



# Updating Your Admissions and Continued Occupancy Policy (ACOP)

## Webinar Series | Webinar 1

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Wednesday, February 16, 2022

All webinars will be recorded and posted at [www.hudexchange.info](http://www.hudexchange.info)



# Introduction and Purpose

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- This is the first of three webinars in a series with tips on how to develop, revise, and implement your agency's Admissions and Continued Occupancy Policy (ACOP) in accordance with current HUD requirements.
- During these webinars, participants will learn best practices and sample approaches that they can use to formulate their internal policies and update their ACOP.
- Each webinar will be recorded and can be viewed on HUD Exchange here: [Updating Your PHA's Admissions and Continued Occupancy Policy Webinar Series](#)



# Training Objectives

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This webinar will enable PHAs to:

- Identify successful approaches and best practices for designing and documenting their agency's Public Housing Program policies in the ACOP
- Enhance knowledge of how to develop, revise, and implement an ACOP
- Assess whether the agency needs to update any policies related to the Public Housing Program
- Improve the ability to express the agency's Public Housing Program policies in a clear, orderly, and succinct manner to facilitate understanding between the agency and residents



# New Guidance and Tools

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The webinar will introduce participants to additional resources and materials available.

## HUD EXCHANGE

HUD Exchange will include:

- ACOP Development Guide with sample ACOP language
- Fact Sheets with easy-to-digest guidance on select topics

<https://www.hudexchange.info/programs/public-housing/admissions-and-continued-occupancy-policy-toolkit/>

## HUD PIH WEBPAGE

The HUD webpage includes:

- Updated Public Housing Occupancy Guidebook chapters
- Links to PIH Notices, forms, and additional resources

[https://www.hud.gov/program\\_offices/public\\_indian\\_housing/programs/ph/mod/guidebook](https://www.hud.gov/program_offices/public_indian_housing/programs/ph/mod/guidebook)



# General ACOP Practices and Requirements

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- An ACOP establishes internal PHA policies compliant with HUD rules.
- A comprehensive ACOP contains clear, concise, and cohesive policy language, is organized for ease of use by residents, staff, commissioners, and the general public, and easily identifies where policy flexibility does or does not apply.

## Mandatory Policies

Mandatory policies must comply with HUD and other regulations and must be included in the ACOP. Mandatory policies are those prescribed in statute and regulation that must be part of the ACOP and for which PHAs have no flexibility.

## Discretionary Policies

Discretionary policies are areas where the PHA has flexibility to define policies, typically within a given set of parameters. They may be unique to the PHA and based on industry best practices. These policies must still comply with Federal, State and local laws as well as HUD guidance.



# ACOP Update and Revision Process

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- **Review and Updates:** The ACOP must be reviewed and updated as new HUD regulations and guidelines are released and published, and as PHA internal policy modifications are proposed that affect admissions and continued occupancy such as waiting list selection, preferences, grievance procedure, transfers, etc.
- **Annual Review:** An annual review of the entire ACOP document will ensure that internal and local or state policies are current.
- **Planning the Review and Revision:** Develop a workplan that includes all update and revision tasks from start to finish. Be sure to include the completion date for each task.
- **Key Steps for Final Review and Approval:**
  - Utilize the PHA Plan process for review and discussion of the ACOP at the public hearing.
  - Make the proposed ACOP, along with the PHA Plan documents, available for public review at the PHA Central Office, management offices, and on the PHA's website at least 45 days before the public hearing.
  - Record comments from the public review, submit the policy for PHA Board approval, then submit the revised ACOP to HUD as an attachment to the agency's Annual or 5-Year Plan.



# Best Practices and Tips for Updating Your ACOP

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- **Policy Language:** Use policy language that allows flexibility for extenuating circumstances. Example, “For the convenience of both the USA Housing Agency and families, The USA Housing Agency may exercise the option to conduct interviews in-person, by video conference, telephonic or other methods due to environment hazards, public health and safety situations/declarations, weather conditions or other situations as dictated.”



# Best Practices and Tips for Updating Your ACOP (Cont'd)

- **Best Document Formats:** The best format for ACOPs is to divide each chapter into an individual file. That way, chapters can be individually updated and revised without revising the entire document, except for the table of contents.
- **Best Chapter Sequencing:** Make every effort to arrange chapters sequentially as processes occur.

## Example Table of Contents

- Chapter 1: General Policies and Objectives
- Chapter 2: Fair Housing and Equal Opportunity
- Chapter 3: Application for Admissions
- Chapter 4: Waiting List Management
- Chapter 5: Eligibility and Screening
- Chapter 6: Tenant Selection and Placement
- Chapter 7: Unit Offer and Occupancy Standards
- Chapter 8: Rent and Income Determination





# Webinar 1

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Updating Your ACOP Webinar 1 introduces PHAs to topics from the [Public Housing Occupancy Guidebook](#).

The four topics discussed in this first Webinar are:

- 1) **Lease Requirements**
- 2) **Community Service and Self Sufficiency Requirements (CSSR)**
- 3) **Pet Ownership**
- 4) **Grievance Procedures**



# Lease Requirements

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# Lease Requirements | ACOP Topics

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- Pre-Leasing Activities and Leasing Orientation
- Execution of Lease
- Security Deposits
- Rent Payments
- Late Fees and Non-Payment of Rent
- Excess Utility Charges
- Maintenance and Damage Charges
- Modifications to the Lease
- Lease Terminations



# Overview

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- While **PHAs do not have to copy lease language verbatim into their ACOPs**, it is important to include language that references the key requirements of the lease. The requirements for Public Housing leases are specified in 24 CFR Part 966 Subpart A.
- Include language that states the lease must comply with Fair Housing which prohibit using a lease or lease terms or conditions to discriminate based on race, color, religion, gender, handicap, familial status, or national origin.



# Pre-Leasing Activities

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- Discuss in the ACOP what activities will be carried out pertaining to lease execution. This includes agenda items for a leasing orientation. Agenda items must include a **copy of the lease** and other documents such as:
  - ✓ A copy of the house rules
  - ✓ A copy of the pamphlet [Protect Your Family from Lead in Your Home](#)
  - ✓ “Is Fraud Worth It?” (form [HUD-1141-OIG](#)),
  - ✓ “What You Should Know about EIV,” an attachment to Notice PIH 2010-19
  - ✓ A PHA’s smoke free policy
  - ✓ A copy of the Community Service and Self-Sufficiency Requirement and form
  - ✓ Policies listed in 24 CFR § 966.5
- In addition to incorporating references to the lease in the ACOP, schedules and documents such as such as pet policy, grievance procedure, schedule of charges, VAWA, etc. must be publicly posted in a conspicuous place in each development’s office and provided to applicants and tenants upon their request.



# Executing the Lease

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- The lease is a standalone document separate from the ACOP and PHAs cannot change the terms of the lease within the ACOP.
- PHAs must incorporate by reference certain provisions in the lease text.
- A brief example of lease language in an ACOP is:
  - *The Lease is incorporated into this policy by reference. The following provisions govern Lease execution and amendments:*
    - *A Lease is executed at the time of admission for all new tenants.*
    - *A new Lease is executed at the time of the transfer of a tenant from one housing development unit to another (with no change in anniversary date).*
    - *If, for any reason, the head of household ceases to be a member of the household, USA Housing Agency will consider executing a Lease with the remaining adult family member(s).*
    - *Lease signers must be persons legally eligible to execute contracts.*



# Security Deposits

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- If the PHA requires a security deposit, the amount and parameters must be listed in the lease and the ACOP.
- Include language that explains that based on applicable state and local laws, interest earned on security deposits may be refunded to the tenant when they vacate the unit or used for tenant services or activities.
- Also include a policy in the ACOP that outlines a process for security deposit disputes when a tenant vacates a unit.



# Rent Payments

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- The ACOP must state the date rent is due, and any late charges for delinquent rent.
- The ACOP must state the form of payment (e.g., no cash), where tenants pay rent and if rent statements are issued monthly.
- The PHA must also include a statement in the ACOP that the amount of the tenant rent is subject to change subject to a written notice in accordance with HUD requirements.
- The ACOP must state that tenants have the right to choose between income-based or flat rent annually.





# Late Fees and Non-Payment of Rent

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- The late rent fees amount must be stated in the ACOP. PHAs may charge a penalty fee for late payment of rent.
- PHAs have flexibility as to whether and when to terminate the tenancy of a household for nonpayment of rent. PHAs may include nonpayment of rent as a serious and repeated lease violation in the lease. This must be stated in the ACOP.
- The PHA must adopt and include in the ACOP clear policies and processes regarding non-payment of rent and lease termination in compliance with 24 CFR § 966.4 (l)(3)(i)(A) and any exception to the rule modified by Federal or local requirements.
- When developing ACOP policies regarding lease termination and eviction, state laws (if any) must be followed that apply to eviction for good cause.



# Excess Utility Charges

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- The lease and ACOP must describe the types of charges, how charges are determined and that the schedule of charges will change as new utility allowance are adopted.
- PHAs may grant tenant requests for relief from surcharges for excess consumption of PHA-purchased utilities, however, it must be stated in the ACOP with the PHA's criteria and procedures for granting such relief. PHAs still have an obligation to provide reasonable accommodations in response to tenant reasonable accommodations requests.
- Utility surcharge relief policies must be revised and adopted at the time the PHA adopts the methods and procedures for determining utility allowances.



# Maintenance and Damage Charges

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- The cost of repairs for tenant-caused damage can be charged to the tenant. This needs to be clearly stated in the ACOP by reference. A schedule of charges must be publicly posted and provided to applicant/tenant upon request.
- Sample ACOP language:

*When applicable, families will be charged for maintenance and/or damages beyond normal wear and tear according to the USA Housing Agency's current schedule. Work that is not covered in the schedule will be charged based on the actual cost of labor and materials to make needed repairs (including overtime, if applicable).*



# Modification of Lease

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- The PHA's policy for modifying the tenant lease must be clearly stated in the ACOP.
- The ACOP must state that before adopting new lease modifications, PHAs must provide tenants, resident organizations, and the Resident Advisory Board with at least a 30-day public review and comment period on proposed changes to the lease.
- The ACOP must also include how tenants will be notified when a tenant-wide lease modification is approved.



# Lease Terminations

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- The ACOP must describe the grounds for termination, as well as the procedures used by the PHA and the tenant to terminate tenancy, as applicable.
- The ACOP must state that PHAs may terminate tenancy for the following:
  - ✓ Serious or repeated violations of material terms of the lease such as non-payment of rent or failure to fulfill tenant and household obligations.
  - ✓ Being over the income limits for the program, if any.
  - ✓ Making fraudulent statements regarding eligibility during admission or anytime during occupancy.
  - ✓ Failure to accept the PHA's offer of a lease revision to an existing lease.
  - ✓ Criminal activity or alcohol abuse as stated in the lease.
  - ✓ Required lifetime participation in a state sex offender registration program.



# Lease Terminations

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- The PHA must not have a general policy of holding tenants liable for rent through the remainder of the lease term if the tenant terminates before the end of the lease term and provides notice as required under the lease.
- The ACOP must also outline policies regarding remedies for lease termination.



# Community Service and Self-Sufficiency Requirements (CSSR)

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# CSSR | ACOP Topics

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- Applicability
- Requirements
- Exemptions from the CSSR
- Eligible Community Service Activities
- Eligible Economic Self-Sufficiency Programs
- Determining Compliance
- Non-Compliance





# Overview

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- The purpose of this section is to provide PHAs with guidance for incorporating Community Service and Self-Sufficiency Requirement (CSSR) policies into the ACOP in accordance with the Quality Housing and Work Responsibility Act of 1998 (P.L. 105-276).
- In the ACOP, a PHA must describe eligible activities, responsibilities of both the PHA and residents, and how compliance is documented.
- PHAs should reference the following PIH Notices when establishing CSSR policies:
  - ✓ [Notice PIH-2015-12 \(HA\): Administering the Community Service and Self-Sufficiency Requirement](#)
  - ✓ [Notice PIH-2016-06 \(HA\): Administering the Self-Certification Flexibility when Verifying Community Service and Self-Sufficiency Requirement \(CSSR\) Compliance](#)



# Applicability

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- All PHAs operating a Public Housing Program, including PHAs participating in the Moving to Work demonstration, must comply with the CSSR.
- The ACOP must require the following information be completed at lease execution or re-examination for all adult members (18 or older):
  - ✓ Provide documentation that they are exempt from Community Service and Self-Sufficiency requirement, if they qualify for an exemption, and
  - ✓ Sign a certification that they have received and read the agency's policy and understand that if they are not exempt, failure to comply with the Community Service and Self-Sufficiency requirement will result in non-renewal of their lease.
- Tenants must provide proof of participation in CSSR activities. The ACOP must establish and include policies and procedures for documenting proof of participation.



# CSSR Requirements

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- A PHA's ACOP must include the CSSR mandate that each non-exempt adult household member (18 years or older) either:
  - ✓ contributes 8 hours per month of community service, or
  - ✓ participates in an economic self-sufficiency program for 8 hours per month.
- The requirement also can be met with a combined 8 hours per month of community service and participation in an economic self-sufficiency program.
- PHAs have discretion to implement a policy that allows non-exempt household members to complete the requirement by aggregating the 96 hours over the course of a year. Fewer than eight hours may be earned each month, but a total of 96 hours must be completed each year.



# Exemptions from the CSSR

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- PHAs must establish clear guidelines in its ACOP regarding who is exempt from CSSR. Residents who are exempt from CSSR include:
  - ✓ Adults age 62 and over.
  - ✓ Blind or disabled residents, and who certify that, because of this disability, they are unable to comply with the service provisions (or are a primary caretaker of such individual).
  - ✓ Residents who are engaged in work activities as defined in Section 407(d) of the Social Security Act.
  - ✓ Residents currently participating in state-administered Welfare-to-Work or other welfare program of the state where the PHA is located.
  - ✓ Family members who receive assistance, benefits, or services under a State program funded under part A of title IV of the Social Security Act.



# Eligible Community Service Activities

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- The ACOP must define eligible types of activities for community service programs.
- Community service means performing voluntary work or duties that are a public benefit, and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self-responsibility in the community.
- Community service is **not** employment and may **not** include political activities.
- Community service activities **may** include the following examples:
  - ✓ Community organization volunteer programs
  - ✓ Participating and assisting with resident council activities
  - ✓ Volunteering at local schools, youth organizations, and social service projects
  - ✓ Organizing or participating in community projects
  - ✓ Volunteering for community outreach or awareness activities for the PHA, non-profits, or other organizations
  - ✓ Volunteering for PHA community watch programs and building monitoring



# Eligible Economic Self-Sufficiency Programs

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- The ACOP must include examples of eligible self-sufficiency programs/activities.
- Economic self-sufficiency programs are designed to encourage, assist, train, or facilitate economic independence of HUD-assisted families and/or to provide service to reach those goals. Activities **may** include the following examples:
  - ✓ Job readiness or job training while unemployed
  - ✓ Training programs through local One-Stop Career Centers or Workforce Investment Boards
  - ✓ Higher education (community college or university)
  - ✓ Trade schools and apprenticeships (formal or informal)
  - ✓ Substance abuse or mental health counseling



# Determining Compliance

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- The PHA must review family CSSR compliance and must verify such compliance annually at least 30 days before the end of the 12-month lease term.
- The PHA must give the family a written description of the service requirement, the process for claiming exempt status and for PHA verification of such status.
- The Public Housing Guidebook [chapter on CSSR](#) offers three sample documents, two of which PHAs can customize for use:
  - ✓ Exhibit 1 – Sample Entrance Acknowledgement
  - ✓ Exhibit 2 – Sample Annual Renewal Certification
  - ✓ Exhibit 3 – Self-Certification Sampling Methodology



# Determining Compliance (Cont'd)

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- If electing self-certification, PHAs must include a policy in the ACOP describing the reporting process during the tenant's Annual Reexamination. The self-certification must include the following information:
  - ✓ A statement that the resident has completed the number of hours required and this statement is subject to penalties of perjury.
  - ✓ A description of the activity (community service or self-sufficiency) that the resident completed.
  - ✓ The name of the organization or person for which the activity was completed.
  - ✓ The address of the organization or person.
  - ✓ A contact person in the organization or the person for which the activity was completed.
- The PHA must also notify the family that it will be validating a sample of the self-certifications.





# Non-Compliance

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- The ACOP must describe the consequences for non-compliance with CSSR obligations. However, eviction must not be a consequence for non-compliance with CSSR.
- Example ACOP policy language is:

*If a family member is found to be noncompliant at re-examination, he/she and the Head of Household will sign an agreement with **USA Housing Agency** to make up the deficient hours over the next twelve- (12) month period or certify that the non-compliant family member is no longer in the household.*



# Non-Compliance (Cont'd)

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- If a family member refuses to sign a written workout agreement or fails to comply with the terms of the work-out agreement, PHAs must initiate termination of tenancy proceedings at the end of the current 12-month lease since the family is failing to comply with lease requirements.
- The ACOP must define a timeline for notifying households of non-compliance that allows sufficient time to request a grievance hearing. It is a best practice to give households at least 10 business days to contact the PHA and enter into a written agreement that lays out how they will come into compliance over the course of the next 12 months.



# Pet Ownership

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# Pet Ownership | ACOP Topics

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- Service and Assistance Animal Exclusion
- Definition of Common Household Pet, Prohibited Animals & Type and Number of Pets
- Registration of Pets, General Rules & Requirements for All Development Types
- Pet Restraint and Area Restrictions
- Sanitary Standards
- Financial Obligation
- Nuisance or Threat to Health or Safety
- Pet Rule Violation Procedures



# Overview

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- Rules for owning pets may vary based on the type of housing designation, location, and occupants of the development.
- Pet ownership rules outlined in the ACOP for residents of elderly/disabled developments must be established in accordance with 24 CFR Part 5, Subpart C, while policies for general occupancy developments, in accordance with 24 CFR Part 960, Subpart G.
- PHAs **have discretion** to establish pet ownership rules for elderly/disabled developments. However, for general occupancy developments, PHAs **must** establish pet ownership policies.



# Service and Assistance Animal Exclusions

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- Assistance, support and service animals for persons with disabilities **are not** subject to the PHA pet policy.
- These animals are not considered pets and cannot be included in PHA pet rules or policies, cannot be restricted by size, weight and type; limited to designated areas; and require deposits.
- PHA staff should familiarize themselves with how to assess a person's request to have an animal as a reasonable accommodation under the Fair Housing Act. See [FHEO-2020-01 Assessing a Person's Request to Have an Animal as a Reasonable Accommodation Under the Fair Housing Act](#) for more information and best practices.



# Service and Assistance Animal Exclusions

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- PHAs have some discretion regarding the level of detail to include about assistance animal policies in the ACOP.
- Generally, PHAs produce a separate Assistance Animal Policy that lays out the rules for assistance animals. There should be mention of the exclusion in the ACOP's Pet Ownership Policy so that it is clear there are different requirements for assistance animals versus pets.
- The ACOP must outline the difference between the two types of assistance animals: (1) service animals, and (2) other animals that do work, perform tasks, provide assistance, and/or provide therapeutic emotional support for individuals with disabilities, which are referred to as "support animals."



# Service and Assistance Animal Exclusions

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Example ACOP Pet Policy Language:

## ***SERVICE AND ASSISTANCE ANIMAL EXCLUSION***

*This policy does not apply to animals that are used to assist persons with disabilities. Service and assistance animals are allowed in all public housing facilities with no restrictions other than those imposed on all tenants to maintain their units and associated facilities in a decent, safe, and sanitary manner. Residents must ensure service and assistance animals do not pose a direct threat to the health or safety of others, or cause substantial physical damage to the development, dwelling unit, or property of other residents.*

*For an animal to be excluded from the pet policy and be considered a service animal, the person seeking to use and live with the animal must have a disability; and the person seeking to use and live with the animal must have a disability-related need for the service or assistance the animal provides.*

*For an animal to be excluded from the pet policy and be considered an assistance animal, there must be a person with disabilities in the household, and the family must request, and the **USA Housing Agency** approve, a reasonable accommodations request.*





# Definition of Common Household Pets

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- There is no regulatory definition of common household pet. PHAs have the discretion to define common household pets for both general occupancy and elderly/disabled developments.
- PHAs may develop a **reasonable definition or otherwise develop reasonable restrictions** on the types of common household pets allowed in their housing developments.

- **Example ACOP Language:**

*For this purpose, common household pets shall mean domesticated animals such as a dog, cat, bird, rodent (guinea pig, hamster, or gerbil), fish, frog, or turtle that are traditionally kept in the home for pleasure rather than for commercial use.*



# Prohibited Animals, Types, and Number of Pets

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- For general occupancy and elderly/disabled developments, PHAs may place prohibitions based on types of pets it classifies as dangerous provided that such classifications are consistent with applicable state and local law.
- The pet rules and/or policies also may place prohibitions on individual pets, based on certain factors, including size and weight. PHAs may choose to set different rules for different types of pets.
- Tenant and pet density may be considered to place reasonable limitations on the number of pets allowed in each unit in both general occupancy and elderly/disabled developments.
- In elderly/disabled group homes, the pet policy may place reasonable limitations on the number of pets allowed in each home.



# Prohibited Animals, Types, and Number of Pets

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## Example ACOP Language:

### **PROHIBITED ANIMALS**

*Many animals do not meet the definition of common household pet and management reserves the sole right to decide regarding any such animal listed under this section.*

*The following includes but is not limited to animals considered to be of a vicious and/or attacking nature or animals otherwise not traditionally kept in the home for pleasure and therefore will not be permitted on the premises of the **USA Housing Agency**:*

- 1. Any animal whose adult weight will exceed 25 pounds.*
- 2. Dogs such as Pit Bulls, Rottweilers, Doberman Pinchers, German Shepherds, Bull Dogs or breeds not permitted under state or local law or code.*
- 3. Reptiles such as snakes, alligators, lizards, iguanas, chameleons, etc.*
- 4. Farm animals such as chickens, pigs, cows, mules, horses, etc.*
- 5. Wild animals such as lions, leopards, bears, tigers, wolves, etc.*
- 6. Ferrets or other animals whose natural protective mechanisms pose a risk to small children of serious bites.*



# Prohibited Animals, Types, and Number of Pets

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## Example ACOP Language:

### ***TYPES AND NUMBER OF PETS***

- 1. Only one four-legged, warm-blooded animal (i.e., dog, cat, hamster, etc.) is allowed per unit. Such animals shall not exceed 18 inches in height and/or 25 pounds in weight at maturity. Animals referenced under Prohibited Animals are not permitted even if they meet the weight and height criteria.*
- 2. In the case of fish, residents may keep no more than can be maintained in a safe and healthy manner in a tank holding up to 10 gallons. Such a tank or aquarium will be counted as 1 pet.*



# Registration of Pets and General Rules

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- The ACOP must include requirements for registering pets and general rules for owning a pet on PHA premises.
- For both general occupancy and elderly/disabled developments, PHA policy may include a requirement of pet licensing or pet registration, depending on the type of pet, in accordance with applicable state and local laws and regulations.
- Registration requirements often include a licensed veterinarian's certification of required pet inoculations, information to identify the pet, a photo of the pet, and an emergency contact. As a best practice, HUD recommends PHAs update this information during annual reexamination.



# Registration of Pets and General Rules

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- Pet owners must maintain pets in accordance with PHA policies, and in compliance with applicable state and local public health, animal control, and animal cruelty laws and regulations.
- The ACOP may include the PHA's standards for pet care and handling and require owners to control noise and odor caused by pets.
- The PHA may prescribe standards of pet care and handling limited only to those necessary to protect the condition of the tenant's unit and the general condition of the premises, or to protect the health or safety of present tenants, PHA employees, and the public.
- PHAs may require pets be spayed or neutered. It is generally considered a best practice to require pets to be spayed/neutered once they reach the age of 6 months. It is useful to include this as a requirement for registration.
- A PHA cannot require pet owners to have any pet's vocal cords removed or have cats declawed.



# Registration of Pets and General Rules

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- PHA Pet Policy rules may exclude pets not owned by a tenant but kept temporarily on PHA premises. Pets are “kept temporarily” if they are kept in the tenant’s unit for fewer than 14 consecutive days and nights.
- A PHA may establish other rules regarding pet ownership including fumigation and cleaning fees, unit or premise alterations, pet breeding, pet cleanliness and care, inspection and access to units, as long as such rules are fair and reasonable and do not violate federal, state, and local laws and ordinances.



# Pet Restraints and Area Restrictions

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- It is a best practice to set parameters about where pets are allowed on PHA properties. For e.g., some PHAs do not allow pets to enter the management offices where staff work. However, PHAs may not designate an entire development as a no-pet area since regulations permit residents to own pets.
- For both general occupancy and elderly/disabled developments, PHAs may designate buildings, floors of buildings, or sections of buildings as areas where pets generally may not be permitted. PHAs may bar pets from specified common areas (such as lobbies, laundry rooms, and social rooms) if pets and their owners can reasonably get in and out of the building or development without passing through the specified common areas.





# Pet Restraints and Area Restrictions

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## Example ACOP Language:

### ***Pet Restraints and Area Restrictions***

*Across both elderly/disabled and general occupancy developments, all pets must be appropriately and effectively restrained and under the control of a responsible person while in the common areas of the development. No pets are permitted in the offices, maintenance areas or community facilities. **USA Housing Agency** has not designated any buildings, floors of buildings, or sections of buildings as no-pet areas. In addition, the **USA Housing Agency** has not designated any buildings, floors of buildings, or sections of buildings for residency of pet-owning tenants.*

*A “Responsible Person” is any family member at least 18 years of age with the physical stamina and mental alertness to keep the pet under control and must be:*

- 1. Familiar with the pet’s temperament, disposition, and behavior patterns.*
- 2. Aware of and willing to abide by the pet rules and lease provisions.*
- 3. Able and willing to provide proper nourishment, medical attention, and general good care and treatment of the pet.*



# Sanitary Standards

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- The ACOP may incorporate the PHA's sanitary standards for pets owned by tenants of elderly/disabled and general population housing developments.
- It is a best practice to include details about expectations for pet owners to clean up after their pet. The rules should be established to help maintain a safe and clean common area for all residents as well as to protect the well-being of pets while they reside in the unit.



# Financial Obligations

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- For both types of developments, the maximum amount the PHA can charge for a pet deposit, on a per-unit basis, **must not exceed the higher of the Total Tenant Payment (TTP)**, or such reasonable fixed amount as the PHA may require or an amount periodically fixed by HUD through notice.
- The pet rules may permit gradual accumulation of the pet deposit by the pet owner.
- PHAs may not prescribe pet rules that impose additional financial obligations by requiring pet owners to obtain liability or other insurance to cover damage caused by the pet.



# Financial Obligations (Cont'd)

## General Occupancy Developments

- PHAs have the **discretion** to require tenants of general occupancy developments to pay one or both of the following:
  - (1) a nonrefundable nominal fee to cover reasonable costs to the property relating to presence of pets, or
  - (2) a refundable pet deposit to cover additional costs attributable to the pet and not otherwise covered, such as damages to the unit.

## Elderly/Disabled Developments

- Residents of elderly/disabled developments who own or keep pets in their units **may** be required to pay a refundable pet deposit.
- The PHA **may** use the deposit to cover unit damages or cleaning fees.



# Nuisance or Threat to Health or Safety

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- Pet owners must maintain pets in accordance with PHA policies, and in compliance with applicable state and local public health, animal control, and animal cruelty laws and regulations.
- It is best practice for the ACOP to outline when the PHA will intervene and contact Animal Control to remove a resident's pet from the premises.
- In cases of emergency where the pet owner is not able to care for the pet, the PHA should make every effort to have the owner's designated "Responsible Person" take care of the pet.
- If, under State or local law, a pet's conduct or condition is deemed a nuisance or threat to the health or safety of other tenants or other persons in the surrounding community, the PHA may require removal of the pet from a development.



# Pet Rule Violation Procedures

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- As best practice, incorporate the terms of pet policy violations directly into the public housing lease. It is useful to reference the procedures for violations of the pet policy in the ACOP.
- It is a best practice to incorporate a meeting to discuss the violation into the procedure. This gives the tenant a chance to correct the underlying issues that caused the violation.

- **Example ACOP Language:**

***PET RULE VIOLATION PROCEDURES***

*All pet owners will be required to abide by all provisions of the Public Housing Residential Lease and the Pet Policies and Procedures for the Public Housing Program associated with owning and keeping a pet in their apartment. If it is determined that a pet owner has violated the rules governing pet ownership, the following procedures shall be observed.*



# Grievance Procedures

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# Grievance Procedures | ACOP Topics

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- Applicability
- Informal Settlement
- Grievance Hearing Requests
- Grievance Hearing Procedures
- Tenant Rights
- Reasonable Accommodations





# Overview

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- The grievance procedure is part of the PHA's lease and ACOP, by reference.
- Generally, PHAs have a separate administrative procedure document that details the process, while the information contained in the ACOP sets forth the agency's policy about grievances.
- Grievance procedures must meet both HUD's regulatory requirements and local, State or Federal laws/regulations.
- To present a grievance, an individual must be a tenant, defined as the adult person(s), other than a live-in aide, who resides in the unit and executed the lease as the lessee. Disputes between tenants relating to non-PHA matters cannot be presented to a PHA as a grievance.
- PHAs cannot require that a tenant present a grievance in writing.



# Applicability

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- The ACOP must contain a statement of applicability, in which the PHA describes the situations where grievance procedures apply or **do not** apply.
- The grievance procedures are applicable only to individual tenant disputes with the PHA; they are not intended to resolve dispute between tenants on matters unrelated to the PHA or to resolve class grievances.
- Also, the grievance procedure is not a forum for initiating or negotiating policy changes with the PHA.



# Applicability

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## Sample ACOP Language:

### APPLICABILITY

*In accordance with Federal Regulation 24 CFR § 966.51, this Grievance Procedure shall be applicable to all individual grievances between the tenant and the **USA Housing Agency**. The PHA grievance procedure is not applicable to disputes between tenants not involving the **USA Housing Agency** or to class grievances. The grievance procedure is not intended as a forum for initiating or negotiating policy changes between a group or groups of tenants and the **USA Housing Agency's** Board of Commissioners.*



# Informal Settlement

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- The ACOP should state that the first step in the grievance process is to attempt to settle the issue through an informal settlement.
- At the informal stage, the grievance should first be reviewed to ensure that the grievance is not a matter excluded from the grievance process.
- At the informal settlement, the tenant and the PHA staff person responsible for the area will attempt to settle the grievance.
- Informal settlements are specific to the public housing grievance review process and shouldn't be confused with informal hearings.



# Informal Settlement

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- The ACOP must prescribe a specific format for the informal settlement process.
- PHAs have discretion to create the process by establishing the following:
  - ✓ Informal settlement request requirements and forms.
  - ✓ Deadlines to respond (normally 10 days).
  - ✓ Time, date, and location for the informal settlement.
  - ✓ Who conducts the informal settlement meeting.
  - ✓ Rules for a tenant's failure to appear.
  - ✓ Documentation and notice of the proceedings.



# Informal Settlement

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## Example ACOP Language:

### INFORMAL SETTLEMENT

*The first step in the hearing process is an informal settlement of the grievance. If the grievance involves a lease termination for criminal activity or behavior that threatens the health, safety or right to peaceful enjoyment of the premises of the other residents or employees of **USA Housing Agency**, there is no informal settlement, and the resident must request a formal grievance hearing.*

*The **USA Housing Agency** will accept grievances either orally or in writing submitted to the **USA Housing Agency** office within 10 business days of the event. Within 10 business days of receipt of the request the PHA will arrange a meeting with the tenant at a mutually agreeable time and confirm such meeting in writing to the tenant.*

***USA Housing Agency** will prepare a summary of such discussion within 10 business days of the Informal Settlement meeting; one copy will be given to the tenant, and one retained in the PHA's tenant file.*



# Grievance Hearing Requests

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- The ACOP must include procedures by which a complainant (tenant) may obtain a grievance hearing if not satisfied with the outcome of an informal settlement process.
- The ACOP should contain the PHA's policy outlining and identifying the department and staff member to receive the request and the process for scheduling through resolution.
- The hearing must be scheduled promptly for a time and place reasonably convenient to both the tenant and the PHA and held before a hearing officer.
- The ACOP must include that a written notification specifying the time, place, and the procedures governing the hearing must be delivered to the complainant and the appropriate official within 10 days of the hearing request.



# Grievance Hearing Procedures

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- The ACOP must state that a designated hearing officer(s) will conduct grievance hearings and that hearing officer(s) must be an impartial person(s) selected by the PHA, other than the person who made or approved the decision under review, or a subordinate of that person.
- HUD establishes what needs to be covered during the hearing, but PHAs have flexibility to design the procedure used during the hearing and must publish the procedure in the ACOP.
- The ACOP should also contain the PHA's policy for failing to appear for the hearing. A best practice is for the hearing officer to postpone the hearing for no more than 5 business days or determine that the tenant has waived his/her right to a hearing.





# Grievance Hearing Procedures

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- The ACOP includes when the PHA and tenant should be notified of the hearing officer's decision. Within 10 business days is a best practice.
- The PHA's policy on document reproduction should be included in the ACOP.
- The PHA must give tenants the opportunity to examine before the grievance hearing any PHA documents, including records and regulations, that are directly relevant to the hearing.
- The tenant must be allowed to copy any such document at the tenant's expense. If the PHA does not make the document available for examination upon request by the complainant, the PHA may not rely on such document at the grievance hearing.
- The complainant or the PHA may arrange, in advance and at the expense of the party making the arrangement, for a transcript of the hearing. Any interested party may purchase a copy of such transcript.



# Grievance Hearing Procedures

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## Example ACOP Language:

*The Hearing must be conducted informally by the Hearing Officer and oral or documentary evidence pertinent to the facts and issues raised by the tenant may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings. The Hearing Officer must require the **USA Housing Agency**, the tenant, counsel and other participants or spectators to conduct themselves in an orderly fashion. Failure to comply with the directions of the Hearing Officer to obtain order may result in exclusion from the proceedings or in a decision adverse to the interests of the disorderly party and the granting or denial of the relief sought, as appropriate.*



# Grievance Hearing Procedures

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## Example ACOP Language:

*Any evidence to be considered by the hearing officer must be presented at the time of the hearing. There are four categories of evidence.*

- 1. Oral evidence: the testimony of witnesses.*
- 2. Documentary evidence: documented evidence which is relevant to the case, for example, a letter written to the PHA. It includes all forms of written and/or recorded communication or representation, including letters, emails, words, pictures, sounds, videos or symbols or combinations thereof.*
- 3. Demonstrative evidence: Evidence created specifically for the hearing and presented as an illustrative aid to assist the hearing officer, such as a model, a chart or other diagram.*
- 4. Real evidence: A tangible item relating directly to the case.*



# Tenant Rights

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- The ACOP must include language describing a tenant's rights regarding the grievance hearing process.
- Tenants requesting grievance hearings have the right to be afforded a fair hearing. Those rights include:
  - ✓ Opportunity to examine and copy documents prior to the hearing.
  - ✓ The right to be represented by counsel or other persons chosen as the tenant's representative and to have such person make statements on the tenant's behalf.
  - ✓ The right to a private hearing unless the complainant requests a public hearing.
  - ✓ The right to present evidence and arguments in support of the tenant's complaint, to refute evidence relied on by the PHA and to confront and cross-examine all witnesses upon whose testimony or information the PHA relies.
  - ✓ A decision based solely and exclusively upon the facts presented at the hearing.



# Reasonable Accommodations

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- Consult the agency's Reasonable Accommodation, limited English proficiency, Section 504, and Fair Housing policies to ensure that the grievance policy is in alignment.
- The ACOP must state the PHA's policy reasonable accommodation for persons with disabilities to participate in the hearing.
- Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations, or attendants.
- The PHA's policies regarding visual and auditory aids for tenant should be included in the ACOP, such as braille, audio, large-print, optical readers on computers available for viewing, assistive listening device systems, sign language interpreters, and document translations.
- If the PHA chooses to conduct remote hearings, the building must be accessible to persons with disabilities and be conducted in accordance with Section 504 and accessibility requirements.



# Questions?

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We will take your questions now!

Please enter them in the chat or Q&A feature. We will read them out and allow time for the presenter to respond.

We are capturing all the questions being submitted today. HUD will follow up with additional information as needed.



# Upcoming Webinars

Please join us for the next two webinars in this series!

Webinar 1	Webinar 2	Webinar 3
February 16, 2022	March 23, 2022	April TBD, 2022
<b>Topics</b>		
<ul style="list-style-type: none"><li>• Lease Requirements</li><li>• CSSR</li><li>• Pet Ownership</li><li>• Grievance Procedures</li></ul>	<ul style="list-style-type: none"><li>• Income Determination</li><li>• Reexaminations</li><li>• Utilities</li></ul> <p style="text-align: center;"><b><u>Register now!</u></b></p>	<ul style="list-style-type: none"><li>• Eligibility &amp; Denial of Assistance</li><li>• Waiting list &amp; Tenant Selection</li><li>• Transfers</li></ul>

Thank you!