



**Public Housing & Rental Assistance Committee Meeting
July 18, 2019, 1:00–2:30 p.m.**

Notes

I. Welcome & Introductions

**II. Presentation on Application portal for state-aided public housing –
CHAMP - Common Housing Application for Massachusetts Public
Housing**

- Gretchen Haupt, Director of Programs and Operations, Division of Public Housing
- Christine DeVore, Assistant Director Bureau of Housing Management
- Andrew Clinton, Project Manager, Division of Public Housing

Slides that DHCD shared during their presentation are at the end of this document.

Legislation and History

- In 2014, the Public Housing Reform legislation - Chapter 235 of the Acts of 2014 - An Act Relative to Local Housing Authorities was passed. Creating a centralized waiting list for public housing applications was one of the sections in the legislation.
- DHCD received the funding and momentum for the common application that would streamline public housing search and address any issues of compliance with housing authority applications.
- The App was developed based on four criteria: Better Access, Simplicity in functioning, Fairness for clients and Ease of use.
- The app can be accessed via computer, smartphone, tablet, and paper. CHAMP is a single app for all the Local Housing Authorities.
- The centralized waiting list facilitated via CHAMP reduces burden on applicants. It allows for applicants to update the application for any changes in income or other fields and keeps the application current even if the applicants move from one shelter to another.
- All the 234 Housing Authorities are a part of CHAMP and DHCD monitors and is evaluating data from CHAMP.

- With Tenant selection regulations updated for CHAMP, tenant selection can potentially have better accountability.

App Launch

- CHAMP was launched on April 10th, 2019.
- Since the launch, 12,000 new applicants have entered the system including 6,953 online applicants. The new applicants are in line with previous year numbers. DHCD has also set up a helpline for applicants for providing assistance. DHCD has also conducted staff trainings for smoother application process.

Next Steps

- DHCD is currently working on resolving minor issues in CHAMP faced by applicants and Housing Authorities.
- DHCD is also working on developing modules to streamline housing search for AHVP and MRVP along with public housing.

Preliminary data from CHAMP

- When the app launched, 160,000 applications existed in the system for 44,000 public housing units in Massachusetts.
- Annual turnover of 3,800 new housing units is low for the number of applications highlighting the need for affordable housing.
- Of the applications, 60% are for family housing units while the inventory available has 30% units of family housing.

III. Discussion on Bid Protest Decision

The organization, the [Foundation for Fair Contracting of Massachusetts](#) (FFCM), filed bid protests at the Attorney General's Office (AGO) - Fair Labor Division against two affordable housing developments in Holyoke and Springfield alleging that public construction bidding laws should apply to these projects.

Holyoke Case: On June 20, 2019, the AGO released a decision in the Holyoke case, which involved the redevelopment of Lyman Terrace, development of the Holyoke Housing Authority. The housing authority entered into an agreement with The Community Builders (TCB) to redevelop Lyman Terrace. TCB did not follow public bidding laws nor did it seek a home rule petition to exempt the project from these laws.

FFCM challenged the project claiming that it should have followed public bidding requirements because, among factors, the land involved public housing property. The AGO decided in favor of FFCM and said public bidding laws should have been followed for the project.

In reaching its decision, the AGO used the *Brasi* Analysis, which is a series of factors to consider when deciding whether public bidding laws should apply. Please see the slide-deck at the end of this document for more on the analysis and factors.

For a copy of the decision in the Holyoke Housing Authority case, please [CLICK HERE](#) to visit the AGO bid decision page and download the decision from 6/20/2019.

The factors used to decide the Holyoke case suggested that developments that involve public funds could be subject to public bidding laws. This potentially leaves all affordable housing developments open for challenging whether they are subject to public bidding laws.

Springfield Case: FFCM has also filed a bid protest against a privately-owned affordable housing development in Springfield, Chestnut Park Apartments. The organization FFCM alleges that Chestnut Park required to follow public construction bidding laws because, among other factors, the development has received public subsidies, financing agencies like MassHousing and DHCD retain a certain level of control of the project, and the development is subject to Chapter 40T.

If AGO finds that this development is subject to public bidding laws, this could potentially have implications for every affordable housing development in the state. Public construction bidding can add up to 30% or more to the cost of a project.

There is a public hearing on this case on July 25, 2019. Testimony is due to the AGO by Tuesday, July 23.

CHAPA will be submitting testimony to the AGO in opposition to the bid protest. Suggestions of points for CHAPA to include in its testimony included:

- Focusing on the two separate affordable housing delivery systems - (1) public housing and (2) privately-owned affordable housing development - emphasizing that Chestnut Park is a strictly private development compared to the Lyman Park decision which involved public housing.
- Discuss the impact on affordable housing development if public bidding requirements were to apply to all projects.
- Clarify that Chapter 40T reinforces the private-ownership aspect of affordable housing development.

There was also support for further discussion of legislative and other policy solutions.

IV. Small Area Fair Market Rent Discussion

Since our last meeting, both the Boston Housing Authority and the Cambridge Housing Authorities have implemented Small Area Fair Market Rents (SAFMRs) for their federal Section 8 Housing Choice Vouchers. For more information on SAFMRs, please [click here](#) for the notes from our May meeting.

The Baker Administration & DHCD have said that they are not going to implement SAFMRs at this time.

During the discussion, concerns were raised regarding having two separate FMRs for the same area that depends on who administers the voucher. Concerns were also raised about the potential cost implications for using SAFMRs and whether there would be any reduction in the number of vouchers available.

There was consensus for CHAPA to reach out to DHCD to ask about their decision to not implement SAFMRs at this time. There was also consensus to support SAFMRs as a way to better support voucher households and their mobility. A point was also raised to ask DHCD about asset development programs and why programs like MassLEAP were ended and if there are any plans to implement similar programs in the future.

V. Legislative & Budget Updates

Budget: The conference committee has still not released its final budget proposal. However, the committee is expected to finish its negotiations soon.

Legislative Priorities: The Housing Committee reported out several of CHAPA's public housing legislative priorities:

- Tenant Board Member Bill (H.1291/S.777): The Housing Committee favorably reported the legislation. The House bill is now at House Ways & Means and the Senate bill is at the Senate Rules Committee.
- Leveraging New Resources for Public Housing (H.1317/S.785): The Housing Committee favorably reported the legislation. The bills are now before the House and Senate Committees on Ways and Means.
- Resident Service Coordinator Bill (H.1279): The Housing Committee favorably reported the bill. It is now before the House Committee on Ways and Means.

VI. Member Updates

Next Meeting: Thursday, September 19th, 1 pm - 2:30 pm



CHAMP

Web-Based Application for State Public Housing

PRESENTED BY: CHRIS DEVORE, GRETCHEN HAUPT, ANDREW CLINTON - DHCD

CHAPA'S PUBLIC HOUSING COMMITTEE MEETING

JULY 18, 2019

CHAMP Agenda

Welcome.

Welcome to CHAMP (Common Housing Application for Massachusetts Public-Housing). Using this site, you will be able to apply for state-aided public housing and find any existing applications you may have. Moving forward, as your address changes or other information on your application changes, you will only need to update information at this site. All of your changes will be recorded at the housing authorities where you have applied. If you have questions, please ask staff at your local housing authority to help you.

If you are also interested in applying for vouchers or federal public housing, please contact your local housing authority. Those programs are not yet managed through this site.

* Denotes required field

Select a Language *

English (en)

CHANGE LANGUAGE

GET STARTED

If you have a disability, you have a right to request a reasonable accommodation with the online application process. Contact your local housing authority to make arrangements.

- ▶ Legislation & History
- ▶ Launch – April 10, 2019
- ▶ Future Directions
- ▶ A Whole New Data World

CHAMP Basics: Access – Simplicity – Ease – Fairness – Accountability

Legislation:

- ▶ Chapter 235 - An Act Relative to Housing Authorities
 - ▶ "Powerful Tool"
 - ▶ Regulation – 760 CMR 5.00

Housing Programs:

- ▶ First release covers State-Aided Public Housing only
 - ▶ 44,000 Units of Family and Elderly/Handicapped Housing
 - ▶ ch. 200 & 705 Family Housing, ch. 667 Elderly/Handicapped Housing
 - ▶ 234 Housing Authorities

Benefits:

For the Public

- Reduces burden of application process
- Transparent view into status of application

For Local Housing Authorities (234)

- Automates and standardizes a complex process

For DHCD

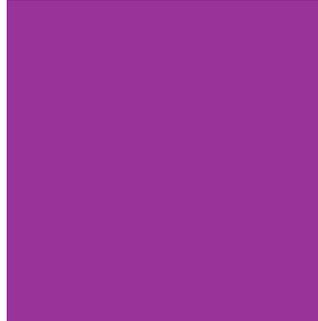
- Transparent view into Housing Authority tenant selection
- Better understand who the program is serving

History:



Public Housing & Rental Assistance

July 18, 2019



CHAMPS Presentation



Public Bid Protests



Affordable Housing & Public Construction Bidding

June 20, 2019

In re:

Holyoke Housing Authority
Rehabilitation of Lyman Terrace

Protestor:

The Foundation for Fair Contracting
of Massachusetts

Attorney General's Office

Fair Labor Division

Bid Protest Decision

In re: Holyoke Housing Authority

Issue:

“Whether the public bidding law apply when a private entity undertakes construction on a housing project that was initially owned by a public housing authority...”

AGO found that public construction bidding requirements apply to redevelopment of public housing developments by public-private partnerships

In re: Holyoke Housing Authority

Broader Implications – Public bidding requirements apply to, *“Every contract for the construction...of any building by a public agency estimated to cost over \$150,000.”*

M.G.L. ch.149, § 44A

AGO writes that this applies to any building – not just public buildings

Question becomes – *can this be applied to any publicly funded affordable housing development?*

In re: Holyoke Housing Authority

The Brasi Analysis – *Totality of the Circumstances*

Brasi Development Corp. v. Attorney General, 456 Mass. 684 (2010)

- Extent of control retained by the agency
- Length of the proposed leases
- **Whether the source of money is public funds**
- Whether payments made under the agreement cover costs of construction
- Whether state agency retains an option to purchase
- Whether the agency initially owned the land and then sold or leased it
- Whether the facility is of a specialized nature that would render it unsuitable for another commercial purpose without significant renovations

In re: Holyoke Housing Authority

PUBLIC MONEY FACTOR

“A finding of public money is not essential to a finding that the public bidding law apply.” – *In re: Holyoke Housing Authority*

However, for the Holyoke Housing Authority project,
“the entire project would not exist but for substantial federal, state and local monies earmarked for the project. This indicates that the public bidding laws do apply.”

Chestnut Towers - Springfield

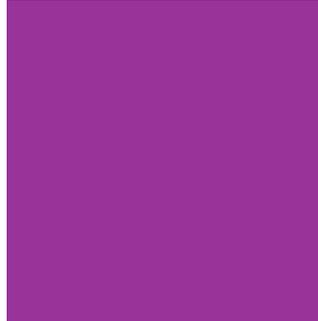
- The Foundation for Fair Contracting is also challenging Chestnut Towers in Springfield – a 489-unit project by Related Beal, with \$10.2 million public investment.
 - Includes \$500,000 from Springfield
 - Subject to 40T
 - Consulted with City of Springfield on the project
- **Public Hearing on Bid Protest:**
Thursday, July 25, 2019, at 10:00 a.m.
100 Cambridge Street, 12th Floor, Faherty Hearing Room, Boston, MA

Discussion & Action Items



- Attend & testify at hearing on July 25
- Submit comments (due July 23)
- Gather sign-ons
- Gather data – highlighting cost implications; labor information
- Meet with the Attorney General
- Engage with Baker Administration
- Come up with legislative solution
- Engage with FFCM
- Prevailing wage implications
- Others...

Small Area Fair Market Rents



Legislative & Budget Updates



Thank you!

Next Meeting:
September 19, 2019

