

## ***City of Mesa Housing Authority Administrative Plan 2021 Proposed Modifications – Effective July 1, 2021***

The following are policy and/or regulation modifications (in red) to the City of Mesa Housing Authority (MHA) administrative plan. *Updates have been made to new PIH Notices, webpage links to documents and grammar to the Administrative Plan without changes to any policies or regulations. The modifications to the MHA administrative plan are clarification and updates in the following chapters:*

### **HUD required additions to PHA Administrative Plan**

#### **Chapter 3 ELIGIBILITY 3-III.A. Overview**

A family that does not meet the eligibility criteria discussed in Parts I and II, must be denied assistance. In this section we will discuss other situations and circumstances in which denial of assistance is mandatory for the PHA, and those in which denial of assistance is optional for the PHA.

While the regulations state that the PHA must prohibit admission for certain types of criminal activity and give the PHA the option to deny for other types of previous criminal history, more recent HUD rules and OGC guidance must also be taken into consideration when determining whether a particular individual's criminal history merits denial of admission.

When considering any denial of admission, PHAs may not use arrest records as the basis for the denial. Further, HUD does not require the adoption of "One Strike" policies and reminds PHAs of their obligation to safeguard the due process rights of applicants and tenants [Notice PIH 2015-19].

HUD's Office of General Counsel issued a memo on April 4, 2016, regarding the application of Fair Housing Act standards to the use of criminal records. This memo states that a PHA violates the Fair Housing Act when their policy or practice has an unjustified discriminatory effect, even when the PHA had no intention to discriminate. Where a policy or practice that restricts admission based on criminal history has a disparate impact on a particular race, national origin, or other protected class, that policy or practice is in violation of the Fair Housing Act if it is not necessary to serve a substantial, legitimate, nondiscriminatory interest of the PHA, or if that interest could be served by another practice that has a less discriminatory effect [OGC Memo 4/4/16].

PHAs who impose blanket prohibitions on any person with any conviction record, no matter when the conviction occurred, what the underlying conduct entailed, or what the convicted person has done since then will be unable to show that such policy or practice is necessary to achieve a substantial,



legitimate, nondiscriminatory interest. Even a PHA with a more tailored policy or practice that excludes individuals with only certain types of convictions must still prove that its policy is necessary. To do this, the PHA must show that its policy accurately distinguishes between criminal conduct that indicates a demonstrable risk to resident safety and property and criminal conduct that does not.

## Chapter 3 ELIGIBILITY

### 3-III.C. Other Permitted Reasons for Denial of Assistance

HUD permits, but does not require, the PHA to deny assistance if the PHA determines that any household member is currently engaged in, or has engaged in during a reasonable time before the family would receive assistance, certain types of criminal activity.

#### City of Mesa Housing Authority Policy

If any household member is currently engaged in or has engaged in any of the following criminal activities, **within the past three years**, the family will be denied assistance.

**(This was changed from five years to three years throughout the Administrative Plan.)**

## Chapter 4 WAITING LIST

### 4-II.F. Updating the Waiting List

The decision to withdraw an applicant family that includes a person with disabilities from the waiting list is subject to reasonable accommodation. If the applicant did not respond to a PHA request for information or updates, and the PHA determines that the family did not respond because of the family member's disability, the PHA must reinstate the applicant family to their former position on the waiting list [24 CFR 982.204(c)(2)].

#### City of Mesa Housing Authority Policy

The waiting list will be **updated as needed to ensure** that all applicants and applicant information are current and timely.

**(This was changed from annually to as needed.)**



## Chapter 4 WAITING LIST

### 4-III.E. The Application Interview (Process)

HUD recommends that the PHA obtain the information and documentation needed to make an eligibility determination through a face-to-face interview with a PHA representative. [HCV GB, pg. 4-16]. Being invited to submit a full application does not constitute admission to the program.

Assistance cannot be provided to the family until all SSN documentation requirements are met. However, if the PHA determines that an applicant family is otherwise eligible to participate in the program, the family may retain its place on the waiting list for a period of time determined by the PHA [Notice PIH 2018-24].

Reasonable accommodation must be made for persons with disabilities who are unable complete the application process due to their disability.

#### City of Mesa Housing Authority Policy

Applicant families must submit a completed application packet that contains all of the required documents, forms, authorizations, proof of income, asset income, and allowable expenses. If the family's packet is not complete, the PHA will provide the applicant with a list of needed documents which must be returned by the original specified date.

Based upon the information provided by the family, the PHA will make a determination if the family qualifies for the program.

Pending disclosure and documentation of social security numbers, the PHA will allow the family to retain its place on the waiting list for 90 days. If not all household members have disclosed their SSNs at the next time the PHA is issuing vouchers, the PHA will issue a voucher to the next eligible applicant family on the waiting list. An advocate, interpreter, or other assistant may assist the family with the application process.

The family must provide the information necessary to establish the family's eligibility and determine the appropriate level of assistance, and must complete required forms, provide required signatures, and submit required documentation. If any materials are missing, the PHA will provide the family with a written list of items that must be submitted.

Any required documents or information that the family is unable to provide at the interview must be provided within 10 business days of the interview (Chapter 7 provides details about longer submission deadlines for particular items, including documentation of eligible noncitizen status). If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. If the required documents and



information are not provided within the required time frame (plus any extensions), the family will be sent a notice of denial (See Chapter 3).

An advocate, interpreter, or other assistant may assist the family with the application and the interview process.

Interviews will be conducted in English. For limited English proficient (LEP) applicants, the PHA will provide translation services in accordance with the PHA's LEP plan.

If the family is unable to attend a scheduled interview, the family should contact the PHA in advance of the interview to schedule a new appointment. In all circumstances, if a family does not attend a scheduled interview, the PHA will send another notification letter with a new interview appointment time. Applicants who fail to attend two scheduled interviews without PHA approval will be denied assistance based on the family's failure to supply information needed to determine eligibility. A notice of denial will be issued in accordance with policies contained in Chapter 3.

## **Chapter 6 INCOME and SUBSIDY DETERMINATIONS**

### **6-I.G. Assets**

#### ***Equity in Real Property or Other Capital Investments***

Equity (cash value) in a property or other capital asset is the estimated current market value of the asset less the unpaid balance on all loans secured by the asset and reasonable costs (such as broker fees) that would be incurred in selling the asset [HCV GB, p. 5-25].

The PHA must also deduct from the equity the reasonable costs for converting the asset to cash. Using the formula for calculating equity specified above, the net cash value of real property is the market value minus the balance of the loan (mortgage) minus the expenses to convert to cash [Notice PIH 2012-3].

#### **PHA Policy**

For the purposes of calculating expenses to convert to cash for real property, the PHA will use ten percent of the market value of the home.



## Chapter 10 MOVING WITH CONTINUED ASSISTANCE AND PORTABILITY

### 10-I.C. MOVING PROCESS

#### ***Housing Assistance Payments [24 CFR 982.311(d)]***

When a family moves out of an assisted unit, the PHA may not make any housing assistance payment to the owner for any month **after** the month the family moves out. The owner may keep the housing assistance payment for the month when the family moves out of the unit.

If a participant family moves from an assisted unit with continued tenant-based assistance, the term of the assisted lease for the new assisted unit may begin during the month the family moves out of the first assisted unit. Overlap of the last housing assistance payment (for the month when the family moves out of the old unit) and the first assistance payment for the new unit, is not considered to constitute a duplicative housing subsidy.

#### City of Mesa Housing Authority Policy

The PHA generally does not make pro-rated housing payments for mid-month lease-ups. Leases and HAP contracts are effective on the first of the following month after unit and tenancy approval. Exceptions to this policy may be made in certain circumstances; (VAWA, PHA caused delay in processing or reasonable accommodations for a person with a disability).

#### **Zero HAP Families Who Wish to Move [24 CFR 982.455]**

A participant who is not receiving any subsidy, but whose HAP contract is still in force, may request a voucher to move to a different unit. The PHA must issue a voucher to move unless it has grounds to deny assistance under the program regulations. However, if the PHA determines no subsidy would be paid at the new unit, the PHA may refuse to enter into a HAP contract on behalf of the family.

#### City of Mesa Housing Authority Policy

If a zero HAP family requests to move to a new unit, the family may request a voucher to move. However, if no subsidy will be paid at the unit to which the family requests to move, the PHA will not enter into a HAP contract on behalf of the family for the new unit.

