



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 materials 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 2020 is \$38,657,312. The adopted development budget for FY 2020 is \$1,781,000.

As in prior years, majority of AHA's operating revenues come from federal financial assistance to provide low-income housing. Rental revenues are budgeted higher in 2020 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.

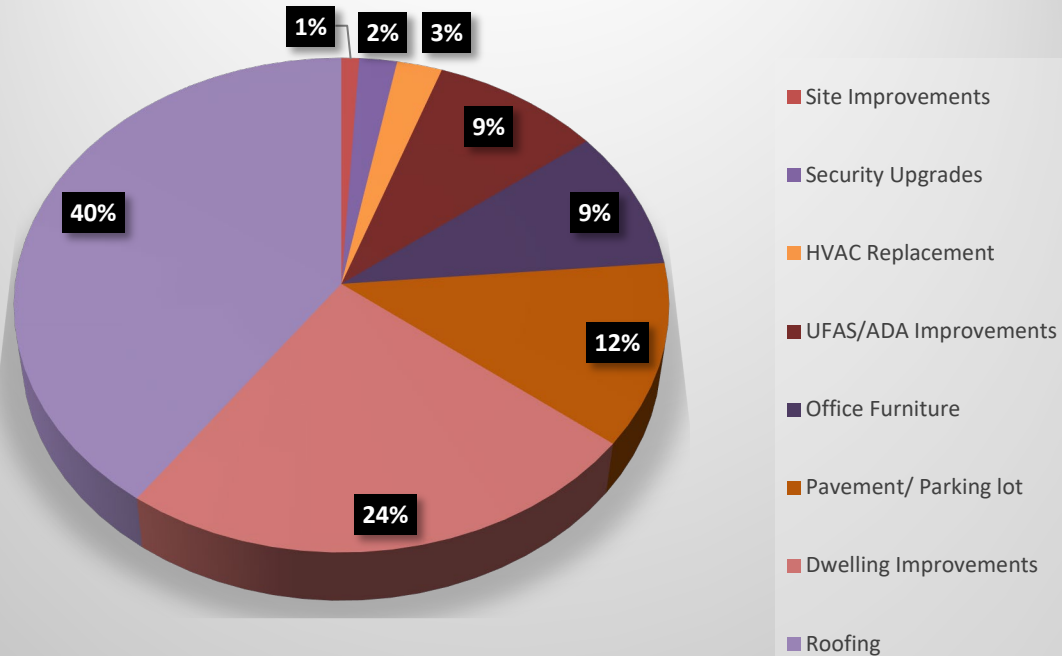
Federal financial assistance from HUD of \$34.6 million includes \$28.4 million in Housing Assistance Payments for the HCV and tenant-based program clients, \$3.9 million in public housing operating subsidies and the remainder in various capital grants and other resident program grants.

Other income and contributions 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.

AHA continues to utilize its reserves to improve property assets and further develop affordable housing for all of AHA's housing programs.

See charts below:

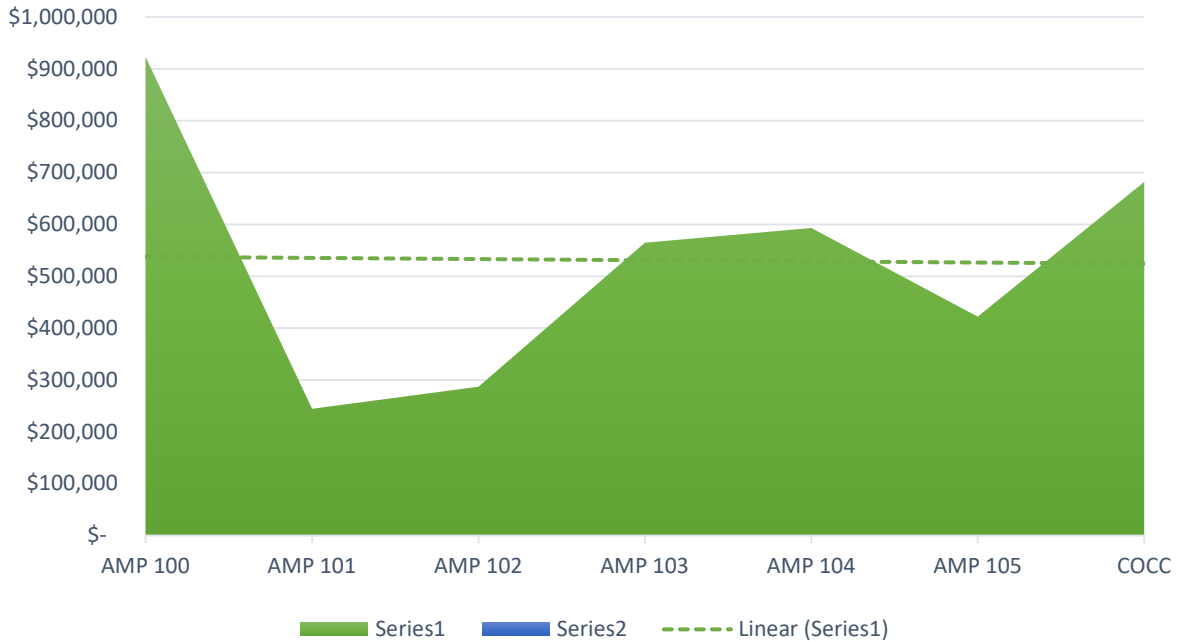
Capital Assets by type 2019-2020



Capital Improvements AHA by type 2019-2020

Site Improvements	\$ 35,921
Security Upgrades	\$ 76,503
HVAC Replacement	\$ 91,772
UFAS/ADA Improvements	\$ 344,046
Office Furniture	\$ 284,660
Pavement/ Parking lot	\$ 450,810
Dwelling Improvements	\$ 918,573
Roofing	\$ 1,514,378
	<hr/>
	\$ 3,716,663

Capital Fund Improvements FY20 by AMP



Capital Fund Improvements FY20 by AMP			
AMP 100	\$	923,332	25%
AMP 101	\$	244,519	7%
AMP 102	\$	286,887	8%
AMP 103	\$	564,673	15%
AMP 104	\$	592,854	16%
AMP 105	\$	422,450	11%
COCC	\$	681,947	18%
	\$	3,716,662	100%
	\$	3,716,663	
	\$	0	

Rent Determination

Public Housing ACOP

Chapter 6 Part I.E. EARNED INCOME DISALLOWANCE: Previously there were two calculation methods due to a policy change. This deleted the section in AHA policy regarding original calculation method because the timeframe expired for the grandfathered policy.

New Language: N/A.

Chapter 6 Part I.E. EARNED INCOME DISALLOWANCE: Previously there were two Eligibility periods due to a policy change. This deleted the section in AHA Policy regarding original eligibility periods because the timeframe expired for the grandfathered policy.

New Language: N/A.

Section 8 Housing Choice Voucher Program Admin Plan

Chapter 3 Section 3-III.E. CRITERIA FOR DECIDING TO DENY ASSISTANCE:

Removal of a Family Member's Name from the Application: Language was added to state that a head of household must certify that a family member who has been subject to state lifetime registered sex offender registration will not be permitted to visit, stay as a guest or reside in the assisted unit,

New Language: As a condition of receiving assistance, a family may agree to remove the culpable family member from the application. In such instances, the head of household must certify that the family member will not be permitted to visit, stay as a guest, or reside in the assisted unit. After admission to the program, the family must present evidence of the former family member's current address upon AHA request.

Chapter 3 Section 3-III.F. NOTICE OF ELIGIBILITY OR DENIAL: Timeframe for notifying households of denial was added.

New Language: The family will be notified of a decision to deny assistance in writing within 10 business days of the determination.

Chapter 3 Section 3-III.G. PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING: Language is added to this policy that states that an applicant may inform AHA that their status as a victim is directly related to the grounds for the denial. Also, this section revises the timeframe in which an applicant can request protection under VAWA from 10 business days to 14 business days.

New Language: AHA acknowledges that a victim of domestic violence, dating violence, sexual assault, or stalking may have an unfavorable history (e.g., a poor credit history, poor rental history, a record of previous damage to an apartment, a prior arrest record) due to adverse factors that would warrant denial under AHA's policies. While AHA is not required to identify whether adverse factors that resulted in the applicant's denial are a result of domestic violence, dating violence, sexual assault, or stalking, the applicant may inform AHA that their status as a victim is directly related to the grounds for the denial. AHA will request that the applicant provide enough information to AHA to allow AHA to make an objectively reasonable determination, based on all circumstances, whether the adverse factor is a direct result of their status as a victim. AHA will include in its notice of denial the VAWA information described in section 16-IX.C of this plan as well as including a copy of the form HUD-5382. AHA will request in writing that an applicant wishing to claim protection under VAWA notify AHA within 14 business days.

Operation and Management

Public Housing Program ACOP

Chapter 13 Section 13 – III.B. MANDATORY LEASE PROVISIONS Drug Crime on or off the Premises [24 CFR 966.4(l)(5)(i)(B)]: Clarified that records of arrest cannot be the sole basis for termination if a participant is engaged in disqualifying criminal activity on or off the premises.

New Language: A record or records of arrest(s) will not be used as the sole basis for the termination or proof that the participant engaged in disqualifying criminal activity. If, in the arrest record, the criminal activity was conducted on Albuquerque Housing Authority property, termination may begin in accordance with the New Mexico Owner Resident Relations Act.

Chapter 13 Section 13-III.B Alcohol Abuse [24 CFR 966.4(l)(5)(vi)(A)]: Changed the definition of "pattern of abuse" from previous three months to previous six months.

New Language: A pattern of such alcohol abuse means more than one incident of any such abuse of alcohol during the previous six months.

Chapter 13 Section 13-IV.D LEASE TERMINATION NOTICE [24 CFR 966.4(l)(3)] Form, Delivery, and Content of the Notice: Addresses how AHA will inform residents of remote informal hearings.

New Language: If AHA offers remote hearings, the notice will also state that the resident may request a remote hearing. If AHA will require that the hearing be conducted remotely, at the time the notice is sent to the resident informing them of the right to request a hearing, the resident will be notified that the hearing will be conducted remotely. The resident will be informed of the processes involved in a remote hearing and that AHA will provide technical assistance, if needed, before the hearing.

Chapter 14 Section 14-I.B. INFORMAL HEARING PROCESS Notice of Denial [24 CFR 960.208(a)]: Added remote hearing protocol to the Notice of Denial.

New language: AHA's notice of denial will include information about required or requested remote informal hearings

Chapter 14 Section 14-I.B. INFORMAL HEARING PROCESS Remote Informal Hearings: Added policies addressing: how the AHA will ensure that remote informal hearings will be conducted in accordance with due process requirements and compliance with HUD regulations; and, how AHA will ensure that residents can fully participate in remote informal hearings

New Language: All AHA policies and processes for remote informal hearings will be conducted in accordance with due process requirements and compliance with HUD regulations. AHA has the sole discretion to require that informal hearings be conducted remotely in case of local, state, or national physical distancing orders, and in cases of inclement weather or natural disaster. In addition, AHA will conduct an informal hearing remotely upon request of the applicant as a reasonable accommodation for a person with a disability, if an applicant does not have child care or transportation that would enable them to attend the informal hearing, or if the applicant believes an in-person informal hearing would create an undue health risk. AHA will consider other reasonable requests for a remote informal hearing on a case-by-case basis.

New Language: AHA will conduct remote informal hearings via telephone conferencing call-in or via videoconferencing. If the informal hearing will be conducted via videoconferencing, AHA will ensure that all applicants, applicant representatives, AHA representatives, and the person conducting the informal hearing can adequately access the platform (i.e., hear, be heard, see, and be seen). If any applicant, applicant representative, AHA representative, or person conducting the informal hearing is unable to effectively utilize the videoconferencing platform, the informal hearing will be conducted by telephone conferencing call-in. Witness testimony may be accepted via telephone call-in. Whether the informal hearing is to be conducted via videoconferencing or telephone call-in, AHA will provide all parties login information and/or conferencing call-in information before the informal hearing.

Chapter 14-III.D. INFORMAL SETTLEMENT OF GRIEVANCE: Clarified that requests for an informal settlement of grievance can include an email request.

New Language: AHA will accept requests for an informal settlement of a grievance either orally or in writing (including emailed requests), to the AHA office within 10 business days of the grievable event. Within 10 business days of receipt of the request AHA will arrange a meeting with the tenant at a mutually agreeable time and confirm such meeting in writing to the tenant.

Chapter 14 Section 14-III.G. REMOTE HEARINGS: AHA now has the option to conduct hearings remotely.

New Language: AHA has the sole discretion to require that hearings be conducted remotely in case of local, state, or national physical distancing orders, and in cases of inclement weather or natural disaster. In addition, AHA will conduct a hearing remotely upon request as a reasonable accommodation for a person with a disability, if a tenant does

not have child care or transportation that would enable them to attend the hearing, or if the tenant believes an in-person hearing would create an undue health risk. AHA will consider other reasonable requests for a remote hearing on a case-by-case basis.

Chapter 14 Section 14-III.G. DISCOVERY OF DOCUMENTS: If the hearing is conducted remotely, the protocol is explained for the delivery of documents by AHA as well as the delivery by the resident, the method they can be delivered, and the time frame in which they need to be received.

New Language: If the hearing will be conducted remotely, AHA will compile a hearing packet, consisting of all documents the AHA intends to produce at the hearing. AHA will send copies of the hearing packet to the tenant, the tenant's representatives, if any, and the hearing officer at least three days before the scheduled remote hearing. The original hearing packet will be in the possession of the AHA representative and retained by the AHA. If the hearing is to be conducted remotely, AHA will require the resident to provide any documents directly relevant to the hearing at least 24 hours before the scheduled hearing. AHA will scan and email copies of these documents to the hearing officer and AHA representative the same day they are received. Documents will be shared electronically whenever possible.

Chapter 14 Section 14-III.G. Conducting Hearings Remotely: AHA shall ensure due process and that all parties are able to have full access to the hearing including tenants, advocates, witnesses and AHA. AHA must provide all information for connection to the hearing.

New Language: In conducting any hearing remotely, AHA shall ensure due process and that all parties are able to have full access to the hearing. AHA will conduct remote hearings via telephone conferencing call-in or via videoconferencing. If the hearing will be conducted via videoconferencing, AHA will ensure that all tenants, tenant's representatives, advocates, witnesses, AHA representatives, and the hearing officer can adequately access the platform (i.e., hear, be heard, see, and be seen). Witnesses may testify by telephone call-in. If any tenant, tenant representative, advocate, witness, AHA representative, or the hearing officer is unable to effectively utilize the videoconferencing platform, the hearing will be conducted by telephone conferencing call-in. Whether the hearing is to be conducted via videoconferencing or telephone call-in, AHA will provide all parties login information and/or telephone call-in information before the hearing.

14-III.H. PROCEDURES GOVERNING THE HEARING [24 CFR 966.56] Rights of Complaint: Adds no charge for emailed documents for discovery.

New Language: The tenant will be allowed to copy any documents related to the hearing at a cost of \$.50 per page. There will be no charge for documents emailed by AHA. The family must request discovery of AHA documents no later than 12:00 p.m. on the business day prior to the hearing.

Section 8 Housing Choice Voucher Program Admin Plan

Chapter 4 Section 4-I.D. PLACEMENT ON THE WAITING LIST: Ineligible for Placement on the Waiting List: A policy was added to address how AHA will determine and notify a family that is determined ineligible and removed from the waiting list.

New Language: If AHA can determine from the information provided that a family is ineligible, the family will not be placed on the waiting list. Where a family is determined to be ineligible, AHA will send written notification of the ineligibility determination within 10 business days of receiving a complete application. The notice will specify the reasons for ineligibility, and will inform the family of its right to request an informal review and explain the process for doing so (see Chapter 16).

Chapter 4 Section 4.II.F. UPDATING THE WAITING LIST [24 CFR 982.204 (c)]: Language was added to describe how waitlists for the AHA PBV Program will be managed.

New Language: The Wait lists for the AHA Project Based Voucher program will be update as needed to ensure that all applicants and applicant information is current and timely. To update the waiting list, the AHA will send an update request via first class mail to each family on the waiting list to determine whether the family continues to be interested in, and to qualify for, the program. This update request will be sent to the last address that AHA has on record for the family. The update request will provide a deadline by which the family must respond and will state that failure to respond will result in the applicant's name being removed from the waiting list. The family's response must be in writing and may be delivered in person, by mail, by email, or by fax. Responses should be postmarked or received by AHA not later than 15 business days from the date of AHA letter. If the family fails to respond within 15 business days, the family will be removed from the waiting list without further notice. If the notice is returned by the post office with no forwarding address, the applicant will be removed from the waiting list without further notice. If the notice is returned by the post office with a forwarding address, the notice will be re-sent to the address indicated. The family will have 15 business days to respond from the date the letter was re-sent. If a family is removed from the waiting list for failure to respond, AHA may reinstate the family if it is determined that the lack of response was due to AHA error, or to circumstances beyond the family's control.

Chapter 4 Section Chapter 4-III.E. THE APPLICATION INTERVIEW: Language was added to address households who have not disclosed SSNs.

New Language: If not all household members have disclosed their SSNs at the next time the AHA is issuing vouchers, the AHA will issue a voucher to the next eligible applicant family on the waiting list.

5-II.E. VOUCHER TERM AND EXTENSIONS Extension of Voucher Term [24 CFR 982.303(b)]: Language was added to ensure that AHA will approve or deny extension requests within 10 business days.

New Language: AHA will decide whether to approve or deny an extension request within 10 business days of the date the request is received, and will immediately provide the family written notice of its decision.

5-II.E. VOUCHER TERM AND EXTENSIONS Expiration of Voucher: A timeframe of 10 business days was added to notify a family that the voucher's term has expired.

New Language: If an applicant family's voucher term or extension expires before the AHA has approved a tenancy, AHA will require the family to reapply for assistance. Within 10 business days after the expiration of the voucher term or any extension, the AHA will notify the family in writing that the voucher term has expired and that the family must reapply when the waiting list is open in order to be placed on the waiting list.

Chapter 6 Section 6-I.B HOUSEHOLD COMPOSITION AND INCOME [24 CFR 982.609(c)]: "School records" was added as source of documents that can be used to determine if a family has claimed a child as a dependent.

New Language: If there is a dispute about which family should claim them, the AHA will make the determination based on available documents such as: court orders, school records, or a federal income tax return showing which family has claimed the child as a dependent for federal child income tax credit purposes, or school enrollment documentation listing the child's primary residence.

Chapter 6 Section 6-I.G. ASSETS [24CFR 5.609 (b) (3): Specific dates for the annual review of the passbook rate and for the "effective date" of changes to the passbook rate were removed. The effective date of changes to the passbook rate will be determined at the time of the review.

New Language: AHA initially set the imputed asset passbook rate at the national rate established by the Federal Deposit Insurance Corporation (FDIC). AHA will review the passbook rate annually. The rate will not be adjusted unless the current AHA rate is no longer within 0.75 percent of the national rate. If it is no longer within 0.75 percent of the national rate, the passbook rate will be set at the current national rate. The effective date of changes to the passbook rate will be determined at the time of the review.

Chapter 7: Section 7-I.D. THIRD-PARTY WRITTEN AND ORAL VERIFICATION [NOTICE PIH 2018-18]: If AHA determines that third-party documents provided by the family are not acceptable, AHA can request additional documentation.

New Language: As verification of earned income, the AHA will require the family to provide the two most current, consecutive pay stubs if the family member is paid bi-weekly. Four such paystubs are required if a family member is paid weekly. At AHA's discretion, if additional paystubs are needed due to the family's circumstances (e.g., sporadic income, fluctuating schedule, etc.), AHA may request additional paystubs or a payroll record.

Chapter 7: Section 7.II.A. VERIFICATION OF LEGAL IDENTITY: Current government employer identification card with picture was added to the list of documents that can be used to verify the legal identify of adults.

New Language:

Verification of Legal Identity for Adults	Verification of Legal Identity for Children
Certificate of birth, naturalization papers Church issued baptismal certificate Current, valid driver's license or Department of Motor Vehicles identification card U.S. military discharge (DD 214) Current U.S. passport Current government employer identification card with picture	Certificate of birth Adoption papers Custody agreement Health and Human Services ID Certified school records

Chapter 7: Section 7-III.J. STUDENT FINANCIAL ASSISTANCE NOTICE PIH 2015-21: AHA will request written verification of “fees and other required” educational expenses when determining student annual income.

New Language: For a student subject to having a portion of his/her student financial assistance included in annual income in accordance with 24 CFR 5.609(b)(9), the AHA will request written third-party verification of both the source and the amount. Family-provided documents from the educational institution attended by the student will be requested, as well as documents generated by any other person or entity providing such assistance, as reported by the student. In addition, the AHA will request written verification of the student’s tuition, fees and other required charges.

Chapter 8: Section 8-II.D. SPECIAL INSPECTIONS [24 CFR 982.405 (g)]: Option to conduct annual or biennial inspections was added to allow flexibility in the frequency of special inspections.

New Language: During a special inspection, the AHA generally will inspect the entire unit for compliance with HQS along with the violations reported. If the annual/biennial inspection has been scheduled or is due within 90 days of the date the special inspection is scheduled the AHA may elect to conduct a full annual/biennial inspections.

Chapter 10: Section 10-I.A. ALLOWABLE MOVES: Language was added to further describe how AHA will handle a family’s request for permission to move with continued assistance based on a claim that the move is necessary to protect the health or safety of a family member who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, the AHA will request documentation in accordance with section 16-IX.D of this plan

New Language: If a family requests permission to move with continued assistance based on a claim that the move is necessary to protect the health or safety of a family member who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, the AHA will request documentation in accordance with section 16-IX.D of this plan. The AHA reserves the right to waive the documentation requirement if it determines that a statement or other corroborating evidence from the family or family member will

suffice. In such cases the AHA will document the waiver in the family's file. AHA may choose to provide a voucher to facilitate an emergency transfer of the victim without first terminating the assistance of the perpetrator. Before granting an emergency transfer, the AHA will ensure the victim is eligible to receive continued assistance based on the citizenship or immigration status of the victim. AHA has adopted an emergency transfer plan, which is included as Exhibit 16-3 to this plan and discusses external transfers to other covered housing programs.

Chapter 11 Section 11-III.C. NOTIFICATION OF NEW FAMILY SHARE AND HAP AMOUNT [24 CFR 982.555 (a)(1)(i)] New language was added to state that the family has the right to request an explanation of how the assistance was calculated and if the family disagrees, they have the right to an informal hearing and the notice will include the procedures for requesting an informal hearing

New Language: The notice to the family will include the annual and adjusted income amounts that were used to calculate the family share of the rent and the housing assistance payment. The notice will state the family has the right to request an explanation of how the assistance was calculated and if the family disagrees, they have the right to informal hearing. The notice will include the procedures for requesting an informal hearing.

Chapter 12 Section 2-I.E. MANDATORY POLICIES AND OTHER AUTHORIZED TERMINATIONS, Mandatory Policies [24 CFR 982.553(b) and 982.551(l)]: Definition for "currently engaged" in the use of illegal drugs or alcohol was changed from the "previous six months" to the "previous three months". Additionally, arrest records will not be used as the "sole" basis for termination.

New Language: Currently engaged in is defined as any use of illegal drugs during the previous three months. The AHA will consider all credible evidence, including but not limited to, any record of arrests, convictions, or eviction of household members related to the use of illegal drugs or abuse of alcohol. A record or records of arrest(s) will not be used as the sole basis for the termination or proof that the participant engaged in disqualifying criminal activity. In making its decision to terminate assistance, the AHA will consider alternatives as described in Section 12-II.C and other factors described in Sections 12-II.D and 12-II.E. Upon consideration of such alternatives and factors, the AHA may, on a case-by-case basis, choose not to terminate assistance.

Chapter 12 Section 12-II.F. TERMINATION NOTICE: The time frame for when the AHA will request in writing that a family member wishing to claim protection under VAWA changed from 10 to 14 days.

New Language: Whenever the AHA decides to terminate a family's assistance because of the family's action or failure to act, the AHA will include in its termination notice the VAWA information described in section 16-IX.C of this plan and a form HUD-5382 and form HUD-5380. The AHA will request in writing that a family member wishing to claim protection under VAWA notify the AHA within 14 business days.

13-II.G. FORECLOSURE [Notice PIH 2010-49] A new section was added to discuss properties that are in foreclosure.

New Language: If a property is in foreclosure, the AHA will make all reasonable efforts to determine the status of the foreclosure and ownership of the property and will continue to make payments to the original owner until ownership legally transfers in accordance with the HAP contract. The AHA will attempt to obtain a written acknowledgement of the assignment of the HAP contract from the successor in interest. This will include a request for owner information, including a tax identification number and payment instructions from the new owner. Even if the new owner does not acknowledge the assignment of the HAP contract in writing, the assignment is still effective by operation of law.

The AHA will inform the tenant that they must continue to pay rent in accordance with the lease, and if the new owner refuses to accept payment or cannot be identified, the tenant should pay rent into escrow. Failure to pay rent may constitute an independent ground for eviction. In the event that the AHA is unable to make HAP payments to the new owner due to an action or inaction by the new owner that prevents such payments (e.g., rejection of payments or failure to maintain the property according to HQS), or due to an inability to identify the new owner, the AHA will either use the funds to pay:

The utilities that are the owner's responsibility after taking reasonable steps to notify the owner; except that if the unit has been or will be rendered uninhabitable due to termination or threat of termination of service, prior notice is not required. In the latter case, the AHA shall notify the owner within a reasonable time after making the utility payment; or For the family's reasonable moving costs, including security deposit costs. The AHA will also refer the tenant, as needed, to the local legal aid office in order to ensure adequate protection of the tenant's rights and enforcement of the successor in interest's performance under the HAP contract. See Section 12-III.B for a discussion of foreclosure as it pertains to owner termination of tenancy.

Chapter 16 Section 16-II.B. PAYMENT STANDARD [24 CFR 982.503 HCV GB]

Quality of Units Selected: Changed the wording from "AHA will" to "AHA may review the quality of units selected by participant families when making the determination of the percent of income families are paying for housing".

New Language: The AHA may review the quality of units selected by participant families when making the determination of the percent of income families are paying for housing, to ensure that payment standard increases are only made when needed to reach the mid-range of the market.

Chapter 17 Section 17-I-A. OVERVIEW Units Not Subject to the PBV Program

Limitation [FR Notice 1/18/17]: The words "will not" were changed to the word "may" to state that AHA may project-base any units not subject to the 20 percent cap.

New Language: AHA may project-base any units not subject to the 20 percent cap.

17-II.B. OWNER PROPOSAL SELECTION PROCEDURES AHA-Owned Units [24 CFR 983.51(e), 983.59, FR Notice 1/18/17, and Notice PIH 2017-21]: The list of independent entities identified that will review the AHA proposal selection process and perform specific functions with respect to rent determinations, the term of the HAP contract, and inspections was revised. The New Mexico Mortgage Finance Authority was removed from the list and the Santa Fe Civic Housing Authority was added.

New Language: The AHA may submit a proposal for project-based housing that is owned or controlled by the AHA. If the proposal for AHA-owned housing is selected, the AHA will use the Santa Fe Civic Housing Authority, the Bernalillo County Housing Department, or other qualified entity to review the AHA selection and to administer the PBV program. The AHA will obtain HUD approval of the Santa Fe Civic Housing Authority, the Bernalillo County Housing Department, or other qualified entity prior to selecting the proposal for AHA-owned housing.

Chapter 17 Section 17-II.F. CAP ON NUMBER OF PBV UNITS IN EACH PROJECT Promoting Partially -Assisted Projects [24 CFR 983.56(c)]: AHA established local requirements designed to promote PBV assistance in partially assisted projects.

New Language: Excepted units will be limited to units for elderly families. Beyond that, the AHA will not impose any further cap on the number of PBV units assisted per project, but will evaluate the amount of units to award to any project on a case-by-case basis.

Chapter 17 Section 17-III.D. INSPECTING UNITS Pre-HAP Contract Inspections [24 CFR 983.103(b), FR Notice 1/18/17, and Notice PIH 2017-20]: The following policy was added to this section.

New Language: The AHA will not provide assistance on behalf of the family until the unit fully complies with HQS.

Chapter 17 Section 17-III.D. INSPECTING UNITS Turnover Inspections [24 CFR 983.103(c)]: The following policy was deleted from this section: “The AHA will not provide assistance in turnover units until the unit fully complies with HQS.”

New Language: NA

Chapter 17 Section 17-V.C. AMENDMENTS TO THE HAP CONTRACT Addition of Contract Units [FR Notice 1/18/17 and Notice PIH 2017-21]: The following policy was added to this section.

New Language: The AHA will consider adding contract units to the HAP contract when the AHA determines that additional housing is needed to serve eligible low-income families. Circumstances may include, but are not limited to: The local housing inventory is reduced due to a disaster (either due to loss of housing units, or an influx of displaced families); and Voucher holders are having difficulty finding units that meet program requirements.

Chapter 17 Section 17-VI.C. ORGANIZATION OF THE WAITING LIST [24 CFR 983.251(c)]: AHA added two affordable housing developments to its current PBV waiting list and four developments to its list of anticipated wait lists.

New Language: The AHA currently has waiting lists for the following PBV projects: Kentucky Manor, 437 Kentucky St SE, Luna Lodge, 9119 Central Av NE, NLH4, 6600 Delia Rd SW, Sundowner, 6101 Central Av NE, Generations at West Mesa, 5710 Avalon Rd NW, Nuevo Atrisco, 8081 Central Ave NW, The Commons at Martineztown, 415 Fruit Ave NE, 615 Arno NE, 320 Roma NE and anticipates adding waiting lists for the following PBV projects: 8081 Central Av NW, Luminaria Senior Community, 10600 Central Ave SE, Hiland Plaza, 5000 Central Ave SE, 1840-1880 Broadway Place NE and 6100 Harper NE.

Chapter 17 Section 17-VII.C. MOVES Emergency Transfers under VAWA [Notice PIH 2017-08]: Language was added to further address how AHA will provide additional options for continued assistance when the victim of domestic violence, dating violence, sexual assault, or stalking has lived in the unit for less than one year.

New Language: The AHA will first try to transfer the participant to another PBV unit in the same development or transfer to a different development where the AHA has PBV units. The AHA will expedite the administrative processes in this case in an effort to conduct the transfer as quickly as possible. If assistance is transferred to another development, AHA will give priority to the participant on the other development's waiting list.

18-II.E. PBV PERCENTAGE LIMITATION AND UNIT CAP Unit Cap Limitation: The following policy was added to this section:

New Language: For projects governed by Notice PIH 2012-32, REV-2, AHA will not provide RAD PBV assistance for any excepted units.

Chapter 18 Section 18-III.D. INSPECTING UNITS Turnover Inspections [24 CFR 983.103(c), FR Notice 1/18/17, and Notice PIH 2017-20]: The following policy was removed from this section: *AHA will provide assistance in turnover units and approve occupancy and the execution of a lease when a unit or units fail HQS as long as the conditions do not meet the definition of life-threatening found in Notice PIH 2017-20. The AHA will use the same definition of life-threatening identified in Section 8-I.C., Life Threatening Conditions. The AHA must withhold any HAP if the non-life-threatening conditions are not remedied within 30 days of AHA's written notice to the owner. The same process will be used for the project-based and tenant-based programs which is identified in Section 8-II.B., Initial HQS Inspection.*

New Language: NA

18-III.D. INSPECTING UNITS Alternative Inspections [24 CFR 983.103(g); Notice PIH 2016-05]: In the case of mixed-finance properties that are subject to alternative

inspections, AHA may rely upon an alternative inspection conducted at least triennially to demonstrate compliance with inspection requirements. AHA added a policy to this new section.

New Language: The AHA will not rely on alternative inspection standards.

Chapter 18 Section 18-IV.C. AMENDMENTS TO THE HAP CONTRACT Floating Units [Notice PIH 2012-32, REV-32019-23]: A new policy was added to this section.

New Language: The AHA will float assistance among unoccupied units within the project. Tracking of the number and type of units at the property, as well as identification of comparable units when assistance is floated, will be maintained by each property.

Chapter 18 Section 18-V.E SELECTION FROM THE WAITING LIST: Preferences [24 CFR 983.251(d); FR Notice 11/24/08; Notice PIH 2019-23]: AHA may establish selection criteria or preferences for occupancy of particular PBV units.

New Language: Any preferences for particular RAD PBV projects or units may be determined by project owner, regulatory or funding agencies and will be described in the online application. AHA will give priority to participants moving under a VAWA emergency transfer from one PBV development to another in accordance with Section 18-VI.E.

Chapter 18 Section 18-VI.B. LEASE: Continuation of Housing Assistance Payments [24 CFR 983.258; Notice PIH 2019-23]: Addresses whether or not AHA will request a waiver from HUD in order to admit otherwise eligible families whose TTP exceeds gross rent and to allow the units those families occupy to remain under the HAP contract even if the AHA has not paid HAP for the family in 180 days.

New Language: AHA will not request a waiver from HUD to allow families whose TTP initially exceeds gross rent to occupy units

Chapter 18 Section 18-VIII.D. PHASE-IN OF TENANT RENT INCREASES: Added language to AHA policy to communicate that HUD is waiving section 3(a)(1) of the 1937 Act, as well as 24 CFR 983.3 (definition of total tenant payment (TTP)) only to the extent necessary to allow for the phase-in of tenant rent increases. For families who were on EID at the time of conversion to RAD PBV, upon the expiration of the EID, the rent adjustment is not subject to rent phase-in.

New Language: The AHA will use the family's public housing tenant rent (reflected on line 10f of the family's most recent 50058) at the date of conversion to calculate the family's tenant rent in PBV. AHA will implement a three-year phase-in for in-place families whose TTP rent increases by more than the greater of 10 percent or \$25 purely as a result of the conversion as follows:

Year 1: Any recertification (interim or annual) performed prior to the second annual recertification after conversion: 33 percent of the difference between the most recently paid TTP and the calculated PBV TTP. (If the family was paying flat rent immediately prior to conversion, the AHA will use the flat rent amount to calculate the phase-in for Year 1.)

The AHA will communicate the AHA's phase-in policy in writing to the family at the time the AHA first determines that the family qualifies for a rent phase-in. Any non-RAD PBV units located in the same project are also subject to rent phase-in requirements.

DRAFT

Grievance Procedures ACOP

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 (including email), 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 send 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 officer 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.

VII. Procedures governing the hearing [24 CFR 966.56]

The hearing will be held before a hearing officer as described above in Section V. The complainant will be afforded a fair hearing, which will include:

- A. The opportunity to examine before the hearing any PHA documents, including records and regulations, that are directly relevant to the hearing.
The tenant is allowed to copy any such document at the tenant's expense. If the PHA does not make the document available for examination upon request by the complainant, the PHA may not rely on such document at the grievance hearing.
- B. The right to be represented by counsel or other person chosen as the tenant's representative and to have such person make statements on the tenant's behalf.
- C. The right to a private hearing unless the complainant requests a public hearing.
- D. The right to present evidence and arguments in support of the tenant's complaint, to refute evidence relied on by the PHA or project management, and to confront and cross-examine all witnesses upon whose testimony or information the PHA or project management relies.
- E. A decision based solely and exclusively upon the fact presented at the hearing [24 CFR 966.56(b)].

The hearing is conducted informally by the hearing officer. The PHA and the tenant must be given the opportunity to present oral or documentary evidence pertinent to the facts and issues raised by the complaint, and to question any witnesses.

The complainant or the PHA may arrange in advance for a transcript of the hearing at the expense of the party making the arrangement. Any interested party may purchase a copy of the transcript [24 CFR 966.56(e)].

The PHA must provide reasonable accommodation for persons with disabilities to participate in the hearing. Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations, or attendants. If the tenant is visually impaired, any notice to the tenant that is required under this procedure must be in an accessible format [24 CFR 966.56(f)].

The PHA must comply with HUD's requirements regarding limited English proficiency as specified in "Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons," issued January 22, 2007, and available at:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opportunity/promotingfh/lep-faq.

VIII. Remote Hearings

The PHA has the authority to require that hearings be conducted remotely in certain situations.

If the PHA will require the hearing to be conducted remotely, the PHA will send a separate document describing the process and procedures.

IX. Failure to appear at the hearing

If the complainant or PHA fails to appear at the hearing, the hearing officer may make a determination to postpone the hearing or make a determination that the complainant has waived his or her right to a hearing.

Both the complainant and the PHA must be notified of the determination by the hearing officer. A determination that the complainant has waived his or her right to a hearing will not constitute a waiver of any right the complainant may have to contest the PHA's disposition of the grievance in an appropriate judicial setting [24 CFR 966.56(c)].

X. Decision of the hearing officer [24 CFR 966.57]

The hearing officer will prepare a written decision together with the reasons for the decision **within 10 business days** after the hearing. A copy of the decision will be sent to the complainant and the PHA.

The PHA will retain a copy of the decision in the tenant's file.

The hearing officer may ask the family for additional information and/or might adjourn the hearing in order to reconvene at a later date before reaching a decision. If the family misses a deadline ordered by the hearing officer, the hearing officer will make a decision based on the evidence presented.

The decision of the hearing officer will be binding on the PHA unless the PHA's Board of Commissioners determines within a reasonable time and notifies the complainant of its determination that:

- A. The grievance does not concern PHA action or failure to act in accordance with or involving the complainant's lease or PHA regulations, which adversely affect the complainant's rights, duties, welfare, or status; or
- B. The decision of the hearing officer is contrary to applicable federal, state, or local law, HUD regulations, or requirements of the annual contributions contract (ACC) between HUD and the PHA.

When the PHA considers the decision of the hearing officer to be invalid due to either of the reasons stated above, it will present the matter to the PHA Board of Commissioners within 10 business days of the date of the hearing officer's decision. The Board has 30 calendar days to consider the decision. If the Board decides to reverse the hearing officer's decision, it must notify the complainant within 10 business days of this decision.

A decision by the hearing officer or Board of Commissioners in favor of the PHA or which denies the relief requested by the complainant in whole or in part will not constitute a waiver of nor affect in any way the rights of the complainant to a trial or judicial review in any court proceedings, which may be brought in the matter later [24 CFR 966.57].

Grievance procedures Section 8 Administrative Plan

Chapter 16 Section 16-III.B. INFORMAL REVIEWS [24 CFR 982.554] Added a section on conducting remote informal reviews for applicants to ensure that informal reviews meet the requirements of due process and comply with HUD regulations. Policies added address the following: under what conditions AHA will require and/or grant a request for a remote informal hearing.

New Language: The AHA has the sole discretion to require that informal reviews be conducted remotely in case of local, state, or national physical distancing orders, and in cases of inclement weather or natural disaster. In addition, the AHA will conduct an informal review remotely upon request of the applicant as a reasonable accommodation for a person with a disability, if an applicant does not have child care or transportation that would enable them to attend the informal review, or if the applicant believes an in-person informal review would create an undue health risk. The PHA will consider other reasonable requests for a remote informal review on a case-by-case basis.

New Language: The AHA will conduct remote informal reviews via telephone conferencing call-in or via videoconferencing. If the informal review will be conducted via videoconferencing, the AHA will ensure that all applicants, applicant representatives, AHA representatives and the person conducting the informal review can adequately access the platform (i.e., hear, be heard, see, and be seen). If any applicant, applicant representative, AHA representative, or person conducting the informal review is unable to effectively utilize the videoconferencing platform, the informal review will be conducted by telephone conferencing call-in. Whether the informal review is to be conducted via videoconferencing or telephone call-in, the AHA will provide all parties login information and/or conferencing call-in information before the review.

16-III.C. INFORMAL HEARINGS FOR PARTICIPANTS Remote Informal

Hearings: Five (5) policies were added under this section to ensure that AHA policies and processes for remote informal hearings will be conducted in accordance with due process requirements and will be in compliance with HUD regulations; that AHA shall ensure due process and that all parties are able to have full access to the hearing; describe how AHA will notify families of the hearings; describe procedures for compiling and sending the hearing packet; and how pre-hearing discovery will be addressed.

New Language: The AHA has the sole discretion to require that informal hearings be conducted remotely in case of local, state, or national physical distancing orders, and in cases of inclement weather or natural disaster. In addition, the AHA will conduct an informal hearing remotely upon request as a reasonable accommodation for a person with a disability, if a participant does not have child care or transportation that would enable them to attend the informal hearing, or if the participant believes an in-person hearing would create an undue health risk. The AHA will consider other reasonable requests for a remote informal hearing on a case-by-case basis.

New Language: AHA will conduct remote informal hearings via telephone conferencing call-in or via videoconferencing. If the informal hearing will be conducted via videoconferencing, AHA will ensure that all participants, participant representatives, advocates, witnesses, AHA representatives, and the hearing officer can adequately access the platform (i.e., hear, be heard, see, and be seen). If any participant, representative, advocate, witness, AHA representative, or hearing officer is unable to effectively utilize the videoconferencing platform, the informal hearing will be conducted by telephone conferencing call-in. Whether the informal hearing is to be conducted via videoconferencing or telephone call-in, the PAHA will provide all parties login information and/or telephone call-in information before the hearing.

New Language: If the AHA will require that the hearing be conducted remotely, at the time the notice is sent to the family informing them of the right to request an informal hearing, the family will be notified that the informal hearing will be conducted remotely. The family will be informed of the processes involved in a remote informal hearing and that AHA will provide technical assistance, if needed, before the informal hearing.

New Language: If the hearing will be conducted remotely, the AHA will compile a hearing packet, consisting of all documents the AHA intends to produce at the informal hearing. The AHA will send mail copies of the hearing packet to the family, the family's representatives, if any, and the hearing officer at least three days before the scheduled remote informal hearing. The original hearing packet will be in the possession of the AHA representative and retained by AHA. Documents will be shared electronically whenever possible.

New Language: For in-person hearings, the AHA will not require pre-hearing discovery by the AHA of family documents directly relevant to the hearing. If the informal hearing is to be conducted remotely, the AHA will require the family to provide any documents directly relevant to the informal hearing at least 24 hours before the scheduled hearing. The

AHA will scan and email copies of these documents to the hearing officer and the AHA representative the same day. Documents will be shared electronically whenever possible.

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.

Pet Policy ACOP

Chapter 10 Section 10-I.B. APPROVAL OF ASSISTANCE ANIMALS [Notice FHEO 2020-01]: Criteria for an animal to be considered as a support animal and excluded from the pet policy was expanded to include that there must be a disability-related need for the animal

New Language: For an animal to be excluded from the pet policy and be considered a service animal, it must be a trained dog, and there must be a person with disabilities in the household who requires the dog's services. For an animal to be excluded from the pet policy and be considered a support animal, there must be a person with disabilities in the household, there must be a disability-related need for the animal, and the family must request and AHA approve a reasonable accommodation in accordance with the criteria outlined in Notice FHEO 2020-01 and the policies contained in Chapter 2.