**Proposed Policy Revisions to the Boise City/Ada County Housing Authorities**

**Admissions and Continued Occupancy Plan (ACOP)**

Updates and changes are being proposed to the Boise City/Ada County Housing Authorities Admissions and Continued Occupancy Policy (ACOP) for the Low Rent Public Housing (LRPH) program. The ACOP outlines the BC/ACHA policies where the housing authority has discretion to set a policy. The ACOP must be approved by the Board of Commissioners and then updated in the PHA Plan. The following is an outline of the updates and changes being proposed:

**General**

**Section Change**

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| Entire ACOP | Changed “decent, safe, and sanitary” to “safe and habitable” housing |

**INTRODUCTION**

**Section Change**

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| Resources Cited in the ACOP | NMA Model ACOP added that HUD issued PIH Notice 2023-27 which implemented sections 102 and 104 of the Housing Opportunities Through Modernization Act of 2016 (HOTMA). Where chapters are not altered by HOTMA, the Public Housing Occupancy Guidebook is still cited. |

**Chapter 1 – OVERVIEW OF THE PROGRAM AND PLAN**

**Section Change**

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| 1.I.D The PHA’s Commitment to Ethics and Service | NMA Model ACOP Replaced Uniform Physical Conditions Standards (UPCS) with National Standards for Physical Inspection of Real Estate (NSPIRE) inspection protocol |
| 1.II.A Overview and History | NMA Model ACOP added HOTMA background |

**Chapter 2 – FAIR HOUSING AND EQUAL OPPORTUNITY**

**Section Change**

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| 2-I.C. Discrimination Complaints | Added that BC/ACHA will investigate and attempt to remedy any complaint against BC/ACHA within 10 business days of receiving the complaint and will inform the complainant of their right to file a Fair Housing Complaint with the FHEO. |

**Chapter 3 – ELIGIBILITY**

**Section Change**

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| Introduction | NMA Model ACOP added eligibility requirement to meet asset and property ownership restrictions |
| 3-I.B. Family and Household | NMA Model ACOP updated definition of single person family |
| 3-I.F. Dependents and Minors | NMA Model ACOP added definition of minor. |
| 3-I.K. Foster Children and Foster Adults | NMA Model ACOP updated definitions of foster child and foster adult. |
| 3-II.A. Basic Eligibility Criteria – Using Income Limits for Eligibility | NMA Model ACOP added clarification that when qualifying a family as a low-income family, the net assets and income of household members, which is different than family members, is excluded, but household members are considered for the purposes of bedroom size and subsidy standards. |
| 3-III.A. Denial of Admission | NMA Model ACOP added asset limitation as reason for denial |
| 3-III.C. Restrictions on Assistance Based on Assets | NMA Model ACOP added section to include new regulatory requirements to deny assistance for combined assets over $100,000 or ownership in real property by the family that is suitable for residency |
| 3-III.D. Other Permitted Reasons for Denial of Admission – Previous Behavior | NMA Model ACOP added section on screening for previous behavior |
| 3-III.E. Screening | Included sources used for screening applicants to BC/ACHA policy |

**Chapter 4 – APPLICATIONS, WAITING LIST AND TENANT SELECTION**

**Section Change**

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| 4-III.C Notification of Selection | Added Rent Café’ as a method of notification that an applicant has been selected from the waiting list |

**Chapter 5 – OCCUPANCY STANDARDS**

**Section Change**

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|  | No Changes |

**Chapter 6 – INCOME AND RENT DETERMINATION**

**Section Change**

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| Introduction | NMA Model ACOP added Part II: Assets – regarding asset excluded from annual income |
| 6-I.A. Overview | NMA Model ACOP added HOTMA breakdown of what is included as annual income |
| 6-I.C. Calculating Annual Income | NMA Model ACOP added HOTMA breakdown of when to anticipate income for the next 12 months, and when to use the previous 12 months income to calculate annual income for a family. |
| 6-I.D. Earned Income | NMA Model ACOP added HOTMA definitions of earned income, including day laborer and seasonal worker. |
| 6-I.E. Earned Income Disallowance (EID) | Removed the statutory authority for EID |
| 6-I.F. Business and Self-Employment Income  Independent Contractor  Assets Owned by a Business Entity | NMA Model ACOP added definition of net income and gross income  NMA Model ACOP added section on income from being an independent contractor  NMA Model ACOP added section on assets owned by a business entity |
| 6-I.G. Student Financial Assistance | NMA Model ACOP added HOTMA updates to what is considered student financial aid and how to calculate that income |
| 6-I.H. Periodic Payments  Retirement Accounts  Alimony and Child Support | NMA Model ACOP added HOTMA updates on periodic payments  NMA Model ACOP added HOTMA updates on how retirement accounts are counted  NMA Model ACOP provided HOTMA update on counting alimony and child support.   * BC/ACHA policy provides breakdown of how payments will be counted when received in specific ways |
| 6-I.K. State Payments to Allow Individuals with Disabilities to Live at Home. | NMA Model ACOP added HOTMA update on state payments that allow individuals to live at home |
| 6-I.L. Civil Rights Settlements | NMA Model ACOP added HOTMA update on how Civil Rights Settlements are treated |
| 6-I.M. Additional Exclusions from Income | NMA Model ACOP added HOTMA additional exclusions from income.  BC/ACHA policy expanded on definition of training program, and added definition of incremental earnings and benefits |
| 6-II.A. Assets Overview | NMA Model ACOP added HOTMA clarification that the new regulations do not state which assets are included, but rather outline what is excluded. |
| 6-II.B. Assets Disposed of for Less than Fair Market Value  Assets Owned by a Business | NMA Model ACOP added wording regarding negative equity when assets are disposed of during Foreclosure or Bankruptcy.  NMA Model ACOP added statement of how to include assets that are owned by a business and the asset is in a family member’s name. |
| 6-IIC. Asset Inclusions and Exclusions | NMA Model ACOP added HOTMA updates on:  Checking and Savings accounts  Added Able accounts  Investment accounts  Added Necessary and Non-Necessary Personal Property  Lump Sum Additions to Net Family Assets  Assets Owned Jointly  Trusts  Tax Refunds  Asset Exclusions   * BCACHA policy to obtain an appraisal on non-necessary personal property if it believes the tenant’s stated value is off by $1,000 * BCACHA policy that lump sum additions to net family assets will only be counted if they are held in a recognizable asset |
| 6-II.D. Determining Income from Assets | NMA Model ACOP added definition of Net Family Assets   * BCACHA policy outlining reasonable costs in determining net family assets   NMA Model ACOP updated actual and imputed income from assets |
| 6-III.B. Dependent Deduction | NMA Model ACOP updated new dependent deduction amount of $480 with an adjusted by HUD annually |
| 6-III.C. Elderly/Disabled Deduction | NMA Model ACOP updated new elderly/disabled deduction to $525 with an adjustment by HUD annually |
| 6-III.D. Health and Medical Care Expense Deduction | NM Model ACOP updated new Health and Medical Care Expense allowing as a medical deduction the expenses that exceed 10% of annual income.  NMA Model ACOP added definition of Medical Expenses |
| 6-III.G. Hardship Exemptions | NMA Model ACOP added details regarding the two types of exemptions for families that qualify for medical expenses: phased-in relief and general relief. |
| 6-III.H. Permissive Deductions | NMA Model ACOP added permissive deductions.  BC/ACHA policy does not provide for permissive deductions |
| 6-IV.C. Utility Allowances | NMA Model ACOP added Reasonable Accommodations and Individual Relief  BC/ACHA Policy outlines steps to request reasonable accommodation and what information will be considered in making a determination. |

**Chapter 7 – VERIFICATION**

**Section Change**

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| 7-I.A. Family Consent to Release of Information | NMA Model ACOP added HOTMA language for signing updated Consent to Release of Information Form by all adult household members.  BC/ACHA policy updated that revocation or refusal to sign is cause for denial or termination of assistance. |
| 7-I.B. Use of Other Programs’ Income Determinations | NMA Model ACOP added HOTMA language allowing the use of other programs’ income determinations or verifications, which is considered safe harbor verification.  BC/ACHA policy updated to use safe harbor verification methods when available and applicable. |
| 7-I.C. Streamlined Income Determinations | NMA Model ACOP updated HUD guidance for streamlined income determination based on HOTMA requirements. |
| 7-I.D. Verification Hierarchy | NMA Model ACOP updated the verification hierarchy, the use of EIV and the IVT Report, New Hire Report, No Income Report, and the Deceased Tenant Report |
| 7-I.F. Level 4 Verifications | NMA Model Lease added the use of EIV and Self Cert as verification, requirement for third party verification to be within 120 days from recertification date, tax returns with supporting transmission documents being acceptable verification. |
| 7-III.B. Business and Self Employment Income | NMA Model ACOP outlines the requirement for third party verification of business and self-employment income.  BC/ACHA policy outlines what acceptable forms of verification can be provided for “gig” employment. |
| 7-III.D. Alimony and Child Support | NMA Model ACOP clarifies alimony and child support |
| 7-III.E. Nonrecurring Income | NMA Model ACOP defines nonrecurring income as income that is not expected to continue in the coming year and is considered excluded income.  BC/ACHA policy to generally accept self-certification that income is nonrecurring but may on a case-by-case basis require third party verification. |
| 7-III.F. Assets and Income from Assets  Self-Certification of Real Prop. Ownership | NMA Model ACOP added HOTMA increase in amount of assets that can be self-certified to $50,000 but must be verified via 3rd party verification every 3 years.  NMA Model ACOP added HOTMA rule regarding ownership in real property suitable for occupancy and allowing self-certification that a family doesn’t have ownership of real property, but if the family does have real property, third party verification must be obtained. |
| 7-III.I. Federal Tax Refunds or Refundable Tax Credits | NMA Model ACOP added HOTMA rule that when net family assets are less than $50,000, BC/ACHA is not required to verify tax refunds or refundable tax credits, but if net family assets equal or exceed $50,000, BC/ACHA must verify these refunds. |

**Chapter 8 – LEASING AND INSPECTIONS**

**Section Change**

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| 8-II.A. Inspections Overview | NMA Model ACOP added requirement to follow NSPIRE inspection protocol instead of UPCS and provide dwelling units that are safe and habitable. |
| 8-II.C. NSPIRE Inspections  24 Hour Corrections  Non-Emergency Repairs | REAC Inspections will follow NSPIRE protocol and require notice to all residents.  Life Threatening and Severe Deficiencies must be remedied in 24 hours.  Moderate deficiencies must be remedied within 30 days and low deficiencies within 60-days |

**Chapter 9 – REEXAMINATIONS**

**Section Change**

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| 9-I.A. Annual Reexaminations for Families Paying Income Based Rents | NMA Model ACOP updated HOTMA language to clarify that unlike at new admission or interim, income at annual recertification is determined from the previous 12-months |
| 9-I.D. Calculating Annual Income at Annual Reexamination | NMA Model ACOP added section to include new HOTMA guidance on how to calculate annual income at annual reexamination |
| 9-II.B. Full Reexam of Annual Income and Composition | BC/ACHA policy updated frequency of reexams to include over–income families paying flat rent |
| 9-II.C. Reexamination of Family Composition | NMA Model ACOP added HOTMA language that Over-Income families who select flat rent will not be eligible for reexaminations of family composition as they will be required to do full reexaminations at 12 months and 24 months. |
| 9-III.A. Interim Reexaminations | NMA Model ACOP updated language to include HOTMA update specifying what a reasonable amount of time is to process an interim recertification. |
| 9-III.C. Changes Affecting Income or Expenses  Interim Increases  Family Reporting  Changes not Reported Timely | NMA ACOP updated requirement to estimate family income for the next 12 months when conducting an interim recertification.  NMA Model ACOP incorporated HOTMA rules not to conduct an increase interim unless there is a 10 % increase in adjusted income, except when the increase is in earned income and the family did not have a decrease interim prior to the increase.  BC/ACHA policy outlines the circumstances when increase interims will be done  BC/ACHA policy requires tenants to report all changes within 10 business days of the change taking place. Adding to the policy that once a determination is made as to whether or not an interim reexamination is made, BC/ACHA will notify the family what documentation is needed. Documentation must be provided by the family within 10 business days of BC/ACHA’s request.  NMA Model ACOP added section regarding changes not reported timely and the responsibility to make an interim retroactive when necessary. |
| 9-V. Non-Interim Reexamination Transactions | NMA Model ACOP added Section V. This section incorporates reasons why changes may need to be submitted to HUD but don’t require an interim recertification. These changes include, but are not limited to: removing or adding exemptions; removing or adding household members; adding or removing hardships; adding or updating a household member’s SSN; ets. |

**Chapter 10 – PETS**

**Section Change**

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**Chapter 11 – COMMUNITY SERVICE**

**Section Change**

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|  | No Change |

**Chapter 12 – TRANSFER POLICY**

**Section Change**

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| 12-I.B. Emergency Transfers | BC/ACHA policy defines immediately available as a unit that is vacant and ready for move in within a reasonable amount of time, not to exceed 14-days. |

**Chapter 13 – LEASE TERMINATIONS**

**Section Change**

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| 13-II.J. Over-Income Families:  Second Notice of Over-Income Status  Final Notice of Over-Income Status | NMA Model ACOP updated with HOTMA language that a second notice must be sent 12 months after a determination is made that a family is over the over-income limit, even if paying flat rent.  NMA Model ACOP updated with HOTMA language that a final notice must be sent after conducting an annual reexam and sending notice 12 months, and 24 months after a determination is made that a family is over the over-income limit, even if paying flat rent. |
| 13-IV.D. Notice of Termination  Timing of Notice | BC/ACHA policy specifies that during the nationwide emergency orders, 30-day will be provided for non-payment of rent, and 14-days when the national emergency orders expire. |

**Chapter 14 – GRIEVANCES AND APPEALS**

**Section Change**

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| 14-III.H. Procedures Governing the Hearing: General Procedures | NMA Model ACOP included definition of Hearsay Evidence |

**Chapter 15 – PROGRAM INTEGRITY**

**Section Change**

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| 15-II.C. PHA Caused Errors or Program Abuse | NMA Model ACOP added HOTMA language PHAs will not be considered out of compliance due to a de minimus error which is defined as a difference of no more than $30 a month in monthly adjusted income ($360 annually) per family. |

**Chapter 16 – PROGRAM ADMINISTRATION**

**Section Change**

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|  | No Change |