

PROPOSED CHANGES

2022 Public Housing Authority Plan (Administrative Plans)

The Public Housing Authority (PHA) must define any significant changes to its policies or plans. The PHA defines a “substantial deviation” and “significant amendment/modification” as any change in policy which significantly and substantially alters the Authority’s stated mission and the persons the Authority serves. The proposed changes below have not been deemed “significant”.

New language is indicated in red. Deleted language is shown in ~~strikeout~~.

There are 2 changes in the ACOP and 37 changes in the Administrative Plan.

ADMISSIONS AND CONTINUED OCCUPANCY POLICY (ACOP)

All references to “Tenant” in the City and County ACOP have been replaced with “Resident” for clarification purposes.

1. Chapter 20 – Reasonable Accommodation Policy and Procedures
B – Exceptions to Occupancy Standards (page 20-3)

~~A medical health care professional~~ **A doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability may also provide verification of a disability,** must verify requests for a larger number of bedrooms due to medical equipment. ~~A licensed physician or an attending health care professional~~ **A doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability may also provide verification of a disability** must also verify all requests based upon health-related needs.

Explanation of Change: Language changed to be in alignment with Section 504.

2. Chapter 20 – Reasonable Accommodation Policy and Procedures
C. Procedure for Processing Requests for Reasonable Accommodations for Individuals with Disabilities
Step 4 – Role of the RAC 9 (page 20-7)

The RAC reviews all completed reasonable accommodation requests weekly. The members are:

- ~~1. The Chair (Accommodation Coordinator, who is a PHA Assistant Director~~
2. One Program Manager from the Housing Choice Voucher program;
3. One Program Manager from the Conventional Housing program;
4. One ~~Site~~ **Regional Manager or management level staff;** and

5. One Supervisor or above from PHA Applications (HCV or Public Housing).

Explanation of Change: Not currently part of quorum. A Director may sit in for any of the members described above.

HOUSING CHOICE VOUCHER ADMINISTRATIVE PLAN

All references to “Prospect” in the Administrative Plan have been replaced with “Applicant” for clarification purposes.

1. Chapter 2 – Eligibility for Admission, page 2-2

PHA Factors for Denial or Termination of Assistance (24 CFR §982.552):

- Any applicant who is a current or former resident must pay all debts to the PHA **or be in Good Standing** before a voucher may be issued. All applicants to the HCV program must be in “Good Standing.” Please see the glossary for a definition of “Good Standing”.

Explanation of Change: Expanding admission criteria to assist applicants that owe a debt.

2. Chapter 2 – Eligibility for Admission, page 2-2

~~The PHA conducts background checks for applicants using fingerprinting or other methods. Where fingerprinting is not an option, the PHA will require ask the applicant prospective participant (commonly referred to as “prospect”) to list all past convictions within the last 3 years. The PHA may elect to continue to process the applicant prospect if, during the application process, an applicant prospect neglects to list a past conviction, if that conviction is not for:~~

- ~~• drug-related criminal activity,~~
- ~~• violent criminal activity,~~
- ~~• criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or~~
- ~~• Other criminal activity which may threaten the health or safety of the owner, property management staff, or persons performing a contract administration function or responsibility on behalf of the PHA (including a PHA employee or a PHA contractor, subcontractor or agent).~~

~~All convictions that fall in the above categories will be reviewed through an individualized screening process wherein mitigating circumstances will be considered prior to proposed denial from the program.~~

Explanation of Change: Amending Administrative Plan to current regulation.

3. Chapter 2 – Eligibility for Admission, page 2-3

Criminal Screening Criteria

The PHA conducts background checks for applicants using fingerprinting or other methods. Where fingerprinting is not an option, the PHA will require ask the applicant ~~prospective participant (commonly referred to as “prospect”)~~ to list all past convictions within the last 3 years.

The PHA may deny families for any felony or multiple misdemeanor convictions within the past three (3) years. ~~for the following charges:~~

- ~~• assault and battery,~~
- ~~• use of a firearm against a person,~~
- ~~• armed robbery,~~
- ~~• robbery offenses with no weapon involved,~~
- ~~• intentional homicides,~~
- ~~• manslaughter,~~
- ~~• kidnapping and abduction,~~
- ~~• stalking,~~
- ~~• arson,~~
- ~~• burglary,~~
- ~~• breaking and entering,~~
- ~~• fraud,~~
- ~~• possession of drugs, and~~
- ~~• weapon-related offenses.~~

~~The PHA may deny families for any felony and misdemeanor convictions for the following charges:~~

- ~~• domestic violence,~~
- ~~• sex offenses,~~
- ~~• the manufacture, distribution or possession to distribute drugs, and~~
- ~~• driving under the influence.~~

Explanation of Change: Amending Administrative Plan to current regulation.

4. Chapter 2 – Eligibility for Admission, page 2-3

~~Admission of applicants with any current criminal charges may be delayed pending a final court decision on the charges or other disposition of the case (e.g. by plea bargain). After the final court decision, the applicant’s case will be reviewed to determine whether the applicant meets all admission criteria.~~

The fact that an applicant was arrested for a disqualifying offense shall not be treated or regarded as sufficient proof that the applicant engaged in disqualifying criminal activity. The arrest may, however, trigger an investigation to determine whether the applicant or tenant actually engaged in disqualifying criminal activity. As part of its investigation, the PHA may obtain the police report associated with the arrest and consider the reported circumstances of the arrest. The PHA may also consider any statements made by witnesses or the applicant or tenant not included in the police report; whether criminal charges were filed; whether, if filed, criminal charges were abandoned, dismissed, not

prosecuted, or ultimately resulted in an acquittal; and any other evidence relevant to determining whether or not the applicant or tenant engaged in disqualifying activity.

Explanation of Change: Amending Administrative Plan to current regulation.

5. Chapter 2 – Eligibility for Admission, page 2-9

Portability:

Nonresident applicants have no right to move under portability for 12 months from the time the family is admitted to the HCV program.

Explanation of Change: Amending Administrative Plan to current regulation.

6. Chapter 3 – Applying for Admission, page 3-4

Requirement to Attend Interview

All adult family members are required to attend the interview. The PHA may offer an alternate method to an in-person interview. Exceptions may be made for good cause as defined in the glossary. Reasonable accommodations may be made upon request by or on behalf of family members with disabilities if they are unable to attend the interview as a result of their disabilities.

Explanation of Change: This change assists clients to complete eligibility with an alternative method.

7. Chapter 4 - HOMELESS INITIATIVES

Contingent on funding, the PHA will allocate ~~a total of 975~~ vouchers to serve homeless families utilizing tenant-based vouchers (the Limited Homeless Allocation and the Move On Allocation), the Performance Partnership Pilots Initiative Program (P3) program (described in Chapter 23) and project-based vouchers tied to supportive services (described in Chapter 21) ~~over the next three years~~. The PHA is prioritizing housing homeless families, ~~and is creating two new preferences to serve the homeless population~~, while continuing to serve families on the current waitlist. ~~Families who have been determined eligible for these two preferences may be served even when the waiting list is closed, until the approved number of applicants has been reached.~~

Explanation of Change: Homeless Initiatives funding has been extended and are by referral.

8. Chapter 4 – Establishing Preferences and Maintaining the Wait List, page 4-6

G. MAINSTREAM VOUCHERS

The PHA received allocations of ~~89~~ Mainstream vouchers ~~in 2018 and will create a new preference~~ for non-elderly homeless persons with disabilities. Families currently on the tenant-based wait list will be queried to determine whether they meet the criteria and they will be selected in sufficient number to utilize the allocated Mainstream vouchers. When the tenant-based wait list has been exhausted of non-elderly homeless persons with disabilities, the PHA will ~~give a~~

~~preference accept referrals from partnering agencies for families meeting the criteria who are referred from partnering agencies.~~

Explanation of Change: The PHA has been awarded additional Mainstream vouchers and adding clarifying language.

9. Chapter 4 - Establishing Preferences and Maintaining the Wait List, page 4-6
H. SPECIAL ADMISSIONS (24 CFR §§ 982.54, 982.203)

If HUD awards a PHA program funding that is targeted for families living with specific attributes, the PHA will admit these families under a special admission procedure. ~~Upon the HUD award, the PHA will move forward with implementation using the HUD guidelines of the award and will add the new program or changes to an existing program to the following Administrative Plan.~~

Explanation of Change: Allows for the PHA to implement new HUD voucher awards.

10. Chapter 4 – Special Admissions, page 4-7

Applicants admitted under special admissions criteria, rather than from the wait list, are identified by codes in the automated system. Examples of this may include, but are not limited to:

- ~~Families displaced because of the demolition of the Twin Rivers public housing development.~~
- Tenant Protection Vouchers
- Emergency Housing Vouchers

Explanation of Change: Clarification and addition of new programs.

11. Chapter 4 – Emergency Housing Vouchers (EHV), page 4-7

Explanation of Change: Added criteria for qualification for new program.

12. Chapter 5 – Subsidy Standards, page 5-2
Foster Children

For Applicants: Any foster child or foster adults who are in the home at the time of initial voucher issuance, and who are determined to be in a long-term placement, will be considered ~~family members~~ in the determination of subsidy size. For the purpose of determining subsidy size, long-term placement is defined as six or more months.

Explanation of Change: Foster children are considered in determination of the subsidy but do not have succession rights to the voucher as family members.

13. Chapter 6 - Factors Related to Total Tenant Payment and Family Share Determination, page 6-10

E. REMAINING MEMBER OF TENANT FAMILY - RETENTION OF VOUCHER

PHA-approved spouse/partner or co-head will “inherit” the voucher in the event of the death of the head of household if the spouse/partner has been part of the assisted family for the past 12 months.

If the head of household passes away and there is no spouse/partner/co-head, an approved family member may retain the voucher if the family member has been a part of the assisted household-family for the past 12 months or has continually been part of the household family throughout the term of assistance. If there are minor children in the home, refer to the “Caretaker for Child(ren)” section above.

Explanation of Change: Adding clarifying language.

14. Chapter 8 – Voucher Issuance and Briefings, page 8-1

B. BRIEFING TYPES AND REQUIRED ATTENDANCE (24 CFR §982.301) Initial Applicant Briefing

A full HUD-required briefing will be conducted for applicant families who are determined to be eligible for assistance. The briefings will be conducted in groups. Families who attend group briefings and still need individual assistance (e.g. because they do not understand the information or have additional questions) will be referred to designated staff for further assistance. Virtual briefings and electronic voucher issuance may be offered as allowed by HUD.

Explanation of Change: Amending Administrative Plan to current regulation.

15. Chapter 8 - Voucher Issuance and Briefings, page 8-6

Assistance to Voucher Holders

The PHA will assist families with contract rent negotiations (based on comparable rent) with owners once a Request for Tenancy Approval (RFTA) is submitted for specific unit on RFTA and provide other limited assistance related to their search for housing.

Explanation of Change: Adding clarifying language per current policy.

16. Chapter 8 - Voucher Issuance and Briefings, page 8-6

Division of family when a legal guardian is the Head-of-Household

When a legal guardian has been added to the household to care for dependents and the guardian can no longer remain in the household, the PHA will determine consider the following factors to determine who will be the voucher holder new head of household based on the following factors:

Whether any of the original dependent children have turned 18 years of age and are willing to become the new head-of-household; or

- Whether there is a new legal guardian who can be approved and added to household temporarily to care for the children.

Explanation of Change:

17. Chapter 9 - Request for Tenancy Approval and Contract Execution, page 9-2
Owner Interest in Unit

The owner may not reside in any portion of the assisted unit-property.

Explanation of Change: Clarification that owners may not reside in the garage or portions of the property that are considered part of the assisted property.

18. Chapter 9 - Request for Tenancy Approval and Contract Execution, page 9-4
Rent Reasonableness

In any of the programs, if the proposed gross rent is not reasonable, at the family's request, the PHA will negotiate with the owner to reduce the rent to a reasonable rent.

Explanation of Change: The PHA negotiates with the owner as part of procedure without the family request.

19. Chapter 9 - Request for Tenancy Approval and Contract Execution, page 9-6

This means that tenants covered individuals (~~voucher holders~~) may not rent from immediate family members, including spouse, parents (including step-parents), child (including a step-child) grandparents, grand-child, siblings (including step-brother or step-sister), ~~aunts, uncles, nieces, nephews~~.

Explanation of Change: Amending Administrative Plan to current regulation.

20. Chapter 9 – Landlord and Applicant Incentive Program page 9-6

Based on funding availability, the PHA may offer Landlord Incentives and assistance for Applicant leasing costs and move-in costs. These Incentive Programs may only be available to certain voucher types based on funding. Any security deposit assistance paid to a Landlord on behalf of an Applicant will be returned to the Applicant upon move-out in order to assist the Applicant to lease future housing units.

Explanation of Change: Adding clarification for new Incentive Program.

21. Chapter 11 Small Area FMR

The SAFMRs were ~~will be~~ implemented effective April 1, 2018.

Where the payment standard is decreasing due to the new SAFMRs, the PHA will hold the families harmless as long as they continue to live in the same assisted unit ~~after April 1, 2018~~. That means that families who remain in place will not experience a decrease in payment standard or ~~will not experience an increase for two years and will be changed at the third recertification~~, contingent upon funding and regulations. ~~The PHA will keep the payment standard at the December 2017 metropolitan Fair Market Rate level until the SAFMR exceeds this amount.~~

Explanation of Change: This changes benefits clients with the same payment standard in order to allow the client either time to move or adjust to a higher expected rent.

22. Chapter 12 – Recertifications, page 12-7
Procedures When the Change is Not Reported by the Family in a Timely Manner

If the family does not report the change as described under Timely Reporting, or fails to provide requested verification within the given timeframe, the family will be considered to have caused a delay in the interim certification processing and the following guidelines will apply:

- Unreported increases in household income will be effective retroactive to the date it would have been effective had it been reported on a timely basis. The family will be liable for any overpaid housing assistance and will be required to pay the debt in full. ~~(see Chapter 17 Repayment of Debts to the PHA) within 60 days.~~

Explanation of Change: Amending Administrative Plan to allow clients additional time to repay debts.

23. Chapter 13 - Moves with Continued Assistance/Portability, page 13-3
Time of Contract Change

A move within the same building or project, or between buildings owned by the same owner, will ~~require the participant to request to move to be issued a new voucher prior to moving, complete the entire move process and enter into a new HAP contract. be processed like any other move~~ There will be no overlapping assistance.

Explanation of Change: Adding clarifying language.

24. Chapter 13 - Moves with Continued Assistance/Portability, page 13-6

Billing Procedures

The initial PHA must reimburse the receiving PHA the administrative fee per current HUD regulations and proration. ~~for 80% of the initial PHA's administrative fee or 100% of the receiving PHA's administrative fee, whichever is less. The receiving PHA will bill 100% of the housing assistance payment and 100% of special claims for each "portability" voucher leased as of the first day of the month. The administrative fee is never prorated and is not rounded. The entire administrative fee is billed for any participant who has a HAP contract effective as of the first day of the month.~~

Explanation of Change: Amending Administrative Plan to current regulation.

25. Chapter 15 – Denial or Termination of Assistance, page 15-12

Unless their lease was effective prior June 17, 1998, the owner must not be a ~~parent, child, grandparent, grandchild, sister, brother, aunt, uncle, or any other relative of any member of the household.~~ spouse, parents (including step-parents), child (including a step-child) grandparents, grand-child, siblings (including step-brother or step-sister).

Explanation of Change: Amending Administrative Plan to current regulation.

26. Chapter 15 – Denial or Termination of Assistance, page 15-11

The requirement that the family use the assisted unit for residence by the family. The unit must be the family's **only** residence. ~~No household members may be listed as a resident on another lease or rental agreement or utility subscriber at another address~~

Explanation of Change: Adding clarifying language.

27. Chapter 16 – Owner Disapproval and Restriction, page 16-1

The PHA will disapprove the owner for the following reasons:

- Unless their lease was effective prior June 17, 1998, the owner must not be a ~~parent, child, grandparent, grandchild, sister, brother, aunt, uncle, or any other relative of any member of the household~~ spouse, parents (including step-parents), child (including a step-child) grandparents, grand-child, siblings (including step-brother or step-sister). The PHA may waive this restriction as a reasonable accommodation for a family member who is a person with a disability if there is a nexus between the disability-related need and the provisions included in the rental property. This restriction against PHA approval of a unit only applies at the time a family initially receives tenant-based assistance for occupancy of a particular unit, but does not apply to PHA approval of a new tenancy with continued tenant-based assistance in the same

unit. 24 CFR §982.306(d)

- If the owner is residing in any portion of the assisted property (excluding shared housing, see Chapter 19).

Explanation of Change: Adding clarification for new Incentive Program.

28. Chapter 18 – Complaints and Appeals, page 18-4
Notification of Informal Hearing

When the PHA receives a request for an informal hearing, a hearing will normally be scheduled within ~~60~~ 90 days from the date the request is received. The hearing notice will provide at least 15-day notice...

Explanation of Change: Procedure update based on current policies.

29. Chapter 19 – Special Housing Types, page 19-4
D. SHARED HOUSING

The live-in aide may not have any ownership interest in the assisted unit.

Explanation of Change: Amending Administrative Plan to current regulation.

30. Chapter 19 – Special Housing Types, page 19-15
Family Outreach

The PHA may use a dedicated ~~separate~~-wait list or accept referral based on the specifications in the Mod-Rehab Housing contract. ~~for tenant-based and project-based housing.~~

Explanation of Change: Amending Administrative Plan with clarifying language for Mod Rehab.

31. Chapter 19 – Special Housing Types, page 19-16
Family Outreach

The PHA may use a dedicated ~~separate~~-wait list or accept referral based on the specifications in the Mod-Rehab Housing contract. ~~for tenant-based and project-based housing.~~

Explanation of Change: Amending Administrative Plan to current regulation

32. Chapter 19 – Special Housing Types, page 19-17
Security Deposit Requirements

~~The maximum amount of security deposit that can be collected by the owner shall be the greater of one month's Total Tenant Payment or \$50.00.~~

Explanation of Change: The PHA does not determine the security deposit, the amount is based on local laws and the owner determination.

33. Chapter 19 – Special Housing Types, page 19-20-21
RENTAL ASSISTANCE DEMONSTRATION (RAD) HOUSING

~~Eligibility upon Conversion (Notice H-2019-09 PIH-2019- 23 (HA)) Pursuant to the RAD Statute At conversion, current households cannot be excluded from occupancy at the Covered Project based on any rescreening, income eligibility, or income targeting. With respect to occupancy in the Covered Project, current households in the Converting Project will be grandfathered for application of any eligibility criteria to conditions that occurred prior to conversion but will be subject to any ongoing eligibility requirements for actions that occur after conversion. Post-conversion, the tenure of all residents of the Covered Project is protected pursuant to PBV requirements regarding continued occupancy unless explicitly modified by HUD.~~

~~Under-Occupied Unit.~~

~~If a family is in an under-occupied unit under 24 CFR § 983.260 at the time of conversion, the family may remain in this unit until an appropriate-sized unit becomes available in the Covered Project. When an appropriate sized unit becomes available in the Covered Project, the family living in the under-occupied unit must move to the appropriate-sized unit within 30-days. In order to allow the family to remain in the under-occupied unit until an appropriate-sized unit becomes available in the Covered Project, 24 CFR § 983.260 is waived for current residents remaining or returning to the Covered Project.~~

Explanation of Change: Amending Administrative Plan to current regulation

34. Chapter 19 – Special Housing Types, page 19-21-22
J. ENHANCED VOUCHERS

~~If the family's income subsequently increases to an amount where the dollar value of the family's enhanced voucher minimum rent established by the percentage of income calculation is more than the original enhanced voucher minimum rent, the family's enhanced voucher minimum rent reverts to the original enhanced voucher minimum rent. The original enhanced voucher minimum rent is the maximum enhanced voucher minimum rent that is applied to the family.~~

~~Under HUD Notice PIH 2001-41, if the enhanced voucher minimum rent changed because of the significant decrease in income, it remained that percentage of adjusted monthly income for as long as the family continued to receive enhanced~~

~~voucher assistance. The enhanced voucher minimum rent from that point on was that specific percentage applied to the family's current adjusted monthly income, regardless of whether the family's income subsequently increased or decreased.~~

Explanation of Change: Amending Administrative Plan to current regulation

35. Chapter 21 Project-Based Voucher Program

Explanation of Change: Chapter updated to current policies

36. Chapter 24 – Reasonable Accommodation Policy and Procedures

Explanation of Change: Chapter updated to current policies

37. Chapter 27 – Language Access Plan

Explanation of Change: PHA most common languages and percentages updated