

LIPH ACOP Revisions Tracker (Staff Suggestions)

INSTRUCTIONS

To ensure your suggested revisions to the Low-Income Public Housing (LIPH) Admissions and Continued Occupancy Policy (ACOP) are processed correctly, please fill out the table on page 2 following the example provided on page 1 (below).

Required Information

Please provide the following information in the corresponding column for each suggested change:

- **Submitting Staff Name / Department:** Enter your full name and department.
- **Chapter, Page, Section:** Specify the exact location of the language you are proposing to change.
- **Current ACOP Language (copied from the most recent ACOP):** Copy and paste the current, official language from the most recent ACOP that you wish to modify.
- **Proposed Language (Please add new language in red):** Copy the current language and then add the new or revised working in red font. If you are deleting language, consider using a strikethrough for the old text to show what is being removed, and use red font for the newly inserted text.
- **Reason for Change (Cite regulation, if applicable):** Clearly explain why this change is necessary (e.g., to comply with a new regulation, improve clarity, or align with another plan).
- **Comments (if applicable):** Use this column for any additional notes or context that may help review your submission.

EXAMPLE

<i>Submitting Staff Name / Department</i>	<i>Page, Chapter, Section</i>	<i>Current ACOP Language (copied from most recent ACOP)</i>	<i>Proposed Language (Please add new language in red.)</i>	<i>Reason for Change (Cite regulation, if applicable)</i>
<i>Amanda Hower, Operations</i>	<i>Chapter 6, page 6-8, Section 6-I.E.</i>	<i>6-I.E. EARNED INCOME DISALLOWANCE [24 CFR 960.255; STREAMLINING FINAL RULE (SFR) FEDERAL REGISTER 3/8/16]</i> <i>N/A - new text being inserted</i>	<i>6-I.E. EARNED INCOME DISALLOWANCE [24 CFR 960.255; STREAMLINING FINAL RULE (SFR) FEDERAL REGISTER 3/8/16; NOTICE PIH 2023-27]</i> <i>HOTMA removed the statutory authority for the EID. The EID is available only to families that are eligible for and participating on the program as of December 31, 2023, or before; no new families may be added on or after January 1, 2024. If a family is receiving the EID prior to or on the effective date of December 31, 2023, they are entitled to the full amount of the benefit for a full 24-month period. The policies below are applicable only to such families. No family will still be receiving the EID after December 31, 2025. The EID will sunset on January 1, 2026, and the PHA policies below will no longer be applicable as of that date or when the last qualifying family exhausts their exclusion period, whichever is sooner.</i>	<i>PIH Notice 2023-27</i>

Please continue to the next page to input your suggested change(s).

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Submitting Staff Name / Department	Page, Chapter, Section	Current ACOP Language (<i>copied from most recent ACOP</i>)	Proposed Language (<i>Please add new language in red.</i>)	Reason for Change (<i>Cite regulation, if applicable</i>)
Amanda Hower, MTW	86 (4-10)	<p>4-III.B. SELECTION METHOD Local Preferences [24 CFR 960.206] <u>HACP Policy</u> The HACP will use the following local preferences:</p> <ol style="list-style-type: none"> 1. Domestic Violence: The HACP will offer a preference to families that include victims of domestic violence, dating violence, sexual assault, stalking, or human trafficking who have either been referred by a partnering service agency or consortia or who are seeking an emergency transfer under VAWA from the HACP’s Housing Choice Voucher program or other covered housing program operated by the HACP. The applicant must certify that the abuser will not reside with the applicant unless the HACP gives prior written approval. 2. Involuntary Displacement: Involuntary displaced persons are families not living in standard, permanent replacement housing. The family is or will be involuntarily displaced if they have or will vacate the unit in which they reside because of... 	<p>4-III.B. SELECTION METHOD Local Preferences [24 CFR 960.206] <u>HACP Policy</u> The HACP will use the following local preferences:</p> <ol style="list-style-type: none"> 1. Domestic Violence: The HACP will offer a preference to families that include victims of domestic violence, dating violence, sexual assault, stalking, or human trafficking who have either been referred by a partnering service agency or consortia or who are seeking an emergency transfer under VAWA from the HACP’s Housing Choice Voucher program or other covered housing program operated by the HACP. The applicant must certify that the abuser will not reside with the applicant unless the HACP gives prior written approval. 2. Involuntary Displacement: Involuntary displaced persons are families not living in standard, permanent replacement housing. The family is or will be involuntarily displaced if they have or will vacate the unit in which they reside because of... 3. Housing Choice Voucher (HCV): If an HCV participant family’s Housing Assistance Payment (HAP) contract is being terminated due to an owner’s failure to make required repairs within the required timeframe, and the HCV participant family is unable to lease a new HCV unit within the term of their voucher, the HACP must offer, and if accepted, provide HCV participant families a preference for an appropriate-sized public housing unit that first becomes available for occupancy after the time period expires [24 CFR 982.404(e)(2)]. 	24 CFR 982.404(e)(2)

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<p>Amanda Hower, MTW</p>	<p>3-16, 3, 3-III.A.</p>	<p>3-III.A. OVERVIEW A family that does not meet the eligibility criteria discussed in Parts I and II must be denied admission.</p> <p>In addition, HUD requires or permits the PHA to deny admission based on certain types of current or past behaviors of family members as discussed in this part. The PHA’s authority in this area is limited by the Violence against Women Act (VAWA), which prohibits the denial of admission to an otherwise qualified applicant on the basis or as a direct result of the fact that the applicant is or has been the victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking [see 24 CFR 5.2005(b)].</p> <p>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.</p> <p>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].</p> <p>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</p>	<p>3-III.A. OVERVIEW A family that does not meet the eligibility criteria discussed in Parts I and II must be denied admission.</p> <p>In addition, HUD requires or permits the PHA to deny admission based on certain types of current or past behaviors of family members as discussed in this part. The PHA’s authority in this area is limited by the Violence against Women Act (VAWA), which prohibits the denial of admission to an otherwise qualified applicant on the basis or as a direct result of the fact that the applicant is or has been the victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking [see 24 CFR 5.2005(b)].</p> <p>The regulations state that the PHA must prohibit admission for certain types of criminal activity and give the PHA the option to deny admission for other types of previous criminal history. HUD does not require the adoption of “One Strike” policies, but emphasizes PHAs’ obligation to provide safe housing through strict enforcement of the lease provisions against all violations fairly and uniformly. PHAs should also continue to safeguard the due process rights of applicants and tenants.</p>	<p>SOHUD Letter to PHAs and Owners re. Public Safety (11/24/25)</p>
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		<p>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]. HUD codified this stance on disparate impact and discriminatory effects in a final rule dated March 31, 2023. In doing so, HUD also standardized its long-practiced three-step approach to assessing burdens of proof.</p>		
Amanda Hower, MTW	3-23, 3, 3-III.D.	<ul style="list-style-type: none"> HACP will not deny program assistance on the basis of a debt owed which originated more than four (4) years prior to the date of application, unless: (1) a legal proceeding that has resulted in a final judgment in favor of the creditor was initiated to collect on the debt obligated at issue within four (4) years of the date the debt obligation accrued, and (2) the creditor obtained a presently valid writ of execution for the debt which remains unsatisfied or the creditor is within the applicable statute of limitations for obtaining a writ of execution or the creditor obtained a judgment lien on real property within the five (5) year period after the judgment which remains unsatisfied, and (3) collection of the debt is not barred by failure to do something at the proper time, especially such delay as will bar a party from bringing a legal proceeding (latches). In addition, persons against whom legal proceedings to collect on a debt obligation are pending, if otherwise eligible, will be placed on a contingent list pending the outcome of the legal proceeding. 	<ul style="list-style-type: none"> Pursuant to the judicial ruling in <i>Wheat v. HACP</i>, the HACP shall not consider debts incurred more than four (4) years prior to the application date unless all the following conditions are met: <ul style="list-style-type: none"> Timely Legal Action: A legal proceeding resulting in a final judgment was initiated within four (4) years of the debt's accrual; and Active Collection Status: The creditor holds a valid, unsatisfied writ of execution, remains within the statute of limitations to obtain one, or holds an unsatisfied judgment lien on real property (filed within five years of the judgment); and No Unreasonable Delay: Collection is not otherwise barred by <i>laches</i> (unreasonable delay in asserting a legal right). <i>Note: Applicants currently involved in active legal proceedings regarding debt collection, who are otherwise eligible, will be placed on a contingent list pending the final judicial outcome.</i> 	Add Wheat case reference
Amanda Hower, MTW	13-4, 13, 13-II.F.	<p>13-II.F. METHAMPHETAMINE CONVICTION [24 CFR 966.4(L)(5)(I)(A)] The PHA must immediately terminate the lease if the PHA determines that any household member has ever</p>	<p>13-II.F. METHAMPHETAMINE CONVICTION [24 CFR 966.4(L)(5)(I)(A)] The PHA must immediately terminate the lease if the PHA determines that any household member has ever been</p>	SOHUD Letter to PHAs and Owners re. Public Safety (11/24/25)

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		been convicted of the manufacture or production of methamphetamine on the premises of federally assisted housing.	convicted of drug-related criminal activity for the manufacture or production of methamphetamine on the premises of federally assisted housing.	
Amanda Hower, MTW	13-20, 13, 13-III.E.	Nondiscrimination Limitation [24 CFR 966.4(I)(5)(vii)(F)] The PHA's eviction actions must be consistent with fair housing and equal opportunity provisions of 24 CFR 5.105.	Nondiscrimination Limitation [24 CFR 966.4(I)(5)(vii)(F)] The PHA's eviction actions must be consistent with fair housing and equal opportunity provisions of 24 CFR 5.105. Safety Reporting To improve community safety, HUD encourages PHAs to publicly display and advertise the HUD Office of Inspector General (OIG) Hotline: 1-800-347-3735. This hotline is the primary means to submit allegations of fraud, crime, or illegal activity within HUD-funded programs. It is not a substitute for 911 or local law enforcement, and should not be used to report active emergencies.	SOHUD Letter to PHAs and Owners re. Public Safety (11/24/25)