

RESOLUTION NO. _____

**APPROVAL OF REVISIONS TO THE PUBLIC HOUSING ADMISSIONS AND
CONTINUED OCCUPANCY POLICY**

Item No. **5j**

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) requires that Public Housing providers adopt an Admissions and Continued Occupancy Policy (ACOP) to set local policies for the administration of the program in accordance with HUD requirements and local priorities; and

WHEREAS, the ACOP and any revisions to said document must be formally adopted by the Louisville Metro Housing Authority (LMHA) Board of Commissioners; and

WHEREAS, LMHA finds it necessary to revise the existing ACOP to administer the program in a more effective and efficient manner and to remain in compliance with HUD rules and regulations; and

WHEREAS, LMHA is proposing revisions to the following sections of the LMHA ACOP: "Covered Properties and removal of internal database reference" (Preface); "MTW Waivers" (Waivers); "Bedroom Size Standards" (Section 10.2); "Income" (Section 11.1, 11.3); "Recertifications" (Section 15.1, 15.6); "Transfers" (Section 16.0); "Termination" (Section 20.2); and

WHEREAS, the full text of the proposed revisions is given as an attachment to this resolution; and

WHEREAS, these proposed revisions were made available for public comment from November 19, 2021 through December 20, 2021 and a public hearing was held on November 30, 2021.

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NOW, THEREFORE, BE IT RESOLVED BY THE LOUISVILLE METRO HOUSING AUTHORITY BOARD OF COMMISSIONERS that the Public Housing Program Admissions and Continued Occupancy Policy for LMHA owned properties revisions are adopted.

RESOLUTION BACKGROUND STATEMENT
APPROVAL OF REVISIONS TO THE PUBLIC HOUSING ADMISSIONS AND
CONTINUED OCCUPANCY POLICY

Item No. 5i

I. STATEMENT OF FACTS:

LMHA reviews its Public Housing Admissions and Continued Occupancy Policy (ACOP) to ensure that the admissions and occupancy policies described therein are compliant with the latest rules and regulations issued by HUD and that the Public Housing Program is operated in a manner that is effective, efficient, and beneficial to residents. To that end, LMHA is now proposing the following changes to its ACOP:

- Preface: Park DuValle III and IV were removed from properties with other ACOP documents to clarify this ACOP applies to those properties. Citation to internal database was also deleted.
- Waiver: MTW Waivers are added to replace HUD emergency waivers which are expiring.
- 10.2 Bedroom Size Standards: Changes were made to the language used. Sex is no longer used in determination of bedroom size and it is replaced with gender identity. This is to comply with EO 13988. Additional updates are made to language around pregnancy to be more inclusive.
- 11.1 Income: Earned income disregard of \$7,500 for elderly families is being extended from those receiving Social Security entitlements to those receiving Social Security, SSI, and/or pensions.
- 11.3.C Deductions from Annual Income: When itemizing the medical deduction from annual income, the deduction will no longer be limited to the amount exceeding 3% of annual income.
- 15.0 Recertifications: Clarification is made to the recertification process and schedule.
- 15.1 Reexaminations: The chart is updated so zero income recertification will happen annually instead of every 90 days. This is to reduce the administrative burden on residents and LMHA.

RESOLUTION BACKGROUND STATEMENT
APPROVAL OF REVISIONS TO THE PUBLIC HOUSING ADMISSIONS AND
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Item No. 5i

I. STATEMENT OF FACTS (cont'd):

- 15.6 Interim Reexamination: Clarification that families may request interim recertification for any change in income. This includes increases or decreases.
- 16.2 Unit Transfers: This section is updated to clarify that moves from privately managed public housing to LMHA managed public housing will be subject to the ACOP. Further clarification is provided that moves between privately managed public housing will not be subject to this ACOP.
- 20.2 Termination by the Housing Authority: Language is added to the ACOP in light of HUD rules requiring 30-day notice for those at risk of eviction and information on possible rental assistance during times of national emergencies as required by Notice PIH 2021-29.

II. ALTERNATIVES:

- A. Approve the revisions to the ACOP in full.
- B. Approve the revisions to the ACOP in part.
- C. Do not approve the revisions to the ACOP.

III. RECOMMENDATION:

Staff recommends Alternative "A".

IV. JUSTIFICATION:

HUD requires that Public Housing providers adopt a written Admissions and Continued Occupancy Policy that establishes local policies for administration of the program. This document guides staff in administering the Public Housing Program and informs residents and the general public of the Housing Authority's admissions and occupancy policies.

Submitted by: Sam Dixius
Compliance Manager
December 21, 2021

LOUISVILLE METRO HOUSING AUTHORITY ADMISSIONS AND CONTINUED OCCUPANCY POLICY

This Admissions and Continued Occupancy Policy (ACOP) defines the Louisville Metro Housing Authority's (LMHA) policies for the operation of its Public Housing Program, including public housing/low-income housing tax credit (PH/LIHTC) properties, incorporating Federal, State, and local law. If there is any conflict between this policy and laws or regulations, the laws and regulations will prevail.

This ACOP is aligned with the Moving to Work (MTW) Agreement by and between HUD and the Housing Authority, as amended and restated on April 15, 2008, and including any subsequent amendments thereto. The MTW Agreement governs and supersedes, as appropriate, applicable Federal laws, rules, regulations, contracts, and agreements that have been or will be waived and/or modified by the MTW Agreement and subsequent amendments to the Agreement. This ACOP, in conjunction with the approved MTW Annual Plan, together comprise the operational policies and procedures of the Public Housing Program.

This document governs all LHMA public housing residents except those residing at Liberty Green or Sheppard Square ~~or Park Duvalle III or IV~~. Residents of these sites are governed by separate ACOP documents.

MTW EMERGENCY WAIVERS

The COVID-19 outbreak threatens the lives of many Americans and the livelihoods of many more. It is an urgent health crisis of unprecedented scale, and one that is disproportionately impacting low-income families. The outbreak of COVID-19 also places additional burdens on housing authorities which are working tirelessly to respond to the needs of their participants while also maintaining compliance with program requirements.

LMHA has established the following emergency waivers in response to emergencies as declared by the applicable unit of government with jurisdiction over LMHA, including the authority to determine when to place and lift the waivers. LMHA may revise, add and/or remove waivers as needed to address the specific conditions associated with a given emergency (economic, health-related, a natural disaster, etc.). In addition to agency-specific waivers implemented through this activity, LMHA retains the right to avail itself of additional waivers, regulatory or statutory relief, or any other emergency-related provisions that may be made available by HUD or other governmental entities.

MTW Waivers in Effect¹

1. Administrative Plan and Admissions and Continued Occupancy Policies: LMHA will waive the requirement to obtain Board approval prior to adopting new and/or revised policies. LMHA will obtain formal Board approval within three months of the end of the declared emergency.

¹ MTW Activity 2021-2, Emergency Waivers

5. Verification of Income: During periods of declared emergencies, LMHA will waive the requirements of the verification hierarchy but continue to use EIV.

MTW Waivers Reserved for Possible Future Use²

3. Delayed Reexaminations: LMHA will waive the requirement to conduct a reexamination of family income and composition at least annually. Currently LMHA completes reexaminations on a biennial basis for Public Housing (PH) households and on a triennial basis for PH households on flat rents. Where reexaminations have been delayed, LMHA will complete the reexamination no later than the anniversary month of the following year. The next reexamination will be scheduled on the same anniversary month using the applicable reexam frequency for the family. For example, if a biennial reexam was due on July 2020, LMHA would complete the reexam by July 2021. The next scheduled biennial reexam would take place in July 2023.

10. Delayed PH Annual Self-Inspection: LMHA will waive the requirement to complete annual self-inspections of PH units. LMHA will continue to respond to and address serious conditions that could jeopardize life or property. When the waiver is lifted, LMHA will resume self-inspections beginning with the units which were inspected on the oldest date.

(...)

10.0 Tenant Selection and Assignment Plan

(...)

10.2 Bedroom Size Standards

The following guidelines will determine each family's unit size without overcrowding or over-housing:

*Minimum and Maximum Bedroom Sizes
by Number of Persons in Family*

Number of Bedrooms	Number of Persons	
	Minimum	Maximum
0	1	1
1	1	4
2	2	6

² MTW Activity 2021-2, Emergency Waivers

3	3	8
4	4	10

These standards are based on the assumption that each bedroom and/or sleeping area will accommodate no more than two persons.

For the purpose of determining bedroom size, children to be born to a pregnant ~~person~~ woman; children who are in the process of being adopted; children whose custody is being obtained; children currently under a 50% or more joint custody decree; children who are temporarily away at school; and children who are temporarily in foster care are included in the family's size and composition.

Families must stay within the following parameters when selecting bedroom size;

- A. No more than one person may live in a zero-bedroom unit;
- B. Each two adults are eligible for no more than one bedroom unless they share one of the following relationships: parent/child, grandparent/grandchild, or siblings ~~of the opposite sex with differing gender identities~~;
- C. Two children ~~of the opposite sex with differing gender identities~~ who are both under the age of 4 are eligible for no more than one bedroom;
- D. Two children ~~with of~~ the same ~~sex~~ gender identity regardless of age are eligible for no more than one bedroom;
- E. Foster adults and/or foster children are eligible for a bedroom separate from the family. If there is more than one foster adult and/or child in the household, unrelated individuals ~~of the opposite sex with differing gender identities~~ are eligible for separate bedrooms;

(...)

11.0 INCOME, EXCLUSIONS, AND DEDUCTIONS FROM INCOME

(...)

11. 1 INCOME

(...)

- D. The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount. LMHA will provide a \$7,500 earned income disregard to elderly families ~~whose only other source of income is Social Security, SSI, and/or pension the Social Security entitlement.~~ (However, deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly

amounts are excluded.)³

(...)

11.3 Deductions from annual income

(...)

C. An amount equal to the Medicare monthly premium multiplied by 12 and adjusted annually for inflation (See Appendix D) for any elderly (62+) or disabled family or the sum of the following ~~to the extent that the sum exceeds three percent of annual income~~⁴:

1. Unreimbursed medical expenses of any elderly (62+) family or disabled family including any fee paid by the participant for the Medicare Prescription Drug Program; and
2. Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed, but this allowance may not exceed the earned income received by family members who are 18 years of age or older who are able to work because of such attendant care or auxiliary apparatus.

(...)

15.0 RECERTIFICATIONS

~~the~~LMHA will conduct a **regular** reexamination of family income and **circumstances according to the schedule given in Section 15.1 and on an interim basis as described in Section 15.6**. The results of the reexamination determine (1) the rent the family will pay; and (2) whether the family is housed in the correct unit size.

15.1 Reexaminations

The following schedule will apply:⁵

Frequency	Family description
Annually Every 90 Days	Households who report zero income
Biennially	All public housing households not reexamined annually or triennially
Triennially	Households who choose flat rent and households with fixed income whose only source of income is from Social Security, SSI, and/or pension.

(...)

³ MTW Activity 2020-1: Rent simplification.

⁴ Pending final HOTMA approval; deduction \$525 and 10% of annual income.

⁵ MTW Activity 2007-1: Streamlined Recertification Process

15.6 Interim Reexaminations

(...)

Families are not required to, but may at any time, request an interim reexamination based on a **change** in income **or** allowable expenses. Upon such request, the LMHA will take timely action to process the interim reexamination and recalculate the tenant's rent.

(...)

16.0 UNIT TRANSFERS

(...)

16.2 Categories of Transfers

(...)

Moves from public housing units operated by private property managers to public housing units operated by LMHA are covered by this transfer policy.

Moves between public housing units operated by different **private** property managers are not covered by this transfer policy. Rather, the family must apply for residency at the desired development following the same application procedures used by non-resident applicants.

(...)

20.0 TERMINATION

(...)

20.2 Termination By the Housing Authority

(...)

When there is a national emergency, such as Covid-19, and when there is funding available to assist tenants with non-payment of rent during that emergency, the Secretary of HUD can determine that extended notification time to public housing families at risk of eviction for non-payment is required. In this case, the required notice before a Public Housing Authority can pursue an eviction for non-payment of rent is 30 days. Public housing families at risk for eviction because of non-payment must also be provided with information about housing assistance available to them.⁶

⁶ Notice PIH 2021-29, FR-6286-I-01 Extension of Time and Required Disclosures for Notification of Nonpayment of Rent