

PUBLIC NOTICE
Admissions & Continued Occupancy Policy
And Lease Agreement for July 2016

Proposed Changes – SUMMARY

CMHA is proposing changes to the Asset Management Admissions and Continued Occupancy Policy (ACOP) and Lease in conjunction with its annual planning process. This document is a summary and overview of the proposed updates to the ACOP and Lease effective on July 1, 2016 follows below:

PROTECTED CLASS

Summary of Change

CMHA has changed several portions of its Lease and ACOP to be in conformity with the protected classes as defined by federal regulations. In most instances the change reflects the language to include actual or perceived sexual orientation and marital status in accordance with PIH 2014-20 (HA). The changes are as follows:

p. 2

ADDED/REMOVED

Section I – Non-discrimination and Accessibility

A. Compliance with Civil Rights Law

2. CMHA shall not discriminate because of race, color, sex, religion, creed, national or ethnic origin, age, to actual or perceived sexual orientation, gender identity, familial or marital status, handicap or disability in the leasing, rental, or other disposition of housing or related facilities, including land, that is part of any project or projects under CMHA's jurisdiction covered by a contract for annual contributions under the United States Housing Act of 1937, as amended, or in the use or occupancy thereof.

p.27

ADDED/REMOVED

H. Due Process Rights for Applicants

#3 The applicant will be advised that s/he may exercise other rights if the applicant believes that illegal discrimination based on race, color, national origin, ethnic origin, religion, age, disability, or actual or perceived sexual orientation, gender identity, familial or marital status – has contributed to CMHA's decision to deny housing.

p. 30

ADDED -

B. Unit Offers to Applicants

#1 To assure equal opportunity and nondiscrimination on grounds of race, color, sex, religion, national origin, disability or familial status, ethnic origin, age, to actual or perceived sexual orientation, gender identity, or marital status, CMHA will make its unit offer to the first eligible applicant in sequence on the site-based waiting list. The second unit offer will be made in accordance with A.2 of this section. Applicants may be removed from the waiting list for refusing a unit offer without good cause.

p. 31

ADDED –

D. Good Cause for Applicant Refusal of Lease

If an applicant is willing to accept the unit offered but is unable to move at the time of the offer, and presents to the satisfaction of CMHA, clear evidence (“good cause”) that acceptance of the offer will result in undue hardship not related to considerations of race, color, sex, religion or national origin, ethnic origin, age, to actual or perceived sexual orientation, gender identity, familial or marital status, handicap or disability.

p. 38

ADDED–

Section V – Transfer Policy

A. General Transfer Policy

#1

It is CMHA’s policy that transfers will be made without regard to race, color, sex, religion, creed, national or ethnic origin, age, to actual or perceived sexual orientation, gender identity, familial or marital status, handicap or disability. Residents can be transferred to accommodate a disability.

p. 90

ADDED – Defines protected classes

Protected Class: a **protected class** is a characteristic of a person which cannot be targeted for discrimination. The following characteristics are considered “**Protected Classes**”: race, color, sex, religion, creed, national or ethnic origin,

age, to actual or perceived sexual orientation, gender identity, familial or marital status, handicap or disability

ELIGIBILITY

Summary of Change

The changes in this section are reflective of a change in the Department's name from Leasing to "Eligibility Department." CMHA has an initiative to expand the items that it will accept as verification of eligibility and has taken this measure to minimize burden on the applicant to provide information to CMHA. CMHA increased the preference for victims of involuntary displacement.

p. 11

CHANGED – CMHA's Leasing Department has undergone a name change to "Eligibility Department"

D. Processing Applications for Admission

#4 Changed "leasing" to "Eligibility"

p. 11

ADDED -

D. Processing Applications for Admission – To minimize financial and administrative burden to the applicants, CMHA has expanded the documents that it will accept to establish an applicant's identity in keeping with the HUD Public Housing Occupancy Guidebook.

- c. Third party documentation issued by another federal, state or local government agency: An original document showing the individual's name and SSN of the individual (e.g., a benefit award letter, Medicare card, or printout from a federal, state or local government agency will be accepted as verification for purposes of determining eligibility. This could include welfare agency documents, military papers, unemployment insurance documents, or any other government-issued documentation.)

p. 13

REMOVED - Removed 1, 2, 4, 5, 6 – This topic is covered under the "Method of Applying Preferences" section which is on page 16. References to special priorities have been removed to be in agreement with the current preference system.

E. The Preference System

The Preference System

Qualifying for a preference does not guarantee admission. CMHA's local preferences will be fully described below. CMHA has adopted local preferences in order to ensure that its housing resources are utilized to their maximum effect within the community. Preferences are used to establish the order of placement on the waiting list. Every applicant must still meet CMHA's Resident Selection Criteria (described later in this policy) before being offered a unit.

REMAINING

#1. When selecting a family for a unit with accessible features, CMHA will give a preference to applicant families with disabilities who can benefit most from the unit's features. First preference will be given to current resident families needing a transfer to an accessible unit, and second preference will be given to applicant families. If no family needing accessible features can be found for a unit with accessible features, CMHA will house a family that does not need the unit features. This housing offer is subject to the requirement in Section III - Tenant Selection and Assignment Plan, under which a non-disabled family in an accessible unit can be required to move so that a family needing the unit features can be housed.

#2. Police officers and their families who may not otherwise be eligible for occupancy in public housing may be admitted in order to increase the presence of security for residents in a CMHA community.

#3. Notwithstanding any other provision of this Admissions and Continued Occupancy Policy, each tenant living in a property at the time CMHA takes legal title to the property will have the right to become a public housing tenant in the dwelling unit the tenant occupies on the date CMHA takes legal title, provided (1) the tenant family income is within the income limits for admission to public housing program on the day the tenant family signs the public housing lease; and (2) the tenant family is determined to be eligible based on other CMHA admission criteria; and the tenant's household composition meets CMHA guidelines.

#4. Preferences will be granted to applicants who are otherwise qualified and who, at the time of moving onto the site-based waiting list, meet the definitions of the preferences described below.

p. 14

F. Local Preferences and Unit Selection

ADDED – Increased the preference points to give priority to applicants that have been adversely impacted by natural disaster and involuntary displacement.

Preference	Points
Victims of involuntary displacement by government agency or natural disaster – These individuals will supercede the point system and move to the top of the waiting list due to the exigent situation.	32 Points
Victims of domestic violence - referral from YWCA, Women Helping Women, or Third-Party Social Service Agency	9 Points
Victims of domestic violence – Self certification only	4 Points
Referral from Local Homeless Coalition	4 Points
Veteran preference	4 Points
Full-time students (Head/Co-Head of Household with 3rd party verification from the school)	3 Points
Working Families, Disabled Families or Elderly	3 Points
Family Unification (see below/to be defined) and/or youths aging out of foster care who are between the ages of 18-24.	2 Points
Good Neighbor Program Completion	2 Points

p.17

ADDED – Added reference to the Code of Federal Regulations for clarification.

#5 Withholding Preferences

As required by law (24 CFR 960.204), CMHA will withhold a preference from an applicant if any member of the applicant family has been evicted from assisted housing (as defined in the 1937 Housing Act) during the past three years because of drug-related or criminal activity that threatens the health, safety or peaceful enjoyment of other residents or staff. In addition, CMHA will not grant an admission preference within three years of eviction, from any rental housing, to any family when the reason for eviction is drug-related. The term “drug-related

criminal activity” includes, but is not limited to, the possession, use, purchase, manufacture, sale, distribution, or transport, of any of the following: (1) illegal drug, (2) controlled substance, (3) drug counterfeit or analog, (4) controlled substance counterfeit or analog, (5) drug paraphernalia, or (6) drug abuse instrument; as defined by local, state, or federal law.

p. 22

REMOVED – Rent history and credit checks will no longer be required elements of the application process. CMHA will continue to require applicants to undergo a police check as part of the admission process.

G. Applicant Selection Criteria

#3 REMOVED

Section d

p. 21

ADDED – Language added to increase flexibility for applicants

#3

e. CMHA will complete a national and/or local criminal background check on all adult household members

(1) Unless waived by the applicant, all applicants shall have at least two days’ advance notice of Home Visits.

k. All eligible applicants are required to attend/or review CMHA’s Orientation packet prior to leasing.

p.27-28

ADDED/REMOVED – Language added to clarify process used to assign units to applicants. Removed reference to children to be more inclusive by replacing “children” with “individuals”.

H. Occupancy Guidelines

#1 Units shall be assigned and occupied by families based on the appropriate bedroom size that complies with HUD rules related to Occupancy Standards. Assignments will be made based on the family’s preferences and the availability of units within the housing authority.

c Two individuals of the opposite sex will not be required to share a bedroom, although they may do so at the request of the family.

p.28

ADDED/REMOVED – Removed references to a sub list. CMHA maintains site based waiting lists.

H. Occupancy Guidelines

#5 When a family is actually offered a unit, if they no longer qualify for the unit size, they will remain on the wait list until the appropriate sized unit becomes available. The applicant will retain their preferences and date and time of application. This may mean that they may have to wait longer for a unit offer.

#6 The unit size standards shall be discussed with each applicant family that qualifies for more than one unit size. Families will also be informed about their status and movement on the various waiting list ~~and sublists~~ maintained by CMHA. Families shall be asked to declare, in writing, the waiting list(s) on which they wish to be placed. If a family requests a smaller unit size than would normally be assigned under the largest unit size standard, the family will be required to sign a statement agreeing to the unit assignment until their family size or circumstances change. At the family's request, CMHA shall change the family's site preference ~~on the waiting sublists~~ at any time while the family is on the waiting list.

p. 30

ADDED/REMOVED – Changed the process for being removed from the waitlist when multiple site offers are rejected by an applicant

A. Organization of the Waiting List

#2 CMHA will maintain its waiting lists in the form that records the type and size of unit needed, each applicant's priority/preference status and the date and time of application. All current applicants will be given an opportunity to select the communities where they would accept a unit offer. If the eligible applicant rejects the initial unit offer, from their wait list selection, they will be removed from the waitlist of that site, but allowed to remain on the other wait lists. Should the eligible applicant fail to accept the unit offers from their selected wait list(s), then their application will be withdrawn in its entirety, and the applicant must reapply for housing. All applicants will be informed of the length of each list and may change their site selection as needed.

p. 31

ADDED – Expanded the methods by which CMHA can communicate housing offers to applicants.

B. Unit Offers to Applicants

#5

CMHA will communicate with the applicant that a unit is available by either ordinary mail, telephone, or email, based on the applicant's preference for communication.

#6

The applicant must accept the vacancy offered by Noon the next business day and may be communicated initially by phone or email. If the applicant cannot be reached by phone or email contact information listed on application within this timeframe, then CMHA will offer the unit to next applicant on wait list. For applicants that could not be reached via telephone or email, they will receive a letter indicating that we were unable to reach them by phone. This letter will inform them to update telephone information and that they will be offered the next unit available, if they are still interested.

p. 38

ADDED – Language add to clarify processes for transferring between housing programs and required notification when leaving the Asset Management Program.

Written Notice to Terminate the Lease

1. Tenant must give thirty days written notice prior to vacating the unit
2. Families transferring from the Asset Management Program must return keys and possession of the unit to the site manager within 3 days of lease execution with owner for assistance under the CMHA Housing Choice Voucher (HCV) program

OVER INCOME FAMILIES

Summary of Changes

CMHA has added provisions to clarify rights of over income households on the program. CMHA has adopted this change to preserve the availability of affordday housing in LIPH/Asset Management program for the families needing this housing.

p. 42-43

ADDED – Language added to clarify rights of over income household on the program

Section VI – Eligibility for Continued Occupancy, Over Income Households, Annual Recertification and Remaining Family Members

In order to preserve the availability of affordable housing in LIPH/Asset Management program and to assure that qualified families are provided with quality affordable housing, the Cincinnati Metropolitan Housing Authority will conduct re-certifications of household income and composition to ensure proper calculation of rent the tenant's continued eligibility for assisted housing. CMHA may need to terminate assistance to families that are over the established income limits.

B. Over Income Households:

Public Housing Authorities are vested by HUD with the discretion to terminate assistance to over income households and in doing so thereby making units available for applicants who are income-eligible.

CMHA is committed to keeping a balanced approach to having mixed income communities and diversity within its communities.

Lease termination is considered when the total household income is over 80% AMI income. In making its decision to terminate the lease, the CMHA will exempt the following families from termination when it is solely based upon their status as an over income individual or family.

1. Exemptions:

- a. The family is a participant in the FSS program, CMHA's Home Ownership Program (HCV) or an equivalent Family Self-Sufficiency program approved by CMHA
- b. The family is receiving earned income disallowance
- c. There is/are disabled member(s) of the family

- d. Persons who are considered elderly having attained 62 years of age.
- e. The over income level is a result of the combined incomes of individuals living in a multi/intergenerational household (e.g. a parent with several adult children) where the family members assist in the care of a disabled or elderly family member in the household.

2. Lease Termination and Transition From CMHA Housing:

CMHA will assist families gain financial independence by establishing the following safe harbor periods:

AMI Level	Safe Harbor Period	Lease Termination
81% – 100%	Thirty (30) Months	90 consecutive days after safe harbor period
101% - 120%	Twenty-Four (24) Months	60 consecutive days after safe harbor period
121% and above	Eighteen (18) Months	30 consecutive days after safe harbor period

The safe harbor period begins from the point that the individual achieves the over-income status.

OVER INCOME FAMILIES AND THE LEASE

The Lease provisions are to conform with the ACOP in defining the rights, exemptions and termination process for over income households on the program.

p. 52-53

ADDED – Language added to define rights, exemptions and termination process for over income household on the program.

Termination for Over Income Families:

Subject to certain restrictions, HUD authorizes public housing authorities to evict or terminate the tenancies of families who are determined to be over-income for continued housing in the LIPH/Asset Management program. Authority of the termination of the lease termination for over-income families is done in accordance with 24 CFR 960.261:

- (a) PHAs may evict or terminate the tenancies of families who are over income, subject to paragraph (b) of this section.
- (b) Unless it is required to do so by local law, a PHA may not evict or terminate the tenancy of a family solely because the

family is over the income limit for public housing, if the family has a valid contract for participation in an FSS program under 24 part 984. A PHA may not evict a family for being over the income limit for public housing if the family currently receives the earned income disallowance provided by 42 U.S.C. 1437a(d) and 24 CFR 960.255.

A. Criteria to Consider Lease Termination.

Public Housing Authorities are vested by HUD with the discretion to terminate assistance to over income households and in doing so thereby making units available for applicants who are income-eligible.

CMHA is committed to keeping a balanced approach to having mixed income communities and diversity within its communities.

Lease termination is considered when the total household income is over 80% AMI income. In making its decision to terminate the lease, the CMHA will exempt the following families from termination when it is solely based upon their status as an over income individual or family.

B. Exemptions to Lease Termination for Over Income Families:

1. The family is a participant in the FSS program, CMHA's Home Ownership Program (HCV) or an equivalent Family Self-Sufficiency program approved by CMHA The family is receiving earned income disallowance
2. There is/are disabled member(s) of the family
3. Persons who are considered elderly having attained 62 years of age.
4. The over income level is a result of the combined incomes of individuals living in a multi/intergenerational household (e.g. a parent with several adult children) where the family members assist in the care of a disabled or elderly family member in the household.

RECERTIFICATION PROCESS AND CONTINUED ELIGIBILITY

Summary of Changes

The changes in this section were added to clarify the time frames for the recertification.

p. 43

ADDED – Language added to clarify when the recertification process will be initiated.

B. Periodic Recertification -

#1 Regular Recertification: CMHA shall, at least once a year, re-examine the incomes of all resident families, except those families paying a flat rent. CMHA will begin the recertification process 120 days in advance of the anniversary date of the lease agreement.

p.49

ADDED – Language added to clarify the repayment process for HCV participants that are found to owe a debt to the Asset Management Program.

C. Repayment Agreement for Families

#5

If a family transfers to the Housing Choice Voucher (HCV) program and it is found that debt is owed to the Asset Management Program, the family will be required to pay the debt within 30 days of notification. Failure to do so will result in the Asset Management Program referring the family to the HCV program for voucher termination.

p. 51

ADDED – Language added to clarify reasons for lease termination.

Section IX – Lease Termination Policies

In order to preserve the availability of affordable housing in LIPH/Asset Management program and to assure that qualified families are provided with quality affordable housing, the Cincinnati Metropolitan Housing Authority may need to terminate assistance to families that are ineligible for housing assistance or no longer compliant with the lease agreement or ACOP.

p. 52

REMOVE (Moved) – No change to the language. It has moved to a different section of ACOP.

1. Victims of Domestic Violence, Dating Violence, or Stalking

p.53

(MOVED)

Termination of Assistance: Victims of Domestic Violence, Dating Violence or Stalking

An incident or incidents of actual or threatened domestic violence, dating violence or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence, and shall not be good

cause for terminating the assistance, tenancy, or occupancy rights of the victim of such violence.

CMHA may terminate the assistance to remove a lawful occupant or tenant who engages in criminal acts or threatened acts of violence or stalking without terminating the assistance or evicting victimized lawful occupants.

CMHA may honor court orders regarding the rights of access or control of the property, including orders issued to protect the victim, and orders issued to address the distribution or possession of property among household members when the family breaks up.

There is no limitation on the right of CMHA to evict for other good cause unrelated to the incident or incidents of domestic violence, dating violence or stalking, other than the victim may not be subject to a more demanding standard than non-victims.

CMHA is not prohibited from evicting if it can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property that may result if the victim's tenancy is not terminated.

Any protections provided by law that gives greater protection to the victim are not superseded by these provisions.

CMHA requires certification by the victim of victim status. Certification forms are available in the Property Management Offices.

p. 54

ADDED – Language added to clarify utility process.

Section X – Utilities

General Policy: The Utility Allowance is developed by CMHA in consultation with both an energy consultant and the utility supplier and is reviewed by HUD.

A. Resident-Paid Utilities:

In some CMHA communities, utilities are in the residents' name.

p. 55

ADDED – Language added to clarify utility process

#3

When residents make application for utility services to be placed in their own names, they shall sign a third-party notification agreement so that CMHA will be

notified if the resident fails to pay the utility bill or if service is due to be terminated

NON-SMOKING IN RESIDENCES AND COMMON AREAS

p. 56

ADDED – CMHA will be transitioning to non-smoking residences.

Section XI – Non Smoking Residences and Common Areas

Tenants are prohibited from smoking or using lit tobacco products in all smoke free living units, indoor common areas and in the CMHA residences that are designated as a smoke free. Lit tobacco products include electronic nicotine devices (ENDS or e-cigarettes) water pipe tobacco smoking, also known as hookahs. Failure to comply with this prohibition is a serious and material violation of the residential lease agreement and the ACOP, subject to lease termination.

DESIGNATED HOUSING

CMHA is requesting the designation of the following buildings as potential designated housing.

p. 82

ADDED/REMOVED - Removed San Marco as an elderly designation. These units will be part of RAD.

Section XVI– Designated Housing

Currently CMHA does not have any properties (with the exception of Baldwin Grove) that are designated elderly housing. CMHA may apply with HUD in 2016 for the following locations for an “Elderly Designation”

- Stanley Rowe A Building, 835 Poplar Street, Cincinnati, Ohio 45214
- ~~San Marco, 1601 Madison Road, Cincinnati, Ohio 452016~~
- ~~Evanston, 1820 Rutland Avenue, Cincinnati, Ohio 45207~~
- Pinecrest,, 3951 8th Street, Cincinnati, Ohio 45295

Communities designated for the elderly: Elderly families will receive a priority for admission to units or buildings covered by a HUD-approved Designation Plan.

When there are insufficient elderly families on the waiting list, near-elderly families (head or spouse/co-head ages 50 to 61) will receive a priority for this type of unit.

