

2023 Public Housing ACOP Changes – Master Document

| Chapter, Page, Section | Current ACOP Language | Proposed Language |
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| Chapter 8, page 17, Section 8.3.4 | <p>B. Citizenship/Eligibility Status To be eligible for assistance, at least one family member must be a U.S. citizen, a naturalized citizen, or non-citizen who has eligible immigration status under one of the categories set forth in Section 214 of the Housing and Community Development Act of 1980.</p> <p>If at least one, but not all, members in the household meet the stated criterion, the family qualifies as a mixed family. A family who qualifies as a mixed family does not receive the full assistance benefit. The assistance for such families is prorated.</p> | <p>B. Citizenship/Eligibility Status To be eligible for assistance, at least one family member must be a U.S. citizen, a naturalized citizen, or non-citizen who has eligible immigration status under one of the categories set forth in Section 214 of the Housing and Community Development Act of 1980.</p> <p>If at least one, but not all, members in the household meet the stated criterion, the family qualifies as a mixed family. A family who qualifies as a mixed family does not receive the full assistance benefit. The assistance for such families is prorated.</p> <p>Once a mixed family has exceeded the over-income limit for 24 consecutive months, the family will become a Non-public housing over-income family (NPHOI) and must pay the alternative rent. These families are no longer public housing program participants and are unassisted tenants. Pursuant to 24 CFR 5.520(d)(1), mixed families who pay the alternative rent must not receive prorated assistance.</p> |
| Chapter 8, page 18, Section 8.4 | <p>8.4 Eligibility Standards for Occupancy The Housing Authority of the City of Pittsburgh has established occupancy policies within HUD guidelines, which provide for:</p> <ul style="list-style-type: none"> ▪ Housing low-income families; ▪ Housing families in dwellings properly sized for their family composition; and ▪ Charging proper rent according to the Total Tenant Payment (TTP) not to exceed 30% of family income or a flat rent based on bedroom size. | <p>8.4 Eligibility Standards for Occupancy The Housing Authority of the City of Pittsburgh has established occupancy policies within HUD guidelines, which provide for:</p> <ul style="list-style-type: none"> ▪ Housing low-income families; ▪ Housing families in dwellings properly sized for their family composition; and ▪ Charging proper rent according to the Total Tenant Payment (TTP) not to exceed 30% of family income, or a flat rent based on bedroom size, or the alternative non-public housing rent, as determined in accordance with 24 CFR 960.102. |
| Chapter 10, pages 35-36, Section 10.3 | <p>5. PREFERENCE 5: Non-Preference Applicants who do not qualify for categories #1 or #2 will not have a local preference, and will be placed on Waiting List/s according to the date and time of application</p> | <p>5. PREFERENCE 5: Non-Public Housing Over Income Families The Authority shall provide a preference for Non-public housing over income (NPHOI) families who become a low-income family as defined in 24 CFR 5.603(b) and who are eligible for re-admission to the public</p> |

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| | | <p>housing program. The NPHOI family may only receive this preference if they have not vacated the public housing unit at the time of application.</p> <p>65. PREFERENCE 65: Non-Preference Applicants who do not qualify for categories #1 or #2 will not have a local preference and will be placed on Waiting List/s according to the date and time of application. <i>[renumber remaining preferences]</i></p> |
| <p>Chapter 18, page 68, Section 18.1</p> | <p>18.1 Determination of Total Tenant Payment and Tenant Rent At admission and in preparation for their re-certification, each family is given the choice of having their rent determined under the formula method or having their rent set at flat rent. The HACP may use EIV between re-certifications to check changes in family income to determine rent.</p> <p>Families who opt for the flat rent may request to have a re-certification and return to the income-based method for any of the following reasons at any time:</p> <ol style="list-style-type: none"> 1. The family’s income has decreased. 2. The family’s circumstances have changed, increasing their expenses for childcare, medical care, etc. 3. Other circumstances creating a hardship on the family such that the income-based method would be more financially feasible for the family. | <p>18.1 Determination of Total Tenant Payment and Tenant Rent At admission and in preparation for their re-certification, each family is given the choice of having their rent determined under the formula method or having their rent set at flat rent. The HACP may use EIV between re-certifications to check changes in family income to determine rent.</p> <p>Families who opt for the flat rent may request to have a re-certification and return to the income-based method for any of the following reasons at any time:</p> <ol style="list-style-type: none"> 1. The family’s income has decreased. 2. The family’s circumstances have changed, increasing their expenses for childcare, medical care, etc. 3. Other circumstances creating a hardship on the family such that the income-based method would be more financially feasible for the family. <p>Tenant Rent Determination for Over Income & Non-Public Housing Over-Income (NPHOI) Families If a family is determined to be over-income in accordance with 24 CFR 960.507(b) and are within their 24 consecutive month grace period, the family will continue to pay their current rent choice (i.e., the family’s choice of income-based or flat rent, or the prorated rent for mixed families).</p> |

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| | | <p>Once the 24 month consecutive grace period ends and the family becomes a NPHOI in accordance with 24 CFR 960.507, the family must pay the alternative rent, as stated in 24 CFR 960.253(a). NPHOI families must not be given the choice of flat rent, income-based or prorated-rent.</p> |
| <p>Chapter 18, page 70, Section 18.4</p> | <ul style="list-style-type: none"> ▪ Commission of crime with supporting documentation (police report) that may substantiate a financial loss of income. | <ul style="list-style-type: none"> ▪ Commission of crime with supporting documentation (police report) that may substantiate a financial loss of income. <p>18.5 Alternative Rent for NPOI Families</p> <p>After an over-income family has exceeded the 24 consecutive month grace period, the Authority must charge the NPHOI family the alternative rent. As defined in 24 CFR 960.102(b), the alternative non-public housing rent is a monthly rent equal to the greater of –</p> <ol style="list-style-type: none"> 1. The applicable fair market rent, as defined in 24 CFR part 888, subpart A, for the unit; or 2. The amount of monthly subsidy provided for the unit, which will be determined by adding the per unit assistance provided to a public housing property as calculated through the applicable formulas for the Public Housing Capital Fund and Public Housing Operating Fund. <p>18.618.5 Utility Allowance <i>[renumber remaining preferences]</i></p> |
| <p>Chapter 19, page 74, Section 19.4</p> | <p>19.4 Recertification-Over Income Households</p> <p>When HACP becomes aware, either through biennial or interim recertification, that a family exceeds the current year income limits as established by HUD, HACP must document the file. If after one (1) year the family continues to exceed the income limit, the family must be notified. The notification must include the following information:</p> <ol style="list-style-type: none"> 1. Indicate that the family income has exceeded the HUD established income limit for a period of one (1) year. 2. If the income continues to exceed the income limit for the next 12 consecutive months, the family will be subject to a higher rent. The rent will be equal to the higher of; | <p>19.4 Recertification-Over Income Households</p> <p>When HACP becomes aware, either through biennial or interim recertification, that a family exceeds the current year income limits as established by HUD, HACP must document the file and provide written notice to the over-income family no later than 30 days after the HACP’s initial determination. The written notice must include the following information:</p> <ol style="list-style-type: none"> 1. Indicate that the family has exceeded the over-income limit, and 2. Continuing to exceed the over-income limit for a total of 24 consecutive months will result in the HACP following its continued occupancy policy for over-income families in accordance with 24 CFR 960.507(d). <p>If after 12 consecutive months one (1) year the family continues to exceed the over-income limit after the initial over-income determination,</p> |

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| | <p>fair market rent or the amount of subsidy provided for the unit.</p> <p>Once the family has exceeded the income limits for two consecutive years, HACP must charge the higher rent.</p> <p>If HACP determines that a previously over income family no longer exceeds the limit either during a biennial or interim recertification, the family is no longer subject to these provisions and will be entitled to a new two-year grace period before paying a higher rent.</p> | <p>the family must be notified no later than 30 days after the HACP’s income examination that led to the 12-month over-income determination. The notification must include the following information:</p> <ol style="list-style-type: none"> 1. Indicate that the family income has exceeded the HUD established income limit for a period of one (1) year 12 consecutive months, and 2. If the income continues to exceed the income limit for the next 12 consecutive months, the family will be subject to a higher, alternative rent as a non-public housing over-income (NPHOI) family. The rent will be equal to the higher of; fair market rent or the amount of subsidy provided for the unit. <p>Once the family has exceeded the over-income limit for two consecutive years, 24 consecutive months, the HACP must provide written notification pursuant to 24 CFR 960.507(c)(3) no later than 30 days after the HACP’s income examination that led to the 24-month over-income determination. The notice must state that:</p> <ol style="list-style-type: none"> 1. The family has exceeded the over-income limit for 24 consecutive months, and 2. The HACP will charge the family the alternative non-public housing rent (at the next lease renewal or in no more than 60 days after the date the final notice per 24 CFR 960.507(c)(3), whichever is sooner). <p>An income reexamination to determine if a family remains over-income does not reset the family’s normal annual reexamination date. If the HACP discovers through an annual or interim income reexamination during the 24-month grace period that a previously over-income family is now below the over-income limit, the family is no longer over-income. If HACP determines that a previously over income family no longer exceeds the limit either during a biennial or interim recertification, The family is no longer subject to these provisions and will be entitled to a new two-year 24 consecutive month grace period if the family’s income once again exceeds the over-income limit before paying a higher rent.</p> |
| <p>Chapter 21, pages 79-80, Section 21.10</p> | <p>21.10 Community Service Requirement Each adult in the Tenant household is to perform, and yearly certify to, at least 8 hours per month of qualifying</p> | <p>21.10 Community Service Requirement Each adult in the Tenant household is to perform, and yearly certify to, at least 8 hours per month of qualifying community service (as specified by</p> |

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| | <p>community service (as specified by the HACP) unless the requirement is waived due to age, disability, or the fact that an adult is excused from this requirement because he/she is working, attending an educational institution, or participating in some other qualified training program.</p> | <p>the HACP) unless the requirement is waived due to age, disability, or the fact that an adult is excused from this requirement because he/she is working, attending an educational institution, or participating in some other qualified training program, or is a member of a non-public housing over-income family.</p> |
| <p>Appendix I, pages 156-177</p> | <p>APPENDIX I: Rental Lease Agreement</p> | <p>APPENDIX I: Rental Lease Agreement APPENDIX I-1: Public Housing Rental Lease Agreement APPENDIX I-2: Non-Public Housing Over-Income (NPHOI) Rental Lease Agreement <i>[attach new doc]</i></p> |
| <p>Appendix L (newly created)</p> | <p>No existing language</p> | <p>APPENDIX L: NON-PUBLIC HOUSING OVER-INCOME (NPHOI) POLICIES (PIH NOTICE 2023-03)</p> <p>Definitions</p> <p>Alternative non-public housing rent (alternative rent) is the monthly amount a housing authority must charge non-public housing over-income (NPHOI) families, after they have exceeded the 24 consecutive month grace period. The alternative rent is defined at 24 CFR 960.102, as the higher of the Fair Market Rent (FMR) or per unit monthly subsidy. The monthly subsidy provided for the unit, is determined by adding the per unit assistance provided to a public housing property as calculated through the applicable formulas for the Public Housing Capital Fund and Public Housing Operating Fund. See 24 CFR 960.102 for more details about how HUD will calculate and publish such funding amounts.</p> <p>Non-public housing over-income family (NPHOI family) is defined in 24 CFR 960.102 as a family that has exceeded the over-income limit for 24 consecutive months who remains in a public housing unit paying the alternative rent. These families are no longer public housing program participants and are unassisted tenants.</p> |

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| | | <p>Over-income family (OI family) is defined in 24 CFR 960.102 as a family whose income exceeds the over-income (OI) limit. This term includes families during the grace period or that are in the period before termination and are still public housing program participants. Note that in the public housing program, this term previously referred to a family that is not a low-income family (i.e., a family with an income exceeding 80 percent Area Median Income (AMI)).</p> <p>Over-income limit (OI limit) is defined in 24 CFR 960.102. In the regulations, this amount is determined by multiplying the applicable income limit for a very low-income (VLI) family, as defined in 24 CFR 5.603(b), by a factor of 2.4 (i.e., 120 percent of the AMI).</p> <p>Non-Public Housing Over-Income (NPHOI) Families</p> <p>An OI family that agrees to pay the alternative rent will become a non-public housing over-income (NPHOI) family. Once given the third and final OI notification as required by 24 CFR 960.507(c)(2), at the next lease renewal or in no more than 60 days after the date the final notice per 24 CFR 960.507(c)(3), whichever is sooner, the family must execute a new lease created for NPHOI families and begin to pay the alternative rent. The family will no longer be public housing program participants and will become unassisted tenants once the new lease is signed.</p> <p>Family Declines to Sign the NPHOI Lease or Pay the Alternative Rent</p> <p>If the HACP gives a family the option to pay the alternative rent and they decline, the HACP must terminate the tenancy of the family no more than 6 months after the end of the 24 consecutive month grace period. An OI family that declines to pay the alternative rent will continue to be a public housing program participant in the period before termination. As a result, PHAs that choose to permit OI families to remain in public housing units as NPHOI families must also have a termination policy in the event the family declines to execute a new lease under 24 CFR 960.509.</p> <p>However, the HACP may permit, in accordance with its OI policies, an OI family to execute the new lease after the deadline, but before termination of the tenancy, if the OI family pays the HACP the total difference between the alternative rent and their public housing rent dating back to the date that is the</p> |
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| | | <p>earlier of 60 days after the date the final notice per 24 CFR 960.507(c)(3) or the date that would have been the next public housing lease renewal.</p> <p>Family Signs the NPHOI Lease and Pays the Alternative Rent</p> <p>If the HACP gives a family the option to pay the alternative rent and they accept, going forward the HACP may not conduct an annual reexamination of family income for an NPHOI family, but may offer hearing or grievance procedures at the discretion of the HACP. HACP is choosing to offer the same grievance procedures for NPHOI families as it does for Public Housing families. NPHOI families cannot participate in programs that are only for public housing or low-income families such as participation in a resident council or receive a HUD utility allowance. Lastly, NPHOI families are no longer subject to CSSR.</p> <p>NPHOI Lease</p> <p>In the period before termination, the OI family will remain on the public housing lease. Should an OI family decline to execute the new NPHOI lease, the regulation at 24 CFR 966.4(a)(2)(iii) states that the public housing lease will become month-to-month for OI families and the HACP must continue to charge these families their current rent (i.e., the family’s choice of income-based, flat rent, or prorated rent for mixed families).</p> <p>The lease must include the minimal provisions provided in 24 CFR 960.509. A copy of the HACP’s NPHOI lease is appended to this document along with its standard public housing lease.</p> <p>Readmission to the Public Housing Program</p> <p>Once the new lease is executed, an NPHOI family may only be readmitted into the public housing program if they once again become an eligible low-income family as defined in 24 CFR 5.603(b) and reapply to the public housing program. The PHA may choose to adopt the new local preference proved at 24 CFR 960.206(b)(6) for NPHOI families. However, the adoption of this preference is at the discretion of the PHA. The HACP is adopting a waiting list preference for NPHOI families and said policy can be found in section 10.3.</p> |
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