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

**Administrative Plan**

Updates and changes are being made to the Boise City/Ada County Housing Authorities Administrative Plan (AP) for the Section 8 Housing Choice Voucher Program. The AP outlines the BC/ACHA policies where the housing authority has discretion to set a policy. The following is an outline of the updates and changes being made:

**General**

**Section Change**

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| Entire AP | The Nan McKay Model Administrative Plan (AP) made updates plan ensuring all required items and new regulations from the Housing Opportunities Through Modernization Act of 2016 (HOTMA) are included. |

**INTRODUCTION**

**Section Change**

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|  | No changes were made |

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

**Section Change**

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| 1-II.C. The HCV Partnerships  *What does the Owner Do?* | The NMA Model AP replaced the previous requirement to use Housing Quality Standards (HQS) at inspection, with the new requirement to use National Standards for the Physical Inspection of Real Estate (NSPIRE). |

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

**Section Change**

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|  | No changes were made |

**Chapter 3 – ELIGIBILITY**

**Section Change**

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| 3-I.K Foster Children and Foster Adults | NMA Model AP updated the definition of foster children and foster adults to be as defined by state law, but provided general characteristics. |
| 3-III.C. Restrictions on Assistance Based on Assets | NMA Model AP included new requirements that combined assets over $100,000 and ownership in real property would cause an applicant family to be ineligible for assistance. In regards to real property, HUD offers a few exceptions, such as the property not being suitable for occupancy because it is not sufficient for the size of the family. In order to determine if a family is overcrowded, BCACHA policy will be to use the subsidy standards outlined in Chapter 8. |
| 3-III.E. Screening  *Screening for Suitability as a Tenant* | PHAs must provide prospective landlords with names and current and previous address of landlords, if known. NMA Model AP now includes the prohibited disclosure of any other personal information about the family to the prospective landlord. |

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

**Section Change**

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|  | No policy changes were made |

**Chapter 5 – BRIEFINGS AND VOUCHER ISSUANCE**

**Section Change**

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| 5-I.C. Family Obligations  *Family Obligations* | The NMA Model AP replaced the previous responsibility of the family under HQS inspection protocol to the new inspection protocol of National Standards for the Physical Inspection of Real Estate. Now, the family is responsible for any deficiencies under NSPIRE caused by failure to pay tenant-provided utilities or appliances, or damages to the dwelling unit or premises beyond ordinary wear and tear caused by any member of the household or guest. |

**Chapter 6 – INCOME AND SUBSIDY DETERMINATIONS**

**Section Change**

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|  | No changes were made |

**Chapter 7 – VERIFICATIONS**

**Section Change**

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|  | No changes were made |

**Chapter 8 – NATIONAL STANDARDS FOR THE PHYSICAL INSPECTION OF REAL ESTATE (NSPIRE)**

**Section Change**

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| Part I NSPIRE Standards and Part II The Inspection Process  Rent Reasonableness | Replaced HQS with NSPIRE  No changes were made |

**Chapter 9 – GENERAL LEASING POLICIES**

**Section Change**

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| Introduction  9-I.D Eligible Units *NSPIRE Standards*  *Unit Size* | Replaced the inspection protocol from HQS to NSPIRE  Replaced the requirement to pass HQS inspection to be an eligible unit to now passing and NSPIRE inspection to be eligible  Replaced HQS citation from 982.402(d) to NSPIRE citation 24 CFR5.703(d)(5) |
| 9-I.F. Tenancy Approval | Updated to include that the unit must have been inspected and meets NSPIRE standards |

**Chapter 10 – MOVING WITH CONTINUED ASSISTANCE AND PORTABILITY**

**Section Change**

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| 10-I.A. Allowable Moves | NMA Model AP updated wording from “does not meet HQS space standards” to simply “space standards” |
| 10-I.B. Restrictions on Moves *Insufficient Funding* | HUD allows PHA’s to deny a move due to insufficient funds in certain circumstances. BCACHA would allow a move to a higher cost unit in our jurisdiction, but would deny a move to another unit outside our jurisdiction. |
| 10-II.B. Initial PHA Role *Sending Documents to the Receiving PHA* | Included in BCACHA policy, additional documents to send to the receiving PHA is, if applicable, information related to the family’s health and medical care and disability assistance expense phased-in hardship exemption, including what stage the family is in and how many months the family has remaining in that phase-in stage. |

**Chapter 11 – REEXAMINATION**

**Section Change**

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| 11-I.C. Conducting Annual Reexaminations | Replaced “HQS space standards” with “space standards” when adding household members. |
| 11-I.E. Calculating Income at Annual Reexamination | NMA Model AP included HOTMA requirement to use the previous 12 month period when calculating income, unless the PHA uses a streamlined income determination. HOTMA also allows PHAs to use Safe Harbor verifications of annual income. When calculating income from assets, anticipated income is always used. In cases where the family disagrees with EIV or safe harbor verifications, third-party verification should be obtained. |
| 11-II.B Changes in Family and Household Composition *New*  *Family and Household Members Requiring Approval*  *Departure of a Family or Household Member* | Where space standards are impacted by adding another family or household member, BCACHA policy is updated to (nan suggested policy) deny the addition of a foster child or foster adult if it will cause a space standard violation.  If an individual meets eligibility criteria and will be approved as a household member or a live-in-aide, BCACHA will notify the family of the approval but also issue a voucher for the family to move.  NMA Model AP updated language regarding family or household members leaving the unit. Because a family member may impact the total household income, it is important for the family to notify BCACHA when a family member leaves the unit. When a household member, who impacts the size standard of the unit, leaves, it is equally as important for the family to notify BCACHA. |
| 11-II.C. Changes Affecting Income or Expenses | HOTMA rules allow a PHA to set a threshold of 10% or less in determining whether or to process an interim decrease, with 2 exceptions. One exception being when the decrease is due to a family member being deceased, and two, a family member permanently moves out. PHAs may also set their policy to do an interim decrease anytime the tenant rent would decrease by any amount. BCACHA policy is to process an interim decrease when the total decrease is at least 10% more than the adjusted income. |
| 11-IV No-Interim Reexamination Transactions | NEW with HOTMA is a Non-Interim Reexamination Transaction (NIRT). These transactions are used when a family experiences a change that doesn’t trigger an interim based on HUD rules or PHA policy, but the PHA still needs to let HUD know – thinks like adding or removing a hardship exemption for child care, adding or removing a phase-in hardship, adding or removing a household member, etc. |

**Chapter 12 – TERMINATION OF ASSISTANCE AND TENANCY**

**Section Change**

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| Exhibit 12-1 Statement of Family Obligations | NMA updated the Exhibit to include the Family Obligations under NSPIRE where the family is responsible for any deficiencies under NSPIRE caused by failure to pay tenant-provided utilities or appliances, or damages to the dwelling unit or premises beyond ordinary wear and tear caused by any member of the household or guest. |

**Chapter 13 – OWNERS**

**Section Change**

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| 13-I.B Basic HCV Program Requirements | NMA Model AP updated to remove HQS inspection protocols and replace with NSPIRE protocols |
| 13-I.C. Owner Responsibilities | NMA Model AP updated to removed owner responsibility to maintain unit to HQS standards and replaced with NSPIRE standards |
| 13-I.D. Owner Qualifications Owner Actions That May Result in Disapproval of a Tenancy | BCACHA policy added HOTMA related reason of having a history of noncompliance with inspection standards for disapproval of an owner. |
| 13-II.C HAP Contract Payments *Owner Certification of Compliance* | NMA Model AP updated owner certification to include that by accepting payment they agree to maintain the unit in accordance with NSPIRE standards. |
| 13-II.D. Breach of HAP Contract | HOTMA regulations include that an owner’s failure to maintain the unit in accordance with NSPIRE standards is a violation of owner obligations and constitutes a breach of the HAP contract. BCACHA policy updated to state: BCACHA may elect to terminate the HAP contract for each of the following reasons: insufficient funding, unit does not meet space requirements, the unit does not meet NSPIRE standards, the family breaks up, or the owner breaches the contract. |

**Chapter 14 – PROGRAM INTEGRITY**

**Section Change**

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| 14-I.B Detecting Errors and Program Abuse *Quality Control and Analysis of Data* | Model AP replaced previous requirement to ensure compliance with HQS standards to the new requirement to ensure compliance with NSPIRE standards. |
| 14-II.C Owner-Caused Errors | AP working updated to reflect NSPIRE compliance for owners |
| 14-II.D. PHA–Caused Errors *De Minimus Errors* | HOTMA rules now specify that HUD will not consider a PHA to be out of compliance with annual income determinations when the error is solely due to a de minimus error, where the calculated amount deviates by $30 a month in adjusted income. De minimus errors will not count as findings, but PHAs will be required to correct the error. |

**Chapter 15 – SPECIAL HOUSING TYPES**

**Section Change**

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| Introduction | Introduction updated to reflect NSPIRE standards rather than the previous HQS standards |
| 15-VII.C. National Standards for the Physical Inspection of Real Estate (NSPIRE) | Section discusses NSPIRE standards applicable to Homeownership |

**Chapter 16 – PROGRAM ADMINISTRATION**

**Section Change**

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| 16-III.A. Informal Reviews *Decisions Subject to Informal Reviews* | NMA Model AP added 1) a unit not being in compliance with NSPIRE, and 2) a unit not meeting space standards to the list of determinations made by a PHA when an applicant must be afforded an informal review |
| 16-III.C. Informal Hearings | NMA Model AP added 1) a unit not being in compliance with NSPIRE, and 2) a unit not meeting space standards to the list of determinations made by a PHA when a participant is not afforded an informal review |
| 16-V.C. SEMAP Indicators *Indicator 5: Quality Control Inspection*  *Indicator 6: NSIPRE Enforcement*  *Indicator 11: Pre-Contract Inspections*  *Indicator 12: Annual Inspections* | NMA Model AP updated the SEMAP section in accordance with HOTMA changes to remove the previous requirement to do QC inspections on HQS inspections to the new requirement to do QC inspections on NSPIRE inspections.  NMA Model AP updated SEMAP section in accordance with HOTMA changes to reflect enforcement under NSPIRE protocols rather than HQS.  NMA Model AP updated Indicator 11 to reflect HOTMA changes that units must pass NSPIRE inspections prior to new contract execution  NMA Model AP updated Indicator 12 to reflect HOTMA changes that PHAs inspect units each year |
| Part IX: Violence Against Women Act (VAWA): Notification, Documentation, Confidentiality  16-IX.B. Definitions | NMA Model AP includes a new definition of economic abuse as behavior that restrains a person’s ability to acquire, use or maintain economic resources to which they are entitled, including using coercion, fraud and manipulation |

**Chapter 17 – PROJECT –BASED VOUCHERS**

**Section Change**

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| Introduction | Introduction now includes HOTMA requirement to use NSPIRE standards for inspection |
| 17-II.B. Units Selected Non-Competitively  *PHA-Owned Units* | NMA Model AP updated verbiage that public housing units the PHA plans to replace with PBV to existing housing the PHA has ownership interest in, the $25,000 per unit minimum requirement would be waived as long as the existing housing substantially complies with NSPIRE. BCACHA does not plan to replace PH units with PBVs.  When using PHA owned units for PBV, NSPIRE inspections must be done by an independent inspector. |
| 17-II.C. Housing Types | Updated verbiage that a housing unit is considered an existing unit for the purposes of PBV, if at the time of notice, the units substantially comply with NSPIRE standards |
| 17-II.G. Site Standards | NMA Model AP removes the previous wording to meet the standards of HQS requirements to now meet the standards of NSPIRE requirements. |
| 17-III.B. National Standards for the Physical Inspection of Real Estate (NSPIRE) | General NSPIRE requirements apply to PBV, but NSPIRE requirements for Shared housing, manufactured rental space, and homeownership option do not apply because these types of housing do not apply to PBV. |
| 17-III.D. Inspecting Units | Updated NSPIRE inspection requirements for Pre-Selection: Pre-HAP Contract, Turnover, Annual/Biennial, Alternative, other inspections, and PHA owned inspections. |
| 17-IV.B. Agreement to Enter Into HAP Contract  *Content of the Agreement* | AP updated to include requirement for the owner to develop the contract unit in compliance with NSPIRE.  The agreement must include any additional quality, architecture, or design over and above NSPIRE requirements. |
| 17-IV.C.Conduct of Development Work | Model AP updates terms of using Davis-Bacon wages. |
| 17-IV.D. Completion of Housing *Evidence of Completion*  *PHA Acceptance of Completed Units* | Model AP includes that at completion the owner must provide certification that the work has been completed in accordance with NSPIRE standards.  Before the PHA can Accept Completion of the units, the PHA must inspect to be sure NSPIRE standards are met. |
| 17-V.B. HAP Contract Requirements *Execution of the HAP Contract*  *Remedies for NSPIRE Deficiencies* | Model AP update to reflect the requirements for the units to meet NSPIRE standards before the HAP Contract can be executed.  BCACHA policy to use abatement as remedy for non-compliance with NSPIRE standards. |
| 17-V.E. Owner Responsibilities Under the HAP Contract | Removed previous requirement to maintain the units with HQS standards to now maintain them with NSPIRE standards. |
| 17-V.F. Additional HAP Requirements | Model AP states the owner must maintain and operate the units and property according to NSPIRE standards, and that the PHA may set additional requirements that are specified in the HAP. |
| 17-VI.G. Screening Tenants | Model AP language updated to include that while the PHA will provide the owner with the name and address of the current and previous landlord, if know, the PHA will not share any other information with the owner. |
| 17-VIII.B. Rent Limits *Determination of Rent-Rent Increase* | Model AP language updated to include that the PHA may not approve a rent increase until the unit has passed the NSPIRE inspection, and the owner may not receive any retroactive increase for time when not in compliance with NSPIRE. |
| 17-IX.A. Housing Assistance Payments | Replaces the requirement to make HAP payments on any unit in compliance with HQS standards to the new NSPIRE standards. |