

Summary of Revisions to FY 2023 - 2024 Admissions & Continued Occupancy Plan

Indicates policy has been added

~~Indicates policy has been removed~~

Reason for Changes to Natural Disaster Preference

This policy update is to ensure that families affected by officially declared disasters in addition to natural disasters will be eligible for the preference.

4.3.B SELECTION METHOD

(2) Local Preferences [24 CFR 960.206]

(a) Opportunity Home is permitted to establish local preferences and to give priority to serving families that meet those criteria.

- (ii) ~~Natural Disaster~~ Emergency or Major Disaster (75 Points) - Extended to families that are involuntarily displaced due to an officially declared emergency or major disaster (natural or man-made) ~~(fire, flood, hurricane, earthquake, etc.)~~ within the last six months as verified by referral from an approved agency, including but not limited to, the American Red Cross or the Federal Emergency Management Agency (FEMA).

Reason for change to Single Family Referral Preference

4.3.B(2)(g)(i) was updated to expand the preference to allow for referred individuals to be offered one-bedroom units in addition to efficiency units.

(g) Waiting List Preferences

Applicants will retain the assigned points throughout the waiting list, eligibility and offer process.

- (i) **Single Family Referral (100 Points)** - Single persons referred to Opportunity Home under the terms and conditions of a Memorandum of Agreement with a certifying social service agency, such as Haven for Hope, to receive an available efficiency or one-bedroom unit [24 CFR 960.206(b)(5)]. Individuals must meet at least one of the following criteria:

- (A) Elderly (age 62 or older);
- (B) Displaced;
- (C) Homeless; or
- (D) Persons with disabilities.

Reason for change to Earned Income Disregard

6.1.E(1)(d) was updated to reflect the close out of FY2013-2 and align with the new MTW activity in its place, FY2024-1: Elimination of Earned Income Disregard.

- (d) Per MTW Activity "~~FY2013-2: Simplified Earned Income Disregard (EID);~~ FY2024-1: Elimination of Earned Income Disregard" Opportunity Home will not disregard earned income for MTW participants using the traditional EID calculation.

Reason for change to the policy regarding changes affecting income or expenses

This change will allow residents to not be required to report increases in income during the three-year recertification cycle and therefore not increase their rent until their next recertification.

9.3.C

(3) Family-Initiated Interim Reexaminations

(a) Opportunity Home must adopt policies prescribing when and under what conditions the family must report changes in family income or expenses [24 CFR 960.257(c)]. In addition, HUD regulations require that the family be permitted to obtain an interim reexamination any time the family has experienced a change in circumstances since the last determination [24 CFR 960.257(b)]

(b) *Required Reporting*

- (i) HUD regulations give Opportunity Home the discretion to determine the circumstances under which families will be required to report changes affecting income.

- ~~(A) Families are not required to report increases under \$200 in earned and unearned income, including new employment. FSS Participants, EID Participants, JPEID Participants and Zero-Income Participants are required to report all increases in earned and unearned income within 10 business days of the date the change takes effect. Families are not required to report increases in earned and unearned income, including new employment.~~
- ~~(B) FSS Participants, EID Participants, JPEID Participants, and Zero-Income Participants are required to report all increases in earned and unearned income within 10 business days of the date the change takes effect.~~
- ~~(B) Opportunity Home will not process increases in income under \$200 in earned and unearned monthly income, including new employment.~~

~~(C) Opportunity Home will process all increases in earned and unearned income for FSS Participants, EID Participants, JPEID Participants and Zero-Income Participants.~~

Reason for the addition of the Opportunity Home Relocation Policy

The addition of this policy is to ensure that there are clear guidelines established for Opportunity Home to carry out when families are displaced due to the rehabilitation, redevelopment, or demolition of Public Housing residences.

12.2.E RELOCATION PLAN

~~(1) This relocation policy will be utilized by Opportunity Home staff when Opportunity Home families are relocated due to demolition, redevelopment, or rehabilitation.~~

~~(b) Residents that are relocated may request reasonable accommodations for any disability-related needs in accordance with Exhibit 2.2: Reasonable Accommodation Policies and Procedures of this ACOP.~~

(2) Relocation Planning (49 CFR 24.205(a))

~~(a) Opportunity Home will ensure that all reasonable efforts will be made to minimize displacement of residents. Families will be provided a unit that is affordable, decent, safe, and sanitary.~~

~~(b) Rehabilitation Projects~~

~~(i) Opportunity Home will provide families the opportunity to transfer to another Public Housing community that meets the needs of the resident. Families impacted by the rehabilitation project will be offered first priority when work is completed.~~

~~(c) Redevelopment Projects~~

~~(i) Opportunity Home will provide families the opportunity to transfer to another Public Housing community or receive a Housing Choice Voucher. If the family elects to receive a~~

Housing Choice Voucher, they must meet all eligibility requirements of the program.

(d) If necessary, Opportunity Home will consider the feasibility of phasing the rehab or redevelopment phases to reduce the number of families having to be relocated at a time.

(e) Opportunity Home will continue to evaluate and modify staffing based on the families' needs during a relocation project to ensure they are provided adequate support. The overall budget of the projects will include family relocation assistance.

(3) Relocation Notices (49 CFR 24.203)

(a) Opportunity Home will adhere to the Uniform Relocation Act and HUD Policies in notifying families of the rehabilitation, relocation or termination of a Housing Choice Voucher Landlord.

(b) All notices will be provided by mail and through additional means by email, phone and/or direct fliers to the family's residence through the duration of the project.

(c) All notices will be provided in both English and Spanish or other forms of communication in accordance with Section 2.3 of this ACOP.

(d) Opportunity Home will provide appropriate HUD brochures to families at the beginning of the proposed project.

(e) Notice of Intent to Acquire

(i) Opportunity Home will provide notice to families to be displaced, including those to be displaced by rehabilitation or demolition activities, prior to the commitment of federal financial assistance to the activity.

(ii) The notice will establish eligibility for relocation assistance prior to the initiation of negotiations and/or prior to the commitment of federal financial assistance (See 49 CFR 24.203(d), §24.2(a)(9)(i)(A)).

(f) Notice of Relocation Eligibility

(i) Eligibility for relocation assistance shall begin on the date of a notice of intent to acquire (described in §24.203(d)).

the initiation of negotiations (defined in §24.2(a)(15)), or actual acquisition, whichever occurs first.

(A) When this occurs, the Agency shall promptly notify all occupants in writing of their eligibility for applicable relocation assistance.

(ii) Opportunity Home will notify families of their relocation eligibility after receiving Board of Commissioner and/or HUD approval of the proposed project. The notice will outline the assistance the family may be eligible to receive, including program and relocation assistance options, and any next steps.

(g) General Information Notice (49 CFR 240.203(a))

As soon as feasible, Opportunity Home will notify families to be displaced with a general notice that provides the following information:

- (i) Informs the family that they may be displaced for the project and generally describes the relocation payment(s), the basic conditions of eligibility, and the procedures for obtaining the payment(s);
- (ii) Informs the family that they will be given reasonable relocation advisory services, including referrals to replacement properties, help in filing payment claims, and other necessary assistance to help the displaced person successfully relocate;
- (iii) Informs the family that they will not be required to move without at least 90 days advance written notice and informs the family that they cannot be required to move permanently unless at least one comparable replacement dwelling has been made available;
- (iv) Informs the family that any person who is an ineligible citizen is ineligible for relocation advisory services and relocation payments, unless such ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent, or child, as defined in §24.208(h); and

(v) Describes the family's right to appeal Opportunity Home's determination as to a person's eligibility for relocation assistance.

(h) Notice of Relocation

(i) Opportunity Home will use a 90-day written notice to advise impacted families of when they will be required to move.

(A) The 90-day notice will either specify a specific date by which the family may be required to move or state that the family will receive a further notice indicating, at least 30 days in advance, the specific date by which the family must move.

(B) If the 90-day notice is issued before a comparable replacement dwelling is made available, the notice must state clearly that the occupant will not have to move earlier than 90 days after such dwelling is made available (see § 24.204(a)).

(ii) Opportunity Home will issue additional notice in the form of 60-day and 30-day notices to advise impacted families of the upcoming deadline to move.

(iii) In unusual circumstances, a family may be required to vacate the property on less than 90 days advance written notice if Opportunity Home determines that a 90-day notice is impracticable, such as when the family's continued occupancy of the property would constitute a substantial danger to health or safety. A copy of the Opportunity Home's determination will be included in the family's resident file.

(4) Relocation Advisory Services (49 CFR §24.205)

(a) Opportunity Home will contact each impacted family to discuss their needs, costs, preferences and concerns. Opportunity Home will document all communication with the families to ensure proper follow up.

(b) Coordination

- (i) Opportunity Home will continue to partner with agencies in the San Antonio community to coordinate families' needs and ensure a smooth transition during the relocation process.

(c) Consultation with Families

- (i) Opportunity Home will meet with families prior to seeking approval of rehabilitation or redevelopment of communities that require relocation. Upon approval of the proposed projects, Opportunity Home will continue to meet with families on a regular basis to allow them the opportunity to ask questions and provide feedback on the project, and for Opportunity Home staff to provide updates. Meetings will be scheduled at different times and days to provide multiple opportunities for families to attend.

(d) Determining Resource Needs

- (i) Opportunity Home will conduct on-site assessments to determine each family's needs. Assessments will be on-going to ensure families' needs, such as relocation payments and connection to local resources, are met prior, during and after relocation.
- (ii) During assessments, Opportunity Home will inform families of:
 - (A) Any potential eligibility requirements for relocation and/or the replacement dwelling, and procedures for obtaining such assistance;
 - (B) Current and continuing information on the availability, purchase prices, and rental costs of comparable replacement dwellings;
 - (C) Information that the family cannot be required to move unless at least one comparable replacement dwelling is made available (49 CFR §24.204(a)).

(e) Services to be Provided

- (i) Where feasible, the replacement dwelling shall be inspected prior to being made available to assure that it meets applicable standards (49 CFR §24.2(a)(8)).

(A) If such an inspection is not made, the Agency will notify the family that a replacement housing payment may not be made unless the replacement dwelling is subsequently inspected and determined to be decent, safe, and sanitary.

(ii) Opportunity Home will offer all persons transportation to inspect housing to which they are referred.

(5) Relocation Payments (49 CFR 24.301(a))

(a) Opportunity Home families will be provided the following options for relocation assistance payments:

(i) Opportunity Home will pay the contractor to move the families to a new unit. Families will not receive any direct payment.

(ii) Families will provide Opportunity Home receipts from their move. Opportunity Home will review the receipts and determine if the costs were reasonable. Families will be reimbursed for reasonable expenses after they move into the new unit.

(iii) Opportunity Home will provide the family a relocation payment based on URA published rates. Payments will be made available when the family has accepted a new Public Housing unit or has submitted the Request for Tenancy Approval in the Housing Choice Voucher Program.

Reason for Changes to Termination Policies

The language in the following policies was updated to allow for terminations to be considered on a case-by-case basis when possible. The language was changed from “... will result in termination of tenancy” to “may result.”

A new section was created in 13.3.C(2) to indicate that some lease violations *may* result in termination of tenancy.

13.3.B(8)

(8) **Other Serious or Repeated Violations of Material Terms of the Lease – Mandatory Lease Provisions [24 CFR 966.4(l)(2)(i) and 24 CFR 966.4(f)]**

- (a) HUD regulations require certain tenant obligations to be incorporated into the lease. Violations of such regulatory obligations are considered to be serious or repeated violations of the lease and grounds for termination. Incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking may not be construed as serious or repeated violations of the lease by the victim or threatened victim of such violence or stalking [24 CFR 5.2005(c)(1)].

~~Opportunity Home will terminate the lease for the~~ The following violations of tenant obligations under the lease are considered serious violations and may result in termination of tenancy:

- (b) Failure to make payments due under the lease, including nonpayment of rent (see Chapter 8 for details pertaining to lease requirements for payments due);
- (c) Repeated late payment of rent or other charges. Four late payments within a 12-month period shall constitute a repeated late payment.
- (d) Failure to fulfill the following household obligations that results in three lease violations in a 12-month period:
- (i) Not to assign the lease or to sublease the dwelling unit. Subleasing includes receiving payment to cover rent and utility costs by a person living in the unit who is not listed as a family member;
 - (ii) Not to provide accommodations for boarders or lodgers;
 - (iii) To use the dwelling unit solely as a private dwelling for the tenant and the tenant's household as identified in the lease, and not to use or permit its use for any other purpose;
 - (iv) To abide by necessary and reasonable Opportunity Home regulations for the benefit and well-being of the housing project and the tenants which shall be posted in the project office and incorporated by reference in the lease;
 - (v) To comply with all obligations imposed upon tenants by applicable provisions of building and housing codes materially affecting health and safety;



A COMMUNITY OF POSSIBILITIES

- (vi) To keep the dwelling unit and such other areas as may be assigned to the tenant for the tenant's exclusive use in a clean and safe condition;
- (vii) To dispose of all ashes, garbage, rubbish, and other waste from the dwelling unit in a sanitary and safe manner;
- (viii) To use only in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other facilities including elevators;
- (iv) To refrain from, and to cause the household and guests to refrain from destroying, defacing, damaging, or removing any part of the dwelling unit or project;
- (x) To pay reasonable charges (other than for normal wear and tear) for the repair of damages to the dwelling unit, or to the project (including damages to project buildings, facilities or common areas) caused by the tenant, a member of the household or a guest; and
- (xi) To act, and cause household members or guests to act, in a manner which will not disturb other residents' peaceful enjoyment of their accommodations and will be conducive to maintaining the project in a decent, safe and sanitary condition.

13.3.C(2)

(2) Other Good Cause [24 CFR 966.4(l)(2)(ii)(B) and (C)]

Opportunity Home **will** terminate the lease for the following reasons:

- ~~(xiii)~~ (vi) If Opportunity Home is notified of any household member convicted for engaging in any criminal activities as defined in Opportunity Home's Screening Criteria Grid in 3.3.E.

The following are considered serious violations and **may** result in termination of tenancy:

- (vi) Failure to transfer to an appropriate size dwelling unit based on family composition when required by Opportunity Home and upon appropriate notice when such a dwelling unit is available.
- (vii) Failure to permit access to the unit by Opportunity Home after proper advance notification for the purpose of performing routine inspections and maintenance, for making improvements or repairs, or to show the dwelling unit for re-leasing, or without advance notice if there is reasonable cause to believe that an emergency exists
- ~~(viii)~~ **ix**) Failure to promptly inform Opportunity Home in writing of the birth, adoption or court-awarded custody of a child. In such a case, promptly means within 10 business days of the event.
- ~~(ix)~~ Failure to abide by the provisions of Opportunity Home pet policy
- ~~(xi)~~ If the family has breached the terms of a repayment agreement entered into with Opportunity Home
- ~~(xii)~~ If a family member has violated federal, state, or local law that imposes obligations in connection with the occupancy or use of the premises.
- ~~(xiii)~~ If a household member has engaged in or threatened violent or abusive behavior toward Opportunity Home personnel.
 - (A) *Abusive or violent behavior* towards Opportunity Home 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.
 - (B) *Threatening* refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.
- ~~(xiv)~~ **If Opportunity Home is notified of any household member convicted for engaging in any criminal activities as defined in Opportunity Home's Screening Criteria Grid in 3.3.E.**
- (e) In making its decision to terminate the lease, Opportunity Home will consider alternatives as described in Section 13.3.D and other factors

as described in Sections 13.3.E and 13.3.F. Upon consideration of such alternatives and factors, Opportunity Home may, on a case-by-case basis, choose not to terminate the lease.

Reason for changes to Grievance Procedure Policy

This update is to clarify that families terminated from the program have up to one year to request reinstatement. This includes families who had an adverse action upheld via an informal hearing decision or failed to request one.

14.3.E PROCEDURES TO OBTAIN A HEARING

(1) Requests for Hearing and Failure to Request

- (c) If the complainant does not request a hearing in accordance with the Opportunity Home Grievance Procedure, Opportunity Home's disposition of the grievance under the informal settlement process will become final. However, failure to request a hearing does not constitute a waiver by the complainant of the right to contest Opportunity Home's action in disposing of the complaint in an appropriate judicial proceeding.

(d) Opportunity Home will only consider requests for reinstatement to the program made within one year of the family's lease termination.