



## **ANNUAL PLAN COMMENTS FROM PINECREST RESIDENT UNITED AND THE GREATER CINCINNATI HOMELESS COALITION SUMMARY OF COMMENTS TO PLAN AND CMHA RESPONSE**

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CMHA provides the following written comments regarding the Annual Plan, the proposed changes to the Plan and the related documents. The following is a summary of the comments and CMHA's responses to the comment(s). Similar comments have been paraphrased and grouped together with CMHA's response. The text of all comments is included as an attachment to this summary.

Additionally, CMHA will provide an opportunity for a face-to-face meeting to ensure that all parties are heard as it pertains to their viewpoints and concerns. CMHA values the input of its community stakeholders in the annual planning process. Thank you for your comments as we consider them as we help shape the future of affordable housing in our community.

### **RESIDENT'S RIGHT TO RETURN TO REDEVELOPED PROPERTIES; RESIDENT DISPLACEMENT**

**Policy Referenced:** CMHA received several comments related to the residents' right to return under a CMHA portfolio conversion through Rental Assistance Demonstration ("RAD") or via other re-positioning of its asset management housing stock.

#### **CMHA Goals and Objectives #25 – Deconcentration and Other Policies that Govern Eligibility, Selection and Admissions, HCV Program #7.**

HUD has selected CMHA to participate in the Rental Assistance Demonstration (RAD) Program. Under RAD, properties are funded through a long-term Section 8 Housing Assistance Payment contract. As a result, CMHA will be converting a number of its Asset Management units to Project Based Rental Assistance (PBRAs) under the guidelines of PIH Notice 2012-32, REV-1 and any successor PIH Notices, rules and regulations. CMHA anticipates that RAD conversion will provide a diversity of incomes within the RAD developments.

#### **Pinecrest Resident United Comment:**

**Comment No. 1:** We expect no displacement due to RAD at the Pinecrest. [CMHA Goals and Objectives #25, Deconcentration and Other Policies that Govern Eligibility, Selection and Admissions, HCV Program, #7]

**Comment No. 4:** There should be no changes at the Pinecrest regarding Admissions and Occupancy Policies, even if there is a new owner at the building, including CMHAs instrumentalities and/or subsidiaries. [Proposed Change to 2019-2020 ACOP]

**Comment No. 24:** If CMHA does mixed income housing, eventually the lower income housing will be non-existent. Experience has taught us mixed income is most often a cover-up for displacement. [Mixed Finance Modernization or Development]

### Response

CMHA recognizes the concerns raised by the comment. Although, it is not the intent of CMHA to displace any resident, the funding sources may create an issue for a low number of individuals and families. Cincinnati Metropolitan Housing Authority is committed to making sure that all these individuals/families are identified early in the process and committed to working with the community advocacy groups along with individual/families to be certain an amicable solution is reached. In no case, through any transition will CMHA cause an individual/family that is not homeless to become homeless through this transition.

The Cincinnati Metropolitan Housing Authority (“CMHA”) is committed to affirming the rights of residents during the conversion of its low-income public housing portfolio. On February 26, 2019, the CMHA Board of Commissioners approved Resolution 5205. This resolution embodies the right for residents to return to any remodeled or redeveloped property, the right to receive written relocations plans, and the right not to experience rent increases due to the redevelopment or improvements. The resolution also supports CMHA’s efforts to stabilize and increase funding sources through federal programs such as the Rental Assistance Demonstration (RAD) and Section 18. The rights are outlined below:

#### **EXCERPT OF CMHA BOARD RESOLUTION NO. 5205**

**WHEREAS**, residents of public housing have certain rights that must be respected during any public housing conversion process; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of the Cincinnati Metropolitan Housing Authority, that public housing and other deeply subsidized forms of affordable housing are an essential part of the housing continuum, as it meets the needs of households that would otherwise have few options in the private market.

**BE IT FURTHER RESOLVED** that CMHA is working to preserve, and, when possible, increase the city and county’s stock of public housing.

**BE IT FURTHER RESOLVED** that CMHA supports the residents of public housing and their rights that must be respected during any public housing conversion process; including the right to be informed; the right to return to any remodeled or redeveloped property; the right to written relocation plans about temporary relocation; the right to reimbursement of relocation expenses; the right to continued representation and funding for legitimate resident

organizations; the right to not be re-screened for eligibility, including income, income targeting provisions, criminal background, or credit history (income screening may occur for some residents and tax credit and non-RAD PBV properties); the right to pay no more than 30 percent of your income and no more due to improvements and redevelopment, unless required by federal law or regulation; the right to a grievance process and continued procedural rights relating to lease violations following any conversion.

CMHA has forwarded these rights to residents that are going through the conversion process. Furthermore, CMHA will require these rights to be included in the any of its Co-Developers Agreements

### **APPLICABILITY OF THE ACOP TO OTHER CMHA HOUSING PROGRAMS**

**Policy Referenced:** CMHA received a comment related to the proposed clarification placed in the 2019-2020 Admissions and Occupancy Policy (“ACOP”), which will alert residents, applicants and other participants in CMHA housing programs that the ACOP is solely limited to the Asset Management Public Housing program.

**Proposed Insertion:** Admissions and Continued Occupancy Policy governs the HUD-assisted public housing operated by the Cincinnati Metropolitan Housing Authority. These policies and the criteria for admission, determination of eligibility, and local preferences set forth herein are meant to apply solely to CMHA properties managed by CMHA as part of its asset management program. Properties managed by CMHA subsidiaries or instrumentalities may have other policies, procedures and criteria established by their individual Tenant Selection Plans.

#### **Pinecrest Resident United Comment:**

**Comment No. 4:** There should be no changes at the Pinecrest regarding Admissions and Occupancy Policies, even if there is a new owner at the building, including CMHA’s instrumentalities and/or subsidiaries. [Proposed Change to 2019-2020 ACOP]

#### **Response**

CMHA added clarifying language to the ACOP concerning the applicability of the policies and procedures to the Asset Management program. The Admission and Occupancy Policy of the Asset Management program pertain to housing funded by the low-income public housing program. Many of the items contained within the ACOP are regulatory, e.g. rent calculation, determination of income, eligibility procedure. Some of these policies are not transferable to other housing or funding sources. Instead, these properties will be governed their individual Tenant Selection Plans and House Rules.

CMHA’s intent is to own, operate, and manage the Pinecrest. However, your request is for CMHA to maintain the “ACOP” as the overarching rules and regulations that governs the property. As stated in the above paragraph, the “ACOP” is specifically written to govern the public housing program.

Whereas, the Pinecrest will no longer be part of the conventional public housing program, however, it will remain affordable housing.

## CMHA TRANSFER POLICY

**Policy Referenced:** CMHA received a comment related to the proposed change in its *Transfer Policy* as set forth in the 2019-2020 Admissions and Occupancy Policy (“ACOP.”)

**Section V – Transfer Policy:** General Transfer Policy: CMHA added clarifying language to the ACOP concerning the applicability of its General Transfer Policy to properties managed by CMHA subsidiaries or instrumentalities.

**Proposed Insertion:** 3. The Transfer Policy as set forth in the CMHA Residential Dwelling Lease and ACOP applies solely to the CMHA properties managed under its Asset Management Program. This policy does not apply to properties that are managed under other CMHA subsidiaries or instrumentalities. These properties may have a separate admission and transfer process.

**Section V – Types of Transfer:** CMHA has implemented the following changes to its Transfer Policy, which now include an Incentive Transfer Category as part of its Transfer

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.
2. The good cause standard applicable to new admissions for refusal of a housing offer shall also apply to transfers.
3. The Transfer Policy as set forth in the CMHA Residential Dwelling Lease and ACOP applies solely to the CMHA properties managed under its Asset Management Program. This policy does not apply to properties that are managed under other CMHA subsidiaries or instrumentalities. These properties may have a separate admission and transfer process.

B. Types of Transfers

This policy sets forth the transfer categories. Priority for transfer, and the order in which families are transferred, shall be subject to the hierarchy, by category, set forth below.

1. Emergency Transfers are mandatory. When the unit or building conditions poses an immediate threat to resident life, health or safety, as determined by CMHA, an emergency transfer will be required. Emergency transfers within sites or between sites may be made to: permit repair of unit defects hazardous to life, health, or safety; or to alleviate verified disability problems of a life threatening nature. Refusal of an immediate transfer offer, without good cause, will result in lease termination.

Emergency transfers shall take priority over new admissions.