

RESOLUTION NO. _____

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

Item No. 5D

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 March 17, 2023 through April 17, 2023 and a public hearing was held on March 28, 2023.

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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 Limited Partnerships.

RESOLUTION BACKGROUND STATEMENT
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I. STATEMENT OF FACTS:

LMHA periodically 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:

- 1) Explanation of the end of the use of emergency waivers on May 11th, 2023, when the declared Covid-19 emergency ends. Pages 7-8.
- 2) 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*. Pages 10-12.
- 3) An update to requirements for consent forms, effective January 1st, 2024, via the Housing Opportunity Through Modernization Act (HOTMA), that requires consent forms to include consent for financial statements and for consent forms to only be signed once. Pages 26-27.
- 4) Restrictions for admission and tenancy, effective January 1st, 2024 via HOTMA, including families with assets valued over \$100,000 and families with real property (with many exceptions). Pages 34-35 and 114 - 115. (These restrictions are listed in both the eligibility for admission as well as termination sections.)
- 5) Deconcentration policy clarification, page 41.
- 6) A new chapter, effective January 1st, 2024, via HOTMA, that describes the entire determination of income methodology that becomes effective January 1st, 2024. This includes new/changed exclusions from income and new/changed deductions. Pages 56-66.
- 7) Update to Flat Rent calculation methodology, reflecting practice of setting flat rents to 80% of Fair Market Rates. Page 79.
- 8) Implementation of over-income policies, effective January 1st, 2024, enacted by HOTMA section 103. These policies include a new calculation to determine whether a Family is over-income and LMHA's decision to continue housing such individuals under new stipulations. Pages 91-93.

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I. STATEMENT OF FACTS (cont'd):

- 9) Updates to the recertification process, effective January 1st, 2024 via HOTMA, including mandatory and optional interim recertification triggering events, and the method rent increases and decreases are imposed. Pages 95-96.
- 10) Clarification of voluntary transfer policy, that only residents living in non-high-rises may request moves to high-rises. Page 97.
- 11) Added policies implemented by the reauthorization of the Violence Against Women Act 2022, including added definitions for Economic Abuse and Technological Abuse, prohibitions against retaliation for reporting, and the right to report crimes from one's own home. Pages 122-123.
- 12) Glossary updates:
 - a. Added definitions, effective January 1st, 2024 via HOTMA, for Day Laborer, Foster Adult, Foster Child, Health and Medical Care Expenses, Independent Contractor, Minor, and Seasonal Worker.
 - b. Updated definitions, effective January 1st, 2024 via HOTMA, for Dependent, Family, Net Family Assets, Responsible Entity.
 - c. Updated definitions, effective now, for Homeless.

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."

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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
April 18, 2023