

## CHANGES TO THE 2018 ACOP

**3-I.M. LIVE-IN AIDE - PHA Policy Revised** – The PHA will verify the need for a live-in aide, **if necessary**, with a reliable, knowledgeable professional as provided by the family, such as a doctor, social worker, or case worker. For continued approval, the family **may be required to** ~~must~~ submit a new, written request – subject to PHA verification – at each annual reexamination.

**3-II.A. INCOME ELIGIBILITY AND TARGETING - Types of Low-Income Families [24 CFR 5.603(b)]** HUD also publishes over-income limits annually, but these are not used at admission. Over-income limits will be discussed in Chapter 13.

**Using Income Limits for Eligibility [24 CFR 960.201]** Income limits are used **for to determine** eligibility **only** at admission.

**3III.F. PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING - Notification – PHA POLICY REVISED** – While the PHA is not required to identify whether adverse factors that resulted in the applicant’s denial are a result of domestic violence, dating violence, sexual assault, or stalking, the applicant may inform the PHA that their status as a victim is directly related to the grounds for the denial. The PHA will request that the applicant provide enough information to the PHA to allow the PHA to make an objectively reasonable determination, based on all circumstances, whether the adverse factor is a direct result of their status as a victim.

**Chapter 4-I.B. APPLYING FOR ASSISTANCE – PHA POLICY REVISED** - If the applicant fails to provide the documentation within the time frame provided, or the request for information is returned by the USPS for lack of a good address, the application will be withdrawn, and the family will be removed from the waiting list. The family must wait six months before making another application for housing. When a family is removed from the waiting list during the initial process for failure to respond, no informal hearing will be offered. Such failures to act on the part of the applicant prevent the PHA from making an eligibility determination; therefore, no informal hearing is required.

If a family is removed from the waiting list for failure to respond to the request for information by the USPS, the Executive Director may reinstate the family if it is determined the lack of response was due to a PHA error, or to circumstances beyond the family’s control.

**4-II.F. UPDATING THE WAITING LIST - Purging the Waiting list – PHA POLICY REVISED** - The family’s response **must be** in writing and may be delivered in person, by mail, or by fax. Responses should be postmarked or received by the PHA not later than 15 business days from the date of the PHA letter.

When a family is removed from the waiting list during the update process for failure to respond, no informal hearing will be offered. Such failures to act on the part of the applicant prevent the PHA from making an eligibility determination; therefore, no informal hearing is required. **The applicant may not reapply for housing for a period of six months.**

**Removal from the Waiting List – PHA POLICY REVISED** - Applicants must wait 6 months before re-applying for housing if their application was removed from the waiting list for any reason other than ineligibility.

**4-III.B. SELECTION METHOD - Local Preferences – PHA POLICY REVISED** - The PHA will offer a preference to families that include victims of domestic violence, dating violence, sexual assault, or stalking who has either been referred by a partnering service agency or consortia or who is seeking an emergency transfer under

VAWA from the PHA's housing choice voucher program or other covered housing program operated by the PHA.

The PHA will work with the following partnering service agencies:

### **GreenHouse17**

The applicant must certify that the abuser will not reside with the applicant unless the PHA gives prior written approval.

Local preferences will be aggregated using a system in which each preference will receive an allocation of points. The more preference points an applicant has, the higher the applicant's place on the waiting list.

The preference for victims of domestic violence, dating violence, sexual assault, or stalking seeking an emergency transfer will be equal to two points.

The preference for working families will be equal to one point.

Applicants qualifying for both preferences will thus be assigned a total of three points. Among applicants who qualify for two preferences, date and time of application will be used to determine placement on the waiting list.

**Order of Selection – PHA POLICY REVISED - Families will be selected from the waiting list based on preference.** Among applicants with the same preference, families will be selected on a first-come, first-served basis according to the date and time their complete application is received by the PHA.

**4.III.E. FINAL ELIGIBILITY DETERMINATION – PHA POLICY REVISED - The PHA will expedite the administrative process for determining eligibility to the extent possible for applicants who are admitted to the public housing program as a result of an emergency transfer from another PHA program.**

**5-I.B. DETERMINING UNIT SIZE – PHA POLICY REVISED - The PHA's occupancy standards are as follows:** The PHA will assign one bedroom for each two persons within the household, except in the following circumstances:

Persons of different generations will not be required to share a bedroom, except:

- A single pregnant woman with no other household members and a single parent with one child and no other household members will be assigned a one-bedroom unit. Assuming no other changes in family composition, after the child reaches the age of 3 years, the family will be eligible for a transfer to a 2-bedroom unit.
- Otherwise, an unborn child will not be counted as a person in determining unit size.
- Children related to a household member by birth, adoption, or court awarded custody will be considered when determining unit size.
- Foster children will be considered when determining unit size. The family may add foster children to the household as long as it does not overcrowd the unit based on the PHA's occupancy standards.
- Children away at school, but for whom the unit is considered the primary residence, and children temporarily placed outside the home, will be considered when determining unit size.
- Children in the process of being adopted will be considered when determining unit size.
- Children who will live in the unit less than 50 percent of the time will not be considered when determining unit size.

**6-III.C. UTILITY ALLOWANCES – Utility Allowance Revisions – PHA POLICY REVISED - The PHA reviews the utility calculations on an annual basis. The PHA owns all the utilities that are provided. Allowances are revised**

based on up-grade to the units performed through the Capital Fund Program that will affect utility consumption. Allowances are revised based on consumption and not on utility cost.

**7-I.C. UP-FRONT INCOME VERIFICATION (UIV) – Upfront Income Verification Using Non-HUD Systems (Optional) – PHA POLICY REVISED** - The PHA will inform all applicants and residents of its use of the following UIV resources during the admission and reexamination process: HUD’s EIV system ~~The Work Number~~

**7-II.D. FAMILY RELATIONSHIPS – Marriage – PHA POLICY REVISED** - In the case of a common law marriage, the couple must demonstrate that they hold themselves to be married (e.g., by telling the community they are married, calling each other husband and wife, using the same last name, filing joint income tax returns).

**7-II.H. VERIFICATION OF PREFERENCE STATUS – PHA POLICY REVISED** - The PHA also offers a preference for victims of domestic violence, dating violence, sexual assault, or stalking, as described in Section 4-III.B. To verify that applicants qualify for the preference, the PHA will follow documentation requirements outlined in Section 16-VII.D.

**7-IV.C. DISABILITY ASSISTANCE EXPENSES – Attendant Care – PHA POLICY REVISED** - Expenses for attendant care will be verified through:

- Written third-party documents provided by the family, such as receipts or cancelled checks.
- Third-party verification form signed by the provider, if family-provided documents are not available.
- If third-party verification is not possible, written family certification as to costs anticipated to be incurred for the upcoming 12 months.

**8-I.E. SECURITY DEPOSITS – PHA POLICY REVISED** - Residents must pay a security deposit to the PHA at the time of admission. The amount of the security deposit is \$200.00 and must be paid in full prior to occupancy.

**8-I.F. PAYMENTS UNDER THE LEASE – Excess Utility Charges – PHA POLICY REVISED** - The PHA may grant requests for relief from surcharges from excess utility consumption of PHA-furnished utilities as a reasonable accommodation where the PHA deems an exception is appropriate to meet the needs of elderly, ill, or disabled residents. In determining whether to grant this request, the PHA will consider special factors affecting utility usage that are not within the control of the resident, such as the need for medical equipment. Residents may request relief in accordance with Section 2-II.C. of this ACOP. The PHA will process such requests in accordance with Section 2-II.E. of this ACOP.

Notice of the availability of procedures for requesting relief (including the PHA representative with whom initial contact may be made by the resident) and the PHA’s criteria for granting requests, will be included in each notice to residents of changes in utility allowances or surcharges as well as to new residents as part of the lease orientation.

**10-I.B. APPROVAL OF SERVICE ANIMALS AND ASSISTANCE ANIMALS – PHA POLICY REVISED** - For an animal to be excluded from the pet policy and be considered a service animal, it must be a trained dog, and there must be a person with disabilities in the household who requires the dog’s services.

**10-II.C. STANDARDS FOR PETS [24 CFR 5.318; 960.707(b)]** - PHAs may not require pet owners to obtain or carry liability insurance. PHAs may not require that cats be declawed.

**PET DEPOSITS AND FEES IN GENERAL OCCUPANCY DEVELOPMENTS - 10-IV.A. PET DEPOSITS – Payment of Deposit – PHA POLICY REVISED** - There is a total of \$200.00 deposit/pet fee on all pets; \$100.00 is for the security deposit and \$100.00 is the non-refundable fee. The amount must be paid in full before bringing your pet on to HAD’s property.

**12-I.B. EMERGENCY TRANSFERS – PHA POLICY REVISED** - A verified incident of domestic violence, dating violence, sexual assault, or stalking. For instances of domestic violence, dating violence, sexual assault, or stalking, the threat may be established through documentation outlined in section 16-VII.D. In order to request the emergency transfer, the requestor must submit an emergency transfer request form (HUD-5383) (Exhibit 16-4 of this ACOP), although, the PHA may waive this requirement in order to expedite the transfer process.

The PHA will immediately process requests for transfers due to domestic violence, dating violence, sexual assault, or stalking. The PHA will allow a tenant to make an internal emergency transfer under VAWA when a safe unit is immediately available. The PHA defines immediately available as a vacant unit, that is ready for move-in within a reasonable period of time, not to exceed **7 days**. If an internal transfer to a safe unit is not immediately available, the PHA will assist the resident in seeking an external emergency transfer either within or outside the PHA's programs.

**12-III.F. HANDLING OF REQUESTS – PHA POLICY REVISED** - In order to request the emergency transfer under VAWA, the resident will be required to submit an emergency transfer request form (HUD-5383) (Exhibit 16-4 of this ACOP). The PHA may, on a case-by-case basis, waive this requirement and accept a verbal request in order to expedite the transfer process. If the PHA accepts an individual's statement, the PHA will document acceptance of the statement in the individual's file in accordance with 16-VII.D. of this ACOP. Transfer requests under VAWA will be processed in accordance with the PHA's Emergency Transfer Plan (Exhibit 16-3). In case of a reasonable accommodation transfer, the PHA will encourage the resident to make the request in writing using a reasonable accommodation request form. However, the PHA will consider the transfer request any time the resident indicates that an accommodation is needed whether or not a formal written request is submitted.

### **13.III.C. OTHER AUTHORIZED REASONS FOR TERMINATION [24 CFR 966.4(I)(2) AND (5)(ii)(B)]**

#### **Over-Income Families [24 CFR 960.261; FR Notice 7/26/18]**

The Housing Opportunity Through Modernization Act (HOTMA) of 2016 placed an income limitation on public housing tenancies. The over-income requirement states that after a family's income has exceeded 120 percent of area median income (AMI) (or a different limitation established by the secretary) for two consecutive years, the PHA must either terminate the family's tenancy within six months of the determination, or charge the family a monthly rent that is the higher of the applicable fair market rent (FMR) or the amount of monthly subsidy for the unit, including amounts from the operating and capital funds, as determined by regulations. PHAs also have discretion, under 24 CFR 960.261, to adopt policies allowing termination of tenancy for families whose income exceeds the limit for program eligibility. Such policies would exempt families participating in the Family Self-Sufficiency (FSS) program or currently receiving the earned income disallowance.

**PHA POLICY REVISED** - At annual or interim reexamination, if a family's income exceeds the applicable over-income limit, the PHA will document the family file and begin tracking the family's over-income status.

If one year after the applicable annual or interim reexamination the family's income continues to exceed the applicable over-income limit, the PHA will notify the family in writing that their income has exceeded the over-income limit for one year, and that if the family continues to be over-income for 12 consecutive months, the family will be subject to the PHA's over-income policies.

If two years after the applicable annual or interim reexamination the family's income continues to exceed the applicable over-income limit, the PHA will charge the family a rent that is the higher of the applicable fair market rent (FMR) or the amount of monthly subsidy for the unit. The PHA will notify the family in writing of their new rent amount. The new rent amount will be effective 30 days after the PHA's written notice to the family.

If, at any time, an over-income family experiences a decrease in income, the family may request an interim redetermination of rent in accordance with PHA policy. If, as a result, the previously over-income family is now below the over-income limit, the family is no longer subject to over-income provisions as of the effective date of the recertification. The PHA will notify the family in writing that over-income policies no longer apply to them. If the family's income later exceeds the over-income limit again, the family is entitled to a new two-year grace period.

The PHA will begin tracking over-income families once these policies have been adopted, but no later than March 24, 2019.

The PHA will not evict or terminate the tenancies of families whose income exceeds the income limit for program eligibility as described at 24 CFR 960.261.

**13.III.F. TERMINATIONS RELATED TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING - Terminating or Evicting a Perpetrator of Domestic Violence** – ~~The PHA must not initiate eviction procedures until 30 days after the lease bifurcation.~~ However, perpetrators should be given no more than 30 days' notice of termination in most cases [Notice PIH 2017-08]

**13.IV.D. LEASE TERMINATION NOTICE [24 CFR 966.4(i)(3)]** – PHA POLICY REVISED - All notices of lease termination will include ~~information about the protection against termination provided by the Violence against Women Reauthorization Act of 2013 (VAWA) for victims of domestic violence, dating violence, sexual assault, or stalking~~ a copy of the forms HUD-5382 and HUD-5380 to accompany the termination notice. Any tenant who claims that the cause for termination involves domestic violence, dating violence, sexual assault, or stalking of which the tenant or affiliated individual of the tenant is the victim will be given the opportunity to provide documentation in accordance with the policies in sections 13 III.F and 16-VII.D.

**14-III.C. APPLICABILITY [24 CFR 966.51]** – Any criminal activity that resulted in felony conviction of a household member

PHA POLICY REVISED – The PHA is located in a HUD-declared due process state. Therefore, the PHA will not offer grievance hearings for lease terminations involving criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or employees of the PHA, for violent or drug-related criminal activity on or off the premises, or for any criminal activity that resulted in felony conviction of a household member.

**Expedited Grievance Procedure [24 CFR 966.52(a)]** – Any criminal activity that resulted in felony conviction of a household member.

**16-II.B. FLAT RENTS [24 CFR 960.253(b) and Notice PIH 2017-23]** – **Establishing Flat Rents** – Age of the property the unit; Utilities provided by the PHA and/or landlord for (comparable units in the market study); The PHA must provide a corresponding key explaining the calculations used for determining the valuation for each factor.

PHAs must receive written HUD approval before implementing exception flat rents. PHAs with a previously approved flat rent exception request may submit a written request to extend the approved flat rents for up to two additional years, provided local market conditions remain unchanged. Detailed information on how to request exception flat rents can be found in Notice PIH 2017-23.

PHAs are now required to apply a utility allowance to flat rents as necessary. Flat rents set at 80 percent of the FMR must be reduced by the amount of the unit's utility allowance, if any.

#### **Review of Flat Rents**

No later than 90 days after the effective date of the new annual FMRs/SAFMRs/unadjusted rent, PHAs must implement new flat rents as necessary based changes to the FMR/SAFMR/unadjusted rent or request an exception.

**16-V.B. RECORD RETENTION – PHA POLICY REVISED –** Confidential records of all emergency transfers related to VAWA requested under the PHA’s Emergency Transfer Plan and the outcomes of such requests

**PART VI: REPORTING REQUIREMENTS FOR CHILDREN WITH ELEVATED BLOOD LEAD LEVEL - 16-VI.A. REPORTING REQUIREMENTS [24 CFR 35.1130(e); Notice PIH 2017-13]**

The PHA has certain responsibilities relative to children with elevated blood lead levels that are living in public housing.

The PHA must report the name and address of a child identified as having an elevated blood lead level (EBLL) to the public health department within five business days of being so notified by any other medical health care professional. The PHA must also report each known case of a child with an EBLL to the HUD field office.

PHA POLICY REVISED - The PHA will provide the public health department written notice of the name and address of any child identified as having an elevated blood lead level.

The PHA will provide written notice of each known case of a child with an EBLL to the HUD field office, and to HUD’s Office of Lead Hazard Control (OLHCHH), within five business days of receiving the information.

**16-VII.C. NOTIFICATION [24 CFR 5.2005(a)] – PHA POLICY REVISED** - Whenever the PHA has reason to suspect that providing information about VAWA to a public housing tenant might place a victim of domestic violence at risk, it will attempt to deliver the information by hand directly to the victim or by having the victim come to an office or other space that may be safer for the individual, making reasonable accommodations as necessary. For example, the PHA may decide not to send mail regarding VAWA protections to the victim’s unit if the PHA believes the perpetrator may have access to the victim’s mail, unless requested by the victim. When discussing VAWA with the victim, the PHA will take reasonable precautions to ensure that no one can overhear the conversation such as having conversations in a private room.

The victim may, but is not required to, designate an attorney, advocate, or other secure contact for communications regarding VAWA protections.

**16-VII.D. DOCUMENTATION [24 CFR 5.2007] – PHA POLICY REVISED** - The PHA may, in its discretion, extend the deadline for 10 business days. In determining whether to extend the deadline, the PHA will consider factors that may contribute to the victim’s inability to provide documentation in a timely manner, including cognitive limitations, disabilities, limited English proficiency, absence from the unit, administrative delays, the danger of further violence, and the victim’s need to address health or safety issues. Any extension granted by the PHA will be in writing.

Once the victim provides documentation, the PHA will acknowledge receipt of the documentation within 10 business days.

**Conflicting Documentation [24 CFR 5.2007(e)] – PHA POLICY REVISED** - If presented with conflicting certification documents from members of the same household, the PHA will attempt to determine which is the true victim by requiring each of them to provide third-party documentation in accordance with 24 CFR 5.2007(e) and by following any HUD guidance on how such determinations should be made. When requesting third-party documents, the PHA will provide contact information for local domestic violence and legal aid offices. In such cases, applicants or tenants will be given 30 calendar days from the date of the request to provide such documentation.

If the PHA does not receive third-party documentation within the required timeframe (and any extensions) the PHA will deny VAWA protections and will notify the applicant or tenant in writing of the denial. If, as a result, the applicant or tenant is denied or terminated from the program, the PHA will hold separate hearings for the applicants or tenants.