be required to provide written verification of the reason for the postponement. Conferences may also be postponed by agreement of the applicant and the SHA. If the applicant fails to appear at a scheduled conference which has not been postponed, then the Executive Director or his designee may determine that the applicant has waived the right to a conference, unless the applicant demonstrates good cause for his/her nonappearance. The purpose of the conference is to

discuss the reasons for the SHA's decision and to permit the applicant, or his/her representative, to present rebuttal or additional information, ask questions of those present, and offer documentation, testimony, and argument. Within fifteen (15) working days after the conference, the Executive Director or his designee shall notify the applicant in writing of his decision with an explanation of his reasons. A notice adverse to the applicant shall include a statement of the applicant's right to reconsideration or EOCD review as set forth in 760 CMR 5.12.

V. PROCEDURES UPON DETERMINATION OF EMERGENCY CASE STATUS.

- (A) When an applicant has been determined by the SHA or the Executive Director, in accordance with the standards and requirements of this Plan, to qualify as an Emergency Case Applicant, the applicant shall be offered the next appropriate available unit in accordance with the priority ranking of 760 CMR 5.08 (1) and the preference ranking of 760 CMR 5.08 (2).
- (B) If no appropriate unit is then available, the applicant shall be placed on an Emergency Case waiting list maintained in accordance with EOCD waiting list standards. If the SHA determines that an applicant on the Emergency Case waiting list has obtained permanent housing suitable for his/her household size and income,

the applicant shall no longer be considered an Emergency Case applicant, and shall remain on the waiting list as a standard applicant. The SHA shall select applicants from the Emergency Case waiting list in descending order of priority, as follows:

1st Priority - Displaced by Natural Forces as defined by Section III (A) of this Plan.

2nd Priority - Displaced by Public Action as defined by Section III (B) (1) of this Plan.

3rd Priority - Displaced by Public Action as defined by Section III (B) (2) of this Plan.

4th Priority - Displaced by Landlord Action, Displaced by Acute Medical Emergency and Displaced by Abusive Situation as defined by Sections III (C), III (D), and III (E) of this Plan.

Within each priority category, preferences for Affirmative Action, Somerville Residents and Veterans shall be granted in accordance with 760 CMR 5.08 and CMR 5.09.

VI. RECORDS.

The SHA shall maintain records with regard to Emergency Case Applicants in accordance with 760 CMR 5.10 (6).

VII. RELATIONSHIP TO AFFIRMATIVE ACTION GOALS.

If the SHA or EOCD at any time determines that the number of applicants granted Emergency Case Status substantially interferes with the achievement by the SHA of its affirmative action goals, then this Plan shall be revised, upon public notice and in conformity with EOCD requirements, to maintain a proper balance between Emergency Case and Affirmative Action Applicants.