

RESOLUTION NO. _____

**APPROVAL OF REVISIONS TO THE HOUSING CHOICE VOUCHER PROGRAM
ADMINISTRATIVE PLAN**

Item No. 5e

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) requires that Housing Choice Voucher (HCV) providers adopt an Administrative Plan to set local policies for the administration of the program in accordance with HUD requirements and local priorities; and

WHEREAS, the HCV Program Administrative Plan 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 HCV Program Administrative Plan to administer 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 HCV Program Administrative Plan: “Providing Equal Access” (Section 2A); “Leasing a Unit: Eligible/Ineligible Housing Types” (Section 6E); “Leasing a Unit: Tenant Screening by Owner” (Section 6H); “Glossary”; “Special Referral Programs” (Appendix 9); 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.

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NOW, THEREFORE, BE IT RESOLVED BY THE LOUISVILLE METRO HOUSING AUTHORITY BOARD OF COMMISSIONERS that the Housing Choice Voucher Program Administrative Plan revisions are adopted.

RESOLUTION BACKGROUND STATEMENT
APPROVAL OF REVISIONS TO THE HOUSING CHOICE VOUCHER PROGRAM
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I. STATEMENT OF FACTS:

LMHA reviews its HCV Program Administrative Plan to ensure that the admissions and occupancy policies described therein are compliant with the latest rules and regulations issued by HUD and that the HCV 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 Administrative Plan:

- “Providing Equal Access” (Section 2A), “Leasing a Unit: Tenant Screening by Owner” (Section 6H), 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.

Section 2A adds the new classes to the fair housing clause. Section 6H includes the new classes into criteria that are prohibited in screening. The Glossary adds the definitions of the new classes as per Louisville Metro Ordinance.

- “Leasing a Unit: Eligible/Ineligible Housing Types” (Section 6E): This revision adds units to be rented or purchased through a lease purchase agreement as eligible for assistance through the HCV program.
- “Special Referral Programs” (Appendix 9): LMHA proposes to add new partnership service agencies to its Special Referral program. There are 7 new partnerships each with 10 allotted vouchers.

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II. ALTERNATIVES:

- A. Approve all the revisions to the HCV Program Administrative Plan.
- B. Approve a portion of the revisions to the HCV Program Administrative Plan.
- C. Do not approve the revisions to the HCV Program Administrative Plan.

III. RECOMMENDATION:

Staff recommends Alternative "A".

IV. JUSTIFICATION:

HUD requires that Housing Choice Voucher (HCV) providers adopt a written Administrative Plan that establishes local policies for the administration of the HCV program. This document guides staff in administering the HCV 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 ADMINISTRATIVE PLAN FOR APRIL

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

p. 20; Chapter 2

No person shall, on the grounds of race, color, sex, religion, national or ethnic origin, familial status, disability, marital status, sexual orientation, gender identity, **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 Housing Authority's housing programs.

p. 73; Chapter 6, Section H.

c. Prohibited Screening Criteria

The Owner is prohibited from screening Applicants against any criteria proscribed by federal, state, or local law. These include the race, color, religion, sex, sexual orientation, gender identity, national origin, age, familial status, ~~or~~ disability, **lawful source of income, conviction history or arrest history, prior military service, or homeless status** of any Household Member.

Any Family that believes an Owner has illegally refused to lease them a unit on the sole basis of their race, color, religion, sex, national origin, age, familial status, ~~or~~ disability, **lawful source of income, conviction history or arrest history, prior military service, or homeless status** may file a complaint with the HUD Office of Fair Housing and Equal Opportunity. See Section 2.A of this Plan for additional information.

Any Family that believes an Owner has illegally refused to lease them a unit on the sole basis of their race, color, religion, sex, national origin, age, familial status, disability, sexual orientation, or gender identity, **lawful source of income, conviction history or arrest history, prior military service, or homeless status** may file a complaint with the Louisville Metro Human Relations Commission. See Section 2.A of this Plan for additional information.

p.68; Chapter 6, Section E.

2. Ineligible Housing Types¹

The following types of housing are not eligible for assistance through the Housing Authority's HCV Program:

[...]

~~h. Units to be rented or purchased through a lease-purchase agreement;² and~~

¹ 24 CFR 982.352(a), "Ineligible Housing"

² PIH 97-13, *Lease-Purchase Agreements in the Tenant-Based Section 8 Rental Voucher and Certificate Programs*; 65 FR 55137, *Section 8 Homeownership Program*, 12 September 2000.

[...]

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)

The following are additions to the Special Referral agencies pending HUD approval of FY2022 Plan.

Social Service Partner	Population Served	Contact Information			Vouchers Available
		Address	Phone ³	Web	
Louisville Metro Police Department	Victims or witnesses of criminal activities in need of relocation	633 W Jefferson St; Louisville, KY 40202	574-LMPD	https://louisville-police.org/	10
Boys' and Girl's Haven	Foster youth transitioning out of residential programming, transitional living, or therapeutic foster care.	2301 Goldsmith Lane; Louisville, KY 40218	458-1171 x149	boysandgirlshaven.org	10
Kentuckiana Builds/Kentuckiana Works	Adults over the age of 24 at risk of homelessness participating in employment readiness and wraparound services	410W Chestnut St, Ste. 200; Louisville, KY 40202	574-3154	kentuckianaworks.org	10
Kentucky Youth Career Center/Kentuckiana Works/	Youth ages 18- 24 (under 18 if emancipated) at risk of homelessness	612 S 4 th , 4 th Floor; Louisville, KY 40202	574-4115	wearekycc.org	10
St. John Center	Individuals aged 24-55 experiencing homelessness	700 E Muhammad Ali Blvd; Louisville, KY 40202	568-6758	stjohncenter.org	10
Zora's Cradle	Pregnant or post-partum women currently experiencing or at risk of homelessness	6844 Bardstown Rd #838; Louisville, KY 40291	373-2555	zorascradle.org	10
Goodwill Industries of Kentucky	Youth ages 18-24 at risk of homelessness	909 E Broadway; Louisville, KY 40204	585-5221 x2057	goodwillky.org	10
Office of Safe and Healthy Neighborhoods	Participants who are in unstable and/or unsafe housing conditions due to being victims of gun violence	517 Court Place; Louisville, KY 40202	574-1903	louisvilleky.gov/government/safe-neighborhoods	10

³ Area code is 502 unless otherwise noted.