

**Summary of Proposed
2019 Admissions and Continued Occupancy Policy (ACOP)
City and County
Effective January 1, 2019**

Below is a summary of proposed changes to be incorporated into the 2019 Admissions and Continued Occupancy Policy (ACOP). The changes indicated in **Green** text represent HUD regulatory changes.

A few of the HUD changes result from the recent passage of the FAST Act. On December 12, 2017, HUD published an interim final rule in the Federal Register that amends the regulatory language for PIH and Multifamily Housing rental assistance programs. This interim rule went into effect on March 12, 2018. The rule aligns the current regulatory flexibilities with those provided in the Fixing America's Surface Transportation (FAST) Act. In addition, it extends two of the administrative streamlining changes that were adopted in 2016 for the Housing Choice Voucher and Public Housing programs to Multifamily programs.

Changes highlighted in **Yellow** represent significant proposed changes. Significant changes (yellow) are those that impact the eligibility and admissions policies as delineated by HUD. Changes in **Blue** represent additional changes suggested by staff. Staff recommendations (blue) are discretionary at the local level, permitted by HUD, and can be adopted by the Boards of Commissioners.

In addition to the proposed changes indicated in this summary, the ACOP also contains changes that were Board Approved during the course of 2018, and are required to be incorporated into the ACOP. Most of these changes were incorporated as part of the new Resident Lease Agreement adopted this year and signed by residents in June and July. These changes are found primarily in Chapter 8, Chapter 13, Chapter 18, and Chapter 19 of the ACOP. Some additional black-lined changes in the document are grammar and formatting changes.

The ACOP is the same for the City and County programs with the exception of the interest list structure, the City is structured as site-based and the County is structured by city. The proposed changes are the same for both City and County.

Chapter 1 – Statement of Policies and Objectives

1. **Section 1.8 – Violence Against Women Act (VAWA)** – Language required by HUD to clarify when applicants and residents receive notification of their rights under VAWA. This language is consistent throughout other section regarding VAWA. (page 15)

Chapter 2 – Fair Housing & Equal Opportunity

2. **Section 2.7 – Verification of a Request for a Reasonable Accommodation** - Added additional language for clarification that reiterates that staff may consider an accommodation at any time and that the request does not have to be in writing. HUD prefers the verification in writing, however an oral verification may be accepted per HUD’s verification hierarchy. (page 21)
3. **Section 2.14 – Oral Translation** – Staff recommended updating the language to state FH may have “multilingual” staff versus “bilingual” staff available to translate orally. Since staff are not required to translate, a translation service may be utilized. (page 26)
4. **Section 2.15 – Written Translation** – Added language to clarify that the factors referenced in this section could be considered when doing large written translations of “vital” documents. (page 26)

Chapter 3 - Eligibility and Suitability for Admissions Policies

5. **Section 3.14 – Live-in Aide** - Updated language to clarify a new formal request for live-in aide would not be required, if the need was based on a permanent disability as initially verified. This eliminated additional burden to the resident if a change in aide is necessary and reduces administrative burden. (page 37)
6. **Section 3.25 - Mandatory Denial of Assistance [24 CFR 960.204]** – Changed denial time frame for eviction due to drug-related activity from five years to three (3) years. HUD requires that an agency incorporate this section into policies, but allows for discretion on the length of time. Based on conversations with the Boards, staff reduced the time to three (3) years. (page 50)

Chapter 4 – Pre-Application, Management of the Interest List and Resident Selection

7. **Section 4.12 – Local Preferences [24 CFR 960.206]** – Limited Preferences – Added clarifying language to indicate that Limited Preferences are based on referrals and can be accepted even when the interest list is closed. Also eliminated the word “Involuntary” to align with change to Section 7.14. (page 73)

8. **Section 4.22 – Determining Applicants Eligible or Ineligible** – Added clarifying language that indicates an applicant will be placed in pending status when all documents are not provided during initial application interview. This allows the resident additional time should all of the documents not be available at the initial interview. (page 79)
9. **Section 4.23 - Preference Denial** - Staff proposes language to clarify the policy that allows for the return of the applicant to the interest list in cases where staff is unable to verify a preference that was indicated by the applicant which caused the application to be initially drawn from the interest list. This change allows for the applicant to be re-selected utilizing the remaining applicable preferences should another draw occur. The application will be cancelled, as with all remaining applications, when there is a final draw, if the application is not selected at that final draw. (page 80)

Chapter 5 - Occupancy Standards & Unit Offers

10. **Section 5.0 – Determining Unit Size** - Updated the Guidelines for minimum persons in household for 5 bedrooms from 6 to 5 to be consistent with other bedroom size minimum. (page 82)
11. **Section 5.3 - Plan for Unit Offers** - Updated policies regarding Plan for Unit offers based on the fact that all wait lists are now site-based, and multiple offers are not practical. (page 84)
12. **Section 5.4 - Time Limit for Unit Offer Acceptance or Refusal** – Updated language to align with Section 5.3. (page 85)
13. **Section 5.5 - Offer of Accessible Units** – Updated policies to clarify the hierarchy of processing vacant accessible units. HUD requires PHAs to first offer these units to persons with disabilities who require such accessible features. [24 CFR 960.206 (b)(2)(c)] (page 85)
14. **Section 5.6 – Applicant Unable to Take Occupancy** – Updated language to include additional reasons for “good cause.” (page 86)

Chapter 7 - Verification

15. **Section 7.4** – Methods of Income Verification and Time Allowed – Added additional language per PIH Notice 2017-12 to clarify the Exceptions to the Third Party Verification requirements. (page 132)

16. [Section 7.14 – Displacement Referral](#) – Staff proposes removing “Involuntary” from language to provide additional flexibility for programs where residents may voluntarily request additional options for relocation and incorporated referral types from Chapter 4 Preferences. (page 147)

Chapter 8 – Leasing and Inspections

17. [Section 8.12 – Inspections of Public Housing Units \[24 CFR 966.4 \(I\)\]](#) – Staff recommended added language to expand when special inspections are conducted. Staff recommended clarifying language for Move Out inspections to allow resident to request more flexibility and request a move out inspection in 48 hours, as opposed to three (3) days. (page 157)

Chapter 9 – Standards for Continued Occupancy & Reexaminations

18. [Chapter 9 – Introduction](#) - Part II: Annual Reexaminations for Families paying Income Based Rents or Flat rent. – Updated language to allow FH to perform reexaminations for fixed income household on a triennial basis per HUD’s FAST Act. HUD allows PHA’s the option to perform triennial reexaminations. Staff proposes this policy so that FH may conduct triennial reexamination based on further analysis of system capabilities and potential efficiencies to implement this optional ruling. (page 163)
19. [Section 9.1 – Overview](#) – Updated language to reference the Streamlining Annual Reexaminations and triennials per the FAST Act [24 CFR 960.257]. (page 165)
20. [Section 9.17 – Reporting Interim Changes](#) – Updated policy to increase the number of days a family has to report interim changes from ten (10) business days to thirty (30) calendar days, providing additional time for residents to report changes. This also aligns with the HCV program. (page 169)
21. [Section 9.18 – Processing Interim Changes](#) - Updated policies for processing Interim Reexaminations for program alignment. FH will not increase rent due to income increases, rather income increases will be reviewed and processed at annual certifications. No change to income decreases, language was incorporated in this section. PHA are allowed discretion for Interim polices. However, per 24 CFR 960.257, PHA policies must prescribe when and under what conditions the family must report a change in family income or composition. This also aligns with the HCV program. (page 170)
22. [Section 9.19 – Increases in Income and Rent Adjustment](#) - Removed this section, language was revised and incorporated in Section 9.18. (page 170)

23. [Section 9.20 - Decreases in income and rent Adjustments](#) - Removed this section, language for reporting decreases was revised and incorporated in Section 9.18. (page 171)
24. [Section 9.22 – Timely Reporting Changes in Income and Assets](#) – Standard for Timely Reporting of Changes for Reexaminations and Interims, Increased the number of days a family has to report changes to income or assets to be in line with recent change to Section 9.17. (page 173)
25. [Section 9.24 – Reporting of Changes in Family Composition](#) – Updated language to increase the number of days a family has to report changes in family composition, change is in line with proposed changed to Section 9.17 from ten (10) business day to thirty (30) calendar days. This provides additional time for residents and aligns program with HCV. (page 174)

Chapter 10 – Pets

26. [Section 10.10 – Pet Rules](#) - Modified waste removal fee from \$50.00 to be in accordance with the Schedule of Maintenance Charges for labor to be consistent with established hourly maintenance labor rates. (page 186)
27. [Section 10.21 – Pet Deposits](#) - Staff recommendation to update pet deposit requirement per pet instead of per unit, maximum pets allowed remain at two per unit. (page 189)
28. [Section 10.22 – Other Charges](#) - Modified waste removal fee from \$50.00 to be in accordance with the Schedule of Maintenance Charges for labor, to be consistent with established hourly maintenance labor rates. (page 189)

Chapter 14 – Grievance Procedures

29. [Section 14.2 – Informal Hearing Procedures for Applicants and Residents \[24 CFR 5.514 \(f\)\]](#) – removed language charging for reproduction of documents. FH will no longer charge for reproduction of resident’s file documentation. (page 234)
30. [Section 14.9 – Rights of Complainant \[24 CFR 966.56 \(b\)\]](#) – Removed language charging for reproduction of documents. FH will no longer charge for reproduction of resident’s file documentation. (page 240)

Chapter 16 – Program Administration

31. **Section 16.13 – Transfer Request While Under Repayment Agreement** – Added VAWA emergency transfer request as part of an additional reason when FH may allow a family to move when they are in arrears. (page 266)
32. **Section 16.23 – Notification to Applicants** – Updated language to reflect HUD requirements per VAWA notice. (page 272)
33. **Section 16.24 – Notification to Resident** – Updated language to reflect HUD requirements per VAWA notice. (page 273)

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