

RESOLUTION NO. _____

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

Item No. 5F

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: "Taking Applications" (Section 7.0); "Income, Exclusions, and Deductions from Income – Annual Income" (Section 11.2); "Discrepancies in Verified Income" (Section 12.8); "Determination of Total Tenant Payment and Tenant Rent" (Section 13.1); "Recertifications" (Section 15.1); "Recertification – Flat Rents" (Section 15.3); "Effective Date of Rent Changes for Regularly Scheduled Reexaminations" (Section 15.5); "Recertification and Interim Reexaminations" (Section 15.6); "Over Income Households in Public Housing" (Section 15.8); "Termination" (Section 20.2); "Medical Deduction" (Appendix D); "Language Access Plan"; and

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

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WHEREAS, these proposed revisions were made available for public comment from March 18, 2022 through April 18, 2022 and a public hearing was held on March 31, 2022.

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
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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 changes to its ACOP:

- Section 7.0 Taking Applications: Language was added clarifying that scattered sites will be part of LMHA's central waiting list where available, language was changed replacing "download from" with "accessed" in reference to pre-applications, addition of language that applications can be submitted by LMHA's web portal pending software conversion, and updated language on Family Scholar House program requirements.
- Section 11.2 Annual Income: Changes were made to exclusions for earnings by full time students and for adoption assistance payments. Going forward, all but \$480 will be excluded from income. Additionally, up to \$6,000 annually will be excluded for families participating in the YALift! Guaranteed income pilot program.
- Section 12.8 Discrepancies in Verified Information: Language is changed in this section to "regular reexamination" to reflect LMHA's use of multiple reexamination schedules.
- Section 13.1 Determination of Total Tenant Payment and Tenant Rent: Language throughout this section was changed from references to annual or biennial to read "regular reexamination" to reflect LMHA's use of multiple reexamination periods.
- Section 15.1 – Recertification: Annual recertification is removed and only biennial and triennial schedules will be used going forward.

RESOLUTION BACKGROUND STATEMENT
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I. STATEMENT OF FACTS (cont'd):

- Section 15.1 – Reexaminations: Going forward LMHA will only pursue an eviction during recertification if a household member is subject to a lifetime sex offender registration instead of a registration of any duration.
- Section 15.3 Flat Rents: Language was removed from this section to clarify how LMHA is conducting reexamination and flat rent procedures.
- Section 15.5: The title of this section is changed to reflect that LMHA is using multiple reexamination periods.
- Section 15.6 Recertification and Interim Recertification: LMHA is removing language that requires certain families to report certain increases in income. Instead, all families will not be required to report an increase in income or decrease in allowable expenses between regular reexaminations.
- Section 15.8 Over Income Households in Public Housing: Language has been added to this section to clarify that the alternate rent provisions will not be used until HUD publishes a final rule authorizing the implementation of alternative rents. Language in this section was also updated to change “annual” to “regular.”
- Section 20.2 Termination: Changed required termination from a sex offender registration of any duration to a required termination for a lifetime registration.
- Appendix D Medical Deduction: These numbers have been updated to reflect the current 2022 rates.
- Language Access Plan: The plan has been updated in light of new population data and LMHA data.

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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
April 19, 2022

7.0 Taking Applications

Central Waiting List

Families wishing to reside in any of the following developments should make application through the LMHA's central waiting list:

1. Family Developments: Parkway Place and **Scattered Sites (when available)**
2. Developments Designed for the Elderly and Disabled: Avenue Plaza, Will E. Seay Plaza, Dosker Manor, Lourdes Hall, and St. Catherine Court (Head of household, co-head, or spouse must be disabled or 55 years of age or older; no member of the household may be under the age of 18.)

Pre-applications for the central waiting list may be ~~downloaded from~~ **accessed on** the Housing Authority's website (www.lmha1.org) or obtained at the LMHA's Central Office during regular business hours (Monday – Friday, 8 AM – 5 PM):

LMHA Central Office
420 South Eighth Street
Louisville, KY 40203
Phone: (502) 569-3400

Completed pre-applications for the central waiting list should be hand-delivered during regular business hours, ~~or~~ mailed to the LMHA's Central Office, **or submitted via LMHA's web portal pending activation of LMHA's conversion to its updated software system.** Completed pre-applications will be dated and time-stamped upon their return to the LMHA. Due to the demand for housing in the LMHA jurisdiction, the Housing Authority may take pre-applications on an open enrollment basis, depending on the length of the waiting list.

...

Family Scholar House

(Residency limited to parents ~~or foster care alumni~~ (who are Independent Students) with a high-school diploma or GED **who agree to maintain full-time enrollment at a local college or university or in an apprenticeship program.** Household may include no more than one adult. **For full eligibility requirements, contact Family Scholar House) ~~wish to pursue a college degree~~**

403 Reg Smith Circle
Louisville, KY 40208
Phone: (502) 584-8090
Website: www.familyscholarhouse.org

11.2 Income, Exclusions, and Deductions from Income – Annual Income

Annual income does not include the following amounts

...

8. **All but \$480 in** earnings for each full-time student 18 years old or older (excluding the head of household and spouse)¹;
9. **All but \$480 in** adoption assistance payments per adopted child⁴;

¹ MTW Activity 2020-1: Rent simplification

Pending HUD approval of a non-significant change to MTW Activity #2020-1, Rent Simplification, the ACOP will be amended as follows:

10. Payments of up to \$6,000 annually for families participating in the YALift! guaranteed income pilot program

12.8 Discrepancies in Verified Information

An EIV Income Report shall be pulled from the system before ~~each regular annual, biennial~~ or interim reexamination and within 90 days following leasing is conducted for any family and compared with family-reported information. If the EIV report reveals an income source that was not reported by the tenant or a substantial difference (defined as \$2,400 or more annually) in the reported income information, the LMHA will:²

- A. Discuss the income discrepancy with the tenant; and
- B. Request the tenant to provide documentation to confirm or dispute the unreported or underreported income and/ or income sources; and
- C. In the event the tenant is unable to provide acceptable documentation to resolve the income discrepancy, the LMHA will request from the third-party source, any information necessary to resolve the income discrepancy; and
- D. If applicable, determine the tenant's underpayment of rent as a result of unreported or underreported income, retroactively; and
- E. Take any other appropriate action.

13.1 Determination of Total Tenant Payment and Tenant Rent – Family Choice

At admission and in preparation for each ~~annual regular or biennial~~ reexamination, each family is given the choice of having their rent determined under the income method or having their rent set at the flat rent amount.

- ~~A.~~ Families who opt for the flat rent will be required to go through the income reexamination process every three years. ~~Rather than the annual or biennial review they would otherwise undergo.~~
- ...
- C. Families have only one choice per ~~regularly-scheduled recertification cycle (whether annual, biennial, or triennial) year (or once every two years for families re-examined on a biennial schedule)~~ except for financial hardship cases. In order for families to make informed choices about their rent options, the LMHA will provide them with the following information

² https://www.hud.gov/sites/dfiles/PIH/documents/PIH-2018-18_EIV_Admin_Notice_PIH_2012-10_FINAL.pdf

whenever they have to make rent decisions:

1. The Housing Authority's policies on switching types of rent in case of a financial hardship; and
2. The dollar amount of tenant rent for the family under each option. If the family chose a flat rent for the previous year, the LMHA will provide the amount of income-based rent for the subsequent year only the year the Housing Authority conducts an income reexamination or if the family specifically requests it and submits updated income information.

15.1 Recertifications - Reexaminations

The following schedule will apply:

Frequency	Family description
Biennially	All public housing households not reexamined triennially
Triennially	Households who choose flat rent and households whose only source of income is from Social Security, SSI, and/or pension

The LMHA will send a notification letter to the family letting them know that it is time for their ~~regularly-scheduled biennial~~ reexamination and scheduling an appointment.

15.1 Recertification – Reexaminations ~~and Sex Offender Registry~~

Each household will also be asked whether any member is subject to a ~~lifetime~~ registration ~~of any duration~~ requirement under a state registration program. The Housing Authority will verify this information using the Dru Sjodin National Sex Offender Database and document this information in the same method used at admission. For any admissions after June 25, 2001 (the effective date of the Screening and Eviction for Drug Abuse and Other Criminal Activity final rule), if the recertification screening reveals that the tenant or a member of the tenant's household is subject to a ~~lifetime~~ sex offender registration requirement ~~of any duration~~, or that the tenant has falsified information or otherwise failed to disclose his or her criminal history on their application and/or recertification forms, the Housing Authority will pursue eviction of the household.

15.3 Recertification – Flat Rents

The ~~annual or biennial~~ letter to flat rent payers regarding the reexamination process will state the following:

- A. ~~Each year (or once every two years for disabled families and families where the head of household, co-head, or spouse is age 55 or older, who are reexamined on a biennial schedule)~~ At the time of the reexamination, the family has the option of selecting a flat rent amount in lieu of completing the reexamination process and having their rent based on the income amount.

- D. Families who opt for the flat rent will be required to go through the income reexamination process every three years, ~~rather than the annual or biennial review they otherwise would undergo.~~
- E. Families who opt for the flat rent may request to have a reexamination and return to the income-based method at any time for any of the following reasons:
1. The family's income has decreased.
 2. The family's circumstances have changed increasing their expenses for childcare, medical care, etc.
 3. Other circumstances creating a hardship on the family such that the income method would be more financially feasible for the family. Once a family returns to the income-based method during their "lease year" they cannot go back to a flat rent until their next ~~regularly-scheduled annual or biennial~~ reexamination.

15.5 EFFECTIVE DATE OF RENT CHANGES FOR ~~REGULARLY-SCHEDULED ANNUAL AND BIENNIAL~~ REEXAMINATIONS

15.6 Recertification Interim Reexaminations

During an interim reexamination, only the information affected by the changes being reported will be reviewed and verified.

Families will not be required to report any increase in income or decrease in allowable expenses between ~~regular annual~~ reexaminations. ~~However, disabled families and families where the head of household, co-head, or spouse age 55 or older on a biennial reexamination schedule, who experience an increase in income of more than \$2,400 per year, must report this increase within ten calendar days of its occurrence. This change will trigger an interim recertification.~~

15.8 over income households in public housing

~~The following provisions of this section relating to alternate rent will only go into effect upon HUD publishing the final HOTMA rule implementing section 16(a)(5)(A)(i) alternative rent options and upon the rule taking legal effect.~~

At ~~regular annual~~ or interim reexamination, if a family's income exceeds the applicable over-income limit, LMHA will document the family file and begin tracking the family's over-income status.

If one year after the applicable ~~regular annual~~ or interim reexamination the family's income continues to exceed the applicable over-income limits, LMHA will notify the family in writing that their income has exceeded the over-income limit for one year, and that if the family

continues to be over-income for 12 consecutive months, the family will be subject to LMHA's over-income policies.

If two years after the applicable ~~regular annual~~ or interim reexamination the family's income continues to exceed the applicable over-income limit, LMHA will charge the family a rent that is the higher of the applicable fair market rent (FMR; See Appendix D) or the amount of monthly subsidy for the unit. LMHA will notify the family in writing of their new rent amount.

20.2 Termination – Termination by the Housing Authority

- O. The LMHA will take immediate action to evict any household that includes an individual who is subject to a ~~lifetime~~ registration requirement ~~of any duration~~ under a State sex offender registration program;

STANDARD MEDICAL DEDUCTION³

The standard medical deduction is updated on January 1 of each year. For the calendar year 2022 the monthly Medicare/Medicaid Part B premium for individual tax return of \$~~891~~,000 or less or joint tax return of \$~~17682~~,000 or less:

\$~~170.10~~ ~~148.50~~/month or \$~~2,041.20~~ ~~1782~~/year

LANGUAGE ACCESS PLAN **FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY**

A. Plan Statement

Executive Order 13166 requires that agencies receiving federal assistance ensure the accessibility of their programs and services to all eligible clients including persons with limited English proficiency. The Louisville Metro Housing Authority (LMHA) developed this Language Access Plan to provide meaningful access to its programs and activities by persons with limited English proficiency. In accordance with federal guidelines the LMHA will make reasonable efforts to provide or arrange free language assistance for its clients with limited English proficiency, including applicants, recipients, and/or persons eligible for public housing, the Housing Choice Voucher (HCV) Program, and other Housing Authority programs.

³ <https://www.medicare.gov/your-medicare-costs/part-b-costs>

B. MEANINGFUL ACCESS: FOUR-FACTOR ANALYSIS

Meaningful access is free language assistance in accordance with federal guidelines. The LMHA will periodically assess and update the following four-factor analysis, which examines:

1. The number or proportion of persons with limited English proficiency eligible to be served or likely to be encountered by LMHA;
2. The frequency with which persons with limited English proficiency who use a particular language encounter LMHA;
3. The nature and importance of the LMHA program, activity, or service to the person's life; and
4. The Housing Authority's resources and the cost of providing meaningful access. Reasonable steps may cease to be reasonable where the costs imposed substantially exceed the benefits.

C. LANGUAGE ASSISTANCE

A person who does not speak English as their primary language and who has a limited ability to read, write, speak, or understand English may be a person with limited English proficiency and may be entitled to language assistance with respect to LMHA programs and activities.

Language assistance includes:

1. Interpretation, which means oral or spoken transfer of a message from one language into another language; and/or
2. Translation, which means the written transfer of a message from one language into another language.

LMHA staff will take reasonable steps to provide the opportunity for meaningful access to clients with limited English proficiency who have difficulty communicating in English. If a client asks for language assistance, and the LMHA determines that the client has limited English proficiency, and that language assistance is necessary to provide meaningful access, the LMHA will make reasonable efforts to provide free language assistance. If reasonably possible, the LMHA will provide the language assistance in the client's preferred language.

The LMHA has the discretion to determine whether language assistance is needed, and if so, the type of language assistance necessary to provide meaningful access.

The LMHA will periodically assess client needs for language assistance based on requests for interpreters and/or translation, as well as the literacy skills of clients.

1. Translation of Documents

The LMHA will weigh the costs and benefits of translating documents for potential groups with limited English proficiency, considering the expense of translating the documents, the barriers to meaningful translation or interpretation of technical housing information, the likelihood of frequent changes in documents, the existence of multiple dialects within a single language group, the apparent literacy rate in a group of persons with limited English proficiency, and other relevant factors. The LMHA will undertake this examination when an eligible group with limited English proficiency constitutes 5% of an eligible client group (for example, 5% of HCV households) or 1,000 persons, whichever is less.

a. *Translation of Documents Vital to Applicants and Potential Applicants*

Per the U.S. Census Bureau’s 2019 five-year American Community Survey, in the Louisville Metropolitan Statistical Area, the following single-language populations with limited English proficiency contain more than 1,000 persons:⁴

Language Spoken by Group	Number of Individuals in Group	Group as Percent of Louisville’s Total Population (1,386,761)
Spanish	22,016	1.6%
African-Language ⁵	2,094	0.2%
Chinese	1,257	0.1%
Arabic	1,429	0.1%
Vietnamese	1,755	0.1%
Russian	1,156	0.1%
Nepali, Marathi, other Indic Languages	1,420	0.1%

Weighing the costs and benefits of translating documents for the above-referenced groups with limited English proficiency, including the expense of translating the documents, the barriers to meaningful translation or interpretation of technical housing information, the likelihood of frequent changes in documents, the existence of multiple dialects within a single language group, the apparent literacy rate in each group, and other relevant factors, the LMHA has decided that it will provide as-needed translations upon request for the pre-application form and selected mailings and documents to applicants and potential applicants ~~into~~ Spanish.

While the LMHA does not believe that written translation of documents into ~~Chinese, Serbo-Croatian, and Vietnamese~~ other languages is warranted at this

⁴ Data element B16001: “Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over.” Reports population speaking English less than “very well.”

⁵ As per the Louisville Metro Government Office of Globalization, the largest proportion of African Languages spoken in Jefferson County include Swahili, Burundi, and African dialects of French.

time, the Housing Authority will regularly monitor any changes to the size of these populations and modify this Language Access Plan as appropriate.

b. *Translation of Documents Vital to Residents / Participants*

i. ~~Public Housing~~

~~To meet the language needs of the approximately 115 Maay Maay and Somali speaking households (604 individuals) in its Public Housing Program, the LMHA will make written translations of documents vital to public housing residents, including the public house lease and other selected mailings and documents, available in these languages.~~

ii. Public Housing and Housing Choice Voucher Program

Within the Housing Authority's Public Housing and Housing Choice Voucher Programs, no single-language group with limited English proficiency currently includes more than 1,000 persons or comprises more than 5% of participants. ~~Therefore, the LMHA has no plans to translate documents vital to HCV households into additional languages at this time.~~ Utilizing records from translation services from 2019- February, 2022, Arabic, Somali, and Spanish were the most requested translation. However, over the three years, translation for these three languages combined totaled 605 times or approximately 16 times per month for each of those languages. LMHA has translations into Spanish of preapplications for both programs. The LMHA has no plans to translate additional documents vital to households into additional languages at this time .

While the populations of ~~Chinese, Serbo-Croatian, Spanish, and Vietnamese~~ limited English proficiency speakers residing in LMHA housing is currently not significant enough to warrant written translation of documents vital to these residents / participants, the Housing Authority will regularly monitor the size of these language groups and modify this Language Access Plan as appropriate.

c. *Translation of Documents Generally*

The LMHA will conduct periodic reviews of its written documents that are generally available to and used by the general public, applicants, and residents / participants for the purpose of assessing the importance of those documents to its clientele including persons with limited English proficiency. As opportunities arise, the LMHA may work with other housing authorities to share the costs of translating common documents into languages other than English.

LMHA staff can access translations of standard HUD housing documents in a variety of languages at the following web address:

https://www.hud.gov/program_offices/fair_housing_equal_opp/17lep

The LMHA will consider technological aids such as Internet-based translation services, which may provide helpful, although perhaps not authoritative, translations of written materials.

2. Formal Interpreters

The LMHA will develop and maintain a register of interpreters and translators for staff to use when language services are required for persons with limited English proficiency (see attachment). At important stages that require one-on-one contact, written translation and verbal interpretation services will be provided consistent with the four-factor analysis used earlier.

Formal interpreters shall be used at the following:

- a. Formal hearings for denial of admission to public housing;
- b. Informal settlement conferences and formal hearings for termination of public housing; and
- c. Hearings or conferences concerning denial or termination of HCV Program participation.

To address the needs of the Housing Authority's **Limited English Proficiency speakers**, the LMHA **has a per-use contract with an interpreter service** ~~full-time Multicultural Program Specialist on staff~~, who interprets these languages. This formal interpreter is available to residents / participants any time they interact with LMHA staff.

3. Informal Interpreters

- a. Informal interpreters may include the family members, friends, legal guardians, service representatives, or advocates of the client with limited English proficiency. LMHA staff will determine whether it is appropriate to rely on informal interpreters, depending upon the circumstances and subject matter of the communication. However, in many circumstances, informal interpreters, especially children, are not capable of providing high-quality, accurate interpretation. There may be issues of confidentiality, competency, or conflict of interest;
- b. A person with limited English proficiency may use an informal interpreter of their own choosing and at their expense, either in place of or as a supplement to the free language assistance offered by the LMHA. If possible, the Housing Authority should accommodate a client's request to use an informal interpreter in place of (or in addition to) a formal interpreter; and
- c. If a client with limited English proficiency wants to use their own informal interpreter, the LMHA reserves the right to also have a formal interpreter present.

D. MONITORING

The LMHA will review and revise this Language Access Plan periodically. This review will include:

1. Reports from the Housing Authority's computer business systems on the number of LMHA clients with limited English proficiency, to the extent that the software and staff data entry can provide such information. Such reports may be supplemented by staff observations;
2. Reports from the computer business systems and other sources listing the languages used by clients with limited English proficiency;
3. A determination as to whether 5% or 1,000 persons from a LMHA client group speak a specific language, which triggers consideration of document translation needs as described above; and
4. An analysis of staff requests for contract interpreters, to include the number of requests, languages requested, costs, etc.

E. Language Access PLAN DISTRIBUTION AND TRAINING

This Language Access Plan will be:

1. Incorporated into the Housing Authority's Admissions & Continued Occupancy Policy (ACOP) and HCV Administrative Plan as an Appendix;
2. Distributed to all LMHA supervisors;
3. Available in LMHA offices; and
4. Explained in orientation and training sessions for supervisors and other staff who need to communicate with potential applicants, applicants, and clients with limited English proficiency.

INTERPRETER REFERRAL SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY

Executive Order 13166 requires that agencies receiving federal assistance ensure meaningful access to their programs and services to all eligible potential applicants, applicants, and clients including persons with limited English proficiency. Persons who cannot read or speak English well must receive assistance in a language that they can understand.

In accordance with federal guidelines, the LMHA will make reasonable efforts to provide or arrange free language assistance for its clients with limited English proficiency, including applicants, recipients, and/or persons eligible for the Public Housing, Housing Choice Voucher, and other LMHA programs.

When interacting with persons who do not speak English, provide them with the “I speak” cards, which are available for download at:

<http://www.lep.gov/ISpeakCards2004.pdf>

Once you have identified the language that the individual speaks, you should contact:

- For a client whose primary language is **any other spoken language than English:**
Language Line Services
Phone: 1-866-874-3972
Client ID#: 548089
- For a client whose primary form of communication is **sign language:**
Rauch, Inc.
Phone: (502) 550-5384

Note: The fact that an individual speaks a native language other than English does not necessarily make them a person with limited English proficiency. Many persons whose native language is not English are also fluent in English. You will need to determine from the individual whether or not they have limited English proficiency.