

RESOLUTION NO. \_\_\_\_\_

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

Item No. 5E

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, the LMHA is proposing revisions to multiple sections of the ACOP; and

WHEREAS, a summary of the proposed revisions is included in this resolution; and

WHEREAS, these proposed revisions were made available for public comment from November 18, 2022 through December 18, 2022 and a public hearing was held on December 1, 2022.

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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 is adopted. This policy will apply to all public housing developments except Liberty Green and Sheppard Square, which have negotiated site-level agreements with a limited partnership.

**RESOLUTION BACKGROUND STATEMENT**  
**APPROVAL OF REVISIONS TO THE PUBLIC HOUSING ADMISSIONS AND**  
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**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 significant changes to its ACOP:

- Update language regarding reasonable accommodations to incorporate guidance included in the Joint Statement of HUD and the Department of Justice on *Reasonable Accommodations Under the Fair Housing Act*. (Section 2.0)
- Note that LMHA will soon begin accepting Public Housing applications via a new web portal, in addition to accepting paper applications. (7.0)
- Clarify that certain Low-Income Housing Tax Credit properties have lower income eligibility cap (8.0)
- Relax requirements for existing Public Housing families to be placed on the internal scattered site unit referral list. (8.1)
- Indicate LMHA has the discretion to admit applicants that currently owe a debt to a housing authority. Such families must enter a repayment agreement. (8.2)
- Update language regarding denial of admission for criminal activity or drug abuse to incorporate guidance outlined in the June 10, 2022 HUD memorandum, "Implementation of the Office of General Counsel's Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions." (8.3)
- Outline a policy to determine which lease a child is placed on in cases where multiple custodians wish to include the child in their household (10.2)
- Remove earned income disregard language from list of annual income exclusions, consistent with the Housing Authority's approved Moving to Work (MTW) activity #2020-1, "Rent Simplification." (11.2)
- Update community service language to more closely align with language provided in the U.S. Code of Federal Regulations. (20.1)
- Clarify that families residing at Low-Income Housing Tax Credit and HOME-funded properties will have their income and family composition recertified annually. (15.0)

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**I. STATEMENT OF FACTS (cont'd):**

- Edit tenant termination section to make narrative more closely align with language provided in the U.S. Code of Federal Regulations and various Notices from HUD's Office of Public and Indian Housing. (20.1)
- Add definition of "Reasonable Accommodation." (Glossary)
- Update Fair Market Rent and Flat Rent Schedules to reflect FFY 2023 values. (Appendix D)
- Add new appendix describing LMHA's Eviction Diversion Program (Appendix H)
- To reduce fire risk, add new policy prohibiting the storage of gasoline, gasoline-powered vehicles, and battery-powered vehicles indoors at all LMHA properties. (Appendix I)

**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: Eric Proctor  
Compliance Manager  
December 20, 2022