

**RESOLUTION NO. \_\_\_\_\_**

**APPROVAL OF REVISIONS TO THE PUBLIC HOUSING ADMISSIONS AND  
CONTINUED OCCUPANCY POLICY**

**Item No. 5d**

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) requires that Public Housing providers adopt an Admissions and Continued Occupancy Policy (ACOP) to set local policies for the administration of the program in accordance with HUD requirements and local priorities; and

WHEREAS, the ACOP and any revisions to said document must be formally adopted by the Louisville Metro Housing Authority (LMHA) Board of Commissioners; and

WHEREAS, LMHA finds it necessary to revise the existing ACOP to administer the program in a more effective and efficient manner and to remain in compliance with HUD rules and regulations; and

WHEREAS, LMHA is proposing revisions to the following sections of the ACOP: “Fair Housing” (Chapter 1); “Utility Allowance” (Chapter 13.6); “Glossary”; and

WHEREAS, the full text of the proposed revisions is given as an attachment to this resolution; and

WHEREAS, these proposed revisions were made available for public comment from March 11, 2021 through April 10, 2021 and a public hearing was held on March 24, 2021; and

NOW, THEREFORE, BE IT RESOLVED BY THE LOUISVILLE METRO HOUSING AUTHORITY BOARD OF COMMISSIONERS that the Public Housing Program Admissions and Continued Occupancy Policy for LMHA owned properties revisions are adopted.

## RESOLUTION BACKGROUND STATEMENT

### APPROVAL OF REVISIONS TO THE PUBLIC HOUSING ADMISSIONS AND CONTINUED OCCUPANCY POLICY

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#### I. STATEMENT OF FACTS:

LMHA reviews its Public Housing Admissions and Continued Occupancy Policy (ACOP) to ensure that the admissions and occupancy policies described therein are compliant with the latest rules and regulations issued by HUD and that the Public Housing Program is operated in a manner that is effective, efficient, and beneficial to residents. To that end, LMHA is now proposing the following changes to its ACOP:

- “Fair Housing” (Chapter 1) and “Glossary”: In December 2020, Louisville Metro Government passed a resolution incorporating additional protected classes into the Fair Housing Ordinance (Louisville Metro Ordinance §92.02). To keep in line with local laws, LMHA proposes to add the following classes to its fair housing policies:
  - lawful source of income,
  - conviction history or arrest history,
  - prior military service, and
  - homeless status.

Chapter 1 adds the new classes to the fair housing clause. The Glossary adds the definitions of the new classes as per Louisville Metro Ordinance.

- “Utility Allowance” (Chapter 13.6): LMHA proposes to eliminate excess utility charges as an activity in the Moving to Work FY2022 Plan. The procedure has been not only financially burdensome for public housing residents but also administratively burdensome for LMHA staff.

#### II. ALTERNATIVES:

- A. Approve the revisions to the ACOP in full
- B. Approve the revisions to the ACOP in part
- C. Do not approve the revisions to the ACOP

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**III. RECOMMENDATION:**

Staff recommends Alternative "A".

**IV. JUSTIFICATION:**

HUD requires that Public Housing providers adopt a written Admissions and Continued Occupancy Policy that establishes local policies for the administration of the public housing program. This document guides staff in administering the Public Housing Program and informs residents and the general public of the Housing Authority's admissions and occupancy policies.

Submitted by: Heath Rico-Storey  
Compliance Manager  
April 20, 2021

# CHANGES TO THE ACOP FOR APRIL

*This revises language in line with recent additions to Metro Council's revisions.*

## **p. 12; Chapter 1 Fair Housing**

No person shall, on the grounds of race, color, sex, perceived or actual sexual orientation, gender identity, marital status, national or ethnic origin, familial status, disability, **lawful source of income, conviction history or arrest history, prior military service, or homeless status** be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the LMHA's programs.

*This revision repeals Excess Utility charges pending HUD approval of MTW activity*

## **p. 67, Chapter 13.6 Utility Allowance**

Families (regardless of whether they pay an income-based or flat rent) will not be charged for any excess utility charges above the utility allowance<sup>1</sup>. ~~Families (regardless of whether they pay an income-based or flat rent) will be charged for any excess utility charges above the utility allowance. Such charges are billed to residents quarterly, and any excess utility charge of more than \$10 is automatically split into three equal monthly payments.~~

Utility allowance revisions based on rate changes shall be effective retroactively to the first day of the month following the month in which the last rate change took place. Revisions based on changes in consumption or other reasons shall become effective at each family's next annual reexamination.

Families with high utility costs are encouraged to contact the LMHA for an energy analysis. The analysis may identify problems with the dwelling unit that once corrected will reduce energy costs. The analysis can also assist the family in identifying ways they can reduce their costs.

~~Requests for relief from surcharges for excess consumption of LMHA purchased utilities or from payment of utility supplier billings in excess of the utility allowance for tenant-paid utility costs may be granted by the Housing Authority on reasonable grounds. Requests shall be granted to families that include an elderly member or a member with disabilities. Requests by the family shall be submitted under the Reasonable Accommodation Policy. Families shall be advised of their right to individual relief at admission to public housing and at time of utility allowance changes.~~

*The following are additions to the Glossary as a result of Metro Council Ordinance revisions*

**Lawful source of income:** Income to include, but not be limited to, child support, alimony, foster care subsidies, income derived from social security, grants, pension, or any form of federal, state, or local public assistance or housing assistance including, but not limited to, section 8 vouchers, or any other form of housing assistance payment or credit whether or not such income or credit is paid or attributed directly to a landlord, and any other forms of lawful income. (Louisville Metro Council Ordinance §92.02)

**Conviction history:** Information regarding one or more convictions or unresolved arrests, transmitted orally or in writing or by any other means, and obtained from any source, including but not limited to the individual to whom the information pertains or a background check report, or a record from any jurisdiction that includes information indicating that person has been convicted of a felony or misdemeanor, provided that the conviction is one for which the person has been placed on probation, fined, imprisoned, and/or paroled. (Louisville Metro Council Ordinance §92.02)

**Arrest history:** A record from any jurisdiction that does not result in a conviction and includes information indicating that a person has been questioned, apprehended, taken into custody or detained, or held for investigation by a law enforcement, police, or prosecutorial agency or charged with, indicted, or tried and acquitted for a felony, misdemeanor, or other criminal offense. (Louisville Metro Council Ordinance §92.02)

**Prior military service:** The performance of military duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, and full-time National Guard duty. (Louisville Metro Council Ordinance §92.02)

**Homeless status:** An individual whose life position is without a regular, fixed, permanent place of nighttime residence. Also see **Homeless**. (Louisville Metro Council Ordinance §92.02)