



Public Housing Admissions and Continued Occupancy Plan (ACOP) Revisions Effective July 1, 2024

The Admissions and Continued Occupancy Plan (ACOP)

The U.S. Department of Housing and Urban Development (HUD) requires the Housing Authority of Washington County (HAWC), also known as the Public Housing Authority (PHA), to revise and update the Public Housing Admissions and Continued Occupancy Plan whenever necessary to incorporate changes in federal law, HUD regulations, or legal operating procedures. This proposed ACOP includes mandatory updates to comply with the Housing Opportunity through Modernization Act (HOTMA) and to incorporate National Standards for Physical Inspection of Real Estate (NSPIRE) as required by Federal Regulations.

HOTMA

The Housing Opportunity through Modernization Act makes changes to the Public Housing program that streamline income and asset verifications and recertification schedules. HUD requires that HAWC update the ACOP to incorporate HOTMA by July 1, 2024, and that HOTMA be fully implemented by January 1, 2025. The proposed ACOP includes HOTMA compliant updates. Implementation guidance from HUD, and industry best practices for HOTMA are evolving and additional HOTMA updates to the ACOP are expected between July of 2024 and January 2025. Additional HUD published information about HOTMA is linked at the end of this document.

NSPIRE

HUD has mandated that physical inspections be conducted in accordance with National Standards for the Physical Inspection of Real Estate (NSPIRE) and that PHAs discontinue the use of Uniform Physical Condition Standards (UPCS) for inspection. NSPIRE standards prioritize health, safety, and functionality of assisted units. The proposed ACOP incorporates NSPIRE and removes references to UPCS. Additional HUD published information about NSPIRE is linked at the end of this document.

Summary of Changes:

Changes to the ACOP that make significant updates to departmental policy are highlighted below.

Chapter 2: Fair Housing and Equal Opportunity

	Section:	Proposed Change:	Mandatory <input checked="" type="checkbox"/>	HOTMA <input type="checkbox"/>
1	Part I.C: Discrimination Complaints	Update to include current HUD guidance on discrimination complaints and VAWA	Discretionary <input type="checkbox"/>	NSPIRE <input type="checkbox"/>
Proposed Policy:	Information on discrimination complaints was expanded to include up to date information on Fair Housing and Equal Opportunity (FHEO) guidance. This included updates to include Violence Against Women Act (VAWA) complaint processing guidance published in FHEO Notice 2023-01. This change provides up to date information but does not alter departmental procedure.			
Current Policy:	Current policy states that HAWC will investigate complaints and take appropriate action but does not include current FHEO guidance.			

Chapter 3: Eligibility

2	Section: Part I: Definitions of Family and Household Members	Proposed Change: Include current definitions to household member types	Mandatory <input checked="" type="checkbox"/> Discretionary <input type="checkbox"/>	HOTMA <input type="checkbox"/> NSPIRE <input type="checkbox"/>
Proposed Policy:	Part I has been updated to include current definitions of household member types and to include up to date references to regulatory documents. This change provides up to date information but does not alter departmental procedure.			
Current Policy:	Currently the ACOP's language defining household member types include minor deviation from HUD definitions.			
3	Section: II.D: Family Consent to Release of Information	Proposed Change: Include up to date information on forms required for family consent to release of information	Mandatory <input checked="" type="checkbox"/> Discretionary <input type="checkbox"/>	HOTMA <input type="checkbox"/> NSPIRE <input type="checkbox"/>
Proposed Policy:	Part II Section D has been updated to include up to date information on consent and release of information forms required by HUD and has been updated to reference the current CFR sections that apply to release of information, and to include information for families who revoke consent to release of information to the PHA. This change updates the information contained in the ACOP but does not alter departmental procedure.			
Current Policy:	Currently the ACOP does not reference the correct section of the CFR and includes less information on required forms. This section of the ACOP does not currently include information for families who revoke consent to release of information to the PHA.			
4	Section: II.E: EIV System Searches	Proposed Change: Include HOTMA compliant information on the use of EIV	Mandatory <input checked="" type="checkbox"/> Discretionary <input type="checkbox"/>	HOTMA <input type="checkbox"/> NSPIRE <input type="checkbox"/>
Proposed Policy:	Enterprise Income Verification (EIV) is an on-line system for upfront verification of household income and identity information. Use of EIV is mandated by HUD. Section II.E has been added to the ACOP to include HOTMA compliant information on the use of EIV in program admissions.			
Current Policy:	This information is not included in the current ACOP			

Chapter 6A: Income and Rent Determinations Effective Prior to January 1, 2025

5	Section: Introduction	Proposed Change: Set an end date of January 1, 2025 for income and rent determinations that are non-compliant with HOTMA	Mandatory <input checked="" type="checkbox"/> Discretionary <input type="checkbox"/>	HOTMA <input checked="" type="checkbox"/> NSPIRE <input type="checkbox"/>
Proposed Policy:	Chapter 6A contains current policies for income and rent determinations. These policies have not been updated to include mandatory HOTMA updates. The proposed ACOP sets an end date of January 1, 2025 for the application of these HOTMA non-compliant policies and indicates that determinations effective after January 1, 2025 will be conducted in accordance with HOTMA compliant practices described in chapter 6B.			

Current Policy:

Current policy does not set an end date set for the application of policies that are not compliant with HOTMA

Chapter 6B: Income and Rent Determinations Effective on or After January 1, 2025

	Section:	Proposed Change:	Mandatory <input checked="" type="checkbox"/>	HOTMA <input checked="" type="checkbox"/>
6	Whole Chapter	Set effective date of January 1, 2025 for HOTMA compliant income and rent determinations	Discretionary <input type="checkbox"/>	NSPIRE <input type="checkbox"/>

Proposed Policy:

Chapter 6B contains HOTMA compliant policies for income and rent determination, sets an effective date of January 1, 2025 for the application of HOTMA compliant policies, and indicates that determinations effective prior to January 1, 2025 will be conducted in accordance with current practices described in chapter 6A.

Current Policy:

HOTMA complaint policies impacting income and rent determinations are not included in the current ACOP

Chapter 7A: Verification for PHA Actions Effective prior to January 1, 2025

	Section:	Proposed Change:	Mandatory <input checked="" type="checkbox"/>	HOTMA <input checked="" type="checkbox"/>
7	Introduction	Set an end date of January 1, 2025 for verification policies that are non-compliant with HOTMA	Discretionary <input type="checkbox"/>	NSPIRE <input type="checkbox"/>

Proposed Policy:

Chapter 7A contains current policies for verification of family information. These policies have not been updated to include mandatory HOTMA updates. The proposed ACOP sets an end date of January 1, 2025 for the application of these HOTMA non-compliant policies and indicates that verifications for PHA actions effective after January 1, 2025 will be conducted in accordance with HOTMA compliant verification practices described in chapter 7B.

Current Policy:

Current policy does not set an end date set for the application of policies that are not compliant with HOTMA

Chapter 7B: Verification for PHA Actions Effective on or after January 1, 2025

	Section:	Proposed Change:	Mandatory <input checked="" type="checkbox"/>	HOTMA <input checked="" type="checkbox"/>
8	Whole Chapter	Set effective date of January 1, 2025 for HOTMA compliant verifications of family information	Discretionary <input type="checkbox"/>	NSPIRE <input type="checkbox"/>

Proposed Policy:

Chapter 7B contains HOTMA compliant policies for verification of family information, sets an effective date of January 1, 2025 for the application of HOTMA compliant policies, and indicates that verifications for PHA actions effective prior to January 1, 2025 will be conducted in accordance with current practices described in chapter 7A.

Current Policy:

HOTMA complaint policies for verification of family information are not included in the current ACOP

Chapter 8: Leasing and Inspections

9	Section:	Proposed Change:	Mandatory <input checked="" type="checkbox"/>	HOTMA <input type="checkbox"/>
	Part II: Inspections	Incorporate NSPIRE Inspection Standards	Discretionary <input type="checkbox"/>	NSPIRE <input checked="" type="checkbox"/>

Proposed Policy:	Chapter 8 has been updated to include NSPIRE inspection standards.
Current Policy:	This chapter previously described inspections based on Uniform Physical Condition Standards (UPCS). UPCS is no longer compliant with HUD program requirements.

Chapter 9A: Reexaminations Effective prior to January 1, 2025

10	Section:	Proposed Change:	Mandatory <input checked="" type="checkbox"/>	HOTMA <input checked="" type="checkbox"/>
	Introduction	Set an end date of January 1, 2025 for reexamination policies that are non-compliant with HOTMA	Discretionary <input type="checkbox"/>	NSPIRE <input type="checkbox"/>

Proposed Policy:	Chapter 9A contains current policies for reexamination of household composition and income. These policies have not been updated to include mandatory HOTMA updates. The proposed ACOP sets an end date of January 1, 2025 for the application of these HOTMA non-compliant policies and indicates that reexaminations effective after January 1, 2025 will be conducted in accordance with HOTMA compliant verification practices described in chapter 9B.
Current Policy:	Current policy does not set an end date set for the application of policies that are not compliant with HOTMA

Chapter 9B: Reexaminations Effective on or after January 1, 2025

11	Section:	Proposed Change:	Mandatory <input checked="" type="checkbox"/>	HOTMA <input checked="" type="checkbox"/>
	Whole Chapter	Set effective date of January 1, 2025 for HOTMA compliant reexamination policies.	Discretionary <input type="checkbox"/>	NSPIRE <input type="checkbox"/>

Proposed Policy:	Chapter 9B contains HOTMA compliant policies for reexamination of household composition and income, sets an effective date of January 1, 2025 for the application of HOTMA compliant policies, and indicates that reexaminations for PHA actions effective prior to January 1, 2025 will be conducted in accordance with current practices described in chapter 9A.
Current Policy:	HOTMA compliant policies for reexaminations of household composition and income are not included in the current ACOP

Chapter 10: Pets

12	Section:	Proposed Change:	Mandatory <input checked="" type="checkbox"/>	HOTMA <input type="checkbox"/>
	Whole Chapter	Update to include current HUD guidance for service animals and up to date FHEO references.	Discretionary <input type="checkbox"/>	NSPIRE <input type="checkbox"/>

Proposed Policy:	Chapter 10 was expanded to include up to date information for service and assistance animals, and best practices for reasonable accommodation. Changes incorporate Americans with Disabilities Act complaint guidance published in FHEO Notice 2020-01. This change provides up to date information but does not alter departmental procedure or change the pet policy for Public Housing residents.
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Current Policy:

The current ACOP does not include up to date references to FHEO notices.

Chapter 13: Lease Terminations

	<i>Section:</i>	<i>Proposed Change:</i>	Mandatory <input checked="" type="checkbox"/>	HOTMA <input type="checkbox"/>
13	Part II.G Lifetime Registered Sex Offenders	Clarifies HUD mandate that PHA terminate assistance for lifetime registered sex offenders erroneously admitted to the program.	Discretionary <input type="checkbox"/>	NSPIRE <input type="checkbox"/>

Proposed Policy:

Part 11.G indicates that should the PHA discover that a member of an assisted household was subject to a lifetime registration requirement at admission and was erroneously admitted after June 25, 2001 the PHA must immediately terminate assistance for the household members. Families will have the opportunity to remove the ineligible family member from the household. This policy is mandatory.

Current Policy:

The current ACOP did not include this HUD regulation.

References:

More information on HOTMA and NSPIRE can be found by following the links below.

PIH Notice 2023-27 Implementation Guidance: Sections 102 and 104 of the Housing Opportunity Through Modernization Act of 2016 (HOTMA)

<https://www.hud.gov/sites/dfiles/OCHCO/documents/2023-27pihn.pdf>

HUD Published Assets, Asset Exclusions, and Limitation on Assets Resource Sheet

<https://files.hudexchange.info/resources/documents/Assets-Asset-Exclusions-and-Limitation-on-Assets-Resource-Sheet.pdf>

HUD Website: National Standards for the Physical Inspection of Real Estate (NSPIRE)

https://www.hud.gov/program_offices/public_indian_housing/reac/nspire

HUD Published HOTMA Interim Income Reexaminations Resource Sheet

<https://files.hudexchange.info/resources/documents/Interim-Income-Reexaminations-Resource-Sheet.pdf>

HOTMA Resident Fact Sheet: Income Calculation and Reviews

<https://files.hudexchange.info/resources/documents/HOTMA-Resident-Fact-Sheet-Income-Calculation-and-Reviews.pdf>