

Updating Your Agency's Admissions and Continued Occupancy Policy, Wednesday, February 16, 2022

Caila Prendergast: Good afternoon, everyone. Thank you for joining today's webinar, which is the first in a series of three webinars. Our webinar today is called "Updating Your Agency's Admissions and Continued Occupancy Policy", or ACOP. During this first webinar, we'll focus on four topics, lease requirements, community service and self-sufficiency requirements, pet ownership, and grievance procedures.

My name is Caila Prendergast, and I'm one of your hosts today, along with Monica Shepherd, Kymian Ray from HUD, and our presenter Valerie Jackson of Jackson Management Consulting on behalf of Enterprise Community Partners.

Before I pass it over to Monica to share some welcome remarks, I have a few housekeeping items.

Our speakers will share their knowledge with us for the first part of the presentation, and we will reserve the remaining time for any questions that you might have. We manage the questions via the Q&A chat box. Please send us your question in the chat box in the lower right-hand navigation panel. I will read your question out loud in the order received. If we're unable to address all questions, we will send an email reply after the webinar.

Many of you responded to a short survey with your questions in advance of today's session. Thank you for that. We reviewed this feedback, and we'll be sure to address common questions throughout the presentation today.

You may have noticed all webinar participants were muted upon entry. Sometimes the system can be a little glitchy and unmute people -- unmute attendees. So, just double check that you're muted so that we don't have any feedback issues.

And again, if you're having any technical difficulties, shoot us a message in the chat or send us an email and we'll do what we can to assist you.

Today's webinar is being recorded and will be available on HUD Exchange shortly following the webinar. The slides will also be made available on HUD Exchange following the webinar.

Immediately following the webinar, you'll receive an invitation to complete a survey, and we ask that you please complete this with any feedback that you might have for us. As you know, this is a series of three webinars. So, any changes or comments that you may have, you could potentially see those made in the remaining webinars. So, please take a moment to fill that out.

With that, I think I've covered all the logistics, and I will pass it over to Monica to kick us off.

Monica Shepherd: Thanks, Caila. Hello, everyone, and thanks again for joining this webinar today. Again, I'm Monica Shepherd, director of the Public Housing Management and Occupancy

Division in PIH. And joining me today is Kymian Ray, policy advisor in the Office of Public Housing.

As Caila stated, this is the first of a three-part webinar series on the public housing admissions and continued occupancy policy, affectionately known as the ACOP. And our office recognized the gap in guidance as it relates to the ACOP, and based on the number of registrants and participants today, I think our assumption was correct that this is a hot topic of interest.

So, we're excited to deliver this training in collaboration with Enterprise Community Partners as well as our presenter today, Valerie Jackson, President, Principal Consultant of Jackson Management Consultants.

Valerie has over 30 years' experience in public and assisted housing and consulting and management. She has provided interim management and consulting services to over 40 housing authorities throughout the United States. She's a seasoned trainer and has led many trainings on public housing operations and management topics. So, with that, I'll pass it over to Valerie to get us started.

Valerie Jackson: Good afternoon, everyone. So, happy to be here with you today and that you could join us. This is our first in the series of three webinars, and the purpose of these webinars is to give you tips how to develop, revise, and implement your agency's admissions and continued occupancy policy, also known as the ACOP, in accordance with current HUD regulations requirements.

During this webinar, participants will learn best practices and sample approaches that they can use to formulate their internal policies and update their web -- their ACOP. As said before, you can view these webinars on the HUD Exchange, and our first one will be posted as soon as we're concluded.

The training objectives are to identify successful approaches and best practices for designing and documenting an agency's public housing program policies in the ACOP. It's also designed to enhance the knowledge in how to develop, revise, and implemented an ACOP, how to access whether an agency needs to update its policies related to its public housing program, and we also would like you to be able to improve the ability to express an agency's public housing program policies in a clear, orderly, and succinct manner to facilitate understanding between the agency and residents. And what that means is that we want it to be user friendly.

We have new guidance and tools to help you with your ACOP development and revisions, and the webinar will introduce participants to additional resources and materials that will be available.

The HUD Exchange will include our new ACOP development guide with sample ACOP language, and we also have developed fact sheets, which are easy to use sheets that will guide you on topics and on the development of your ACOP. We've updated the Public Housing Policy Occupancy Guidebook chapters and links to PIH notices, forms, and additional resources. Both

of the links to the PIH webpage and the HUD Exchange is listed at the bottom here, and we hope that you will use them.

General ACOP practices and requirements. An ACOP establishes internal PHA policies compliant with HUD rules. A comprehensive ACOP contained clear, concise, and cohesive policy language. It's organized for easy use by residents, staff, commissioners, and the general public, and easily identifies where policy flexibility does or does not apply.

What this means is, as you can see, we have two sections here. 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 regulations that must be a part of the ACOP and for which PHAs have no flexibility.

This is where you see a must. If you see in a regulation where it says must, then that's not negotiable.

Also, we have discretionary policies, and they are areas where PHAs have flexibility to define policies, typically, within a set of very narrow parameters. It must be unique to the housing -- 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.

What this means is that you have a discretion to develop your own internal policies, which would include things like when you're open, when you take applications, the manner in which you interview your clients, some of your internal housekeeping policies within your residency and your development. Those are discretionary policies. But please keep in mind that any policy that you develop must be in compliance with HUD regulations.

ACOP update and revision process. There's a process to go through when you're revising or updating your ACOP which must be followed, and 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 admission and continued occupancy, such as the waiting list selection, preferences, grievance procedures, transfers, etc.

And what that means is pretty much, if there's something that is going to affect a resident or resident families, that that's when that ACOP must be developed, if you've modified the policy or added a new policy or if there is a new HUD regulation.

How often should you review your ACOP? An annual review of the entire document will ensure that internal, local, and state policies are current. Even if you don't feel like that there has been a change within your policies, it's still a good practice to review that ACOP to make sure that what you have in there is current, concise, and compliant.

Planning and reviewing revisions. Before you get started, there must be some sort of plan that you would use to review your ACOP. So, one of the easiest ways to do that is to develop a work plan that concludes -- that includes all updates, revision tasks from start to finish, and that means

each step you would go through to revise your ACOP. Be sure to conclude -- to include the completion date for each task.

So, within that work plan, there may be an assignment. It may be someone who is the head on that, and it should be clearly identified. Each step that you would have to go through to revise the ACOP, you should list each one of those action items down and include a date when you anticipate to be -- to complete each one of those tasks and get the ACOP ready to go out for a public comment.

Now, your steps -- your 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 proposal ACOP, along with the PHA plan documents available for public review at the PHA central office, management office, and on the PHA's website at least 45 days before the public hearing.

Record comments from the Public Review. Submit the policy for board approval. Then submit the revised ACOP to HUD as an attachment to the agency's annual plan and five-year plan.

Now, if we go back to point two, when we say we need to confer with our residents -- and that would include your resident advisory board should be a part of that and all other residents that are interested. And this is why you would post that -- your revisions to the management offices and also on the website.

Just a tip. When you're doing a revision, you may not want to just post the entire document. If you post excerpts and make it very clear what the changes are between the old document and -- the old revision and the old policy and the new policy, it's a lot clearer for residents and the public to understand what has been changed within that policy.

Best practices and tips for updating your ACOP. Policy language. Use policy language that allows flexibility for extenuating circumstances. For 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 videoconference, telephonic, or other methods due to environmental hazards, public health, and safety situations declarations, weather conditions, or other such situations as dictated.

As you all know, over the past two years, there have been some changes in the way that we conduct business within our housing agencies due to the COVID pandemic crisis. If you use this type of language within your policy, then what it does is cover every possible situation that may occur that may prohibit you from having in-person interviews.

So, you've listed now that you can video conference. You can do it by telephone, other methods due to not only pandemic, but some of us have environmental hazards, public health and safety situations, weather conditions such as hurricanes, floods, other things that may prohibit us from conducting business as usual. So, just as a good measure, it's not a bad idea to add language in there that makes your policy more flexible and more convenient for not only the housing authority but for residents.

Best practices and tips for updating your ACOP, continued. Best document formats. The best format for ACOPs is to divide each chapter into individual files. That way, chapters can be individually updated and revised without revising the entire document, except for the table of content.

Many housing authorities now are listing each chapter as a separate electronic file. It's easier. It makes it easier for staff to find what they're looking for without going through the entire document. It also is easier when you're revising your policy because you just pull out that chapter that you're revising and you can revise it without revising the entire document when you just have the ACOP in a composite document.

Best chapter sequencing. Make every effort to arrange chapters sequentially as processes occur. What you see now is an example -- it's just an example or a sample of a table of content. And as you can see, you start with chapter one, which is your general policies and objectives, fair housing, applications for admission, of course you know waiting list management, eligibility and screening, tenant selection and placement, offered unit, income determination.

This is just a partial table of content because we had a -- we don't have room on the entire slide to put an entire table of content, but it may go anywhere from one to 18 chapters or less. It depends on who has authored it and how much content you want to include in there.

Okay. What we will go over today is lease requirements, community service self-sufficiency requirements, pet ownership, and our grievance procedure.

Leasing requirements. Our ACOP topics we're going to discuss today are pre-leasing activities and leasing orientation, execution of the lease, security deposits, rent payments, late fees and nonpayment of rent, excess utility charges, maintenance and damage charges, modification to the lease.

Now, what we will discuss with you today are, based on these topics, what should be included and what cannot be included or should not be included in the ACOP.

While the PHAs do not have a copy of lease language verbatim -- I'm sorry -- in their ACOP, it is important to include language that references the key requirements of the lease. The requirements of a public housing leases are specified in 24 CFR Part 966, Subpart A. And what this means is that you don't have to put the entire lease. Some of your leases are short. Some of them may have 20 pages. So, key points that cover your policies should only be put in an ACOP by reference.

Include language that states the lease must comply with fair housing, which prohibits using a lease or lease terms or conditions to discriminate based on race, color, religion, gender, handicap, familial status, and national origin. Those are some of the key points also to your internal policies in regards to parking, garbage removal, late fees. All of that should be in the lease. And it could be mentioned in the ACOP, but the entire lease does not have to be listed, as we know, in the ACOP.

Let's now talk about pre-leasing activities, what you should include in your ACOP that discusses carrying out the lease execution. This includes agenda items for lease orientation. If you have a lease orientation, which I know all of you do have some sort of orientation when you're housing someone before they are placed into the unit.

So, part of that should be a discussion of what is in the lease, and the agenda must include a copy of what's being discussed and other documents that would include a copy of the house rules, a copy of pamphlets protecting your family from lead-based poisoning, fraud, what you should know about EIV, PHA smoke free policy, a copy of community service and self-sufficiency requirement and forms, and policies listed in 24 CFR 966.5.

Now, it would be wise to publish in your ACOP what will be discussed during these pre-lease activities, which is basically an orientation. So, if you are revising your ACOP, make sure you put a copy of everything that you're going to give your new residents in that ACOP.

In addition to incorporating references to the lease in the ACOP, schedules and documents such as pet policies, grievance procedure, schedule of charges, VAWA, et cetera must be publicly posted in a conspicuous space in each development office to provide applicants and tenants upon their request. It's not a bad idea also, if you have a website that has enough bandwidth to post your policies within the website, they are public policies, and it would make it much easier for the public to access if you posted them on your website.

Executing the lease. The lease is not a standalone document separate from the ACOP, and PHAs cannot change the terms of the lease within the ACOP. What this means is what's in the ACOP has to go -- what's in the lease has to go into your ACOP.

PHAs must incorporate by reference certain provisions in the lease text. A brief example of the language that you would see may read something like this. The lease is incorporated into this policy by reference. The following provisions govern lease execution and amendments, and you can list down the different excerpts from the lease that would be applied.

Security deposits. If the PHA requires a security deposit, the amount and parameters must be listed in the lease and in the ACOP. This means that if you are asking for a security deposit, you have to provide an explanation of the language based on local and state laws. Interest earned on security deposits must be refunded to tenants when they vacate a unit or used for -- or used for tenant services and activities. That must be stated in the ACOP.

Also included in the policy in the ACOP that outlines a process for security deposit disputes when the unit vacates the unit. There may be an occasion where you go into a unit once someone has vacated and it should be a move-out inspection and there is some damage. So, it has to outline -- your ACOP must outline a process whereby, if you have a resident that moves out, that it must be a remedy for that resident to dispute any charges that may be levied against them because of any type of damages in the unit.

The ACOP must state the date rent is due and any late charges for delinquent rent. The ACOP must state the form of payment, of course, no cash, where tenants may pay rent, and if rent

statements are issued monthly. Many of you now, I'm sure, have electronic portals where rent can be paid, or there may be a bank or some other drop box somewhere where rent may be paid. But of course, no cash. But it must be stated in the ACOP how and where tenants can pay rent.

The ACOP -- a PHA must also include a statement in the ACOP that the amount of tenant rent is subject to change due to a written notice in accordance with HUD regulations, and that would be based on an annual exam or enter an exam or for some reason, if this rent is changed, that it has to include a statement that tenants must be notified in advance of change of any rent. So, please make sure you put that into the ACOP.

The ACOP must state that tenants have the right to choose between income-based or flat rent annually. Must be in the ACOP.

Late fees, nonpayment of rent. The late rent fee amount must be stated in the ACOP. PHAs may charge a penalty fee for late payment of rent. Whatever that fee is, it must be clearly stated in the ACOP. PHAs flexibility as to whether or when to terminate tenancy of a household for nonpayment of rent. PHAs may include nonpayment of rent as a serious and repeated lease violation, but it must be stated in the ACOP.

The PHA must adopt and including in the ACOP clear policies and processes regarding nonpayment of rent, lease termination, and it must be in compliance with 24 CFR 966 (1)(3)(I)(A) and any exception to the rule modified by state and local requirements.

Now, what this means is that a PHA must follow clear rules and regulations for termination of a lease for nonpayment of rent in accordance with HUD regulations. But you also should check with your local, state, and county government rules in regards to evictions and how you terminate lease.

When developing ACOP policies regarding lease termination and eviction, state laws, if any, must be followed that apply to eviction costs, just like I said.

Excess utility charges. Many of you have utility charges or excess utility charges, and in this case, the lease and ACOP must describe this type of charge, how the charges are determined, and that the schedule of charges will change as a new utility allowance is adopted.

Now, it may not be the best practice to actually put the utility -- the current utility charge in the ACOP because it would mean that you have to go back every year and amend your ACOP. Those charges should be posted somewhere within the management office, and if you so choose, on your website, and that way clients can go on and see what the most current utility charges are. Of course, too, they're discussed during annual reexam.

PHAs may grant tenant requests for relief of surcharges for excess consumption of a PHA-purchased utilities. However, it must be stated in the ACOP that the PHA's criteria and procedures for granting such relief is in the ACOP. PHAs still have an obligation to provide reasonable accommodations in response to -- and to tenants' reasonable accommodation requests.

Now, what this means is that you may have some who -- have a resident that has a reasonable accommodation, and they may have an appliance that generates more electrical charges than just the regular surcharges. And so, in that case, there may be some exceptions or obligations for -- to provide a person with a reasonable accommodation some relief from surcharges because of the consumption due to these -- due to the appliance that they may have in their unit.

Utility surcharge relief policies must be revised and adopted at the time the PHA adopts the method and procedures for determining utility charges.

Maintenance and damage charges. 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 applicants/tenants upon request.

Now, this would be your yearly charges or your charges per incident or item that you would provide to residents and charge them in the case of tenant damage or if there is a charge for services being provided by the maintenance department. This should be updated regularly, and it should also be in the ACOP by reference that this will occur and be posted, of course, in your management offices and made available.

Modification to the lease. The PHA's policy for modifying the tenant lease must be clearly stated in the ACOP. The ACOP must state that before adopting a new lease modification, the PHA must provide the tenants, resident organizations, and the Resident Advisory Board with at least 30-day public review and comment period for proposed changes to the lease.

The ACOP must also include how tenants will be notified when a tenant wide lease modification is approved, and that means a blanket lease modification, not for an individual tenant, which would just be an addendum. All of this should be stated in the ACOP by reference.

Lease terminations. 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 the PHA may terminate tenancy for the following reasons: serious and repeated violations of material terms of the lease, such as nonpayment of rent or failure to fulfill tenant and household obligations, being over income for the program, if you have that rule, making fraudulent statements regarding eligibility during admissions and any time 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 I, required lifetime participation in state and sex offender registration programs. And that's an exclusion, of course, we do know.

So, these are some of the terms of a lease that may be stated in the ACOP. So, it is consistent with what's in the lease should be in ACOP.

Lease termination. The PHA may not have a general policy of holding tenants liable for rent through the remainder of the lease if the lease term -- oh, I'm sorry -- remainder of the lease term if the tenant termination ends before the end of the lease term and provide notices as such required in the lease.

What this means is that, if someone moves in the middle of the month and they paid their rent or they haven't paid their rent, you can't hold them liable for the rent for the remainder of the lease.

In the private sector, if you have a six-month lease and you move in three months, there's a chance that that company may hold you for the whole six months. We can't do that in public housing. If someone has a lease and that least terms in July and they move in maybe May, we can't charge them or hold them liable for any money past the time that they moved out.

The ACOP must also outline policies regarding remedies for lease termination.

Okay. Let's move on to community service and self-sufficiency requirements. And please don't be shy about asking questions and putting them in the chat so we can address your chat -- your questions after or comments.

Today we're talking about community service requirements. We're going to talk about applicability, the requirements of the family, exemptions, eligibility, eligible community service activities, eligible economic self-sufficiency programs, determining compliance, and noncompliance.

The purpose of this section is to provide PHAs with guidance for incorporating community service and self-sufficiency requirement policies into the ACOP in accordance with the Quality Housing and Work Responsibility Act of 1988, which -- or 1998, which most of you all know as the QHWRA.

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 notice when establishing CSSR policies. And see you have down here PIH 2015-12 and PIH 201-06. And we don't have time to discuss those today, but make sure that you go back and reference them so you will be very clear on those requirements.

Applicability. All PHAs operating a public housing program, including PHAs participating in the Move to Work demonstration, must comply with the CSSR. The ACOP must require the following information to be completed at lease execution and reexamination for all adult members of the household 18 and older.

They must provide documentation that they are exempt from community service and self-sufficiency requirements or if they qualify for an exemption and a signed certification that they have received and read the agency's policy and understand that, if they are not exempt, failure to comply with community service and self-sufficiency requirements may 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. And this means internally, there needs to be some form, some sort of way that you can document participation by residents in the CSSR program, which means it could be something that they take to whoever

they are performing the community service for to make sure that they get their hours in. They have it signed off, and that would be like a third-party verification.

The PHA's ACOP must include the CSSR mandate that each nonexempt adult household member 18 years or older either contribute eight hours per month of community service or participate in an economic self-sufficiency program for eight hours a month. The requirements can also be met by a combination of eight hours per month of community service and participation in an economic self-sufficiency program.

PHAs have the discretion to implement a policy that allows for nonexempt household members to complete the requirements by an aggregate -- by aggregating to 96 hours over the course of the year. Fewer than eight hours may be earned each month, but a total of 96 hours must be completed in the year.

What this says is that, if someone can't complete eight hours per month, as long as they reach that 96 hours per year, then they have fulfilled their obligations, which means that they may do eight hours one month. They may do 24 hours the next month. They may do four hours the next month. But as long as they reach that 96-hour mark over the course of the year, that means that they will have fulfilled their obligation. And you have the discretion to establish that policy, if you so choose, at the housing authority.

Exemptions from the CSSR. PHAs must establish clear guidelines in its ACOP regarding who is exempt from CSSR. Residents who are exempt from CSSR include adults 62 and over, blind or disabled residents who certify that because of this disability, they are not able to comply with 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 programs 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.

Now, many have asked, and we get this question all the time, what are eligible community services activities? Well, your ACOP must define eligible activities by activity and community service programs.

Community service means performing volunteer work or duties that are of a public benefit and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self-responsibility in the community. I'm going to read that again.

Community service means performing volunteer work or duties that are a public benefit that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self-sufficiency responsibility in the community. And this would include community service is not employment and may not include political activity.

Community services activities may include the following examples: community organization volunteer programs, participating and assisting with resident council activities, volunteering at local school, youth organizations, and social service projects, organizing or participating in

community projects, volunteering for outreach or awareness activities for the PHA, nonprofit, or other organizations, volunteering for PHA community watch programs, and building monitoring.

Eligible economic self-sufficiency programs. 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 services to reach those goals.

Activities may include the following example. Notice the word may. Doesn't say must. It said, may include the following examples: job readiness or job training while unemployed, training programs through One-Stop Career Centers or workforce investment boards, higher education -- and that's community college and university -- trade school and apprenticeships -- that's formal or informal -- substance abuse and mental health counseling. That would include your economic self-sufficiency activities and programs.

Now, there have also big questions about how do you determine compliance, and PHAs have tried to come up with ways, of course, to make sure that everything is documented and that residents are complying with their CSSR obligations. So, in order to do that, the PHA must review family CSSR compliance. It must verify such compliance annually at least 30 days before the end of the 12-month lease term, and this would be during most conveniently through your annual exams. The PHA must give the family a written description of the service requirement, the process for claiming exemption of status and for the PHA to verify such status.

The Public Housing Guidebook chapter on CSSR offers three example sample documents, two of which PHAs can customize for use. And this is the new PIH Guidebook. So, there is a link where you can go and you can see three samples of documents, two of which can be customized for you to use to document compliance.

One, a sample entrance acknowledgment, two, a sample annual renewal certificate, and three, a self-certification sampling methodology. So, if you would go to the new Public Housing Guidebook. then you would see those three examples. You can pattern your compliance determination off of those, and those are just samples for you to use.

Further talking about determining compliance. If electing self-certification, PHAs must include a policy in the ACOP describing the reporting process during the tenant's annual reexam. 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 penalty 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, the contact person of 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-certification, which means that you go back to the source where this information came from to verify that it is indeed true.

What happens if you have a noncompliance? The ACOP must describe the consequences for noncompliance with CSSR obligations. However, eviction must not be a consequence for noncompliance with CSSR. We've included some sample ACOP language that kind of spells out what happens when someone is noncompliant, and if a family member is found to be noncompliant at reexamination, he/she -- and the head of household would sign an agreement with the USA Housing Agency to make up the deficiency hours over a 12-month period or certify that noncompliant families must -- noncompliant family member is no longer in the household.

So, you have the discretion to be able to provide a remedy if someone has fallen short of the 96 hours a year that they are supposed to provide to community service, or if someone in the household is noncompliant and they have moved out, you can say, well, this person is not in the household anymore. But it must be some policy language in there that describes the consequences of noncompliance in accordance with your housing authority's policy.

Noncompliance, continued. If a family member refuses to sign a written workout agreement or fails to comply with the terms of the workout agreement -- and that's the agreement that you've made with the family if they're in noncompliance -- the PHA must initiate termination of tenancy proceedings at the end of the current 12-month lease since the family is failing to comply with these lease requirements. Notice you say at the end of the 12-month lease. So, it's not an immediate termination.

The ACOP must define a timeline for notifying households of noncompliance 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 with the CSSR over the course of the next 12 months.

So, there is a remedy for those families who are noncompliant. They can request a grievance hearing, and there is a time -- lead time before that hearing in which they can contact the housing authority and enter into an agreement.

Pet ownership. Pet ownership is another one of our ACOP topics, and what we will address today is service and assistance animal exclusion, definition of common household pets, prohibited animal, types and numbers of pets, registration, general rules, requirements for all development types, pet restraints and area restrictions, sanitary conditions, financial obligation, nuance or threat of health or safety, and pet rule violation procedures. And I am sure you all will have a lot of questions on pet policies because there are questions between what's a pet and what's an assistance animal.

The overview of this -- all of this is 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 establish -- must be established in accordance with 24 CFR Part 5, Subpart C, while policies for general occupancy developments are in accordance with 24 CFR 960, Part G.

PHAs have discretion to establish pet ownership rules for elderly/disabled developments. However, for the general population development, PHAs must establish pet ownership policies.

Assistance, support, and service animals for persons with disabilities are not subject to the PHA pet policy. I'm going to read this again. 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 the pet policy rules and policies, cannot be restricted by size, weight, and type, cannot be limited to designated areas, and do not 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. Here we have a link, FHEO-2020-01, Assessing a Person's Request to Have an Animal as a Reasonable Accommodation Under the Fair Housing Act. You should review this for more information and best practices because there is a difference, as you can see, between a service animal and a personal pet.

PHAs have some discretion regarding the level of detail to include about assistance animals in the ACOP. Generally, PHAs produce a separate assistance animal policies that lays out the rules for assistance animals. There should be mention of the exclusion in the ACOP's pet ownership policy that it is clear -- that the difference is clear between the requirements for assistance animals versus pets.

I don't know how many of you have a separate assistance animal policy, but it's -- would be a nice idea if you did, and that way, you don't have to include the entire policy for assistance animals in the ACOP. You can include the key points and by reference.

The ACOP must outline the difference between the two types of assistance animals. Service animals is one. The other is animals that do work and perform tasks, provide assistance, or provide therapeutic emotional support for individuals with disabilities, and these are what we refer to as support animals.

I'm going to read this again. You have service animals, and you have support animals. And support animals or other animals that do work, perform tasks, provide assistance, and/or provide therapeutic emotional support to individuals with disabilities.

Here we have some sample ACOP pet policy language. And I'm not going to read the whole passage to you, but I'll read the first couple of sentences that said, 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.

So, what this is saying, that your regular pet policy does not apply to service and assistance animals. However, you still have to maintain your unit and safety and sanitary manner and also any common areas or associated facilities.

Now, we have definitions for common house pets. Although there's no regulatory definition for a common household pet, PHAs have the discretion to define common household pet for general occupancy and elderly/disabled developments.

PHAs may develop a reasonable definition or otherwise develop reasonable restrictions on types of common household pets allowed in their housing developments. For example, in ACOP language, for the purpose, common household pets shall mean domesticated animals such as a dog, cat, bird, rodent, guinea pig, hamster, gerbil, fish, frog, or turtle that are not traditionally kept in the home for pleasure other than commercial use. Those are more domestic type animals and small pets.

Then you have your prohibited animals, types and numbers of pets. For general occupancy in elderly/disabled developments, PHAs may place a prohibition based on types of pets it classifies as dangerous, provided that such classifications are consistent with applicable state and local law.

Pet rules and 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.

Tenants -- tenant and pet density may be considered when placing reasonable limits on the number of pets allowed in each unit in both general occupancy and elderly developments.

The elderly/disabled group homes pet policy may be placed in -- I'm sorry. In eligible disabled group homes, the pet policy may place reasonable limitations on the number of pets allowed in each home.

What this basically means is that you do have some discretion, and although you must stay consistent with state and local law on the types of pets that may be housed in your housing units. It should be reasonable, of course. It should be within the law and you have to consider the number of units, the density of the development, and how many number of pets would be allowed in each one of the developments, which means that someone may have a turtle that's tiny, and then they may want to have a dog.

Again, someone may have two dogs. May -- that unit may not be large enough to allow that. So, it has to be some sort of consideration when placing limits on what type of pets and the number of pets that you may have.

Prohibited animals, types, and number of pets. Now, in any times housing authorities have the discretion to determine what type of dog you may have, if you may have reptiles, farm animals, that sort of thing. Again, that also goes back to safety, health issues, and also with local ordinances.

So, here we have an example of the type of pets that a housing authority typically may not allow in their development, and that includes animals to be considered as vicious or attacking in nature and animals otherwise not traditionally kept in the home for pleasure and, therefore, will not be permitted on the premises of the USA Housing Agency.

And that would include any animal whose adult weight exceeds 25 pounds, and that would mean dog cat, any animal that exceeds 25 pounds. No dogs such as pit bulls, rottweilers, Doberman pinchers, German shepherds, bull dogs, or breeds not permitted under state or local law or code, reptiles such as snakes, alligators, lizards, iguanas, chameleons, farm animals, chickens, pigs, cows, mules, horses, wild animals such as lions, leopards, bears, tigers, wolves, ferrets, or other animals whose natural protective mechanisms pose a risk to small children of serious bites.

Now, this may sound a little comical to some of you, and you may not have all of this within your policy, these animals listed. But what this policy is doing is covering the gamut because you would be surprised -- and I know many of you have been -- on animals that some of the residents may try to keep as pets. And if you exclude something and they come back and say, well, it's not in the policy, so, it's best to list as much as you can that you prohibit than not list all or just have a minimal listing so if someone does come up with an alligator, you can say, well, it's in the pet policy that you can't have this. So, it's better to be safe than sorry in the long run and have to go through an argument or a grievance hearing about someone who comes up with an exotic pet that's not listed in your pet policy.

Also, here we have more language that talks about the types and numbers of pets. Only one four-legged, warm-blooded animal is allowed per unit. Such animals shall not exceed 18 inches in height or 25 pounds. Another, in the case of fish, residents may keep no more than can be maintained in a safe, healthy manner in a tank that holds up to 10 gallons, which means no aquariums over 10 gallon, and it can't be just stocked with fish -- all kind of fish and baby sharks.

Registration of pets and general rules. The ACOP must include requirements for registering pets and general rules for owning pets on the PHA premises. Both -- for both general occupancy and elderly developments, the PHA policy must include a requirement of pet licensing and pet registration, depending on the type of pet and in accordance with applicable state and local laws and regulations.

Registration requirements often include a licensed veterinarian certification, a requirement of pet inoculation, information to identify the pet, a photo of the pet, and an emergency contact. And as a best practice, HUD recommends PHAs to update this information during annual reexam. And it's very important to have an emergency contact in case the resident takes ill, especially if it's a resident that does not have other family members living there, so you'll be able to contact someone to make sure that they can come and take that pet until that person is better or take that pet permanently.

Pet owners must maintain animals in accordance with PHA policies and in compliance with applicable state and local health, animal control, animal cruelty laws, and regulations. The ACOP may include the PHA standards for pet care and handling and require owners' control of noise and odor caused by the pets. And doesn't have to be a long paragraph. It's just a statement that these are our particular standards -- excuse me -- in regards to animal control, odor, sanitary conditions.

The PHA may prescribe standards of pet care and handling limited only to those necessary to protect the condition of the tenants' unit and the general condition of the premises and protection of health and safety of present tenants, PHA employees, and the public.

And what that means is there may be a description of your policy in your ACOP that lays out what you expect from residents in regard to care and handling, whether it's leashes, making sure that animal waste is picked up, that animals are -- that are not accustomed to being around people, that there's a way that they're contained. So, it's just a matter of things you may list in your ACOP in your pet policy that said, this is what we expect of you, your obligation as a resident with a pet.

PHAs may require pets to be spayed or neutered. It is generally considered a best practice to require pets be spayed or neutered once they reach the age of six months. It is useful to include these requirements for registration. PHAs cannot require pet owners to have any pet vocal cords removed or have cats declawed.

The PHA pet policy rules may exclude pets not owned by the tenant but kept temporarily on the premise. Pets are kept temporarily if they are kept in the tenant's unit for fewer than 14 consecutive days or not, and that would mean a visiting pet. A PHA may establish other rules regarding pet ownership, including fumigation, cleaning fees, unit or premises alterations, pet breeding, pet cleanliness, care inspection, and access to units, as long as those rules are fair and reasonable and do not violate federal, state, local laws and ordinances.

Let's go back to point one where you may have someone who is temporarily pet sitting. That does not exempt them from -- they may not be included in the pet rule, but it still does not exempt that person who's pet sitting from ensuring that their unit and premises are kept safe, decent, and sanitary and that they follow just general cleanliness and friendliness and neighborliness when they have that pet in their possession.

Pet restraints and area restrictions. It is a best practice to set parameters about where pets are allowed on PHA properties. For example, some PHAs do not allow pets to enter the management office where staff work. However, PHAs may designate an entire development as a no-pet area since regulations permit -- they cannot designate an entire development as a no-pet area since regulations permit residents to own pets.

I think this is pretty self-explanatory is that, when someone comes in for a reexamination, that they may not be allowed in the management office only because sometimes pets take -- like a lot of attention and care and it could be distracting and they may not be as friendly to the staff as they are to that person that's a pet owner.

For general occupancy and the elderly/disabled development, PHAs may designate buildings, floors of buildings, or sections of a building as an area where pets generally may not be permitted. PHAs may bar pets from specific common areas such as laundry rooms, lobbies, social rooms, if pets and their owners can reasonably get in and out of the building or development without passing through a specific common area.

Pet restraints and area restrictions. And this is just some sample language that shows where pets can be allowed, where pets are restricted. That should be stated within your ACOP, part of your pet policy. So, this part of your policy on where pets can move about or cannot move about should be clearly stated in your ACOP so there is no misunderstanding between the ACOP, and your pet policy should be consistent with that.

Sanitary standards. The ACOP may incorporate the PHA sanitary standards for pets owned by tenants of elderly, disabled, or general population housing developments. It is a best practice to include details about expectations of pet owners to clean up after their pets. The rules should be established to 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. This is something that, as a statement should, be included in your ACOP.

Financial obligations. 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 -- must not exceed the higher of the total tenant rent payment or such reasonable fixed amount as the PHA may require or an amount periodically fixed by HUD through notice, which means that you cannot charge anybody more than what their rent is as a pet deposit.

You can also, as a housing authority, affix a reasonable amount. It doesn't have to be at the total tenant, but it has to be enough to recover any damages that may be caused by the pet.

Pet rules must permit gradual accumulation of the pet -- the pet policy rules must permit gradual accumulation of the pet policy deposit by the owner, which means that you can break it down in some payments.

PHAs may not prescribe pet rules that impose additional financial obligations by requiring pet owners to obtain liability or other insurance to cover damages caused by pets. And this is what it says. You cannot require someone who owns a pet within a PHA development to acquire liability insurance.

Okay. These are the differences in the financial obligations between your general occupancy developments and your disabled/elderly developments. PHAs -- in your general occupancy developments, PHAs have discretion to require tenants of general occupancy developments to pay one or both of the following: a nonrefundable nominal fee to cover reasonable costs to the property relating to the presence of the pet or a refundable deposit to cover additional costs attributed to the pet and not otherwise covered, such as damages to the unit.

In the elderly developments, it's different. Residents of elderly/disabled development who own or keep pets in their units may be required to pay a refundable pet deposit, or the PHA may use a deposit to cover the unit damages and cleaning fees.

The difference is over here in your general occupancy, you may have a nonrefundable fee, and that would be a fee for the cost of keeping that pet on the premises, along with a security deposit. In the elderly, you may charge a refundable deposit, but you can't charge nonrefundable deposits. But you can still charge a deposit to cover unit damages and cleaning fees.

Nuisance or threat to health and safety. Pet owners must maintain pets in accordance with PHA policies and in compliance with applicable state and local public health, animal control, animal cruelty laws, and regulations. It is a 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. So, that should be stated in the ACOP very clearly under what circumstances your PHA will intervene and contact animal control.

In the case of an emergency where a pet owner is not able to care for the pet, the PHA should make every effort to have the owner designate a responsible person to take care of that pet. And I think we mentioned that, and that should be updated and verified annually during the reexam.

If, under state or local law, the pet's conduct or condition is deemed a nuisance or a threat to health and safety of other tenants or other persons in the surrounding community, the PHA may require removal of the pet from the development. And these are some of the statements that should be included and some of the items and fully explained out within your ACOP.

What happens if there is a pet rule violation? As a best practice, incorporate the terms of the pet policy violations directly into the lease. It is useful to -- it is useful to refer to the procedures for violation of the pet policy in the ACOP along with the lease, if they are very clearly stated violations. It should be listed also within the ACOP the same and consistent with what is in the lease.

It is the best practice to incorporate a meeting to discuss the violations into the procedure. This gives residents a chance to correct any underlying issues that may be caused by the violation. What this means, that also within that procedure, there should be some sort of opportunity for residents to come and to present their side and discuss a way to maybe correct the underlying issue that's caused the violation without just deeming it just a complete violation of the pet policy.

So, kind of like not quite a grievance but an opportunity for that resident to come in and correct whatever has occurred in regard to that pet. And pretty much you should have in your ACOP how that would be affected, how the resident would do that.

Here we have, again, a sample ACOP language rule violation procedures. All pet owners will be required to abide by all provisions of the public housing residency lease and pet policy procedures, and this applies to all pets that may be owned by residents.

Our last section here is our grievance procedure, which I am sure everyone is quite interested in. What we will talk about is the applicability, informal settlement, grievance hearing, grievance hearing procedures, tenant rights, and reasonable accommodations in regards to grievance procedures.

Okay. In our overview, the grievance procedure is part of a 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 policies about the grievance.

Grievance procedures must meet both HUD regulatory requirements and local, state, and federal law and regulations. To present a grievance, an individual must be a tenant, as defined by adult person, other than a live-in aide, who resides in the unit and who executes the lease as the lessee.

Disputes between tenants relating to non-PHA matters cannot be presented to the PHA as a grievance. And what that last sentence mean, if there is dispute between two residents or two groups of residents and the development, that they cannot bring it to the PHA as part of the grievance procedure. That's something that has to be resolved between themselves, or many times you may have PHA staff to help them mediate and resolve it, but it's not considered a formal grievance. Not tenant against tenant.

PHAs cannot require that a tenant present a grievance in writing, which means that there may be an oral request for a grievance. But even if it's an oral request, it should be documented by the person who's receiving the request.

And when I say documented, I mean that, if a resident comes into a rental office, into your management office and has a grievance, they don't have it in writing. Whoever is there that they speak to should make sure that they write down everything they can in regards to that grievance, the time that that grievance was taken, the date the grievance was taken, who presented the grievance, and any details and what is expected from this grievance.

Applicability. The ACOP must contain a statement of applicability in which the PHA describes the situations where grievance procedures apply or do not apply. And we'll read this again. The ACOP must contain a statement of applicability in which the PHA describes the situations where do not apply.

Grievance procedures are applicable only to individual tenant disputes with PHA. They are not intended to resolve disputes between tenants or matters unrelated to a PHA or to resolve class grievances.

When we say class grievances, if you have an entire group of residents who are I will say not happy with a particular policy or situation within your development, that does not qualify as a grievance because it is considered a class. It's more than that tenant that comes to you with their problem. This is a whole group of people. So, that doesn't qualify under a grievance. That may be a negotiation or may be a meeting or a session with the PHA to try to resolve whatever conflict or complaint that that group may have. But that would not fall under the grievance procedure.

Also, the grievance procedure is not a forum for initiating or negotiating policy changes with the PHA, and that may fall up under that group class is that you have a resident council or a resident organization or a group of residents that don't agree with a particular policy. That does not fall under the grievance procedure. That would be a negotiation between the PHA and that group but not a grievance.

And here we talk about applicability and sample ACOP language, and it states, in accordance with federal regulation 24 CFR 966.51, this grievance procedure shall not be applicable to an individual -- to all individual grievances between a tenant and -- shall be applicable -- I correct -- to all individual grievances between the PHA and the USA Housing Agency. The PHA grievance procedure is not applicable to disputes between tenants not involving the -- not involving the PHA, the USA Housing Agency, or to class grievances and so on.

So, this is just simple language that you can include that would clearly state your policy in regards to when a grievance is applicable and when it is not and it clearly makes a distinction.

An informal settlement. The ACOP should state that the first step to the grievance procedure or 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. That's the first step, number one.

At the informal settlement, the tenant and the PHA staff person is responsible for the area will be -- is responsible for the area will attempt to settle the grievance. Informal settlements are specific to public housing grievance review process and should not be confused with informal hearings.

This is your first step to try to settle the dispute is that meeting with the resident and try to resolve the matter before it escalates to the formal hearing stage. So, any time that you can meet with someone with an informal settlement, it may be something that can be cleared up during that meeting. If not, then it may move to the next step. But the first step would be to meet and try to see if you can resolve it without it escalating further. All of this should be included in your ACOP, these steps.

Informal settlement. The ACOP must prescribe a specific format for an informal settlement process. PHAs have the discretion to create the process by establishing the following; informal settlement requests requirements and forms, if any, deadlines for a response, normally ten 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 proceeds of the proceeding. And this is something that can be put in a letter, in a form and, of course, issued to the resident and also --

Now, remember, this is the first step, the informal settlement.

And this is informal settlement language that could be included in that ACOP to help start the process off and perhaps come to a resolution before it gets to a formal grievance.

Now, if you are unable to settle whatever the complaint or the grievance is with the informal review process, then you go -- you move next to the formal settlement. Sorry. You move next to the grievance hearing request. The ACOP must include procedures by which a complainant -- and that would be the 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, and that would be each step of the process you start from the time you schedule it to the time that grievance is resolved.

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 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.

The ACOP must state that a designated hearing officer or officers -- you may have more than one -- will conduct grievance hearings and that hearing officers must be an impartial person selected by the PHA, other than the person who made or approved the decision under review or subordinate to that person, which means that whoever made this decision on something that has caused this complaint to come in, they cannot hear that. And that would include -- depending on the size of your PHA, could be someone who is a manager, which means that that manager can't hear that. But any person that was not involved in that decision above them would be able to hear that or a third-party for -- from the outside, if you have an outside hearing officer.

HUD establishes what needs to be covered during the hearing, but PHAs have flexibility to design a procedure use 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 five days or determine if the tenant has raised -- waived his or her right to the hearing, which means that you have the discretion to allow your hearing officer, if there is a no show, to say, okay. We will try this again in five days.

If for some reason that hearing officer does not believe that that tenant had any intent to come to that hearing or if they have changed their mind about the hearing within that time, then the hearing officer can determine that that tenant, he or her waived their right to a hearing.

Grievance hearing procedures. The ACOP includes when the PHA and tenant should be notified of the hearing officer's decision. Ten business days after the hearing is the best practice. The PHA's policy on document reproduction should be included within ACOP. That means that if you are charging -- if someone requests the entire copy of their file or some other document that is involved within whatever dispute is going on, that there are some PHAs that may charge a nominal fee, \$3 a page -- for a copy or something like that. But if you do, it must be published within your ACOP that you will charge a nominal fee, and those fees have to be published as well and can be posted, of course, in your management offices.

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 documents 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 documents at the grievance hearing, which means that if you don't -- if there's been a request by a tenant that's involved in this particular grievance to review the documents that are going to be used to present the housing authority's case within the complaint, if the housing authority does not allow those documents to be viewed by that tenant before the hearing, then they cannot use that document as evidence 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 parties may copy -- may purchase a copy of such transcript.

And here, again, we have some sample ACOP language, which we will be providing in our ACOP guide that we talked about at the beginning of the session that will be published on the HUD website. So, what we will be doing throughout all of these webinars is providing you with some sample ACOP language. Mind you, this is just a sample. It does not mean that you must use this language, but it's just giving you an indication of what language could look like within your ACOP that would cover all of your topics and policies.

And so, in this case, it's for the hearing process, which says, hearings must be conducted informally by a hearing officer and oral or documentation -- or documentary evidence pertinent to the facts and issues raised by the tenant may be received without regard to admissible under -- or regard to admissibility under the rule of evidence as applicable to judiciary proceedings.

This may not be your exact language, but this is just showing you what type of language would cover your policies within the ACOP.

Here are some other sample ACOP language. Oral evidence, witness -- or testimony of witnesses, of course, documents that are relevant to the case, letters written by the PHA that may include all forms of written or recorded communication, letters, emails, words, pictures, sound, so forth, demonstrative evidence, evidence that creates specifically for the hearing or presented as an illustrative aid or assist with the hearing officer, such as a model, chart, diagram. These are types of evidence. Or real evidence, tangible item related directly to the case. Those are things that could be considered as evidence during the grievance hearing.

And of course, we do know oral testimony, which would include the resident and sometimes they will bring people with them. They have the right to bring someone with them to help make their case. It could be an advocate, or it may be someone else.

Tenant rights. 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. That includes an opportunity to examine and copy documents prior to the hearing, the right to be represented by counsel or other persons chosen by the tenant's representative, and to have such persons 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, or to confront or cross-examine all witnesses upon whose testimony or information the PHA relies.

Tenant rights also include a decision based solely and exclusively upon the facts presented at the hearing. And what this means is that sometimes there are people who don't get along very well or who have differences -- or staff may not get along very well with the tenant but it should not be relate -- decisions should not be -- and this should be very clear -- be based on personal disagreements or relationships but only based on the facts that are presented in that case. Not appearance, not anything else. Just that.

And I can tell you. I was a hearing officer for several housing authorities, and I always looked at the facts, period, despite anything else that may be going on.

Reasonable accommodations. Consult the agency's reasonable accommodations, limited English proficiency, Section 504, and fair housing policies to ensure that the grievance policy is in alignment.

Your ACOP must state the PHA's policies for reasonable accommodations for persons with disabilities to participate in the hearing. Reasonable accommodations may include sign language interpreters, readers, accessible locations, or attendants. The PHA's policies regarding visual and auditory aids for tenants should be included in the ACOP, such as braille, audio, large print, optical readers or computers available for viewing, assistive listening device systems, sign language interpreters, and documentation translators.

If the PHA chooses to conduct remote hearings, the buildings must be accessible to persons with disabilities and be conducive in accordance with Section 504 and accessibility requirements.

Okay. We have reached the end of our presentation and right on time. And if I stumbled a little bit, I apologize. I'm not feeling that well today. So, bear with me a little bit. But now, it's the time that we will take some questions from you, and so, Caila -- I'm going to give it back to Caila. Caila will be the one who will present the questions, and I will help answer them. And we also still have Kymian from HUD and Monica, and they will chime in when needed so we can kind of address some of your concerns and questions during this presentation. And thank you so much for being so patient.

Caila Prendergast: Thank you, Valerie. You did a great job. We got so many questions in during that session. We got almost 50 that we're going to cover. So, actually decided -- Grace and I decided to change it up a bit. I am going to continue fielding questions on the back end, and Grace is going to be reading the questions for you out loud verbally, Valerie.

Valerie Jackson: Okay.

Caila Prendergast: But just a reminder to participants. If you have questions, just type them in the chat. If you have a question about a specific portion of the presentation, be sure to include

that in your question so that we can orient Valerie and our HUD folks to that question so it's more easily answered.

So, with that, I will pass it to you, Grace.

Grace: Okay. Yes. And thank you all for your questions. We have a lot of good ones, and we're trying -- we're going to try to divide our final half hour together up into the four different topic areas. But I'm going to start with questions about lease requirements, which was our first topic, and I will read out the question and then kick it to Valerie and Kymian and Monica. And then we'll move on to the next question once we've gone through it.

Okay. So, our first question is related to the lease requirements topic, and the question is, "What if the late fee is stated in the lease but not the ACOP?"

Valerie Jackson: Well, the late fee should be stated in the lease, definitely. Within the ACOP, there's -- I've seen them both ways. I've seen where the lease -- where the late fee is stated specifically in the ACOP. However, please note that if you change that late fee, you have to go back and revise that ACOP. Or I've seen it stated where the language is flexible that says the housing authority will charge a nominal late fee no more than the total tenant payment, just as we stated here.

So, it's kind of a choice that housing authorities may have to list it or to not list it, but it has to be not just the amount. It has to be within the ACOP that, yes. That you will charge a late fee and it will be based on -- consistent with what is in the lease, and it can't be -- or it can't exceed a certain amount, which would be the total tenant payment. So, it's up to you.

Kymian, do you have any?

Kymian Ray: Yeah. So, since the lease would be referenced or incorporated into the ACOP by reference, as long as it's -- and it has to be in the lease; right, under the --

Valerie Jackson: Right. Right.

Kymian Ray: So, essentially, if the lease [inaudible] into the ACOP, which it would be, then the late fee would be incorporated into the lease. So, just wanted to add that.

Valerie Jackson: Right. So, not necessarily the amount, but it has to be shown within the ACOP that you will be charging a late fee.

Grace: Okay. Thank you. We're going to move on to our next question, and this is a question that came in kind of in general about when you need an ACOP.

And the question is, "What is the requirement for an ACOP if our housing authority no longer has public housing and is converting to RAD? We also administer HCV and Section 8 vouchers." So, in this case, what's the housing authority to do?

Valerie Jackson: Well, if you still have any public housing units, you should have an ACOP. And I do understand with RAD that you phase out your public housing units at some point, but as long as you still have one, you should have an ACOP.

Grace: And Kymian?

Kymian Ray: Yeah. Yeah. And for the HCV and Section 8 program, that would be an administrative plan. So, that would be an entirely separate plan that would cover those -- that housing assistance.

Grace: Absolutely. Thank you. And definitely, a whole other webinar series beyond what we're doing today for digging into the admin plan.

Our next question is about the community service and self-sufficiency requirement topic that we reviewed, and a lot of questions came in on this topic. So, I think we'll spend a little bit of time here.

So, our first question is, "Has there been any discussion about increasing the eight hours of required community service per month?" And I'll kick that to Valerie and HUD. HUD may have --

Kymian Ray: Yeah. So, I'll just jump in and say no.

Grace: Okay. All right. All right. So, no discussions about increasing the eight-hour per month requirement. All righty.

Valerie Jackson: But do remember we said as long as -- you have the discretion, as long as that 96 hours per year is reached, that if it's not eight hours a month, it may be four hours this month and 12 hours the next month. So, it can be an either/or as long as it comes out to eight hours a month.

Grace: Absolutely. All right. Our next question about the community service requirement is this. "Is the community service issue still suspended due to COVID, or are residents required to comply again?"

Kymian Ray: Okay. I'll take that one. So, I'm sure --

Valerie Jackson: I think the COVID requirements were dropped, were they not, Kymian?

Kymian Ray: Yeah. So, you're probably all familiar with the CARES Act waivers that were provided, and most of those -- pretty much all of them expire December 31st, 2021. This year our waiver was a little bit different.

So, the way that one was structured, we made it mandatory for all PHAs -- and I forget the exact notice number, but the way it was structured and the way that it is -- that it expires is that families that have non-exempt adult members, so, anyone who is subject to the requirement,

those requirements will become applicable again with the first annual reexam after April 30th of 2022. So, it really just depends on when that first annual is after April 30th, 2022 that the requirement becomes applicable or active again for that family.

There is a whole guidance that we put together on all of the CARES Act waiver expirations, and then there's one that [inaudible] CSSR. I'll drop the link to that document in the chat, and it provides some detailed explanations of how you would document it, how you would report it in PIC, and then I think it gives some scenarios as well. So, hopefully, that document is helpful in figuring out how that [inaudible] applies again [inaudible] waivers.

Grace: All right. Thank you, Kymian. And you guys can look in the chat for the link to that.

We're going to toggle back to a question about lease requirements next. And the question is, "Can we hold tenants responsible for rent for a full 30 days if they have not given a 30-day notice?"

Valerie Jackson: Let's see. Read that again, Grace. If they have not given a 30-day notice?

Grace: Right. Can we hold --

Valerie Jackson: No.

Grace: Okay.

Kymian Ray: Well, so, I think, if I'm understanding the question correctly, so, if you -- if someone vacates the unit in the middle of the -- or I guess maybe if you can provide more clarity for the question. There are no, I guess, hard and fast rules about what to do necessarily when someone breaks their lease. There is some discretion there. I think what we can do is probably circle back and provide something in writing that can kind of flesh out different [inaudible] --

Valerie Jackson: Right.

Kymian Ray: -- because there is some leeway in terms of that family having to pay; right, for that -- for the remainder of that month. But making them -- let's say they vacate and there's six months left on the lease and just making them; right, [inaudible] for those six months, that would be problematic.

So, we can add that to the list of questions that we can provide maybe a more comprehensive response to in writing.

Valerie Jackson: Right. If they're in place, say, until the 5th of that month -- and I agree with Kymian. We have to go back and look at that -- they may be liable for that month, but you cannot charge a resident for the remainder of their lease term, like in the private sector sometimes it happens.

So, if they did move, then we have to see -- checking -- Kymian, we're going to check and see if they would be liable for the remainder of that month since they were in place that month. But of course, the month after that and when they're gone, no. That's not the way their lease works in housing -- in public housing. So, that's a -- that may be a discretionary thing, Kymian. Let's look at that.

Grace: All right. Thank you for that. We're going to switch back over to community service and self-sufficiency requirements for our next question. And here it is.

"If a household has a student that is 20 years old and is away at college, does that student have to do community service? If they do, can they do that community service where they are attending college?"

Valerie Jackson: Well, they're -- Kymian, they're not in the household at this point.

Kymian Ray: Yeah. So -- and even so; right, higher education is an eligible [inaudible]. Yeah. So, I mean that either way wouldn't -- yeah. Higher education is an eligible activity. And then for the second part of the question, I mean, there's nothing in the rules that requires for a resident to engage in activities within a specified community or geography. So, just to -- yeah -- answer that second part of the question. But [inaudible] higher education is an eligible self-sufficiency activity.

Grace: Great.

Valerie Jackson: Great.

Grace: Thank you on that. All right. And this is a question, and I think I'll ask Kymian and Valerie to chime in on kind of the framing. But we got a question that says, "Is there a work requirement for public housing? Is there a number of hours per month or income per month?"

So, I think this is a question about clarifying what the CSSR requirement is. So, I'll kick that over to both of you.

Valerie Jackson: So, CSSR is not a work requirement. It's community service. So, in that regard, no.

Grace: Exactly.

Kymian Ray: Yeah.

Grace: Great. Okay. We got that one cleared up.

Another question related to community service and just kind of noticing the trend here. You guys had a lot of questions related to this. So, one of the -- one of our questions here is about the definition of other welfare program and does that include receiving SNAP, TANF, or food

stamps? So, is SNAP a qualified welfare program under -- for purposes of determining if someone needs to comply with the community service requirement?

Monica Shepherd: This is Monica. I'll take that one.

Grace: Great.

Monica Shepherd: So, HUD has determined that the Supplemental Nutrition Assistance Program, otherwise known as SNAP, qualifies as a welfare program of the state. So, if a tenant is a member of the family receiving assistance under SNAP and is -- or has been found to be in compliance with that state program, then the tenant is exempt from CSSR.

Grace: All right. Thank you for that. Okay. We've got -- we're going to move on now to pet ownership as our next topic, and I will say there were a lot of questions related to the pet ownership topic here. So, we will probably spend a good amount of time here before we jump over to your questions about grievance procedures. And here we go.

So, our first question is, "Should assistance, support, and service animals also have proper vaccination records, be clean of fleas, and all those requirements?" So, the question is, "Should assistance and support and service animals also have proper vaccination records?"

Valerie Jackson: I believe so, if I'm going back to my fair housing. Right. It's okay. It's just that they cannot be denied or restricted in any sort of way as far as the same in the pet policy, but they still have to be vaccinated and vetted just for health and safety reasons.

Kymian Ray: Agree. The short answer, yes.

Valerie Jackson: Yes.

Grace: Great. And just a plug for a lot -- information that is on HUD Exchange and HUD.gov. The Public Housing Occupancy Guidebook chapter that we've dropped in the chat has a lot of good information, and then -- there are links to the FHEO notices and just for tracking down all that information. There's -- it's all there, and we welcome you to find it on the HUD website.

Kymian Ray: Yeah. And I was just going to say, I'll put a link to the FHEO notice on assistance animals in the chat.

Grace: Okay. wonderful. Okay. We had a lot of questions about the number of animals or pets allowed in a unit. So, our question here, our next one up is, "How many service and/or emotional support animals are allowed per unit?"

And I'll kick this over, but I know this probably is a broader answer than just a straightforward number. So, how many animals are allowed per unit?

Kymian Ray: Yeah. Yeah. You're right. It is a kind of a broader answer, and so, I would encourage you all to refer to the notice that I linked to in the chat.

And so, most requests will probably only involve one animal, but it could involve more than one. So, it could be that a person has a disability related need for two animals, or there could be two people living together who each have a disability related need for separate animals.

So, you should walk through the decision-making process outlined in that FHEO guidance to determine whether or not to grant the reasonable accommodation request. So, yeah. I would just refer you to that notice to walk through the decision-making process. But you can't put a hard limit and say only one animal per. This isn't the animal per household. You would have to evaluate the request as it comes in, and it might be that more -- there may be a disability related need -- right -- for more than one animal in a household.

Grace: Excellent. Thank you, Kymian. And here's a question. I'll tip my hat on which way to answer it, but our question is from a housing story saying, "Our policy indicates that 20 pounds is sort of the limit for weight. Are there guidelines that indicate 25 pounds or 20 pounds acceptable?" So, kind of what is that threshold amount, and how much discretion here do housing authorities have about setting that in their ACOP?

Monica Shepherd: Okay. So, this is Monica. I'll take that. Establishing the weight limit for household pets is at the discretion of the housing authority -- housing agency. I'm sorry. And so, of course, what you have to do with outline those requirements in the ACOP.

Valerie Jackson: A best practice -- this is Valerie. A best practice with most places, even private management, is 25-pound limit, and it's up to. So, anything 25 or lower, you can set that limit. Most of the time, it's 25 -- not to exceed 25 pounds, and that's just kind of a rule of thumb.

Grace: Okay. Okay. Well, thank you on that. I'm going to switch us now over to our fourth topic that we addressed today on grievance procedures. So, we'll take some questions here on this part of the presentation.

And our first question is, "Who oversees the grievance process, and who makes the final decision?"

Valerie Jackson: Well, I think it depends on the size of your PHA. If you have -- and your layers of management. If you're just a small PHA that only has an executive director and perhaps an asset or property manager, then it would be the executive director that may oversee that process but may not be that person who does the hearing, the hearing officer. You may have to reach outside to get someone local to do the hearings.

If you have a larger PHA and you have several layers of management going down, it may be the director of that particular -- or the asset manager for public housing that would set the policies and procedures or someone directly under them, not the person that was engaged in and managing the client directly.

So, it depends on what your org chart looks like and how big your organization is. If you're very small, definitely, you would need to reach outside to get someone. If you're larger, you could

have someone higher up that's not -- that wasn't involved in the initial decision do the hearing. But as a best practice, it's probably good always to try to go and get a third party, independent, impartial party to conduct your hearings.

Grace: All right.

Kymian Ray: Yeah. If I could just add, so, just a reminder that you -- there must be a hearing officer for grievance hearings and that the officer could be one person. It could be a panel; right? But that the hearing officer, to Valerie's point, just want to highlight that must be impartial and that that person can't be the person or the subordinate of the person who made or approved the decision that is being reviewed or grieved. So, just keep that in mind.

Grace: Great. Thank you. Our next question about grievance procedures relates to documents. So, the question is, "What if the tenant comes in with a legal aid attorney and the attorney demands to look at the entire tenant file? Do we have to allow that?"

This is a specific question, but I think it gets to the broader question about who gets to see documents and how does that need to be articulated in the ACOP. So, I'll kick that over to Valerie, and chime in others.

Valerie Jackson: If that legal aid attorney or any other advocate who's representing that resident during that hearing, they would have -- now, to get copies, of course, it may be charged, but they would have the right to look at any documentation that was used to -- for the housing authority -- evidence the housing authority may have to substantiate whatever occurred between the housing authority -- in the dispute between the housing authority and a tenant. That can be done either before the hearing or -- takes place, or it could be a request that came in before the hearing.

But yes. They would have a right to view that, if they were representing their client -- if their client.

Kymian Ray: Yeah. And I guess the key to that is those documents are directly related to the hearing. So --

Valerie Jackson: Exactly.

Kymian Ray: Yeah.

Grace: All right. Let's see. We've got another question here. Here we go. "If one or more tenants are filing complaints about a specific employee of the housing authority, is that dealt with through the human resources policy, or could it be dealt with through the grievance process?"

So, if there's a tenant with a complaint regarding a specific agency employee, would that get handled through human resources, or can that be considered and dealt with through the grievance procedures?

Valerie Jackson: That will be help -- that will be done through human resources. Grievances are used for policy disputes or lease disputes, not for personal disputes between an employee or a complaint. So, I would say it would go to the human resources or that person's direct supervisor in that case, handled internally in that manner.

That's not what the grievance procedure is set up for. It was for any type of -- what clients -- or what residents consider injustice in regards to policies that affect their tenancy, not personality issues.

Grace: Right. All right. Thank you on that. We're going to do -- let's see -- one more question here before we kind of close things out today. And you guys have asked a lot of questions. So, thank you for your attention. This is really great information. Here we go.

This is going back to -- let's see. Just throw that back out. "Is an individual who is receiving unemployment and looking for a job be -- considered exempt from community service?" So, is someone who is receiving unemployment while also looking for a job considered exempt under CSSR? And I'll open that up.

Valerie Jackson: If they're working with a community workforce board or any other type of community, state, local sponsor, community job outreach program, then yes. Otherwise, if they're just sitting at home saying I'm unemployed, I'm looking for a job, I don't think so. It has to be something documented. Even if they are getting unemployment, there has to be some effort to be looking for employment that's documented through a community service program.

Grace: All right. With that, I just want to sort of close out our Q&A session here today and let you know we've been taking notes on all the questions you're submitting. So, we have that all here. And just know you guys have submitted a lot of questions that we could not have gotten to in our short time here today, but really appreciate your engagement. I'm going to kick it over to Caila to close us out with our final logistics of the day.

Caila Prendergast: Yeah. Thanks, everyone, for all your great questions. And like Grace said, I have them all down and recorded. So, hopefully we can get some answers to you.

Last -- a couple of final reminders. We will -- the session was recorded and will be posted on HUD Exchange in the coming weeks. A copy of the slides will also be posted on HUD Exchange along with the recording.

When you close out of today's session, there will be a pop up in your browser to complete a survey. Please take a moment to fill that out. We do look at those results, and we will take them into consideration in planning the next two sessions. And I think with that, closes out my logistics remarks.

Valerie, Kymian, or Monica, any anything you want to chime in with?

Valerie Jackson: I'd just like to thank everyone for participating, and we do welcome your feedback because these are for you, not for us. And we'd like to know what topics are of interest to you and how we can address them better for you.

Kymian Ray: Yeah. And I echo that sentiment. Really thank everyone for participating and providing such good questions that we could -- if we didn't answer them on this call, we'll certainly follow up with written response.

Caila Prendergast: Okay. Great. Thanks, everyone. Have a great rest of your Wednesday, and we will hopefully see you at our next webinar. Thanks, everyone.

Valerie Jackson: Thank you.

(END)