



## Summary of Proposed Changes to the 2022-2023 CMHA Admissions and Continued Occupancy Policy and Lease Agreement

CMHA is proposing changes to the Asset Management Admissions and Continued Occupancy Policy (ACOP). A summary of the proposed updates to the ACOP and Lease follows below:

### Section I – Non-discrimination and Accessibility

CMHA is committed to complying with all laws, including newly enacted laws and all federal, state and local laws relating to civil rights. Executive Order 13988 prohibits discrimination based on gender identity or sexual orientation. Other federal laws include: race, color national origin, religion, sex (including pregnancy, childbirth, and related medical conditions), disability, age, and citizenship status.

The Cincinnati Municipal Code Chapter 914 includes the following as protected categories: race, natural hair types, hair styles commonly associated with race, gender, age, color, religion, disability status, marital status, sexual orientation, transgender, ethnic origin, national origin, and Appalachian regional origin. Therefore, CMHA has included each of these categories.

Fair Housing Act includes as protected categories: military status and familial status. Therefore, CMHA has included each as protected categories.

Throughout the ACOP, anywhere the term “protected category” is referenced, the categories listed here are included.

### A. Compliance with Civil Rights Laws

1. It is the policy of the Cincinnati Metropolitan Housing Authority (CMHA) to comply with all laws relating to Civil Rights, including but not limited to:
  - a. Title VI of the Civil Rights Act of 1964;
  - b. Title VIII of the Civil Rights Act of 1968 (as amended by the 1974 HCDA and the Fair Housing Amendments Act of 1988);
  - c. Executive Order 11063, [and 13988](#)
  
2. CMHA shall not discriminate because of race, [natural hair types and natural hair styles commonly associated with race, gender, gender identity, sex \(including pregnancy, childbirth, and related medical conditions\), age, color, religion, disability status, marital status, familial status, military status, sexual orientation, ethnic origin, national origin, or Appalachian regional origin, ancestry, or citizenship<sup>1</sup>](#) ~~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

<sup>1</sup> [The listed characteristics are considered “protected categories” as defined in Section XVII below.](#)

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.

## Section II – Eligible for Admission and Processing of Applications

CMHA determines a family's suitability for initial or continued rental assistance. CMHA may deny housing to applicants with outstanding debts owed to CMHA, subject to its policies. A repayment period of 6 months is added to clarify the time applicants are provided to repay debts owed to CMHA before being permanently removed from the wait list. To preserve valuable resources, applications will only be processed after repayment in full has been made by applicants.

Provision for remote applicant interviews is added in response to the COVID-19 pandemic and for the safety and convenience of applicants.

The removal of the self-certified "COVID-19 Impacted Applicants" preference recognizes that everyone has been impacted by COVID in some way and therefore, the COVID specific preference points are no longer necessary.

The Working Families preference has been added to incentivize those who are able, to hold jobs. In compliance with age and disability discrimination laws, if the head and spouse, or sole household member is age 62 or older, or is a person with a disability that prevents employment, the preference will be provided.

## D. Processing Applications for Admissions

**3. Debts Owed To CMHA:** If the applicant has a prior outstanding debt that is owed to CMHA, which would otherwise disqualify the applicant from housing, then ~~CMHA may allow the applicant time to repay of this debt, while the application is processed by the Eligibility Department. the applicant may be denied and removed from wait list and given 6 months to repay the debt. If payment is complete within 6 months of the date of denial letter, the applicant will be returned to the wait list using the applicant's original application date and time.~~ The payment of the debt will be in accordance with the Bad Debt Policy.

**5. Interviews and Verification Process:** As applicants approach the top of the waiting list, they will be contacted for an interview to complete their applicant file. Applicants who fail to complete the interview process or who cannot be contacted to schedule an interview will have their applications withdrawn, subject to reasonable accommodations for people with disabilities.

CMHA may conduct the interview and verification process remotely via a video conferencing platform, when available, or other suitable alternative. If an applicant does not have the necessary technology to fully participate, CMHA may provide the applicant access to the technology at CMHA's main campus.

CMHA will conduct an interview remotely upon request of an applicant as a reasonable accommodation for a person with a disability, if an applicant does not have child care or

transportation that would enable them to attend the interview, or if the applicant believes an in-person informal hearing would create an undue health risk.

**F. Local Preferences and Unit Selection**

Preference	Points
<b>Victims of involuntary displacement by government agency or natural disaster – These individuals will supersede the point system and move to the top of the waiting list due to the exigent situation. These will also include individuals who are participants in the Housing Choice Voucher Program that move from their HCV subsidized unit/HCV participant due to the unit’s failed HQS and/or abatement from the program and individuals who are in RAD converted projects and must move due to unit rehabilitation/ demolition.</b>	<b><del>32</del>42 Points</b>
<b>Victims of domestic violence - referral from YWCA, Women Helping Women, or Third-Party Social Service Agency</b>	<b>9 Points</b>
<b>Victims of domestic violence – Self certification only</b>	<b>4 Points</b>
<b>Referral from Local Homeless Partners or Third-Party Certification</b>	<b>4 Points</b>
<b>COVID-19 Impacted Applicant – Self certification only</b>	<b>4 Points</b>
<b>Veteran preference</b>	<b>9 Points</b>
<b>Full-time students (Head/Co-Head of Household with 3<sup>rd</sup> party verification from the school)</b>	<b>3 Points</b>
<b>Disabled Families or Elderly</b>	<b>3 Points</b>
<b>Family Unification (see below/to be defined)</b>	<b>2 Points</b>
<b>Good Neighbor Program Completion</b>	<b>2 Points</b>
<b>Youths aging out of foster care who are between the ages of 1824.</b>	<b>2 Points</b>
<b><u>Working Families (head, spouse, or sole member is employed)<sup>2</sup></u></b>	<b><u>3 Points</u></b>

**A. Due Process Rights for Applicants**

Provision for remote informal hearings which include all due process rights for applicants, is added in response to the COVID-19 pandemic and for the safety and convenience of applicants.

**A. Due Process Rights for Applicants**

3. Remote Informal Hearings

<sup>2</sup> Applicant must be given the benefit of the working family preference if the head and spouse, or sole member is age 62 or older, or is a person with disabilities.

In all circumstances where an informal hearing is permitted, CMHA has the sole discretion to require that informal hearings be conducted remotely in case of local, state, or national physical distancing orders, and in cases of inclement weather, natural disaster, or other circumstances that warrant remote hearings.

If no method of conducting a remote informal hearing is available that appropriately accommodates an individual's disability, CMHA will not hold against the individual their inability to participate in the remote informal hearing, and CMHA will consider whether postponing the remote informal hearing to a later date is appropriate or whether there is a suitable alternative.

If an applicant or resident does not have the necessary technology to fully participate, CMHA may provide the applicant or resident access to the technology at CMHA's main campus.

In addition, CMHA will conduct an informal hearing remotely upon request of an applicant or resident as a reasonable accommodation for a person with a disability, if an applicant or resident does not have child care or transportation that would enable them to attend the informal hearing, or if the applicant or resident believes an in-person informal hearing would create an undue health risk.

CMHA will consider other reasonable requests for a remote informal hearing on a case-by-case basis.

CMHA will conduct remote informal hearings via a video conferencing platform, when available. If, after attempting to resolve any barriers, families are unable to adequately access the video conferencing platform at any point, or upon request, the informal hearing will be conducted by telephone conferencing call-in. If the family is unable to adequately access the telephone conferencing call-in at any point, the remote informal hearing will be postponed, and an in-person alternative or other suitable alternative will be provided promptly within a reasonable time.

At least five business days prior to scheduling the remote hearing, CMHA will provide the family with login information and/or conferencing call-in information and an electronic copy of all materials being presented via first class mail and/or email. The notice will advise the family of technological requirements for the hearing and request the family notify CMHA of any known barriers. CMHA will resolve any barriers using the guidance in Section 6 of Notice PIH 2020-32 (Guidance for PHAs on the Allowability of Remote Hearings and Briefings 11/20/2020), including offering the family the opportunity to attend an in-person hearing.

If the informal hearing is to be conducted remotely, CMHA will require the family to provide any documents directly relevant to the informal hearing at least 24 hours before the scheduled hearing through the mail, via email, or text. CMHA will scan and email copies of these documents to the PHA

representative and to the person conducting the informal hearing the same day.

Documents will be shared electronically whenever possible.

CMHA will follow up the email with a phone call and/or email to the family at least one business day prior to the remote informal hearing to ensure receipt of all information and familiarity with accessing the video conferencing or call-in platform.

CMHA will ensure that all electronic information stored or transmitted with respect to the informal hearing is secure, including protecting personally identifiable information (PII), and meets the requirements for accessibility for persons with disabilities and persons with LEP.

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### **Section III - Tenant Selection and Assignment Plan**

Due to the reduction in the number of public housing units available, CMHA is limiting the number of offers residents will receive in any transfer situation to one. This limit also reduces the time a disabled family in need of an accessible unit will wait for a unit occupied by a non-disabled family. The section further clarifies responsibility for the cost of relocating. CMHA will continue to work with residents to understand their needs when transfer requests are made.

#### **B. Unit Offers to Applicants**

4. When a unit with accessible features is ready and no applicant in the targeted preference group requires the features of the unit, CMHA will make an offer to an applicant who does not qualify for the accessible feature. These applicants will be required to fill out a waiver form which ~~spells out~~includes the rules and regulations ~~of~~regarding when they may have to transfer to a non-accessible unit, ~~that they will receive one offer, and that they will be responsible for the cost of their move.~~ Certain types of transfers will also be processed with new admissions. See Section ~~F.V. Transfer Policy.~~ for the ratio of transfers to new admissions.

## Section V – Transfer Policy

Due to the reduction in the number of public housing units available, CMHA is limiting the number of offers residents will receive in any transfer situation to one and clarifying the “good cause” standard required for refusal of transfer offers. CMHA will continue to work with residents to understand their needs when transfer requests are made.

Approval for Category 3 transfers will be reviewed at annual recertifications for consistency and to preserve staff resources.

Residents are required to complete transfer moves within 5 days after signing a new lease so that units may be turned over for re-leasing to others in need of housing in a timely manner.

The required “Good Record” standard has been changed to “Tenant Qualifications”. The revised standard more accurately addresses the challenges CMHA has experienced over 2021 in its efforts to preserve the quality of public housing.

Incentive transfers have been eliminated due to the reduction in the number of public housing units available.

Due to software limitations, the requirement that residents transferring to units with higher security deposits pay the difference between the lower and higher amount, is removed.

**3. The good cause standard applicable to new admissions for refusal of a housing offer shall also apply to transfers. transfers is as follows:**

**If resident is willing to accept the unit offered but is unable to move at the time of the offer is made, 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 any protected category, the resident will not be removed from the waiting list.**

**1. Examples of “good cause” for refusing an offer of housing include, but are not limited to:**

**a. If a tenant refuses a transfer based on alleged discrimination based on a protected category having occurred at a property**

**b. The family demonstrates, to CMHA’s satisfaction, that accepting the offer will place a family member’s life, health or safety in jeopardy**

**c. The family must offer specific and compelling documentation such as restraining orders, other court orders, or risk assessments related to witness protection from a law enforcement agency**

**d. Reasons offered must be specific to the family; refusals based solely on location of the offered unit do not qualify for this good cause exemption**

**e. A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members, or live-in aide necessary to the care of the principal household member**

**f. The unit offered is inappropriate for the resident’s disabilities, or the family does not need the accessible features in the unit offered and does not want to be subject to a 30-day notice to move.**

2. The resident must be able to document that the hardship claimed is good cause for refusing an offer of housing. Where good cause is verified, the refusal of the offer shall not require that the resident be removed from the wait list or otherwise affect the family's position on the wait list. (In effect, the family's transfer request will remain at the top of the wait list until the family receives an offer for which they have no good cause for refusal.)

3. CMHA will maintain a record of units offered, including location, date, and circumstances of each offer, and each acceptance or refusal, including the reason for the refusal.

## 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. Residents will receive one transfer offer. Refusal of ~~an the immediate~~ transfer offer, without good cause, will result in lease termination.

Emergency transfers shall take priority over new admissions.

2. Urgent Administrative Transfers: The following administrative transfers will be deemed Urgent Administrative Transfers. They include mandatory transfers to: provide housing options to residents who are victims of federal hate crimes<sup>3</sup> or extreme harassment; **or to witnesses of crimes,<sup>4</sup> or to victims of domestic violence, dating violence, stalking, or sexual assault<sup>5</sup>**, or to alleviate verified disability problems of a serious (but not life-threatening) nature; permit portfolio conversion, modernization or demolition of units; or to permit a family that requires a unit with accessible features to occupy such a unit. Residents will receive ~~three-one~~ transfer offers.

Refusal of ~~all threethe~~ transfer offers, without good cause, may result in the removal of the household from the transfer list for voluntary transfers, or lease termination in the case of a mandatory transfer.

Emergency and Urgent transfers shall take priority over new admissions.

Requests for these transfers will be ~~made to the property manager~~ sent to the location designated by CMHA. The resident shall provide the necessary documentation to ~~substantiate support~~ the need for such a transfer. Transfers

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<sup>3</sup> Following consultation with Housing Opportunity Made Equal that such a transfer is appropriate.

<sup>4</sup> Following consultation with and upon recommendation of the local prosecutor that such a —transfer is appropriate and recommended.

<sup>5</sup> The individual seeking the transfer may provide supportive referrals from a third-party social service agency, the local prosecutor or law enforcement. The procedure for a VAWA emergency transfer is outlined in the Emergency Transfer VAWA Plan, which is an addendum to this ACOP.

may also be initiated by CMHA (e.g. moving a person with mobility problems to a unit with accessible features).

3. Category 1 - Administrative Transfers are mandatory transfers within or between sites to correct serious occupancy standard problems (over or under CMHA's standards) as described below. Residents will receive three-one transfer offers. Refusal of all three-transfer-the offers, without good cause, may result in the removal of the household from the transfer list for voluntary transfers, or lease termination in the case of a mandatory transfer. The Category 1 Administrative transfers will take priority over new admissions.
4. Category 2 - Administrative Transfers to correct occupancy standards will only be made if the family size is so small that it includes fewer persons than the number of bedrooms, or so large that the household members over age 3 would equal more than two persons per bedroom. These transfers are mandatory. Residents will receive one transfer offer. Refusal of the offer, without good cause, may result in the removal of the household from the transfer list for voluntary transfers.
5. If a family's size is between the smallest and largest size permissible for the unit, the family may request a transfer, but it shall be considered a Category 3 transfer.
6. Category 3 Administrative Transfers are transfers within sites or between sites to correct and avoid concentration of the most economically and socially deprived families or to correct occupancy standards (voluntary if the family is between the minimum and maximum occupancy standard but the family requests a transfer, e.g. to permit older children of the opposite sex to have separate bedrooms). Approval for Category 3 transfers will only be reviewed at the time of Resident's annual recertification.

Residents will receive three-one transfer offers. Refusal of all threethe transfer offers, without good cause, may result in the removal of the household from the transfer list for voluntary transfers, or lease termination in the case of a mandatory transfer.

Category 3 Administrative transfers will not take priority over new admissions. They will be processed at the rate of one transfer to four admissions.

Whenever feasible, transfers will be made within a resident's preferred geographical area.

### **C. Processing Transfers**

1. A centralized transfer waiting list will be administered by CMHA's Relocation Department. The administration of the centralized transfer list will be managed and processed by date and time of submission. Emergency transfers, as defined by this Section, will be given priority over other date and time transfers. Residents are responsible for submitting requests for transfer, including necessary documentation to the location designated by CMHA.
2. After signing a lease, tenants will have 5 days total, to complete a move



**D. Good Record Tenant Qualifications Requirement Required for Transfers**

1. In general, and in all cases of resident-requested transfers (**voluntary**), residents will be considered for transfers only if the head of household, any other family members or sponsored guests for the past two years:

a. ~~have not engaged in drug-related or criminal activity that threatens the health and safety of residents and staff; are not under eviction for any reason~~

~~a.b.~~ are in compliance with the requirement to recertify for continued occupancy

~~b.c.~~ do not currently owe back rent or other charges;

~~c.d.~~ meet reasonable housekeeping standards and have no housekeeping lease violations for the past two years; 12 months

~~can get utilities turned on in the name of the head of household (applicable only to properties with tenant-paid utilities); and~~

~~4. — Exceptions to the Tenant Qualifications requirements may be made for emergency transfers, mandatory transfers or when it is necessary for CMHA (e.g. a single person is living alone in a three-bedroom unit and does not want to move occupancy violations) to move forward with the transfer. The determination to make an exception to the good record requirement will be made by the Director of Housing Management, taking into account the recommendation of the property manager.~~

**Incentive Transfers**

~~Incentive transfers are offered to non-scattered site residents, located at the Winton Terrace, Findlater Gardens, and Millvale sites, who have a good tenancy with CMHA, as described in the Incentive Transfer Guidelines, and who have requested to move to scattered site units. Incentive Transfers are made without regard to their 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.~~

~~Resident requests for incentive transfers should be made to the Property Manager. For a resident to be considered for an incentive transfer, the following conditions must be met:~~

~~Residency in a non-scattered site CMHA community for at least two years.~~

~~No late rental payments within the previous 12 months or any legal action for non-payment of rent in the past two years.~~

~~No history of disturbances that resulted in lease violations or violence toward staff or neighbors as indicated by notices of lease violation.~~

~~No history of criminal activity, including drug-related criminal activity by family members or guests;~~

~~No other lease violations for which CMHA has commenced legal action for lease termination;~~

~~Good housekeeping record for the past two consecutive years;~~

~~Ability to obtain utilities~~

~~No history of repeated lease violations.~~

~~Successful completion of CMHA's Good Neighbor Program.~~

~~———— CMHA will remove a resident's name from the Incentive Transfer Wait List should the family violate any of the terms set forth above, while waiting for a unit to become available for a transfer.~~

~~Incentive transfers are Category 2 Administrative transfers. No exceptions will be granted to the good record requirement for incentive transfers.~~

~~A Manager's failure to process an Incentive Transfer request or the denial of an Incentive Transfer is subject to the Grievance Procedure.~~

## Section IX – Family Debts Owed to CMHA

See Section II – Eligible for Admission and Processing of Applications.

~~d. — G Debts and Re-Admission to CMHA Housing: If the applicant has a prior outstanding debt that is owed to CMHA, which would otherwise disqualify the applicant from housing, then CMHA may allow the applicant time to repay of this debt, while the application is processed by the Eligibility Department. the applicant may be denied and removed from wait list and given 6 months to repay the debt. If payment is complete within 6 months of the date of denial letter, the applicant will be returned to the wait list using the applicant's original application date and time. The payment of the debt will be in accordance with the **Bad Debt Policy**.~~

~~If the applicant has a prior outstanding debt that is owed to CMHA, which would otherwise disqualify the applicant from housing, then CMHA may allow the applicant time to repay of this debt, while the application is processed by the Eligibility Department. the applicant shall fully repay the debt prior to acceptance of an offer of CMHA housing.~~

## Section XVII – Definitions of Terms Used in This Statement of Policies

See Section II – Eligible for Admission and Processing of Applications

53. Working Family Preference - The amount earned shall not be a factor in granting this local preference. The PHA may adopt a preference for admission of working families

~~(families where the head, spouse, or sole member, is employed). However, an applicant must be given the benefit of the working family preference if the head and spouse, or sole member is age 62 or older, or is a person with disabilities. This local preference shall also be available to a family if the head, spouse/co-head, or sole member is 62 or older, or is receiving social security disability, or SSI disability benefits, or any other payments based on the individual's inability to work. [Required, [24 CFR 960.212 (b) (1)]206(b)(2)]~~

### Cincinnati Metropolitan Housing Authority Residential Lease Agreement

Addendums to Lease Agreement:  
Mold and Mildew Addendum  
Renter's Insurance Recommended Addendum

The Cincinnati Metropolitan Housing Authority (CMHA) released a proposed Significant Amendment to its current FY2022 Housing Choice Voucher Administrative Plan and the Asset Management Admissions and Continued Occupancy Policy (ACOP) on <date> and has commenced a forty-five day comment period. Pursuant to Section 511 of the Qualified Housing and Work Responsibility Act of 1998, and 24 CFR 903, a copy of the proposed changes to the Admin. Plan and the ACOP can be found along with CMHA's most recently approved annual plans, supporting documents, and proposed updates at 1627 Western Ave, or on-line at [www.cintimha.com](http://www.cintimha.com). These are available for public inspection during normal business hours (Monday- Friday 8:00 AM – 4:40 PM). During the 45-day public comment period you may submit written comments to the address above or by email to [Geri.Hernandez@cintimha.com](mailto:Geri.Hernandez@cintimha.com) and [Tobias.Eisenlohr@cintimha.com](mailto:Tobias.Eisenlohr@cintimha.com).