



ALBUQUERQUE HOUSING AUTHORITY

Attachment 1

B.1 Revision of Plan Elements

Deconcentration of Poverty Policy

Overview:

Additional information on the Albuquerque Housing Authority's Deconcentration of Poverty Policy can be found in Chapter 4 of the *Admissions and Continued Occupancy Policy (ACOP)* as well as in Chapter 13 of the AHA's *Section 8 Housing Choice Voucher Program Administrative Plan*.

ACOP Chapter 4: Applications, Waiting List and Tenant Selection, Section 4-III.B. Selection Method.

AHA Policy

The AHA will determine the average income of all families in all covered developments on an annual basis and will determine the average income of all families residing in each covered development (not adjusting for unit size) on an annual basis.

For developments outside the Established Income Range (EIR), AHA will take the following actions to provide for deconcentration of poverty and income mixing:

Skipping families on the wait list to achieve required goals. Order of Selection [24 CFR 960.206(e)]

AHA's system of preferences will select families according to the date and time of application.

Families will be selected from the waiting list based on preference points. Among applicants with the same preference, families will be selected on a first-come, first-served basis according to the date and time their complete application is received by AHA. When selecting applicants from the waiting list, AHA will match the characteristics of the available unit (unit size, accessibility features, unit type) to the applicants on the waiting lists. AHA will offer the unit to the highest ranking applicant who qualifies for that unit size or type, or that requires the accessibility features.

By matching unit and family characteristics as well as taking into consideration an applicant's readiness to move, it is possible that families who are lower on the waiting list may receive an offer of housing ahead of families with an earlier date and time of application or higher preference status.

Factors such as deconcentration or income mixing and income targeting will also be considered in accordance with HUD requirements and AHA policy.

Section 8 Housing Choice Voucher Program Chapter 13: Part I.A. Owner Recruitment and Retention

Recruitment AHAs are responsible for ensuring that very low income families have access to all types and ranges of affordable housing in the AHA's jurisdiction, particularly housing outside areas of poverty or minority concentration. A critical element in fulfilling this responsibility is for the AHA to ensure that a sufficient number of owners, representing all types and ranges of affordable housing in the AHA's jurisdiction, are willing to participate in the HCV program. To accomplish this objective, AHAs must identify and recruit new owners to participate in the program.

AHA Policy

The AHA will conduct owner outreach to ensure that owners are familiar with the program and its advantages. The AHA will actively recruit property owners with property located outside areas of poverty and minority concentration. These outreach strategies will include: Distributing printed material about the program to property owners and managers; Contacting property owners and managers by phone or in-person; Holding owner recruitment/information meetings at least once a year; Participating in community based organizations comprised of private property and apartment owners and managers; and developing working relationships with owners and real estate brokers associations. Outreach strategies will be monitored for effectiveness and adapted accordingly.

AHA presently uses a variety of payment standards to increase mobility throughout its service area. These payment standards are established to provide increased opportunity for voucher holders to fully access housing in all areas of the Albuquerque and Rio Rancho. Payments standards that approach 110% of FMR are designed to deconcentrate poverty and reduce the clustering of vouchers in certain areas.

Financial Resources

The adopted operating budget for FY 2019 is \$37,440,355. The adopted development budget for FY 2019 is \$1,274,000.

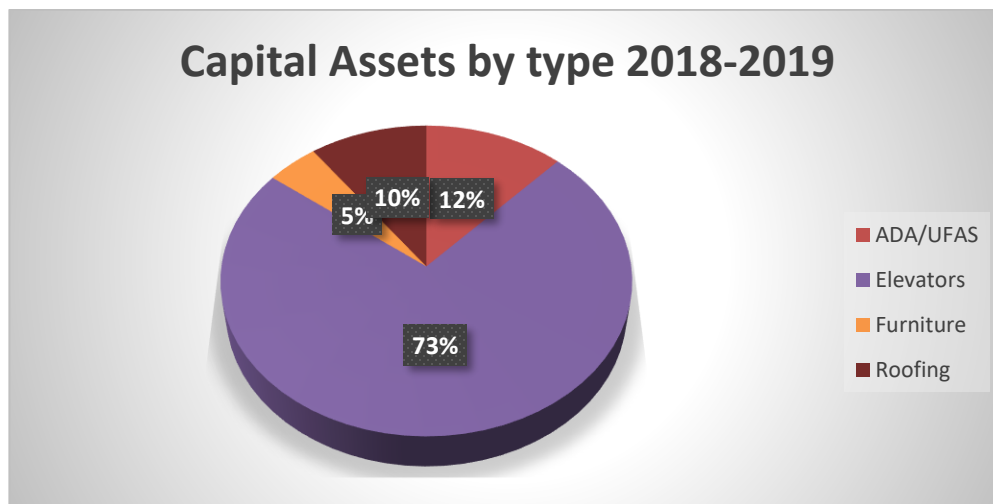
As in prior years, majority of AHA's operating revenues is coming from federal financial assistance to provide low-income housing. Rental revenues are budgeted higher in 2019 to reflect an increase in operating subsidy due to Energy Performance Contract (EPC) fully implemented in all of ABQ Housing units. Rental revenues represent all tenant rents paid in the public housing units.

Federal financial assistance from HUD of \$31.3 million includes \$27.4 million in Housing Assistance Payments for the HCV and tenant-based program clients, \$3.9 million in public housing operating subsidies and the remainder in various capital grants and other resident program grants.

Other income and contributions of \$107,503 thousand consist mainly of service charges and late payment charges to tenants, and washer-dryer revenues. Sales proceeds are budgeted based on planned sales of land and property.

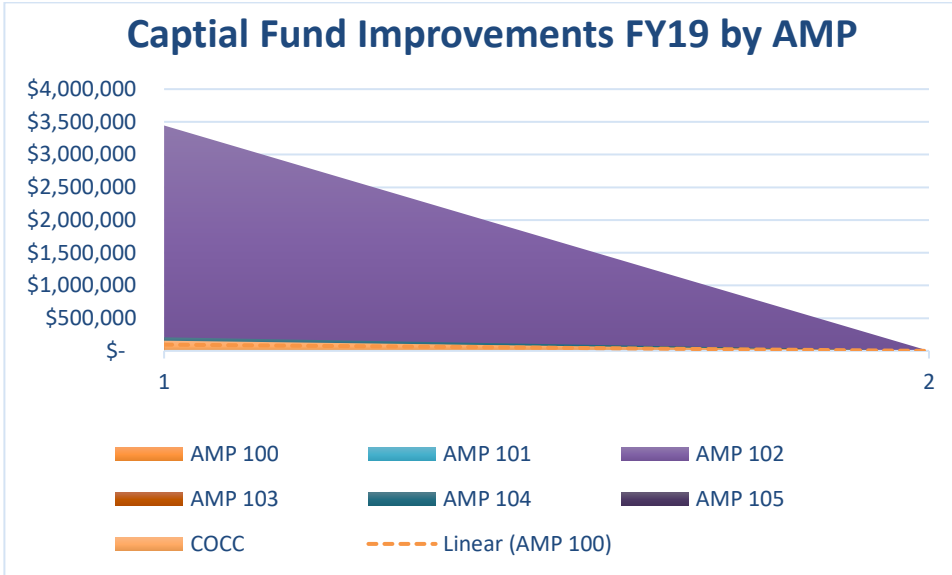
All Capital financings are shown as revenue sources due to AHA being the developer in various mixed finance real estate developments. These sources include, but not limited to, Low Income Housing Tax Credit (LIHTC) equity, and various HUD Capital grants. There is an increase in development activity in 2019.

See charts below:



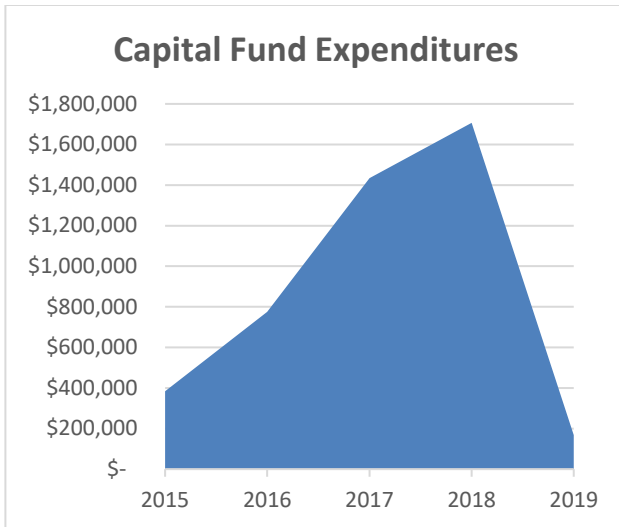
Capital Assets by type 2018-2019

ADA/UFAS	\$524,261
Elevators	\$3,200,919
Furniture	\$194,903
Roofing	\$442,076
	<u>\$4,362,159</u>



Capital Fund Improvements FY19 by AMP

AMP 100	\$	95,189	2%
AMP 101	\$	154,956	4%
AMP 102	\$	3,444,525	79%
AMP 103	\$	188,607	4%
AMP 104	\$	207,847	5%
AMP 105	\$	115,312	3%
COCC	\$	155,723	4%
	\$	4,362,159	100%



2015	\$	384,655
2016	\$	774,501
2017	\$	1,433,728
2018	\$	1,706,666
2019	\$	167,097

Rent Determination

Section 8 Housing Choice Voucher Program Admin Plan

Chapter 11 Section 11-II.C. CHANGES AFFECTING INCOME OR EXPENSES [24 CFR 982.516 (b)(2)]: In order to be in compliance with 24 CFR 982.516(b)(2), the AHA revised its policy to include additional conditions when a family may request an interim reexamination.

New Language: Interims will be conducted for families experiencing an increase in gross income of more than \$2,400.00 annually and for families reporting zero income. Interims will be conducted for families experiencing a decrease in gross income of more than \$1,000.00 annually. The decrease must be ongoing for more than 30 days.

Operation and Management

Section 8 Housing Choice Voucher Program Admin Plan

Chapter 4 Section 4-I.D PLACEMENT ON THE WAITING LIST [24 CFR 982.53]: Revised how AHA discusses the lottery system and the waiting list to show compliance with HUD regulation and to follow guidance from Nelrod consultant. No policy changes were made.

Chapter 5 Section 5-II.B DETERMINING FAMILY UNIT (VOUCHER) SIZE [24 CFR 982.402]: Definition of “Bedroom Size” was changed to clarify that the head of household/spouse or head/co-head will receive his/her own bedroom.

New Language: One bedroom is assigned for the head of household/spouse or head/co-head, and one bedroom for every two additional household members, including permanent foster children, regardless of sex, age or relationship until the age of ten (10).

Chapter 7 Section 7-I.C. UP-FRONT INCOME VERIFICATION (UIV): In this section in Chapter 7, added “IVT” Income Validation Tool as an additional tool HUD requires.

New Language: AHA will obtain income and IVT reports for annual reexaminations on a monthly basis. Reports will be generated as part of the regular reexamination process. Income and IVT reports will be compared to family-provided information as part of the annual reexamination process. Income and IVT reports will be used in interim reexaminations to identify any discrepancies between reported income and income shown in the EIV system, and as necessary to verify and calculate earned income, unemployment benefits, Social Security and/or SSI benefits. EIV will also be used to verify that families claiming zero income are not receiving income from any of these sources. Income and IVT reports will be retained in participant files with the applicable annual or interim reexamination documents.

Public Housing Program ACOP

Chapter 2 Section 2-I.B NONDISCRIMINATION: Federal regulations prohibit discrimination against certain protected classes and other groups of people. State and local requirements, as well as AHA policies, can prohibit discrimination against additional classes of people.

New Language: AHA will not subject anyone to sexual harassment.

Chapter 6 Section 6-I.L ADDITIONAL EXCLUSIONS FROM ANNUAL INCOME added new exclusion at the end of “Income Exclusions”

New Language: Other exclusions contained in 24 CFR 5.609(c) and updated by FR Notice 5/20/14 that have not been discussed earlier in this chapter include the following:

- aa. Distributions from an ABLE account, and actual or imputed interest on the ABLE account balance

Chapter 7 Section 7-I.C. UP-FRONT INCOME VERIFICATION (UIV): In this section in Chapter 7, added “IVT” Income Validation Tool as an additional tool HUD requires.

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Chapter 8 Section 8-I.G MINIMUM HEATING STANDARDS [Notice PIH 2018-19]: HUD added new “Minimum Heating Standards” for all Apartment/houses. Because there is a local ordinance as a standard, we must use it as per HUD

New Language: PHAs in states, territories, or localities with existing minimum heating standards must use their respective local standards for public housing dwelling units. For PHAs where state or local minimum heating standards do not exist, PHAs must use the HUD-prescribed heating standards specified in Notice PIH 2018-19.

AHA Policy

AHA is located in an area where state or local residential heating standards exist and will utilize those standards for public housing units. Therefore, AHA's minimum heating standards are as follows:

Minimum temperature:

If the PHA controls the temperature, the minimum temperature in each unit must be at least 68 degrees Fahrenheit at a point of three feet from the floor. If the resident controls the temperature, the heating equipment must have the capability of heating to at least sixty-eight degrees Fahrenheit at a point of three feet above the floor as per City of Albuquerque Ordinance.

Measurement:

Temperature measurements must be taken according to the following methodology: with a handheld thermometer three feet above the floor.

Chapter 13 Section 13-III.C. OTHER AUTHORIZED REASONS FOR

TERMINATION: Updated PIH Notice, Pg. 239, 240. Updated "Over Income" information requiring AHA to publish "OI" limits and the methodology in the ACOP.

New Language: Notice PIH 2019-11 also requires that PHAs publish over-income limits in their ACOP and update them no later than 60 days after HUD publishes new income limits each year. The over-income limit is calculated by multiplying the very low-income limit (VLI) by 2.4, as adjusted for family size.

Chapter 14 Section 14. III. F. SELECTION OF HEARING OFFICER/PANEL:

Changed definition of "Hearing Officer".

New Language: AHA grievance hearings will be conducted by a single hearing officer and not a panel. AHA will appoint a staff member who was not involved in the decision under appeal. If a designated staff member (such as the program manager) was involved in the decision, or is a subordinate of such person, an alternate hearing officer will be selected. AHA may select designated staff members who were not involved in the decision under appeal in certain circumstances, such as appeals involving discrimination claims or denials of requests for reasonable accommodations

EXHIBIT 14-1: SAMPLE GRIEVANCE PROCEDURE

Note: The sample procedure provided below is a sample only and is designed to match up with the default policies in the model ACOP. If your PHA has made policy decisions that do not reflect the default policies in the ACOP, you would need to ensure that the procedure matches those policy decisions.

- I. Definitions applicable to the grievance procedure [24 CFR 966.53]**
- A. Grievance: Any dispute a tenant may have with respect to PHA action or failure to act in accordance with the individual tenant's lease or PHA regulations that adversely affects the individual tenant's rights, duties, welfare, or status.
 - B. Complainant: Any tenant (as defined below) whose grievance is presented to the PHA or at the project management office in accordance with the requirements presented in this procedure.
 - C. Elements of due process: An eviction action or a termination of tenancy in a state or local court in which the following procedural safeguards are required:
 - i. Adequate notice to the tenant of the grounds for terminating the tenancy and for eviction
 - ii. Right of the tenant to be represented by counsel
 - iii. Opportunity for the tenant to refute the evidence presented by the PHA, including the right to confront and cross-examine witnesses and to present any affirmative legal or equitable defense that the tenant may have
 - iv. A decision on the merits of the case
 - D. Hearing officer: An impartial person or persons selected by the PHA other than the person who made or approved the decision under review, or a subordinate of that person. Such individuals do not need legal training.
 - E. Tenant: The adult person (or persons other than a live-in aide) who resides in the unit and who executed the lease with the PHA as lessee of the dwelling unit, or if no such person now resides in the unit, who resides in the unit and who is the remaining head of the household of the tenant family residing in the dwelling unit.
 - F. Resident organization: An organization of residents, which also may include a resident management corporation.

II. Applicability of this grievance procedure [24 CFR 966.51]

In accordance with the applicable federal regulations (24 CFR 966.50), this grievance procedure is applicable to all individual grievances (as defined in Section I above) between the tenant and the PHA with the following exception of disputes between tenants not involving the PHA or class grievances. The grievance procedure is not intended as a forum for initiating or negotiating policy changes between a group or groups of tenants and the PHA's Board of Commissioners [24 CFR 966.51(b)].

This grievance procedure is incorporated by reference in all tenant dwelling leases and will be furnished to each tenant and all resident organizations [24 CFR 966.52 (b) and (d)].

Any changes proposed in this grievance procedure must provide for at least 30 days' notice to tenants and resident organizations, setting forth the proposed changes and providing an opportunity to present written comments. Comments will be considered by the PHA before any revisions are made to the grievance procedure [24 CFR 966.52(c)].

III. Informal settlement of a grievance [24 CFR 966.54]

Any grievance must be personally presented, either orally or in writing, to the PHA's central office or the management office of the development in which the complainant resides **within 10 days after the grievable event**.

Grievances related to complaints about operations matters that are received by the PHA's central office will be referred to the person responsible for the management of the development in which the complainant resides. Grievances involving complaints related to discrimination, harassment, or disability rights will be referred to the Civil Rights Administrator or Director of Operations.

As soon as the grievance is received, it will be reviewed by the management office of the development or the Civil Rights Administrator (if applicable) to be certain that neither of the exclusions in paragraphs II.A or II.B above applies to the grievance. Should one of the exclusions apply, the complainant will be notified in writing that the matter raised is not subject to the PHA's grievance procedure with the reason specified.

If neither of the exclusions cited above apply, the complainant will be contacted to arrange a mutually convenient time **within 10 business days** to meet so the grievance may be discussed informally and settled without a hearing. At the informal settlement, the complainant will present the grievance and the person in charge of the management office or the Civil Rights Administrator will attempt to settle the grievance to the satisfaction of both parties.

Within five business days following the informal discussion, the PHA will prepare and either hand deliver, mail, or email to the tenant a summary of the discussion

that must specify the names of the participants, the dates of meeting, the nature of the proposed disposition of the complaint, and the specific reasons therefore, and will specify the procedures by which a formal hearing under this procedure may be obtained if the complainant is not satisfied. A copy of this summary will also be placed in the tenant's file.

IV. Formal grievance hearing

If the complainant is not satisfied with the settlement arrived at in the informal settlement, the complainant must submit a written request for a hearing to the management office of the development where the tenant resides **no later than five business days after the summary of the informal hearing is received.**

The written request must specify:

- The reasons for the grievance; and
- The action of relief sought from the PHA

Within 10 days of receiving the written request for a hearing, the hearing officer will schedule and sent written notice of hearing to both the complainant and the PHA.

V. Selecting the hearing officer

A grievance hearing will be conducted by a single impartial person appointed by the PHA as described below:

- A. The hearing officer will be appointed directly by the executive director.
- B. The hearing officer will be a staff member who did not make or approve the decision under review and who is not a subordinate of such persons. If the designated staff member (such as the program manager) was involved in the decision or is a subordinate of such person, an alternate hearing officer will be selected.
- C. The PHA may select designated staff members who were not involved in the decision under review in certain circumstances, such as those involving discrimination claims or denials of requests for reasonable accommodations.
- D. The PHA's method for selecting a hearing officer will be inserted into the lease.

VI. Scheduling hearings [24 CFR 966.56(a)]

When a complainant submits a timely request for a grievance hearing, the PHA will immediately appoint an impartial hearing office to schedule the hearing within the following 10 business days.

Once the hearing officer has scheduled the hearing, the hearing officer will send written notice of the hearing to both the complainant and the PHA. Notice to the complainant will be in writing, either personally delivered to the complainant, or sent by mail or email, return receipt requested.

The written notice will specify the time, place, and procedures governing the hearing.

The tenant may request to reschedule a hearing on a one-time basis. Should the complainant need to reschedule a second time, he or she may do so for good cause, or if needed as a reasonable accommodation for a person with disabilities. *Good cause* is defined as an unavoidable conflict which seriously affects the health, safety, or welfare of the family. Requests to reschedule a hearing must be made orally or in writing prior to the hearing date.

Community Service and Self-Sufficiency Programs:

AHA will implement the Resident Opportunities Self Sufficiency (ROSS) Program. This Program will provide service coordination for Public Housing residents. It is a voluntary program that supports interested residents to identify and access community resources necessary to providing a pathway for these residents to becoming housing and economically self-sufficient.

Safety and Crime Prevention:

AHA monitors calls for service on a monthly basis throughout its properties and has taken steps to improve physical conditions to allow for more natural surveillance and crime deterrence. AHA has contracted with Bernalillo County Sheriff Dept. to patrol certain problematic properties. AHA is also seeking additional avenues to partner with local law enforcement including APD.