

INTRODUCTION

1. Purpose of the ACOP

The purpose of this policy is to establish procedures for the Housing Authority staff to follow in determining eligibility for admission to and continued occupancy of public housing.

2. Authority

Eligibility for admission to and occupancy of Low-Income Public Housing is governed by requirements of the Department of Housing and Urban Development, with some latitude for local policies and procedures. This Admissions and Continued Occupancy Policy (ACOP) incorporates these requirements and is binding upon applicants, residents, and the Housing Authority alike, the latter two through inclusion of the ACOP into the Dwelling Lease by reference. Notwithstanding the above, changes in applicable Federal law or regulations shall supersede this Policy at any point in which, they are in conflict.

3. Objectives

The objectives of this policy are to:

- a. Promote the overall goal of drug-free, healthy, safe, affordable, decent, and sanitary housing in good neighborhoods by:
 - (i) Ensuring a social and economic mix of low-income residents within each public housing neighborhood in order to foster social stability and upward mobility;
 - (ii) Ensuring the fiscal stability of the Housing Authority; and,
 - (iii) Lawfully denying admissions or continued occupancy to families whose presence in a public housing neighborhood is likely to adversely affect the health, safety or welfare of other residents or the physical environment of the neighborhood.
- b. Facilitate the efficient management of the Housing Authority and compliance with Federal Regulations by establishing the policy basis for management procedures, record keeping, and auditing.
- c. Comply in letter and spirit with Title VI of the Civil Rights Act of 1964 and all other applicable Federal Laws and regulations to insure that admission to and occupancy of public housing neighborhoods is conducted without regard to race, color, creed, sex or national origin.
- d. Prescribe standards, criteria, and procedures for resident selection and annual reexamination of income and family composition.

4. Terminology

The term "he" or "his" used throughout this document is used in the generic sense to include male/female, singular/plural as appropriate. The Housing Authority is also referred to as the "Housing Authority" or the "PHA" throughout this document.

5. Privacy Policy

It is the policy of the Housing Authority (PHA) to facilitate the full exercise of rights conferred on individuals under the Privacy Act of 1974, 5 U.S.C 552A, and to insure the protection of privacy of individuals about whom the Housing Authority maintains records under its Low-Rent Housing Program.

Therefore, the PHA shall not disclose any personal information contained in such records by any means of communication to any person or to another agency unless the individual to whom such information pertains requests or consents to such disclosure or unless such disclosure is authorized under the applicable provisions of the Privacy Act. The PHA has determined that disclosure under any other circumstances would constitute an unwarranted invasion of privacy in violation of the Privacy Act and the United States Constitution. The PHA shall refuse any and all requests for any unauthorized and unlawful disclosures. It is important to note that this privacy policy is applicable to the disclosure of participant information and NOT the gathering and use of information necessary to ensure full compliance with HUD regulations governing such items including, but not limited to, the following:

- determining initial and on-going eligibility
- applicable allowances and deductions
- resident rental payments
- current and past assets
- outstanding indebtedness to government as a result of prior participation in other federally-subsidized housing programs

However, no information regarding applicant/participant households will be solicited unless directly attributed to direct or implied responsibilities of the Housing Authority.

6. Civil Rights Policy

It is the policy of the Housing Authority, also referred to as the "Housing Authority" and the "PHA", to comply fully with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974), Executive Order 11063, Section 3 of the 1968 Civil Rights Act, and with all rules and regulations. Specifically, the PHA shall not on account of race, color, sex, creed, or national origin deny any family or individuals the opportunity to apply for assistance under the Low-Rent Housing Program. Neither will the PHA discriminate because of religion, age, physical handicap, pregnancy, parenthood, nor marital or veteran status.

To further its commitment to full compliance with applicable Civil Rights Acts, the PHA will provide federal, state, and local information to applicant/participant households regarding discrimination and recourse in the event of discrimination. Such information will be made available during the Pre-Occupancy Briefing and all applicable forms and printed material will be made available to prospective resident families.

Nondiscrimination

A. Complying with Civil Rights Laws

1. Civil rights laws protect the rights of applicants and residents to equal treatment by the Housing Authority in the way it carries out its programs. It is the policy of the Housing Authority (BHA) to comply with all Civil Rights laws, including, but not limited to:
 - Title VI of the Civil Rights Act of 1964, which forbids discrimination on the basis of race, color, religion, national origin or sex;
 - Title VIII of the Civil Rights Act of 1960 (as amended by the 1974 HCDA and the Fair Housing Amendments of 1988), which extends protection against discrimination based on disability and familial status, and spell out forms of prohibited discrimination
 - Executive Order 11063
 - Section 504 of the Rehabilitation Act of 1973, which describes specific housing rights of persons with disabilities;
 - The Age Discrimination Act of 1975, which establishes certain rights of the elderly
 - Title II of the Americans with Disabilities Act, otherwise Section 504 and the Fair Housing Amendments govern, (Title II deals with common areas and public space, not living units.)
 - Any applicable State laws or local ordinances, and
 - Any legislation protecting the individual rights of tenants, applicants or staff that may subsequently be enacted.
2. The BHA shall not discriminate because of race, color, national origin, sex, religion, familial status, or disability in the leasing, rental, occupancy, use, or other disposition of housing or related facilities, including land that is part of a development under the PHA's jurisdiction covered by a public housing Annual Contributions Contract with HUD.

3. BHA shall not, on account of race, color, national origin, sex, religion, familial status, or disability:
- (a) Deny anyone the opportunity to apply for housing (when the waiting list is open); nor deny to any qualified applicant the opportunity to lease housing suitable to its needs;
 - (b) Provide anyone housing that is different (of lower quality) from that provided others;
 - (c) Subject anyone to segregation or disparate treatment;
 - (d) Restrict anyone's access to any benefit enjoyed by others in connection with the housing program;
 - (e) Treat anyone differently in determining eligibility or other requirements for admission;
 - (f) Deny anyone access to the same level of services; or
 - (g) Deny anyone the opportunity to participate in a planning or advisory group that is an integral part of the housing program.
4. BHA shall not automatically deny admission to otherwise qualified applicants because of their membership in some group to which negative behavior may be imputed (e.g., families with children born to unmarried parents or families whose head or spouse is a student). Instead, each applicant who is a member of a particular group will be treated as an individual based on his or her attributes and behavior.
5. BHA will correct situations or procedures that create a barrier to equal housing opportunity for all. To permit people with disabilities to take full advantage of the BHA's housing program and non-housing programs, in accordance with Section 504, and the Fair Housing Amendments Act of 1998, there are requirements, optional acts and prohibitions:
- (a) BHA must, upon request by an applicant or resident with a disability,
 - Make structural modifications to its housing and non-housing facilities and
 - Make reasonable accommodations in its procedures or practices unless such structural modifications or reasonable accommodations
 - would result in an undue financial and administrative burden on the Authority, or
 - would result in a fundamental alteration in the nature of the program
 - (b) In making structural modifications to "Existing housing programs" or in carrying out "Other Alterations" for otherwise qualified persons with disabilities, BHA may, but is not required to:
 - Make each of its existing facilities accessible; or
 - Make structural alterations when other methods can be demonstrated to achieve the same effect;
 - Make structural alterations that require the removal of altering of a load-bearing structural member.
 - (c) Substantial Alterations pertain to BHA, these alterations shall be as defined in 24 CFR § 8.23 for work in developments with 15+ units.

6. BHA will not permit these policies to be subverted to do personal or political favors. BHA will not offer units in an order different from that prescribed by this Policy, since doing so violates the Policy, federal law, and the civil rights of the other families on the waiting list.

B. Making Programs and Facilities Accessible to People with Disabilities

1. Facilities and programs used by residents will be accessible to a person in a wheelchair. Application and management offices, hearing rooms, community centers, day care centers, laundry facilities, craft and game rooms, etc. (to the extent that the BHA has such facilities) will be usable by residents with a full range of disabilities. To the extent the BHA offers such facilities, if not is already accessible, some will be made so, subject to the undue financial and administrative burden test.
2. Documents used by applicants and residents will be accessible for those with vision or hearing impairments. Also, all documents will be written simply and clearly to enable applicants with learning or cognitive disabilities to understand as much as possible. Unless prohibited by local law, documents may be translated into languages other than English. *(24 CFR§ 5.505 requires that: any notice or document relative to citizen or eligible immigration status, where feasible, be provided to an applicant or tenant in a language that is understood by the individual if the individual is not proficient in English).*
3. BHA will present examples to help applicants and residents understand eligibility, rent computation, applicant screening, reasonable accommodations, and lease compliance. In writing materials for applicants and residents, BHA staff will be prepared to explain rules and benefits verbally, as often as may be needed, because some disabilities may affect an applicant's ability to read or understand.
4. When BHA has first contact with all applicants, staff will ask whether they need some form of communication other than plain language paperwork. Alternative forms of communication might include: sign language interpretation; having materials explained orally by staff, either in person or by phone; large type materials; information on tape; having someone (friend, relative or advocate) accompany the applicant to receive, interpret and explain housing materials; permitting applicants to file applications by mail; and permitting alternative sites for application taking.
5. Some applicants will not be able to read English, so intake staff must be prepared to read and explain anything that they would normally hand to an applicant to be read or filled out. Applicants who read or understand little English may furnish an interpreter who can explain what is going on. A PHA is not required to pay the costs associated with having a foreign language interpreter (as they are for a sign language interpreters for the hearing impaired because the Fair Housing law makes not such requirement).
6. At a minimum, the BHA will prepare information to be used by applicants and resident in plain-language accessible formats.