

## **Proposed Amendments to the ACOP and HCV Administrative Plan**

Below is a listing of proposed amendments to the Public Housing Admissions and Continued Occupancy Policy (ACOP) and the Housing Choice Voucher Program Administrative Plan (Admin Plan) that are “significant amendments or modifications” to the policies resulting in a substantial effect on residents and therefore, subject to public comment.

In addition, amendments to the ACOP and Admin Plan that are authorized by the MTW Year 13 Plan are included in the documents and may not be subject to public comment.

### **A. Admissions and Continued Occupancy Policy** **Summary of Proposed Changes**

#### **Chapter 1: Overview of the Program & Plan**

##### **Page 4 – Criminal Records**

Proposed Addition: “The record of screening shall be retained, for residents who enter into leases, until 4 years after the end of the tenancy, and for applications of ineligible families and notices of ineligibility, for 4 years (for public housing), or as required by PHA's record retention policy and applicable housing laws and regulations.”

#### **Chapter 4: Eligibility**

##### **Page 14 – Family and Household**

Removes the language allowing tenants to demonstrate an interdependent relationship in order to qualify as “family”

Definition changed to match HUD regulation 24 C.F.R. 5.403

##### **Page 22 – Family Consent to Release of Information**

Adds “and utilities consumption and expenses” to list of information PHA is authorized to collect

##### **Page 28 – Previous Behavior**

PHA has the discretion to deny an applicant with unsuitable past history in meeting financial obligations, including: any past due utility bill over \$750

Previously language stated: Any electric bill over \$750 and/or any gas bills over \$1,250. Gets rid of the arrearage amount for gas and electric bills, makes it any utility bill over \$750.

#### **Chapter 5: Applications, Waiting List and Tenant Selection**

##### **Page 39 – Special Housing Initiatives (SHI)**

Adds language and guidelines for Special Housing Initiatives

##### **Page 40 – Application Interview**

Applicants will be required to sign verification forms necessary to solicit income, family information, and utilities information.

Previously, applicants only needed to sign verification forms necessary to solicit income and family information. Now tenants must verify utility information.

#### **Chapter 7: Income and Adjusted Income**

##### **Page 50-52 – Annual Income**

Defines how the value of assets are determined based on the current passbook savings rate

Adds language: A list of Federally mandated exclusions is included as Appendix C to this Administrative Plan.

Defines how the value of assets are determined based on the current passbook savings rate

List of exclusions added into Appendix C

##### **Page 57 – Rounding of Income and Deductions**

Adds guidelines about how social security income will be calculated  
Adds guidelines for rounding and determining other sources of income

## **Chapter 8: Rent**

### **Page 58 – Total Tenant Payment & Rent Simplification**

Revises features of the program to include:

Revision of the current system of utility allowances to encourage energy conservation, enrollment in utility companies' low-income, –cap or similar program in which a tenant makes a fixed payment based upon income rather than consumption, and other utility cost savings

### **Page 60 – Ceiling Rent**

Establishment of a ceiling rent schedule

Removes the following provision: Revision of ceiling rent schedule with calculation based on a percentage of the HCV Fair Market Rent.

### **Page 61-62 – Utility Allowances, Utility Allowance Payments, & Utility Allowance Schedule Revisions**

Provision that states that new utility allowances will be set according to methodologies authorized under MTW Agreement and Plan.

Addition: "PHA also may adjust utility allowances for changes in HUD operating subsidy amounts received by PHA."

Based on meetings with CLS and RAB, PHA will remove the deletion of the following sentences under the Utility Allowance.

Proposed Add Back: "Implementation of utility allowance policies at scattered sites will be dependent on prior legal agreements".

Based on meetings with CLS and RAB, PHA will remove the deletion of the following sentences under the Utility Allowance.

Proposed Add Back: "Adjustments to tenant payments as a result of utility allowance schedule must be retroactive to the first day of the month in which the last rate change taken into account in such revision became effective."

Proposed Addition: "PHA will cooperate with tenants seeking a release by a utility company of a credit balance on a tenant utility account, but PHA may limit requests for release to once per year, may condition its consent upon payment of delinquent rent and/or upon the utility's retention of a reserve for seasonal fluctuations in consumption."

## **Chapter 9: Verification**

### **Page 63 – Consent to Release of Information**

PHA to obtain tenant consent to allow PHA to request tenant utility consumption and expense information from utility providers

### **Page 68 – Verification of Zero Income**

Changes language: EIV check to confirm that the individual member has no income

## **Chapter 10: Leasing and Inspections**

### **Page 73 – Utilities**

Removes language: It shall be a material breach of the lease for the tenant to fail to pay any utility bills that they are responsible for under the lease.

## **Chapter 15: Terminations**

### **Page 118 – Other Serious or Repeated Violations of Material Terms of the Lease**

Adds language regarding sex offender status as grounds for mandatory termination from PHA

As a result of meetings with CLS and RAB, PHA will revise the language under the section for Other Serious or Repeated Violations of Material Terms of the Lease regarding utility payments.

Proposed Revisions: "Failure to comply with any lease requirements to pay utilities where there is an enforcement action by a utility provider for non-payment"

## **Chapter 18: Special Programs and Allocations**

### **Page 133-134 – Special Housing Initiatives**

Addition of language regarding Special Housing Initiatives, such as the Blueprint to End Homelessness, and other partnerships authorized under the MTW plan

## **Glossary of Public Housing Terms**

### **Page 162 – Rent**

Removes the definition of Total Tenant Payment

### **Page 164 – Utility Allowance & Utility Reimbursement (Utility Assistance Payment – UAP)**

Modifies definition of “Utility Reimbursement” and “Utility Allowance”

As a result of meetings with CLS and RAB, PHA will remove the deletion of the following sentences under “Utility Reimbursement”.

Proposed Add Back: “Families paying Ceiling Rent do not receive Utility Allowance and, consequently, will never qualify for utility reimbursement.”

## **Appendix C: Federally Mandated Income Exclusions**

### **Page 171 - 172**

Amended per Chapter 7 revision.

### **B. Housing Choice Voucher Program Administrative Plan** **Summary of Proposed Changes**

## **Chapter 2: General Policies**

### **Page 4 – Criminal Records**

Revision: “PHA will retain a record of the screening, including the type of screening and the date performed until four years after the end of tenancy.”

## **Chapter 4: Eligibility**

### **Page 21 – Family and Household**

Removes the language allowing tenants to demonstrate an interdependent relationship in order to qualify as “family”

Definition changed to match HUD regulation 24 C.F.R. 5.403

Proposed Add Back: Under definition of “Family,” add back reference to persons with “Interdependent Relationship.”

### **Page 25 – Seven Year Term Limit**

Seven Year Term limit policy has been removed.

### **Page 34 – Screening for Suitability as a Tenant**

Addition: “Upon owner request, PHA will provide the owner with a family’s current and prior address as shown in PHA records.”

## **Chapter 5: Application, Wait List and Tenant Selection**

### **Page 39 – Placement on the Waiting List**

Addition: When the Waiting List is open for a finite period of time, PHA will notify applicants of the method for submitting applications and ordering applications on the wait list.”

### **Page 43 – Special Housing Initiatives (SHI)**

Adds language and guidelines for Special Housing Initiatives

## **Chapter 8: Income and Adjusted Income**

### **Page 55 – Annual Income**

Addition: “PHA will establish its own passbook savings rate according to the guidance provided in HUD Notice PIH 2012-29. At the start of each fiscal year, PHA will review the current Savings National Rate as calculated by the Federal Deposit Insurance Corporation (FDIC). PHA will then establish a passbook rate by adding 75 basis points (.75 percent) to the current Savings National Rate. At no time will PHA’s passbook rate be less than 0 percent. PHA will apply this policy to

calculate imputed asset income consistently to all applicants and participants. For example, if the published FDIC Savings National Rate at the PHA establishes its passbook rate is .12% PHA would add 75 basis points (.75 percent) for a passbook savings rate of .87%.”

**Page 57 – Annual Income Exclusions**

List of exclusions added to Appendix C

**Page 64 – Rounding of Income and Deductions**

Adds guidelines about calculating social security income

Adds guidelines for rounding and determining other sources of income

**Chapter 9: Family Share & Subsidy Determination**

**Page 69 – Utility Allowance Payments**

Revision: “When the PHA subsidy for a family exceeds the rent to owner, the family is due a Utility Allowance.”

**Chapter 10: Verification**

**Page 75 – Verification of Zero Income**

Changes language: EIV check to confirm that the individual member has no income

**Chapter 12: Rent Reasonableness & Rent Changes**

**Page 88 – Property Specific Rent Policies**

Removal of provision to match MTW Plan.

**Chapter 15: Payment Standards & Utility Allowances**

**Page 108-109 – Utility Allowance**

Adds option for PHA making utility allowance payments directly to the utility company.

Proposed Add Back: “PHA will periodically, at its discretion, review HCV allowance schedules to determine if adjustments are required. Annual updates will not be required.”

PHA will calculate utility allowances based upon PGW's CRP payment schedule for tenants who are eligible for such programs based on income; ineligible tenants' utility allowance to be calculated using standard policy.

Proposed Addition: "PHA will cooperate with tenants seeking a release by a utility company of a credit balance on a tenant utility account, but PHA may limit requests for release to once per year, may condition its consent upon payment of delinquent rent and/or upon the utility's retention of a reserve for seasonal fluctuations in consumption."

**Page 116-119 – Interim Recertification**

Elderly and disabled households are now excluded from requirements of voluntary interim recertifications.

Removes language: When any new family member is added to the household, PHA will conduct an interim recertification to determine any new income or deductions associated with the additional family member.

All families must report all changes in family and household composition that occur between recertifications.

PHA will conduct interim recertifications to account for any changes in household composition that occur between recertifications. Any income and/or deduction changes resulting from the composition change will be considered as well.

Interim recertifications due to changes in family composition do not count toward the limit on interim recertifications.

Families are required to report to PHA, within 30 calendar days, any changes in family composition which may occur between regularly scheduled recertifications.

**Chapter 18: Portability**

**Page 129 – Eligibility for Port-Out (MTW) and Financial Hardship Waiver for Port-Out (MTW)**

PHA will require existing owners provide a letter of good standing for existing tenants as a condition for approval of a move, however, if the owner does not respond, PHA will continue processing the move.

Policies regarding eligibility to port-out added to match MTW initiative in the HUD-Approved MTW Plan. As an MTW agency, PHA has a waiver to the regulations allowing the imposition of additional criteria.

#### **Chapter 20: Termination of Assistance and Tenancy**

##### **Page 149 – Termination Due to State Registered Lifetime Sex Offender Status**

Sex offender mandatory termination added.

#### **Chapter 21: Program Integrity**

##### **Page 159 – Debt and Repayment Agreements**

Addition of repayment policies: Maximum term of a repayment agreement is 24 months; before executing a repayment agreement, PHA will generally require that the family pay at least 25% of the total amount owed with remaining balance paid in monthly installments; tenants have 10 business days to make late payment after notice; if a family receives more than 3 delinquency notices in a 12 month period, they can be terminated; and PHA will not enter into more than 1 repayment agreement within a five year period - subsequent claims must be paid in full.

#### **Chapter 22: Special Programs and Allocations**

##### **Pages 167-168 – Special Housing Initiatives**

Addition of language regarding Special Housing Initiatives, such as the Blueprint to End Homelessness, and other partnerships authorized under the MTW plan.

#### **Chapter 23: Unit Based Program**

##### **Page 176 – Owner Responsibilities Under the HAP Contract**

Addition: “Each contract unit for which the owner is receiving HAP is leased to an eligible family referred by PHA or the owner, and the lease is in accordance with the HAP contract and HUD requirements.”

##### **Page 182 – Rent to Owner for PHA Owned Units**

Addition: “The amount of the initial rent to an owner of units receiving UBV assistance is established at the beginning of the HAP contract term. For PHA owned units, an independent entity approached by HUD must establish the initial contract rents based on an appraisal by a licensed, state-certified appraiser.”

##### **Pages 184-185 – Tenant Rent to Owner**

Adds option for PHA making utility allowance payments directly to the utility company.

#### **Chapter 24: Moderate Rehabilitation (Mod Rehab), Single Room Occupancy (SRO), & Shelter Plus Care (S + C) Mod Rehab/SRO**

##### **Page 186-200 – Shelter Plus Care Moderate Rehabilitation SRO Policies**

Addition of HUD-approved policies added as a result of HUD S+C Monitoring Review.

#### **Appendix C: Federally Mandated Income Exclusions**

##### **Page 246**

Amended per Chapter 8 revision.