

FY2020 – FY2021 ACOP

Summaries of ACOP Revisions

Public Housing

In advance of Fiscal Year 2020-2021, RRHA endeavored to conduct a comprehensive rewrite of its FY2019-2020 ACOP. A redlined draft of the proposed FY2020-2021 ACOP is enclosed with this submission to indicate all changes proposed for this year. While the rewrites were numerous, the vast majority of changes were of a clerical, grammatical, or stylistic nature, or are deletions of repetitive or duplicative information, and very few revisions to substantive policy were made.

For convenience of review, the following summary provides an overview of these changes and, where applicable, indicates places where any substantive policy changes have been proposed.

Chapter and Section numbers refer to the numbering system used in the previous (FY2019-2020) ACOP unless otherwise indicated.

Chapter 1 – Introduction. Numerous additions were made to clarify laws and HUD guidance which are applicable to the ACOP. Additions made to resolve interpretation issues by clarifying a hierarchy of applicable authorities. Specifies that the ACOP is incorporated into the public housing Dwelling Lease and is enforceable therewith. Specifies effective date of ACOP and procedures for revision. Specifies that RRHA observes the Federal Privacy Act as to all applicable records.

Chapter 2 – Fair Housing Policy.

- **Section D (“Translation of Documents”):** Many sections deleted and replaced with reference to RRHA’s agency-wide “Limited English Proficiency Language Policy” and “Reasonable Accommodation Procedures” attached to the ACOP as Exhibits 1 and 2.
- **Section E(1) (“Violence Against Women Act”):** Clarified how RRHA will review adverse eligibility factors in public housing applications which directly relate to applicant’s status as victim of VAWA-covered crimes.
- **Section G (“Equal Access to Housing Regardless of Sexual Orientation or Gender Identity”):** Now includes gender expression and gender nonconformity as protected characteristics.

Chapter 3 – Reasonable Accommodations Policy. All provisions except those relating to re-examinations deleted and replaced with reference to RRHA’s agency-wide “Reasonable Accommodation Procedures” (attached to the ACOP as Exhibit 2).

Chapter 4 – Applying for Admission.

- **Section A (“How to Apply”); Section B (“Initial Application Procedures”):** Numerous revisions made to reflect that RRHA will primarily use an online-only application process (except as needed to accommodate an applicant’s disability).

- The following sections were deleted and substantive policies therein relocated to Chapter 6 as necessary:
 - **Section J (“Special Programs”)**
 - **Section K (“Wait List/Housing Guidelines for Referred Families from Community Revitalization/Property Initiatives”)**
 - **Section L (“Procedures/Protocol when processing Real Estate and Community Development Department Referrals”)**
 - **Section M (“Procedures/Protocol when processing referrals from RRHA Private Management Programs (i.e., Dove and/or future developments)”)**
- **Section N (“Completion of a Full Application”):** Procedures related to previous paper application system deleted and replaced with applicable procedures for the new online application system.
- **Section O (“Ready Waiting List Pool”):** Procedures applicable to previous paper application system deleted and replaced with applicable procedures for new online application system. Language regarding RRHA’s existing application review procedures are clarified, although no substantive changes were made.
- **Section W (“Systems of Verification”):** Language was added specifying that RRHA will require third-party verification of all family assets at least once every three years.

Chapter 5 – Eligibility and Screening

- **Section B (“Family Composition”):** Definition of family now includes all members irrespective of gender identity or expression. Definition of “disabled family” now excludes individuals whose current use of drugs or alcohol prevents such individual from participating in the program. Definition of “live-in aide” now excludes individuals who would occupy a unit whether or not they served as a live-in aide. Definitions of “foster children” and family members who are “temporarily absent” clarified.
- **Section J (“Screening for Suitability”):** Revised to clarify procedures by which applicants may remove family members who do not meet eligibility criteria to preserve eligibility for remaining family members. Additional disqualifying eligibility criteria added: current illegal use of drugs, convictions for producing methamphetamine, registration on a sex offender registry. Language added providing that applicants may claim mitigating circumstances as to adverse eligibility factors.

Chapter 6 – Tenant Selection and Assignment Plan

- **“Purpose;” Section A (“RRHA’s Objectives”):** Substantial additions to clarify the exact procedures by which applicants are sorted and ranked on RRHA’s agency-wide waiting list. Please note that while this language is changed, no substantive changes were made to RRHA’s actual policies or procedures. Language regarding site-based waiting lists clarified.
- **Section C (“Waiting List Preference Defined”):** Availability, criteria, procedures, and verification requirements for RRHA’s various LIPH waiting list preferences restated and substantially reworked. All preferences now have clear definitions and eligibility criteria. Preferences are now accorded weights by “point” to accord with existing RRHA practice.

Language now accurately indicates whether preferences can be claimed by applicant in application or claimed on a referral basis only. Sections D and E inserted to clarify referral procedures for certain preferences.

- **Section G (“Smoke-Free Housing”):** Deleted as duplicative of another chapter.

Chapter 7 – Occupancy Guidelines

- **Section B (“Exceptions to Occupancy Standards”):** Unborn children may now be counted as family members whether or not the family includes existing minor children.

Chapter 8 – Leasing

- **“Purpose;” new Section D (“Adoption of Rules and Regulations”):** Chapter now formally incorporates RRHA’s “Rules and Regulations” into the ACOP, and specifies that such “Rules and Regulations” are applicable to all existing public households, that such Rules and Regulations are incorporated into each Dwelling Lease and enforceable therewith, and that the Rules and Regulations may be modified by RRHA in accordance with applicable law.
- **Section G (“Security Deposits”):** Amount of security deposit revised to comport with Virginia Law. Deposit is now the lesser of \$200 or two months’ income-based rent. Security deposits for transferring residents may now change in accordance with this policy. Refund of deceased tenants’ security deposit now made payable to estate of such tenant.
- **Section I (“Remaining Members of the Resident Family”):** Specifies that all families must identify head of household. Introduces procedures for remaining family members to assume head-of-household status when last remaining head of household departs or passes away (including treatment of remaining minor children).
- **Section K (“Maintenance and Damage Charges”):** Standardized list of maintenance and damage charges now incorporated as Exhibit 4.
- **New Sections P (“Absence from Unit”) and Q (“Visitors”)** relocated from other chapters.

Chapter 9 – Rent

- **“Purpose:”** Definition of rent revised to reflect change in Dwelling Lease language required by court order in settled litigation.
- **Section E (“RRHA Procedures for Notification to Families of Hardship Exemption:”)** RRHA now affirmatively notifies families of availability of hardship exemption in all lease termination notices premised on nonpayment.
- **Sections F, G, H, I, J:** Revised to clarify when a hardship is considered short-term or long-term when requested under various circumstances. Clarifies retroactive rent policies when any hardship actually granted is determined not to exist or not to be long-term.
- **Section O (“Recertification of Families on Flat Rents”):** Clarifies frequency and scope of re-examinations for flat renters.
- **Section S (“Utility Allowance and Utility Reimbursement Payments:”)** Distinction is now made between use of utility allowance (in dollars) to calculate TTP versus use of electricity utility allowance (in kWh) to calculate excess utility surcharges for residents with RRHA-paid electrical utilities.

- **Section Z (“Late Fees and Non-Payments”):** Revised to reflect RRHA policy changes regarding the amount of late fees and when late fees may be assessed.

Chapter 10 – Income and Adjusted Income

- **Section B (“Annual Income Includes”), Section C (“Annual Income Exclusions”); Section J (Earned Income Disallowance):** Numerous revisions made to match RRHA policies to language in applicable regulations. Substantial revisions made to policies regarding the Earned Income Disallowance to provide for the maximum 24-month (rather than 48-month) exclusion period, and to clarify language regarding RRHA EID procedures. Previous sections E, F, G, H, I, deleted accordingly.
- **Section CC (“Lump Sum Receipts”):** Revised to clarify applicability, procedures for retroactive rent charged when lump sum income is not timely reported.
- **Section MM (“Using Up-Front Verification to Calculate Income”):** Deleted and removed to another chapter.

Chapter 11 – Verification Procedures

- **Section C (“Enterprise Income Verification”):** Language added to clarify and explain nature and use of EIV.
- **Section E (“Written Third-Party Verification Form and Oral Verification”):** Improved definition of third-party verification documents.
- **Section I (“Exceptions to Third-Party Verification Requirements”):** Deleted as adequately described in applicable law and surplus to purposes of ACOP.
- **Section L (“Citizenship or Eligible Immigration Status”):** Simplified requirements for verifying citizenship or eligible immigration status with reference to applicable laws. Table at end of chapter removed accordingly.

Chapter 12 - Reexaminations

- **Section B (“Regular Reexamination”):** Clarified requirements and procedures for reexamination of flat renters.
- **Section C (“Criminal Background Checks for Existing Families”):** RRHA will no longer conduct criminal background checks on all existing families at reexamination. Background checks may be still be conducted for existing families when good cause to do so is presented. Information about grounds for denial based on newly discovered criminal activity simplified by reference to previous chapter; significant duplicative provisions deleted.
- **Section D (“Interim Reexaminations”):** Deadlines for timely reporting of changes in income clarified. Procedures for retroactive rent assessed in cases where increased income was not timely reported are clarified.

Chapter 13 – Inspection, Repair, and Maintenance of Dwelling Units

- **Section B (“Move-In Inspections”):** Now provides that move-in inspections may be conducted prior to vacation of unit by previous tenant.

- **Section G (“Special Inspections”):** Descriptions of various special inspections RRHA may conduct now supplied.
- **New Section H (“Notice of Entry for Inspections”):** Section was restructured to provide a master list of required notice timeframes and procedures for various kinds of inspections RRHA may conduct.
- **New Section K (“Notice, Entry of Units to Conduct Repairs or Maintenance”):** Section restructured to outline procedures, notice requirements, and other considerations related to entry of units to conduct repairs or maintenance.
- **New Section L (“Requesting and Scheduling Repairs or Maintenance”):** Several old sections consolidated and simplified to outline procedures and requirements for tenants to request repairs or maintenance.
- **New Section M (“RRHA After-Hours Repair Procedures”):** Several old sections consolidated and simplified to outline procedures for requesting and responding to after-hours maintenance requests.
- **Section P (“Pest Control Activities”):** Clarified tenant obligations in regard to RRHA’s entry of dwelling units for pest control activities.

Chapter 14 – Lead Based Paint Policy: Clerical revisions only.

Chapter 15 – Transfers: Throughout chapter, clarifies whether and when a family may refuse an RRHA request or order to transfer units.

- **Sections A (“Mandatory Transfers”) and new Section B (“Administrative Transfers”):** Clearer distinction between mandatory transfers (which take precedence over all other transfers) and administrative transfers (which are voluntary). Clarifies when and whether a resident may refuse a mandatory transfer.
- **Section C (“Emergency Transfers”):** Clarifies criteria for the various forms of emergency transfer.

Chapter 16 – Relocation Policy. Throughout chapter, language was added to provide that this chapter is general in nature, and actual relocation policies may vary project-by-project based on applicable law and the unique requirements of each project. Numerous sections which are not applicable to public housing and surplus to the purposes of the ACOP were deleted.

Chapter 17 – Pet Policy.

- **Section A and Section B:** Significantly revised to clarify distinction between service animals and assistance animals, and to outline verification procedures for each such category of animal.
- **Section C:** Certain kinds of animals now excluded from definitions of “service” and “assistance” animals.
- **Section G (“Cats”):** Cats up to 15 pounds at adulthood are now permitted.
- **Section R (“Prohibited Pets”):** All animals other than those customarily kept but humans for non-commercial purposes are prohibited. An exception to the general prohibition on

reptiles is now made for turtles. Animals which pose a risk of transmitting serious infectious disease to humans are now prohibited. Venomous animals of any kind are now prohibited.

Chapter 18 – Community Service and Self-Sufficiency Requirement (CSSR) Policy

- **Section G (“RRHA Annual Reexamination Process”):** Revised to clarify that exemptions from CSSR requirement verified by RRHA are valid until the exempt individual’s next annual reexamination.
- **Section K (“Resident-Generated Community Service”):** Clear definition of resident-generated community service now supplied. Provides criteria and procedures for verifying resident-generated community service activities.
- **Section M (“RRHA Obligations”):** Specifies that non-renewal of lease is RRHA’s sole remedy for CSSR violations, and that RRHA may not terminate the lease during existing lease term for these violations.

Chapter 19 – Debts to RRHA

- **“Purpose:”** Clear definition of “outstanding debt” now supplied.
- **Section A (“Payment Agreement for Families”):** Clarifies standardized terms for agreements to repay outstanding debt.
- **Section C (“Transfer Requests”):** Specifies that families will not be required to satisfy repayment agreements in full prior to mandatory unit transfers.
- **New Section F (“Special Repayment Agreements”):** Now provides that RRHA may offer repayment agreements with specialized terms if authorized by the CEO, COO, or General Counsel.
- **Section G (“Debts Due to Fraud/Non-Reporting of Information”):** Now specifies that RRHA will not offer repayment agreements for debts outstanding due to program fraud.

Chapter 20 – Program Integrity. Clerical revisions only.

Chapter 21 – Lease Termination. Throughout chapter, revisions necessary to accommodate new RRHA Public Safety Interdiction program are made.

- **New Section E (“Public Safety Interdiction”):** New procedures created for evaluating and responding to lease violations related to public safety. When breaches related to public safety are suspected, representatives from RRHA’s Departments of Public Safety, Public Housing, and Resident Services convene to determine whether lease termination is warranted, and if not, upon what terms and conditions continued occupancy may be permitted.

Chapter 22 – Eviction Policy and Procedures. Clerical revisions only.

Chapter 23 – Tenant Grievance Procedure. Throughout chapter, revisions made to clarify that tenants may request for grievances to be heard by Hearing Officer (an RRHA staff member) or a Hearing Panel comprised of community members. Describes procedures for selection of Hearing Panel members. Throughout chapter, revisions made to specify that complainants are limited to grieving only those issues identified in the notice of grievance provided to RRHA.

- **Section VIII(B) (“Final Decision”):** Clarifies that only RRHA may appeal the decision of the Hearing Officer/Hearing Panel to the Executive Office.

Chapter 24 – Criminal Records Management Policy. Clerical revisions only.

Chapter 25 – Glossary of Terms. Deleted in entirety as duplicative of definitions supplied in body of ACOP and surplus to the purposes of the ACOP.

Exhibits – Numerous exhibits incorporated to provide necessary reference material for several new terms and provisions of the ACOP.