

Summary of Proposed Changes to the BHA Administrative Plan

Section 3.III.B *Mandatory Denial of Assistance*: Modified period of program ineligibility from five years to three years

Section 3.III.D *Other Permitted Reasons for Denial of Assistance, Criminal Activity*: Modified period of program ineligibility from five years to three years

Section 3.III.D *Other Permitted Reasons for Denial of Assistance, Previous Behavior in Assisted Housing*: Modified period of program ineligibility from five years to three years

Section 4.III.C *Selection Method*: Modified local preferences to include preference point for Emergency Housing Voucher (EHV) families transitioning to Housing Choice Voucher (HCV) Program

Section 4.III.C *Selection Method*: Modified victims of domestic violence preference to be solely for residents of Monroe, Owen, Greene, Lawrence, Brown, Jackson, and Morgan counties

Section 4.III.C *Selection Method*: Clarification to definition of “*homeless*”

Section 12.I.E *Mandatory Policies and Other Authorized Terminations, Other Authorized Reasons for Termination of Assistance*: Modified period of program ineligibility from five years to three years

3-III.B. MANDATORY DENIAL OF ASSISTANCE [24 CFR 982.553(a) and 24 CFR 982.552(b)(6)]

HUD requires the PHA to deny assistance in the following cases:

- Any member of the household has been evicted from federally assisted housing in the last three years for drug-related criminal activity. HUD permits, but does not require, the PHA to admit an otherwise-eligible family if the household member has completed a PHA-approved drug rehabilitation program or the circumstances which led to eviction no longer exist (e.g., the person involved in the criminal activity no longer lives in the household).

BHA Policy

The BHA will admit an otherwise-eligible family who was evicted from federally-assisted housing within the past ~~five~~-three years for drug-related criminal activity, if the BHA is able to verify that the household member who engaged in the criminal activity has completed a supervised drug rehabilitation program approved by the BHA, or the person who committed the crime, is no longer living in the household.

- The PHA determines that any household member is currently engaged in the use of illegal drugs.

BHA Policy

Currently engaged in is defined as any use of illegal drugs during the previous six months.

- The PHA has reasonable cause to believe that any household member's current use or pattern of use of illegal drugs, or current abuse or pattern of abuse of alcohol, may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

BHA Policy

In determining reasonable cause, the BHA will consider all credible evidence, including but not limited to, any record of convictions, arrests, or evictions of household members related to the use of illegal drugs or the abuse of alcohol. A record or records of arrest will not be used as the sole basis of determining reasonable cause. The BHA will also consider evidence from treatment providers or community-based organizations providing services to household members.

- Any household member has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine on the premises of federally assisted housing.
- Any household member is subject to a lifetime registration requirement under a state sex offender registration program.
- Any member of the family fails to sign and submit consent forms for obtaining information.
- The family does not meet the restrictions on net assets and real property ownership as required by 24 CFR 5.618.

3-III.D. OTHER PERMITTED REASONS FOR DENIAL OF ASSISTANCE

HUD permits, but does not require, the PHA to deny assistance for the reasons discussed in this section.

Criminal Activity [24 CFR 982.553]

HUD permits, but does not require, the PHA to deny assistance if the PHA determines that any household member is currently engaged in, or has engaged in during a reasonable time before the family would receive assistance, certain types of criminal activity.

BHA Policy

If any household member is currently engaged in, or has engaged in any of the following criminal activities, within the past ~~five~~-three years, the family will be denied assistance.

Drug-related criminal activity, defined by HUD as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug [24 CFR 5.100];

Violent criminal activity, defined by HUD as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage [24 CFR 5.100];

Criminal activity that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity;

Immediate vicinity means within a three-block radius of the premises.

Criminal sexual conduct, including but not limited to sexual assault, incest, open and gross lewdness, or child abuse; or

Criminal activity that may threaten the health or safety of property owners, management staff, and persons performing contract administration functions or other responsibilities on behalf of the BHA (including a BHA employee or a BHA contractor, subcontractor, or agent).

Evidence of such criminal activity includes, but is not limited to:

Any conviction for drug-related or violent criminal activity within the past ~~five~~-three years.

Records of arrests for drug-related or violent criminal activity within the past ~~five~~-three years, although a record or records of arrest will not be used as the sole basis for the denial or proof that the applicant engaged in disqualifying criminal activity.

In making its decision to deny assistance, the BHA will consider the factors discussed in Section 3-III.F and 3-III.G. Upon consideration of such factors, the BHA may, on a case-by-case basis, decide not to deny assistance.

Previous Behavior in Assisted Housing [24 CFR 982.552(c)]

HUD authorizes the PHA to deny assistance based on the family's previous behavior in assisted housing.

PHAs are not permitted to deny assistance to a family because the family previously failed to meet its obligations under the Family Self-Sufficiency (FSS) program [24 CFR 984.101(d)].

BHA Policy

The BHA **will** deny assistance to an applicant family if:

The family does not provide information that the BHA or HUD determines is necessary in the administration of the program.

The family does not provide complete and true information to the BHA.

Any family member has been evicted from federally-assisted housing in the last ~~five~~three years.

Any PHA has terminated assistance under the program for any member of the family in the last ~~five~~three years.

Any family member has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.

The family owes rent or other amounts any PHA or owner in connection with any federally-assisted housing program, unless the family repays the full amount of the debt prior to being selected from the waiting list.

If the family has not reimbursed any PHA for amounts the PHA paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease, unless the family repays the full amount of the debt prior to being selected from the waiting list.

The family has breached the terms of a repayment agreement entered into with the BHA, unless the family repays the full amount of the debt covered in the repayment agreement prior to being selected from the waiting list.

A family member has engaged in or threatened violent or abusive behavior toward BHA personnel.

Abusive or violent behavior towards BHA personnel includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.

Threatening refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

In making its decision to deny assistance, the BHA will consider the factors discussed in Section 3-III.E. Upon consideration of such factors, the BHA may, on a case-by-case basis, decide not to deny assistance.

4-III.C. SELECTION METHOD

PHAs must describe the method for selecting applicant families from the waiting list, including the system of admission preferences that the PHA will use [24 CFR 982.202(d)].

Local Preferences [24 CFR 982.207; HCV p. 4-16]

PHAs are permitted to establish local preferences, and to give priority to serving families that meet those criteria. HUD specifically authorizes and places restrictions on certain types of local preferences. HUD also permits the PHA to establish other local preferences, at its discretion. Any local preferences established must be consistent with the PHA plan and the consolidated plan, and must be based on local housing needs and priorities that can be documented by generally accepted data sources.

BHA Policy

The BHA uses the following local preference system for regular HCV Program waiting list:

Emergency Housing Voucher (EHV) Family Transitioning to Housing Choice Voucher (HCV) Program: BHA will offer a preference to current Emergency Housing Voucher (EHV) program participants whose assistance is at risk of termination due to lack of EHV program funding. Applicants meeting this criteria will receive ten (10) points.

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Monroe County Residency: Applicants who reside in Monroe County will receive **four (4)** preference points

Resident of Neighboring County: Applicants residing in the surrounding counties of Owen, Greene, Lawrence, Brown, and Morgan will receive **three (3)** preference points

Victims of Domestic Violence: BHA will offer a Domestic Violence preference to families or individuals residing in Monroe County or the surrounding counties of Owen, Greene, Lawrence, Brown, Jackson, and Morgan that have been subjected to or victimized by a member of the family or household within the past six (6) months. BHA will require evidence that the family has been displaced as a result of fleeing violence in the home. Families are also eligible for this preference if there is proof that the family is currently living in a situation where they are being subjected to or victimized by violence in the home. Applicants meeting these criteria will receive **two (2)** preference points.

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Working: Applicants working thirty-five (35) hours or more per week at the existing Federal Minimum Wage will receive **two (2)** preference points

Applicants working twenty (20) to thirty-four (34) hours per week at the existing Federal Minimum Wage will receive **one (1)** preference point

Veteran: Applicants who are a current member of the U.S. Military Armed Forces, a veteran of the U.S. Military Armed Forces or surviving spouses of a veteran will receive **one (1)** preference point

Disability: A family which has a disabled individual in the household will receive **one (1)** preference point. Proof of disability will be required in order to receive the preference point. Because the BHA gives preference point(s) for working families, the BHA must also give the benefit of that preference to elderly or disabled applicant families that meet the following guidelines:

-Applicant families whose head and spouse, or sole member, are elderly or disabled will receive **two (2)** additional preference points because the BHA gives preference point(s) for working families. [CFR 982.207(b)(2)]

Homeless: This preference is available for families that qualify as homeless ~~under HUD's definition of homeless as defined in Sections 4.III.C and 7.II.H of BHA's Administrative Plan.~~ In order to qualify for the homeless priority, applicants must be a resident of Monroe County or the surrounding counties of Owen, Greene, Lawrence, Brown, and Morgan. The BHA also will require a "Verification of Homelessness" form to be completed by a public shelter, social service agency or police department official. Applicants that qualify for the homeless preference will receive **one (1)** preference point.

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HUD Guidance on Homelessness:

A household which lacks a fixed, regular and adequate nighttime habitation or the primary nighttime dwelling is one of the following: a supervised public or private shelter designed to provide temporary living accommodations (includes welfare hotels, congregate shelters and transitional housing); or a public or private place not designed for, or ordinarily used as, a regular sleeping place for human beings.

BHA Policy

The BHA will apply the following categories of homelessness to define if an individual or family qualifies as homeless: An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:

- An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport or camping ground; or
- An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals); or
- An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution; or

Working Preference:

This preference is available for families working at least twenty (20) hours per week at the existing federal minimum wage.

The BHA will determine and verify the number of hours worked by pay stubs provided.

Families working at least 20 – 34 hours per week will receive one preference point and families working 35 hours or more per week will receive two preference points.

Disability Preference:

This preference is available for families with a member who has a disability as defined in this Admin Plan.

The BHA will require appropriate documentation from a knowledgeable professional. The BHA will not inquire as to the nature of the disability except as to verify necessity for accessible unit.

Award letter or other proof of eligibility for Social Security Disability or Supplemental Security Income will be acceptable.

Victims of Domestic Violence:

This preference is available for families or individuals who are victims of domestic violence as defined in this Administrative Plan at 4-14.

The BHA will require the applicant family to provide the following verification at the time of application:

From (AP 16-57) VAWA Verification Requirements

- Provide a statement from a victim service provider, attorney, or medical professional who has helped you address incidents of domestic violence, dating violence, or stalking. The professional must state that he or she believes that the incidents of abuse are real. Both you and the professional must sign the statement, and both of you must state that you are signing “under penalty of perjury.”
- BHA will offer a Domestic Violence preference to families or individuals residing in Monroe County or the surrounding counties of Owen, Greene, Lawrence, Brown, Jackson, and Morgan, that have been subjected to or victimized by a member of the family or household within the past six (6) months. BHA will require evidence that the family has been displaced as a result of fleeing violence in the home. Families are also eligible for this preference if there is proof that the family is currently living in a situation where they are being subjected to or victimized by violence in the home. Applicants meeting these criteria will receive **two (2)** preference points.

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Other Authorized Reasons for Termination of Assistance [24 CFR 982.552(c), 24 CFR 5.2005(c), 24 CFR 984.101(d)]

HUD permits the PHA to terminate assistance under a number of other circumstances. It is left to the discretion of the PHA whether such circumstances in general warrant consideration for the termination of assistance. As discussed further in section 12-II.E, the Violence against Women Act prohibits PHAs from considering incidents of, or criminal activity directly related to, domestic violence, dating violence, sexual assault, stalking, or human trafficking as reasons for terminating the assistance of a victim of such abuse.

Additionally, per 24 CFR 984.101(d), PHAs are no longer permitted to terminate assistance to a family due to the family's failure to meet its obligations under the Family Self-Sufficiency (FSS) contract of participation.

BHA Policy

The BHA **will** terminate a family's assistance if:

The family has failed to comply with any family obligations under the program. See Exhibit 12-1 for a listing of family obligations and related BHA policies.

Any family member has been evicted from federally-assisted housing in the last ~~five~~three years.

Any PHA has ever terminated assistance under the program for any member of the family in the last three years.

Any family member has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.

The family currently owes rent or other amounts to any PHA in connection with the HCV, Certificate, Moderate Rehabilitation or public housing programs.

The family has not reimbursed any PHA for amounts the PHA paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.

The family has breached the terms of a repayment agreement entered into with the BHA.

Any family member has engaged in criminal sexual conduct, including but not limited to sexual assault, incest, open and gross lewdness, or child abuse.

Any family member has engaged in criminal activity that may threaten the health or safety of property owners, management staff, and persons performing contract administration functions or other responsibilities on behalf of the BHA (including a BHA employee or a BHA contractor, subcontractor, or agent).

A family member has engaged in or threatened violent or abusive behavior toward BHA personnel.

Abusive or violent behavior towards BHA personnel includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.