

Resident Advisory Board Meeting

8-13-24 @ 1:00pm

Teams Online or In Person

Facilitator: Molly Link, Housing Director

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Agenda

1. Introductions of Attendees

2. Reminders:

What is the Administrative Plan?

- The Administrative Plan oversees our housing program policies and procedures for the Housing Choice Voucher; Project Based Vouchers; Senior / Disabled Adult Housing assistance programs.

Who oversees the policies and procedures of our Housing Programs?

- Housing Urban Development (HUD) is the primary source for the CDA Agency Administrative Plan, citing federal regulations, notices, and handbooks.
- State Law and Industry practice. Where no law or HUD authority exists, industry practice (majority of PHA's) can support PHA policy.

What steps does Scott County CDA take to update our Administrative Plan?

- Annually a consultant updates our Admin Plan's HUD regulations and suggests changes to PHA Policy.
- Receive Staff Feedback
- Receive Participant Feedback
- Offer a Public Hearing at our October Board Meeting
- Request Board Approval at the October meeting for January 1 effective date.
- Every 5 years, update our 5 Year HUD Plan noting what we accomplished in the previous 5 years and our goals/intended outcomes of the next 5 years.

3. Agency 5 Year Plan Overview

- Fair Housing, Progress and Goals (see attachment)

4. Summary of Administrative Plan Recommended Changes:

- "Human Trafficking" is now protected under the VAWA Act

- PHA's can deny households who may choose not to consent to release information related to financial records.
 - Removed Earned Income Disallowance
 - Reasonable Accommodations can include exceptions to Utility Allowance standards if criteria are met.
 - Families can sign the HUD 9886 Release of Information form at admission only (no longer at annuals).
 - Verifications dated 120 days from date of receipt can be accepted versus 60 days.
 - For fixed income sources, a statement dated within the appropriate benefit year is acceptable documentation and verifications being dated 120- days do not apply. Fixed sources of income include Social Security and SSI benefits, pensions, annuities, disability or death benefits, and other sources of income subject to a COLA or rate of interest.
 - PHA's can accept a self-certification and a third-party document (such as a bank statement, utility or cell phone bill, or benefit letter) with the applicant's name on it to satisfy SSN disclosure requirement if all other attempts to obtain the required documentation were made.
 - Zero Income: HUD clarified that PHA's may accept self-certification as the highest form of verification for zero income.
 - Inspections-requires hard wired/sealed battery smoke detector on each level of property; Follow State Laws on Carbon and Lead Based Paint Standards. The PHA will also not accept self-certification of HQS repairs.
 - The PHA cannot make any HAP payment for any month after the month the family vacates the unit. The owner is not entitled to any housing assistance payment after this period and must return to the PHA any housing assistance payment received after this period
 - The PHA will reimburse a family for any family overpayment of rent, regardless of whether the overpayment was the result of staff-caused error, staff program abuse, or a de minimis error

- The PHA will provide information to families regarding the shared housing option, including a listing to families of any known for-profit or nonprofit shared housing matching services in the community at briefing, and upon request.
- Families will not be required to participate in ongoing counseling after commencement of homeownership assistance.
- Added more language and definitions to abuse, such as “economic” and “technology” abuse.

Specific Changes by Chapter and Page Number for 1/1/25 Eff. Date (Admin Plan 1/1/25 Version 1)

Chapter 3, Eligibility

Family and Household, Page 35

- Expands definition of family to include displaced persons and foster care youth ages 18-24.

Family Break-up, Page 36

- Adds being a victim to “human trafficking” to the list of reasons/circumstances for a PHA to continue assistance after termination of other household members.

Foster Children and Foster Adults, Page 39

- Adds language to define Foster Adults and Foster children under State Law.

Family Consent to Release of Information, Page 46

- Added language stating: The consent form(s) such as the HUD 9886A Consent for Release of Information and HUD 52675 Debts Owed, remain effective until the family is denied assistance, assistance is terminated, or the family provides written notification to revoke consent. The PHA added a policy stating that they must deny admission or terminate household if household revokes consent to obtain information, including financial records.

Prohibition Against Denial of Assistance to Victims of Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Human Trafficking, Page 62

- Added “human trafficking” under the list of victims protected under VAWA.

Chapter 6, Income and Subsidy Determinations

Earned Income Disallowance for persons with disabilities, Page 105 *HOTMA PIH 2023-27*

- On January 1, 2024, per HOTMA notice 2023-27; PHA's were told by HUD to no longer enroll new families into the Earned Income Disallowance (EID) for persons with disabilities. If the family was receiving EID prior to or on December 31, 2023, they were entitled to full amount of benefit for a full 24-month period. PHA policies governing the EID are applicable only to such families.

Exceptions to Utility Allowance as a Reasonable Accommodations, page 135-6

- Re-clarifies that PHA's must approve UA allowances that are higher than applicable amounts if needed based on approved reasonable accommodation that is based on a disability. PHAs should develop criteria for granting individual relief, notify residents about the availability of individual relief, and notify participants about the availability of individual relief programs (sometimes referred to as "Medical Baseline discounts") offered by the local utility company.
- New PHA Policy Language states: At reexamination, the PHA must use the current utility allowance schedule [HCV GB, p. 18-8]. The family must request the higher allowance and provide the PHA with information about the amount of additional allowance required.

The PHA will consider the following criteria as valid reasons for granting individual relief:

- The family's consumption was mistakenly portrayed as excessive due to defects in the meter or errors in the meter reading.
- The excessive consumption is caused by a characteristic of the unit or owner-supplied equipment that is beyond the family's control, such as a particularly inefficient refrigerator or inadequate insulation. The allowance should be adjusted to reflect the higher consumption needs associated with the unit until the situation is remedied. The resident should be granted individual relief until the allowance is adjusted.
- The excessive consumption is due to special needs of the family that are beyond their control, such as the need for specialized equipment in the case of a family member who is ill, elderly, or who has a disability

Chapter 7, Verifications:

Family Consent to Release of Information, page 148-9 *HOTMA PIH 2023-27*

All adult family members must sign Form HUD-9886 at admission only, eliminating the requirements to have this signed at each annual re-examination. Family members turning 18 years of age between annual recertifications will be notified in writing that they are required to sign the HUD 9886 form at the next annual or interim reexamination, whichever is earlier. This form remains in effect until the family provides written notification to revoke consent.

Penalties for Failing to Consent, Page 150 *HOTMA PIH 2023-27*

Added a Revocation of Consent PHA Policy:

- The PHA has established a policy that revocation of consent to access financial records will result in denial of admission or termination of assistance in accordance with PHA policy.
- In order for a family to revoke their consent, the family must provide written notice to the PHA.
- Within 10 business days of the date the family provides written notice, the PHA will send the family a notice acknowledging receipt of the request and explaining that revocation of consent will result in denial or termination of assistance, as applicable.

Verifications dated within 120 days, *HOTMA PIH 2023-27*

- Original or authentic document generated by a third-party source can be dated within 120 days of the date received by the PHA, rather than 60 days. See page numbers altered below:

Page 101—Anticipating Annual Income (Ch. 6)

Page 151—HUD's Verification Hierarchy, Requirements of Acceptable Documents (Ch 7)

Page 154-155—Third Party Verification (stated documents must be dated 120 days of the date received by the PHA versus by the reexam date. (Ch 7)

Page 163—Family Members Receiving SSA Disability Benefits (Ch.7)

Page 167—Periodic Payments and Payments in Lieu of Earnings; Social Security/SSI Benefits (Ch.7)

Verification of Fixed income Sources, *HOTMA PIH 2023-27*

- For fixed income sources, a statement dated within the appropriate benefit year is acceptable documentation and verifications being dated 120- days do not apply. Fixed sources of income include Social Security and SSI benefits, pensions, annuities, disability or death benefits, and other sources of income subject to a COLA or rate of interest. See page numbers altered below:

Page 101—Anticipating Annual Income (Ch. 6) Added language to PHA Policy to include referencing Ch. 7 requirements to obtain third party verification for fixed income sources and that receiving a statement dated within the appropriate benefit year is acceptable

Page 153—Third Party Verification (Ch. 7) Added language to PHA Policy: For fixed income sources, a statement dated within the appropriate benefit year is acceptable documentation and verifications being dated 120- days do not apply.

Page 167—Periodic Payments and Payments in Lieu of Earnings; Social Security/SSI Benefits (Ch.7); Added language clarifying that third party documents provided by the family or the source must be dated within 120 days, but for fixed income sources, such as SS/SSI benefits, the statement dated with the appropriate benefit year is acceptable documentation.

Page 232—Streamlined Annual Re-examinations (Ch. 11) Added information on fixed income verification under the PHA Policy: For fixed income sources, a statement dated within the appropriate benefit year is acceptable documentation and verifications being dated 120- days do not apply.

Verification of Social Security Numbers, Page 158, *HOTMA PIH 2023-27*

- PHA's can accept a self-certification and a third-party document (such as a bank statement, utility or cell phone bill, or benefit letter) with the applicant's name on it to satisfy SSN disclosure requirement if all other attempts to obtain the required documentation were made.

Zero Income Reviews, Page 170 **HOTMA PIH 2023-27**

Per 2023-27 Notice, HUD clarified that PHA's are not required to conduct periodic zero income reviews. HUD also clarified that PHA's may accept self-certification as the highest form of verification for zero income. Updated language in the areas below:

Page 156, Self-Certification

Page 170, Zero Income Reviews

Chapter 8, Inspections:

Overview of HUD Housing Quality Standards, Pages 179, 180, and 199 **NSPIRE**

- Additional Local Requirements and Must include at least 1 battery-operated or hard-wired smoke detector, in proper working condition, on each level of the property beginning December 29, 2024. *The NSPIRE Smoke Alarm Standard does not require that smoke alarms have a sealed battery; however, upon the effective date of the Public and Federally Assisted Housing Fire Safety Act of 2022 on December 29, 2024, sealed batteries will be required.*
- Must meet or exceed the carbon monoxide detection standards set by the Secretary through *Federal Register* notification

*Other Carbon Monoxide and Lead based paint policies continue to remain in effect

Owner Responsibilities, Page 185: The owner will be required to repair an inoperable smoke detector unless the PHA determines that the family has intentionally disconnected it (by removing batteries or other means). In this case, the family will be required to repair the smoke detector within 24 hours.

Reinspections, Page 191: The PHA will not accept self-certification of HQS repairs

Chapter 10, Moving with Continued Assistance:

PORTABILITY, Reexamination of Family Income and Composition, page 221

For PORTS, PHA Policy is no longer requiring reexams of income and composition for applicant family.

Chapter 12, Approach to Termination of Assistance:

Terminations related to Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking, page 254

- Added "human trafficking" to the VAWA protections against termination

- Add language: “PHAs and owners may not coerce, intimidate, threaten, interfere with, or retaliate against any person who exercises or assists or encourages a person to exercise any rights or protections under VAWA [FR Notice 1/4/23].”
- Added human trafficking, under VAWA protection, to Statement of Family Obligations

Chapter 13, Owners:

HAP Contract Term and Terminations, page 278

- **Revised language to ending of HAP contracts in the PHA policy:**

PHA Policy

Generally, the HAP contract terminates at the end of the calendar month that follows the calendar month in which the PHA gives written notice to the owner. The PHA cannot make any HAP payment for any month after the month the family vacates the unit. The owner is not entitled to any housing assistance payment after this period and must return to the PHA any housing assistance payment received after this period

Chapter 14, Program Integrity:

PHA Caused Errors or Program Abuse, page 288

- **Added a section called, De Minimis Errors.** A de minimis error is an error where the PHA determination of family income deviates from the correct income determination by no more than \$30 per month in monthly adjusted income (\$360 in annual adjusted income) per family. The new PHA policy states:

The PHA will reimburse a family for any family overpayment of rent, regardless of whether the overpayment was the result of staff-caused error, staff program abuse, or a de minimis error.

Chapter 15 Special Programs:

Shared Housing, page 297

- **Added PHA policies below:**

PHA Policy

The PHA will provide information to families regarding the shared housing option, including a listing to families of any known for-profit or nonprofit shared housing matching services in the community at briefing, and upon request. Families will be advised they can conduct their own internet search. Families will be cautioned to not enter into any rental agreement or pay any deposit or rental payment until the tenancy is approved by the PHA.

PHA Policy

The PHA will work with local jurisdictions as necessary to identify solutions consistent with fair housing laws and will inform HUD if the PHA encounters barriers to shared housing that conflict with fair housing laws.

Homeownership Voucher, page 310

- Add PHA Policy below:

PHA Policy: Families will not be required to participate in ongoing counseling after commencement of homeownership assistance.

Chapter 16 Program Administration:

Reasonable Accommodations and Individual Relief, page 327

Added language related to granting relief from charges in excess of UA to elderly, ill, or residents with disabilities or other special factors. See below

- Upon request from a family that includes a person with disabilities, the PHA must approve a utility allowance which is higher than the applicable amount on the utility allowance schedule if a higher utility allowance is needed as a reasonable accommodation to make the program accessible and usable by the family member with a disability [24 CFR 982.517(e)]
- Further, the PHA may grant requests for relief from charges in excess of the utility allowance on reasonable grounds, such as special needs of the elderly, ill, or residents with disabilities, or special factors not within control of the resident, as the PHA deems appropriate. The family must request the higher allowance and provide the PHA with an explanation of the need for the individual relief and information about the amount of additional allowance required [see HCV GB, p. 18-8].
- PHAs should develop criteria for granting individual relief and to notify residents about the availability of individual relief, and also to notify participants about the availability of individual relief programs (sometimes referred to as “Medical Baseline discounts”) offered by the local utility company. Policies for granting exception utility allowances can be found in Section 6-III.D. of this plan.

Record Retention, pg 356

- **Added a PHA Policy related to record retention:**

PHA Policy

The PHA will keep for at least three years records of all complaints, investigations, notices, and corrective actions related to violations of the Fair Housing Act, the equal access final rule, or VAWA.

- **VAWA Notification, Documentation, Confidentiality, pages 362**

Added “human trafficking” to those protected under the VAWA act and added terms/definitions under VAWA such as:

- The term *affiliated individual* means, with respect to a person:

- A spouse, parent, brother or sister, or child of that individual, or an individual to whom that individual stands in the position or place of a parent; or
Any other individual, tenant, or lawful occupant living in the household of the victim of domestic violence, dating violence, sexual assault, or stalking
- The term *domestic violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction receiving grant funding, and in the case of victim services, includes the user or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who is:
 - The current or former spouse or intimate partner of the victim, or person similarly situated to a spouse or intimate partner of the victim
 - A person who is cohabitating or has cohabitated with the victim as a spouse or intimate partner
 - A person with whom the victim shares a child in common
 - A person who commits acts against an youth or adult victim who is protected from those acts under the domestic or family violence laws of the jurisdiction
- The term economic abuse means behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, and manipulation to:
 - Restrict a person's access to money, assets, credit, or financial information
 - Unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage
 - Exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or to whom one has a fiduciary duty
- The term *technological abuse* means an act or pattern of behavior that occurs within domestic violence, dating violence, sexual assault, or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor another person, except as otherwise permitted by law, that occurs using any form of technology, including but not limited to:
 - Internet enabled devices
 - Online spaces and platforms
 - Computers
 - Mobile devices

- Cameras and imaging programs
 - Apps
 - Location tracking devices
 - Communication technologies
- Any other emergency technologies