

Regular Meeting of the Board of
Commissioners
Thursday, March 4, 2021 8:30 AM
First Floor Boardroom
1823 Harney Street
Omaha, NE 68102

1. ROLL CALL
2. ANNOUNCEMENT OF OPEN MEETINGS LAW
3. PUBLIC COMMENTS
4. REPORT OF CHIEF EXECUTIVE OFFICER



Legislative Advocacy

OHA continues to work in partnership with Nebraska NAHRO and Chris Lamberty of the Lincoln Housing Authority to monitor approximately 15 housing-related bills that have been introduced to the Nebraska Legislature. OHA representatives have and will continue to reach out to committee members and bill sponsors to express support or opposition depending upon the effect of the bill on OHA and our tenants.

COVID-19 Vaccinations

Through our partnership with Douglas County Health Department, OHA was connected with Methodist College to schedule and conduct vaccination clinics at four of OHA's towers, specifically the elderly-designated towers – Evans, Kay Jay, Underwood, and Crown towers. Vaccines were available to tenants age 65 and older as well as OHA frontline employees and the clinics took place on February 23rd and 24th. A total of 173 doses were administered with approximately 51 employees vaccinated along with 122 tenants. The location breakdown for distribution was as follows:

45 doses at Underwood

43 doses at Kay Jay

43 doses at Crown

42 doses at Evans

The vaccine received was a Moderna product which requires a second shot 28 days after the initial vaccination. Clinics to distribute the second shot are planned for March 23rd and 24th. In addition to the second dose, Methodist College and Douglas County Health Department hopes to expand vaccine options to those with preexisting conditions as well as the age group available for vaccine at that time.

Several media outlets published stories about the vaccine distributions at our towers. These stories showcased the positive partnerships that were needed for these clinics to be a success. Additionally, Sal Issaka deserves our gratitude for his dedicated service on various COVID-19 response committees throughout the last year – tirelessly advocating for the needs of our tenants and employees, Michelle Therkildsen for organizing the employee side of the vaccine clinics, and many other members of the OHA team who organized logistics at the tower locations and with tenants.

Douglas County Health Department is also working with Charles Drew as they develop a plan to vaccinate individuals at all other OHA towers and multifamily locations. Specific vaccine distribution details are still being determined, but we do anticipate implementation of this plan in March.

2021 Team Meetings

I will be meeting with all of the OHA teams over the next 4 weeks or so. During these meetings I will be presenting the results of the 2021 Best Places to Work survey, the revised agency Core Values, and the 2021 OHA Strategic Plan. In addition, I will be available to gather feedback from employees and check in with all employees. 2021 Best Places to Work survey results will be available to the Board at the April meeting.

2020 HR Summary

As requested by the board, and annual summary of position postings, new hires, and separations will be available from Tina Jackson during her update this month.

5. ACTION ITEMS

5.1. CONSENT AGENDA ITEMS FOR CONSIDERATION

5.1.1. Minutes of Previous Regular Board Meeting

OMAHA HOUSING AUTHORITY
BOARD OF COMMISSIONERS REGULAR MEETING MINUTES
1823 Harney St, Omaha, Nebraska 68102
8:30 a.m. February 04, 2021

STAFF PRESENT: Joanie Poore, Brian Hansen, Susan Wiggins, Steve Schrader, Sal Issaka, Susan Gilroy, Philisa Smith, Jody Holston, Latina Jackson, Michelle Therkildsen

Chair Levy called the meeting to order at 8:34 a.m.

1. ROLL CALL: Commissioners Present:

David Levy, Chair
Joel Dougherty
Christine Johnson
Jennifer Taylor
Eric Burgin
Todd Engle

Commissioners Absent:

Tony Veland

2. ANNOUNCEMENT OF OPEN MEETINGS LAW:

The meeting falls under the Open Meetings Act and copies of the law are available. Pursuant to Executive Order 21-02, this meeting was conducted virtually via Zoom.

3. PUBLIC COMMENTS:

Chair Levy questioned if there were any public comments.

4. REPORT OF THE CHIEF EXECUTIVE OFFICER:

Ms. Poore discussed both the CNI and CNP Grant initiatives. Ms. Poore noted that the unicameral is back in session and discussed collaboration efforts with Nebraska NAHRO and Chris Lamberty of the Lincoln Housing Authority to monitor approximately 15 housing-related bills that have been introduced. Ms. Poore updated the Board regarding strategic initiatives and development priorities. Lastly, Ms. Poore discussed the revisions and rollout of OHA Core Values.

5. ACTION ITEMS:

5.1. CONSENT AGENDA ITEMS FOR CONSIDERATION

(All items listed under the Consent Agenda will be enacted by one motion unless a Commissioner requires otherwise, in which event the item will be removed from the Consent Agenda and considered separately.)

5.1.1. Minutes of Previous Board Meeting

5.1.2. Finance/Procurement/Operations Committee Resolutions

- 5.1.2.1. Resolution 2021-07 OHA Past Due Write-Offs
- 5.1.2.2. Resolution 2021-08 Park North & Park South Waterproofing Extension
- 5.1.2.3. Resolution 2021-09 Ford Transit Purchase
- 5.1.2.4. Resolution 2021-10 Compass Purchase
- 5.1.2.5. Resolution 2021-11 Ram ProMaster Cargo Van Purchase

Chair Levy questioned if any items need removed from the Consent Agenda.

MOTION by Commissioner Burgin, seconded by Commissioner Johnson, to approve the consent agenda items. Motion passed. Aye-6, Nay-0.

Chair Levy – Aye
Commissioner Dougherty – Aye
Commissioner Johnson – Aye
Commissioner Taylor – Aye
Commissioner Burgin – Aye
Commissioner Engle – Aye

5.2. ADDITIONAL ITEMS FOR CONSIDERATION

5.2.1. Resolution 2021-12 Move July 2021 Board Meeting to July 8, 2021

MOTION by Commissioner Burgin, seconded by Commissioner Taylor, to approve Resolution 2021-12 Move July 2021 Board Meeting to July 8, 2021.

Motion passed. Aye-6, Nay-0.

Chair Levy – Aye
Commissioner Dougherty – Aye
Commissioner Johnson – Aye
Commissioner Taylor – Aye
Commissioner Burgin – Aye
Commissioner Engle – Aye

5.2.2. Resolution 2021-13 Authorization to Sell Scattered Site Properties to Habitat for Humanity

Mr. Hansen explained this resolution is to authorize OHA CEO Joanie Poore to take any actions and execute such documents as necessary for OHA's sale of a scattered site unit. This was approved for sale to Habitat for Humanity of Omaha by the board of commissioners on May 2, 2019 and by HUD on September 24, 2019. OHA had previously already sold 23 houses; however, the title company now requests a board resolution authorizing the CEO to execute documents for the sale of one house in particular.

MOTION by Commissioner Engle, seconded by Commissioner Burgin, to approve Resolution 2021-13 Authorization to Sell Scattered Site Properties to Habitat for Humanity.

Motion passed. Aye-6, Nay-0.

Chair Levy – Aye
Commissioner Dougherty – Aye
Commissioner Johnson – Aye
Commissioner Taylor – Aye
Commissioner Burgin – Aye
Commissioner Engle – Aye

6. SUPPORT DEPARTMENT REPORTS AND DISCUSSION ITEMS:

6.1. Housing Choice Voucher Program

The Housing Choice Voucher Program reports were submitted to the board. Ms. Smith reported that her staff were working on year end wrap-up and training opportunities.

6.2. Asset Management (Public Housing)

Ms. Holston welcomed questions regarding the Asset Management Reports, and noted that occupancy decreased in December 2020. Ms. Holston noted the TARs goal was achieved.

6.3. Housing in Omaha, Inc.

Mr. Hansen stated there will be a HIO board meeting on February 12th.

6.4. Compliance

Ms. Gilroy welcomed questions regarding the compliance reports.

6.5. Financials

Ms. Wiggins presented and discussed the financial reports, noting her department is focused to close out as many payables as possible.

6.6. Development

Mr. Hansen submitted the Development Report. Mr. Hansen discussed the sale of scattered site houses to Habitat for Humanity.

6.7. Procurement/Contracting/Capital Budgets

Mr. Schrader presented both the Procurement Report and the Capital Funds Report. Mr. Schrader discussed the rehabilitation of the Majestic building at Ernie Chambers court.

6.8. Human Resources

Ms. Jackson welcomed questions about the Staffing Report.

6.9. Family and Community Services

Mr. Issaka presented the Family and Community Services report.

6.10. Legal

The Legal Report was provided to the board. Mr. Hansen stated there may be a need to discuss a tort claim in the near future.

7. NEW BUSINESS:

Chair Levy questioned if there was any new business. No new business.

8. EXECUTIVE SESSION:

There was no need for executive session.

9. ADJOURNMENT:

MOTION by Commissioner Burgin, seconded by Commissioner Johnson, to adjourn the meeting at 9:19 a.m. Motion passed. Aye-6, Nay-0.

- Chair Levy – Aye
- Commissioner Dougherty – Aye
- Commissioner Johnson – Aye
- Commissioner Taylor – Aye
- Commissioner Burgin – Aye
- Commissioner Engle – Aye

5.1.2. Development/External Affairs/Public Relations Committee Resolutions

5.1.2.1. Resolution 2021-14 Purchase Park Villa Townhomes

Memorandum



To: OHA Board of Commissioners
From: OHA Staff
Date: March 4, 2021
Re: Recommendation to Purchase 9455 Park Drive

RECOMMENDED ACTION:

Board of Commissioners approval to purchase the Park Villa townhouses at 9455 Park Drive, Omaha, Nebraska for \$1,670,000.00.

PREVIOUS ACTION:

None.

EXPLANATION:

Housing in Omaha, Inc. (HIO) is a controlled, non-profit affiliate of the Omaha Housing Authority (OHA). The affiliate was created for Low Income Housing Tax Credit (LIHTC) development and to provide additional affordable housing options in Omaha. Although the majority of the HIO Board have an affiliation with OHA, HIO is a separate legal entity under federal and state laws. HIO's units are administered under many different programs, including: public housing, Section 8, and LIHTC. A number of these developments do not cash flow and pursuant to Nebraska law and contract obligations, OHA's Central Office Cost Center (COCC) covers the losses. As of September 2020, HIO owes OHA's COCC approximately \$2,300,000.00. This debt to OHA has accumulated due to certain properties operating at significant losses.

HIO owns 56 townhome units previously assisted under a HUD project-based Section 8 contract. These units are located at five distinct developments located in varying geographic areas of the City. The Section 8 contract on these units expired on October 31, 2020. The remaining tenants were issued enhanced tenant protection vouchers. These vouchers can be used with any private landlord willing to participate in the Section 8 program.

Park Villa is one of the developments comprising the 56 townhome units. Park Villa is a 24 unit townhome development located at 9455 Park Drive in southwest Omaha. The units were built in 1980 and consists of 16 units with 2 bedrooms and 8 units with 3 bedrooms. In 2020, Park Villa's appraised value was \$1,670,000.00.

OHA staff proposes to purchase Park Villa for \$1,670,000.00 and convert the site to a public housing development. After the sale of the property, HIO will repay a portion of its \$2,300,000.00 debt owed to the Omaha Housing Authority, reducing the debt owed to approximately \$630,000.00.

The purchase of the property will be made with Replacement Housing Factor funds and funds from the sale of vacant land at the former Pleasantview Homes site.

SOURCE OF FUNDS:

REPLACEMENT HOUSING FACTOR FUNDS

OHA accumulated seven (7) Replacement Housing Factor (RHF) grants totaling \$1,311,257.00. The funds have different expiration dates depending upon when the grants were obtained:

- \$355,105.00 expired 8/31/2020
- \$356,242.00 expiring 8/31/2021
- \$599,910.00 expiring 10/29/2021

OHA purchased four lots fronting 30th Street and bisected by Miami Street (3003 – 3007 Miami Street and 3004 – 3008 Miami Street) for the construction of six townhomes to be used as new public housing units. The original intent was to develop these units using the RHF grant funds OHA accumulated from the demolition of Pleasantview Homes.

OHA submitted the Development Proposal for the 30th and Miami development to HUD on June 12, 2020 and HUD approved the Development Proposal on August 27, 2020. Unfortunately, construction costs increased significantly due to supply chain complications from COVID-19. Over approximately 60 days, the total cost of the project increased by over \$600,000.00.

	JUNE 2020	AUG 2020	INCREASE
TOTAL COSTS	2,169,007	2,769,103	600,096
COST PER UNIT	361,501	461,517	100,016

OHA staff, in consultation with its development partner, determined that rather than committing to a contract with significantly elevated pricing, OHA should wait for costs to decrease or volume pricing can be secured by folding the project in with the larger Choice Neighborhood Implementation developments that will be occurring in the near future.

OHA has expended \$223,121.70 on predevelopment costs to date. These expenses were paid out of the RHF grant funds that expired on August 31, 2020. OHA has \$956,152.00 remaining in its RHF accounts.

PLEASANTVIEW

In 2013, OHA disposed of 23.7 acres of vacant land where the Pleasantview Homes were previously located. The property was sold for approximately \$773,849.50 and HUD approved the funds to be used for “the capital needs of existing public housing units, the construction or acquisition of public housing units, or units exclusively used with assistance under the Housing Choice Voucher Program, or other low-income housing as defined under the U.S. Housing Act of 1937.” OHA has not expended these funds and HUD is unable to close the AMP for Pleasantview Homes because these funds remain in the account. HUD is requesting that OHA close the account as soon as possible by expending the funds.

SPONSORS:

Brian Hansen, General Counsel

Susan Wiggins, CFO

RECOMMENDED BY:

Joanie Poore, CEO

RESOLUTION NO. 2021 – 14
AUTHORIZING THE PURCHASE OF PARK VILLA TOWNHOMES

WHEREAS, the Housing Authority of the City of Omaha (OHA) has accumulated \$956,152 in HUD Replacement Housing Factor (RHF) grant funds which may be used only for the development of new public housing units;

WHEREAS, OHA previously received HUD approval to use the RHF grant funds for new construction of 6 units at 30th & Miami Streets, however OHA staff have determined to postpone this project due to extraordinary construction cost increases during COVID;

WHEREAS, OHA's affiliate, Housing in Omaha, Inc. (HIO) owns the Park Villa townhouses, a 24-unit property located at 9455 Park Drive, which does not receive subsidy, and which has significant renovation needs;

WHEREAS, OHA's staff recommends that OHA purchase the Park Villa property from HIO at appraised value of \$1,670,000 with funds from the RHF grants as well as proceeds from the sale of vacant land on the former Pleasantview site;

WHEREAS, OHA's development proposal for Park Villa will include conversion of its 24 units to public housing units, providing ongoing subsidy to maintain the units' affordability; and

WHEREAS, OHA staff recommends that the OHA Board of Commissioners authorize the purchase for \$1,670,000 of the Park Villa Townhouses at 9455 Park Drive;

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Commissioners of the Housing Authority of the City of Omaha hereby authorizes the purchase for \$1,670,000 of the Park Villa Townhouses at 9455 Park Drive from Housing in Omaha, Inc. and, furthermore, authorizes the CEO to take all actions and execute such documents as necessary to effect the purchase.

David Levy, Chairman
OHA Board of Commissioners

ATTEST

I, Joanie Poore, Secretary of the Housing Authority of the City of Omaha, do hereby certify that this resolution was properly adopted at the meeting of the Board of Commissioners of the Housing Authority of the City of Omaha held March 4, 2021.

Joanie Poore, Secretary
Housing Authority of the City of Omaha

5.1.2.2. Resolution 2021-15 Approve Contract Amendment with CVR Associates

Memorandum



To: The Board of Commissioners
From: OHA Staff
Date: March 4, 2021
Re: Recommendation for Contract – Relocation Services at Park Villa

RECOMMENDED ACTION:

Omaha Housing Authority (hereinafter “OHA”) staff recommends the OHA Board of Commissioners approve a contract amendment with **CVR Associates** for Relocation Services at Park Villa not to exceed \$53,750.

PREVIOUS ACTION:

No previous action at this location.

EXPLANATION:

OHA’s first priority during all redevelopment efforts is our residents. The Uniform Relocation Act spells out many resident protection requirements at all phases of a redevelopment. CVR associates is our contractor for Spencer and Southside redevelopment and will continue that relationship with Park Villa.

METHOD OF PROCUREMENT:

OHA published an RFP on September 24, 2019 to select one or more developers to assist the Omaha Housing Authority (OHA) in the relocation of public housing residents. OHA received two (2) proposals prior to the deadline of 2:00 p.m. on October 29, 2019. Those Proposals were evaluated by a team of OHA staff members using the predetermined criteria and point scale which included each proposers understanding of the requirements, their technical approach, their capabilities and their demonstrated past experience.

The Proposers scored as follows:

PROPOSER	AVERAGE SCORE
CVR Associates	98
Revival Development	62

RESPONSIVE AND RESPONSIBLE:

CVR Associates for URL Relocation Services has been deemed to be responsive and responsible vendors.

PROJECT COST:

This contract amendment will not exceed \$53,750.

SOURCE OF FUNDS:

RHF or Pleasantview funds.

MBE/WBE INFORMATION:

OHA's Disadvantaged Business Enterprise (DBE) policy requires awarding ten percent of all contracts awarded annually to MBE/WBE business concerns. CVR Associates is a DBE.

SPONSORS:

Steve Schrader, Director of Procurement and Capital Improvements _____

Brian Hanson, General Counsel _____

Susan Wiggins, CFO _____

RECOMMENDED BY:

Joanie Poore, CEO

RESOLUTION NO. 2021 – 15
AUTHORIZING CONTRACT AMENDMENT WITH CVR ASSOCIATES

WHEREAS, on November 7, 2019, the Board of Commissioners of the Housing Authority of the City of Omaha (OHA) approved a contract with CVR Associates to provide relocation services for Spencer Homes and Southside Terrace in an amount not to exceed \$1,100,000;

WHEREAS, OHA is preparing a development proposal to HUD proposing to purchase the Park Villa townhouses, convert them to public housing units, and conduct renovations;

WHEREAS, OHA staff wish to ensure compliance with relocation requirements; and

WHEREAS, OHA staff recommend that the OHA Board of Commissioners authorize an amendment to the contract with CVR Associates to provide relocation services for Park Villa townhouses in an amount not to exceed \$53,750;

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Commissioners of the Housing Authority of the City of Omaha hereby authorizes an amendment to the contract with CVR Associates to provide relocation services for Park Villa townhouses in an amount not to exceed \$53,750.

David Levy, Chairman
OHA Board of Commissioners

ATTEST

I, Joanie Poore, Secretary of the Housing Authority of the City of Omaha, do hereby certify that this resolution was properly adopted at the meeting of the Board of Commissioners of the Housing Authority of the City of Omaha held March 4, 2021.

Joanie Poore, Secretary
Housing Authority of the City of Omaha

5.1.2.3. Resolution 2021-16 Approve Contract with Reno Cavanaugh
PLLC

Memorandum



To: OHA Board of Commissioners
From: Brian Hansen, General Counsel
Date: March 4, 2021
Re: Recommendation for Legal Services: Affordable Housing Development

RECOMMENDED ACTION:

The Housing Authority of the City of Omaha (hereinafter “OHA”) Staff recommends the OHA Board of Commissioners approve a needs-based contract with Reno & Cavanaugh PLLC to represent OHA in Public, Affordable And Mixed-Income Developments, Including Mixed-Finance Transactions. The contract amount would not exceed \$100,000.00. This would be a one-year contract with OHA reserving the right to renew for four additional one-year terms with Board of Commissioner approval.

PREVIOUS ACTION:

Not applicable.

METHOD OF PROCUREMENT:

OHA invited qualified firms and individuals to present proposals on a scope of work for Public, Affordable And Mixed-Income Developments, Including Mixed-Finance Transactions. The Request for Proposals (RFP) was advertised on January 14th and January 21st with an available date of January 14, 2021. The solicitation was posted on the OHA website, The Daily Record, and 13 local companies were contacted by email and phone call. The pre-proposal conference was January 21, 2021 at 2:00 p.m.

OHA received two (2) proposals for the project as outlined in the RFP prior to the deadline of 2:00 p.m. on February 04, 2021. Three (3) OHA staff members evaluated and scored the proposals based on predetermined criteria outlined in the RFP. After adding points for pricing, DBE participation and Section 3, the scores were as follows:

	Baird Holm LLP	Reno & Cavanaugh PLLC
Subjective Score (70 Points Possible)	43.3	70
Pricing Score (15 Points Possible)	13	15
MBE/Section 3 (15 Points Possible)	0	0
Total	56.3	85

PROJECT COST:

\$ 100,000

FUNDING SOURCE:

Central Office Cost Center

ONGOING FISCAL IMPACT:

None.

MBE/WBE INFORMATION:

OHA's disadvantaged business enterprise (DBE) policy requires awarding ten percent of all contracts awarded annually to MBE/WBE business concerns. Reno & Cavanaugh PLLC is not a Disadvantaged Business Enterprise (DBE).

MANDATORY SECTION 3 INFORMATION:

OHA's Section 3 policy requires all contracts, other than for commodities/goods, have a minimum level of Section 3 participation. Reno & Cavanaugh PLLC does not have a plan for Section-3 participation.

SPONSOR(S):

Jonathan Jenkins, Capital Improvements Coordinator

Steve Schrader, Director of Procurement & Capital Improvements _____

Susan Wiggins, CFO _____

Brian Hansen, General Counsel _____

RECOMMENDED BY:

(Joanie Poore, CEO)

RESOLUTION NO. 2021 – 16
CONTRACT WITH RENO & CAVANAUGH FOR LEGAL SERVICES

WHEREAS, staff of the Housing Authority of the City of Omaha (OHA) desire professional legal services to guide and represent OHA in housing development and mixed finance matters;

WHEREAS, staff issued a Request for Proposals which was advertised in the Daily Record; in addition, staff directly contacted 19 firms to solicit proposals;

WHEREAS, OHA received two proposals and, following committee review, staff determined that the proposal submitted by Reno & Cavanaugh, PLLC, received the highest total score and provides the best value to the agency;

WHEREAS, OHA staff recommend that the Board of Commissioners approve a contract with Reno & Cavanaugh, PLLC, to provide legal services in housing development and mixed finance matters on an as-needed basis for a contract amount not to exceed \$100,000 and for a contract term of one year with an option to renew for four additional one-year terms;

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Commissioners hereby approve a contract with Reno & Cavanaugh, PLLC, to provide legal services in housing development and mixed finance matters on an as-needed basis for a contract amount not to exceed \$100,000 and for a contract term of one year with an option to renew for four additional one-year terms.

David Levy, Chairman
OHA Board of Commissioners

ATTEST

I, Joanie Poore, Assistant Secretary of the Housing Authority of the City of Omaha, do hereby certify that this resolution was properly adopted at the meeting of the Board of Commissioners of the Housing Authority of the City of Omaha held March 4, 2021.

Joanie Poore, Secretary
Housing Authority of the City of Omaha

5.1.2.4. Resolution 2021-17 Approve Amendments to OHA's Section 32
Homeownership Plan

Memorandum



To: OHA Board of Commissioners
From: Brian Hansen, General Counsel
Date: March 4, 2021
Re: Amending OHA's Section 32 plans

RECOMMENDED ACTION:

OHA staff recommend that the Board of Commissioners approve an amendment of OHA's Section 32 homeownership plan.

BACKGROUND:

In 2018 and 2019, OHA submitted applications to HUD for disposition of scattered site single family homes to Habitat for Humanity as a Section 32 homeownership plan. Due to COVID, Habitat for Humanity is not able to make additional purchases. OHA has ended its Section 32 homeownership program with Habitat.

OHA's Section 32 applications included six units that were approved for sale but will not be purchased by Habitat. OHA intends to sell these six units on the market, along with other scattered site single family homes. HUD requires that OHA amend its Section 32 applications to remove these six units from the Section 32 homeownership program. This requires a resolution of the Board of Commissioners approving this change.

Staff note that these six units were intended to be included in OHA's first Section 18 application for approval for market disposition and were included in the units discussed with the Board's Development Committee and approved by the Board of Commissioners on December 17, 2020 in Resolution #2020-77. The addresses are:

2024 N 60 ST
4835 ERSKINE ST
5319 N 48 AVE
6714 N 35 ST
2533 S 46 AVE
2942 MARTHA ST

SPONSORS: Brian Hansen, General Counsel

RECOMMENDED BY: Joanie Poore, CEO

RESOLUTION NO. 2021 – 17
AMENDMENTS TO OHA’S SECTION 32 HOMEOWNERSHIP PLAN

WHEREAS, in 2018 and 2019, the Housing Authority of the City of Omaha (OHA) received HUD approval for sale to Habitat for Humanity of Omaha of 37 total scattered site single-family homes as part of a Section 32 homeownership plan;

WHEREAS, OHA has sold 31 single-family homes to Habitat, but 6 other units intended for disposition are not sold to Habitat (2024 N. 60th Street, 4835 Erskine Street, 5319 N. 48th Avenue, 6714 N. 35th Street, 2533 S. 46th Avenue, and 2942 Martha Street);

WHEREAS, Habitat presently is not able to continue purchases due to restrictions associated with COVID-19;

WHEREAS, OHA staff wish to request HUD approval for market disposition of the 6 units;

WHEREAS, on December 17, 2020, the OHA Board of Commissioners authorized staff to submit an application to HUD for market disposition of 19 total units, including the six units formerly intended for sale to Habitat;

WHEREAS, HUD requires a resolution of the Board of Commissioners approving an amendment to OHA’s Section 32 homeownership plan to remove the 6 units;

WHEREAS, OHA staff recommend that the Board of Commissioners approve an amendment to OHA’s Section 32 homeownership plan to remove the 6 units from the Section 32 homeownership plan so that they may be submitted for HUD approval of Section 18 market disposition;

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Commissioners hereby approves an amendment to OHA’s Section 32 homeownership plan to remove the 6 units from the Section 32 homeownership plan so that they may be submitted for HUD approval of Section 18 market disposition.

David Levy, Chairman
OHA Board of Commissioners

ATTEST

I, Joanie Poore, Assistant Secretary of the Housing Authority of the City of Omaha, do hereby certify that this resolution was properly adopted at the meeting of the Board of Commissioners of the Housing Authority of the City of Omaha held March 4, 2021.

Joanie Poore, Secretary
Housing Authority of the City of Omaha

5.1.3. Finance/Procurement/Operations Committee Resolutions

5.1.3.1. Resolution 2021-18 OHA Past Due Write-Offs

OHA Past Property Write Off Summary February 24, 2021

Property	Site Manager	Total AR				Total AR Over		Units	Avg \$/Unit
		Under 30 Days	31-60 Owed	61-90 Owed	Over 90 Owed	30 Days	Total Write-Off		
bn - Benson Tower	Denise Schuman	1,646.00	412.00	275.00	2,092.00	2,779.00	4,425.00	3	
ct - Crown Tower	Denise Schuman	0.00	0.00	0.00	0.00	0.00	0.00	-	
ev - Evans Tower	Brenna Moray	0.00	0.00	0.00	0.00	0.00	0.00	-	
fl - Florence Tower	Brenna Moray	757.90	93.00	50.00	150.00	293.00	1,050.90	4	
hl - Highland Tower	Jonetta Henry	0.00	255.00	225.00	1,147.00	1,627.00	1,627.00	1	
jt - Jackson Tower	Carnela Smith	1,126.00	556.00	360.00	3,932.00	4,848.00	5,974.00	4	
kj - Kay Jay Tower	Carnela Smith	1,400.00	437.00	328.00	368.00	1,133.00	2,533.00	3	
pn - Park North Tower	Jonetta Henry	0.00	0.00	0.00	0.00	0.00	0.00	-	
ps - Park South Tower	Jonetta Henry	0.00	240.00	0.00	0.00	240.00	240.00	1	
pt - Pine Tower	Sabrina Crawford	295.00	217.00	50.00	230.00	497.00	792.00	2	
ut - Underwood Tower	Brenna Moray	0.00	0.00	0.00	0.00	0.00	0.00	-	
Tower Sector		5,224.90	2,210.00	1,288.00	7,919.00	11,417.00	16,641.90	18	924.55
scnw	Cindy Cosentino	0.00	0.00	0.00	0.00	0.00	0.00	-	
scsw	Cindy Cosentino	0.00	0.00	0.00	0.00	0.00	0.00	-	
scne	Kavetta Thompson	0.00	0.00	0.00	0.00	0.00	0.00	-	
scse	Sabrina Crawford	0.00	0.00	1,241.00	0.00	1,241.00	1,241.00	1	
sckc	Cindy Cosentino	0.00	0.00	0.00	0.00	0.00	0.00	-	
scmo	Sabrina Crawford	0.00	0.00	0.00	0.00	0.00	0.00	-	
Total Scattered Site		-	-	1,241.00	-	1,241.00	1,241.00	1	1,241.00
sp - Spencer Homes	Cindy Cosentino	0.00	1.00	0.00	0.00	1.00	1.00	1	
ss - SouthSide	Jennifer Dexter	756.00	0.00	0.00	0.00	0.00	756.00	1	
Total Family Development		756.00	1.00	-	-	1.00	757.00	2	378.50
Public Housing Total		5,980.90	2,211.00	2,529.00	7,919.00	12,659.00	18,639.90	21	887.61
Business Activities									
Home Voucher 4home		0.00	0.00	0.00	0.00	0.00	0.00	-	
Business Activities Total		-	-	-	-	-	-	-	-
Housing in Omaha 4hio 56 Units									
villas	Denise Schuman	0.00	0.00	0.00	0.00	0.00	0.00	-	
9bv - Bay View Operations	Sabrina Crawford	252.00	39.00	0.00	0.00	39.00	291.00	1	
9crown1 - Crown I Homes	Kavetta Thompson	0.00	0.00	0.00	0.00	0.00	0.00	-	
9crown2 - Crown I Homes	Kavetta Thompson	0.00	0.00	0.00	0.00	0.00	0.00	-	
9ec - Chambers Court	Denise Schuman	2,530.00	0.00	0.00	0.00	0.00	2,530.00	1	
9far - Farnam Building	Denise Schuman	0.00	0.00	0.00	0.00	0.00	0.00	-	
9kcc - Keystone Crown Creek	Denise Schuman	0.00	0.00	0.00	0.00	0.00	0.00	-	
9noah - NOAH	Kavetta Thompson	0.00	0.00	0.00	0.00	0.00	0.00	-	
9sec - Securities Building	Denise Schuman	925.00	44.67	90.00	11,204.67	11,339.34	12,264.34	3	
HIO - Tax Credit Partnerships Total		3,707.00	83.67	90.00	11,204.67	11,378.34	15,085.34	5	3,017.07
Commercial Propety									
4comm		0.00	0.00	0.00	0.00	0.00	0.00	-	-
Commercial Propety Total		-	-	-	-	-	-	-	-

**OHA Past Property Write Off Summary
February 24, 2021**

Property	Site Manager	Total AR				Total AR Over		Units	Avg \$/Unit
		Under 30 Days	31-60 Owed	61-90 Owed	Over 90 Owed	30 Days	Total Write-Off		
Total Write-Off		9,687.90	2,294.67	2,619.00	19,123.67	24,037.34	33,725.24	26	1,297.12
Report Total		9,687.90	2,294.67	2,619.00	19,123.67	24,037.34	33,725.24	26	
		-	-	-	-	-	-	-	
		7pubhsg	704bus	villas	7hioinc				
		Public Housing Total	Business Activities	Housing in Omaha HIO 56 Units	HIO - Tax Credit Partnerships	Commercial Property		Grand Total	
Late Fee Charge		93.00	0.00	0.00	250.00	0.00		343.00	
Legal Fee		468.00	0.00	0.00	0.00	0.00		468.00	
Maintenance Charge		5,052.00	0.00	0.00	899.00	0.00		5,951.00	
Non-Dwelling		0.00	0.00	0.00	0.00	0.00		0.00	
NSF Charge		0.00	0.00	0.00	0.00	0.00		0.00	
Repayment Agreement		0.00	0.00	0.00	0.00	0.00		0.00	
Rent Charge		12,299.00	0.00	0.00	8,905.67	0.00		21,204.67	
Retro Rent		0.00	0.00	0.00	2,530.00	0.00		2,530.00	
Security Deposit Charge		0.00	0.00	0.00	0.00	0.00		0.00	
Utility Reimbursement		0.00	0.00	0.00	0.00	0.00		0.00	
Other		727.90	0.00	0.00	2,500.67	0.00		3,228.57	
Total Write-Off		18,639.90	0.00	0.00	15,085.34	0.00		33,725.24	
							Units		26
							Average Write-Off Per Unit		\$ 1,297.12

RESOLUTION 2021-18
AUTHORIZATION TO CHARGE OFF
VACATED TENANT ACCOUNT RECEIVABLES

WHEREAS, a list of Charge Off for Vacated Tenant Account Receivables as of February 24, 2021 has been presented to the Board of Commissioners of the Housing Authority of the City of Omaha (Board); and

WHEREAS, the total charge-off for this period is \$33,725.24 which represents 26 units; and

WHEREAS, it is necessary to charge-off said amounts to comply with the findings of the Office of the Inspector General of the U.S. Department of Housing and Urban Development.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Commissioners of the Housing Authority of the City of Omaha that the CEO be authorized to grant approval for the total amount charged for all OHA properties.

This Resolution shall take effect immediately.

David Levy, Chair
OHA Board of Commissioners

ATTEST

I, Joanie Poore, Secretary of the Housing Authority of the City of Omaha, do hereby certify that this resolution was properly adopted at the meeting of the Board of Commissioners of the Housing Authority of the City of Omaha held March 04, 2021.

Joanie Poore, Secretary
Housing Authority of the City of Omaha

5.1.3.2. Resolution 2021-21 Approve Contract for Common Space
Furniture-Payless Office Products

Memorandum



To: The Board of Commissioners

From: Steve Schrader, Director of Procurement & Capital Budgets

Date: March 4, 2021

Re: Recommendation for Contract – Common Space Furniture Chairs

RECOMMENDED ACTION:

The Housing Authority of the City of Omaha (hereinafter “OHA”) staff recommends the OHA Board of Commissioners approve the purchase from Payless Office Products for 338 Chairs and 49 Tables in an amount not to exceed \$78,594.

EXPLANATION:

These chairs and tables are part of the common space furniture standards designed by Alley Poyner Machietto A&E firm. Current furniture is in a state of disrepair. The proposed chair and table standards are commercial quality, durable and designed to fit the various needs of tenants (high weight capacity and wide seat). The material was chosen both for durability and ease of cleaning, allowing for proper daily sanitation between uses. They chairs are also versatile and can be easily stacked and moved.

METHOD OF PROCUREMENT:

OHA invited qualified firms to present bids on a scope of work for common space furniture. The Invitation for Bid (IFB) was advertised on Tuesday February 2, 2021 and again February 9, 2021, and published on February 2, 2021. The solicitation was posted on the OHA website, The Daily Record, and multiple local companies were contacted by email and phone call. The pre-bid conference was February 9, 2021 at 2:00 p.m.

OHA received four (4) bids for the project as outlined in the IFB prior to the deadline of 2:00 p.m. on February 17, 2021. See table below for cost per item from each vendor:

See table below for cost per item from each vendor:

Product	Qty	Payless Office Products	AOI Corporation	WSI Interiors	Commercial Concepts & Furniture
Community Table	49	<u>(Proposed)</u> \$ 51,130.52	<u>(Alternate)</u> \$ 25,668.65	<u>(Alternate)</u> \$ 27,735.96	No Bid
Community Chair	338	<u>(Alternate)</u> \$ 27,462.50	<u>(Proposed)</u> \$ 35,469.72	<u>(Alternate)</u> \$ 31,795.50	<u>(Alternate)</u> \$ 28,040.48

OHA reviewed the alternates versus proposed chairs and determined the chair procured previously (December 2020) from Payless Office Products for the computer rooms at each tower meets the specifications per the requirements and assures we have the consistent furniture throughout the locations. OHA reviewed the alternates versus proposed tables and determined the proposed product was best suited for the community rooms at each tower.

RESPONSIVE AND RESPONSIBLE:

Payless Office Products is a responsive and responsible vendor.

PROJECT COST:

This contract will not exceed \$78,594.

SOURCE OF FUNDS:

This purchase will be funded by the Cares Act.

ONGOING FISCAL IMPACT:

None.

SPONSOR(S):

Jody Holston, Director of Public Housing	_____
Steve Schrader, Procurement Director	_____
Susan Wiggins, CFO	_____
Brian Hansen, General Counsel	_____

RECOMMENDED BY: _____

(Signature of Joanie Poore, CEO)

RESOLUTION NO. 2021 – 21
AUTHORIZING PURCHASE OF FURNITURE FROM PAYLESS OFFICE PRODUCTS

WHEREAS, staff of the Housing Authority of the City of Omaha (OHA) wish to undertake improvements in community rooms and common spaces including the purchase of new furniture;

WHEREAS, OHA issued a public Request for Bids for furniture and received 4 bids for tables and chairs;

WHEREAS, OHA staff determined that the bid submitted by Payless Office Products is most beneficial to the agency because it provides furniture to specification and which matches existing furniture in other common spaces; and

WHEREAS, OHA staff recommend that the Board of Commissioners authorizes the purchase of tables and chairs from Payless Office Products in an amount not to exceed \$78,594;

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Commissioners hereby authorizes the purchase of tables and chairs from Payless Office Products in an amount not to exceed \$78,594.

David Levy, Chairman
OHA Board of Commissioners

ATTEST

I, Joanie Poore, Assistant Secretary of the Housing Authority of the City of Omaha, do hereby certify that this resolution was properly adopted at the meeting of the Board of Commissioners of the Housing Authority of the City of Omaha held March 4, 2021.

Joanie Poore, Secretary
Housing Authority of the City of Omaha

5.1.3.3. Resolution 2021-22 Approve Contract for Common Space
Furniture-AOI Corporation

Memorandum



To: The Board of Commissioners
From: Steve Schrader, Director of Procurement & Capital Budgets
Date: March 4, 2021
Re: Recommendation for Contract – Common Space Furniture

RECOMMENDED ACTION:

The Housing Authority of the City of Omaha (hereinafter “OHA”) staff recommends the OHA Board of Commissioners approve the purchase of Common Space Furniture from **AOI Corporation**, as designed by Alley Poyner Machietto A&E firm as requested below in an amount not to exceed \$69,455

EXPLANATION:

Current furniture is in a state of disrepair. The proposed standards are commercial quality, durable and designed to fit the various needs of tenants. The material was chosen both for durability and ease of cleaning, allowing for proper daily sanitation between uses and resistant to bed bugs.

METHOD OF PROCUREMENT:

OHA invited qualified firms to present bids on a scope of work for common space furniture. The Invitation for Bid (IFB) was advertised on Tuesday February 2, 2021 and again February 9, 2021, and published on February 2, 2021. The solicitation was posted on the OHA website, The Daily Record, and multiple local companies were contacted by email and phone call. The pre-bid conference was February 9, 2021 at 2:00 p.m.

OHA received four (4) bids for the project as outlined in the IFB prior to the deadline of 2:00 p.m. on February 17, 2021. See table below for cost per item from each vendor:

Product	Qty	Payless Office Products	AOI Corporation	WSI Interiors	Commercial Concepts & Furniture
Dual Seat Lounge Chair	15	\$ 22,904.85	\$ 21,273.15	\$ 22,666.67	No Bid
Single Seat Lounge Chair	48	\$ 52,464.00	\$ 48,181.44	\$ 56,939.72	No Bid
Total		\$ 75,389	\$ 69,455	\$ 79,607	No Bid

RESPONSIVE AND RESPONSIBLE:

AOI Corporation has been determined to be a responsive and responsible vendor.

PROJECT COST:

This contract will not exceed \$95,123.24.

SOURCE OF FUNDS:

This purchase will be funded by the Cares Act.

ONGOING FISCAL IMPACT:

None.

SPONSOR(S):

Jody Holston, Director of Public Housing _____

Steve Schrader, Procurement Director _____

Susan Wiggins, CFO _____

Brian Hansen, General Counsel _____

RECOMMENDED BY: _____

(Signature of Joanie Poore, CEO)

RESOLUTION NO. 2021 – 22
AUTHORIZING PURCHASE OF FURNITURE FROM AOI

WHEREAS, staff of the Housing Authority of the City of Omaha (OHA) wish to undertake improvements in community rooms and common spaces including the purchase of new furniture;

WHEREAS, OHA issued a public Request for Bids for lounge chairs, and received 3 bids;

WHEREAS, OHA staff determined that the bid submitted by AOI provided the furniture at lowest price;

WHEREAS, OHA staff recommend that the Board of Commissioners authorizes the purchase of lounge chairs from AOI Corporation for lounge chairs in an amount not to exceed \$69,455;

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Commissioners hereby authorizes the purchase of lounge chairs from AOI Corporation for lounge chairs in an amount not to exceed \$69,455.

David Levy, Chairman
OHA Board of Commissioners

ATTEST

I, Joanie Poore, Assistant Secretary of the Housing Authority of the City of Omaha, do hereby certify that this resolution was properly adopted at the meeting of the Board of Commissioners of the Housing Authority of the City of Omaha held March 4, 2021.

Joanie Poore, Secretary
Housing Authority of the City of Omaha

5.1.3.4. Resolution 2021-23 Approve ACOP Changes

Chapter 6

INCOME AND RENT DETERMINATIONS

[24 CFR Part 5, Subparts E and F; 24 CFR 960, Subpart C]

INTRODUCTION

A family's annual income is used to determine their income eligibility for the public housing program and is also used to calculate the amount of the family's rent payment. OHA will use the policies and methods described in this chapter to ensure that only income-eligible families receive assistance and that no family pays more or less rent than is required under the regulations. This chapter describes HUD regulations and OHA policies related to these topics in three parts as follows:

Part I: Annual Income. HUD regulations specify the sources of income to include and exclude to arrive at a family's annual income. These requirements and OHA policies for calculating annual income are found in Part I.

Part II: Adjusted Income. Once annual income has been established HUD regulations require OHA to subtract from annual income any of five mandatory deductions for which a family qualifies. These requirements and OHA policies for calculating adjusted income are found in Part II.

Part III: Calculating Rent. This part describes the statutory formula for calculating total tenant payment (TTP), the use of utility allowances, and the methodology for determining family rent payment. Also included here are flat rents and the family's choice in rents.

PART I: ANNUAL INCOME

6-I.A. OVERVIEW

The general regulatory definition of *annual income* shown below is from 24 CFR 5.609.

5.609 Annual income.

(a) Annual income means all amounts, monetary or not, which:

(1) Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or

(2) Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and

(3) Which are not specifically excluded in paragraph [5.609(c)].

(4) Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

In addition to this general definition, HUD regulations establish policies for treating specific types of income and assets. The full texts of those portions of the regulations are provided in exhibits at the end of this chapter as follows:

- Annual Income Inclusions (Exhibit 6-1)
- Annual Income Exclusions (Exhibit 6-2)
- Treatment of Family Assets (Exhibit 6-3)
- Earned Income Disallowance (Exhibit 6-4)
- The Effect of Welfare Benefit Reduction (Exhibit 6-5)
- Income Limits (Exhibit 6-6)

Sections 6-I.B and 6-I.C discuss general requirements and methods for calculating annual income. The rest of this section describes how each source of income is treated for the purposes of determining annual income. HUD regulations present income inclusions and exclusions separately [24 CFR 5.609(b) and 24 CFR 5.609(c)]. In this ACOP, however, the discussions of income inclusions and exclusions are integrated by topic (e.g., all policies affecting earned income are discussed together in section 6-I.D). Verification requirements for annual income are discussed in Chapter 7.

6-I.B. HOUSEHOLD COMPOSITION AND INCOME

Income received by all family members must be counted unless specifically excluded by the regulations. It is the responsibility of the head of household to report changes in family composition. The rules on which sources of income are counted vary somewhat by family member. The chart below summarizes how family composition affects income determinations.

Summary of Income Included and Excluded by Person	
Live-in aides	Income from all sources is excluded [24 CFR 5.609(c)(5)].
Foster child or foster adult	Income from all sources is excluded [24 CFR 5.609(a)(1)].
Head, spouse, or cohead Other adult family members	All sources of income not specifically excluded by the regulations are included.
Children under 18 years of age	Employment income is excluded [24 CFR 5.609(c)(1)]. All other sources of income, except those specifically excluded by the regulations, are included.
Full-time students 18 years of age or older (not head, spouse, or cohead)	Employment income above \$480/year is excluded [24 CFR 5.609(c)(11)]. All other sources of income, except those specifically excluded by the regulations, are included.

Temporarily Absent Family Members

The income of family members approved to live in the unit will be counted, even if the family member is temporarily absent from the unit [HCV GB, p. 5-18].

Generally an individual who is or is expected to be absent from the assisted unit for 180 consecutive days or less is considered temporarily absent and continues to be considered a family member. Generally an individual who is or is expected to be absent from the assisted unit for more than 180 consecutive days is considered permanently absent and no longer a family member. Exceptions to this general policy are discussed below.

Absent Students

When someone who has been considered a family member attends school away from home, the person will continue to be considered a family member unless information becomes available to OHA indicating that the student has established a separate household or the family declares that the student has established a separate household.

Absences Due to Placement in Foster Care

Children temporarily absent from the home as a result of placement in foster care are considered members of the family [24 CFR 5.403].

If a child has been placed in foster care, the child will counted as temporarily absent from the unit for up to 180 consecutive days. OHA will verify with the appropriate agency whether and when the child is expected to be returned to the home.

Absent Head, Spouse, or Cohead

An employed head, spouse, or cohead absent from the unit more than 180 consecutive days will be removed from the lease.

Individuals Confined for Medical Reasons

An individual confined to a nursing home or hospital on a permanent basis is not considered a family member. If there is a question about the status of a family member, OHA will request verification from a responsible medical professional and will use this determination. If the responsible medical professional cannot provide a determination, the person generally will be considered temporarily absent for up to 180 consecutive days. The family may present evidence that the family member is confined on a permanent basis and request that the person not be considered a family member.

Joint Custody of Children

Dependents that are subject to a joint custody arrangement will be considered a member of the family, if they live with the applicant or resident family 50 percent or more of the time.

When more than one applicant or assisted family (regardless of program) are claiming the same dependents as family members, the family with primary custody at the time of the initial examination or reexamination will be able to claim the dependents. If there is a dispute about which family should claim them, OHA will make the determination based on available documents such as court orders, school records, or other credible documentation.

Caretakers for a Child

The approval of a caretaker is at OHA's discretion and subject to OHA's screening criteria. If neither a parent nor a designated guardian remains in a household, OHA will take the following actions.

- If a responsible agency has determined that another adult is to be brought into the unit to care for a child for an indefinite period, the designated caretaker will not be considered a family member until a determination of custody or legal guardianship is made.
- If a caretaker has assumed responsibility for a child without the involvement of a responsible agency or formal assignment of custody or legal guardianship, the caretaker will be treated as a visitor for up to 90 days. When the interim is completed or after the 90 days has elapsed (whichever is first), the caretaker will be considered a family member unless information is provided that would confirm that the caretaker's role is temporary. In such cases OHA will extend the caretaker's status as an eligible visitor.
- At any time that custody or guardianship legally has been awarded to a caretaker, the lease will be transferred to the caretaker, as head of household.
- During any period that a caretaker is considered a visitor, the income of the caretaker is not counted in annual income and the caretaker does not qualify the family for any deductions from income.

6-I.C. ANTICIPATING ANNUAL INCOME

OHA is required to count all income “anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date” [24 CFR 5.609(a)(2)]. Policies related to anticipating annual income are provided below.

Basis of Annual Income Projection

OHA generally will use current circumstances to determine anticipated income for the coming 12-month period. HUD authorizes OHA to use other than current circumstances to anticipate income when:

- An imminent change in circumstances is expected [HCV GB, p. 5-17]
- It is not feasible to anticipate a level of income over a 12-month period (e.g., seasonal or cyclic income) [24 CFR 5.609(d)]
- OHA believes that past income is the best available indicator of expected future income [24 CFR 5.609(d)]

PHAs are required to use HUD’s Enterprise Income Verification (EIV) system in its entirety as a third party source to verify employment and income information, and to reduce administrative subsidy payment errors in accordance with HUD administrative guidance [24 CFR 5.233(a)(2)].

HUD allows PHAs to use tenant-provided documents to project income once EIV data has been received in such cases where the family does not dispute the EIV employer data and where the PHA does not determine it is necessary to obtain additional third-party data.

When EIV is obtained and the family does not dispute the EIV employer data, OHA will use current tenant-provided documents to project annual income. When the tenant-provided documents are pay stubs, OHA will make every effort to obtain 4-6 current and consecutive pay stubs dated within the last 60 days.

OHA will obtain written and/or oral third-party verification in accordance with the verification requirements and policy in Chapter 7 in the following cases:

- If EIV or other UIV data is not available,
- If the family disputes the accuracy of the EIV employer data, and/or
- If OHA determines additional information is needed.

In such cases, OHA will review and analyze current data to anticipate annual income. In all cases, the family file will be documented with a clear record of the reason for the decision, and a clear audit trail will be left as to how OHA annualized projected income.

When OHA cannot readily anticipate income based upon current circumstances (e.g., in the case of seasonal employment, unstable working hours, or suspected fraud), OHA will review and analyze historical data for patterns of employment, paid benefits, and receipt of other income and use the results of this analysis to establish annual income.

Any time current circumstances are not used to project annual income, a clear rationale for the decision will be documented in the file. In all such cases the family may present information and

documentation to OHA to show why the historic pattern does not represent the family's anticipated income.

Known Changes in Income

If OHA verifies an upcoming increase or decrease in income, annual income will be calculated by applying each income amount to the appropriate part of the 12-month period.

Example: An employer reports that a full-time employee who has been receiving \$8/hour will begin to receive \$8.25/hour in the eighth week after the effective date of the reexamination. In such a case OHA would calculate annual income as follows: $(\$8/\text{hour} \times 40 \text{ hours} \times 7 \text{ weeks}) + (\$8.25 \times 40 \text{ hours} \times 45 \text{ weeks})$.

The family may present information that demonstrates that implementing a change before its effective date would create a hardship for the family. In such cases OHA will calculate annual income using current circumstances and then require an interim reexamination when the change actually occurs. This requirement will be imposed even if OHA's policy on reexaminations does not require interim reexaminations for other types of changes.

When tenant-provided third-party documents are used to anticipate annual income, they will be dated within the last 60 days.

Projecting Income

In HUD's EIV webcast of January 2008, HUD made clear that PHAs are not to use EIV quarterly wages to project annual income.

6-I.D. EARNED INCOME

Types of Earned Income Included in Annual Income

Wages and Related Compensation [24 CFR 5.609(b)(1)]

The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services is included in annual income.

For persons who regularly receive bonuses or commissions. OHA will use the current year amounts to project annual. The family may provide, and OHA will consider, a credible justification for not using this history to anticipate future bonuses or commissions. If a new employee has not yet received any bonuses or commissions, OHA will count only the amount estimated by the employer. The file will be documented appropriately.

Some Types of Military Pay

All regular pay, special pay and allowances of a member of the Armed Forces are counted [24 CFR 5.609(b)(8)] except for the special pay to a family member serving in the Armed Forces who is exposed to hostile fire [24 CFR 5.609(c)(7)].

Types of Earned Income Not Counted in Annual Income

Temporary, Nonrecurring, or Sporadic Income [24 CFR 5.609(c)(9)]

This type of income (including gifts) is not included in annual income. Sporadic income is income that is not received periodically and cannot be reliably predicted. For example, the income of an individual who works occasionally as a handyman would be considered sporadic if future work could not be anticipated and no historic, stable pattern of income existed.

Children's Earnings [24 CFR 5.609(c)(1)]

Employment income earned by children (including foster children) under the age of 18 years is not included in annual income. (See Eligibility chapter for a definition of *foster children*.)

Certain Earned Income of Full-Time Students

Earnings in excess of \$480 for each full-time student 18 years old or older (except for the head, spouse, or cohead) are not counted [24 CFR 5.609(c)(11)]. To be considered "full-time," a student must be considered "full-time" by an educational institution with a degree or certificate program [HCV GB, p. 5-29].

Income of a Live-in Aide

Income earned by a live-in aide, as defined in [24 CFR 5.403], is not included in annual income [24 CFR 5.609(c)(5)]. (See Eligibility chapter for a full discussion of live-in aides.)

Income Earned under Certain Federal Programs [24 CFR 5.609(c)(17)]

Income from some federal programs is specifically excluded from consideration as income, including:

- Payments to volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058)
- Awards under the federal work-study program (20 U.S.C. 1087 uu)
- Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f))
- Allowances, earnings, and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d))
- Allowances, earnings, and payments to participants in programs funded under the Workforce Investment Act of 1998 (29 U.S.C. 2931)

Resident Service Stipend [24 CFR 5.600(c)(8)(iv)]

Amounts received under a resident service stipend are not included in annual income. A resident service stipend is a modest amount (not to exceed \$200 per individual per month) received by a resident for performing a service for OHA, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of OHA's governing board. No resident may receive more than one such stipend during the same period of time.

State and Local Employment Training Programs

Incremental earnings and benefits to any family member resulting from participation in qualifying state or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff are excluded from annual income. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the training program [24 CFR 5.609(c)(8)(v)].

OHA defines *training program* as “a learning process with goals and objectives, generally having a variety of components, and taking place in a series of sessions over a period of time. It is designed to lead to a higher level of proficiency, and it enhances the individual’s ability to obtain employment. It may have performance standards to measure proficiency. Training may include, but is not limited to: (1) classroom training in a specific occupational skill, (2) on-the-job training with wages subsidized by the program, or (3) basic education” [expired Notice PIH 98-2, p. 3].

OHA defines *incremental earnings and benefits* as the difference between (1) the total amount of welfare assistance and earnings of a family member prior to enrollment in a training program and (2) the total amount of welfare assistance and earnings of the family member after enrollment in the program [expired Notice PIH 98-2, pp. 3–4].

In calculating the incremental difference, OHA will use as the pre-enrollment income the total annualized amount of the family member’s welfare assistance and earnings reported on the family’s most recently completed HUD-50058.

End of participation in a training program must be reported in accordance with OHA’s interim reporting requirements (see chapter on reexaminations).

HUD-Funded Training Programs

Amounts received under training programs funded in whole or in part by HUD [24 CFR 5.609(c)(8)(i)] are excluded from annual income. Eligible sources of funding for the training include operating subsidy, Section 8 administrative fees, and modernization, Community Development Block Grant (CDBG), HOME program, and other grant funds received from HUD.

To qualify as a training program, the program must meet the definition of *training program* provided above for state and local employment training programs.

Earned Income Tax Credit. Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j)), are excluded from annual income [24 CFR 5.609(c)(17)]. Although many families receive the EITC annually when they file taxes, an EITC can also be received throughout the year. The prorated share of the annual EITC is included in the employee’s payroll check.

Earned Income Disallowance. The earned income disallowance is discussed in section 6-I.E below.

6-I.E. EARNED INCOME DISALLOWANCE [24 CFR 960.255; Streamlining Final Rule (SFR) Federal Register 3/8/16]

The earned income disallowance (EID) encourages people to enter the work force by not including the full value of increases in earned income for a period of time. The full text of 24 CFR 960.255 is included as Exhibit 6-4 at the end of this chapter. Eligibility criteria and limitations on the disallowance are summarized below.

Eligibility

This disallowance applies only to individuals in families already participating in the public housing program (not at initial examination). To qualify, the family must experience an increase in annual income that is the result of one of the following events:

- Employment of a family member who was previously unemployed for one or more years prior to employment. *Previously unemployed* includes a person who annually has earned not more than the minimum wage applicable to the community multiplied by 500 hours. The applicable minimum wage is the federal minimum wage unless there is a higher state or local minimum wage.
- Increased earnings by a family member whose earnings increase during participation in an economic self-sufficiency or job-training program. A self-sufficiency program includes a program designed to encourage, assist, train, or facilitate the economic independence of HUD-assisted families or to provide work to such families [24 CFR 5.603(b)].
- New employment or increased earnings by a family member who has received benefits or services under Temporary Assistance for Needy Families (TANF) or any other state program funded under Part A of Title IV of the Social Security Act within the past six months. If the benefits are received in the form of monthly maintenance, there is no minimum amount. If the benefits or services are received in a form other than monthly maintenance, such as one-time payments, wage subsidies, or transportation assistance, the total amount received over the six-month period must be at least \$500.

Calculation of the Disallowance

Calculation of the earned income disallowance for an eligible member of a qualified family begins with a comparison of the member's current income with his or her "baseline income." The family member's baseline income is his or her income immediately prior to qualifying for the EID. The family member's baseline income remains constant throughout the period that he or she is participating in the EID.

Calculation Method

Initial 12-Month Exclusion

During the initial exclusion period of 12 consecutive months, the full amount (100 percent) of any increase in income attributable to new employment or increased earnings is excluded. The

initial EID exclusion period will begin on the first of the month following the date an eligible member of a qualified family is first employed or first experiences an increase in earnings.

Second 12-Month Exclusion

During the second exclusion period of 12 consecutive months, the PHA must exclude at least 50 percent of any increase in income attributable to employment or increased earnings. During the second 12-month exclusion period, OHA will exclude 50 percent of any increase in income attributable to new employment or increased earnings.

Lifetime Limitation

The EID has a two-year (24-month) lifetime maximum. The two-year eligibility period begins at the same time that the initial exclusion period begins and ends 24 months later. During the 24-month period, an individual remains eligible for EID even if they receive assistance from a different housing agency, move between public housing and Section 8 assistance, or have breaks in assistance.

Individual Savings Accounts [24 CFR 960.255(d)]

OHA chooses not to establish a system of individual savings accounts (ISAs) for families who qualify for the EID.

6-I.F. BUSINESS INCOME [24 CFR 5.609(b)(2)]

Annual income includes “the net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family” [24 CFR 5.609(b)(2)].

Business Expenses

Net income is “gross income less business expense” [HCV GB, p. 5-19]. To determine business expenses that may be deducted from gross income, OHA will use current applicable Internal Revenue Service (IRS) rules for determining allowable business expenses [see IRS Publication 535], unless a topic is addressed by HUD regulations or guidance as described below.

Business Expansion

HUD regulations do not permit OHA to deduct from gross income expenses for business expansion.

Business expansion is defined as any capital expenditures made to add new business activities, to expand current facilities, or to operate the business in additional locations. For example, purchase of a street sweeper by a construction business for the purpose of adding street cleaning

to the services offered by the business would be considered a business expansion. Similarly, the purchase of a property by a hair care business to open at a second location would be considered a business expansion.

Capital Indebtedness

HUD regulations do not permit OHA to deduct from gross income the amortization of capital indebtedness.

Capital indebtedness is defined as the principal portion of the payment on a capital asset such as land, buildings, and machinery. This means OHA will allow as a business expense interest, but not principal, paid on capital indebtedness.

Negative Business Income

If the net income from a business is negative, no business income will be included in annual income; a negative amount will not be used to offset other family income.

Withdrawal of Cash or Assets from a Business

HUD regulations require OHA to include in annual income the withdrawal of cash or assets from the operation of a business or profession unless the withdrawal reimburses a family member for cash or assets invested in the business by the family.

Acceptable investments in a business include cash loans and contributions of assets or equipment. For example, if a member of a tenant family provided an up-front loan of \$2,000 to help a business get started, OHA will not count as income any withdrawals from the business up to the amount of this loan until the loan has been repaid. Investments do not include the value of labor contributed to the business without compensation.

Co-owned Businesses

If a business is co-owned with someone outside the family, the family must document the share of the business it owns. If the family's share of the income is lower than its share of ownership, the family must document the reasons for the difference.

6-I.G. ASSETS [24 CFR 5.609(b)(3) and 24 CFR 5.603(b)]

Overview

There is no asset limitation for participation in the public housing program. However, HUD requires that the PHA include in annual income the anticipated "interest, dividends, and other net income of any kind from real or personal property" [24 CFR 5.609(b)(3)]. This section discusses how the income from various types of assets is determined. For most types of assets, the PHA must determine the value of the asset in order to compute income from the asset. Therefore, for each asset type, this section discusses:

- How the value of the asset will be determined
- How income from the asset will be calculated

Exhibit 6-1 provides the regulatory requirements for calculating income from assets [24 CFR 5.609(b)(3)], and Exhibit 6-3 provides the regulatory definition of *net family assets*. This section begins with a discussion of general policies related to assets and then provides HUD rules and PHA policies related to each type of asset.

Optional policies for family self-certification of assets are found in Chapter 7

General Policies

Income from Assets

OHA generally will use current circumstances to determine both the value of an asset and the anticipated income from the asset. As is true for all sources of income, HUD authorizes OHA to use other than current circumstances to anticipate income when (1) an imminent change in circumstances is expected (2) it is not feasible to anticipate a level of income over 12 months or (3) OHA believes that past income is the best indicator of anticipated income. For example, if a family member owns real property that typically receives rental income but the property is currently vacant, OHA can take into consideration past rental income along with the prospects of obtaining a new tenant.

Any time current circumstances are not used to determine asset income, a clear rationale for the decision will be documented in the file. In such cases the family may present information and documentation to OHA to show why the asset income determination does not represent the family's anticipated asset income.

Valuing Assets

The calculation of asset income sometimes requires OHA to make a distinction between an asset's market value and its cash value.

- The market value of an asset is its worth in the market (e.g., the amount a buyer would pay for real estate or the total value of an investment account).
- The cash value of an asset is its market value less all reasonable amounts that would be incurred when converting the asset to cash.

Reasonable costs that would be incurred when disposing of an asset include, but are not limited to, penalties for premature withdrawal, broker and legal fees, and settlement costs incurred in real estate transactions [HCV GB, p. 5-28 and PH Occ GB, p. 121].

Lump-Sum Receipts

Payments that are received in a single lump sum, such as inheritances, capital gains, lottery winnings, insurance settlements, and proceeds from the sale of property, are generally considered assets, not income. However, such lump-sum receipts are counted as assets only if they are retained by a family in a form recognizable as an asset (e.g., deposited in a savings or checking account) [RHIIP FAQs]. (For a discussion of lump-sum payments that represent the delayed start of a periodic payment, most of which are counted as income, see sections 6-I.H and 6-I.I.)

Imputing Income from Assets [24 CFR 5.609(b)(3), Notice PIH 2012-29]

When net family assets are \$5,000 or less, the PHA will include in annual income the actual income anticipated to be derived from the assets. When the family has net family assets in excess of \$5,000, the PHA will include in annual income the greater of (1) the actual income derived from the assets or (2) the imputed income. Imputed income from assets is calculated by multiplying the total cash value of all family assets by an average passbook savings rate as determined by the PHA.

- Note: The HUD field office no longer provides an interest rate for imputed asset income. The “safe harbor” is now for the PHA to establish a passbook rate within 0.75 percent of a national average.
- The PHA must review its passbook rate annually to ensure that it remains within 0.75 percent of the national average.

OHA will initially set the imputed asset passbook rate at the national rate established by the Federal Deposit Insurance Corporation (FDIC).

OHA will review the passbook rate annually, in December of each year. The rate will not be adjusted unless the current OHA rate is no longer within 0.75 percent of the national rate. If it is no longer within 0.75 percent of the national rate, the passbook rate will be set at the current national rate. Changes to the passbook rate will take effect on February 1 following the December review.

Determining Actual Anticipated Income from Assets

It may or may not be necessary for OHA to use the value of an asset to compute the actual anticipated income from the asset. When the value is required to compute the anticipated income from an asset, the market value of the asset is used. For example, if the asset is a property for which a family receives rental income, the anticipated income is determined by annualizing the actual monthly rental amount received for the property; it is not based on the property’s market value. However, if the asset is a savings account, the anticipated income is determined by multiplying the market value of the account by the interest rate on the account.

Withdrawal of Cash or Liquidation of Investments

Any withdrawal of cash or assets from an investment will be included in income except to the extent that the withdrawal reimburses amounts invested by the family. For example, when a family member retires, the amount received by the family from a retirement investment plan is not counted as income until the family has received payments equal to the amount the family member deposited into the retirement investment plan.

Jointly Owned Assets

The regulation at 24 CFR 5.609(a)(4) specifies that annual income includes “amounts derived (during the 12-month period) from assets to which any member of the family has access.”

If an asset is owned by more than one person and any family member has unrestricted access to the asset, OHA will count the full value of the asset. A family member has unrestricted access to an asset when he or she can legally dispose of the asset without the consent of any of the other owners.

If an asset is owned by more than one person, including a family member, but the family member does not have unrestricted access to the asset, OHA will prorate the asset according to the percentage of ownership. If no percentage is specified or provided for by state or local law, OHA will prorate the asset evenly among all owners.

Assets Disposed Of for Less than Fair Market Value [24 CFR 5.603(b)]

HUD regulations require the PHA to count as a current asset any business or family asset that was disposed of for less than fair market value during the two years prior to the effective date of the examination/reexamination, except as noted below.

Minimum Threshold

The PHA may set a threshold below which assets disposed of for less than fair market value will not be counted [HCV GB, p. 5-27].

OHA will not include the value of assets disposed of for less than fair market value unless the cumulative fair market value of all assets disposed of during the past two years exceeds the gross amount received for the assets by more than \$1,000.

When the two-year period expires, the income assigned to the disposed asset(s) also expires. If the two-year period ends between annual recertifications, the family may request an interim recertification to eliminate consideration of the asset(s).

Assets placed by the family in nonrevocable trusts are considered assets disposed of for less than fair market value except when the assets placed in trust were received through settlements or judgments.

Separation or Divorce

The regulation also specifies that assets are not considered disposed of for less than fair market value if they are disposed of as part of a separation or divorce settlement and the applicant or tenant receives important consideration not measurable in dollar terms.

All assets disposed of as part of a separation or divorce settlement will be considered assets for which important consideration not measurable in monetary terms has been received. In order to qualify for this exemption, a family member must be subject to a formal separation or divorce settlement agreement established through arbitration, mediation, or court order.

Foreclosure or Bankruptcy

Assets are not considered disposed of for less than fair market value when the disposition is the result of a foreclosure or bankruptcy sale.

Family Declaration

Families must sign a declaration form at initial certification and each annual recertification identifying all assets that have been disposed of for less than fair market value or declaring that no assets have been disposed of for less than fair market value. OHA may verify the value of the assets disposed of if other information available to OHA does not appear to agree with the information reported by the family.

Types of Assets

Checking and Savings Accounts

For regular checking accounts and savings accounts, *cash value* has the same meaning as *market value*. If a checking account does not bear interest, the anticipated income from the account is zero.

In determining the value of a checking account, OHA will use the average monthly balance for the last six months.

In determining the value of a savings account, OHA will use the current balance.

In determining the anticipated income from an interest-bearing checking or savings account, OHA will multiply the value of the account by the current rate of interest paid on the account.

Investment Accounts Such as Stocks, Bonds, Saving Certificates, and Money Market Funds

Interest or dividends earned by investment accounts are counted as actual income from assets even when the earnings are reinvested. The cash value of such an asset is determined by deducting from the market value any broker fees, penalties for early withdrawal, or other costs of converting the asset to cash.

In determining the market value of an investment account, OHA will use the value of the account on the most recent investment report.

How anticipated income from an investment account will be calculated depends on whether the rate of return is known. For assets that are held in an investment account with a known rate of return (e.g., savings certificates), asset income will be calculated based on that known rate (market value multiplied by rate of earnings). When the anticipated rate of return is not known (e.g., stocks), OHA will calculate asset income based on the earnings for the most recent reporting period.

Equity in Real Property or Other Capital Investments

Equity (cash value) in a property or other capital asset is the estimated current market value of the asset less the unpaid balance on all loans secured by the asset and reasonable costs (such as broker fees) that would be incurred in selling the asset [HCV GB, p. 5-25 and PH, p. 121].

In determining the equity, OHA will determine market value by examining recent sales of at least three properties in the surrounding or similar neighborhood that possess comparable factors that affect market value.

OHA will first use the payoff amount for the loan (mortgage) as the unpaid balance to calculate equity. If the payoff amount is not available, OHA will use the basic loan balance information to deduct from the market value in the equity calculation.

Equity in real property and other capital investments is considered in the calculation of asset income **except** for the following types of assets:

- Equity accounts in HUD homeownership programs [24 CFR 5.603(b)]
- Equity in real property when a family member's main occupation is real estate [HCV GB, p. 5-25]. This real estate is considered a business asset, and income related to this asset will be calculated as described in section 6-I.F.

- Interests in Indian Trust lands [24 CFR 5.603(b)]
- Real property and capital assets that are part of an active business or farming operation [HCV GB, p. 5-25]

OHA must also deduct from the equity the reasonable costs for converting the asset to cash. Using the formula for calculating equity specified above, the net cash value of real property is the market value of the loan (mortgage) minus the expenses to convert to cash [Notice PIH 2012-3]. For the purposes of calculating expenses to convert to cash for real property, OHA will use ten percent of the market value of the home.

A family may have real property as an asset in two ways: (1) owning the property itself and (2) holding a mortgage or deed of trust on the property. In the case of a property owned by a family member, the anticipated asset income generally will be in the form of rent or other payment for the use of the property. If the property generates no income, actual anticipated income from the asset will be zero.

In the case of a mortgage or deed of trust held by a family member, the outstanding balance (unpaid principal) is the cash value of the asset. The interest portion only of payments made to the family in accordance with the terms of the mortgage or deed of trust is counted as anticipated asset income.

In the case of capital investments owned jointly with others not living in a family's unit, a prorated share of the property's cash value will be counted as an asset unless OHA determines that the family receives no income from the property and is unable to sell or otherwise convert the asset to cash.

Trusts

A *trust* is a legal arrangement generally regulated by state law in which one party (the creator or grantor) transfers property to a second party (the trustee) who holds the property for the benefit of one or more third parties (the beneficiaries).

Revocable Trusts

If any member of a family has the right to withdraw the funds in a trust, the value of the trust is considered an asset [HCV GB, p. 5-25]. Any income earned as a result of investment of trust funds is counted as actual asset income, whether the income is paid to the family or deposited in the trust.

Nonrevocable Trusts

In cases where a trust is not revocable by, or under the control of, any member of a family, the value of the trust fund is not considered an asset. However, any income distributed to the family from such a trust is counted as a periodic payment or a lump-sum receipt, as appropriate [24 CFR 5.603(b)]. (Periodic payments are covered in section 6-I.H. Lump-sum receipts are discussed earlier in this section.)

Retirement Accounts

Company Retirement/Pension Accounts

In order to correctly include or exclude as an asset any amount held in a company retirement or pension account by an employed person, OHA must know whether the money is accessible before retirement [HCV GB, p. 5-26].

While a family member is employed, only the amount the family member can withdraw without retiring or terminating employment is counted as an asset [HCV GB, p. 5-26].

After a family member retires or terminates employment, any amount distributed to the family member is counted as a periodic payment or a lump-sum receipt, as appropriate [HCV GB, p. 5-26], except to the extent that it represents funds invested in the account by the family member. (For more on periodic payments, see section 6-I.H.) The balance in the account is counted as an asset only if it remains accessible to the family member.

IRA, Keogh, and Similar Retirement Savings Accounts

IRA, Keogh, and similar retirement savings accounts are counted as assets even though early withdrawal would result in a penalty [HCV GB, p. 5-25].

Personal Property

Personal property held as an investment, such as gems, jewelry, coin collections, antique cars, etc., is considered an asset [HCV GB, p. 5-25].

In determining the value of personal property held as an investment, OHA will use the family's estimate of the value. OHA may obtain an appraisal if there is reason to believe that the family's estimated value is off by \$50 or more. The family must cooperate with the appraiser but cannot be charged any costs related to the appraisal.

Generally, personal property held as an investment generates no income until it is disposed of. If regular income is generated (e.g., income from renting the personal property), the amount that is expected to be earned in the coming year is counted as actual income from the asset.

Necessary items of personal property are not considered assets [24 CFR 5.603(b)].

Necessary personal property consists of only those items not held as an investment. It may include clothing, furniture, household furnishings, jewelry, and vehicles, including those specially equipped for persons with disabilities.

Life Insurance

The cash value of a life insurance policy available to a family member before death, such as a whole life or universal life policy, is included in the calculation of the value of the family's assets [HCV GB 5-25]. The cash value is the surrender value. If such a policy earns dividends or interest that the family could elect to receive, the anticipated amount of dividends or interest is counted as income from the asset whether or not the family actually receives it.

6-I.H. PERIODIC PAYMENTS

Periodic payments are forms of income received on a regular basis. HUD regulations specify periodic payments that are and are not included in annual income.

Periodic Payments Included in Annual Income

- Periodic payments from sources such as social security, unemployment and welfare assistance, annuities, insurance policies, retirement funds, and pensions. However, periodic payments from retirement accounts, annuities, and similar forms of investments are counted only after they exceed the amount contributed by the family [24 CFR 5.609(b)(4) and (b)(3)].
- Disability or death benefits and lottery receipts paid periodically, rather than in a single lump sum [24 CFR 5.609(b)(4) and HCV, p. 5-14]

Lump-Sum Payments for the Delayed Start of a Periodic Payment

Most lump sums received as a result of delays in processing periodic payments, such as unemployment or welfare assistance, are counted as income. However, lump-sum receipts for the delayed start of periodic social security or supplemental security income (SSI) payments are not counted as income. Additionally, any deferred disability benefits that are received in a lump sum or in prospective monthly amounts from the Department of Veterans Affairs are to be excluded from annual income [24 CFR 5.609(c)(14)].

When a delayed-start payment is received and reported during the period in which OHA is processing an annual reexamination, OHA will adjust the tenant rent retroactively for the period the payment was intended to cover. The family may pay in full any amount due or request to enter into a repayment agreement with OHA. See the chapter on reexaminations for information about a family's obligation to report lump-sum receipts between annual reexaminations.

Treatment of Overpayment Deductions from Social Security Benefits

The PHA must make a special calculation of annual income when the Social Security Administration (SSA) overpays an individual, resulting in a withholding or deduction from his or her benefit amount until the overpayment is paid in full. The amount and duration of the withholding will vary depending on the amount of the overpayment and the percent of the benefit rate withheld. Regardless of the amount withheld or the length of the withholding period, the PHA must use the reduced benefit amount after deducting only the amount of the overpayment withholding from the gross benefit amount [Notice PIH 2018-24].

Periodic Payments Excluded from Annual Income

- Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone) [24 CFR 5.609(c)(2)]. Kinship care payments are considered equivalent to foster care payments and are also excluded from annual income [Notice PIH 2012-1].

OHA will exclude payments for the care of foster children and foster adults only if the care is provided through an official arrangement with a local welfare agency [HCV GB, p. 5-18].

- Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home [24 CFR 5.609(c)(16)]

- Amounts received under the Low-Income Home Energy Assistance Program (42 U.S.C. 1626(c)) [24 CFR 5.609(c)(17)]
- Amounts received under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q) [24 CFR 5.609(c)(17)]
- Earned Income Tax Credit (EITC) refund payments (26 U.S.C. 32(j)) [24 CFR 5.609(c)(17)].
Note: EITC may be paid periodically if the family elects to receive the amount due as part of payroll payments from an employer.
- Lump sums received as a result of delays in processing Social Security and SSI payments (see section 6-I.H.) [24 CFR 5.609(c)(14)].
- Lump-sums or prospective monthly amounts received as deferred disability benefits from the Department of Veterans Affairs (VA) [24 CFR 5.609(c)(14)].

6-I.I. PAYMENTS IN LIEU OF EARNINGS

Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay, are counted as income [24 CFR 5.609(b)(5)] if they are received either in the form of periodic payments or in the form of a lump-sum amount or prospective monthly amounts for the delayed start of a periodic payment. If they are received in a one-time lump sum (as a settlement, for instance), they are treated as lump-sum receipts [24 CFR 5.609(c)(3)]. (See also the discussion of periodic payments in section 6-I.H and the discussion of lump-sum receipts in section 6-I.G.)

6-I.J. WELFARE ASSISTANCE

Overview

Welfare assistance is counted in annual income. Welfare assistance includes Temporary Assistance for Needy Families (TANF) and any payments to individuals or families based on need that are made under programs funded separately or jointly by federal, state, or local governments [24 CFR 5.603(b)].

Sanctions Resulting in the Reduction of Welfare Benefits [24 CFR 5.615]

OHA must make a special calculation of annual income when the welfare agency imposes certain sanctions on certain families. The full text of the regulation at 24 CFR 5.615 is provided as Exhibit 6-5. The requirements are summarized below. This rule applies only if a family was a public housing resident at the time the sanction was imposed.

Covered Families

The families covered by 24 CFR 5.615 are those “who receive welfare assistance or other public assistance benefits (‘welfare benefits’) from a State or other public agency (‘welfare agency’) under a program for which Federal, State or local law requires that a member of the family must

participate in an economic self-sufficiency program as a condition for such assistance” [24 CFR 5.615(b)]

Imputed Income

When a welfare agency imposes a sanction that reduces a family’s welfare income because the family commits fraud or fails to comply with the agency’s economic self-sufficiency program or work activities requirement, OHA must include in annual income “imputed” welfare income. OHA must request that the welfare agency provide the reason for the reduction of benefits and the amount of the reduction of benefits. The imputed welfare income is the amount that the benefits were reduced as a result of the sanction.

This requirement does not apply to reductions in welfare benefits: (1) at the expiration of the lifetime or other time limit on the payment of welfare benefits, (2) if a family member is unable to find employment even though the family member has complied with the welfare agency economic self-sufficiency or work activities requirements, or (3) because a family member has not complied with other welfare agency requirements [24 CFR 5.615(b)(2)].

For special procedures related to grievance hearings based upon OHA’s denial of a family’s request to lower rent when the family experiences a welfare benefit reduction, see Chapter 14, Grievances and Appeals.

Offsets

The amount of the imputed welfare income is offset by the amount of additional income the family begins to receive after the sanction is imposed. When the additional income equals or exceeds the imputed welfare income, the imputed income is reduced to zero [24 CFR 5.615(c)(4)].

6-I.K. PERIODIC AND DETERMINABLE ALLOWANCES [24 CFR 5.609(b)(7)]

Annual income includes periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing with a tenant family.

Alimony and Child Support

The PHA must count alimony or child support amounts awarded as part of a divorce or separation agreement.

OHA will count court-awarded amounts for alimony and child support unless OHA verifies that the payments are not being made. Families who do not have court-awarded alimony and child support awards are not required to seek a court award and are not required to take independent legal action to obtain collection.

Regular Contributions or Gifts

The PHA must count as income regular monetary and nonmonetary contributions or gifts from persons not residing with a tenant family [24 CFR 5.609(b)(7)]. Temporary, nonrecurring, or sporadic income and gifts are not counted [24 CFR 5.609(c)(9)].

Examples of regular contributions include: (1) regular payment of a family's bills (e.g., utilities, telephone, rent, credit cards, and car payments), (2) cash or other liquid assets provided to any family member on a regular basis, and (3) "in-kind" contributions such as groceries and clothing provided to a family on a regular basis.

Nonmonetary contributions will be valued at the cost of purchasing the items, as determined by OHA. For contributions that may vary from month to month (e.g., utility payments), OHA will include an average amount based upon past history.

6-I.L. ADDITIONAL EXCLUSIONS FROM ANNUAL INCOME

Other exclusions contained in 24 CFR 5.609(c) and updated by FR Notice 5/20/14 that have not been discussed earlier in this chapter include the following:

- Reimbursement of medical expenses [24 CFR 5.609(c)(4)]
- The full amount of student financial assistance paid directly to the student or to the educational institution [24 CFR 5.609(c)(6)].

Regular financial support from parents or guardians to students for food, clothing personal items, and entertainment **is not** considered student financial assistance and is included **in** annual income.

- Amounts received by participants in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred and which are made solely to allow participation in a specific program [24 CFR 5.609(c)(8)(iii)]
- Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS) [(24 CFR 5.609(c)(8)(ii)]
- Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era [24 CFR 5.609(c)(10)]
- Adoption assistance payments in excess of \$480 per adopted child [24 CFR 5.609(c)(12)]
- Refunds or rebates on property taxes paid on the dwelling unit [24 CFR 5.609(c)(15)]
- Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home [24 CFR 5.609(c)(16)]
- Amounts specifically excluded by any other federal statute [24 CFR 5.609(c)(17), FR Notice 5/20/14]. HUD publishes an updated list of these exclusions periodically. It includes:
 - (a) The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. 2017 (b))
 - (b) Benefits under Section 1780 of the School Lunch Act and Child Nutrition Act of 1966, including WIC
 - (c) Payments to volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058)

- (d) Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c))
- (e) Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e)
- (f) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f))
- (g) Payments received under programs funded in whole or in part under the Workforce Investment Act of 1998 (29 U.S.C. 2931)
- (h) Deferred disability benefits from the Department of Veterans Affairs, whether received as a lump sum or in monthly prospective amounts
- (i) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub. L. 94-540, 90 Stat. 2503-04)
- (j) Payments, funds, or distributions authorized, established, or directed by the Seneca Nation Settlement Act of 1990 (25 U.S.C. 1774f(b))
- (k) A lump sum or periodic payment received by an individual Indian pursuant to the Class Action Settlement Agreement in the United States District Court case entitled *Elouise Cobell et al. v. Ken Salazar et al.*, for a period of one year from the time of receipt of that payment as provided in the Claims Resolution Act of 2010
- (l) The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U. S. Claims Court, the interests of individual Indians in trust or restricted lands, including the first \$2,000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S.C. 1407-1408)
- (m) Benefits under the Indian Veterans Housing Opportunity Act of 2010 (only applies to Native American housing programs)
- (n) Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f))
- (o) Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in *In Re Agent Orange* product liability litigation, M.D.L. No. 381 (E.D.N.Y.)
- (p) Payments received under 38 U.S.C. 1833(c) to children of Vietnam veterans born with spinal bifida, children of women Vietnam veterans born with certain birth defects, and children of certain Korean service veterans born with spinal bifida
- (q) Payments received under the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721)
- (r) The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q)
- (s) Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j))

- (t) Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95-433)
- (u) Amounts of scholarships funded under Title IV of the Higher Education Act of 1965, including awards under federal work-study programs or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu). For Section 8 programs, the exception found in § 237 of Public Law 109-249 applies and requires that the amount of financial assistance in excess of tuition shall be considered income in accordance with the provisions codified at 24 CFR 5.609(b)(9), except for those persons with disabilities as defined by 42 U.S.C. 1437a(b)(3)(E) (Pub. L. 109-249)
- (v) Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d))
- (w) Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act (42 U.S.C. 10602)
- (x) Any amounts in an "individual development account" as provided by the Assets for Independence Act, as amended in 2002
- (y) Payments made from the proceeds of Indian tribal trust cases as described in Notice PIH 2013-30, "Exclusion from Income of Payments under Recent Tribal Trust Settlements" (25 U.S.C. 117b(a))
- (z) Major disaster and emergency assistance received under the Robert T. Stafford Disaster Relief and Emergency Assistance Act and comparable disaster assistance provided by states, local governments, and disaster assistance organizations
- (aa) Distributions from an ABLE account, and actual or imputed interest on the ABLE account balance

PART II: ADJUSTED INCOME

6-II.A. INTRODUCTION

Overview

HUD regulations require PHAs to deduct from annual income any of five mandatory deductions for which a family qualifies. The resulting amount is the family's adjusted income. Mandatory deductions are found in 24 CFR 5.611.

5.611(a) Mandatory deductions. In determining adjusted income, the responsible entity (PHA) must deduct the following amounts from annual income:

- (1) \$480 for each dependent;
- (2) \$400 for any elderly family or disabled family;
- (3) The sum of the following, to the extent the sum exceeds three percent of annual income:
 - (i) Unreimbursed medical expenses of any elderly family or disabled family;
 - (ii) Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed. This deduction may not exceed the earned income received by family members who are 18 years of age or older and who are able to work because of such attendant care or auxiliary apparatus; and
- (4) Any reasonable child care expenses necessary to enable a member of the family to be employed or to further his or her education.

This part covers policies related to these mandatory deductions. Verification requirements related to these deductions are found in Chapter 7, Verifications.

Anticipating Expenses

Generally, OHA will use current circumstances to anticipate expenses. When possible, for costs that are expected to fluctuate during the year (e.g., child care during school and nonschool periods and cyclical medical expenses), OHA will estimate costs based on historic data and known future costs.

If a family has an accumulated debt for medical or disability assistance expenses, OHA will include as an eligible expense the portion of the debt that the family expects to pay during the period for which the income determination is being made. However, amounts previously deducted will not be allowed even if the amounts were not paid as expected in a preceding period. OHA may require the family to provide documentation of payments made in the preceding year.

6-II.B. DEPENDENT DEDUCTION

An allowance of \$480 is deducted from annual income for each dependent [24 CFR 5.611(a)(1)]. *Dependent* is defined as any family member other than the head, spouse, or cohead who is under the age of 18 or who is 18 or older and is a person with disabilities or a full-time student. Foster children, foster adults, and live-in aides are never considered dependents [24 CFR 5.603(b)].

6-II.C. ELDERLY OR DISABLED FAMILY DEDUCTION

A single deduction of \$400 is taken for any elderly or disabled family [24 CFR 5.611(a)(2)]. An *elderly family* is a family whose head, spouse, cohead, or sole member is 62 years of age or older, and a *disabled family* is a family whose head, spouse, cohead, or sole member is a person with disabilities [24 CFR 5.403].

6-II.D. MEDICAL EXPENSES DEDUCTION [24 CFR 5.611(a)(3)(i)]

Unreimbursed medical expenses may be deducted to the extent that, in combination with any disability assistance expenses, they exceed three percent of annual income.

The medical expense deduction is permitted only for families in which the head, spouse, or cohead is at least 62 or is a person with disabilities. If a family is eligible for a medical expense deduction, the medical expenses of all family members are counted [VG, p. 28].

Definition of *Medical Expenses*

HUD regulations define *medical expenses* at 24 CFR 5.603(b) to mean “medical expenses, including medical insurance premiums, that are anticipated during the period for which annual income is computed, and that are not covered by insurance.”

The most current IRS Publication 502, *Medical and Dental Expenses*, will be used as a reference to determine the costs that qualify as medical expenses.

Summary of Allowable Medical Expenses from IRS Publication 502	
Services of medical professionals	Substance abuse treatment programs
Surgery and medical procedures that are necessary, legal, noncosmetic	Psychiatric treatment
Services of medical facilities	Ambulance services and some costs of transportation related to medical expenses
Hospitalization, long-term care, and in-home nursing services	The cost and care of necessary equipment related to a medical condition (e.g., eyeglasses/lenses, hearing aids, crutches, and artificial teeth)
Prescription medicines and insulin, but <u>not</u> nonprescription medicines even if recommended by a doctor	Cost and continuing care of necessary service animals (not emotional support)
Improvements to housing directly related to medical needs (e.g., ramps for a wheel	

chair, handrails)	Medical insurance premiums or the cost of a health maintenance organization (HMO)
Note: This chart provides a summary of eligible medical expenses only. Detailed information is provided in IRS Publication 502. Medical expenses are considered only to the extent they are not reimbursed by insurance or some other source.	

Families That Qualify for Both Medical and Disability Assistance Expenses

This policy applies only to families in which the head, spouse, or cohead is 62 or older or is a person with disabilities.

When expenses anticipated by a family could be defined as either medical or disability assistance expenses, OHA will consider them medical expenses unless it is clear that the expenses are incurred exclusively to enable a person with disabilities to work.

6-II.E. DISABILITY ASSISTANCE EXPENSES DEDUCTION [24 CFR 5.603(b) and 24 CFR 5.611(a)(3)(ii)]

Reasonable expenses for attendant care and auxiliary apparatus for a disabled family member may be deducted if they: (1) are necessary to enable a family member 18 years or older to work, (2) are not paid to a family member or reimbursed by an outside source, (3) in combination with any medical expenses, exceed three percent of annual income, and (4) do not exceed the earned income received by the family member who is enabled to work.

Earned Income Limit on the Disability Assistance Expense Deduction

A family can qualify for the disability assistance expense deduction only if at least one family member (who may be the person with disabilities) is enabled to work [24 CFR 5.603(b)].

The disability expense deduction is capped by the amount of “earned income received by family members who are 18 years of age or older and who are able to work” because of the expense [24 CFR 5.611(a)(3)(ii)]. The earned income used for this purpose is the amount verified before any earned income disallowances or income exclusions are applied.

The family must identify the family members enabled to work as a result of the disability assistance expenses. In evaluating the family’s request, OHA will consider factors such as how the work schedule of the relevant family members relates to the hours of care provided, the time required for transportation, the relationship of the family members to the person with disabilities, and any special needs of the person with disabilities that might determine which family members are enabled to work.

When OHA determines that the disability assistance expenses enable more than one family member to work, the disability assistance expenses will be capped by the sum of the family members’ incomes [PH Occ GB, p. 124].

Eligible Disability Expenses

Examples of auxiliary apparatus are provided in the *PH Occupancy Guidebook* as follows: “Auxiliary apparatus: Including wheelchairs, walkers, scooters, reading devices for persons with visual disabilities, equipment added to cars and vans to permit their use by the family member with a disability, or service animals” [PH Occ GB, p. 124], but only if these items are directly related to permitting the disabled person or other family member to work [HCV GB, p. 5-30].

HUD advises PHAs to further define and describe auxiliary apparatus [VG, p. 30].

Eligible Auxiliary Apparatus

Expenses incurred for maintaining or repairing an auxiliary apparatus are eligible. In the case of an apparatus that is specially adapted to accommodate a person with disabilities (e.g., a vehicle or computer), the cost to maintain the special adaptations (but not maintenance of the apparatus itself) is an eligible expense. The cost of service animals trained to give assistance to persons with disabilities, including the cost of acquiring the animal, veterinary care, food, grooming, and other continuing costs of care, will be included.

Eligible Attendant Care

The family determines the type of attendant care that is appropriate for the person with disabilities. Attendant care includes, but is not limited to, reasonable costs for home medical care, nursing services, in-home or center-based care services, interpreters for persons with hearing impairments, and readers for persons with visual disabilities.

Attendant care expenses will be included for the period that the person enabled to work is employed plus reasonable transportation time. The cost of general housekeeping and personal services is not an eligible attendant care expense. However, if the person enabled to work is the person with disabilities, personal services necessary to enable the person with disabilities to work are eligible.

If the care attendant also provides other services to the family, OHA will prorate the cost and allow only that portion of the expenses attributable to attendant care that enables a family member to work. For example, if the care provider also cares for a child who is not the person with disabilities, the cost of care must be prorated. Unless otherwise specified by the care provider, the calculation will be based upon the number of hours spent in each activity and/or the number of persons under care.

Payments to Family Members

No disability expenses may be deducted for payments to a member of a tenant family [23 CFR 5.603(b)]. However, expenses paid to a relative who is not a member of the tenant family may be deducted if they are not reimbursed by an outside source.

Necessary and Reasonable Expenses

The family determines the type of care or auxiliary apparatus to be provided and must describe how the expenses enable a family member to work. The family must certify that the disability assistance expenses are necessary and are not paid or reimbursed by any other source.

OHA determines the reasonableness of the expenses based on typical costs of care or apparatus in the locality. To establish typical costs, OHA will collect information from organizations that provide services and support to persons with disabilities. A family may present, and OHA will consider, the family's justification for costs that exceed typical costs in the area.

Families That Qualify for Both Medical and Disability Assistance Expenses

This policy applies only to families in which the head, spouse, or cohead is 62 or older or is a person with disabilities. When expenses anticipated by a family could be defined as either medical or disability assistance expenses, OHA will consider them medical expenses unless it is clear that the expenses are incurred exclusively to enable a person with disabilities to work.

6-II.F. CHILD CARE EXPENSE DEDUCTION

HUD defines *child care expenses* at 24 CFR 5.603(b) as “amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for child care. In the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income.”

Child care expenses do not include child support payments made to another on behalf of a minor who is not living in an assisted family's household [VG, p. 26]. However, child care expenses for foster children that are living in the assisted family's household are included when determining the family's child care expenses.

Qualifying for the Deduction

Determining Who Is Enabled to Pursue an Eligible Activity

The family must identify the family member(s) enabled to pursue an eligible activity. The term *eligible activity* in this section means any of the activities that may make the family eligible for a child care deduction (seeking work, pursuing an education, or being gainfully employed).

In evaluating the family's request, OHA will consider factors such as how the schedule for the claimed activity relates to the hours of care provided, the time required for transportation, the relationship of the family member(s) to the child, and any special needs of the child that might help determine which family member is enabled to pursue an eligible activity.

Seeking Work

If the child care expense being claimed is to enable a family member to seek employment, the family must provide evidence of the family member's efforts to obtain employment at each reexamination. The deduction may be reduced or denied if the family member's job search efforts are not commensurate with the child care expense being allowed by OHA.

Furthering Education

If the child care expense being claimed is to enable a family member to further his or her education, the member must be enrolled in school (academic or vocational) or participating in a formal training program. The family member is not required to be a full-time student, but the time spent in educational activities must be commensurate with the child care claimed.

Being Gainfully Employed

If the child care expense being claimed is to enable a family member to be gainfully employed, the family must provide evidence of the family member's employment during the time that child care is being provided. Gainful employment is any legal work activity (full- or part-time) for which a family member is compensated.

Earned Income Limit on Child Care Expense Deduction

When a family member looks for work or furthers his or her education, there is no cap on the amount that may be deducted for child care – although the care must still be necessary and reasonable. However, when child care enables a family member to work, the deduction is capped by “the amount of employment income that is included in annual income” [24 CFR 5.603(b)].

The earned income used for this purpose is the amount of earned income verified after any earned income disallowances or income exclusions are applied.

When the person who is enabled to work is a person who receives the earned income disallowance (EID) or a full-time student whose earned income above \$480 is excluded, child care costs related to enabling a family member to work may not exceed the portion of the person's earned income that actually is included in annual income. For example, if a family member who qualifies for the EID makes \$15,000 but because of the EID only \$5,000 is included in annual income, child care expenses are limited to \$5,000.

The PHA must not limit the deduction to the least expensive type of child care. If the care allows the family to pursue more than one eligible activity, including work, the cap is calculated in proportion to the amount of time spent working [HCV GB, p. 5-30].

When the child care expense being claimed is to enable a family member to work, only one family member's income will be considered for a given period of time. When more than one family member works during a given period, OHA generally will limit allowable child care expenses to the earned income of the lowest-paid member. The family may provide information that supports a request to designate another family member as the person enabled to work.

Eligible Child Care Expenses

The type of care to be provided is determined by the tenant family. OHA will not refuse to give a family the child care expense deduction because there is an adult family member in the household that may be available to provide child care [VG, p. 26].

Allowable Child Care Activities

For school-age children, costs attributable to public or private school activities during standard school hours are not considered. Expenses incurred for supervised activities after school or

during school holidays (e.g., summer day camp, after-school sports league) are allowable forms of child care.

The costs of general housekeeping and personal services are not eligible. Likewise, child care expenses paid to a family member who lives in the family's unit are not eligible; however, payments for child care to relatives who do not live in the unit are eligible.

If a child care provider also renders other services to a family or child care is used to enable a family member to conduct activities that are not eligible for consideration, OHA will prorate the costs and allow only that portion of the expenses that is attributable to child care for eligible activities. For example, if the care provider also cares for a child with disabilities who is 13 or older, the cost of care will be prorated. Unless otherwise specified by the child care provider, the calculation will be based upon the number of hours spent in each activity and/or the number of persons under care.

Necessary and Reasonable Costs

Child care expenses will be considered necessary if: (1) a family adequately explains how the care enables a family member to work, actively seek employment, or further his or her education, and (2) the family certifies, and the child care provider verifies, that the expenses are not paid or reimbursed by any other source.

Child care expenses will be considered for the time required for the eligible activity plus reasonable transportation time. For child care that enables a family member to go to school, the time allowed may include not more than one study hour for each hour spent in class.

To establish the reasonableness of child care costs, OHA will use the schedule of child care costs from the local welfare agency. Families may present, and OHA will consider, justification for costs that exceed typical costs in the area.

6-II.G. PERMISSIVE DEDUCTIONS [24 CFR 5.611(b)(1)]

Permissive deductions are additional, optional deductions that may be applied to annual income. As with mandatory deductions, permissive deductions must be based on need or family circumstance and deductions must be designed to encourage self-sufficiency or other economic purpose. If the PHA offers permissive deductions, they must be granted to all families that qualify for them and should complement existing income exclusions and deductions [PH Occ GB, p. 128].

The *Form HUD-50058 Instruction Booklet* states that the maximum allowable amount for total permissive deductions is less than \$90,000 per year. OHA has opted not to use permissive deductions.

PART III: CALCULATING RENT

6-III.A. OVERVIEW OF INCOME-BASED RENT CALCULATIONS

The first step in calculating income-based rent is to determine each family's total tenant payment (TTP). Then, if the family is occupying a unit that has tenant-paid utilities, the utility allowance is subtracted from the TTP. The result of this calculation, if a positive number, is the tenant rent. If the TTP is less than the utility allowance, the result of this calculation is a negative number, and is called the utility reimbursement, which may be paid to the family or directly to the utility company by the PHA.

TTP Formula [24 CFR 5.628]

HUD regulations specify the formula for calculating the total tenant payment (TTP) for a tenant family. TTP is the highest of the following amounts, rounded to the nearest dollar:

- 30 percent of the family's monthly adjusted income (adjusted income is defined in Part II)
- 10 percent of the family's monthly gross income (annual income, as defined in Part I, divided by 12)
- The welfare rent (in as-paid states only)
- A minimum rent between \$0 and \$50 that is established by the PHA

OHA has authority to suspend and exempt families from minimum rent when a financial hardship exists, as defined in section 6-III.B.

Welfare Rent [24 CFR 5.628]

Welfare rent does not apply in this locality.

Minimum Rent [24 CFR 5.630]

The minimum rent for this locality is \$50.

Optional Changes to Income-Based Rents [24 CFR 960.253(c)(2) and PH Occ GB, pp. 131-134]

OHA chooses not to adopt optional changes to income-based rents. PHAs have been given very broad flexibility to establish their own, unique rent calculation systems as long as the rent produced is not higher than that calculated using the TTP and mandatory deductions. At the discretion of the PHA, rent policies may structure a system that uses combinations of permissive deductions, escrow accounts, income-based rents, and the required flat and minimum rents.

The PHA's minimum rent and rent choice policies still apply to affected families. Utility allowances are applied to PHA designed income-based rents in the same manner as they are applied to the regulatory income-based rents.

The choices are limited only by the requirement that the method used not produce a TTP or tenant rent greater than the TTP or tenant rent produced under the regulatory formula.

Ceiling Rents [24 CFR 960.253 (c)(2) and (d)]

OHA chooses not to use ceiling rents. Ceiling rents are used to cap income-based rents. They are part of the income-based formula. If the calculated TTP exceeds the ceiling rent for the unit, the ceiling rent is used to calculate tenant rent (ceiling rent/TTP minus utility allowance). Increases in income do not affect the family since the rent is capped. The use of ceiling rents fosters upward mobility and income mixing.

Because of the mandatory use of flat rents, the primary function of ceiling rents now is to assist families who cannot switch back to flat rent between annual reexaminations and would otherwise be paying an income-based tenant rent that is higher than the flat rent.

Ceiling rents must be set to the level required for flat rents (which will require the addition of the utility allowance to the flat rent for properties with tenant-paid utilities) [PH Occ GB, p. 135].

Utility Reimbursement [24 CFR 960.253(c)(4)]

Utility reimbursement occurs when any applicable utility allowance for tenant-paid utilities exceeds the TTP. HUD permits the PHA to pay the reimbursement to the family or directly to the utility provider. OHA will make utility reimbursements to the family. OHA will issue all utility reimbursements monthly.

6-III.B. FINANCIAL HARDSHIPS AFFECTING MINIMUM RENT [24 CFR 5.630]

Overview

If the PHA establishes a minimum rent greater than zero, the PHA must grant an exemption from the minimum rent if a family is unable to pay the minimum rent because of financial hardship.

The financial hardship exemption applies only to families required to pay the minimum rent. If a family's TTP is higher than the minimum rent, the family is not eligible for a hardship exemption. If the PHA determines that a hardship exists, the TTP is the highest of the remaining components of the family's calculated TTP.

HUD-Defined Financial Hardship

Financial hardship includes the following situations:

- (1) The family has lost eligibility for or is awaiting an eligibility determination for a federal, state, or local assistance program. This includes a family member who is a noncitizen lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for Title IV of the Personal Responsibility and Work Opportunity Act of 1996.

A hardship will be considered to exist only if the loss of eligibility has an impact on the family's ability to pay the minimum rent.

For a family waiting for a determination of eligibility, the hardship period will end as of the first of the month following (1) implementation of assistance, if approved, or (2) the decision to deny assistance. A family whose request for assistance is denied may request a hardship exemption based upon one of the other allowable hardship circumstances.

- (2) The family would be evicted because it is unable to pay the minimum rent. For a family to qualify under this provision, the cause of the potential eviction must be the family's failure to pay rent or tenant-paid utilities.
- (3) Family income has decreased because of changed family circumstances, including the loss of employment.
- (4) A death has occurred in the family. In order to qualify under this provision, a family must describe how the death has created a financial hardship (e.g., because of funeral-related expenses or the loss of the family member's income).
- (5) The family has experienced other circumstances determined by the PHA. OHA has not established any additional hardship criteria.

Implementation of Hardship Exemption

Determination of Hardship

When a family requests a financial hardship exemption, the PHA must suspend the minimum rent requirement beginning the first of the month following the family's request.

The PHA then determines whether the financial hardship exists and whether the hardship is temporary or long-term.

OHA defines temporary hardship as a hardship expected to last 90 days or less. Long term hardship is defined as a hardship expected to last more than 90 days.

OHA may not evict the family for nonpayment of minimum rent during the 90-day period beginning the month following the family's request for a hardship exemption.

To qualify for a hardship exemption, a family must submit a request for a hardship exemption in writing. The request must explain the nature of the hardship and how the hardship has affected the family's ability to pay the minimum rent. OHA will make the determination of hardship within 30 calendar days.

No Financial Hardship

If OHA determines there is no financial hardship, OHA will reinstate the minimum rent and require the family to repay the amounts suspended within 30 calendar days of OHA's notice that a hardship exemption has not been granted. For procedures pertaining to grievance hearing requests based upon OHA's denial of a hardship exemption, see Chapter 14, Grievances and Appeals.

Temporary Hardship

If OHA determines that a qualifying financial hardship is temporary, OHA must reinstate the minimum rent from the beginning of the first of the month following the date of the family's request for a hardship exemption.

The family must resume payment of the minimum rent and must repay OHA the amounts suspended. HUD requires OHA to offer a reasonable repayment agreement, on terms and conditions established by OHA. The family may enter into a repayment agreement in accordance with OHA's repayment agreement policy (see Chapter 16). OHA also may determine that circumstances have changed and the hardship is now a long-term hardship.

For procedures pertaining to grievance hearing requests based upon OHA's denial of a hardship exemption, see Chapter 14, Grievances and Appeals.

Long-Term Hardship

If OHA determines that the financial hardship is long-term, OHA must exempt the family from the minimum rent requirement for so long as the hardship continues. The exemption will apply from the first of the month following the family's request until the end of the qualifying hardship. When the financial hardship has been determined to be long-term, the family is not required to repay the minimum rent.

The hardship period ends when any of the following circumstances apply:

- (1) At an interim or annual reexamination, the family's calculated TTP is greater than the minimum rent.
- (2) For hardship conditions based on loss of income, the hardship condition will continue to be recognized until new sources of income are received that are at least equal to the amount lost. For example, if a hardship is approved because a family no longer receives a \$60/month child support payment, the hardship will continue to exist until the family receives at least \$60/month in income from another source or once again begins to receive the child support.
- (3) For hardship conditions based upon hardship-related expenses, the minimum rent exemption will continue to be recognized until the cumulative amount exempted is equal to the expense incurred.

6-III.C. UTILITY ALLOWANCES [24 CFR 965, Subpart E]

Overview

Utility allowances are provided to families paying income-based rents when the cost of utilities is not included in the rent. When determining a family's income-based rent, OHA must use the utility allowance applicable to the type of dwelling unit leased by the family.

For policies on establishing and updating utility allowances, see Chapter 16.

Reasonable Accommodation [24 CFR 8]

On request from a family, PHAs must approve a utility allowance that is higher than the applicable amount for the dwelling unit if a higher utility allowance is needed as a reasonable accommodation to make the program accessible to and usable by the family with a disability [PH Occ GB, p. 172].

Residents with disabilities may not be charged for the use of certain resident-supplied appliances if there is a verified need for special equipment because of the disability [PH Occ GB, p. 172].

See Chapter 2 for policies related to reasonable accommodations.

Utility Allowance Revisions [24 CFR 965.507]

OHA must review its schedule of utility allowances each year. Between annual reviews, OHA must revise the utility allowance schedule if there is a rate change that by itself or together with prior rate changes not adjusted for, results in a change of 10 percent or more from the rate on which such allowances were based. Adjustments to resident payments as a result of such changes must be retroactive to the first day of the month following the month in which the last rate change taken into account in such revision became effective [PH Occ GB, p. 171].

The tenant rent calculations must reflect any changes in OHA's utility allowance schedule [24 CFR 960.253(c)(3)].

Unless OHA is required to revise utility allowances retroactively, revised utility allowances will be applied to a family's rent calculations at the first annual reexamination after the allowance is adopted.

6-III.D. PRORATED RENT FOR MIXED FAMILIES [24 CFR 5.520]

HUD regulations prohibit assistance to ineligible family members. A *mixed family* is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible family members. The PHA must prorate the assistance provided to a mixed family. The PHA will first determine TTP as if all family members were eligible and then prorate the rent based upon the number of family members that actually are eligible. To do this, the PHA must:

- (1) Subtract the TTP from the flat rent applicable to the unit. The result is the maximum subsidy for which the family could qualify if all members were eligible.
- (2) Divide the family maximum subsidy by the number of persons in the family to determine the maximum subsidy per each family member who is eligible (member maximum subsidy).
- (3) Multiply the member maximum subsidy by the number of eligible family members.
- (4) Subtract the subsidy calculated in the last step from the flat rent. This is the prorated TTP.
- (5) Subtract the utility allowance for the unit from the prorated TTP. This is the prorated rent for the mixed family. Revised public housing flat rents will be applied to a mixed family's rent calculation at the first annual reexamination after the revision is adopted.

- (6) When the mixed family's TTP is greater than the applicable flat rent, use the TTP as the prorated TTP. The prorated TTP minus the utility allowance is the prorated rent for the mixed family.

6-III.E. FLAT RENTS AND FAMILY CHOICE IN RENTS [24 CFR 960.253]

Flat Rents [24 CFR 960.253(b)]

The flat rent is designed to encourage self-sufficiency and to avoid creating disincentives for continued residency by families who are attempting to become economically self-sufficient.

Changes in family income, expenses, or composition will not affect the flat rent amount because it is outside the income-based formula.

Policies related to the reexamination of families paying flat rent are contained in Chapter 9, and policies related to the establishment and review of flat rents are contained in Chapter 16.

Family Choice in Rents [24 CFR 960.253(a) and (e)]

Once each year, the PHA must offer families the choice between a flat rent and an income-based rent. The family may not be offered this choice more than once a year. The PHA must document that flat rents were offered to families under the methods used to determine flat rents for the PHA.

The annual OHA offer to a family of the choice between flat and income-based rent will be conducted upon admission and upon each subsequent annual reexamination. OHA will require families to submit their choice of flat or income-based rent in writing and will maintain such requests in the tenant file as part of the admission or annual reexamination process.

OHA must provide sufficient information for families to make an informed choice. This information must include OHA's policy on switching from flat rent to income-based rent due to financial hardship and the dollar amount of the rent under each option. However, if the family chose the flat rent for the previous year OHA is required to provide an income-based rent amount only in the year that a reexamination of income is conducted or if the family specifically requests it and submits updated income information.

Switching from Flat Rent to Income-Based Rent Due to Hardship [24 CFR 960.253(f)]

A family can opt to switch from flat rent to income-based rent at any time if they are unable to pay the flat rent due to financial hardship. If the PHA determines that a financial hardship exists, the PHA must immediately allow the family to switch from flat rent to the income-based rent.

Upon determination by OHA that a financial hardship exists, OHA will allow a family to switch from flat rent to income-based rent effective the first of the month following the family's request.

Reasons for financial hardship include:

- The family has experienced a decrease in income because of changed circumstances, including loss or reduction of employment, death in the family, or reduction in or loss of earnings or other assistance

- The family has experienced an increase in expenses, because of changed circumstances, for medical costs, child care, transportation, education, or similar items
- Such other situations determined by OHA to be appropriate

OHA considers payment of flat rent to be a financial hardship whenever the switch to income-based rent would be lower than the flat rent [PH Occ GB, p. 137].

Phasing In Flat Rents [Notice PIH 2017-23; 24 CFR 960.253(b)]

When new flat rents requirements were implemented in 2014, HUD limited the increase for existing residents paying flat rent at that time to no more than 35 percent of the current tenant rent per year. In some cases, this meant that some residents had or will have their flat rents phased-in at the time of their annual recertification. To do this, PHAs conduct a flat rent impact analysis to determine whether a phase-in is or was necessary. For families whose flat rent is being phased-in, the PHA must multiply the family’s current rent amount by 1.35 and compare the result to the flat rent under the PHA’s policies. Families who have subsequently been admitted to the program or have subsequently selected flat rent will not experience a phase-in.

Notice PIH 2017-23 requires that flat rents must be phased in at the full 35 percent per year. PHAs do not have the option of phasing in flat rent increases at less than 35 percent per year.

Example: A family was paying a flat rent of \$500 per month. At their annual recertification, the PHA has increased the flat rent for their unit size to comply with the new requirements to \$700. The PHA conducted a flat rent impact analysis as follows:

$$\$500 \times 1.35 = \$675$$

Since the PHA’s increased flat rent of \$700 resulted in a rent increase of more than 35 percent, the PHA offered the family the choice to pay either \$675 per month or an income-based rent. The flat rent increase was phased in. At their next annual recertification in November 2015, the PHA will again multiply the family’s current flat rent by 1.35 and compare the results to the PHA’s current flat rent.

Flat Rents and Earned Income Disallowance [A&O FAQs]

Because the EID is a function of income-based rents, a family paying flat rent cannot qualify for the EID even if a family member experiences an event that would qualify the family for the EID. If the family later chooses to pay income-based rent, they would only qualify for the EID if a new qualifying event occurred.

Under the EID original calculation method, a family currently paying flat rent that previously qualified for the EID while paying income-based rent and is currently within their exclusion period would have the exclusion period continue while paying flat rent as long as the employment that is the subject of the exclusion continues. A family paying flat rent could therefore see a family member’s exclusion period expire while the family is paying flat rent.

Under the EID revised calculation method, a family currently paying flat rent that previously qualified for the EID while paying income-based rent and is currently within their exclusion period would have the exclusion period continue while paying flat rent regardless whether the

employment that is the subject of the exclusion continues. A family paying flat rent could therefore see a family member's exclusion period expire while the family is paying flat rent.

EXHIBIT 6-1: ANNUAL INCOME INCLUSIONS

24 CFR 5.609

(a) Annual income means all amounts, monetary or not, which:

- (1) Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or
- (2) Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
- (3) Which are not specifically excluded in paragraph (c) of this section.
- (4) Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

(b) Annual income includes, but is not limited to:

- (1) The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
- (2) The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family;

(3) Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation is permitted only as authorized in paragraph (b)(2) of this section. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD;

(4) The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount (except as provided in paragraph (c)(14) of this section);

(5) Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay (except as provided in paragraph (c)(3) of this section);

(6) Welfare assistance payments.

(i) Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income only to the extent such payments:

(A) Qualify as assistance under the TANF program definition at 45 CFR 260.31¹; and

(B) Are not otherwise excluded under paragraph (c) of this section.

¹ Text of 45 CFR 260.31 follows (next page).

(ii) If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of:

(A) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus

(B) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph shall be the amount resulting from one application of the percentage.

(7) Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling;

(8) All regular pay, special pay and allowances of a member of the Armed Forces (except as provided in paragraph (c)(7) of this section)

(9) For section 8 programs only and as provided in 24 CFR 5.612, any financial assistance, in excess of amounts received for tuition, that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 *et seq.*), from private sources, or from an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except that financial assistance described in this paragraph is not considered annual income for persons over the age of 23 with dependent children. For purposes of this paragraph, "financial assistance" does not include loan proceeds for the purpose of determining income.

HHS DEFINITION OF "ASSISTANCE"

45 CFR: GENERAL TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

260.31 What does the term "assistance" mean?

(a)(1) The term "assistance" includes cash, payments, vouchers, and other forms of benefits designed to meet a family's ongoing basic needs (i.e., for food, clothing, shelter, utilities, household goods, personal care items, and general incidental expenses).

(2) It includes such benefits even when they are:

(i) Provided in the form of payments by a TANF agency, or other agency on its behalf, to individual recipients; and

(ii) Conditioned on participation in work experience or community service (or any other work activity under 261.30 of this chapter).

(3) Except where excluded under paragraph (b) of this section, it also includes supportive services such as transportation and child care provided to families who are not employed.

(b) [The definition of "assistance"] excludes: (1) Nonrecurrent, short-term benefits that:

(i) Are designed to deal with a specific crisis situation or episode of need;

(ii) Are not intended to meet recurrent or ongoing needs; and

(iii) Will not extend beyond four months.

(2) Work subsidies (i.e., payments to employers or third parties to help cover the costs of employee wages, benefits, supervision, and training);

(3) Supportive services such as child care and transportation provided to families who are employed;

(4) Refundable earned income tax credits;

(5) Contributions to, and distributions from, Individual Development Accounts;

(6) Services such as counseling, case management, peer support, child care information and referral, transitional services, job retention, job advancement, and other employment-related services that do not provide basic income support; and

(7) Transportation benefits provided under a Job Access or Reverse Commute project, pursuant to section 404(k) of [the Social Security] Act, to an individual who is not otherwise receiving assistance

EXHIBIT 6-2: ANNUAL INCOME EXCLUSIONS

24 CFR 5.609

(c) Annual income does not include the following:

- (1) Income from employment of children (including foster children) under the age of 18 years;
- (2) Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);
- (3) Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses (except as provided in paragraph (b)(5) of this section);
- (4) Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- (5) Income of a live-in aide, as defined in Sec. 5.403;
- (6) Subject to paragraph (b)(9) of this section, the full amount of student financial assistance paid directly to the student or to the educational institution;
- (7) The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- (8) (i) Amounts received under training programs funded by HUD;
- (ii) Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
- (iii) Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;

(iv) Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the PHA or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of the PHA's governing board. No resident may receive more than one such stipend during the same period of time;

(v) Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program;

(9) Temporary, nonrecurring or sporadic income (including gifts);

(10) Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;

(11) Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);

(12) Adoption assistance payments in excess of \$480 per adopted child;

(13) [Reserved]

(14) Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts, or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or prospective monthly amounts.

(15) Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;

(16) Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or

(17) Amounts specifically excluded by any other Federal statute from consideration as income for

purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24 CFR 5.609(c) apply. A notice will be published in the Federal Register and distributed to PHAs and housing owners identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary. [See the following chart for a list of benefits that qualify for this exclusion.]

EXHIBIT 6-3: TREATMENT OF FAMILY ASSETS

24 CFR 5.603(b) Net Family Assets

(1) Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded.

(2) In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income under Sec. 5.609.

(3) In determining net family assets, PHAs or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefor. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms.

(4) For purposes of determining annual income under Sec. 5.609, the term "net family assets" does not include the value of a home currently being purchased with assistance under part 982, subpart M of this title. This exclusion is limited to the first 10 years after the purchase date of the home.

EXHIBIT 6-4: EARNED INCOME DISALLOWANCE

24 CFR 960.255 Self-sufficiency incentive—Disallowance of increase in annual income.

(a) *Definitions.* The following definitions apply for purposes of this section.

Baseline income. The annual income immediately prior to implementation of the disallowance described in paragraph (c)(1) of this section of a person who is a member of a qualified family.

Disallowance. Exclusion from annual income.

Previously unemployed includes a person who has earned, in the twelve months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.

Qualified family. A family residing in public housing:

- (i) Whose annual income increases as a result of employment of a family member who was unemployed for one or more years previous to employment;
- (ii) Whose annual income increases as a result of increased earnings by a family member during participation in any economic self-sufficiency or other job training program; or
- (iii) Whose annual income increases, as a result of new employment or increased earnings of a family member, during or within six months after receiving assistance, benefits or services under any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the PHA in consultation with the local agencies administering temporary assistance for needy families (TANF) and Welfare-to-Work (WTW) programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance—provided that the total amount over a six-month period is at least \$500.

(b) *Disallowance of increase in annual income.*

(1) *Initial twelve month exclusion.* During the 12-month period beginning on the date on which a

member of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the PHA must exclude from the annual income (as defined in § 5.609 of this title) of a qualified family any increase in the income of the family member as a result of employment over the baseline income of that family member.

(2) *Phase-in of rent increase.* Upon the expiration of the 12-month period defined in paragraph (b)(1) of this section and for the subsequent 12-month period, the PHA must exclude from the annual income of a qualified family at least 50 percent of any increase in income of such family member as a result of employment over the family member's baseline income.

(3) *Maximum 2-year disallowance.* The disallowance of increased income of an individual family member as provided in paragraph (b)(1) or (b)(2) of this section is limited to a lifetime 24-month period. It applies for a maximum of 12 months for disallowance under paragraph (b)(1) of this section and a maximum of 12 months for disallowance under paragraph (b)(2) of this section, during the 24-month period starting from the initial exclusion under paragraph (b)(1) of this section.

(4) *Effect of changes on currently participating families.* Families eligible for and participating in the disallowance of earned income under this section prior to May 9, 2016 will continue to be governed by this section in effect as it existed immediately prior to that date.

(c) *Inapplicability to admission.* The disallowance of increases in income as a result of employment under this section does not apply for purposes of admission to the program (including the determination of income eligibility and income targeting).

(d) *Individual Savings Accounts*. As an alternative to the disallowance of increases in income as a result of employment described in paragraph (b) of this section, a PHA may choose to provide for individual savings accounts for public housing residents who pay an income-based rent, in accordance with a written policy, which must include the following provisions:

- (1) The PHA must advise the family that the savings account option is available;
- (2) At the option of the family, the PHA must deposit in the savings account the total amount that would have been included in tenant rent payable to the PHA as a result of increased income that is disallowed in accordance with paragraph (b) of this section;
- (3) Amounts deposited in a savings account may be withdrawn only for the purpose of:

- (i) Purchasing a home;
 - (ii) Paying education costs of family members;
 - (iii) Moving out of public or assisted housing; or
 - (iv) Paying any other expense authorized by the PHA for the purpose of promoting the economic self-sufficiency of residents of public housing;
- (4) The PHA must maintain the account in an interest bearing investment and must credit the family with the net interest income, and the PHA may not charge a fee for maintaining the account;
 - (5) At least annually the PHA must provide the family with a report on the status of the account; and
 - (6) If the family moves out of public housing, the PHA shall pay the tenant any balance in the account, minus any amounts owed to the PHA

EXHIBIT 6-5: THE EFFECT OF WELFARE BENEFIT REDUCTION

24 CFR 5.615

Public housing program and Section 8 tenant-based assistance program: How welfare benefit reduction affects family income.

(a) Applicability. This section applies to covered families who reside in public housing (part 960 of this title) or receive Section 8 tenant-based assistance (part 982 of this title).

(b) Definitions. The following definitions apply for purposes of this section:

Covered families. Families who receive welfare assistance or other public assistance benefits ("welfare benefits") from a State or other public agency ("welfare agency") under a program for which Federal, State, or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for such assistance.

Economic self-sufficiency program. See definition at Sec. 5.603.

Imputed welfare income. The amount of annual income not actually received by a family, as a result of a specified welfare benefit reduction, that is nonetheless included in the family's annual income for purposes of determining rent.

Specified welfare benefit reduction.

(1) A reduction of welfare benefits by the welfare agency, in whole or in part, for a family member, as determined by the welfare agency, because of fraud by a family member in connection with the welfare program; or because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

(2) "Specified welfare benefit reduction" does not include a reduction or termination of welfare benefits by the welfare agency:

(i) at expiration of a lifetime or other time limit on the payment of welfare benefits;

(ii) because a family member is not able to obtain employment, even though the family member has complied with welfare agency economic self-sufficiency or work activities requirements; or

(iii) because a family member has not complied with other welfare agency requirements.

(c) Imputed welfare income.

(1) A family's annual income includes the amount of imputed welfare income (because of a specified welfare benefits reduction, as specified in notice to the PHA by the welfare agency), plus the total amount of other annual income as determined in accordance with Sec. 5.609.

(2) At the request of the PHA, the welfare agency will inform the PHA in writing of the amount and term of any specified welfare benefit reduction for a family member, and the reason for such reduction, and will also inform the PHA of any subsequent changes in the term or amount of such specified welfare benefit reduction. The PHA will use this information to determine the amount of imputed welfare income for a family.

(3) A family's annual income includes imputed welfare income in family annual income, as determined at the PHA's interim or regular reexamination of family income and composition, during the term of the welfare benefits reduction (as specified in information provided to the PHA by the welfare agency).

(4) The amount of the imputed welfare income is offset by the amount of additional income a family receives that commences after the time the sanction was imposed. When such additional income from other sources is at least equal to the imputed

(5) The PHA may not include imputed welfare income in annual income if the family was not an assisted resident at the time of sanction.

(d) Review of PHA decision.

(1) Public housing. If a public housing tenant claims that the PHA has not correctly calculated the amount of imputed welfare income in accordance with HUD requirements, and if the PHA denies the family's request to modify such amount, the PHA shall give the tenant written notice of such denial, with a brief explanation of the basis for the PHA determination of the amount of imputed welfare income. The PHA notice shall also state that if the tenant does not agree with the PHA determination, the tenant may request a grievance hearing in accordance with part 966, subpart B of this title to review the PHA determination. The tenant is not required to pay an escrow deposit pursuant to Sec. 966.55(e) for the portion of tenant rent attributable to the imputed welfare income in order to obtain a grievance hearing on the PHA determination.

(2) Section 8 participant. A participant in the Section 8 tenant-based assistance program may request an informal hearing, in accordance with Sec. 982.555 of this title, to review the PHA determination of the amount of imputed welfare income that must be included in the family's annual income in accordance with this section. If the family claims that such amount is not correctly calculated in accordance with HUD requirements, and if the PHA denies the family's request to modify such amount, the PHA shall give the family written notice of such denial, with a brief explanation of the basis for the PHA determination

of the amount of imputed welfare income. Such notice shall also state that if the family does not agree with the PHA determination, the family may request an informal hearing on the determination under the PHA hearing procedure.

(e) PHA relation with welfare agency.

(1) The PHA must ask welfare agencies to inform the PHA of any specified welfare benefits reduction for a family member, the reason for such reduction, the term of any such reduction, and any subsequent welfare agency determination affecting the amount or term of a specified welfare benefits reduction. If the welfare agency determines a specified welfare benefits reduction for a family member, and gives the PHA written notice of such reduction, the family's annual incomes shall include the imputed welfare income because of the specified welfare benefits reduction.

(2) The PHA is responsible for determining the amount of imputed welfare income that is included in the family's annual income as a result of a specified welfare benefits reduction as determined by the welfare agency, and specified in the notice by the welfare agency to the PHA. However, the PHA is not responsible for determining whether a reduction of welfare benefits by the welfare agency was correctly determined by the welfare agency in accordance with welfare program requirements and procedures, nor for providing the opportunity for review or hearing on such welfare agency determinations.

(3) Such welfare agency determinations are the responsibility of the welfare agency, and the family may seek appeal of such determinations through the welfare agency's normal due process procedures. The PHA shall be entitled to rely on the welfare agency notice to the PHA of the welfare agency's determination of a specified welfare benefits reduction.

EXHIBIT 6-6: Income Limits

Effective April 1, 2020

# of persons in family	Low- Income (Public Housing) 80%
1	\$48,750
2	\$55,700
3	\$62,650
4	\$69,600
5	\$75,200
6	\$80,750
7	\$86,350
8	\$91,900
9	\$97,450
10	\$103,050

Chapter 7

VERIFICATION

[24 CFR 960.259, 24 CFR 5.230, Notice PIH 2018-18]

INTRODUCTION

OHA must verify all information that is used to establish the family's eligibility and level of assistance and is required to obtain written authorization from the family in order to collect the information. Applicants and program participants must cooperate with the verification process as a condition of receiving assistance. OHA does not pass on the cost of verification to the family.

OHA follows the verification guidance provided by HUD in Notice PIH 2018-18 and any subsequent guidance issued by HUD. This chapter summarizes those requirements and provides supplementary OHA policies.

Part I describes the general verification process. Part II provides more detailed requirements related to family information. Part III provides information on income and assets, and Part IV covers mandatory deductions.

Verification policies, rules and procedures will be modified as needed to accommodate persons with disabilities. All information obtained through the verification process will be handled in accordance with the records management policies established by OHA.

PART I: GENERAL VERIFICATION REQUIREMENTS

7-I.A. FAMILY CONSENT TO RELEASE OF INFORMATION [24 CFR 960.259, 24 CFR 5.230]

The family must supply any information that OHA or HUD determines is necessary to the administration of the program and must consent to OHA verification of that information [24 CFR 960.259(a)(1)].

Consent Forms

It is required that all adult applicants and tenants sign form HUD-9886, Authorization for Release of Information. The purpose of form HUD-9886 is to facilitate automated data collection and computer matching from specific sources and provides the family's consent only for the specific purposes listed on the form. HUD and OHA may collect information from State Wage Information Collection Agencies (SWICAs) and current and former employers of adult family members. Only HUD is authorized to collect information directly from the Internal Revenue Service (IRS) and the Social Security Administration (SSA). Adult family members must sign other consent forms as needed to collect information relevant to the family's eligibility and level of assistance.

Penalties for Failing to Consent [24 CFR 5.232]

If any family member who is required to sign a consent form fails to do so, OHA will deny admission to applicants and terminate the lease of tenants. The family may request a hearing in accordance with OHA's grievance procedures.

7-I.B. OVERVIEW OF VERIFICATION REQUIREMENTS

HUD's Verification Hierarchy [Notice PIH 2018-18]

HUD mandates the use of the EIV system and offers administrative guidance on the use of other methods to verify family information and specifies the circumstances in which each method will be used. In general, HUD requires OHA to use the most reliable form of verification that is available and to document the reasons when OHA uses a lesser form of verification.

In order of priority, the forms of verification that OHA will use are:

- Up-front Income Verification (UIV) using HUD's Enterprise Income Verification (EIV) system
- Up-front Income Verification (UIV) using a non-HUD system
- Written Third Party Verification (may be provided by applicant or resident)
- Written Third-party Verification Form

- Oral Third-party Verification
- Self-Certification

Each of the verification methods is discussed in subsequent sections below.

Requirements for Acceptable Documents

Any documents used for verification must be the original (not photocopies) and generally must be dated within 60 days of OHA request. The documents must not be damaged, altered or in any way illegible.

Print-outs from web pages are considered original documents.

OHA staff member who views the original document must make a photocopy and complete the document review form with the name of the person who provided the document and the date the original was viewed, and sign the copy.

Any family self-certifications must be made in a format acceptable to OHA and must be signed.

File Documentation

OHA must document in the file how the figures used in income and rent calculations were determined. All verification attempts, information obtained, and decisions reached during the verification process will be recorded in the family's file in sufficient detail to demonstrate that OHA has followed all of the verification policies set forth in this ACOP. The record should be sufficient to enable a staff member or HUD reviewer to understand the process followed and conclusions reached.

OHA will document, in the family file, the following: Reported family annual income, Value of assets, Expenses related to deductions from annual income, and Other factors influencing the adjusted income or income-based rent determination.

When OHA is unable to obtain third-party verification, OHA will document in the family file the reason that third-party verification was not available [24 CFR 960.259(c)(1); Notice PIH 2018-18].

7-I.C. UP-FRONT INCOME VERIFICATION (UIV)

Up-front income verification (UIV) refers to OHA's use of the verification tools available from independent sources that maintain computerized information about earnings and benefits. UIV will be used to the extent that these systems are available to OHA.

There may be legitimate differences between the information provided by the family and UIV-generated information. If the family disputes the accuracy of UIV data, no adverse action can be taken until OHA has independently verified the UIV information and the family has been granted the opportunity to contest any adverse findings through OHA's informal review/hearing processes. (For more on UIV and income projection, see section 6-I.C.)

Upfront Income Verification Using HUD's Enterprise Income Verification (EIV) System (Mandatory)

PHAs must use HUD's EIV system in its entirety as a third-party source to verify tenant employment and income information during mandatory reexaminations or recertifications of family composition and income in accordance with 24 CFR 5.236 and administrative guidance issued by HUD. HUD's EIV system contains data showing earned income, unemployment benefits, social security benefits, and SSI benefits for participant families. The following policies apply to the use of HUD's EIV system.

EIV Income and IVT Reports

The data shown on income and income validation tool (IVT) reports is updated quarterly. Data may be between three and six months old at the time reports are generated.

OHA will obtain income and IVT reports for annual reexaminations on a monthly basis. Reports will be generated as part of the regular reexamination process.

Income and IVT reports will be compared to family-provided information as part of the annual reexamination process. Income reports may be used in the calculation of annual income, as described in Chapter 6.I.C. Income reports may also be used to meet the regulatory requirement for third party verification, as described above. Policies for resolving discrepancies between income and IVT reports and family-provided information will be resolved as described in Chapter 6.I.C. and in this chapter.

Income and IVT reports will be used in interim reexaminations to identify any discrepancies between reported income and income shown in the EIV system, and as necessary to verify earned income, and to verify and calculate unemployment benefits, Social Security and/or SSI benefits. EIV will also be used to verify that families claiming zero income are not receiving income from any of these sources.

Income and IVT reports will be retained in resident files with the applicable annual or interim reexamination documents.

When OHA determines through EIV reports and third-party verification that a family has concealed or under-reported income, corrective action will be taken pursuant to the policies in Chapter 15, Program Integrity.

EIV Identity Verification

The EIV system verifies resident identities against Social Security Administration (SSA) records. These records are compared to Public and Indian Housing Information Center (PIC) data for a match on social security number, name, and date of birth.

PHAs are required to use EIV's *Identity Verification Report* on a monthly basis to improve the availability of income information in EIV [Notice PIH 2018-18]. When identity verification for a resident fails, a message will be displayed within the EIV system and no income information will be displayed.

OHA will attempt to resolve PIC/SSA discrepancies by obtaining appropriate documentation from the tenant. When OHA determines that discrepancies exist as a result of PHA errors, such as spelling errors or incorrect birth dates, it will correct the errors promptly.

Upfront Income Verification Using Non-HUD Systems (Optional)

In addition to mandatory use of the EIV system, HUD encourages PHAs to utilize other upfront verification sources. OHA will inform all applicants and residents of its use of the following UIV resources during the admission and reexamination process: HUD's EIV system and Nebraska Department of Health and Human Services' N-Focus system and Child Support Enforcement.

7-I.D. THIRD-PARTY WRITTEN AND ORAL VERIFICATION

HUD's current verification hierarchy defines two types of written third-party verification. The more preferable form, "written third-party verification," consists of an original document generated by a third-party source, which may be received directly from a third-party source or provided to OHA by the family. If written third-party verification is not available, OHA must attempt to obtain a "written third-party verification form." This is a standardized form used to collect information from a third party.

Written Third-Party Verification [Notice PIH 2018-18]

Written third-party verification documents must be original and authentic and may be supplied by the family or received from a third-party source. Examples of acceptable tenant-provided documents include, but are not limited to: pay stubs, payroll summary reports, employer notice or letters of hire and termination, SSA benefit verification letters, bank statements, child support payment stubs, welfare benefit letters and/or printouts, and unemployment monetary benefit notices.

OHA is required to obtain, at minimum, four to six current and consecutive pay stubs for determining annual income from wages. Third-party documents provided by the family must be dated within 60 days of OHA request date.

OHA may reject documentation provided by the family if the document is not an original, if the document appears to be forged, or if the document is altered, mutilated, or illegible. If OHA determines that third-party documents provided by the family are not acceptable, OHA will explain the reason to the family and request additional documentation.

Written Third-Party Verification Form

When upfront verification is not available and the family is unable to provide written third-party documents, OHA must request a written third-party verification form. HUD's position is that this traditional third-party verification method presents administrative burdens and risks which may be reduced through the use of family-provided third-party documents.

Third-party verification forms will be sent when third-party verification documents are unavailable or are rejected by OHA. OHA will send third-party verification forms directly to the third party. OHA may mail, fax, or email third-party written verification form requests to third-party sources

Oral Third-Party Verification [Notice PIH 2018-18]

For third-party oral verification, PHAs contact sources, identified by UIV techniques or by the family, by telephone or in person. Oral third-party verification is mandatory if neither form of written third-party verification is available. Third-party oral verification may be used when requests for written third-party verification forms have not been returned within a reasonable time (10 business days).

In collecting third-party oral verification, OHA staff will record in the family's file the name and title of the person contacted, the date and time of the conversation (or attempt), the telephone number used, and the facts provided. When any source responds verbally to the initial written request for verification OHA will accept the verbal response as oral verification but will also request that the source complete and return any verification forms that were provided.

When Third-Party Verification is Not Required [Notice PIH 2018-18]

Third-party verification may not be available in all situations. HUD has acknowledged that it may not be cost-effective or reasonable to obtain third-party verification of income, assets, or expenses when these items would have a minimal impact on the family's total tenant payment.

If the family cannot provide original documents, OHA will pay the service charge required to obtain third-party verification, unless it is not cost effective in which case a self-certification will be acceptable as the only means of verification. The cost of verification will not be passed on to the family. The cost of postage and envelopes to obtain third-party verification of income, assets, and expenses is not an unreasonable cost [VG, p. 18].

Primary Documents

Third-party verification is not required when legal documents are the primary source, such as a birth certificate or other legal documentation of birth.

Imputed Assets

OHA will accept a self-certification from the family as verification of assets disposed of for less than fair market value [HCV GB, p. 5-28].

Value of Assets and Asset Income [24 CFR 960.259]

OHA is required to obtain third-party verification of all assets regardless of the amount during the intake process, whenever a family member is added, and at least every three years thereafter. For families with net assets totaling \$5,000 or less at intervals not described above, OHA will accept the family's declaration of asset value and anticipated asset income. The family's declaration must show each asset and the amount of income expected from that asset. All family members 18 years of age and older must sign the family's declaration.

7-I.E. SELF-CERTIFICATION

When HUD requires third-party verification, self-certification, or "tenant declaration," is used as a last resort when OHA is unable to obtain third-party verification.

Self-certification, however, is an acceptable form of verification when:

- A source of income is fully excluded
- Net family assets total \$5,000 or less at annual recertification, when applicable

When OHA was required to obtain third-party verification but instead relies on a tenant declaration for verification of income, assets, or expenses, the family's file must be documented to explain why third-party verification was not available.

When information cannot be verified by a third party or by review of documents, family members will be required to submit self-certifications attesting to the accuracy of the information they have provided to OHA. OHA may require a family to certify that a family member does not receive a particular type of income or benefit.

The self-certification must be made in a format acceptable to OHA and must be signed by the family member whose information or status is being verified. All self-certifications must be signed.

PART II: VERIFYING FAMILY INFORMATION

7-II.A. VERIFICATION OF LEGAL IDENTITY

OHA will require families to furnish verification of legal identity for each household member.

Verification of Legal Identity for Adults	Verification of Legal Identity for Children
Certificate of birth, naturalization papers	Certificate of birth
Church issued baptismal certificate	Adoption papers
Current, valid driver's license or Department of Motor Vehicle identification card	Custody agreement
U.S. military discharge (DD 214)	Health and Human Services ID
Current U.S. passport	Certified school records
Current employer identification card	

If a document submitted by a family is illegible for any reason or otherwise questionable, more than one of these documents may be required.

If none of these documents can be provided and at OHA's discretion, a third party who knows the person may attest to the person's identity. The certification must be provided in a format acceptable to OHA and be signed in the presence of an OHA representative or notary public.

Legal identity will be verified for all applicants at the time of eligibility determination and in cases where OHA has reason to doubt the identity of a person representing him or herself to be a tenant or a member of a tenant family.

7-II.B. SOCIAL SECURITY NUMBERS [24 CFR 5.216 and Notice PIH 2018-24]

The family must provide documentation of a valid social security number (SSN) for each member of the household, with the exception of individuals who do not contend eligible immigration status. Exemptions also include, existing residents who were at least 62 years of age as of January 31, 2010, and had not previously disclosed an SSN.

OHA must accept the following documentation as acceptable evidence of the social security number:

- An original SSN card issued by the Social Security Administration (SSA)
- An original SSA-issued document, which contains the name and SSN of the individual
- An original document issued by a federal, state, or local government agency, which contains the name and SSN of the individual

OHA may only reject documentation of an SSN provided by an applicant or resident if the document is not an original document, if the original document has been altered, mutilated, is illegible, or if the document appears to be forged. OHA will explain to the applicant or resident

the reasons the document is not acceptable and request that the individual obtain and submit acceptable documentation of the SSN to OHA within 90 days.

If an applicant family includes a child under 6 years of age who joined the household within the 6 months prior to the date of program admission, an otherwise eligible family may be admitted and must provide documentation of the child's SSN within 90 days. A 90-day extension will be granted if OHA determines that the resident's failure to comply was due to unforeseen circumstances and was outside of the resident's control. OHA will grant one additional 90-day extension if needed for reasons beyond the applicant's control, such as delayed processing of the SSN application by the SSA, natural disaster, fire, death in the family, or other emergency.

When a resident requests to add a new household member who is at least 6 years of age, or who is under the age of 6 and has an SSN, the resident must provide the complete and accurate SSN assigned to each new member at the time of reexamination or recertification, in addition to the documentation required to verify it. OHA may not add the new household member until such documentation is provided.

When a resident requests to add a new household member who is under the age of 6 and has not been assigned an SSN, the resident must provide the SSN assigned to each new child and the required documentation within 90 calendar days of the child being added to the household. A 90-day extension will be granted if OHA determines that the resident's failure to comply was due to unforeseen circumstances and was outside of the resident's control. During the period OHA is awaiting documentation of the SSN, the child will be counted as part of the assisted household. OHA will grant one additional 90-day extension if needed for reasons beyond the resident's control such as delayed processing of the SSN application by the SSA, natural disaster, fire, death in the family, or other emergency.

Social security numbers must be verified only once during continuously-assisted occupancy. OHA will verify each disclosed SSN by obtaining documentation from applicants and residents that is acceptable as evidence of social security numbers and making a copy of the original documentation submitted, returning it to the individual, and retaining a copy in the file folder.

Once the individual's verification status is classified as "verified," OHA may, at its discretion, remove and destroy copies of documentation accepted as evidence of social security numbers. The retention of the EIV Summary Report or Income Report is adequate documentation of an individual's SSN.

7-II.C. DOCUMENTATION OF AGE

A birth certificate or other official record of birth is the preferred form of age verification for all family members. For elderly family members an original document that provides evidence of the receipt of social security retirement benefits is acceptable.

If an official record of birth or evidence of social security retirement benefits cannot be provided, OHA will require the family to submit other documents that support the reported age of the family member (e.g., school records, driver's license if birth year is recorded) and to provide a self-certification.

Age must be verified only once during continuously-assisted occupancy.

7-II.D. FAMILY RELATIONSHIPS

Applicants and tenants are required to identify the relationship of each household member to the head of household. Definitions of the primary household relationships are provided in the Eligibility chapter.

Family relationships are verified only to the extent necessary to determine a family's eligibility and level of assistance. Certification by the head of household normally is sufficient verification of family relationships.

Marriage

Certification by the head of household is normally sufficient verification. If OHA has reasonable doubts about a marital relationship, OHA will require the family to document the marriage with a marriage certificate or other documentation to verify that the couple is married.

Separation or Divorce

Certification by the head of household is normally sufficient verification. If OHA has reasonable doubts about a divorce or separation, OHA will require the family to provide documentation of the divorce or separation with a certified copy of a divorce decree, signed by a court officer; a copy of a court-ordered maintenance or other court record; or other documentation that shows a couple is divorced or separated. If no court document is available, documentation from a community-based agency will be accepted.

Absence of Adult Member

If an adult member who was formerly a member of the household is reported to be permanently absent, the family must provide evidence to support that the person is no longer a member of the family (e.g., documentation of another address at which the person resides such as a lease or utility bill).

Foster Children and Foster Adults

Third-party verification from the state or local government agency responsible for the placement of the individual with the family is required.

7-II.E. VERIFICATION OF STUDENT STATUS

OHA requires families to provide information about the student status of all students who are 18 years of age or older. This information will be verified only if: the family claims full-time student status for an adult other than the head, spouse, or cohead, or the family claims a child care deduction to enable a family member to further his or her education.

7-II.F. DOCUMENTATION OF DISABILITY

OHA must verify the existence of a disability in order to allow certain income disallowances and deductions from income. OHA is not permitted to inquire about the nature or extent of a person's disability [24 CFR 100.202(c)]. OHA may not inquire about a person's diagnosis or details of treatment for a disability or medical condition. If OHA receives a verification document that provides such information, OHA will not place this information in the tenant file. Under no circumstances will OHA request a resident's medical record(s). For more information on health care privacy laws, see the Department of Health and Human Services' Web site at www.os.dhhs.gov.

OHA may make the following inquiries, provided it makes them of all applicants, whether or not they are persons with disabilities [VG, p. 24]:

- Inquiry into an applicant's ability to meet the requirements of ownership or tenancy
- Inquiry to determine whether an applicant is qualified for a dwelling available only to persons with disabilities or to persons with a particular type of disability
- Inquiry to determine whether an applicant for a dwelling is qualified for a priority available to persons with disabilities or to persons with a particular type of disability
- Inquiry about whether an applicant for a dwelling is a current illegal abuser or addict of a controlled substance
- Inquiry about whether an applicant has been convicted of the illegal manufacture or distribution of a controlled substance

Family Members Receiving SSA Disability Benefits

Verification of receipt of disability benefits from the Social Security Administration (SSA) is sufficient for verification of disability for the purpose of qualification for waiting list preferences or certain income disallowances and deductions [VG, p. 23].

For family members claiming disability who receive disability payments from the SSA, OHA will attempt to obtain information about disability benefits through HUD's Enterprise Income Verification (EIV) system. If documentation is not available through HUD's EIV system, OHA will request a current (dated within the last 60 days) SSA benefit verification letter from each family member claiming disability status. If a family member is unable to provide the document, OHA will ask the family to obtain a benefit verification letter either by calling SSA at 1-800-772-1213 or by requesting one from www.ssa.gov. Once the family receives the benefit verification letter, it will be required to provide the letter to OHA.

Family Members Not Receiving SSA Disability Benefits

Receipt of veteran's disability benefits, worker's compensation, or other non-SSA benefits based on the individual's claimed disability are not sufficient verification that the individual meets HUD's definition of disability in 24 CFR 5.403, necessary to qualify for waiting list preferences or certain income disallowances and deductions.

For family members claiming disability who do not receive SSI or other disability payments from the SSA, a knowledgeable professional must provide third-party verification that the family member meets the HUD definition of disability. See the Eligibility chapter for the HUD definition of disability. The knowledgeable professional will verify whether the family member does or does not meet the HUD definition.

7-II.G. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS [24 CFR 5.508]

Overview

Housing assistance is not available to persons who are not citizens, nationals, or eligible immigrants. Prorated assistance is provided for "mixed families" containing both eligible and ineligible persons. See the Eligibility chapter for detailed discussion of eligibility requirements. This chapter (7) discusses HUD and PHA verification requirements related to citizenship status.

The family must provide a certification that identifies each family member as a U.S. citizen, a U.S. national, an eligible noncitizen or an ineligible noncitizen and submit the documents discussed below for each family member. Once eligibility to receive assistance has been verified for an individual it need not be collected or verified again during continuously-assisted occupancy [24 CFR 5.508(g)(5)]

U.S. Citizens and Nationals

HUD requires a declaration for each family member who claims to be a U.S. citizen or national. The declaration must be signed personally by any family member 18 or older and by a guardian for minors. Family members who claim U.S. citizenship or national status will not be required to provide additional documentation unless OHA receives information indicating that an individual's declaration may not be accurate.

Eligible Immigrants

Documents Required

All family members claiming eligible immigration status must declare their status in the same manner as U.S. citizens and nationals. The documentation required for eligible noncitizens varies depending upon factors such as the date the person entered the U.S., the conditions under which eligible immigration status has been granted, age, and the date on which the family began receiving HUD-funded assistance. Exhibit 7-1 at the end of this chapter summarizes documents family members must provide.

PHA Verification [HCV GB, pp 5-3 and 5-7]

For family members age 62 or older who claim to be eligible immigrants, proof of age is required in the manner described in 7-II.C. of this ACOP. No further verification of eligible immigration status is required. For family members under the age of 62 who claim to be eligible immigrants, OHA must verify immigration status with the U.S. Citizenship and Immigration Services (USCIS). OHA will follow all USCIS protocols for verification of eligible immigration status.

7-II.H. VERIFICATION OF PREFERENCE STATUS

OHA must verify any preferences claimed by an applicant that determined his or her placement on the waiting list. OHA offers a preference for working families, described in Section 4-III.B.

OHA may verify that the family qualifies for the working family preference based on the family's submission of the working member's most recent paycheck stub indicating that the working member works at least 28 hours per week for the previous six months. The paycheck stub must have been issued to the working member within the last thirty days. OHA may also seek third party verification from the employer of the head, spouse, cohead or sole member of a family requesting a preference as a working family.

PART III: VERIFYING INCOME AND ASSETS

Chapter 6, Part I of this ACOP describes in detail the types of income that are included and excluded and how assets and income from assets are handled. Any assets and income reported by the family must be verified. This part provides OHA policies that supplement the general verification procedures specified in Part I of this chapter.

7-III.A. EARNED INCOME

Tips

Unless tip income is included in a family member's W-2 by the employer, persons who work in industries where tips are standard will be required to sign a certified estimate of tips received for the prior year and tips anticipated to be received in the coming year, at a minimum to include wages of at least minimum wage if other estimates are unavailable

Wages

For wages other than tips, the family must provide originals of the four to six most current, consecutive pay stubs.

7-III.B. BUSINESS AND SELF EMPLOYMENT INCOME

Business owners and self-employed persons will be required to provide:

- An audited financial statement for the previous fiscal year if an audit was conducted. If an audit was not conducted, a statement of income and expenses must be submitted and the business owner or self-employed person must certify to its accuracy.
- All schedules completed for filing federal and local taxes in the preceding year.
- If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense, computed using straight-line depreciation rules.

OHA will provide a format for any person who is unable to provide such a statement to record income and expenses for the coming year. The business owner/self-employed person will be required to submit the information requested and to certify to its accuracy at all future reexaminations.

At any reexamination OHA may request documents that support submitted financial statements such as manifests, appointment books, cash books, or bank statements.

7-III.C. PERIODIC PAYMENTS AND PAYMENTS IN LIEU OF EARNINGS

For policies governing streamlined income determinations for fixed sources of income, please see Chapter 9.

Social Security/SSI Benefits

To verify the SS/SSI benefits of residents, OHA will obtain information about social security/SSI benefits through HUD's EIV system, and confirm with the resident(s) that the current listed benefit amount is correct. If the resident disputes the EIV-reported benefit amount, or if benefit information is not available in HUD systems, OHA will request a current SSA benefit verification letter from each family member that receives social security benefits. If a family member is unable to provide the document, OHA will help the resident request a benefit verification letter from SSA's Web site at www.socialsecurity.gov or ask the family to request one by calling SSA at 1-800-772-1213. Once the family has received the benefit verification letter, it will be required to provide the letter to OHA.

7-III.D. ALIMONY OR CHILD SUPPORT

The methods OHA will use to verify alimony and child support payments differ depending on whether the family declares that it receives regular payments.

If the family declares that it *receives regular payments*, verification will be obtained in the following order of priority:

- Copies of the receipts and/or payment stubs for the 60 days prior to OHA request
- Third-party verification form from the state or local child support enforcement agency
- Third-party verification form from the person paying the support
- Family's self-certification of amount received

If the family declares that it *receives irregular or no payments*, verification will be obtained in the following order of priority:

- Copies of the receipts and/or payment stubs for the prior year to OHA request
- Third-party verification form from the state or local child support enforcement agency
- Third-party verification form from the person paying the support
- Family's self-certification of amount received

7-III.E. ASSETS AND INCOME FROM ASSETS

Assets Disposed of for Less than Fair Market Value

The family must certify whether any assets have been disposed of for less than fair market value in the preceding two years. OHA needs to verify only those certifications that warrant documentation [HCV GB, p. 5-28]. OHA will verify the value of assets disposed of only if:

OHA does not already have a reasonable estimation of its value from previously collected information, or the amount reported by the family in the certification appears obviously in error.

Example 1: An elderly resident reported a \$10,000 certificate of deposit at the last annual reexamination and OHA verified this amount. Now the person reports that she has given this \$10,000 to her son. OHA has a reasonable estimate of the value of the asset; therefore, reverification of the value of the asset is not necessary.

Example 2: A family member has disposed of its 1/4 share of real property located in a desirable area and has valued her share at approximately 5,000. Based upon market conditions, this declaration does not seem realistic. Therefore, OHA will verify the value of this asset.

7-III.F. NET INCOME FROM RENTAL PROPERTY

The family must provide:

- A current executed lease for the property that shows the rental amount or certification from the current tenant
- A self-certification from the family members engaged in the rental of property providing an estimate of expenses for the coming year and the most recent IRS Form 1040 with Schedule E (Rental Income). If schedule E was not prepared, OHA will require the family members involved in the rental of property to provide a self-certification of income and expenses for the previous year and may request documentation to support the statement including: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.

7-III.G. RETIREMENT ACCOUNTS

OHA will accept written third-party documents supplied by the family as evidence of the status of retirement accounts. The type of original document that will be accepted depends upon the family member's retirement status.

Before retirement, OHA will accept an original document from the entity holding the account with a date that shows it is the most recently scheduled statement for the account but in no case earlier than 6 months from the effective date of the examination.

Upon retirement, OHA will accept an original document from the entity holding the account that reflects any distributions of the account balance, any lump sums taken and any regular payments.

After retirement, OHA will accept an original document from the entity holding the account dated no earlier than 12 months before that reflects any distributions of the account balance, any lump sums taken and any regular payments.

7-III.H. INCOME FROM EXCLUDED SOURCES

A detailed discussion of excluded income is provided in Chapter 6, Part I. HUD guidance on verification of excluded income draws a distinction between income which is fully excluded and income which is only partially excluded.

For fully excluded income, OHA is **not** required to follow the verification hierarchy, document why third-party verification is not available, or report the income on the 50058. Fully excluded income is defined as income that is entirely excluded from the annual income determination (for example, food stamps, earned income of a minor, or foster care funds) [Notice PIH 2013-04].

OHAs will accept a family's signed application or reexamination form as self-certification of fully excluded income. However, if there is any doubt that a source of income qualifies for full exclusion, OHAs may require additional verification.

For partially excluded income, OHA **is** required to follow the verification hierarchy and all applicable regulations, and to report the income on the 50058. Partially excluded income is defined as income where only a certain portion of what is reported by the family qualifies to be excluded and the remainder is included in annual income (for example, the income of an adult full-time student, or income excluded under the earned income disallowance).

7-III.I. ZERO ANNUAL INCOME STATUS

OHA will check UIV sources and/or request information from third-party sources to verify that certain forms of income such as unemployment benefits, TANF, SS, SSI, earned income, etc. are not being received by families claiming to have zero annual income.

PART IV: VERIFYING MANDATORY DEDUCTIONS

7-IV.A. DEPENDENT AND ELDERLY/DISABLED HOUSEHOLD DEDUCTIONS

The dependent and elderly/disabled family deductions require only that OHA verify that the family members identified as dependents or elderly/disabled persons meet the statutory definitions. No further verifications are required.

Dependent Deduction

See Chapter 6 (6-II.B.) for a full discussion of this deduction. OHA will verify that:

- Any person under the age of 18 for whom the dependent deduction is claimed is not the head, spouse or cohead of the family and is not a foster child
- Any person age 18 or older for whom the dependent deduction is claimed is not a foster adult or live-in aide, and is a person with a disability or a full time student

Elderly/Disabled Family Deduction

See the Eligibility chapter for a definition of elderly and disabled families and Chapter 6 (6-II.C.) for a discussion of the deduction. OHA will verify that the head, spouse, or cohead is 62 years of age or older or a person with disabilities.

7-IV.B. MEDICAL EXPENSE DEDUCTION

Policies related to medical expenses are found in 6-II.D. The amount of the deduction will be verified following the standard verification procedures described in Part I.

Amount of Expense

Medical expenses will be verified through:

- Written third-party documents provided by the family, such as pharmacy printouts or receipts.
- OHA will make a best effort to determine what expenses from the past are likely to continue to occur in the future. OHA will also accept evidence of monthly payments or total payments that will be due for medical expenses during the upcoming 12 months.
- Written third-party verification forms, if the family is unable to provide acceptable documentation.
- If third-party or document review is not possible, written family certification as to costs anticipated to be incurred during the upcoming 12 months.

In addition, OHA must verify that:

- The household is eligible for the deduction.

- The costs to be deducted are qualified medical expenses.
- The expenses are not paid for or reimbursed by any other source.
- Costs incurred in past years are counted only once.

Eligible Household

The medical expense deduction is permitted only for households in which the head, spouse, or cohead is at least 62 or a person with disabilities. OHA will verify that the family meets the definition of an elderly or disabled family provided in the Eligibility chapter, and as described in Chapter 7 (7-IV.A) of this plan.

Qualified Expenses

To be eligible for the medical expenses deduction, the costs must qualify as medical expenses. See Chapter 6 (6-II.D.) for OHA's policy on what counts as a medical expense.

Unreimbursed Expenses

To be eligible for the medical expenses deduction, the costs must not be reimbursed by another source. The family will be required to certify that the medical expenses are not paid or reimbursed to the family from any source. If expenses are verified through a third party, the third party must certify that the expenses are not paid or reimbursed from any other source.

Expenses Incurred in Past Years

When anticipated costs are related to on-going payment of medical bills incurred in past years, OHA will verify:

- The anticipated repayment schedule
- The amounts paid in the past, and
- Whether the amounts to be repaid have been deducted from the family's annual income in past years

7-IV.C. DISABILITY ASSISTANCE EXPENSES

Policies related to disability assistance expenses are found in 6-II.E. The amount of the deduction will be verified following the standard verification procedures described in Part I.

Amount of Expense

Attendant Care

OHA will accept written third-party documents provided by the family. If family-provided documents are not available, OHA will provide a third-party verification form directly to the care provider requesting the needed information.

Expenses for attendant care will be verified through:

- Written third-party documents provided by the family, such as receipts or cancelled checks.
- Third-party verification form signed by the provider, if family-provided documents are not available.
- If third-party verification is not possible, written family certification as to costs anticipated to be incurred for the upcoming 12 months.

Auxiliary Apparatus

Expenses for auxiliary apparatus will be verified through:

- Written third-party documents provided by the family, such as billing statements for purchase of auxiliary apparatus, or other evidence of monthly payments or total payments that will be due for the apparatus during the upcoming 12 months.
- Third-party verification form signed by the provider, if family-provided documents are not available.
- If third-party or document review is not possible, written family certification of estimated apparatus costs for the upcoming 12 months.

In addition, OHA must verify that:

- The family member for whom the expense is incurred is a person with disabilities (as described in 7-II.F above).
- The expense permits a family member, or members, to work (as described in 6-II.E.).
- The expense is not reimbursed from another source (as described in 6-II.E.).

Family Member is a Person with Disabilities

To be eligible for the disability assistance expense deduction, the costs must be incurred for attendant care or auxiliary apparatus expense associated with a person with disabilities. OHA will verify that the expense is incurred for a person with disabilities (See 7-II.F.).

Family Member(s) Permitted to Work

OHA must verify that the expenses claimed actually enable a family member, or members, (including the person with disabilities) to work. OHA will request third-party verification from a rehabilitation agency or knowledgeable medical professional indicating that the person with disabilities requires attendant care or an auxiliary apparatus to be employed, or that the attendant

care or auxiliary apparatus enables another family member, or members, to work (See 6-II.E.). This documentation may be provided by the family.

If third-party verification has been attempted and is either unavailable or proves unsuccessful, the family must certify that the disability assistance expense frees a family member, or members (possibly including the family member receiving the assistance), to work.

Unreimbursed Expenses

To be eligible for the disability expenses deduction, the costs must not be reimbursed by another source. The family will be required to certify that attendant care or auxiliary apparatus expenses are not paid by or reimbursed to the family from any source.

7-IV.D. CHILD CARE EXPENSES

Policies related to child care expenses are found in Chapter 6 (6-II.F). The amount of the deduction will be verified following the standard verification procedures described in Part I. In addition, OHA must verify that:

- The child is eligible for care (12 or younger).
- The costs claimed are not reimbursed.
- The costs enable a family member to work, actively seek work, or further their education.
- The costs are for an allowable type of child care.
- The costs are reasonable.

Eligible Child

To be eligible for the child care deduction, the costs must be incurred for the care of a child under the age of 13. OHA will verify that the child being cared for (including foster children) is under the age of 13 (See 7-II.C.).

Unreimbursed Expense

To be eligible for the child care deduction, the costs must not be reimbursed by another source. The family and the care provider will be required to certify that the child care expenses are not paid by or reimbursed to the family from any source.

Pursuing an Eligible Activity

OHA must verify that the family member(s) that the family has identified as being enabled to seek work, pursue education, or be gainfully employed, are actually pursuing those activities.

Information to be Gathered

OHA will verify information about how the schedule for the claimed activity relates to the hours of care provided, the time required for transportation, the time required for study (for students), the relationship of the family member(s) to the child, and any special needs of the child that might help determine which family member is enabled to pursue an eligible activity.

Seeking Work

Whenever possible OHA will use documentation from a state or local agency that monitors work-related requirements (e.g., welfare or unemployment). In such cases OHA will request family-provided verification from the agency of the member's job seeking efforts to date and require the family to submit to OHA any reports provided to the other agency.

In the event third-party verification is not available, OHA will provide the family with a form on which the family member must record job search efforts. OHA will review this information at each subsequent reexamination for which this deduction is claimed.

Furthering Education

OHA will request third-party documentation to verify that the person permitted to further his or her education by the child care is enrolled and provide information about the timing of classes for which the person is registered. The documentation may be provided by the family.

Gainful Employment

OHA will seek third-party verification of the work schedule of the person who is permitted to work by the child care. In cases in which two or more family members could be permitted to work, the work schedules for all relevant family members may be verified. The documentation may be provided by the family.

Allowable Type of Child Care

The type of care to be provided is determined by the family, but must fall within certain guidelines, as discussed in Chapter 6. OHA will verify that the type of child care selected by the family is allowable, as described in Chapter 6 (6-II.F).

OHA will verify that the fees paid to the child care provider cover only child care costs (e.g., no housekeeping services or personal services) and are paid only for the care of an eligible child (e.g., prorate costs if some of the care is provided for ineligible family members).

OHA will verify that the child care provider is not an assisted family member. Verification will be made through the head of household's declaration of family members who are expected to reside in the unit.

Reasonableness of Expenses

Only reasonable child care costs can be deducted. If the family presents a justification for costs that exceed reasonable costs, OHA will request additional documentation, as required, to support a determination that the higher cost is appropriate.

Exhibit 7-1: Summary of Documentation Requirements for Noncitizens

- All noncitizens claiming eligible status must sign a declaration of eligible immigrant status on a form acceptable to OHA.
- Except for persons 62 or older, all noncitizens must sign a verification consent form
- Additional documents are required based upon the person's status.

Elderly Noncitizens

- A person 62 years of age or older who claims eligible immigration status also must provide proof of age such as birth certificate, passport, or documents showing receipt of SS old-age benefits.

All other Noncitizens

- Noncitizens that claim eligible immigration status also must present the applicable USCIS document. Acceptable USCIS documents are listed below.

<ul style="list-style-type: none"> • Form I-551 Alien Registration Receipt Card (for permanent resident aliens) • Form I-94 Arrival-Departure Record annotated with one of the following: <ul style="list-style-type: none"> • “Admitted as a Refugee Pursuant to Section 207” • “Section 208” or “Asylum” • “Section 243(h)” or “Deportation stayed by Attorney General” • “Paroled Pursuant to Section 221 (d)(5) of the USCIS” 	<ul style="list-style-type: none"> • Form I-94 Arrival-Departure Record with no annotation accompanied by: <ul style="list-style-type: none"> • A final court decision granting asylum (but only if no appeal is taken); • A letter from a USCIS asylum officer granting asylum (if application is filed on or after 10/1/90) or from a USCIS district director granting asylum (application filed before 10/1/90); • A court decision granting withholding of deportation; or • A letter from an asylum officer granting withholding or deportation (if application filed on or after 10/1/90).
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<ul style="list-style-type: none"> • Form I-688 Temporary Resident Card annotated “Section 245A” or Section 210”. 	<ul style="list-style-type: none"> • Form I-688B Employment Authorization Card annotated “Provision of Law 274a. 12(11)” or “Provision of Law 274a.12”.
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- A receipt issued by the USCIS indicating that an application for issuance of a replacement document in one of the above listed categories has been made and the applicant’s entitlement to the document has been verified; or
- Other acceptable evidence. If other documents are determined by the USCIS to constitute acceptable evidence of eligible immigration status, they will be announced by notice published in the *Federal Register*

Chapter 9

REEXAMINATIONS

[24 CFR 960.257, 960.259, 966.4]

INTRODUCTION

OHA is required to reexamine each family's income and composition periodically, and to adjust the family's rent accordingly. PHAs must adopt policies for conducting annual and interim reexaminations that are consistent with regulatory requirements, and must conduct reexaminations in accordance with such policies [24 CFR 960.257(c)].

The frequency with which OHA must reexamine the income and composition of a family depends on whether the family pays income-based rent or flat rent. HUD requires OHA to offer all families the choice of paying income-based rent or flat rent at least annually. OHA's policies for offering families a choice of rents are located in Chapter 6.

This chapter discusses both annual and interim reexaminations.

Part I: Annual Reexaminations for Families Paying Income Based Rents. This part discusses the requirements for annual reexamination of income and family composition. Full reexaminations are conducted at least once a year for families paying income-based rents.

Part II: Reexaminations for Families Paying Flat Rents. This part contains OHA's policies for conducting full reexaminations of family income and composition for families paying flat rents. These full reexaminations are conducted at least once every 3 years. This part also contains OHA's policies for conducting annual updates of family composition for flat rent families.

Part III: Interim Reexaminations. This part includes HUD requirements and PHA policies related to when a family may and must report changes that occur between annual reexaminations.

Part IV: Recalculating Tenant Rent. After gathering and verifying required information for an annual or interim reexamination, OHA must recalculate the tenant rent. While the basic policies that govern these calculations are provided in Chapter 6, this part describes the policies that affect these calculations during a reexamination.

Policies governing reasonable accommodation, family privacy, required family cooperation, and program abuse, as described elsewhere in this ACOP, apply to annual and interim reexaminations.

PART I: ANNUAL REEXAMINATIONS FOR FAMILIES PAYING INCOME-BASED RENTS [24 CFR 960.257]

9-I.A. OVERVIEW

For those families who choose to pay income-based rent, OHA must conduct a reexamination of income and family composition at least annually [24 CFR 960.257(a)(1)]. For families who choose flat rents, OHA must conduct a reexamination of family composition at least annually, and must conduct a reexamination of family income at least once every 3 years [24 CFR 960.257(a)(2)]. Policies related to the reexamination process for families paying flat rent are located in Part II of this chapter.

For all residents of public housing, whether those residents are paying income-based or flat rents, OHA must conduct an annual review of community service requirement compliance.

OHA is required to obtain all of the information necessary to conduct reexaminations. How that information will be collected is left to the discretion of OHA. Families are required to provide current and accurate information on income, assets, allowances and deductions, family composition and community service compliance as part of the reexamination process [24 CFR 960.259]. This part contains OHA's policies for conducting annual reexaminations.

9-I.B STREAMLINED ANNUAL REEXAMINATIONS [24 CFR 960.257]

HUD permits PHAs to streamline the income determination process for family members with fixed sources of income. While third-party verification of all income sources must be obtained during the intake process and every three years thereafter, in the intervening years OHA may determine income from fixed sources by applying a verified cost of living adjustment (COLA) or rate of interest. OHA may, however, obtain third-party verification of all income, regardless of the source. Further, upon request of the family, OHA must perform third-party verification of all income sources.

Fixed sources of income include Social Security and SSI benefits, pensions, annuities, disability or death benefits, and other sources of income subject to a COLA or rate of interest. The determination of fixed income may be streamlined even if the family also receives income from other non-fixed sources.

Two streamlining options are available, depending upon the percentage of the family's income that is received from fixed sources. If at least 90 percent of the family's income is from fixed sources, OHA may streamline the verification of fixed income but is not required to verify non-fixed income amounts. If the family receives less than 90 percent of its income from fixed sources, OHA may streamline the verification of fixed income and must verify non-fixed income annually.

9-I.C. SCHEDULING ANNUAL REEXAMINATIONS

The PHA must establish a policy to ensure that the annual reexamination for each family paying an income-based rent is completed within a 12 month period [24 CFR 960.257(a)(1)].

Generally, OHA will schedule annual reexaminations to coincide with the family's anniversary date. OHA will begin the annual reexamination process approximately 120 days in advance of the scheduled effective date. *Anniversary date* is defined as 12 months from the effective date of the family's last annual reexamination or, during a family's first year in the program, from the effective date of the family's initial examination (admission).

If the family transfers to a new LIHTC unit with a BIN number, the PHA will perform a new reexamination, and the anniversary date will be changed. OHA may also schedule an annual reexamination for completion prior to the anniversary date for administrative purposes.

Notification of and Participation in the Annual Reexamination Process

OHA is required to obtain information needed to conduct annual reexaminations. OHA will give tenants who were not provided the opportunity to provide contact information at the time of admission the option to complete Form HUD-92006 at this time. OHA should provide the family with the opportunity to update, change, or remove information from the HUD-92006 at the time of the annual reexamination [Notice PIH 2009-36].

Families generally are required to participate in an annual reexamination, which must include the all adult household members. If participation poses a hardship because of a family member's disability, the family should contact OHA to request a reasonable accommodation. Notification of annual reexaminations will be sent writing. It will inform the family of the information and documentation that must be provided. An advocate, interpreter, or other assistant may assist the family in the interview process.

If the family does not participate in the reexamination process, including providing requested information and documentation, OHA will send a second notification with an extended deadline. If a family fails to participate in the reexamination following the second notification, the family will be in violation of their lease and may be terminated in accordance with the policies in Chapter 13.

9-I.D. CONDUCTING ANNUAL REEXAMINATIONS

The terms of the public housing lease require the family to furnish information regarding income and family composition as may be necessary for the redetermination of rent, eligibility, and the appropriateness of the housing unit [24 CFR 966.4(c)(2)].

Families will be asked to submit all required information (as described in the reexamination notice) by the date requested. The required information will include a reexamination form, an Authorization for the Release of Information/Privacy Act Notice, as well as supporting documentation related to the family's income, expenses, assets and family composition.

If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. If the family does not provide the required documents or information within the required time frame (plus any extensions), the family will be in violation of their lease and may be terminated in accordance with the policies in Chapter 13.

The information provided by the family generally must be verified in accordance with the policies in Chapter 7. Unless the family reports a change, or the agency has reason to believe a

change has occurred in information previously reported by the family, certain types of information that are verified at admission typically do not need to be re-verified on an annual basis. These include:

- Legal identity
- Age
- Social security numbers
- A person's disability status
- Citizenship or immigration status

Change in Unit Size

Changes in family or household composition may make it appropriate to consider transferring the family to comply with occupancy standards. OHA may use the results of the annual reexamination to require the family to move to an appropriate size unit [24 CFR 960.257(a)(4)]. Policies related to such transfers are located in Chapter 12.

Criminal Background Checks

Information obtained through criminal background checks may be used for lease enforcement and eviction [24 CFR 5.903(e)(1)(ii)]. Criminal background checks of residents will be conducted in accordance with the policy in Section 13-IV.B.

Additionally, HUD recommends that at annual reexaminations PHAs ask whether the tenant, or any member of the tenant's household, is subject to a lifetime sex offender registration requirement in any state [Notice PIH 2012-28].

At the annual reexamination, OHA will ask whether the tenant, or any member of the tenant's household, is subject to a lifetime sex offender registration requirement in any state. OHA will use the Dru Sjodin National Sex Offender database to verify the information provided by the tenant. If OHA proposes to terminate assistance based on lifetime sex offender registration information, OHA must notify the household of the proposed action and must provide the subject of the record and the tenant a copy of the record and an opportunity to dispute the accuracy and relevance of the information prior to termination. [24 CFR 5.903(f) and 5.905(d)]. (See Chapter 13.)

Compliance with Community Service

For families who include nonexempt individuals, OHA must determine compliance with community service requirements once each 12 months [24 CFR 960.257(a)(3)]. See Chapter 11 for OHA's policies governing compliance with the community service requirement.

9-I.E. EFFECTIVE DATES

As part of the annual reexamination process, OHA must make appropriate adjustments in the rent after consultation with the family and upon verification of the information [24 CFR 960.257(a)(1)].

In general, an *increase* in the tenant rent that results from an annual reexamination will take effect on the family's anniversary date, and the family will be notified at least 30 days in advance.

- If less than 30 days remain before the scheduled effective date, the increase will take effect on the first of the month following the end of the 30-day notice period.
- If OHA chooses to schedule an annual reexamination for completion prior to the family's anniversary date for administrative purposes, the effective date will be determined by OHA, but will always allow for the 30-day notice period.
- If the family causes a delay in processing the annual reexamination, *increases* in the tenant rent will be applied retroactively, to the scheduled effective date of the annual reexamination. The family will be responsible for any underpaid rent and may be offered a repayment agreement in accordance with the policies in Chapter 16.

In general, a *decrease* in the tenant rent that results from an annual reexamination will take effect on the family's anniversary date.

- If OHA chooses to schedule an annual reexamination for completion prior to the family's anniversary date for administrative purposes, the effective date will be determined by OHA.
- If the family causes a delay in processing the annual reexamination, *decreases* in the tenant rent will be applied prospectively, from the first day of the month following completion of the reexamination processing.

Delays in reexamination processing are considered to be caused by the family if the family fails to provide information requested by OHA by the date specified, and this delay prevents OHA from completing the reexamination as scheduled.

PART II: REEXAMINATIONS FOR FAMILIES PAYING FLAT RENTS
[24 CFR 960.257(2)]

9-II.A. OVERVIEW

HUD requires that OHA offer all families the choice of paying income-based rent or flat rent at least annually. OHA's policies for offering families a choice of rents are located in Chapter 6.

For families who choose flat rents, OHA must conduct a reexamination of family composition at least annually, and must conduct a reexamination of family income at least once every 3 years [24 CFR 960.257(a)(2)]. OHA is only required to provide the amount of income-based rent the family might pay in those years that OHA conducts a full reexamination of income and family composition, or upon request of the family after the family submits updated income information [24 CFR 960.253(e)(2)].

As it does for families that pay income-based rent, OHA must also review compliance with the community service requirement for families with nonexempt individuals.

This part contains OHA's policies for conducting reexaminations of families who choose to pay flat rents.

9-II.B. FULL REEXAMINATION OF FAMILY INCOME AND COMPOSITION

Frequency of Reexamination

For families paying flat rents, OHA will conduct a full reexamination of family income and composition once every 3 years.

Reexamination Policies

In conducting full reexaminations for families paying flat rents, OHA will follow the policies used for the annual reexamination of families paying income-based rent as set forth in Sections 9-I.B through 9-I.D above.

9-II.C. REEXAMINATION OF FAMILY COMPOSITION (“ANNUAL UPDATE”)

As noted above, full reexaminations are conducted every 3 years for families paying flat rents. In the years between full reexaminations, regulations require OHA to conduct a reexamination of family composition (“annual update”) [24 CFR 960.257(a)(2)].

The annual update process is similar to the annual reexamination process, except that OHA does not collect information about the family's income, assets and expenses, and the family's rent is not recalculated following an annual update.

Scheduling

OHA must establish a policy to ensure that the reexamination of family composition for families choosing to pay the flat rent is completed at least annually [24 CFR 960.257(a)(2)].

For families paying flat rents, annual updates will be conducted in each of the 2 years following the full reexamination. In scheduling the annual update, OHA will follow the policy used for scheduling the annual reexamination of families paying income-based rent as set forth in Section 9-I.B. above.

Conducting Annual Updates

The terms of the public housing lease require the family to furnish information necessary for the redetermination of rent and family composition [24 CFR 966.4(c)(2)]. Generally, the family will not be required to participate in an annual update. However, if OHA determines that an interview is warranted, the family may be required to attend.

Notification of the annual update will be sent in writing and will inform the family of the information and documentation that must be provided to OHA. If the family is unable to obtain the information or documents within the required time frame, the family may request an extension. OHA will accept required documentation by mail, by email, digital upload, by fax, or in person.

If the family's submission is incomplete, or the family does not submit the information in the required time frame, OHA will send a second written notice to the family. The family will have 10 business days from the date of the second notice to provide the missing information or documentation to OHA. If the family does not provide the required documents or information within the required time frame (plus any extensions), the family will be in violation of their lease and may be terminated in accordance with the policies in Chapter 13.

Change in Unit Size

Changes in family or household composition may make it appropriate to consider transferring the family to comply with occupancy standards. OHA may use the results of the annual update to require the family to move to an appropriate size unit [24 CFR 960.257(a)(4)]. Policies related to such transfers are located in Chapter 12.

Criminal Background Checks

Information obtained through criminal background checks may be used for lease enforcement and eviction [24 CFR 5.903(e)]. Criminal background checks of residents will be conducted in accordance with the policy in Section 13-IV.B.

Compliance with Community Service

For families who include nonexempt individuals, OHA must determine compliance with community service requirements once each 12 months [24 CFR 960.257(a)(3)]. See Chapter 11 for OHA's policies governing compliance with the community service requirement.

PART III: INTERIM REEXAMINATIONS [24 CFR 960.257; 24 CFR 966.4]

9-III.A. OVERVIEW

Family circumstances may change during the period between annual reexaminations. HUD and PHA policies define the types of information about changes in family circumstances that must be reported, and under what circumstances OHA must process interim reexaminations to reflect those changes. HUD regulations also permit OHA to conduct interim reexaminations of income or family composition at any time.

In addition to specifying what information the family must report, HUD regulations permit the family to request an interim determination if other aspects of the family's income or composition change. OHA must complete the interim reexamination within a reasonable time after the family's request.

This part includes HUD and OHA policies that describe the changes families are *required* to report, the changes families *may choose* to report, and how OHA will process both OHA- and family-initiated interim reexaminations.

9-III.B. CHANGES IN FAMILY AND HOUSEHOLD COMPOSITION

OHA must adopt policies prescribing when and under what conditions the family must report changes in family composition. However, due to provisions of the public housing lease, OHA has limited discretion in this area.

Changes in family or household composition may make it appropriate to consider transferring the family to comply with occupancy standards. Policies related to such transfers are located in Chapter 12.

All families, those paying income-based rent as well as flat rent, must report all changes in family and household composition that occur between annual reexaminations (or annual updates). OHA will conduct interim reexaminations to account for any changes in household composition that occur between annual reexaminations.

New Family Members Not Requiring Approval

The addition of a family member as a result of birth, adoption, or court-awarded custody does not require PHA approval. However, the family is required to promptly notify OHA of the addition [24 CFR 966.4(a)(1)(v)]. The family must inform OHA of the birth, adoption, or court-awarded custody of a child within 10 business days.

New Family and Household Members Requiring Approval

With the exception of children who join the family as a result of birth, adoption, or court-awarded custody, a family must request OHA approval to add a new family member [24 CFR 966.4(a)(1)(v)] or other household member (live-in aide or foster child) [24 CFR 966.4(d)(3)].

OHA may adopt reasonable policies concerning residence by a foster child or a live-in aide, and defining the circumstances in which OHA consent will be given or denied. Under such policies, the factors considered by OHA may include [24 CFR 966.4(d)(3)(i)]:

- Whether the addition of a new occupant may necessitate a transfer of the family to another unit, and whether such units are available.
- OHA's obligation to make reasonable accommodation for persons with disabilities.

Families must request OHA approval to add a new family member, live-in aide, foster child, or foster adult. This includes any person not on the lease who is expected to stay in the unit for more than 14 consecutive days or a total of 30 cumulative calendar days during any 12-month period and therefore no longer qualifies as a "guest." Requests must be made in writing and approved by OHA prior to the individual moving into the unit.

OHA will not approve the addition of a new family or household member unless the individual meets OHA's eligibility criteria (see Chapter 3) and documentation requirements (See Chapter 7, Part II). If OHA determines that an individual does not meet OHA's eligibility criteria or documentation requirements, OHA will notify the family in writing of its decision to deny approval of the new family or household member and the reasons for the denial. OHA will make its determination within a reasonable timeframe of receiving all information required to verify the individual's eligibility.

Departure of a Family or Household Member

If a family member ceases to reside in the unit, the family must inform OHA within 10 business days. This requirement also applies to family members who had been considered temporarily absent, who are now permanently absent. If a live-in aide, foster child, or foster adult ceases to reside in the unit, the family must inform OHA within 10 business days. See Chapter 3 for more information on absent family members.

9-III.C. CHANGES AFFECTING INCOME OR EXPENSES

Interim reexaminations can be scheduled either because OHA has reason to believe that changes in income or expenses may have occurred, or because the family reports a change. When a family reports a change, OHA may take different actions depending on whether the family reported the change voluntarily, or because it was required to do so.

This section only applies to families paying income-based rent. Families paying flat rent are not required to report changes in income or expenses.

PHA-initiated Interim Reexaminations

PHA-initiated interim reexaminations are those that are scheduled based on circumstances or criteria defined by OHA. They are not scheduled because of changes reported by the family.

OHA will conduct interim reexaminations in each of the following instances:

- For families receiving the Earned Income Disallowance (EID), OHA will conduct an interim reexamination at the start, to adjust the exclusion with any changes in income, and at the conclusion of the 24-month eligibility period.
- If the family has reported zero income, OHA may conduct interim reexaminations as long as the family continues to report that they have no income.
- If at the time of the annual reexamination, it is not feasible to anticipate a level of income for the next 12 months (e.g. seasonal or cyclic income), OHA will schedule an interim reexamination to coincide with the end of the period for which it is feasible to project income.
- OHA may conduct an interim reexamination at any time in order to correct an error in a previous reexamination, or to investigate a tenant fraud complaint.

Family-Initiated Interim Reexaminations

OHA must adopt policies prescribing when and under what conditions the family must report changes in family income or expenses [24 CFR 960.257(c)]. In addition, HUD regulations require that the family be permitted to obtain an interim reexamination any time the family has experienced a change in circumstances since the last determination [24 CFR 960.257(b)].

Required Reporting

HUD regulations give OHA the discretion to determine the circumstances under which families will be required to report changes affecting income. Families are required to report all increases in income, within 10 business days of the date the change takes effect. OHA will conduct an interim examination for all income increases.

Optional Reporting

Families may report a change in expenses at any time. The family may request an interim reexamination any time the family has experienced a change in circumstances since the last determination [24 CFR 960.257(b)]. OHA must process the request if the family reports a change that will result in a reduced family income [PH Occ GB, p. 159].

If a family reports a decrease in income from the loss of welfare benefits due to fraud or non-compliance with a welfare agency requirement to participate in an economic self-sufficiency program, the family's share of the rent will not be reduced [24 CFR 5.615]. For more information regarding the requirement to impute welfare income see Chapter 6.

9-III.D. PROCESSING THE INTERIM REEXAMINATION

Method of Reporting

The family may notify OHA of changes in writing. If the family provides oral notice, OHA will require the family to submit the changes in writing. Generally, the family will not be required to attend an interview for an interim reexamination. However, if OHA determines that an interview is warranted, the family may be required to attend.

Based on the type of change reported, OHA will determine the documentation the family will be required to submit. The family must submit any required information or documents within 10 business days of receiving a request from OHA. This time frame may be extended for good cause with OHA approval. OHA will accept required documentation by mail, by email, digital upload, by fax, or in person.

Effective Dates

OHA must make the interim reexamination within a reasonable time after the family request [24 CFR 960.257(b)].

If the tenant rent is to *increase*:

- The increase generally will be effective on the first of the month following 30 days' notice to the family.
- If a family fails to report a change within the required time frames, or fails to provide all required information within the required time frames, the increase will be applied retroactively, to the date it would have been effective had the information been provided on a timely basis. The family will be responsible for any underpaid rent and may be offered a repayment agreement in accordance with the policies in Chapter 16.

If the tenants rent is to *decrease*:

- The decrease will be effective on the first day of the month following the month in which the change was reported. In cases where the change cannot be verified until after the date the change would have become effective, the change will be made retroactively.

PART IV: RECALCULATING TENANT RENT

9-IV.A. OVERVIEW

For those families paying income-based rent, OHA must recalculate the rent amount based on the income information received during the reexamination process and notify the family of the changes [24 CFR 966.4, 960.257]. While the basic policies that govern these calculations are provided in Chapter 6, this part lays out policies that affect these calculations during a reexamination.

9-IV.B. CHANGES IN UTILITY ALLOWANCES [24 CFR 965.507, 24 CFR 966.4]

The tenant rent calculations must reflect any changes in OHA's utility allowance schedule [24 CFR 960.253(c)(3)]. Chapter 16 discusses how utility allowance schedules are established.

Unless OHA is required to revise utility allowances retroactively, revised utility allowances will be applied to a family's rent calculations at the first annual reexamination after the allowance is adopted.

9-IV.C. NOTIFICATION OF NEW TENANT RENT

The public housing lease requires OHA to give the tenant written notice stating any change in the amount of tenant rent, and when the change is effective [24 CFR 966.4(b)(1)(ii)].

When OHA redetermines the amount of rent (Total Tenant Payment or Tenant Rent) payable by the tenant, not including determination of OHA's schedule of Utility Allowances for families in OHA's Public Housing Program, or determines that the tenant must transfer to another unit based on family composition, OHA must notify the tenant that the tenant may ask for an explanation stating the specific grounds of OHA determination, and that if the tenant does not agree with the determination, the tenant shall have the right to request a hearing under OHA's grievance procedure [24 CFR 966.4(c)(4)].

9-IV.D. DISCREPANCIES

During an annual or interim reexamination, OHA may discover that information previously reported by the family was in error, or that the family intentionally misrepresented information. In addition, OHA may discover errors made by OHA. When errors resulting in the overpayment or underpayment of rent are discovered, corrections will be made in accordance with the policies in Chapter 15.

PART V: VERIFYING STUDENT STATUS & ELIGIBILITY FOR PUBLIC HOUSING/LIHTC PROPERTIES

In order for a household to be eligible to occupy a public housing/LIHTC unit, the household must meet the LIHTC program's student eligibility requirements. For tenants of public housing/LIHTC units, eligibility requirements, including student status, must be evaluated at the following times:

- Move-in
- Recertification
- Whenever a household reports a change in composition
- Whenever a household reports a change in student status.

A household comprised entirely of all full-time students (of any age) who attend school at an education organization, are not eligible to occupy a LIHTC unit, unless the household meets one of 5 exceptions:

- At least one member of the household receives assistance under Title IV of the Social Security Act (formerly Aid to Families with Dependent Children (AFDC)), now known as Temporary Assistance for Needy Families (TANF).
- A student who was previously under the care and placement responsibility of the state agency responsible for administering a plan under part B or part E of title IV of the Social Security Act (Foster Care).
- At least one member of the household is enrolled in a job training program receiving assistance under the Job Training Partnership Act (JTPA) or under other similar federal, state, or local laws. This includes, but is not limited to, programs operating under the Workforce Investment Act (WIA) and Dislocated Worker Program.
- The student is a single parent (Single Head of Household) and such parent is not a dependent on another individual tax return and their children are not dependents of another other than a parent of such children.
- Student member of the household is married and entitled to file a joint tax return. In the case of a married couple who have yet to file a tax return, NIFA will consider them to meet this requirement as long as they certify their intention to file a joint return when next required to file a tax return. The property manager should obtain a copy of such joint return.

If the household contains one member who is not a full-time student, the household is not considered a full-time student household.

Continued occupancy of a public housing/LIHTC unit is conditioned upon continued LIHTC program eligibility, including verification of student status.

Chapter 13

LEASE TERMINATIONS

INTRODUCTION

Either party to the dwelling lease agreement may terminate the lease in accordance with the terms of the lease. A public housing lease is different from a private dwelling lease in that the family's rental assistance is tied to their tenancy. When the family moves from their public housing unit, they lose their rental assistance. Therefore, there are additional safeguards to protect the family's tenancy in public housing.

Likewise, there are safeguards to protect HUD's interest in the public housing program. OHA has the authority to terminate the lease because of the family's failure to comply with HUD regulations, for serious or repeated violations of the terms of the lease, and for other good cause. HUD regulations also specify when termination of the lease is mandatory by OHA.

When determining OHA policy on terminations of the lease, OHA must consider state and local landlord-tenant laws in the area where OHA is located. Such laws vary from one location to another, and these variances may be either more or less restrictive than federal law or HUD regulation.

This chapter presents the policies that govern voluntary termination of the lease by the family and the mandatory and voluntary termination of the lease by OHA. It is presented in four parts:

Part I: Termination by Tenant. This part discusses the PHA requirements for voluntary termination of the lease by the family.

Part II: Termination by PHA - Mandatory. This part describes circumstances when termination of the lease by the PHA is mandatory. This part also explains nonrenewal of the lease for noncompliance with community service requirements.

Part III: Termination by PHA – Other Authorized Reasons. This part describes the PHA's options for lease termination that are not mandated by HUD regulation but for which HUD authorizes PHAs to terminate. For some of these options HUD requires the PHA to establish policies and lease provisions for termination, but termination is not mandatory. For other options the PHA has full discretion whether to consider the options as just cause to terminate as long as the PHA policies are reasonable, nondiscriminatory, and do not violate state or local landlord-tenant law. This part also discusses the alternatives that the PHA may consider in lieu of termination, and the criteria the PHA will use when deciding what actions to take.

Part IV: Notification Requirements. This part presents the federal requirements for disclosure of criminal records to the family prior to termination, the HUD requirements and PHA policies regarding the timing and content of written notices for lease termination and eviction, and notification of the post office when eviction is due to criminal activity. This part also discusses record keeping related to lease termination.

PART I: TERMINATION BY TENANT

13-I.A. TENANT CHOOSES TO TERMINATE THE LEASE [24 CFR 966.4(k)(1)(ii) and 24 CFR 966.4(l)(1)]

The family may terminate the lease at any time, for any reason, by following the notification procedures as outlined in the lease. Such notice must be in writing and delivered to the property site office or OHA central office or sent by pre-paid first-class mail or email. If a family desires to move and terminate their tenancy with OHA, they must give at least 30 calendar days advance written notice to OHA of their intent to vacate.

PART II: TERMINATION BY PHA – MANDATORY

13-II.A. OVERVIEW

HUD requires mandatory termination of the lease for certain actions or inactions of the family. There are other actions or inactions of the family that constitute *grounds* for lease termination, but the lease termination is not mandatory. OHA must establish policies for termination of the lease in these cases where termination is optional for OHA.

For those tenant actions or failures to act where HUD requires termination, OHA has no such option. In those cases, the family's lease must be terminated. This part describes situations in which HUD requires OHA to terminate the lease.

13-II.B. FAILURE TO PROVIDE CONSENT [24 CFR 960.259(a) and (b)]

OHA must terminate the lease if any family member fails to sign and submit any consent form s/he is required to sign for any reexamination. See Chapter 7 for a complete discussion of consent requirements.

13-II.C. FAILURE TO DOCUMENT CITIZENSHIP [24 CFR 5.514(c) and (d) and 24 CFR 960.259(a)]

OHA must terminate the lease if (1) a family fails to submit required documentation within the required timeframe concerning any family member's citizenship or immigration status; (2) a family submits evidence of citizenship and eligible immigration status in a timely manner, but United States Citizenship and Immigration Services (USCIS) primary and secondary verification does not verify eligible immigration status of the family, resulting in no eligible family members; or (3) a family member, as determined by OHA, has knowingly permitted another individual who is not eligible for assistance to reside (on a permanent basis) in the unit. For (3), such termination must be for a period of at least 24 months. This does not apply to ineligible noncitizens already in the household where the family's assistance has been prorated. See Chapter 7 for a complete discussion of documentation requirements.

13-II.D. FAILURE TO DISCLOSE AND DOCUMENT SOCIAL SECURITY NUMBERS [24 CFR 5.218(c), 24 CFR 960.259(a)(3), Notice PIH 2018-24]

OHA must terminate assistance if a participant family fails to disclose the complete and accurate social security numbers of each household member and the documentation necessary to verify each social security number.

However, if the family is otherwise eligible for continued program assistance, and OHA determines that the family's failure to meet the SSN disclosure and documentation requirements was due to circumstances that could not have been foreseen and were outside of the family's control, OHA may defer the family's termination and provide the opportunity to comply with the requirement within a period not to exceed 90 calendar days from the date OHA determined the family to be noncompliant.

OHA will defer the family's termination and provide the family with the opportunity to comply with the requirement for a period of 90 calendar days for circumstances beyond the participant's control such as delayed processing of the SSN application by the SSA, natural disaster, fire, death in the family, or other emergency, if there is a reasonable likelihood that the participant will be able to disclose an SSN by the deadline. See Chapter 7 for a complete discussion of documentation and certification requirements.

13-II.E. FAILURE TO ACCEPT THE PHA'S OFFER OF A LEASE REVISION [24 CFR 966.4(l)(2)(ii)(E)]

OHA must terminate the lease if the family fails to accept the PHA's offer of a lease revision to an existing lease, provided OHA has done the following:

- The revision is on a form adopted by OHA in accordance with 24 CFR 966.3 pertaining to requirements for notice to tenants and resident organizations and their opportunity to present comments.
- OHA has made written notice of the offer of the revision at least 60 calendar days before the lease revision is scheduled to take effect.
- OHA has specified in the offer a reasonable time limit within that period for acceptance by the family.

See Chapter 8 for information pertaining to OHA policies for offering lease revisions.

13-II.F. METHAMPHETAMINE CONVICTION [24 CFR 966.4(l)(5)(i)(A)]

OHA must immediately terminate the lease if OHA determines that any household member has ever been convicted of the manufacture or production of methamphetamine on the premises of federally assisted housing. See Part 13-III.B. below for the HUD definition of *premises*.

13-II.G. LIFETIME REGISTERED SEX OFFENDERS [Notice PIH 2012-28]

Should OHA discover that a member of an assisted household was subject to a lifetime registration requirement at admission and was erroneously admitted after June 25, 2001, OHA must immediately terminate assistance for the household member.

In this situation, OHA must offer the family the opportunity to remove the ineligible family member from the household. If the family is unwilling to remove that individual from the household, the PHA must terminate assistance for the household.

13-II.H. NONCOMPLIANCE WITH COMMUNITY SERVICE REQUIREMENTS [24 CFR 966.4(l)(2)(ii)(D), 24 CFR 960.603(b) and 24 CFR 960.607(b)(2)(ii) and (c)]

OHA is prohibited from renewing the lease at the end of the 12-month lease term when the family fails to comply with the community service requirements as described in Chapter 11.

13-II.I. DEATH OF A SOLE FAMILY MEMBER [Notice PIH 2012-4]

OHA must immediately terminate the lease following the death of the sole family member.

PART III: TERMINATION BY PHA – OTHER AUTHORIZED REASONS

13-III.A. OVERVIEW

Besides requiring PHAs to terminate the lease under the circumstances described in Part II, HUD requires the PHA to establish provisions in the lease for termination pertaining to certain criminal activity, alcohol abuse, and certain household obligations stated in the regulations. While these provisions for lease termination must be in the lease agreement, HUD does not require PHAs to terminate for such violations in all cases. OHA has the discretion to consider circumstances surrounding the violation or, in applicable situations, whether the offending household member has entered or completed rehabilitation, and OHA may, as an alternative to termination, require the exclusion of the culpable household member. OHA must adopt policies concerning the use of these options.

In addition, HUD authorizes PHAs to terminate the lease for other grounds, but for only those grounds that constitute serious or repeated violations of material terms of the lease or for other good cause. OHA must develop policies pertaining to what constitutes serious or repeated lease violations, and other good cause, based upon the content of the OHA lease. In the development of the terms of the lease, the PHA must consider the limitations imposed by state and local landlord-tenant law, as well as HUD regulations and federal statutes. Because of variations in state and local landlord-tenant law, and because HUD affords PHAs wide discretion in some areas, a broad range of policies could be acceptable.

The PHA also has the option to terminate the tenancies of certain over-income families. The PHA may consider alternatives to termination and must establish policies describing the criteria the PHA will use when deciding what action to take, the types of evidence that will be acceptable, and the steps the PHA must take when terminating a family's lease.

13-III.B. MANDATORY LEASE PROVISIONS [24 CFR 966.4(l)(5)]

This section addresses provisions for lease termination that must be included in the lease agreement according to HUD regulations. Although the provisions are required, HUD does not require PHAs to terminate for such violations in all cases, therefore PHA policies are needed.

***Definitions* [24 CFR 5.100]**

The following definitions will be used for this and other parts of this chapter:

Affiliated individual is defined in section 16-VII.B.

Covered person means a tenant, any member of the tenant's household, a guest, or another person under the tenant's control.

Dating violence is defined in section 16-VII.B.

Domestic violence is defined in section 16-VII.B.

Drug means a controlled substance as defined in section 102 of the Controlled Substances Act [21 U.S.C. 802].

Drug-related criminal activity means the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with the intent to manufacture, sell, distribute, or use the drug.

Guest means a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

Household means the family and PHA-approved live-in aide. The term household also includes foster children and/or foster adults that have been approved to reside in the unit [HUD-50058, Instruction Booklet, p. 65].

Other person under the tenant's control means that the person, although not staying as a guest in the unit, is, or was at the time of the activity in question, on the premises because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not *under the tenant's control*.

Premises means the building or complex or development in which the public or assisted housing dwelling unit is located, including common areas and grounds.

Sexual assault is defined in section 16-VII.B.

Stalking is defined in section 16-VII.B.

Violent criminal activity means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

Drug Crime On or Off the Premises [24 CFR 966.4(l)(5)(i)(B)]

The lease must provide that drug-related criminal activity engaged in on or off the premises by the tenant or any member of the tenant's household is grounds for termination. In addition, grounds for termination include drug-related criminal activity engaged in on the premises by the tenant, any member of the tenant's household or guest or any other person under the tenant's control. OHA will consider all credible evidence, including but not limited to, any record of arrests or convictions of covered persons related to the drug-related criminal activity. A record or records of arrest will not be used as the sole basis for the termination or proof that the participant engaged in disqualifying criminal activity. In making its decision to terminate the lease, OHA will consider alternatives as described in Section 13-III.D and other factors as described in Sections 13-III.E and 13-III.F. Upon consideration of such alternatives and factors, OHA may, on a case-by-case basis, choose not to terminate the lease.

Illegal Use of a Drug [24 CFR 966.4(l)(5)(i)(B)]

The lease must provide that a PHA may evict a family when the PHA determines that a household member is illegally using a drug or that a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents. A pattern of illegal drug use means more than one incident of any use of illegal drugs during the previous three months.

OHA will consider all credible evidence, including but not limited to, any record of arrests or convictions of household members related to the use of illegal drugs. A record or records of

arrest will not be used as the sole basis for the termination or proof that the participant engaged in disqualifying criminal activity. In making its decision to terminate the lease, OHA will consider alternatives as described in Section 13-III.D and other factors as described in Sections 13-III.E and 13-III.F. Upon consideration of such alternatives and factors, the PHA may, on a case-by-case basis, choose not to terminate the lease.

Threat to Other Residents [24 CFR 966.4(l)(5)(ii)(A)]

The lease must provide that any criminal activity by a covered person that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents (including OHA management staff residing on the premises) or by persons residing in the immediate vicinity of the premises is grounds for termination of tenancy.

Immediate vicinity means within a three-block radius of the premises.

OHA will consider all credible evidence, including but not limited to, any record of arrests or convictions of covered persons related to the criminal activity. A record or records of arrest will not be used as the sole basis for the termination or proof that the participant engaged in disqualifying criminal activity. In making its decision to terminate the lease, OHA will consider alternatives as described in Section 13-III.D and other factors as described in Sections 13-III.E and 13-III.F. Upon consideration of such alternatives and factors, OHA may, on a case-by-case basis, choose not to terminate the lease.

Alcohol Abuse [24 CFR 966.4(l)(5)(vi)(A)]

PHAs must establish standards that allow termination of tenancy if the PHA determines that a household member has engaged in abuse or pattern of abuse of alcohol that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents. A pattern of such alcohol abuse means more than one incident of any such abuse of alcohol during the previous three months.

OHA will consider all credible evidence, including but not limited to, any record of arrests or convictions of household members related to the abuse of alcohol. A record or records of arrest will not be used as the sole basis for the termination or proof that the participant engaged in disqualifying criminal activity. In making its decision to terminate the lease, the PHA will consider alternatives as described in Section 13-III.D and other factors as described in Sections 13-III.E and 13-III.F. Upon consideration of such alternatives and factors, the PHA may, on a case-by-case basis, choose not to terminate the lease.

Furnishing False or Misleading Information Concerning Illegal Drug Use or Alcohol Abuse or Rehabilitation [24 CFR 966.4(l)(5)(vi)(B)]

PHAs must establish standards that allow termination of tenancy if the PHA determines that a household member has furnished false or misleading information concerning illegal drug use, alcohol abuse, or rehabilitation of illegal drug users or alcohol abusers.

OHA will consider all credible evidence, including but not limited to, any record of arrests or convictions of household members related to the use of illegal drugs or the abuse of alcohol, and

any records or other documentation (or lack of records or documentation) supporting claims of rehabilitation of illegal drug users or alcohol abusers. In making its decision to terminate the lease, the PHA will consider alternatives as described in Section 13-III.D and other factors as described in Sections 13-III.E and 13-III.F. Upon consideration of such alternatives and factors, the PHA may, on a case-by-case basis, choose not to terminate the lease.

Other Serious or Repeated Violations of Material Terms of the Lease – Mandatory Lease Provisions [24 CFR 966.4(l)(2)(i) and 24 CFR 966.4(f)]

HUD regulations require certain tenant obligations to be incorporated into the lease. Violations of such regulatory obligations are considered to be serious or repeated violations of the lease and grounds for termination. Incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking may not be construed as serious or repeated violations of the lease by the victim or threatened victim of such violence or stalking [24 CFR 5.2005(c)(1)].

OHA will terminate the lease for the following violations of tenant obligations under the lease:

- Failure to make payments due under the lease, including nonpayment of rent (see Chapter 8 for details pertaining to lease requirements for payments due);
- Failure to fulfill the following household obligations:
 - Not to assign the lease or to sublease the dwelling unit. Subleasing includes receiving payment to cover rent and utility costs by a person living in the unit who is not listed as a family member.
 - Not to provide accommodations for boarders or lodgers
 - To use the dwelling unit solely as a private dwelling for the tenant and the tenant's household as identified in the lease, and not to use or permit its use for any other purpose
 - To abide by necessary and reasonable regulations proclaimed by OHA for the benefit and well-being of the housing project and the tenants which shall be posted in the project office and incorporated by reference in the lease
 - To comply with all obligations imposed upon tenants by applicable provisions of building and housing codes materially affecting health and safety
 - To keep the dwelling unit and such other areas as may be assigned to the tenant for the tenant's exclusive use in a clean and safe condition
 - To dispose of all ashes, garbage, rubbish, and other waste from the dwelling unit in a sanitary and safe manner
 - To use only in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other facilities and appurtenances including elevators
 - To refrain from, and to cause the household and guests to refrain from destroying, defacing, damaging, or removing any part of the dwelling unit or project
 - To pay reasonable charges (other than for normal wear and tear) for the repair of damages to the dwelling unit, or to the project (including damages to project

- buildings, facilities or common areas) caused by the tenant, a member of the household or a guest
- To act, and cause household members or guests to act, in a manner which will not disturb other residents' peaceful enjoyment of their accommodations and will be conducive to maintaining the project in a decent, safe and sanitary condition

In making its decision to terminate the lease, OHA will consider alternatives as described in Section 13-III.D and other factors as described in Sections 13-III.E and 13-III.F. Upon consideration of such alternatives and factors, OHA may, on a case-by-case basis, choose not to terminate the lease.

13-III.C. OTHER AUTHORIZED REASONS FOR TERMINATION [24 CFR 966.4(l)(2) and (5)(ii)(B)]

HUD authorizes OHA to terminate the lease for reasons other than those described in the previous sections. These reasons are referred to as "other good cause."

Other Good Cause [24 CFR 966.4(l)(2)(ii)(B) and (C)]

HUD regulations state that the PHA may terminate tenancy for other good cause. The regulations provide a few examples of other good cause, but do not limit the PHA to only those examples. The Violence against Women Reauthorization Act of 2013 explicitly prohibits PHAs from considering incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking as "other good cause" for terminating the assistance, tenancy, or occupancy rights of the victim or threatened victim of such violence [24 CFR 5.2005(c)(1)]

OHA will terminate the lease for the following reasons.

- *Fugitive Felon or Parole Violator.* If a tenant is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees, or that, in the case of the State of New Jersey, is a high misdemeanor; or violating a condition of probation or parole imposed under federal or state law.
- Discovery of facts after admission to the program that would have made the tenant ineligible
- Discovery of material false statements or fraud by the tenant in connection with an application for assistance or with a reexamination of income
- Failure to furnish such information and certifications regarding family composition and income as may be necessary for OHA to make determinations with respect to rent, eligibility, and the appropriateness of the dwelling unit size
- Failure to transfer to an appropriate size dwelling unit based on family composition, upon appropriate notice by OHA that such a dwelling unit is available
- Failure to permit access to the unit by OHA after proper advance notification for the purpose of performing routine inspections and maintenance, for making improvements or repairs, or to show the dwelling unit for re-leasing, or without advance notice if there is reasonable cause to believe that an emergency exists

- Failure to promptly inform OHA of the birth, adoption or court-awarded custody of a child. In such a case, promptly means within 10 business days of the event.
- Failure to abide by the provisions of the OHA pet policy
- If the family has breached the terms of a repayment agreement entered into with OHA
- If a family member has violated federal, state, or local law that imposes obligations in connection with the occupancy or use of the premises.
- If a household member has engaged in or threatened violent or abusive behavior toward OHA personnel, contractors or other service providers. *Abusive or violent behavior towards OHA personnel* includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior. *Threatening* refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

In making its decision to terminate the lease, the PHA will consider alternatives as described in Section 13-III.D and other factors described in Sections 13-III.E and 13-III.F. Upon consideration of such alternatives and factors, the PHA may, on a case-by-case basis, choose not to terminate the lease.

Family Absence from Unit [24 CFR 982.551(i)]

It is reasonable that the family may be absent from the public housing unit for brief periods. However, the PHA needs a policy on how long the family may be absent from the unit. Absence in this context means that no member of the family is residing in the unit.

The family must supply any information or certification requested by OHA to verify that the family is living in the unit, or relating to family absence from the unit, including any OHA-requested information or certification on the purposes of family absences. The family must cooperate with OHA for this purpose.

The family must promptly notify OHA when all family members will be absent from the unit for an extended period. An extended period is defined as any period greater than 14 calendar days. If a family is absent from the public housing unit for more than 180 consecutive days, and the family does not adequately verify that they are living in the unit, OHA will terminate the lease for other good cause.

Abandonment of the unit. If the family appears to have vacated the unit without giving proper notice, OHA will follow state and local landlord-tenant law pertaining to abandonment before taking possession of the unit. If necessary, OHA will secure the unit immediately to prevent vandalism and other criminal activity.

Over-Income Families [24 CFR 960.261; FR Notice 7/26/18; Notice PIH 2019-11]

The Housing Opportunity Through Modernization Act (HOTMA) of 2016 placed an income limitation on public housing tenancies. The over-income requirement states that after a family's adjusted income has exceeded 120 percent of area median income (AMI) (or a different limitation established by the secretary) for two consecutive years, OHA must either terminate the

family's tenancy within six months of the determination, or charge the family a monthly rent that is the higher of the applicable fair market rent (FMR) or the amount of monthly subsidy for the unit, including amounts from the operating and capital funds, as determined by regulations.

Notice PIH 2019-11 also requires that PHAs publish over-income limits in their ACOP and update them no later than 60 days after HUD publishes new income limits each year. The over-income limit is calculated by multiplying the very low-income limit (VLI) by 2.4, as adjusted for family size.

PHAs also have discretion, under 24 CFR 960.261, to adopt policies allowing termination of tenancy for families whose income exceeds the limit for program eligibility. Such policies would exempt families participating in the Family Self-Sufficiency (FSS) program or currently receiving the earned income disallowance.

At annual or interim reexamination, if a family's adjusted income exceeds the applicable over-income limit, OHA will document the family file and begin tracking the family's over-income status.

If one year after the applicable annual or interim reexamination the family's income continues to exceed the applicable over-income limit, OHA will notify the family in writing that their income has exceeded the over-income limit for one year, and that if the family continues to be over-income for 12 consecutive months, the family will be subject to OHA's over-income policies.

If two years after the applicable annual or interim reexamination the family's income continues to exceed the applicable over-income limit, OHA will charge the family a rent that is the higher of the applicable fair market rent (FMR) or the amount of monthly subsidy for the unit. OHA will notify the family in writing of their new rent amount. The new rent amount will be effective 30 days after OHA's written notice to the family.

If, at any time, an over-income family experiences a decrease in income, the family may request an interim redetermination of rent in accordance with OHA policy. If, as a result, the previously over-income family is now below the over-income limit, the family is no longer subject to over-income provisions as of the effective date of the recertification. OHA will notify the family in writing that over-income policies no longer apply to them. If the family's income later exceeds the over-income limit again, the family is entitled to a new two-year grace period.

OHA will not evict or terminate the tenancies of families whose income exceeds the income limit for program eligibility as described at 24 CFR 960.261.

13-III.D. ALTERNATIVES TO TERMINATION OF TENANCY

Exclusion of Culpable Household Member [24 CFR 966.4(l)(5)(vii)(C)]

As an alternative to termination of the lease for criminal activity or alcohol abuse HUD provides that the PHA may consider exclusion of the culpable household member. Such an alternative can be used for any other reason where such a solution appears viable in accordance with PHA policy.

Additionally, under the Violence against Women Reauthorization Act of 2013, the PHA may bifurcate a lease in order to terminate the tenancy of an individual who is a tenant or lawful

occupant of a unit and engages in criminal activity directly related to domestic violence, dating violence, sexual assault, or stalking.

OHA will consider requiring the tenant to exclude a household member in order to continue to reside in the assisted unit, where that household member has participated in or been culpable for action or failure to act that warrants termination. As a condition of the family's continued occupancy, the head of household must certify that the culpable household member has vacated the unit and will not be permitted to visit or to stay as a guest in the assisted unit. The family must present evidence of the former household member's current address upon OHA request.

Repayment of Family Debts

If a family owes amounts to OHA, as a condition of continued occupancy, OHA will require the family to repay the full amount or to enter into a repayment agreement, within 30 days of receiving notice from OHA of the amount owed. See Chapter 16 for policies on repayment agreements.

13-III.E. CRITERIA FOR DECIDING TO TERMINATE TENANCY

A PHA that has grounds to terminate a tenancy is not required to do so, except as explained in Part II of this chapter, and may consider all of the circumstances relevant to a particular case before making a decision.

Evidence [24 CFR 982.553(c)]

For criminal activity, HUD permits the PHA to terminate the lease if a *preponderance of the evidence* indicates that a household member has engaged in the activity, regardless of whether the household member has been arrested or convicted, and without satisfying the standard of proof used for a criminal conviction.

OHA will use the preponderance of the evidence as the standard for making all termination decisions. *Preponderance of the evidence* is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Consideration of Circumstances [24 CFR 966.4(l)(5)(vii)(B)]

Although it is required that certain lease provisions exist for criminal activity and alcohol abuse, HUD provides that the PHA may consider all circumstances relevant to a particular case in order to determine whether or not to terminate the lease. Such relevant circumstances can also be considered when terminating the lease for any other reason.

OHA will consider the following facts and circumstances before deciding whether to terminate the lease for any of the HUD required lease provisions or for any other reasons:

- The seriousness of the offending action, especially with respect to how it would affect other residents' safety or property
- The extent of participation or culpability of the leaseholder, or other household members, in the offending action, including whether the culpable member is a minor, a person with disabilities, or (as discussed further in section 13-III.F) a victim of domestic violence, dating violence, sexual assault, or stalking
- The effects that the eviction will have on other family members who were not involved in the action or failure to act
- The effect on the community of the termination, or of the PHA's failure to terminate the tenancy
- The extent to which the leaseholder has shown personal responsibility and whether they have taken all reasonable steps to prevent or mitigate the offending action
- The length of time since the violation occurred, including the age of the individual at the time of the conduct, as well as the family's recent history, and the likelihood of favorable conduct in the future
- While a record or records of arrest will not be used as the sole basis for termination, an arrest may, however, trigger an investigation to determine whether the participant actually engaged in disqualifying criminal activity. As part of its investigation, OHA may obtain the police report associated with the arrest and consider the reported circumstances of the arrest. OHA may also consider:
 - Any statements made by witnesses or the participant not included in the police report
 - Whether criminal charges were filed
 - Whether, if filed, criminal charges were abandoned, dismissed, not prosecuted, or ultimately resulted in an acquittal
 - Any other evidence relevant to determining whether or not the participant engaged in disqualifying activity
- Evidence of criminal conduct will be considered if it indicates a demonstrable risk to safety and/or property.
- In the case of program abuse, the dollar amount of the underpaid rent and whether or not a false certification was signed by the family

Consideration of Rehabilitation [24 CFR 966.4(l)(5)(vii)(D)]

HUD authorizes PHAs to take into consideration whether a household member who had used illegal drugs or abused alcohol and is no longer engaging in such use or abuse is participating in or has successfully completed a supervised drug or alcohol rehabilitation program.

In determining whether to terminate the lease for illegal drug use or a pattern of illegal drug use, or for abuse or a pattern of abuse of alcohol, by a household member who is no longer engaging in such use or abuse, OHA will consider whether such household member has successfully completed a supervised drug or alcohol rehabilitation program. For this purpose OHA will

require the tenant to submit evidence of the household member's successful completion of a supervised drug or alcohol rehabilitation program.

Reasonable Accommodation [24 CFR 966.7]

If the family includes a person with disabilities, the PHA's decision to terminate the family's lease is subject to consideration of reasonable accommodation in accordance with 24 CFR Part 8.

If a family indicates that the behavior of a family member with a disability is the reason for a proposed termination of lease, OHA will determine whether the behavior is related to the disability. If so, upon the family's request, OHA will determine whether alternative measures are appropriate as a reasonable accommodation. OHA will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed lease termination. See Chapter 2 for a discussion of reasonable accommodation.

Nondiscrimination Limitation [24 CFR 966.4(l)(5)(vii)(F)]

OHA's eviction actions must be consistent with fair housing and equal opportunity provisions of 24 CFR 5.105.

13-III.F. TERMINATIONS RELATED TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

This section addresses the protections against termination of tenancy that the Violence against Women Act of 2013 (VAWA) provides for public housing residents who are victims of domestic violence, dating violence, sexual assault, or stalking. For general VAWA requirements and PHA policies pertaining to notification, documentation, and confidentiality, see section 16-VII of this ACOP, where definitions of key VAWA terms are also located.

VAWA Protections against Termination [24 CFR 5.2005(c)]

VAWA provides that no person may deny assistance, tenancy, or occupancy rights to public housing to a tenant on the basis or as a direct result of criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking that is engaged in by a member of the household of the tenant or any guest or other person under the control of the tenant, if the tenant or affiliated individual is the victim or threatened victim of such domestic violence, dating violence, sexual assault, or stalking [FR Notice 8/6/13].

VAWA further provides that incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking may not be construed either as serious or repeated violations of the lease by the victim or threatened victim of such violence or as good cause for terminating the tenancy or occupancy rights of the victim of such violence [24 CFR 5.2005(c)(1), FR Notice 8/6/13].

Limits on VAWA Protections [24 CFR 5.2005(d) and (e), FR Notice 8/6/13]

While VAWA prohibits OHA from using domestic violence, dating violence, sexual assault, or stalking as the cause for a termination or eviction action against a public housing tenant who is the victim of the abuse, the protections it provides are not absolute. Specifically:

- VAWA does not limit OHA's otherwise available authority to terminate assistance to or evict a victim for lease violations not premised on an act of domestic violence, dating violence, sexual assault, or stalking providing that OHA does not subject the victim to a more demanding standard than the standard to which it holds other tenants.
- VAWA does not limit OHA's authority to terminate the tenancy of any public housing tenant if OHA can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant's tenancy is not terminated.

HUD regulations define *actual and imminent threat* to mean words, gestures, actions, or other indicators of a physical threat that (a) is real, (b) would occur within an immediate time frame, and (c) could result in death or serious bodily harm [24 CFR 5.2005(d)(2) and (e)]. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include:

- The duration of the risk
- The nature and severity of the potential harm
- The likelihood that the potential harm will occur
- The length of time before the potential harm would occur [24 CFR 5.2005(e)]

In order to demonstrate an actual and imminent threat, OHA must have objective evidence of words, gestures, actions, or other indicators. Even when a victim poses an actual and imminent threat, however, HUD regulations authorize OHA to terminate the victim's assistance "only when there are no other actions that could be taken to reduce or eliminate the threat, including but not limited to transferring the victim to a different unit, barring the perpetrator from the property, contacting law enforcement to increase police presence or develop other plans to keep the property safe, or seeking other legal remedies to prevent the perpetrator from acting on a threat" [24 CFR 5.2005(d)(3)]. Additionally, HUD regulations state that restrictions "predicated on public safety cannot be based on stereotypes, but must be tailored to particularized concerns about individual residents" [24 CFR 5.2005(d)(3)].

In determining whether a public housing tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking is an actual and imminent threat to other tenants or those employed at or providing service to a property, OHA will consider the following, and any other relevant, factors:

- Whether the threat is toward an employee or tenant other than the victim of domestic violence, dating violence, sexual assault, or stalking
- Whether the threat is a physical danger beyond a speculative threat
- Whether the threat is likely to happen within an immediate time frame

- Whether the threat to other tenants or employees can be eliminated in some other way, such as by helping the victim relocate to a confidential location, transferring the victim to another unit, or seeking a legal remedy to prevent the perpetrator from acting on the threat

If the tenant wishes to contest OHA's determination that he or she is an actual and imminent threat to other tenants or employees, the tenant may do so as part of the grievance hearing or in a court proceeding.

Documentation of Abuse [24 CFR 5.2007]

When an individual facing termination of tenancy for reasons related to domestic violence, dating violence, sexual assault, or stalking claims protection under VAWA, OHA will request in writing that the individual provide documentation supporting the claim in accordance with the policies in section 16-VII.D of this ACOP.

OHA reserves the right to waive the documentation requirement if it determines that a statement or other corroborating evidence from the individual will suffice. In such cases OHA will document the waiver in the individual's file.

Terminating or Evicting a Perpetrator of Domestic Violence

Although VAWA provides protection from termination for victims of domestic violence, it does not provide such protection for perpetrators. In fact, VAWA gives the PHA the explicit authority to bifurcate a lease, or remove a household member from a lease, "in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant of the housing and who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual, without evicting, removing, terminating assistance to, or otherwise penalizing a victim of such criminal activity who is also a tenant or lawful occupant of the housing" [FR Notice 8/6/13]. Moreover, HUD regulations impose on the PHA the obligation to consider lease bifurcation in any circumstances involving domestic violence, dating violence, or stalking [24 CFR 966.4(e)(9)].

Specific lease language affirming the PHA's authority to bifurcate a lease is not necessary, and the authority supersedes any local, state, or federal law to the contrary. However, if the PHA chooses to exercise its authority to bifurcate a lease, it must follow any procedures prescribed by HUD or by applicable local, state, or federal law for eviction, lease termination, or termination of assistance. This means that the PHA must follow the same rules when terminating or evicting an individual as it would when terminating or evicting an entire family [FR Notice 3/16/07]. However, perpetrators should be given no more than 30 days' notice of termination in most cases [Notice PIH 2017-08].

OHA will bifurcate a family's lease and terminate the tenancy of a family member if OHA determines that the family member has committed criminal acts of physical violence against other family members or others. This action will not affect the tenancy or program assistance of the remaining, nonculpable family members.

In making its decision, OHA will consider all credible evidence, including, but not limited to, a signed certification (form HUD-5382) or other documentation of abuse submitted to OHA by the victim in accordance with this section and section 16-VII.D. OHA will also consider the factors

in section 13.III.E. Upon such consideration, OHA may, on a case-by-case basis, choose not to bifurcate the lease and terminate the tenancy of the culpable family member.

If OHA does bifurcate the lease and terminate the tenancy of the culpable family member, it will do so in accordance with the lease, applicable law, and the policies in this ACOP. If the person removed from the lease was the only tenant eligible to receive assistance, OHA must provide any remaining tenant a chance to establish eligibility for the unit. If the remaining tenant cannot do so, OHA must provide the tenant reasonable time to find new housing or to establish eligibility for another housing program covered by VAWA 2013.

PART IV: NOTIFICATION REQUIREMENTS, EVICTION PROCEDURES AND RECORD KEEPING

13-IV.A. OVERVIEW

HUD regulations specify the requirements for the notice that must be provided prior to lease termination. This part discusses those requirements and the specific requirements that precede and follow termination for certain criminal activities which are addressed in the regulations. This part also discusses specific requirements pertaining to the actual eviction of families and record keeping.

13-IV.B. CONDUCTING CRIMINAL RECORDS CHECKS [24 CFR 5.903(e)(ii) and 24 CFR 960.259]

HUD authorizes PHAs to conduct criminal records checks on public housing residents for lease enforcement and eviction. PHA policy determines when the PHA will conduct such checks.

OHA will conduct criminal records checks when it has come to the attention of OHA, either from local law enforcement or by other means, that an individual has engaged in the destruction of property, engaged in violent activity against another person, or has interfered with the right to peaceful enjoyment of the premises of other residents. Such checks will also include sex offender registration information.

OHA will not pass along to the tenant the costs of a criminal records check.

13-IV.C. DISCLOSURE OF CRIMINAL RECORDS TO FAMILY [24 CFR 5.903(f), 24 CFR 5.905(d) and 24 CFR 966.4(l)(5)(iv)]

In conducting criminal records checks, if the PHA uses the authority of 24 CFR 5.903 and 5.905 to obtain such information, certain protections must be afforded the tenant before any adverse action is taken. In such cases if the PHA obtains criminal records information from a state or local agency showing that a household member has been convicted of a crime, or is subject to a sex offender registration requirement, relevant to lease enforcement or eviction, the PHA must notify the household of the proposed action and must provide the subject of the record and the tenant a copy of such information, and an opportunity to dispute the accuracy and relevance of the information before an eviction or lease enforcement action is taken.

In all cases where criminal record or sex offender registration information would result in lease enforcement or eviction, OHA will notify the household in writing of the proposed adverse action and will provide the subject of the record and the tenant a copy of such information, and an opportunity to dispute the accuracy and relevance of the information before an eviction or lease enforcement action is taken.

The family will be given 10 business days from the date of the notice, to dispute the accuracy and relevance of the information. If the family does not contact OHA to dispute the information within that 10 business day period, OHA will proceed with the termination action. Should the tenant not exercise their right to dispute prior to any adverse action, the tenant still has the right to dispute in the grievance hearing or court trial.

13-IV.D. LEASE TERMINATION NOTICE [24 CFR 966.4(l)(3)]

Form, Delivery, and Content of the Notice

Notices of lease termination must be in writing. The notice must state the specific grounds for termination, the date the termination will take place, the resident's right to reply to the termination notice, and their right to examine PHA documents directly relevant to the termination or eviction. If the PHA does not make the documents available for examination upon request by the tenant, the PHA may not proceed with the eviction [24 CFR 996.4(m)].

When OHA is required to offer the resident an opportunity for a grievance hearing, the notice must also inform the resident of their right to request a hearing in accordance with OHA's grievance procedure. In these cases, the tenancy shall not terminate until the time for the tenant to request a grievance hearing has expired and the grievance procedure has been completed.

When OHA is not required to offer the resident an opportunity for a grievance hearing because HUD has made a due process determination and the lease termination is for criminal activity that threatens health, safety or right to peaceful enjoyment or for drug-related criminal activity, the notice of lease termination must state that the tenant is not entitled to a grievance hearing on the termination. It must specify the judicial eviction procedure to be used by OHA for eviction of the tenant, and state that HUD has determined that the eviction procedure provides the opportunity for a hearing in court that contains the basic elements of due process as defined in HUD regulations. The notice must also state whether the eviction is for a criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or employees of OHA, or for a drug-related criminal activity on or off the premises.

The notice will be sent by first-class mail. OHA may attempt to deliver notices of lease termination directly to the tenant or an adult member of the household the same day. All notices of lease termination will include a copy of the forms HUD-5382 and HUD-5380 to accompany the termination notice. Any tenant who claims that the cause for termination involves domestic violence, dating violence, sexual assault, or stalking of which the tenant or affiliated individual of the tenant is the victim will be given the opportunity to provide documentation in accordance with the policies in sections 13-III.F and 16-VII.D.

Timing of the Notice [24 CFR 966.4(l)(3)(i)]

OHA must give written notice of lease termination of:

- 14 calendar days in the case of failure to pay rent
- A reasonable period of time considering the seriousness of the situation (but not to exceed 30 calendar days)

If the health or safety of other residents, OHA employees, or persons residing in the immediate vicinity of the premises is threatened

If any member of the household has engaged in any drug-related criminal activity or violent criminal activity

If any member of the household has been convicted of a felony

- 30 calendar days in any other case, except that if a state or local law allows a shorter notice period, such shorter period shall apply

The Notice to Vacate that may be required under state or local law may be combined with or run concurrently with the notice of lease termination.

Notice of Nonrenewal Due to Community Service Noncompliance [24 CFR 966.4(l)(2)(ii)(D), 24 CFR 960.603(b) and 24 CFR 960.607(b)]

When OHA finds that a family is in noncompliance with the community service requirement, the tenant and any other noncompliant resident must be notified in writing of this determination. Notices of noncompliance will be issued in accordance with the requirements and policies in Section 11-I.E.

If after receiving a notice of initial noncompliance the family does not request a grievance hearing, or does not take either corrective action required by the notice within the required timeframe, a termination notice will be issued in accordance with the policies above.

If a family agreed to cure initial noncompliance by signing an agreement and is still in noncompliance after being provided the 12-month opportunity to cure, the family will be issued a notice of continued noncompliance. The notice of continued noncompliance will be sent in accordance with the policies in Section 11-I.E. and will also serve as the notice of termination of tenancy.

Notice of Termination Based on Citizenship Status [24 CFR 5.514 (c) and (d)]

In cases where termination of tenancy is based on citizenship status, HUD requires the notice of termination to contain additional information. In addition to advising the family of the reasons their assistance is being terminated, the notice must also advise the family of any of the following that apply: the family's eligibility for proration of assistance, the criteria and procedures for obtaining relief under the provisions for preservation of families, the family's right to request an appeal to the USCIS of the results of secondary verification of immigration status and to submit additional documentation or a written explanation in support of the appeal, and the family's right to request an informal hearing with OHA either upon completion of the USCIS appeal or in lieu of the USCIS appeal. Please see Chapter 14 for OHA's informal hearing procedures.

13-IV.E. EVICTION [24 CFR 966.4(l)(4) and 966.4(m)]

Eviction notice means a notice to vacate, or a complaint or other initial pleading used under state or local law to commence an eviction action. OHA may only evict the tenant from the unit by instituting a court action.

When a family does not vacate the unit after receipt of a termination notice, by the deadline given in the notice, OHA will follow state and local landlord-tenant law in filing an eviction action with the local court that has jurisdiction in such cases.

If the eviction action is finalized in court and the family remains in occupancy beyond the deadline to vacate given by the court, OHA will seek the assistance of the court to remove the family from the premises as per state and local law.

OHA may not proceed with an eviction action if OHA has not made available the documents to be used in the case against the family, and has not afforded the family the opportunity to examine and copy such documents in accordance with the provisions of 24 CFR 966.4(l)(3) and (m).

13-IV.F. NOTIFICATION TO POST OFFICE [24CFR 966.4(l)(5)(iii)(B)]

When OHA evicts an individual or family for criminal activity, including drug-related criminal activity, OHA must notify the local post office serving the dwelling unit that the individual or family is no longer residing in the unit.

13-IV.G. RECORD KEEPING

For more information concerning general record keeping, see Chapter 16.

Memorandum



To: OHA Board of Commissioners

From: Jody Holston, Public Housing Director

Date: March 4, 2021

Re: Changes to ACOP Chapters 6, 7, 9 and 13

RECOMMENDED ACTION:

Staff of the Housing Authority of the City of Omaha (OHA) recommends that the Board of Commissioners approve revisions to Chapters 6, 7, 9 and 13 of OHA's Admissions and Continued Occupancy Policy (ACOP) for the public housing program. These chapters including policies for income, verifications, reexaminations and lease terminations.

EXPLANATION:

OHA's ACOP dates to 2009-2011. Since then, there have been regulatory changes and changes in OHA operations, which require changes to OHA's written policies. OHA began revisions in 2017 but only revised a handful of chapters, and staff wishes to continue and complete the revisions.

Staff is using an ACOP policy template purchased from Nan McKay & Associates, which is considered an industry standard and reflects best practices. One particular advantage of using the Nan McKay template is that it is updated annually to incorporate regulatory changes and industry guidance. OHA staff has met to modify the template so that it incorporates OHA-specific policies. Going forward, each year when the new Nan McKay template is published, OHA can easily incorporate any changes required by new regulations. The Section 8 program has used the Nan McKay templates for decades.

Because we are transitioning to the new Nan McKay documents, our proposed policy changes are not reflected in tracking. The tracking would show our changes to Nan McKay, rather than changes to our previous policies. We have attached a summary of substantive changes for each chapter. Note also that newly revised chapters of the ACOP may have different chapter numbers than in our existing ACOP

SPONSORS: Jody Holston, Public Housing Director
Susan Gilroy, Director of Compliance
Brian Hansen, General Counsel

RECOMMENDED BY: Joanie Poore, CEO

Summary of ACOP Changes

Chapter 6 – Income

- Detail was added regarding timeframes and processes for the approval of a caretaker of a child.
- All references to examination interviews were changed to allow for examinations to be completed virtually with or without an in-person interview.
- Income from tips will be calculated based on previous year income or employer estimate if previous year income is not available. Previously if no previous year income was available, minimum wage was used to calculate projected income.
- EID updated with final rule published in 2016. Final rule was implemented (change from 48 to 24 months), but was not in ACOP.

Chapter 7 – Verifications

- All references to examination interviews were changed to allow for examinations to be completed virtually with or without an in-person interview.
- Under the requirements for acceptable documents section: the acceptable timelines for documents was changed to clarify that they must be dated within 60 day of the date of the request and it was clarified that print outs from webpages are considered original documents.
- A section was added clarifying the process for verification of disability for people not on SSDI.

Chapter 9 – Reexaminations

- All references to examination interviews were changed to allow for examinations to be completed virtually with or without an in-person interview.
- Policy was added to use the HUD form to update contact information at least annually.
- The policy for rent adjustments at interim reviews was changed to allow rent to be adjusted whenever there was a reported change. Previously rent was only changed if the reported change resulted in a decrease in rent. If the reported change would have increased rent and it was reported in time (with some exceptions), rent was not increased until the tenant's annual review. This change will allow OHA to collect additional rental income while keeping rental costs affordable for tenants.

Chapter 13: Lease Terminations

- A section was added on over-income families to include HUD notices from 2018 and 2019. These notices require that if a family is over-income for two consecutive years, OHA will not terminate tenancy, but will charge FMR (with exemptions for families participating in FSS). OHA was in compliance with these notices, however it had not yet been added to the ACOP.

RESOLUTION NO. 2021 – 23
REVISIONS TO THE PUBLIC HOUSING ACOP

WHEREAS, staff of the Housing Authority of the City of Omaha (OHA) seeks to make revisions to specific policies in the Admissions and Continued Occupancy Policies (ACOP) for the public housing program, including Chapters 6, 7, 9, and 13, which provide policies regarding income, verification, reexaminations, and lease terminations; and

WHEREAS, OHA staff recommends that the Board of Commissioners adopt the revised Chapters 6, 7, 9, and 13 of the Admissions and Continued Occupancy Policies;

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Commissioners hereby adopts the revised Chapters 6, 7, 9, and 13 of the Admissions and Continued Occupancy Policies.

David Levy, Chairman
OHA Board of Commissioners

ATTEST

I, Joanie Poore, Assistant Secretary of the Housing Authority of the City of Omaha, do hereby certify that this resolution was properly adopted at the meeting of the Board of Commissioners of the Housing Authority of the City of Omaha held March 4, 2021.

Joanie Poore, Secretary
Housing Authority of the City of Omaha

5.2. ADDITIONAL ITEMS FOR CONSIDERATION

- 5.2.1. Resolution 2021-19 Approve Contract with Baird Holm for Legal Services-Labor Relations & HR

Memorandum



To: OHA Board of Commissioners

From: Brian Hansen, General Counsel

Date: March 4, 2021

Re: Approve contract with Baird-Holm for Labor Relations and Human Resources

RECOMMENDED ACTION:

The Housing Authority of the City of Omaha (hereinafter “OHA”) Staff recommends the OHA Board of Commissioners approve a needs-based contract with Baird Holm LLP to represent OHA in Labor Relations & Human Resource legal service. The contract amount would not exceed \$100,000.00. This would be a one-year contract with OHA reserving the right to renew for four additional one-year terms with Board of Commissioner approval.

PREVIOUS ACTION:

OHA staff members have handled these responsibilities for the last several years.

METHOD OF PROCUREMENT:

OHA invited qualified firms and individuals to present proposals on a scope of work for Labor Relations & Human Resource Legal Services. The Request for Proposals (RFP) was advertised in the Daily Record on January 14th and January 21st with an available date of January 14, 2021. The pre-proposal conference was January 21, 2021 at 2:00 p.m.

OHA received one (1) proposal for the project as outlined in the RFP prior to the deadline of 2:00 p.m. on February 04, 2021. Three (3) OHA staff members evaluated the proposal and determined Baird Holm LLP meets all requirements. In addition, the procurement department reviewed the scope of work and determined the services requested did not preclude competition from other local law agencies. Furthermore, the solicitation was posted on the OHA website, The Daily Record, and 13 local companies were contacted by email and phone call.

PROJECT COST: As needed.

FUNDING SOURCE: Central Office Cost Center

MBE/WBE INFORMATION:

OHA’s disadvantaged business enterprise (DBE) policy requires awarding ten percent of all contracts awarded annually to MBE/WBE business concerns. Baird Holm LLP is not a Disadvantaged Business Enterprise (DBE).

MANDATORY SECTION 3 INFORMATION:

OHA's Section 3 policy requires all contracts, other than for commodities/goods, have a minimum level of Section 3 participation. Baird Holm does not have a plan for Section-3 participation.

SPONSORS:

Jonathan Jenkins, Capital Improvements Coordinator

Steve Schrader, Director of Procurement & Capital Improvements
Susan Wiggins, CFO

Brian Hansen, General Counsel

RECOMMENDED BY:

Joanie Poore, CEO

MEMORANDUM



To: OHA Board of Commissioners
From: Brian Hansen, General Counsel
Date: March 4, 2021
Re: Award of Contracts to Baird Holm – Conflict of Interest

BACKGROUND

On January 14, 2021, the Omaha Housing Authority (OHA) Procurement Department issued a Request for Proposals for three separate categories of legal services, each with its own scope of work: Litigation and Representation, Labor Relations and Human Resources and Public, Affordable and Mixed-Income Real Estate Development. OHA staff reached out to the following firms directly:

Ballard Spahr, LLP: Seattle, Washington
Reno & Cavanaugh PLLC: Washington, DC
Hawkins, Delafield & Wood, LLP: Washington, DC
Nixon Peabody, LLP: New York, NY
Klein Hornig, LLP: Boston, MA
Rehm, Bennett, Moore & Rehm, PC, LLO: Lincoln, NE
Baird Holm, LLP: Omaha, NE
Kutak Rock, Omaha, NE
Dvorak Law Group, LLC: Omaha, NE
Cavanaugh Law Office: Omaha, NE
Davis Law Office: Omaha, NE
Judith Wells Law Office: Omaha, NE
Olsen Law Office: Omaha, NE
Law Firm of Christopher Odigbo: Omaha, NE
Stephanie Milone Law Office: Omaha, NE

Estwick Law, Council Bluffs, IA

Vanden Bosch Law, Omaha, NE

Malousek Law, Omaha, NE

Rogers Law, Omaha, NE

The Request for Proposals closed on February 4, 2021. OHA received bids from only Baird Holm regarding Litigation & Representation and Labor Relations & Human Resources. OHA received bids from Baird Holm and Reno Cavanaugh for Public, Affordable, and Mixed-Income Real Estate Development. The OHA Board Chair, David Levy, is a partner in Baird Holm, LLP with a 3.2 percent ownership interest.

It should be noted that OHA is a complicated public entity that requires niche legal representation. Specifically, litigation often involves federal regulations and HUD contracts. Typical litigators do not have experience with the HUD regulatory framework. In addition, much of OHA's workforce is unionized under Nebraska Local 251. This requires a legal representative who has experience representing public employers in their dealings with unions. Finally, OHA's real estate development efforts are atypical even in the affordable housing arena and require attorneys well versed in HUD housing programs as well as tax credit programs.

Scott Moore, an attorney with Baird Holm, is a national expert in fair housing law. This is a practice area that is in limited supply in the State of Nebraska. Prior to his role with Baird Holm, Mr. Moore served as a Deputy Chief of the Employment Litigation Section and a Senior Trial Attorney in the Housing Section of the Civil Rights Division of the U.S. Department of Justice in Washington, D.C. In those roles, Mr. Moore led the Department's enforcement actions on fair housing pattern or practice cases.

Randy Stevenson and Mark McQueen are attorneys with Baird Holm that have provided OHA with pro-bono advice on a number of occasions regarding OHA's changing employment practice obligations during the pandemic. In addition to consultations, Mr. Stevenson provided a number of complimentary webinars that educated OHA's staff on how to respond to the pandemic while ensuring continued operation. Mr. McQueen is an expert in labor relations and has experience representing the City of Omaha in its relationship with Nebraska Local 251. He routinely

represents employers before the National Labor Relations Board, the Wage and Hour and FMLA Divisions of the Department of Labor, and state and federal EEO agencies.

Baird Holm also has a robust and experienced real estate development team. However, Reno Cavanaugh, a national law firm headquartered in Washington D.C., has specific experience representing housing authorities across the country. Reno Cavanaugh's practice is specifically tailored to representing housing authorities in Rental Assistance Demonstration (RAD) conversions, Choice Neighborhood Grants (CNI and CNP), project based vouchers (PBVs) and other HUD programs applicable to OHA. Despite having a litigation group, Reno Cavanaugh only responded to the real estate development portion of the RFP.

OHA staff is recommending that the Board of Commissioners approve contracts with Baird Holm for Litigation & Representation and Labor Relations & Human Resources and Reno Cavanaugh for Public, Affordable and Mixed-Income Real Estate Development.

PROCUREMENT POLICY AND REGULATIONS

Baird Holm's fees will be paid with Central Office Cost Center (COCC) funds. COCC funds are obtained by charging the Public Housing and Section 8 Departments fees for administration of the programs. COCC funds are "de-federalized"; Meaning that HUD intends for the funds to be treated as unrestricted income to the Housing Authority. A Federal Register Notice issued on September 6, 2006 (71 FR 52709) provides the following description of COCC funds:

Reasonable fees charged to properties and programs, as part of the fee-for-service approach, are not considered federal program income for the purpose of 24 CFR part 85. Rather, this fee income is considered local revenue and control over its use is subject only to state or local requirements imposed on individual PHAs.

COCC funds are not subject to federal, state, or OHA procurement rules. OHA is specifically exempt from state procurement rules (§71-1593) and OHA's Procurement Policy does not require procurement when COCC funds are being utilized. COCC funds are intended to provide PHAs with the flexibility to operate more efficiently and competitively with other multi-family housing providers.

CONFLICT OF INTEREST

OHA Board Rules of Conduct

OHA Commissioners are subject to Rules of Conduct that contain conflict of interest provisions. The rules require that Commissioners “declare any conflict of interest, be it real, potential, or apparent, that is not immediately obvious with regard to any matter being discussed” in a meeting. In addition, Commissioners are required disclose any conflict of interest to the OHA General Counsel on the Disclosure of Financial Interests form. For the purpose of the form, a conflict of interest arises when a commissioner may benefit financially, directly or indirectly, from a decision he or she could make in such capacity, including indirect benefits such as to family members or businesses with which the person is closely associated. If the OHA Board decides that a commissioner has a conflict, the Board can request that the conflicted commissioner leave the meeting and refrain from participating in any discussion regarding that subject.

Nebraska Housing Agency Act

The Nebraska Housing Agency Act clarifies what qualifies as a “conflict of interest” for housing commissioners in the State of Nebraska. The Act provides as follows:

71-15,150 Conflict of Interest; prohibited acts.

(1) Except as otherwise permitted under the provisions of sections 71-15,149 to 71-15,157, no housing agency official shall own or hold an interest in any contract or property or engage in any business, transaction, or professional or personal activity that would:

(a) Be or appear to be in conflict with such official's duties relating to the housing agency served by or subject to the authority of such official;

(b) Secure or appear to secure unwarranted privileges or advantages for such official or others; or

(c) Prejudice or appear to prejudice such official's independence of judgment in the exercise of his or her official duties relating to the housing agency served by or subject to the authority of such official.

(2) No housing agency official shall act in an official capacity in any matter in which such official has a direct or indirect financial or personal involvement. **The ownership of less than five percent of the outstanding shares of a corporation shall not constitute an interest within the meaning of this section.** No housing agency official shall use his or her public office or employment to secure financial gain to such official.

Commissioner Levy owns a 3.2 percent interest in Baird Holm. Therefore, under the Nebraska Housing Agency Act, the proposed contract with Baird Holm does not present a conflict of interest.

Even if there were a conflict of interest, the Nebraska Housing Agency Act would still permit approval of the contract provided Commissioner Levy disclosed the conflict and recused himself from the vote.

71-15,152. Housing agency official; recusal; when.

A housing agency official shall recuse himself or herself from any vote, decision, or other action and shall not directly or indirectly participate in any action or proceeding which involves an actual or potential conflict of interest as described in sections 71-15,149 to 71-15,157, including, but not limited to any matter:

- (1) With respect to which disclosure is required under section 71-15,151;
- (5) Involving any other action or circumstance prohibited under sections 71-15,149 to 71-15,157 or which otherwise gives rise to a real or apparent conflict of interest.

HUD Guidance

While not directly relevant due to the de-federalized status of the COCC funds, the HUD Procurement Handbook for Public Housing Authorities does provide guidance on handling conflicts of interest when federal funds are involved. The Handbook provides as follows:

No PHA employee, officer, or agent shall participate in the selection, award, or administration of a contract supported by Federal funds if a conflict of interest, financial or otherwise, real or apparent, would be involved. Such a conflict would arise when the employee, officer or agent, any member of his or her immediate family; his or her partner; or an organization which employs or is about to employ any of the above, has a financial or other interest in the firm selected for the award.

CONCLUSION

When a procured contract will be paid with COCC funds, conflict of interest is covered by OHA's Rules of Conduct and the Nebraska Housing Agency Act. Federal law and HUD regulations do not apply to COCC funds and HUD regulations do not cover conflict of interest for COCC funds. Awarding a contract to Baird Holm does not present a legal conflict of interest due to Chair Levy's 3.2 percent ownership share of the firm. The Nebraska Housing Agency Act specifically provides that ownership of less than a 5 percent interest does not constitute an

interest under the Act. However, award of a contract to Baird Holm does create a conflict of interest as it is defined in OHA's Rules of Conduct and Chair Levy is encouraged to disclose the conflict and abstain from taking action on the Baird Holm contract.

RESOLUTION NO. 2021 – 19
CONTRACT WITH BAIRD HOLM FOR LEGAL SERVICES-LABOR RELATIONS

WHEREAS, staff of the Housing Authority of the City of Omaha (OHA) desire professional legal services to guide and represent OHA in labor relations and human resources matters;

WHEREAS, staff issued a Request for Proposals which was advertised in the Daily Record; in addition, staff directly contacted 19 firms to solicit proposals;

WHEREAS, OHA received one proposal, from Baird Holm LLP, which was reviewed by a staff committee and determined to provide strong qualifications responsive to the scope of work; and

WHEREAS, OHA staff recommend that the Board of Commissioners approve a contract with Baird Holm LLP to provide legal services in labor relations and human resources matters on an as-needed basis for a contract amount not to exceed \$100,000 and for a contract term of one year with an option to renew for four additional one-year terms;

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Commissioners hereby approve a contract with Baird Holm LLP to provide legal services in labor relations and human resources matters on an as-needed basis for a contract amount not to exceed \$100,000 and for a contract term of one year with an option to renew for four additional one-year terms.

David Levy, Chairman
OHA Board of Commissioners

ATTEST

I, Joanie Poore, Assistant Secretary of the Housing Authority of the City of Omaha, do hereby certify that this resolution was properly adopted at the meeting of the Board of Commissioners of the Housing Authority of the City of Omaha held March 4, 2021.

Joanie Poore, Secretary
Housing Authority of the City of Omaha

5.2.2. Resolution 2021-20 Approve Contract with Baird Holm for Legal Services-General Litigation

Memorandum



To: OHA Board of Commissioners

From: Brian Hansen, General Counsel

Date: March 4, 2021

Re: Approve contract with Baird-Holm for legal services: general litigation & representation

RECOMMENDED ACTION:

The Housing Authority of the City of Omaha (hereinafter “OHA”) Staff recommends the OHA Board of Commissioners approve a needs-based contract with Baird Holm LLP to represent OHA and provide legal services in general litigation and representation, including appellate practice. The contract amount would not exceed \$100,000.00. This would be a one-year contract with OHA reserving the right to renew for four additional one-year terms with Board of Commissioner approval.

PREVIOUS ACTION:

OHA staff members have handled these responsibilities for the last several years.

METHOD OF PROCUREMENT:

OHA invited qualified firms and individuals to present proposals on a scope of work for Legal Services. The Request for Proposals (RFP) was advertised in the Daily Record on January 14th and January 21st with an available date of January 14, 2021. The pre-proposal conference was January 21, 2021 at 2:00 p.m.

OHA received one (1) proposal for the project as outlined in the RFP prior to the deadline of 2:00 p.m. on February 04, 2021. Three (3) OHA staff members evaluated the proposal and determined Baird Holm LLP meets all requirements. In addition, the procurement department reviewed the scope of work and determined the services requested did not preclude competition from other local law agencies. Furthermore, the solicitation was posted on the OHA website, The Daily Record, and 13 local companies were contacted by email and phone call.

PROJECT COST: As needed.

FUNDING SOURCE: Central Office Cost Center

MBE/WBE INFORMATION:

OHA’s disadvantaged business enterprise (DBE) policy requires awarding ten percent of all contracts awarded annually to MBE/WBE business concerns. Baird Holm LLP is not a Disadvantaged Business Enterprise (DBE).

MANDATORY SECTION 3 INFORMATION:

OHA's Section 3 policy requires all contracts, other than for commodities/goods, have a minimum level of Section 3 participation. Baird Holm does not have a plan for Section-3 participation.

SPONSORS:

Jonathan Jenkins, Capital Improvements Coordinator

Steve Schrader, Director of Procurement & Capital Improvements
Susan Wiggins, CFO

Brian Hansen, General Counsel

RECOMMENDED BY:

Joanie Poore, CEO

MEMORANDUM



To: OHA Board of Commissioners
From: Brian Hansen, General Counsel
Date: March 4, 2021
Re: Award of Contracts to Baird Holm – Conflict of Interest

BACKGROUND

On January 14, 2021, the Omaha Housing Authority (OHA) Procurement Department issued a Request for Proposals for three separate categories of legal services, each with its own scope of work: Litigation and Representation, Labor Relations and Human Resources and Public, Affordable and Mixed-Income Real Estate Development. OHA staff reached out to the following firms directly:

Ballard Spahr, LLP: Seattle, Washington
Reno & Cavanaugh PLLC: Washington, DC
Hawkins, Delafield & Wood, LLP: Washington, DC
Nixon Peabody, LLP: New York, NY
Klein Hornig, LLP: Boston, MA
Rehm, Bennett, Moore & Rehm, PC, LLO: Lincoln, NE
Baird Holm, LLP: Omaha, NE
Kutak Rock, Omaha, NE
Dvorak Law Group, LLC: Omaha, NE
Cavanaugh Law Office: Omaha, NE
Davis Law Office: Omaha, NE
Judith Wells Law Office: Omaha, NE
Olsen Law Office: Omaha, NE
Law Firm of Christopher Odigbo: Omaha, NE
Stephanie Milone Law Office: Omaha, NE

Estwick Law, Council Bluffs, IA

Vanden Bosch Law, Omaha, NE

Malousek Law, Omaha, NE

Rogers Law, Omaha, NE

The Request for Proposals closed on February 4, 2021. OHA received bids from only Baird Holm regarding Litigation & Representation and Labor Relations & Human Resources. OHA received bids from Baird Holm and Reno Cavanaugh for Public, Affordable, and Mixed-Income Real Estate Development. The OHA Board Chair, David Levy, is a partner in Baird Holm, LLP with a 3.2 percent ownership interest.

It should be noted that OHA is a complicated public entity that requires niche legal representation. Specifically, litigation often involves federal regulations and HUD contracts. Typical litigators do not have experience with the HUD regulatory framework. In addition, much of OHA's workforce is unionized under Nebraska Local 251. This requires a legal representative who has experience representing public employers in their dealings with unions. Finally, OHA's real estate development efforts are atypical even in the affordable housing arena and require attorneys well versed in HUD housing programs as well as tax credit programs.

Scott Moore, an attorney with Baird Holm, is a national expert in fair housing law. This is a practice area that is in limited supply in the State of Nebraska. Prior to his role with Baird Holm, Mr. Moore served as a Deputy Chief of the Employment Litigation Section and a Senior Trial Attorney in the Housing Section of the Civil Rights Division of the U.S. Department of Justice in Washington, D.C. In those roles, Mr. Moore led the Department's enforcement actions on fair housing pattern or practice cases.

Randy Stevenson and Mark McQueen are attorneys with Baird Holm that have provided OHA with pro-bono advice on a number of occasions regarding OHA's changing employment practice obligations during the pandemic. In addition to consultations, Mr. Stevenson provided a number of complimentary webinars that educated OHA's staff on how to respond to the pandemic while ensuring continued operation. Mr. McQueen is an expert in labor relations and has experience representing the City of Omaha in its relationship with Nebraska Local 251. He routinely

represents employers before the National Labor Relations Board, the Wage and Hour and FMLA Divisions of the Department of Labor, and state and federal EEO agencies.

Baird Holm also has a robust and experienced real estate development team. However, Reno Cavanaugh, a national law firm headquartered in Washington D.C., has specific experience representing housing authorities across the country. Reno Cavanaugh's practice is specifically tailored to representing housing authorities in Rental Assistance Demonstration (RAD) conversions, Choice Neighborhood Grants (CNI and CNP), project based vouchers (PBVs) and other HUD programs applicable to OHA. Despite having a litigation group, Reno Cavanaugh only responded to the real estate development portion of the RFP.

OHA staff is recommending that the Board of Commissioners approve contracts with Baird Holm for Litigation & Representation and Labor Relations & Human Resources and Reno Cavanaugh for Public, Affordable and Mixed-Income Real Estate Development.

PROCUREMENT POLICY AND REGULATIONS

Baird Holm's fees will be paid with Central Office Cost Center (COCC) funds. COCC funds are obtained by charging the Public Housing and Section 8 Departments fees for administration of the programs. COCC funds are "de-federalized"; Meaning that HUD intends for the funds to be treated as unrestricted income to the Housing Authority. A Federal Register Notice issued on September 6, 2006 (71 FR 52709) provides the following description of COCC funds:

Reasonable fees charged to properties and programs, as part of the fee-for-service approach, are not considered federal program income for the purpose of 24 CFR part 85. Rather, this fee income is considered local revenue and control over its use is subject only to state or local requirements imposed on individual PHAs.

COCC funds are not subject to federal, state, or OHA procurement rules. OHA is specifically exempt from state procurement rules (§71-1593) and OHA's Procurement Policy does not require procurement when COCC funds are being utilized. COCC funds are intended to provide PHAs with the flexibility to operate more efficiently and competitively with other multi-family housing providers.

CONFLICT OF INTEREST

OHA Board Rules of Conduct

OHA Commissioners are subject to Rules of Conduct that contain conflict of interest provisions. The rules require that Commissioners “declare any conflict of interest, be it real, potential, or apparent, that is not immediately obvious with regard to any matter being discussed” in a meeting. In addition, Commissioners are required disclose any conflict of interest to the OHA General Counsel on the Disclosure of Financial Interests form. For the purpose of the form, a conflict of interest arises when a commissioner may benefit financially, directly or indirectly, from a decision he or she could make in such capacity, including indirect benefits such as to family members or businesses with which the person is closely associated. If the OHA Board decides that a commissioner has a conflict, the Board can request that the conflicted commissioner leave the meeting and refrain from participating in any discussion regarding that subject.

Nebraska Housing Agency Act

The Nebraska Housing Agency Act clarifies what qualifies as a “conflict of interest” for housing commissioners in the State of Nebraska. The Act provides as follows:

71-15,150 Conflict of Interest; prohibited acts.

(1) Except as otherwise permitted under the provisions of sections 71-15,149 to 71-15,157, no housing agency official shall own or hold an interest in any contract or property or engage in any business, transaction, or professional or personal activity that would:

(a) Be or appear to be in conflict with such official's duties relating to the housing agency served by or subject to the authority of such official;

(b) Secure or appear to secure unwarranted privileges or advantages for such official or others; or

(c) Prejudice or appear to prejudice such official's independence of judgment in the exercise of his or her official duties relating to the housing agency served by or subject to the authority of such official.

(2) No housing agency official shall act in an official capacity in any matter in which such official has a direct or indirect financial or personal involvement. **The ownership of less than five percent of the outstanding shares of a corporation shall not constitute an interest within the meaning of this section.** No housing agency official shall use his or her public office or employment to secure financial gain to such official.

Commissioner Levy owns a 3.2 percent interest in Baird Holm. Therefore, under the Nebraska Housing Agency Act, the proposed contract with Baird Holm does not present a conflict of interest.

Even if there were a conflict of interest, the Nebraska Housing Agency Act would still permit approval of the contract provided Commissioner Levy disclosed the conflict and recused himself from the vote.

71-15,152. Housing agency official; recusal; when.

A housing agency official shall recuse himself or herself from any vote, decision, or other action and shall not directly or indirectly participate in any action or proceeding which involves an actual or potential conflict of interest as described in sections 71-15,149 to 71-15,157, including, but not limited to any matter:

- (1) With respect to which disclosure is required under section 71-15,151;
- (5) Involving any other action or circumstance prohibited under sections 71-15,149 to 71-15,157 or which otherwise gives rise to a real or apparent conflict of interest.

HUD Guidance

While not directly relevant due to the de-federalized status of the COCC funds, the HUD Procurement Handbook for Public Housing Authorities does provide guidance on handling conflicts of interest when federal funds are involved. The Handbook provides as follows:

No PHA employee, officer, or agent shall participate in the selection, award, or administration of a contract supported by Federal funds if a conflict of interest, financial or otherwise, real or apparent, would be involved. Such a conflict would arise when the employee, officer or agent, any member of his or her immediate family; his or her partner; or an organization which employs or is about to employ any of the above, has a financial or other interest in the firm selected for the award.

CONCLUSION

When a procured contract will be paid with COCC funds, conflict of interest is covered by OHA's Rules of Conduct and the Nebraska Housing Agency Act. Federal law and HUD regulations do not apply to COCC funds and HUD regulations do not cover conflict of interest for COCC funds. Awarding a contract to Baird Holm does not present a legal conflict of interest due to Chair Levy's 3.2 percent ownership share of the firm. The Nebraska Housing Agency Act specifically provides that ownership of less than a 5 percent interest does not constitute an

interest under the Act. However, award of a contract to Baird Holm does create a conflict of interest as it is defined in OHA's Rules of Conduct and Chair Levy is encouraged to disclose the conflict and abstain from taking action on the Baird Holm contract.

RESOLUTION NO. 2021 – 20
CONTRACT WITH BAIRD HOLM FOR LEGAL SERVICES-GENERAL LITIGATION

WHEREAS, staff of the Housing Authority of the City of Omaha (OHA) desire professional legal services in general litigation and representation, including appellate practice;

WHEREAS, staff issued a Request for Proposals which was advertised in the Daily Record; in addition, staff directly contacted 19 firms to solicit proposals;

WHEREAS, OHA received one proposal, from Baird Holm LLP, which was reviewed by a staff committee and determined to provide strong qualifications responsive to the scope of work; and

WHEREAS, OHA staff recommend that the Board of Commissioners approve a contract with Baird Holm LLP to provide legal services in general litigation and representation, including appellate practice, on an as-needed basis for a contract amount not to exceed \$100,000 and for a contract term of one year with an option to renew for four additional one-year terms;

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Commissioners hereby approve a contract with Baird Holm LLP to provide legal services in general litigation and representation, including appellate practice, on an as-needed basis for a contract amount not to exceed \$100,000 and for a contract term of one year with an option to renew for four additional one-year terms.

David Levy, Chairman
OHA Board of Commissioners

ATTEST

I, Joanie Poore, Assistant Secretary of the Housing Authority of the City of Omaha, do hereby certify that this resolution was properly adopted at the meeting of the Board of Commissioners of the Housing Authority of the City of Omaha held March 4, 2021.

Joanie Poore, Secretary
Housing Authority of the City of Omaha

6. STAFF AND COMMITTEE UPDATES

6.1. Housing Choice Voucher Program

Memorandum



To: Board of Commissioners
 From: Philisa Smith HCV Director
 Date: March 4, 2021
 Re: Monthly Utilization Report

PERIOD ENDING JANUARY 31, 2021

	<u>Allocated</u>	<u>Leased</u>	<u>Looking</u>
Housing Choice Voucher Base:	4745		0
HA Owned		04	
Home Ownership		61	
Tenant Protection		132	
Regular HCV (All other vouchers)		3823	
Total Vouchers Leased			<u>4430</u>
Housing Choice Voucher Utilization: 93%			

	<u>Leased</u>	<u>Looking</u>
Portable Vouchers		
Port Billing	75	67
Port Out	106	

	<u>Allocated</u>	<u>Leased</u>
Mainstream Vouchers	115	83

	<u>Allocated</u>	<u>Leased</u>
Project Based Vouchers	142	116

	<u>Allocated</u>	<u>Leased</u>	<u>Looking</u>
Mod Rehab	91		2
8MR4	91	<u>89</u>	
Total Leased:		89	
Mod Rehab Utilization (using allocated): 98%			

Memorandum



To: Board of Commissioners
From: Philisa Smith HCV Director
Date: March 4, 2021
Re: Monthly Utilization Report

PERIOD ENDING JANUARY 31, 2021

	<u>Allocated</u>	<u>Leased</u>	<u>Looking</u>
VASH Vouchers	157	105	0
VASH Utilization: 67%			

	<u>Allocated</u>	<u>Leased</u>	<u>Looking</u>	<u>Referral</u>
HOME TBRA	41	20	25	1
TBRA Utilization: 49%				

Memorandum



To: Board of Commissioners
From: Philisa Smith HCV Director
Date: March 4, 2021
Re: Monthly Utilization Report

PERIOD ENDING JANUARY 31, 2021

January 2021

Inspections – 510 Total Conducted
500 Section 8 inspections conducted
24.5% failed of the 311 annual and 57 initial and transfer inspections
117 follow up inspections
3 special, complaint and management inspections
12 Other inspections (relocation and inconclusive)
10 Public housing scattered site inspections conducted

Memorandum



To: Board of Commissioners
From: Philisa Smith HCV Director
Date: March 4, 2021
Re: Monthly Utilization Report

HUD Delinquency Report

PERIOD ENDING JANUARY 31, 2021

January	2021	95.08%
December	2020	95.56%
November	2020	95.37%
October	2020	94.92%
September	2020	95.38%
August	2020	94.97%
July	2020	94.78%
June	2020	94.98%
May	2020	95.17%
April	2020	94.65%
March	2020	95.11%
February	2020	95.95%
January	2020	95.05%

*HUD mandates for SEMAP the delinquency reporting rate on percent of families with reexaminations completed must be 95% by PHA fiscal year end. If this threshold is not met, OHA would receive zero points.

Memorandum



To: Board of Commissioners
From: Philisa Smith HCV Director
Date: March 4, 2021
Re: Monthly Utilization Report

6.2. Asset Management (Public Housing)

**Omaha Housing Authority
PHAS Substandard Management Action Plan**

The below action plan is being put into place effective April 2020 (modified in June and July 2020) to address the Substandard Management designation assigned by HUD on December 13, 2019:

Action Item	Target Completion Date	October 2020 Update	December 2020 Update	February 2021
Occupancy Plan				
<p>1. OHA will evaluate the current waiting list, tenant selection, and initial certification processes to ensure coordination with OHA staff and timely preparation for move-ins. OHA will also assess existing new tenant intake policies and practices and consider implementing those that would contribute to quicker lease up, such as starting the certification process earlier or limiting the number of unit-offer turn-downs for new tenants. The ACOP will be updated to reflect recommended changes.</p>	6/30/20	<p>Intake practices updated – emails sent with DocuSign process adjusted. And, generating list weekly to locate and issue offer letters for available 5+ bedroom units more often.</p> <p>Additional minor changes to ACOP will be presented to OHA board in November 2020 – adjusting definition of scattered-site, which should add eligibility for many tenants to sites which will no longer be considered for the scattered-site work preference.</p>	<p>Larger bedroom units have been offered. The waitlist is not being generated weekly, but is being generated regularly and offers sent based upon available units. Shift to mostly electronic application processes has proven to be difficult due to low prospective tenant follow-through and response. Another position was added to the Intake Dept. in December to assist directly with electronic application processes.</p> <p>ACOP updates leasing and transfer chapters were approved at the December 2020 board meeting. Certification chapter changes are still pending for early 2021.</p> <p>Changes were made to tenant selection procedures and forms to increase tenant choice and reduce the number of turndowns.</p>	<p>ACOP updates continue.</p> <p>Waitlist is generated weekly for larger units as vacancies are identified.</p> <p>Improvements are being seen in the response time for application processing. Another position, a Leasing Coordinator, will be added to streamline the processes between Intake and PH.</p> <p>Currently working with Yardi to bring the entire certification process into Rent Café to streamline the online submission. A technical issue related to signatures by all household members rather than just the HoH is in process. OHA is working on the application process while that is resolved.</p>

<p>2. Move out inspections will be completed within 1-2 business days of the unit becoming vacant or if a unit is found abandoned. Downtime will be tracked and action plans will be created for any AMPs above this benchmark. Progress will be monitored on a monthly basis.</p>	<p>7/1/20</p>	<p>Baseline was determined and action plans are in place for properties that are below the benchmark.</p>	<p>As of November 2020 days from vacancy to maintenance is: 11/27 properties are currently meeting the goal of 1-2 days downtime. 5/27 have downtime days of 3-4 and 11/27 exceed 4 days. Monitoring monthly and action plans are in place to work toward this goal.</p>	<p>As of Jan 2021 days from vacancy to maintenance is: 9/27 properties are currently meeting the goal of 1-2 days downtime. 4/27 have downtime days of 3-4. Monthly monitoring and action plans are in place to work toward this goal.</p>
<p>3. Vacant units have a maximum of 14 days to make ready. Individual goals will be created for each AMP to work toward this goal, based on baseline performance. Action plans will be created for any AMP not meeting goals. Progress will be monitored on a monthly basis and reported to board quarterly.</p>	<p>7/1/20</p>	<p>Baseline was determined and action plans are in place for properties that are below the benchmark.</p>	<p>As of November 2020, days to make ready is: 7/27 properties are currently meeting the goal 14 days make ready time. 5/27 have make ready days of 15-30 and 15/27 exceed 30 days. A workgroup is being formed in 2021 to develop a plan to address turnaround time procedures.</p>	<p>As of Jan 2021, days to make ready is: 7/27 properties are currently meeting the goal 14 days make ready time (or have no vacancies). 4/27 have make ready days of 15-30.</p> <p>A change-project workgroup has begun meeting to assess all factors surrounding unit turn and to set specific, measured goals to improve unit turn timeframes.</p>
<p>4. OHA will continue to assess the feasibility and desirability of under-occupied developments and consider repositioning options if appropriate. OHA is currently following up on several recommendations from TA related to Housing in Omaha Properties. Additional assessments, including an updated needs assessment, will be conducted on other under-occupied developments.</p>	<p>Ongoing</p>	<p>Brinshore is preparing repositioning options for Farnam and Ernie Chambers.</p> <p>Securities will be placed for sale in December. Commercial broker procured and developing the listing.</p> <p>Awaiting HUD general counsel opinion on use of Pleasantview funds and RHF funds for purchase of Park, Pinkney, Binney, and Emmet Villas.</p>	<p>OHA anticipates Securities being listed for sale in February 2021.</p> <p>OHA will proceed with processes to list and sell the Farnam building in 2021.</p> <p>Brinshore will assist with repositioning options for Ernie Chambers Court. If options are not considered to be viable and timely, OHA will consider disposal through sale.</p> <p>HUD General Counsel provided approval to use RHF funds to purchase Park Villa. Site acquisition and development</p>	<p>Pending the Environmental Review from the City of Omaha to submit the disposition application to the SAC for the sale of Securities.</p> <p>Assessing repositioning or disposition options for Farnam and Chambers.</p> <p>Park Villa will be acquired in 2021 using RHF and Pleasantview funds. Remaining Pleasantview funds and funds from the sale of scattered-site homes will be used for repairs and renovations.</p>

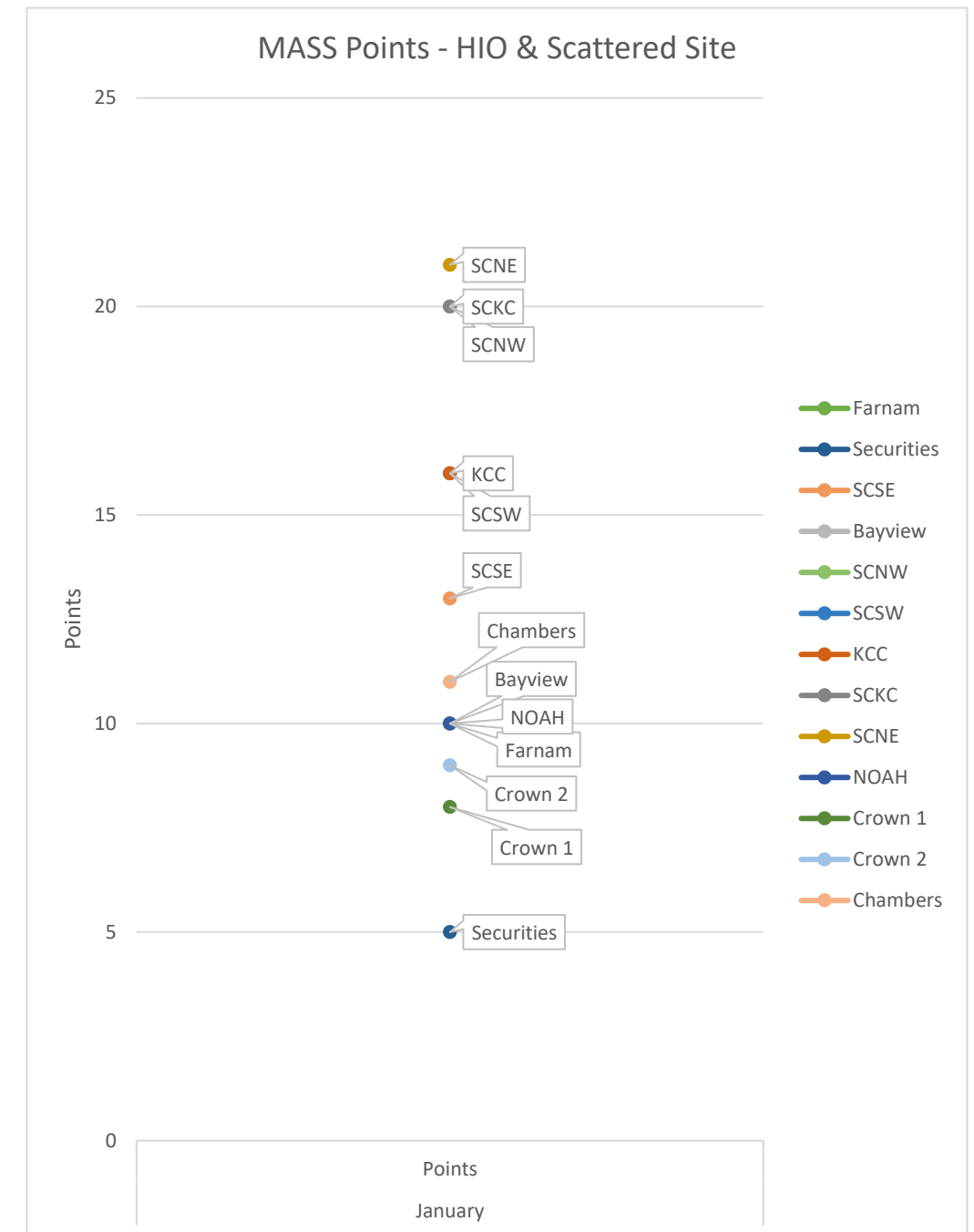
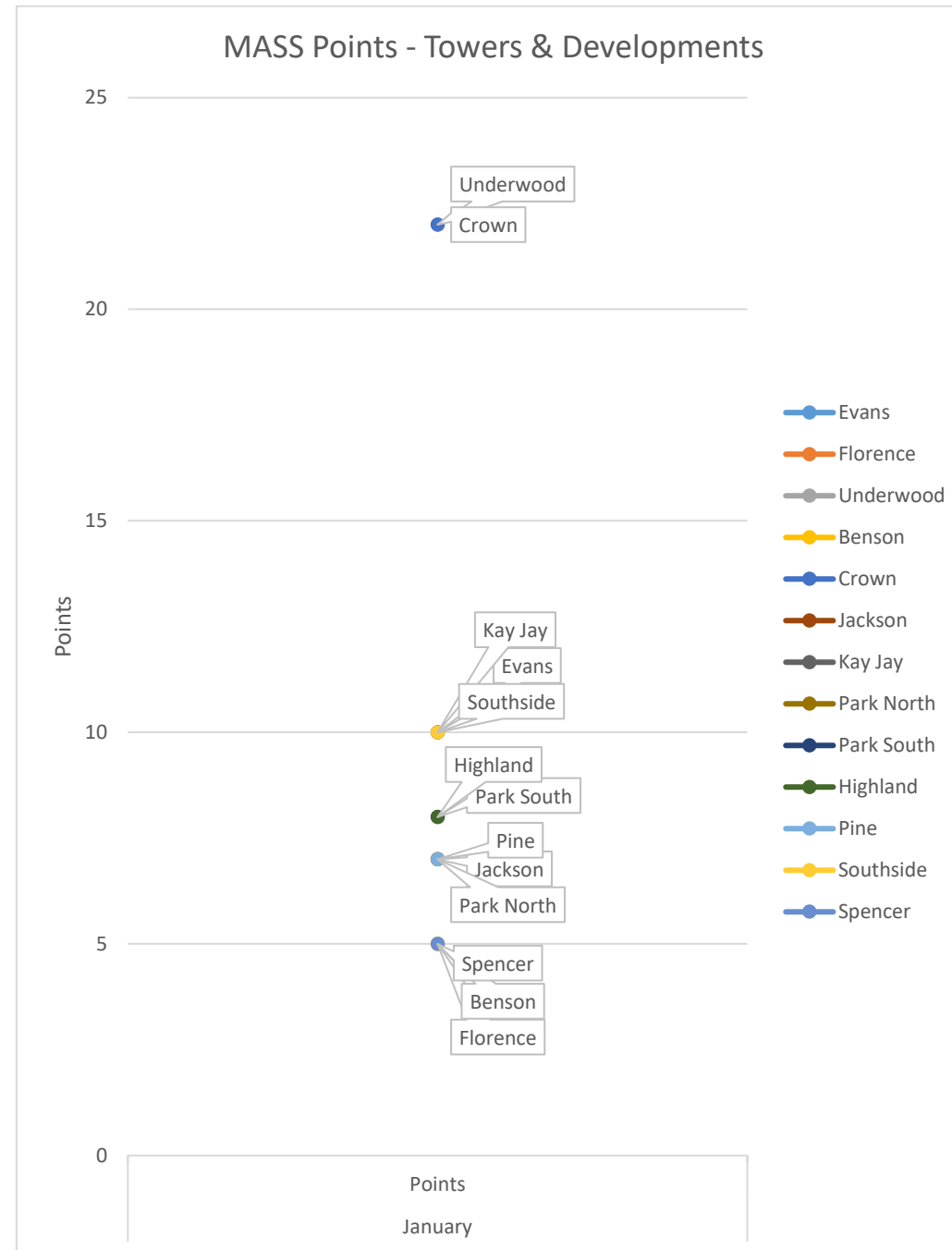
			<p>proposal will be submitted to HUD in early 2021.</p> <p>Site acquisition and development proposal for the purchase of Binney, Emmet, and Pinkney Villas using Pleasantview funds will also be submitted.</p> <p>OHA anticipates selling between 20-40 scattered-site homes in 2021. Prospective homes have been identified. A Section 18 disposition application will be submitted to the SAC in early 2021.</p>	<p>Also anticipate acquiring Binney, Emmet, and Pinkney Villas to convert to PH in 2021.</p> <p>Scattered-site home sales disposition application will be submitted today. 6 of the homes planned for sale will have to be removed from the Section 32 application and then reapply for Section 18.</p> <p>Currently considering a RAD conversion for Jackson Tower. First step will be to issue an updated RFP for a developer.</p>
<p>5. OHA will ensure that units taken off line for modernization, special use, or other allowed reasons have been approved by HUD and are correctly classified in HUD systems. This includes updating the Five Year and Annual plans. Policies and systems to identify, track and report units that are eligible for exemption will be created and implemented.</p>	<p>6/30/20 & Ongoing</p>	<p>HUD regulations require external contracts in place for modernization approval. OHA utilizes internal general contractor to assess and manage modernization. An OHA practice or HUD regulatory change would be needed to submit for modernization, along with amendments for 5-year and annual plan inclusion.</p> <p>On-going assessment of internal systems to determine if modernization status is possible.</p>	<p>Several units have been taken off-line for casualty loss and special use.</p> <p>OHA is currently exploring potential RAD/Section 18 blends for underutilized properties. If this is not feasible, modernization will be explored.</p> <p>OHA is also working to secure additional general contracting companies to assist with modernization projects.</p>	<p>All units that are eligible for exemption in PIC have been identified as such. We have policies in place for requesting special use and casualty loss as needed into the future.</p> <p>OHA will work in collaboration with HUD and the capital funds team when appropriate for modernization projects.</p> <p>**GOAL COMPLETED 02/2021**</p>
<p>6. OHA will assess the agency's marketing and outreach plan and ensure all advertising</p>	<p>4/23/20 – 7/30/20</p>	<p>Presentations to various community groups have taken</p>	<p>OHA's website will be modified to include better property information and photos.</p>	<p>A web design company is working on new designs for consideration by OHA.</p>

<p>tools and media resources are being deployed to establish a sufficient pool of applicants. A workgroup has recently been created around this goal and is developing recommendations and an action plan related to this item.</p>		<p>place (70+ organizations) to inform referral sources about open units and application processes.</p> <p>Internal website has had some updates completed, more information and pictures will be added.</p>		<p>Those designs will be available in February. Once new design is determined, the streamlined webpage will be implemented.</p>
<p>7. OHA will review the feasibility of combining several AMPs in order to create efficiencies.</p>	<p>9/30/20</p>	<p>Still pending approval through REAC.</p>	<p>Still pending approval through REAC. OHA has followed up with SAC for an update.</p>	<p>Still waiting for REAC. --Local HUD—Can you assist??</p>
<p>8. OHA will ensure that all <i>current</i> emergency and incentive transfers are processed by 06/30/2020, all administrative transfers processed as soon as units become available based upon bedroom size, and all <i>subsequent</i> requests are processed on at least a weekly basis.</p>	<p>6/30/20</p>	<p>All emergency, incentive and administrative transfers for which there is an available unit, have been offered. List is current and monitored weekly. Currently also working on tenant requested transfers.</p>	<p>The ACOP chapter that governs transfer policies was just amended and approved in December 2020. The current transfer list will be updated based upon the new policies.</p> <p>The list is currently reviewed weekly. Offers are going out regularly.</p>	<p>Continue to review requests via former transfer policy. Anticipate completing that work this month and then shifting fully to the new ACOP policy for transfers.</p>
<p>9. OHA will evaluate the projected number of needed applicants to fill each bedroom size based on current vacancy and turnover rates and compare to the waitlist on at least a monthly basis. Marketing and outreach to community partners will be adjusted as determined by the waitlist and vacancy comparison.</p>	<p>6/30</p>	<p>Total number of offers is based upon the vacant, available units. Offers are issued throughout each month based upon first and second choices of applicants.</p> <p>Application process shifting to Yardi for online certifications. Started with interims and annuals, applications will be in 2021.</p>	<p>Overall intake and offer systems are being continuously evaluated and revised due to pandemic-related changes. Occupancy continues to decline.</p> <p>Recent procedure changes include offering a second choice for applicants who decline initial offers, if a unit that meets their family composition is available.</p>	<p>**Goal Completed 02/2021, or managed under #1 and #6 above.**</p>

		Still need to identify how many offers are needed to fill given units.	Revised scattered-site preference to remove the work-requirement from multifamily sites. Still need to identify how many offers are needed to fill given units.	
Resident Accounts Receivable Plan				
1. OHA will increase revenue by monitoring the tenant's accounts receivables and progress toward goals via internal outcomes tracking tools.	6/1/20 & Ongoing	Past tenant accounts audited in September 2020, write-offs completed for board approval in November. Also issued notice for tenants not paying rent in accordance with CDC moratorium.	See goal 1 actions. Repayment plans have been offered. Staff are working with community agencies to assist tenants to access CARES Act rental assistance funds.	On-going efforts covered in Goal 1, above. OHA met TAR goals in October and December, and was just short of meeting the goal in November. We are very pleased with this progress, especially considering the pandemic.
Accounts Payable Plan				
1. Reduce accounts payable by monitoring time to process PO's via internal outcomes tracking tools.	6/1/20 & Ongoing	Yardi P2P implementation/training taking place in October and November 2020. Implementation planned for November 2020.	The PHAS score will be monitored monthly by AMP starting in 2021. P2P implementation continues.	AP aging is being monitored via quarterly outcomes reports in 2021. Significant improvement was seen in the past year. 12/31/2019, OHA had approximately \$287K in accounts payable and on 12/31/2020, we had \$140K.

PHAS MASS Points *Goal = 22+, Standard = 16-22*

Month	% of Units	January		
		# of Units	Points	Product
Evans	4%	110	10	1100
Florence	4%	106	5	530
Underwood	4%	104	22	2288
Benson	5%	143	5	715
Crown	6%	149	22	3278
Farnam	1%	20	10	200
Securities	1%	35	5	175
Jackson	8%	207	7	1449
Kay Jay	4%	117	10	1170
Park North	4%	105	7	735
Park South	4%	116	8	928
Highland	4%	106	8	848
Pine	5%	143	7	1001
SCSE	6%	145	13	1885
Bayview	0%	12	10	120
Southside	14%	356	10	3560
Spencer	4%	111	5	555
SCNW	4%	112	20	2240
SCSW	3%	75	16	1200
KCC	1%	37	16	592
SCKC	0%	3	20	60
SCNE	9%	231	21	4851
NOAH	1%	24	10	240
Crown 1	0%	6	8	48
Crown 2	0%	12	9	108
Chambers	1%	32	11	352
TOTAL	100%	2617	11.55	30228



Asset Management Report - Public Housing January 31, 2021

PROPERTY				TENANT ACCOUNTS RECEIVABLE					PAYABLE	NET OPERATING INCOME (BEFORE NON-CASH)						
Type	Zone	Units	Project	TAR Balance	Tenant Revenue	Previous Mo TAR Ratio	TAR to Revenue Ratio	TAR Trend	AP/ Mo Expense Ratio	Monthly Acutal	Monthly Budget	Monthly Variance	YTD Actual	YTD Budget	YTD Variance	NOI/ Unit
OHA PUBLIC HOUSING																
Towers - General	1	106	Florence Tower	\$68,263	\$12,105	1.2	5.6	↑	0.2	-\$18,319	\$2,742	-\$21,061	-\$18,319	\$2,742	-\$21,060	-\$173
	2	143	Benson Tower	\$78,624	\$28,815	1.7	2.7	↑	0.1	\$12,536	-\$3,685	\$16,221	\$12,536	-\$3,685	\$16,222	\$88
	3	207	Jackson Tower	\$56,513	\$29,101	1.7	1.9	↑	0.2	-\$24,380	-\$9,523	-\$14,857	-\$24,380	-\$9,523	-\$14,856	-\$118
	4	105	Park North Tower	\$28,361	\$18,731	1.5	1.5	-	0.2	-\$9,372	\$4,457	-\$13,829	-\$9,372	\$4,457	-\$13,828	-\$89
	4	116	Park South Tower	\$37,449	\$23,306	2.2	1.6	↓	0.2	-\$1,767	\$3,791	-\$5,558	-\$1,767	\$3,791	-\$5,557	-\$15
	4	106	Highland Tower	\$31,567	\$17,994	1.5	1.8	↑	0.1	-\$3,777	\$13,779	-\$17,556	-\$3,777	\$13,779	-\$17,555	-\$36
	5	143	Pine Tower	\$32,085	\$21,430	1.5	1.5	-	0.1	-\$17,806	\$5,916	-\$23,722	-\$17,806	\$5,916	-\$23,721	-\$125
Elderly	1	110	Evans Tower	\$14,862	\$17,353	0.8	0.9	↑	0.1	-\$10,196	\$1,561	-\$11,757	-\$10,196	\$1,561	-\$11,757	-\$93
	2	149	Crown Tower	\$25,655	\$39,152	0.8	0.7	↓	0.2	-\$6,512	\$952	-\$7,464	-\$6,512	\$952	-\$7,463	-\$44
	1	104	Underwood Tower	\$4,011	\$25,929	0.9	0.2	↓	0.2	\$1,881	\$2,262	-\$380	\$1,881	\$2,262	-\$380	\$18
	3	117	Kay Jay Tower	\$13,148	\$25,215	0.4	0.5	↑	0.3	-\$5,292	-\$3,928	-\$1,364	-\$5,292	-\$3,928	-\$1,363	-\$45
Fam	7	111	Spencer Homes	\$54,453	\$19,247	2.8	2.8	-	0.1	\$9,880	-\$2,348	\$12,230	\$9,880	-\$2,348	\$12,230	\$89
	6	356	Southside Terrace	\$49,309	\$70,083	0.7	0.7	-	0.4	-\$50,435	-\$17,160	-\$33,274	-\$50,435	-\$17,160	-\$33,273	-\$142
Houses/ Duplexes	8	231	Scattered Site NE	\$73,285	\$63,157	1.1	1.2	↑	0.2	\$6,911	\$226,804	-\$233,714	\$6,911	\$226,804	-\$233,714	\$30
	5	144	Scattered Site SE	\$32,341	\$40,114	0.8	0.8	-	0.1	\$12,588	-\$971	\$13,559	\$12,588	-\$971	\$13,560	\$87
	5	1	Scattered Site Monroe	\$0	\$62	0.0	0.0	-	0	\$317	\$126	\$191	\$317	\$126	\$191	\$317
	7	112	Scattered Site NW	\$62,614	\$9,510	2.5	6.6	↑	0.3	-\$12,700	\$1,612	-\$14,312	-\$12,700	\$1,612	-\$14,312	-\$113
	7	3	Scattered Site Keystone	\$16,768	\$1,820	8.8	9.2	↑	0.6	\$3,616	\$2,620	\$997	\$3,616	\$2,620	\$997	\$1,205
	7	75	Scattered Site SW	\$34,460	\$16,467	1.9	2.1	↑	0.1	-\$5,234	-\$2,241	-\$2,992	-\$5,234	-\$2,241	-\$2,992	-\$70
OHA Total				\$380,906	\$328,109	1.3	1.16	↓		-\$55,175	\$209,290	-\$278,280	-\$55,175	\$209,290	-\$278,276	\$41

PROPERTY				TENANT ACCOUNTS RECEIVABLE					PAYABLE	NET OPERATING INCOME (BEFORE NON-CASH)						
Type	Zone	Total Units	Project	TAR Balance	Tenant Revenue	Previous Mo TAR Ratio	TAR to Revenue Ratio	TAR Trend	AP/ Mo Expense Ratio	Monthly Actual	Monthly Budget	Monthly Variance	YTD Actual	YTD Budget	YTD Variance	NOI/ Unit
HIO PUBLIC HOUSING (MIXED FINANCE)																
Apartments	8	70	Ernie Chambers Court	\$21,659	\$11,551	0.8	1.9	↑	0.2	-\$25,928	-\$20,004	-\$5,922	-\$25,928	-\$20,004	-\$5,922	-\$370
	2	35	Securities	\$10,894	\$2,919	2.3	3.7	↑	0.3	-\$13,513	-\$7,470	-\$6,042	-\$13,513	-\$7,470	-\$6,041	-\$386
	2	30	Farnam	\$4,976	\$8,771	0.7	0.6	↓	0.2	-\$3,398	-\$3,881	\$483	-\$3,398	-\$3,881	\$21,693	-\$113
	5	12	Bayview	\$4,196	\$4,537	0.4	0.9	↑	0.1	-\$2,352	\$4,264	-\$6,617	-\$2,352	\$4,264	-\$6,616	-\$196
Houses	8	24	North Omaha Homes	\$11,936	\$8,081	0.5	1.5	↑	0	-\$11,347	-\$6,854	-\$4,492	-\$11,347	-\$6,854	-\$4,492	-\$473
	8	16	Crown I	\$17,772	\$4,595	4.5	3.9	↓	0.1	-\$1,172	-\$3,484	\$2,313	-\$1,172	-\$3,484	\$2,313	-\$73
	8	12	Crown II	\$3,276	\$2,691	0.6	1.2	↑	0.2	-\$2,293	-\$1,693	-\$599	-\$2,293	-\$1,693	-\$599	-\$191
	7	37	Keystone Crown Creek	\$47,777	\$9,831	4.8	4.9	↑	0.1	-\$5,325	-\$6,764	\$1,439	-\$5,325	-\$6,764	\$1,440	-\$144
HIO Total				\$84,957	\$29,735	1.6	2.9	↑		-\$22,490	-\$14,530	-\$7,956	-\$22,490	-\$14,530	-\$7,954	-\$243
TOTAL - ALL PUBLIC HOUSING				\$465,863	\$357,844	1.37	1.30	↓		-\$77,665	\$194,759	-\$286,237	-\$77,665	\$194,759	-\$286,231	

TAR Benchmark = <1.5%, At Risk = 1.5% to 2.4%

AP Benchmark = <0.75, At Risk = 0.75 to 1.5

OHA Board Report Summary

Property Management – March 2021 Board Meeting

PHAS (Public Housing Assessment System)

PHAS indicators will be tracked internally for each property and the agency as a whole. PHAS is the scoring system HUD uses to track PHA performance. It is comprised of a 100 point scale with 4 categories:

- PASS (Physical Assessment Subsystem) – 40 points
- FASS (Financial Assessment Subsystem) – 25 points
- MASS (Management Assessment Subsystem) – 25 points
- CFP (Capital Fund Program) – 10 points

The management category is the category that OHA received sub-standard score for in 2019, resulting the current action plan. MASS scores include points for: occupancy, resident accounts receivable, and accounts payable. Updates to the action plan are included in the attachments for this month.

Occupancy

The overall occupancy rate for public housing has decreased from 88.4% in December to 87.9% in January. The number of units leased has decreased from the previous month. The properties highlighted in red on the occupancy report received 0-1 of the total 16 points available for the occupancy category of the MASS scores. Leasing goals were set for properties with pending offers.

A Leasing Coordinator position has been created and will be posted in February. This position will be responsible to manage all new intake and transfer offers to assist with timely lease up, in addition to assisting to coordinate marketing and outreach effort to ensure an adequate pool of applicants.

Turn Around Time

Properties have been tracking progress toward reducing turnaround time and developed individual action plans throughout 2020, however progress was limited. A workgroup was created and began meeting in February to develop solutions. The first change proposed by the group will take place in March. Vacancy turn crews have formed to “blitz” properties with a high number of aging vacant units and assist with reducing the backlog of units. The crews will move to a new property each week for the month of March. Progress will be reviewed at the end of March and a new change will be implemented in April, continuing monthly until the make ready goal of 14 days is achieved. More detailed data on current make ready times and the change project group charter is attached.

Asset Management

OHA met the TAR goal for the month of January and even improved on the previous month's score! Accounts payable goals were met for all properties! For almost all properties performing worse than budgeted, the primary reason was due to increased utility costs for the month. About half were impacted by lower than budgeted rental income. Transfers out also impacted SCSW and Evans.



PDSA Cycles (add more as needed)

PDSA Cycle #: 1	
Cycle Begin Date: March 1 st	Cycle End Date: March 26th
What is the change to be tested? Develop a plan to catch up on aging vacants (over 60 days) that are not ready by using vacant turn teams.	
P	PLAN: Plan the steps to carry out the cycle. Plan for data collection. What is your prediction for the test? Small group (Joe, Tori, Rob and Jennifer) will meet to outline steps.
D	DO: Carry out the plan. Document observations. Record data.
S	STUDY: Analyze the data. Compare results to predictions and pre-change data. Summarize what was learned.
A	ACT: Will you adopt, adapt or abandon the change? Why? Move on to next cycle.

PDSA Cycle #:	
Cycle Begin Date:	Cycle End Date:
What is the change to be tested?	
P	PLAN: Plan the steps to carry out the cycle. Plan for data collection. What is your prediction for the test?
D	DO: Carry out the plan. Document observations. Record data.
S	STUDY: Analyze the data. Compare results to predictions and pre-change data. Summarize what was learned.
A	ACT: Will you adopt, adapt or abandon the change? Why? Move on to next cycle.



EVALUATION AND SUSTAINABILITY PLAN

Project Outcomes (complete when project is finished)	
1. What was the project end date? (e.g., when you stopped making changes)	
2. What did you learn? (e.g., what were some lessons learned? Any unexpected outcomes from your change efforts?)	
3. What was the financial impact of this change project? (e.g., Increased volunteer hours; Reduced staff time; etc.)	

Sustainability Plan	
A. Who is the sustain leader?	
B. What changes do you want to sustain?	
C. What sustain steps are being taken to ensure that the changes stay in place and that it is not possible to revert back to the old way of doing things?	
D. What is the target sustain measure? (i.e., if data drops below this point, the Change Team will intervene to get things back on track.)	
E. What system is in place to effectively monitor the sustain measure?	

Additional Notes:

Occupancy Report - Public Housing
January 31, 2021

Type	Zone	Property	Total Units	Prev Mo # Vacant	Prev Mo % Occupied	Current Mo # Vacant	Current Mo Occupancy	Trend	Units Leased	Units Vacated	Mo Net Change	Turnover Rate	Av Days Vacant
Multifamily/ Towers	1	Florence Tower	106	12	88.7%	14	86.8%	↓	1	3	-2	2.8%	317
	2	Benson Tower	143	19	86.7%	20	86.0%	↓	2	3	-1	2.1%	184
	8	Chambers Court	32	9	92.0%	9	92.0%	-	0	0	0	0.0%	-
	2	Securities	35	14	60.0%	15	57.1%	↓	1	2	-1	5.7%	622
	2	Farnam	20	10	50.0%	8	60.0%	↑	2	0	2	0.0%	640
	3	Jackson Tower	207	58	72.0%	63	69.6%	↓	1	6	-5	2.9%	399
	4	Park North Tower	105	11	89.5%	11	89.5%	-	0	0	0	0.0%	-
	4	Park South Tower	116	10	91.4%	10	91.4%	-	1	1	0	0.9%	158
	4	Highland Tower	106	7	93.4%	9	91.5%	↓	0	2	-2	1.9%	-
	5	Pine Tower	143	13	90.9%	15	89.5%	↓	1	3	-2	2.1%	112
	5	Bayview	12	2	83.3%	2	83.3%	-	0	0	0	0.0%	-
	Timber Creek	45	3	93.3%	3	93.3%	-	0	0	0	0.0%	-	
Elderly	1	Evans Tower	110	23	79.1%	21	80.9%	↑	2	0	2	0.0%	334
	2	Crown Tower	149	7	95.3%	6	96.0%	↑	1	0	1	0.0%	113
	1	Underwood Tower	104	3	97.1%	4	96.2%	↓	0	1	-1	1.0%	-
	3	Kay Jay Tower	117	13	88.9%	16	86.3%	↓	1	4	-3	3.4%	187
Family	7	Spencer	111	20	82.0%	21	81.1%	↓	0	1	-1	0.9%	-
	6	Southside	356	47	86.8%	48	86.8%	↓	3	4	-1	1.1%	232
Single Family Homes/ Duplexes	8	Scat-Site North East	231	9	96.1%	9	96.1%	-	0	0	0	0.0%	-
	8	North Omaha Homes	24	2	91.7%	2	91.7%	-	0	0	0	0.0%	-
	8	Crown I	16	1	93.8%	1	93.8%	-	0	0	0	0.0%	-
	8	Crown II	12	2	83.3%	2	83.3%	-	0	0	0	0.0%	-
	5	Scat-Site South East	144	11	92.4%	11	92.4%	-	0	0	0	0.0%	-
	5	3619 Monroe St.	1	0	100.0%	0	100.0%	-	0	0	0	0.0%	-
	7	Scat-Site North West	112	1	99.1%	1	99.1%	-	0	0	0	0.0%	-
	7	Keystone Crown Creek	37	1	97.3%	1	97.3%	-	0	0	0	0.0%	-
	7	SC Keystone Crown	3	0	100.0%	0	100.0%	-	0	0	0	0.0%	-
7	Scat-Site South West	75	2	97.3%	2	97.3%	-	0	0	0	0.0%	-	
Total			2672	310	88.4%	324	87.9%		16	30	-14	1.1%	299.8

Occupancy Benchmark: Exceeds Standards = 98%, Standard = 96%, At Risk = 95.9-93%, Below Standards = <93%

6.3. Housing in Omaha, Inc.

6.4. Compliance

Memorandum



To: The Board of Commissioners

From: Susan Gilroy, Director of Compliance

Date: March 4, 2020

Re: January 31, 2021 Reexamination Report

HUD Delinquency Reporting Rate as of January 31, 2021 = 93.75%			
<u>Files with annual review dates November 30, 2020 and prior</u>			
	Property	# of Late Files	
Zone 1	Evans Tower	2	
	Florence Tower	1	
	Underwood Tower	2	
Zone 2	Benson Tower	3	
	Crown Tower	3	
	Farnam Apts	0	
	Securities Building	1	
Zone 3	Jackson Tower	5	
	Kay Jay Tower	0	
Zone 4	Highland Tower	5	
	Park North Tower	4	
	Park South Tower	4	
Zone 5	Pine Tower	3	
	Scattered Site South East	14	
	SCMO	0	
Zone 6	South Side Terrace	40	
Zone 7	Scattered Site North West	20	
	Scattered Site South West	5	
	Spencer Homes	7	
	Scattered-Site Keystone	0	
	Bayview Apts	7	
	Keystone Crown Creek	9	
Zone 8	Scattered Site North East	4	
	North Omaha Affordable Homes	6	
	Crown I	1	
	Crown II	0	
	Ernie Chambers Court	3	
	Timber Creek Apartments	2	
Total Late HUD		151	

Memorandum



To: The Board of Commissioners

From: Susan Gilroy, Director of Compliance

Date: March 4, 2020

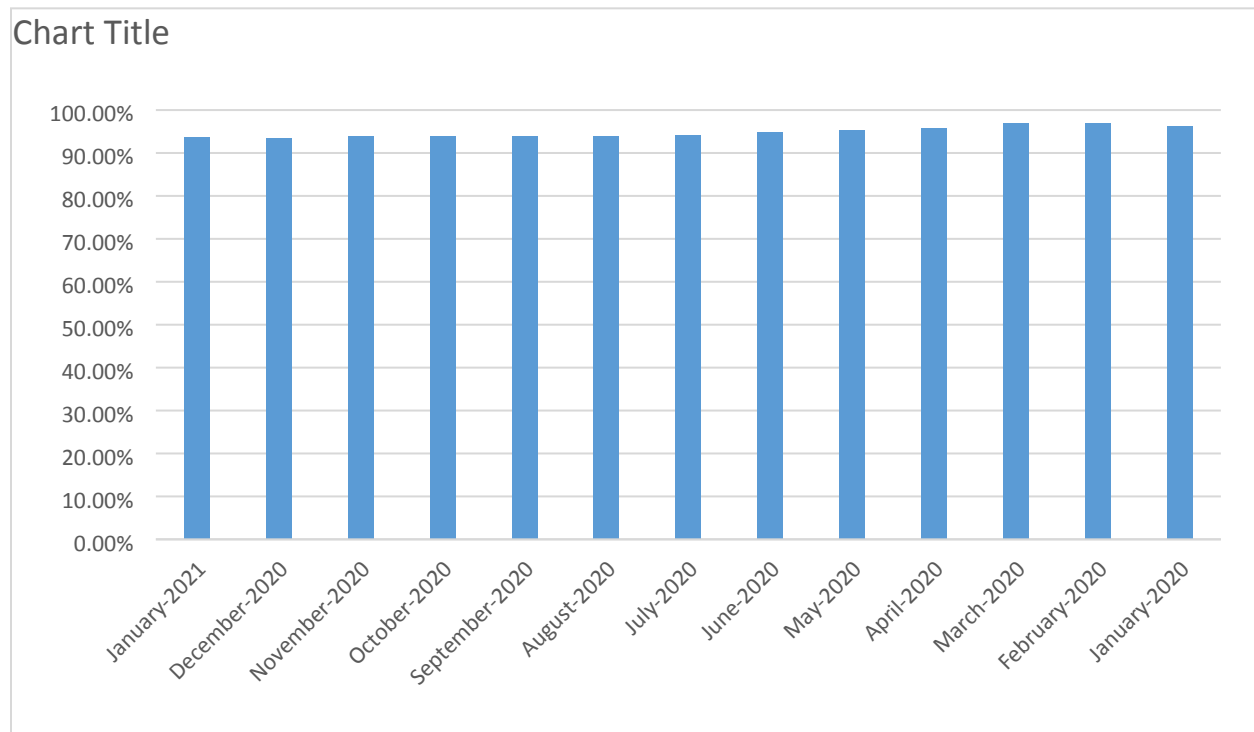
Re: January 31, 2021 Reexamination Report

Memorandum



To: The Board of Commissioners
From: Susan Gilroy, Director of Compliance
Date: March 4, 2021
Re: January 31, 2021 Reexamination Report

HUD DELINQUENCY REPORT



January 2021 - 93.75%

HUD minimum Reporting Rate 98%

Memorandum



To: The Board of Commissioners

From: Susan Gilroy, Director of Compliance

Date: March 4, 2021

Re: January 31, 2021 Reexamination Report

Memorandum



To: The Board of Commissioners

From: Susan Gilroy, Director of Compliance

Date: March 4, 2021

Re: Public Housing Offer List as of January 31, 2021

Public Housing Intake				
January New Applications		205		
Approved Applicant Offer Letters Mailed		63		
Zone 1	Total Units	Number of Vacant Units	New Offers Issued	Total Number of Offers Pending
Evans Tower	110	21	2	7
Florence Tower	106	14	2	2
Underwood Tower	104	4	0	2
Zone 2				
Zone 2	Total Units	Number of Vacant Units	New Offers Issued	Total Number of Offers Pending
Benson Tower	143	20	5	10
Crown Tower	149	6	2	6
Securities	35	15	1	10
Farnam PH	20	8	4	18
Farnam Tax Credit	10	2	1	1
Zone 3				
Zone 3	Total Units	Number of Vacant Units	New Offers Issued	Total Number of Offers Pending
Jackson Tower	207	63	12	22
Kay Jay Tower	17	14	3	11
Zone 4				
Zone 4	Total Units	Number of Vacant Units	New Offers Issued	Total Number of Offers Pending
Highland	106	9	2	8
Park North	105	11	1	8
Park South	116	10	0	8
Zone 5				
Zone 5	Total Units	Number of Vacant Units	New Offers Issued	Total Number of Offers Pending
Pine Tower	143	15	3	9
Scattered Site South East	145	11	4	10
Scattered Site Monroe	1	0	0	0
Bayview	12	2	0	2
Zone 6				
Zone 6	Total Units	Number of Vacant Units	New Offers Issued	Total Number of Offers Pending
Southside	359	45	8	31

Memorandum



To: The Board of Commissioners

From: Susan Gilroy, Director of Compliance

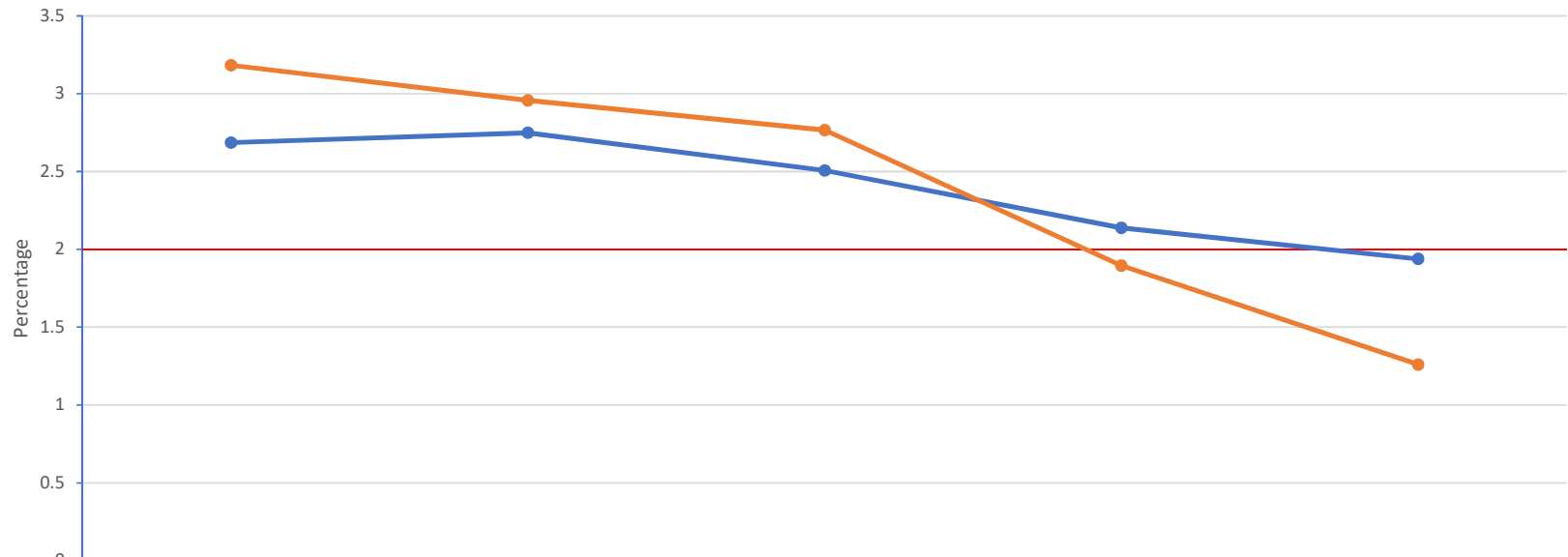
Date: March 4, 2021

Re: Public Housing Offer List as of January 31, 2021

Zone 7	Total Units	Number of Vacant Units	New Offers Issued	Total Number of Offers Pending
Scattered SCKC	3	0	0	0
Scattered Site North West	112	1	0	8
Scattered Site South West	75	2	0	1
Spencer Homes	111	* 21	0	0
Keystone Crown Creek	37	1	1	1
VILLAS	56	9	0	0
Zone 8	Total Units	Number of Vacant Units	New Offers Issued	Total Number of Offers Pending
Scattered North East	247	9	9	22
North Omaha Homes	24	2	0	3
Crown I	16	1	0	5
Crown II	12	2	0	1
Ernie Chambers Court PH	32	7	1	9
Ernie Chambers Tax Credit	38	5	0	0
Property	Total Units	Number of Vacant Units	New Offers Issued	Total Number of Offers Pending
Timber Creek	45	** 10	2	2
* CNI GRANT @ SPENCER VACANT UNITS NOT BEING RE-LEASED				
* * TIMBERCREEK - 9 FIRE VACANT UNITS UNDER RENOVATION				

6.5. Financials

Public Housing Quick Ratio



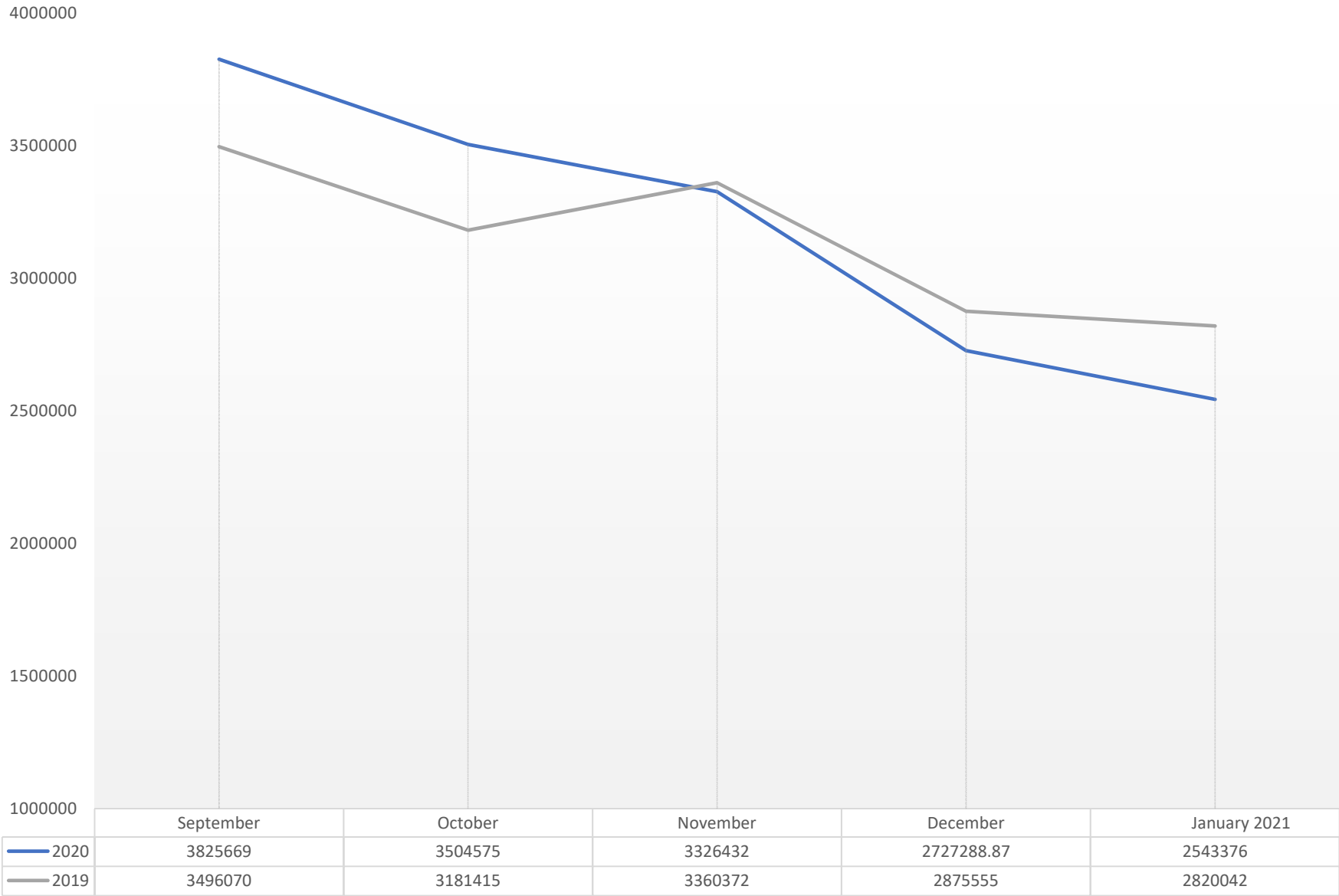
	September	October	November	December	January 2021
● 2020	2.685765615	2.748485797	2.506124743	2.138071964	1.938207526
● 2019	3.182828728	2.956092743	2.765592594	1.895180185	1.260195703

Months

Public Housing MENAR Months Expended Net Assets Ratio

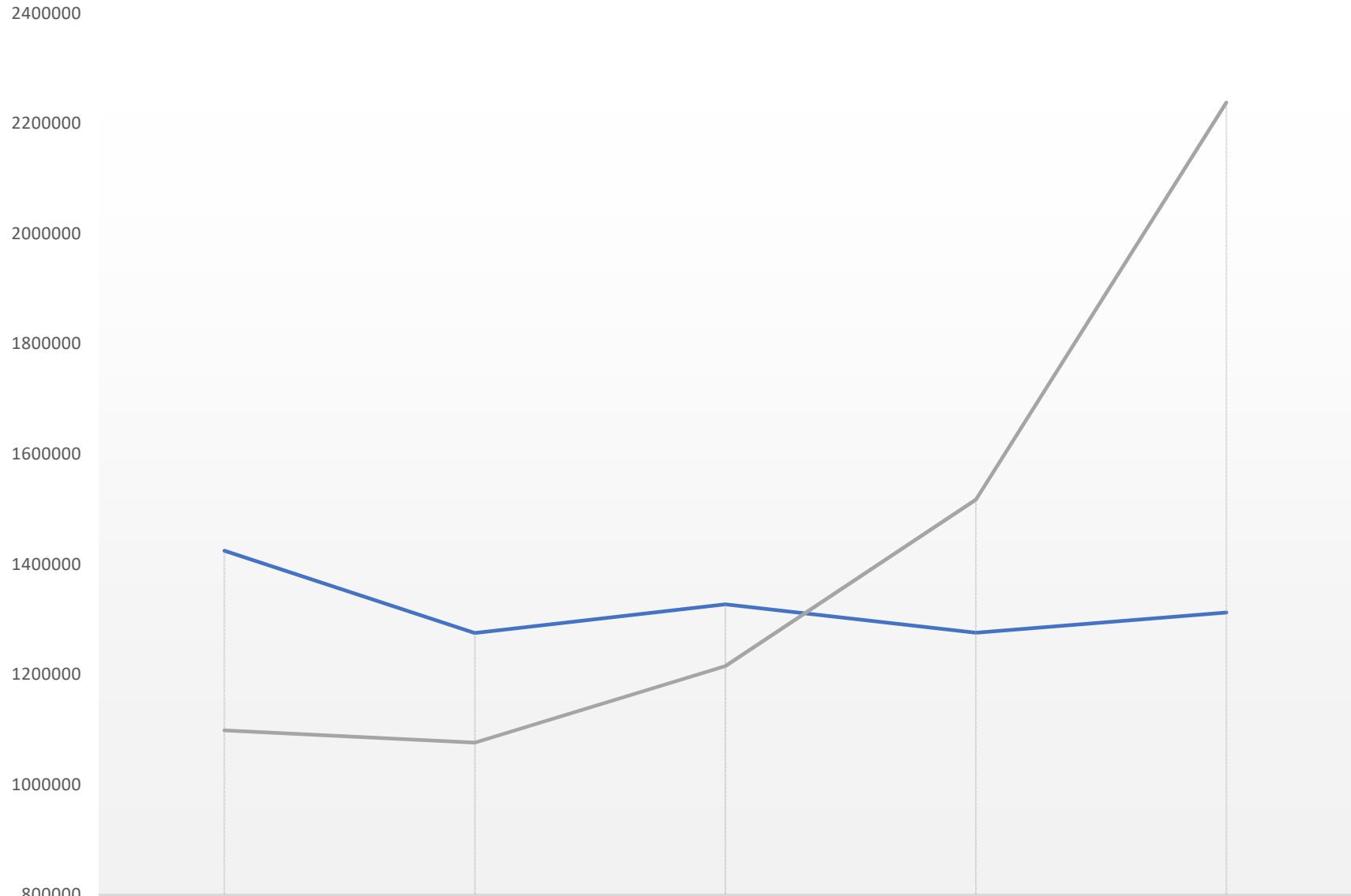


Public Housing Current Asset Comparison



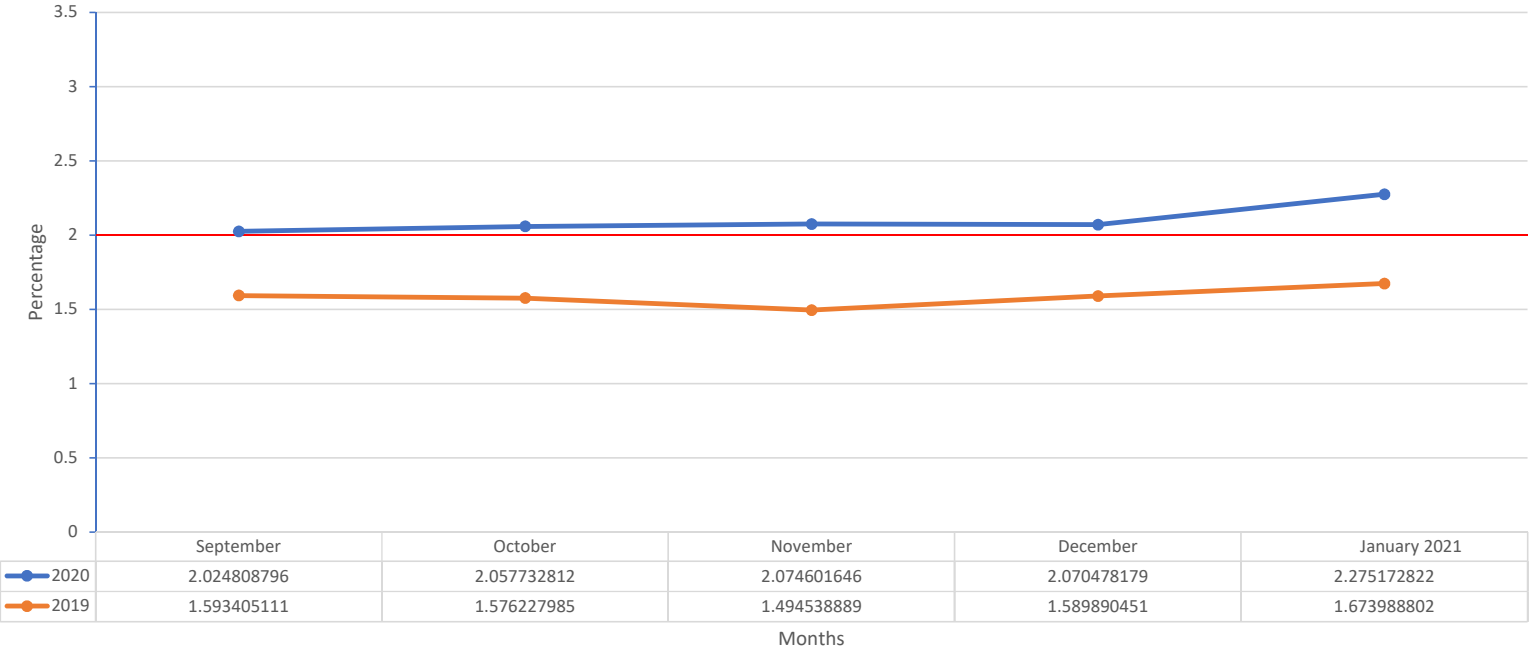
MONTHS

Public Housing Current Liabilites Comparison

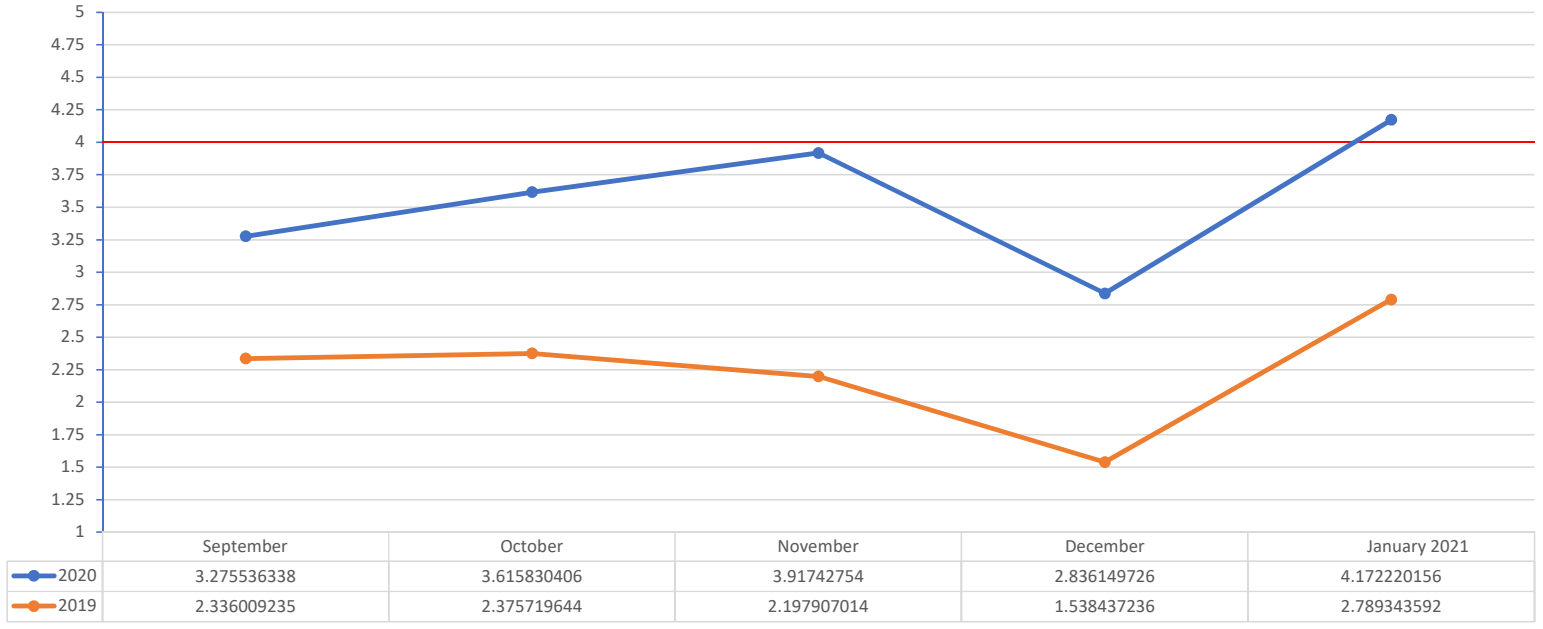


	September	October	November	December	January 2021
— 2020	1424424	1275093	1327321	1275583.29	1312231
— 2019	1098416	1076223	1215064	1517299	2237781

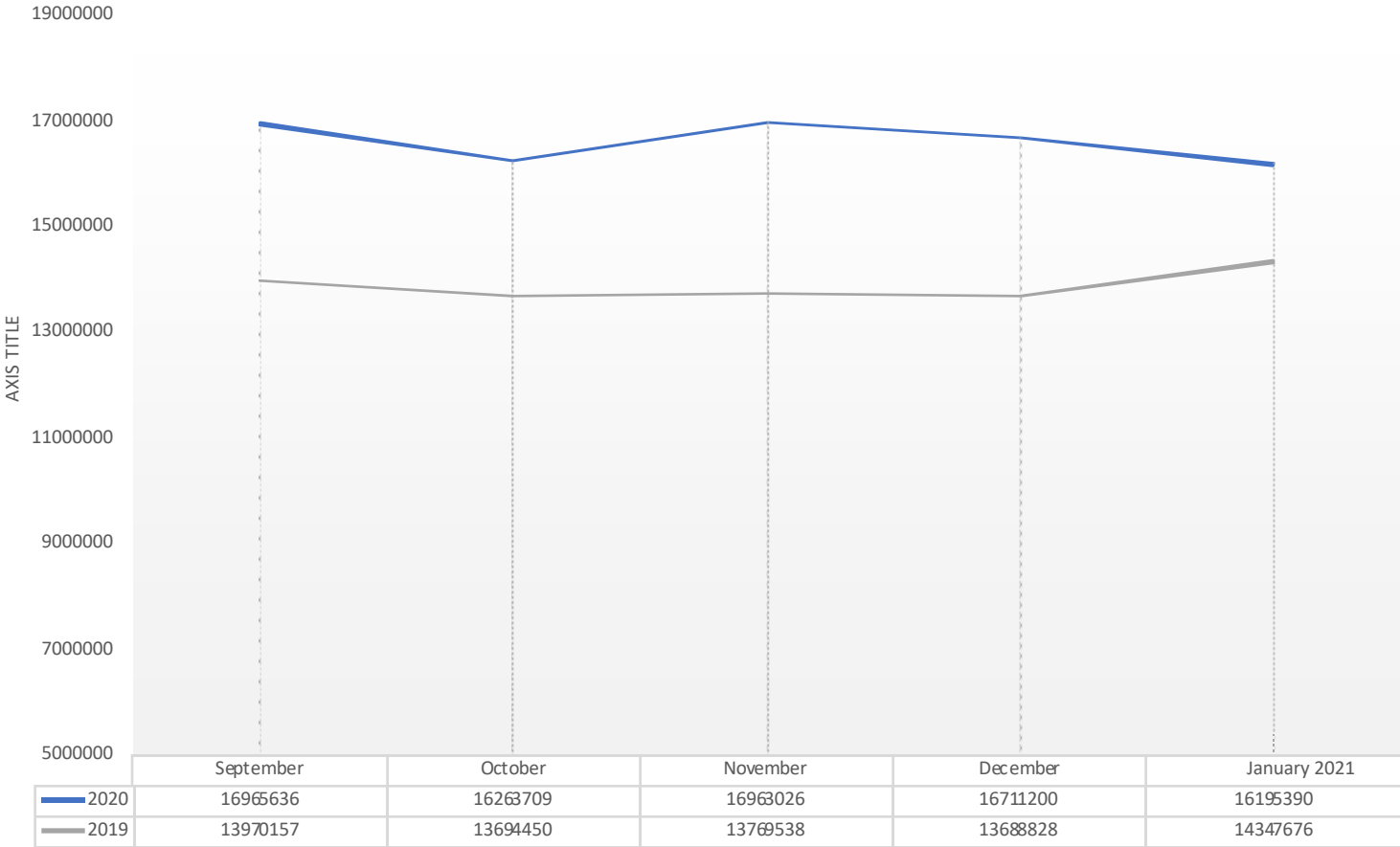
Agency - Wide Quick Ratio



Agency - Wide MENAR
Months Expended Net Assets Ratio



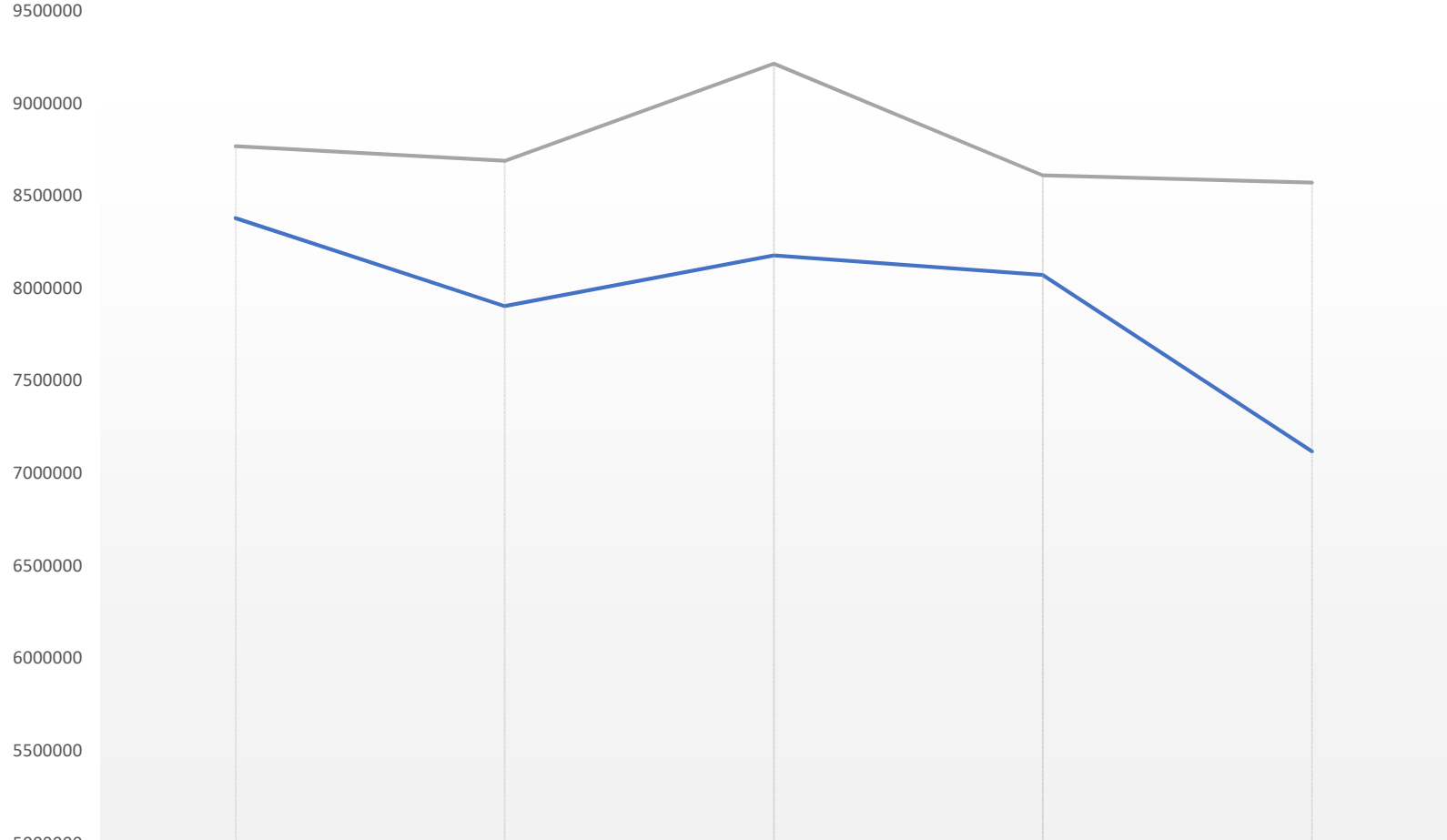
Agency - Wide Current Asset Comparison



AXIS TITLE

— 2020 — 2019

Agency Wide Current Liabilities Comparison



	September	October	November	December	January 2021
— 2020	8378883	7903703	8176522	8071179	7118312
— 2019	8767486	8688115	9213235	8609919	8570951

MONTHS

Balance Sheet -With YTD

Period = Jan 2021

Book = Accrual ; Tree = ysi_bs

		Current Balance	Beginning Balance (Month)	Net Change	Jan 1st Beginning Balance	YTD Net Change
100-0000	ASSETS					
119-0000	CASH AND CASH EQUIVALENTS	9,367,075.87	10,000,207.07	-633,131.20	10,000,207.07	-633,131.20
125-1999	OTHER ACCOUNTS RECEIVABLE	511,142.25	531,902.92	-20,760.67	531,902.92	-20,760.67
125-9900	A/R INTER-PROPERTY	1,324,893.57	1,407,227.89	-82,334.32	1,407,227.89	-82,334.32
126-9999	A/R - TENANT	558,226.19	642,984.20	-84,758.01	642,984.20	-84,758.01
127-9999	A/R PROMISSORY NOTES	4,726,135.79	4,726,994.28	-858.49	4,726,994.28	-858.49
129-9999	ACCRUED INTEREST RECEIVABLE	94,435.87	94,435.87	0.00	94,435.87	0.00
142-9999	PREPAID ASSETS	321,821.90	151,055.59	170,766.31	151,055.59	170,766.31
144-5999	INTER-FUND BALANCE	0.00	0.00	0.00	0.00	0.00
150-0000	TOTAL CURRENT ASSETS	16,903,731.44	17,554,807.82	-651,076.38	17,554,807.82	-651,076.38
168-9999	FIXED ASSETS	30,657,813.03	30,838,707.40	-180,894.37	30,838,707.40	-180,894.37
171-9999	NOTES RECEIVABLE	11,934,738.37	11,890,404.39	44,333.98	11,890,404.39	44,333.98
174-0198	TAX CREDIT FEES	70,260.90	70,260.90	0.00	70,260.90	0.00
174-0299	PREPAID LEASE COSTS	4,640,570.00	4,640,570.00	0.00	4,640,570.00	0.00
174-1999	ACCUMULATED AMORTIZATION	-4,412,331.66	-4,412,331.66	0.00	-4,412,331.66	0.00
177-0000	INVESTMENT IN JOINT VENTURES	2,296,064.67	2,296,064.67	0.00	2,296,064.67	0.00
180-0000	TOTAL NON-CURRENT ASSETS	45,187,115.31	45,323,675.70	-136,560.39	45,323,675.70	-136,560.39
190-9999	TOTAL ASSETS	62,090,846.75	62,878,483.52	-787,636.77	62,878,483.52	-787,636.77
300-0000	LIABILITIES AND EQUITY					
300-0100	LIABILITIES					
311-9999	ACCOUNTS PAYABLE	45,389.10	-52,116.25	97,505.35	-52,116.25	97,505.35
312-0099	ACCOUNTS PAYABLE					
312-0299	A/P OTHER	1,308.00	7,515.50	-6,207.50	7,515.50	-6,207.50
312-1999	A/P GENERAL PARTNER	4,305,939.76	4,305,939.76	0.00	4,305,939.76	0.00
312-2999	ACCRUED FEES	1,176,532.19	1,258,866.51	-82,334.32	1,258,866.51	-82,334.32
315-1000	ACCRUED R/E TAXES	6,962.32	0.00	6,962.32	0.00	6,962.32
320-0000	ACCR WAGES & WITHHOLDINGS					
321-9999	ACCR WAGES & WITHHOLDINGS	-10,272.23	151,563.19	-161,835.42	151,563.19	-161,835.42
322-9999	COMP ABSENCES - CURRENT	366,346.12	366,346.12	0.00	366,346.12	0.00
331-9999	A/P PHA PROJECTS	47,790.00	47,790.00	0.00	47,790.00	0.00
341-9999	TENANT SECURITY DEPOSIT	683,350.19	687,764.19	-4,414.00	687,764.19	-4,414.00
342-0999	UNEARNED REVENUE	715,442.86	701,298.54	14,144.32	701,298.54	14,144.32
343-0099	CURRENT PORTION OF DEBT	92,860.41	98,626.65	-5,766.24	98,626.65	-5,766.24
345-0299	OTHER CURRENT LIABILITIES	155,320.46	212,011.57	-56,691.11	212,011.57	-56,691.11
345-9999	INTER-PROGRAM PAYABLES	240,594.00	290,594.00	-50,000.00	290,594.00	-50,000.00
349-9999	TOTAL CURRENT LIABILITIES	7,827,563.18	8,097,646.85	-270,083.67	8,097,646.85	-270,083.67
352-9999	LONG TERM DEBT	15,932,985.34	15,888,651.36	44,333.98	15,888,651.36	44,333.98
353-9999	OTHER NON-CURRENT LIABILITIES	534,665.63	508,212.63	26,453.00	508,212.63	26,453.00
354-9999	COMP ABSENCES-LONG TERM	430,058.41	430,058.41	0.00	430,058.41	0.00
359-9999	TOTAL NON-CURRENT LIABILITIES	16,897,709.38	16,826,922.40	70,786.98	16,826,922.40	70,786.98
399-9999	TOTAL LIABILITIES	24,725,272.56	24,924,569.25	-199,296.69	24,924,569.25	-199,296.69
500-0000	EQUITY					
508-9999	NET INVEST IN CAPITAL ASSETS	62,153,698.89	62,153,698.89	0.00	62,153,698.89	0.00
512-0005	RETAINED EARNINGS	-38,812,732.85	-38,224,392.77	-588,340.08	-38,224,392.77	-588,340.08
512-0150	UNRESTRICTED NET POSITION	12,525,008.15	12,525,008.15	0.00	12,525,008.15	0.00
512-9999	RE - EQUITY TRANSFERS	1,499,600.00	1,499,600.00	0.00	1,499,600.00	0.00
599-9999	TOTAL EQUITY	37,365,574.19	37,953,914.27	-588,340.08	37,953,914.27	-588,340.08
600-9999	TOTAL LIABILITIES AND EQUITY	62,090,846.75	62,878,483.52	-787,636.77	62,878,483.52	-787,636.77
999-9999	TOTAL OF ALL	0.00	0.00	0.00	0.00	0.00

Balance Sheet -With YTD

Period = Jan 2021

Book = Accrual ; Tree = ysi_bs

		Current Balance	Beginning Balance (Month)	Net Change	Jan 1st Beginning Balance	YTD Net Change
100-0000	ASSETS					
111-0100	CASH - OPERATING	3,868,004.22	4,650,366.18	-782,361.96	4,650,366.18	-782,361.96
111-0200	CASH - PAYROLL	8,449.41	14,675.34	-6,225.93	14,675.34	-6,225.93
111-0300	CASH - OTHER	46,885.39	46,881.67	3.72	46,881.67	3.72
111-0305	FSA Cash	11,656.43	4,495.57	7,160.86	4,495.57	7,160.86
111-0400	PETTY CASH	500.00	500.00	0.00	500.00	0.00
111-1000	CASH - VENDOR PAYMENTS	16,892.10	-137,248.20	154,140.30	-137,248.20	154,140.30
112-0000	CASH - RESTRICTED	3,090,875.84	3,110,160.03	-19,284.19	3,110,160.03	-19,284.19
112-0100	CASH - RESTRICTED MODERNIZATION AND DEV	37,528.71	37,527.69	1.02	37,527.69	1.02
112-3000	REPLACEMENT RESERVE	87,918.71	87,911.99	6.72	87,911.99	6.72
113-0000	CASH - FSS ESCROW	530,849.89	508,216.99	22,632.90	508,216.99	22,632.90
113-3000	OPERATING RESERVE	367,904.71	367,876.59	28.12	367,876.59	28.12
113-3500	OHA HUD OPERATING RESERVE	297,315.19	297,315.19	0.00	297,315.19	0.00
114-0000	CASH - SECURITY DEPOSIT	643,609.92	652,852.41	-9,242.49	652,852.41	-9,242.49
115-0000	HOMEOWNERSHIP FUNDS	358,685.35	358,675.62	9.73	358,675.62	9.73
119-0000	CASH AND CASH EQUIVALENTS	9,367,075.87	10,000,207.07	-633,131.20	10,000,207.07	-633,131.20
122-0000	A/R HUD	31,300.77	13,232.19	18,068.58	13,232.19	18,068.58
122-0100	A/R - PHA Projects	90,594.00	140,594.00	-50,000.00	140,594.00	-50,000.00
123-0000	A/R OTHER GOVERNMENTS	341,505.16	327,311.92	14,193.24	327,311.92	14,193.24
125-0000	A/R OTHER	2,540,321.56	2,540,221.56	100.00	2,540,221.56	100.00
125-0400	A/R NON DWELLING RENT	26,263.76	29,386.25	-3,122.49	29,386.25	-3,122.49
125-0500	A/R HOMEOWNERSHIP MORTGAGES	592,699.65	592,699.65	0.00	592,699.65	0.00
125-0501	ALLOWANCE FOR HOME MORTGAGES	-592,699.65	-592,699.65	0.00	-592,699.65	0.00
125-1000	ALLOWANCE FOR DOUBTFUL OTHER A/R	-2,518,843.00	-2,518,843.00	0.00	-2,518,843.00	0.00
125-1999	OTHER ACCOUNTS RECEIVABLE	511,142.25	531,902.92	-20,760.67	531,902.92	-20,760.67
125-5000	A/R - LIMITED PARTNER	-728.62	-728.62	0.00	-728.62	0.00
125-6000	INTER-PROPERTY{COCC}	150,000.00	150,000.00	0.00	150,000.00	0.00
125-6002	INTER-PROPERTY{Chambers Court}	332,096.74	327,537.59	4,559.15	327,537.59	4,559.15
125-6003	INTER-PROPERTY{Keystone Crown Creek}	41,845.90	40,625.79	1,220.11	40,625.79	1,220.11
125-6004	INTER-PROPERTY{NOAH}	27,698.89	26,917.59	781.30	26,917.59	781.30
125-6005	INTER-PROPERTY{Securities}	165,644.72	163,142.41	2,502.31	163,142.41	2,502.31
125-6006	INTER-PROPERTY{Farnam}	129,341.72	127,458.89	1,882.83	127,458.89	1,882.83
125-6007	INTER-PROPERTY{Bayview}	13,701.55	13,310.91	390.64	13,310.91	390.64
125-6008	INTER-PROPERTY{Crown1}	84,735.52	82,926.63	1,808.89	82,926.63	1,808.89
125-6009	INTER-PROPERTY{Crown2}	14,543.00	14,159.86	383.14	14,159.86	383.14
125-6010	INTER-PROPERTY{HIO 56}	230,182.04	227,253.54	2,928.50	227,253.54	2,928.50
125-6012	INTER-PROPERTY{Sec8 Admin}	25,594.50	25,594.50	0.00	25,594.50	0.00
125-6017	INTER-PROPERTY{PUB HSG}	110,237.61	209,028.80	-98,791.19	209,028.80	-98,791.19
125-9900	A/R INTER-PROPERTY	1,324,893.57	1,407,227.89	-82,334.32	1,407,227.89	-82,334.32
126-0000	ACCOUNTS RECEIVABLE TENANTS	971,529.04	1,056,287.05	-84,758.01	1,056,287.05	-84,758.01
126-0100	ALLOWANCE FOR A/R TENANTS	-413,302.85	-413,302.85	0.00	-413,302.85	0.00
126-9999	A/R - TENANT	558,226.19	642,984.20	-84,758.01	642,984.20	-84,758.01
127-0100	P-NOTES OUTSTANDING	349,943.24	350,801.73	-858.49	350,801.73	-858.49
127-0200	A/R Bayview	387,861.10	387,861.10	0.00	387,861.10	0.00
127-0201	A/R Farnam	1,375,881.50	1,375,881.50	0.00	1,375,881.50	0.00
127-0202	A/R Securities	1,546,455.21	1,546,455.21	0.00	1,546,455.21	0.00
127-0203	A/R Crown I	151,808.92	151,808.92	0.00	151,808.92	0.00
127-0204	A/R Crown II	26,207.92	26,207.92	0.00	26,207.92	0.00
127-0205	A/R Keystone Crown	26,228.59	26,228.59	0.00	26,228.59	0.00
127-0206	A/R Strehlow	812,447.88	812,447.88	0.00	812,447.88	0.00
127-0207	A/R North Omaha Afford Homes	49,301.43	49,301.43	0.00	49,301.43	0.00
127-9999	A/R PROMISSORY NOTES	4,726,135.79	4,726,994.28	-858.49	4,726,994.28	-858.49
129-0100	ACCRUED INTEREST RECEIVABLE	94,435.87	94,435.87	0.00	94,435.87	0.00
129-9999	ACCRUED INTEREST RECEIVABLE	94,435.87	94,435.87	0.00	94,435.87	0.00
142-0000	PREPAID INSURANCE	255,423.04	85,209.09	170,213.95	85,209.09	170,213.95
142-0100	PREPAID OTHER	52,677.20	65,846.50	-13,169.30	65,846.50	-13,169.30
142-0300	PREPAID -P-CARDS	13,721.66	0.00	13,721.66	0.00	13,721.66
142-9999	PREPAID ASSETS	321,821.90	151,055.59	170,766.31	151,055.59	170,766.31

Balance Sheet -With YTD

Period = Jan 2021

Book = Accrual ; Tree = ysi_bs

		Current Balance	Beginning Balance (Month)	Net Change	Jan 1st Beginning Balance	YTD Net Change
144-3000	INTER-FUND {COCC}	-2,774,085.05	-2,758,159.96	-15,925.09	-2,758,159.96	-15,925.09
144-3001	INTER-FUND {HIOOPER}	-149,651.95	-144,651.95	-5,000.00	-144,651.95	-5,000.00
144-3002	INTER-FUND {Chamber Court}	1,196,321.59	1,191,402.37	4,919.22	1,191,402.37	4,919.22
144-3003	INTER-FUND {Keystone Crown Creek}	48,782.05	54,980.77	-6,198.72	54,980.77	-6,198.72
144-3004	INTER-FUND {NOAH}	119,508.30	115,473.46	4,034.84	115,473.46	4,034.84
144-3005	INTER-FUND {Securities}	739,653.00	737,664.72	1,988.28	737,664.72	1,988.28
144-3006	INTER-FUND {Farnam}	328,139.75	329,390.70	-1,250.95	329,390.70	-1,250.95
144-3007	INTER-FUND {Bayview}	133,295.14	129,716.00	3,579.14	129,716.00	3,579.14
144-3008	INTER-FUND {Crown1}	-199,734.16	-196,151.42	-3,582.74	-196,151.42	-3,582.74
144-3009	INTER-FUND {Crown2}	-26,673.87	-32,261.57	5,587.70	-32,261.57	5,587.70
144-3010	INTER-FUND {HIO 56}	227,655.32	233,157.14	-5,501.82	233,157.14	-5,501.82
144-3011	INTER-FUND {Sec8}	-2,880.48	-2,880.48	0.00	-2,880.48	0.00
144-3012	INTER-FUND {Sec8 Admin}	843.14	0.00	843.14	0.00	843.14
144-3017	INTER-FUND {PUB HSG}	5,836.29	11,417.93	-5,581.64	11,417.93	-5,581.64
144-3018	INTER-FUND {ROSS GRANT}	15,105.98	19,760.88	-4,654.90	19,760.88	-4,654.90
144-3019	INTER-FUND {FSS GRANT}	34,535.58	35,190.45	-654.87	35,190.45	-654.87
144-3020	INTER-FUND {CNI GRANT}	287,213.57	263,453.76	23,759.81	263,453.76	23,759.81
144-3021	INTER-FUND {CNP GRANT}	16,135.80	12,497.20	3,638.60	12,497.20	3,638.60
144-5999	INTER-FUND BALANCE	0.00	0.00	0.00	0.00	0.00
150-0000	TOTAL CURRENT ASSETS	16,903,731.44	17,554,807.82	-651,076.38	17,554,807.82	-651,076.38
161-0000	LAND	8,245,985.81	8,245,985.81	0.00	8,245,985.81	0.00
162-0000	BUILDINGS	161,220,981.65	161,220,981.65	0.00	161,220,981.65	0.00
162-0025	BUILDINGS - COMMERCIAL	671,475.00	671,475.00	0.00	671,475.00	0.00
162-0030	BUILDINGS - ACQUISITION	457,700.00	450,000.00	7,700.00	450,000.00	7,700.00
162-0050	BUILDINGS - INELIGIBLE	88,112.00	88,112.00	0.00	88,112.00	0.00
162-0100	BUILDING IMPROVEMENTS	36,402,099.70	36,393,599.70	8,500.00	36,393,599.70	8,500.00
162-0200	CONTRACT WORK IN PROCESS	1,000,518.53	987,882.43	12,636.10	987,882.43	12,636.10
162-0600	WIP - Insurance Proceeds/Repairs	-339,945.09	-365,481.15	25,536.06	-365,481.15	25,536.06
163-0000	DWELLING EQUIPMENT	1,829,519.21	1,823,365.21	6,154.00	1,823,365.21	6,154.00
164-0000	SITE IMPROVEMENTS	4,653,521.91	4,653,521.91	0.00	4,653,521.91	0.00
164-0100	OFFICE EQUIPMENT	238,588.21	238,588.21	0.00	238,588.21	0.00
164-0200	MAINTENANCE EQUIPMENT	283,276.16	283,276.16	0.00	283,276.16	0.00
164-0300	COMMUNITY SPACE EQUIPMENT	75,003.53	75,003.53	0.00	75,003.53	0.00
164-0400	COMPUTER EQUIPMENT	527,558.74	527,558.74	0.00	527,558.74	0.00
164-0500	AUTOMOTIVE EQUIPMENT	2,153,788.40	2,182,724.40	-28,936.00	2,182,724.40	-28,936.00
164-0600	SECURITY EQUIPMENT	910,026.09	907,409.84	2,616.25	907,409.84	2,616.25
166-0000	ACCUM DEPR - BUILDINGS	-152,020,606.39	-151,939,263.23	-81,343.16	-151,939,263.23	-81,343.16
166-0025	ACCUM DEPR - COMMERCIAL	-589,796.25	-587,761.48	-2,034.77	-587,761.48	-2,034.77
166-0030	ACCUM DEPR - BUILDING ACQUISITION	-450,000.00	-450,000.00	0.00	-450,000.00	0.00
166-0050	ACCUM. DEPR. INELIGIBLE BLDG	-67,858.03	-67,591.02	-267.01	-67,591.02	-267.01
166-0100	Accum Amort Exp	-294,000.00	-294,000.00	0.00	-294,000.00	0.00
166-0120	ACCUM DEPR - BUILDING IMPROVEMENTS	-28,084,081.33	-27,982,700.15	-101,381.18	-27,982,700.15	-101,381.18
166-1000	ACCUM DEPR - DWELLING EQUIPMENT	-1,269,873.79	-1,260,797.71	-9,076.08	-1,260,797.71	-9,076.08
166-2000	ACCUM DEPR - SITE IMPROVE	-2,350,627.53	-2,326,627.62	-23,999.91	-2,326,627.62	-23,999.91
166-2100	ACCUM DEPR - OFFICE EQUIPMENT	-204,590.64	-203,896.02	-694.62	-203,896.02	-694.62
166-2200	ACCUM DEPR - MAINTENANCE EQUIPMENT	-268,014.27	-267,589.55	-424.72	-267,589.55	-424.72
166-2300	ACCUM DEPR - COMMUNITY SPACE EQUIPMENT	-75,003.53	-75,003.53	0.00	-75,003.53	0.00
166-2400	ACCUM DEPR - COMPUTER EQUIPMENT	-499,949.29	-499,090.03	-859.26	-499,090.03	-859.26
166-2500	ACCUM DEPR - AUTOMOTIVE EQUIPMENT	-1,506,374.55	-1,518,809.97	12,435.42	-1,518,809.97	12,435.42
166-2600	ACCUM DEPR - SECURITY EQUIPMENT	-79,621.22	-72,165.73	-7,455.49	-72,165.73	-7,455.49
168-9999	FIXED ASSETS	30,657,813.03	30,838,707.40	-180,894.37	30,838,707.40	-180,894.37
171-0200	N/R Bayview	292,621.46	291,567.92	1,053.54	291,567.92	1,053.54
171-0201	N/R Farnam	918,489.16	915,008.99	3,480.17	915,008.99	3,480.17
171-0202	N/R Securities	408,280.02	406,677.03	1,602.99	406,677.03	1,602.99
171-0203	N/R Crown I	480,061.31	478,250.32	1,810.99	478,250.32	1,810.99
171-0204	N/R Crown II	306,578.80	305,422.26	1,156.54	305,422.26	1,156.54
171-0205	N/R NOAH	1,601,497.50	1,595,260.84	6,236.66	1,595,260.84	6,236.66
171-0206	N/R Strehlow	3,777,725.99	3,763,887.42	13,838.57	3,763,887.42	13,838.57
171-0207	N/R Keystone Crown	4,149,484.13	4,134,329.61	15,154.52	4,134,329.61	15,154.52

Balance Sheet -With YTD

Period = Jan 2021

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		Current Balance	Beginning Balance (Month)	Net Change	Jan 1st Beginning Balance	YTD Net Change
171-9999	NOTES RECEIVABLE	11,934,738.37	11,890,404.39	44,333.98	11,890,404.39	44,333.98
174-0100	TAX CREDIT FEES	70,260.90	70,260.90	0.00	70,260.90	0.00
174-0198	TAX CREDIT FEES	70,260.90	70,260.90	0.00	70,260.90	0.00
174-0200	PREPAID LEASE COSTS	4,640,570.00	4,640,570.00	0.00	4,640,570.00	0.00
174-0299	PREPAID LEASE COSTS	4,640,570.00	4,640,570.00	0.00	4,640,570.00	0.00
174-1000	ACCUMULATED AMORTIZATION	-4,412,331.66	-4,412,331.66	0.00	-4,412,331.66	0.00
174-1999	ACCUMULATED AMORTIZATION	-4,412,331.66	-4,412,331.66	0.00	-4,412,331.66	0.00
176-0000	INVESTMENT IN JOINT VENTURES	2,296,064.67	2,296,064.67	0.00	2,296,064.67	0.00
177-0000	INVESTMENT IN JOINT VENTURES	2,296,064.67	2,296,064.67	0.00	2,296,064.67	0.00
180-0000	TOTAL NON-CURRENT ASSETS	45,187,115.31	45,323,675.70	-136,560.39	45,323,675.70	-136,560.39
190-9999	TOTAL ASSETS	62,090,846.75	62,878,483.52	-787,636.77	62,878,483.52	-787,636.77
300-0000	LIABILITIES AND EQUITY					
300-0100	LIABILITIES					
311-9999	ACCOUNTS PAYABLE					
312-0000	ACCOUNTS PAYABLE	45,389.10	-52,116.25	97,505.35	-52,116.25	97,505.35
312-0099	ACCOUNTS PAYABLE	45,389.10	-52,116.25	97,505.35	-52,116.25	97,505.35
312-0200	A/P OTHER	1,308.00	7,515.50	-6,207.50	7,515.50	-6,207.50
312-0299	A/P OTHER	1,308.00	7,515.50	-6,207.50	7,515.50	-6,207.50
312-1000	A/P GENERAL PARTNER	4,305,939.76	4,305,939.76	0.00	4,305,939.76	0.00
312-1999	A/P GENERAL PARTNER	4,305,939.76	4,305,939.76	0.00	4,305,939.76	0.00
312-2000	ACCRUED MGMT & BKKPING FEE	944,247.24	934,107.83	10,139.41	934,107.83	10,139.41
312-2100	ACCRUED FEES	232,284.95	324,758.68	-92,473.73	324,758.68	-92,473.73
312-2999	ACCRUED FEES	1,176,532.19	1,258,866.51	-82,334.32	1,258,866.51	-82,334.32
315-0000	ACCRUED R/E TAXES	6,962.32	0.00	6,962.32	0.00	6,962.32
315-1000	ACCRUED R/E TAXES	6,962.32	0.00	6,962.32	0.00	6,962.32
320-0000	ACCR WAGES & WITHHOLDINGS					
321-0000	COURT ORDERED WITHHOLDING	-1,060.56	-1,060.56	0.00	-1,060.56	0.00
321-1100	ACCRUED PAYROLL	0.00	149,648.93	-149,648.93	149,648.93	-149,648.93
321-1200	ACCRUED PAYROLL TAXES	-9,357.51	2,974.82	-12,332.33	2,974.82	-12,332.33
321-1300	EE Insurance Deductions	145.84	0.00	145.84	0.00	145.84
321-9999	ACCR WAGES & WITHHOLDINGS	-10,272.23	151,563.19	-161,835.42	151,563.19	-161,835.42
322-0000	COMPENSATED ABSENCES - CURRENT	366,346.12	366,346.12	0.00	366,346.12	0.00
322-9999	COMP ABSENCES - CURRENT	366,346.12	366,346.12	0.00	366,346.12	0.00
331-0000	A/P PHA PROJECTS	47,790.00	47,790.00	0.00	47,790.00	0.00
331-9999	A/P PHA PROJECTS	47,790.00	47,790.00	0.00	47,790.00	0.00
341-0000	TENANT SECURITY DEPOSIT	637,551.28	643,202.28	-5,651.00	643,202.28	-5,651.00
341-0001	Pet Deposit	9,266.00	9,266.00	0.00	9,266.00	0.00
341-0100	DEPOSIT REFUND ACCOUNT	36,532.91	35,295.91	1,237.00	35,295.91	1,237.00
341-9999	TENANT SECURITY DEPOSIT	683,350.19	687,764.19	-4,414.00	687,764.19	-4,414.00
342-0200	TENANT PREPAID RENT	236,194.62	222,100.30	14,094.32	222,100.30	14,094.32
342-0300	No Unit Holding Acct	7,900.62	7,850.62	50.00	7,850.62	50.00
342-0400	UNEARNED REVENUE {COVID-19 HCV}	471,347.62	471,347.62	0.00	471,347.62	0.00
342-0999	UNEARNED REVENUE	715,442.86	701,298.54	14,144.32	701,298.54	14,144.32
343-0000	MORTGAGE PAYABLE - CURRENT	-4,496.13	1,270.11	-5,766.24	1,270.11	-5,766.24
343-0003	ACCRUED INTEREST BRIDGE	52,167.26	52,167.26	0.00	52,167.26	0.00
343-0004	ACCRUED INTEREST OHA	23,227.72	23,227.72	0.00	23,227.72	0.00
343-0005	ACCRUED INTEREST HIO	15,769.93	15,769.93	0.00	15,769.93	0.00
343-0009	ACCRUED INTEREST OHA 2	6,191.63	6,191.63	0.00	6,191.63	0.00
343-0099	CURRENT PORTION OF DEBT	92,860.41	98,626.65	-5,766.24	98,626.65	-5,766.24
345-0000	OTHER CURRENT LIABILITIES	90,594.00	140,594.00	-50,000.00	140,594.00	-50,000.00
345-0100	CONTRACT RETAINAGE	64,726.46	71,417.57	-6,691.11	71,417.57	-6,691.11
345-0299	OTHER CURRENT LIABILITIES	155,320.46	212,011.57	-56,691.11	212,011.57	-56,691.11
345-0300	A/P OTHER - INTER-PROPERTY	240,594.00	290,594.00	-50,000.00	290,594.00	-50,000.00
345-9999	INTER-PROGRAM PAYABLES	240,594.00	290,594.00	-50,000.00	290,594.00	-50,000.00
346-0000	ACCRUED LIABILITIES	0.00	21,447.07	-21,447.07	21,447.07	-21,447.07
349-9999	TOTAL CURRENT LIABILITIES	7,827,563.18	8,097,646.85	-270,083.67	8,097,646.85	-270,083.67
351-0000	MORTGAGE PAYABLE	1,716,943.48	1,716,943.48	0.00	1,716,943.48	0.00

Balance Sheet -With YTD

Period = Jan 2021

Book = Accrual ; Tree = ysi_bs

		Current Balance	Beginning Balance (Month)	Net Change	Jan 1st Beginning Balance	YTD Net Change
351-0001	LOAN PAYABLE CDBG	1,192,000.00	1,192,000.00	0.00	1,192,000.00	0.00
351-0002	LOAN PAYABLE OHA	10,055,594.14	10,017,917.81	37,676.33	10,017,917.81	37,676.33
351-0006	MORTGAGE AHP BANK OF THE WEST	20,250.00	20,250.00	0.00	20,250.00	0.00
351-0007	ACCRUED INTEREST LONG TERM	4,000.00	4,000.00	0.00	4,000.00	0.00
351-0009	ACCR INT L-T CDBG LOAN	126,529.27	126,529.27	0.00	126,529.27	0.00
351-0010	NOTE - DED TRUST	602,396.02	602,396.02	0.00	602,396.02	0.00
351-0011	LOAN HOME FUNDS	352,500.00	352,500.00	0.00	352,500.00	0.00
351-0102	MORTGAGE-HIO	1,291,991.35	1,287,211.57	4,779.78	1,287,211.57	4,779.78
351-0202	MORTGAGE-OHA # 2	517,329.49	515,451.62	1,877.87	515,451.62	1,877.87
352-0000	LONG TERM LIABILITIES - OPERATING	53,451.59	53,451.59	0.00	53,451.59	0.00
352-9999	LONG TERM DEBT	15,932,985.34	15,888,651.36	44,333.98	15,888,651.36	44,333.98
353-0100	FSS ESCROW	534,665.63	508,212.63	26,453.00	508,212.63	26,453.00
353-9999	OTHER NON-CURRENT LIABILITIES	534,665.63	508,212.63	26,453.00	508,212.63	26,453.00
354-0000	COMPENSATED ABSENCES-LONG TERM	430,058.41	430,058.41	0.00	430,058.41	0.00
354-9999	COMP ABSENCES-LONG TERM	430,058.41	430,058.41	0.00	430,058.41	0.00
359-9999	TOTAL NON-CURRENT LIABILITIES	16,897,709.38	16,826,922.40	70,786.98	16,826,922.40	70,786.98
399-9999	TOTAL LIABILITIES	24,725,272.56	24,924,569.25	-199,296.69	24,924,569.25	-199,296.69
500-0000	EQUITY					
507-0100	CAPITAL ACCOUNT GENERAL PARTNER	738,669.35	738,669.35	0.00	738,669.35	0.00
507-0200	CAPITAL ACCOUNT LIMITED PARTNER	821,208.16	821,208.16	0.00	821,208.16	0.00
507-0300	CAPITAL ACCOUNT SPECIAL LIMITED PARTNER	60.00	60.00	0.00	60.00	0.00
507-0500	CAPITAL Investing Member	82,471.96	82,471.96	0.00	82,471.96	0.00
508-0100	NET INVESTED IN CAPITAL ASSETS	60,511,289.42	60,511,289.42	0.00	60,511,289.42	0.00
508-9999	NET INVEST IN CAPITAL ASSETS	62,153,698.89	62,153,698.89	0.00	62,153,698.89	0.00
512-0000	RETAINED EARNINGS	-38,812,732.85	-38,224,392.77	-588,340.08	-38,224,392.77	-588,340.08
512-0005	RETAINED EARNINGS	-38,812,732.85	-38,224,392.77	-588,340.08	-38,224,392.77	-588,340.08
512-0100	UNRESTRICTED NET ASSETS	12,525,008.15	12,525,008.15	0.00	12,525,008.15	0.00
512-0150	UNRESTRICTED NET POSITION	12,525,008.15	12,525,008.15	0.00	12,525,008.15	0.00
512-0200	RE - Equity Transfers	1,499,600.00	1,499,600.00	0.00	1,499,600.00	0.00
512-9999	RE - EQUITY TRANSFERS	1,499,600.00	1,499,600.00	0.00	1,499,600.00	0.00
599-9999	TOTAL EQUITY	37,365,574.19	37,953,914.27	-588,340.08	37,953,914.27	-588,340.08
600-9999	TOTAL LIABILITIES AND EQUITY	62,090,846.75	62,878,483.52	-787,636.77	62,878,483.52	-787,636.77
999-9999	TOTAL OF ALL	0.00	0.00	0.00	0.00	0.00

Budget Comparison

Period = Jan 2021

Book = Accrual ; Tree = ysl_is

	PTD	PTD		PTD	YTD	YTD	YTD
	Actual	Budget	Variance	Last Year	Actual	Budget	Variance
REVENUES	5,028,079.12	5,216,744.80	-188,665.68	5,870,430.09	5,028,079.12	5,216,744.80	-188,665.68
EXPENSES	5,589,988.20	5,585,583.67	-4,404.53	5,182,357.26	5,589,988.20	5,585,583.67	-4,404.53
TRANSFERS	0.00	-267,609.48	-267,609.48	0.00	0.00	-267,609.48	-267,609.48
PRIOR PERIOD ADJUSTMENT	26,431.00	0.00	-26,431.00	0.00	26,431.00	0.00	-26,431.00
NET OPERATING INCOME (LOSS)	-588,340.08	-101,229.39	-487,110.69	688,072.83	-588,340.08	-101,229.39	-487,110.69
LESS NON-CASH REVENUE (HIO LOANS)	44,333.98	42,646.82	1,687.16	42,421.18	44,333.98	42,646.82	1,687.16
PLUS NON-CASH EXPENSE (HIO LOANS)	44,333.98	44,879.21	545.23	43,883.31	44,333.98	44,879.21	545.23
PLUS NON-CASH EXPENSE (DEPRECIATION)	244,036.78	238,065.81	(5,970.97)	236,988.08	244,036.78	238,065.81	(5,970.97)
PLUS NON-CASH EXPENSE (Prior Period Adj)	26,431.00	-	(26,431.00)	-	26,431.00	-	(26,431.00)
ADJUSTED NET OPERATING INCOME (LOSS)	(317,872.30)	139,068.81	(456,941.11)	926,523.04	(317,872.30)	139,068.81	(456,941.11)

Budget Comparison

Period = Jan 2021

Book = Accrual ; Tree = ysi_ls

	PTD	PTD	PTD	YTD	YTD	YTD		
	Actual	Budget	Variance	Last Year	Actual	Budget	Variance	Annual
REVENUES								
TENANT REVENUES								
TOTAL TENANT REVENUES	594,691.66	625,950.48	-31,258.82	639,700.99	594,691.66	625,950.48	-31,258.82	7,511,405.55
HUD GRANTS AND SUBSIDY								
TOTAL HUD GRANTS AND SUBSIDY	3,999,886.85	4,030,533.55	-30,646.70	4,518,393.06	3,999,886.85	4,030,533.55	-30,646.70	49,050,252.70
TOTAL FEE REVENUE								
TOTAL FEE REVENUE	325,619.62	337,534.31	-11,914.69	319,272.88	325,619.62	337,534.31	-11,914.69	4,256,906.79
TOTAL OTHER GOV'T GRANTS DONATIONS	35,177.74	144,883.75	-109,706.01	55,060.48	35,177.74	144,883.75	-109,706.01	1,738,605.00
INVESTMENT INCOME								
TOTAL INTEREST INCOME - MAIN	622.16	1,418.49	-796.33	2,110.08	622.16	1,418.49	-796.33	17,021.77
TOTAL NON-CASH INT INCOME (HIO)	44,333.98	42,646.82	1,687.16	42,421.18	44,333.98	42,646.82	1,687.16	511,761.84
INT INCOME - RESTRICT FUNDS	506.97	485.15	21.82	497.27	506.97	485.15	21.82	5,821.72
OTHER INCOME								
TOTAL OTHER INCOME	27,240.14	33,292.25	-6,052.11	292,974.15	27,240.14	33,292.25	-6,052.11	3,062,506.63
TOTAL REVENUES	5,028,079.12	5,216,744.80	-188,665.68	5,870,430.09	5,028,079.12	5,216,744.80	-188,665.68	66,154,282.00
EXPENSES								
OPERATING EXPENSES								
ADMINISTRATIVE EXPENSES								
ADMINISTRATIVE SALARIES								
TOTAL ADMIN SALARIES	359,151.42	409,851.41	50,699.99	353,337.04	359,151.42	409,851.41	50,699.99	5,445,317.51
TOTAL ADMINISTRATIVE FEE	254,899.87	273,354.28	18,454.41	251,160.56	254,899.87	273,354.28	18,454.41	2,604,804.25
TOTAL COMPENSATED ABSENCE	0.00	0.00	0.00	0.00	0.00	0.00	0.00	653,431.80
TOTAL ADMIN EMPLOYEE BENEFITS	145,777.63	131,388.51	-14,389.12	155,512.33	145,777.63	131,388.51	-14,389.12	1,708,049.58
TOTAL OTHER ADMIN EXPENSES	143,046.73	137,223.34	-5,823.39	155,655.51	143,046.73	137,223.34	-5,823.39	2,744,363.53
TOTAL FEE FOR SERVICE	17,521.72	16,800.83	-720.89	22,527.21	17,521.72	16,800.83	-720.89	201,609.41
TOTAL ADMINISTRATIVE EXPENSES	920,397.37	968,618.37	48,221.00	938,192.65	920,397.37	968,618.37	48,221.00	13,357,576.08
RESIDENT SERV SALARIES								
TOTAL RESIDENT SERV SALARIES	3,007.34	3,759.17	751.83	9,352.31	3,007.34	3,759.17	751.83	48,869.22
RELOCATION EXPENSE								
TOTAL RELOCATION EXPENSE	448.30	7,188.87	6,740.57	975.00	448.30	7,188.87	6,740.57	88,266.67
RESIDENT SERV EMP BENEFITS								
TOTAL RESIDENT SERV EMP BENEFITS	5,562.98	2,099.40	-3,463.58	7,447.72	5,562.98	2,099.40	-3,463.58	27,292.44
YOUTH ACTIVITIES								
TOTAL YOUTH ACTIVITIES	0.00	666.67	666.67	241.10	0.00	666.67	666.67	8,000.00
RESIDENT FUND								
TOTAL RESIDENT FUND	6,572.00	4,721.75	-1,850.25	5,997.60	6,572.00	4,721.75	-1,850.25	47,848.68
FEE FOR SERVICE								
TOTAL FEE FOR SERVICE	64,447.20	91,712.30	27,265.10	74,431.90	64,447.20	91,712.30	27,265.10	1,100,547.74
TOTAL OTHER RESIDENT SERVICES	80,037.82	110,148.16	30,110.34	98,445.63	80,037.82	110,148.16	30,110.34	1,320,824.75
TOTAL RESIDENT SERVICE EXPENSES	80,037.82	110,148.16	30,110.34	98,445.63	80,037.82	110,148.16	30,110.34	1,320,824.75
COVID-19 EXPENSES								
TOTAL COVID-19 EXPENSES	9,605.60	54,060.95	44,455.35	0.00	9,605.60	54,060.95	44,455.35	648,731.42
UTILITY EXPENSES								
TOTAL UTILITY EXPENSES	310,118.18	254,437.23	-55,680.95	310,703.20	310,118.18	254,437.23	-55,680.95	3,035,033.12
TOTAL MAINTENANCE								
MAINTENANCE SALARIES								
TOTAL MAINTENANCE SALARIES	244,952.97	301,801.66	56,848.69	262,651.55	244,952.97	301,801.66	56,848.69	3,922,587.87
TOTAL MAINTENANCE MATERIALS	72,130.58	99,384.40	27,253.82	101,293.99	72,130.58	99,384.40	27,253.82	1,192,611.35
TOTAL MAINT SERVICES AND CONTRACTS	173,511.58	416,887.71	243,376.13	322,037.37	173,511.58	416,887.71	243,376.13	5,020,816.70
TOTAL MAINT EMPLOYEE BENEFITS	108,928.87	103,776.75	-5,152.12	114,942.53	108,928.87	103,776.75	-5,152.12	1,345,556.44
TOTAL MAINTENANCE EXPENSES	599,524.00	921,850.52	322,326.52	800,925.44	599,524.00	921,850.52	322,326.52	11,481,572.36
PROTECTIVE SERVICE EXPENSES								
PROTECTIVE SERVICE SALARIES								
TOTAL PROTECTIVE SERV SALARIES	6,053.61	6,923.07	869.46	4,401.62	6,053.61	6,923.07	869.46	90,000.00
TOTAL FEE FOR SERVICE	18,552.83	20,676.03	2,123.20	18,855.21	18,552.83	20,676.03	2,123.20	248,112.37
TOTAL SECURITY EXPENSE	69,666.76	55,332.01	-14,334.75	10,052.24	69,666.76	55,332.01	-14,334.75	663,984.06
TOTAL SECURITY EMPLOYEE BENEFITS	537.37	623.08	85.71	1,250.60	537.37	623.08	85.71	8,100.00
TOTAL PROTECT SERVICE EXPENSES	94,810.57	83,554.19	-11,256.38	34,559.67	94,810.57	83,554.19	-11,256.38	1,010,196.43
GENERAL EXPENSES								
INSURANCE EXPENSES								
TOTAL INSURANCE EXP	109,106.05	86,206.99	-22,899.06	100,047.83	109,106.05	86,206.99	-22,899.06	1,034,484.32

Budget Comparison

Period = Jan 2021

Book = Accrual ; Tree = ysi_is

	PTD	PTD	PTD	YTD	YTD	YTD		
	Actual	Budget	Variance	Last Year	Actual	Budget	Variance	
							Annual	
TOTAL BAD DEBT EXPENSE	0.00	24,620.90	24,620.90	5,622.00	0.00	24,620.90	24,620.90	295,450.69
TOTAL LOAN INTEREST	7,665.75	6,666.67	-999.08	9,889.85	7,665.75	6,666.67	-999.08	80,000.00
TOTAL NON-CASH INT EXP	44,333.98	44,879.21	545.23	43,883.31	44,333.98	44,879.21	545.23	538,550.42
TOTAL GENERAL EXPENSES	161,105.78	162,373.77	1,267.99	159,442.99	161,105.78	162,373.77	1,267.99	1,948,485.43
OTHER EXPENSES								
CASUALTY LOSS								
NET CASUALTY LOSS	0.00	0.00	0.00	-272,396.68	0.00	0.00	0.00	0.00
TOTAL OTHER EXPENSES	0.00	109.38	109.38	-271,271.68	0.00	109.38	109.38	2,505.03
TOTAL OPERATING EXPENSES	2,175,599.32	2,555,152.57	379,553.25	2,070,997.90	2,175,599.32	2,555,152.57	379,553.25	32,804,924.62
NON-OPERATING EXPENSES								
HAP EXPENSES								
TOTAL HAP EXPENSES	3,170,352.10	2,792,365.29	-377,986.81	2,874,371.28	3,170,352.10	2,792,365.29	-377,986.81	33,508,383.22
TOTAL DEPR & AMORT EXPENSE	244,036.78	238,065.81	-5,970.97	236,988.08	244,036.78	238,065.81	-5,970.97	2,856,789.75
TOTAL NON-OPERATING EXPENSES	3,414,388.88	3,030,431.10	-383,957.78	3,111,359.36	3,414,388.88	3,030,431.10	-383,957.78	36,365,172.97
TOTAL EXPENSES	5,589,988.20	5,585,583.67	-4,404.53	5,182,357.26	5,589,988.20	5,585,583.67	-4,404.53	69,170,097.59
TOTAL TRANSFERS	0.00	-267,609.48	-267,609.48	0.00	0.00	-267,609.48	-267,609.48	-3,211,313.45
TOTAL PRIOR PERIOD ADJUSTMENT	26,431.00	0.00	-26,431.00	0.00	26,431.00	0.00	-26,431.00	0.00
NET OPERATING INCOME (LOSS)	-588,340.08	-101,229.39	-487,110.69	688,072.83	-588,340.08	-101,229.39	-487,110.69	195,497.86

Public Housing (7pubhsg^7cap)

Budget Comparison

Period = Jan 2021

Book = Accrual ; Tree = ysi_is

	PTD	PTD		PTD	YTD	YTD	YTD
	Actual	Budget	Variance	Last Year	Actual	Budget	Variance
REVENUES	1,316,537.30	1,688,874.08	-372,336.78	1,973,768.14	1,316,537.30	1,688,874.08	-372,336.78
EXPENSES	1,533,245.48	1,863,735.22	330,489.74	1,583,214.13	1,533,245.48	1,863,735.22	330,489.74
TRANSFERS	31,681.00	-167,638.94	-199,319.94	34,119.50	31,681.00	-167,638.94	-199,319.94
PRIOR PERIOD ADJUSTMENT	1,072.00	0.00	-1,072.00	0.00	1,072.00	0.00	-1,072.00
NET OPERATING INCOME (LOSS)	-249,461.18	-7,222.20	-242,238.98	356,434.51	-249,461.18	-7,222.20	-242,238.98
LESS NON-CASH REVENUE (HIO LOANS)	39,554.20	37,852.04	1,702.16	37,852.04	39,554.20	37,852.04	1,702.16
PLUS NON-CASH EXPENSE (DEPRECIATION)	164,796.17	156,029.99	(8,766.18)	151,640.77	164,796.17	156,029.99	(8,766.18)
PLUS NON-CASH EXPENSE (Prior Period Adj)	1,072.00	-	(1,072.00)	-	1,072.00	-	(1,072.00)
ADJUSTED NET OPERATING INCOME (LOSS)	(123,147.21)	110,955.75	(234,102.96)	470,223.24	(123,147.21)	110,955.75	(234,102.96)

HIO, Inc. (7hioinc)

Budget Comparison

Period = Jan 2021

Book = Accrual ; Tree = ysi_is

	PTD	PTD		PTD	YTD	YTD	YTD
	Actual	Budget	Variance	Last Year	Actual	Budget	Variance
REVENUES	104,372.83	110,698.77	-6,325.94	100,407.31	104,372.83	110,698.77	-6,325.94
EXPENSES	293,882.20	314,061.00	20,178.80	129,726.78	293,882.20	314,061.00	20,178.80
TRANSFERS	-31,681.00	-48,654.04	-16,973.04	-34,119.50	-31,681.00	-48,654.04	-16,973.04
PRIOR PERIOD ADJUSTMENT	23,724.00	0.00	-23,724.00	0.00	23,724.00	0.00	-23,724.00
NET OPERATING INCOME (LOSS)	-181,552.37	-154,708.19	-26,844.18	4,800.03	-181,552.37	-154,708.19	-26,844.18
LESS NON-CASH REVENUE (HIO LOANS - 9TAXOP)	4,779.78	4,794.78	(15.00)	4,569.14	4,779.78	4,794.78	(15.00)
PLUS NON-CASH EXPENSE (HIO LOANS)	44,333.98	44,879.21	545.23	43,883.31	44,333.98	44,879.21	545.23
PLUS NON-CASH EXPENSE (DEPRECIATION)	65,037.40	68,481.31	3,443.91	72,749.75	65,037.40	68,481.31	3,443.91
PLUS NON-CASH EXPENSE (Prior Period Adj)	23,724.00	-	(23,724.00)	-	23,724.00	-	(23,724.00)
ADJUSTED NET OPERATING INCOME (LOSS)	(53,236.77)	(46,142.45)	(7,094.32)	116,863.95	(53,236.77)	(46,142.45)	(7,094.32)

Section 8 Operating (7fin8op)

Budget Comparison

Period = Jan 2021

Book = Accrual ; Tree = ysl_is

	PTD	PTD		PTD	YTD	YTD	YTD
	Actual	Budget	Variance	Last Year	Actual	Budget	Variance
REVENUES	3,002,772.46	2,778,310.74	224,461.72	3,237,469.98	3,002,772.46	2,778,310.74	224,461.72
EXPENSES	3,153,243.52	2,778,310.74	-374,932.78	2,852,055.58	3,153,243.52	2,778,310.74	-374,932.78
PRIOR PERIOD ADJUSTMENT	1,635.00	0.00	-1,635.00	0.00	1,635.00	0.00	-1,635.00
NET OPERATING INCOME (LOSS)	-152,106.06	0.00	-152,106.06	385,414.40	-152,106.06	0.00	-152,106.06
PLUS NON-CASH EXPENSE (Prior Period Adj)	1,635.00	-	(1,635.00)	-	1,635.00	-	(1,635.00)
ADJUSTED NET OPERATING INCOME (LOSS)	(150,471.06)	-	(150,471.06)	385,414.40	(150,471.06)	-	(150,471.06)

Section 8 Administrative (7fin8adm)

Budget Comparison

Period = Jan 2021

Book = Accrual ; Tree = ysl_is

	PTD	PTD		PTD	YTD	YTD	YTD
	Actual	Budget	Variance	Last Year	Actual	Budget	Variance
REVENUES	258,407.36	258,196.96	210.40	239,397.24	258,407.36	258,196.96	210.40
EXPENSES	244,862.47	239,353.60	-5,508.87	244,883.01	244,862.47	239,353.60	-5,508.87
NET OPERATING INCOME (LOSS)	13,544.89	18,843.36	-5,298.47	-5,485.77	13,544.89	18,843.36	-5,298.47
PLUS NON-CASH EXPENSE (DEPRECIATION)	1,420.98	1,887.84	466.86	1,158.37	1,420.98	1,887.84	466.86
ADJUSTED NET OPERATING INCOME (LOSS)	14,965.87	20,731.20	(5,765.33)	(4,327.40)	14,965.87	20,731.20	(5,765.33)

Budget Comparison

Period = Jan 2021

Book = Accrual ; Tree = ysl_is

	PTD	PTD		PTD	YTD	YTD	YTD
	Actual	Budget	Variance	Last Year	Actual	Budget	Variance
REVENUES	345,989.17	380,664.25	-34,675.08	319,387.42	345,989.17	380,664.25	-34,675.08
EXPENSES	364,754.53	390,123.11	25,368.58	372,477.76	364,754.53	390,123.11	25,368.58
TRANSFERS	0.00	-51,316.50	-51,316.50	0.00	0.00	-51,316.50	-51,316.50
NET OPERATING INCOME (LOSS)	-18,765.36	41,857.64	-60,623.00	-53,090.34	-18,765.36	41,857.64	-60,623.00
LESS NON-CASH REVENUE	-	-	-	-	-	-	-
PLUS NON-CASH EXPENSE (DEPRECIATION)	12,782.23	11,666.67	(1,115.56)	11,439.19	12,782.23	11,666.67	(1,115.56)
PLUS NON-CASH EXPENSE (Prior Period Adj)	-	-	-	-	-	-	-
ADJUSTED NET OPERATING INCOME (LOSS)	(5,983.13)	53,524.31	(59,507.44)	(41,651.15)	(5,983.13)	53,524.31	(59,507.44)

Budget Comparison

Period = Jan 2021

Book = Accrual ; Tree = ysi_ls

	PTD	PTD	PTD	YTD	YTD	YTD		
	Actual	Budget	Variance	Last Year	Actual	Budget	Variance	Annual
REVENUES								
TENANT REVENUES								
TOTAL TENANT REVENUES	479,587.66	530,275.38	-50,687.72	565,849.30	479,587.66	530,275.38	-50,687.72	6,363,304.49
HUD GRANTS AND SUBSIDY								
TOTAL HUD GRANTS AND SUBSIDY	767,831.85	1,017,052.88	-249,221.03	1,060,043.06	767,831.85	1,017,052.88	-249,221.03	12,888,484.70
TOTAL OTHER GOV'T GRANTS DONATIONS	10,207.62	90,777.75	-80,570.13	17,327.32	10,207.62	90,777.75	-80,570.13	1,089,333.00
INVESTMENT INCOME								
TOTAL INTEREST INCOME - MAIN	618.44	1,405.82	-787.38	2,091.54	618.44	1,405.82	-787.38	16,869.77
TOTAL NON-CASH INT INCOME (HIO)	39,554.20	37,852.04	1,702.16	37,852.04	39,554.20	37,852.04	1,702.16	454,224.48
INT INCOME - RESTRICT FUNDS	3.48	11.14	-7.66	25.85	3.48	11.14	-7.66	133.70
OTHER INCOME								
TOTAL OTHER INCOME	18,734.05	11,499.07	7,234.98	290,579.03	18,734.05	11,499.07	7,234.98	2,854,988.60
TOTAL REVENUES	1,316,537.30	1,688,874.08	-372,336.78	1,973,768.14	1,316,537.30	1,688,874.08	-372,336.78	23,667,338.74
EXPENSES								
OPERATING EXPENSES								
ADMINISTRATIVE EXPENSES								
ADMINISTRATIVE SALARIES								
TOTAL ADMIN SALARIES	85,877.82	105,749.08	19,871.26	83,130.57	85,877.82	105,749.08	19,871.26	1,494,737.23
TOTAL ADMINISTRATIVE FEE	128,300.46	161,326.56	33,026.10	134,178.92	128,300.46	161,326.56	33,026.10	1,642,552.55
TOTAL COMPENSATED ABSENCE	0.00	0.00	0.00	0.00	0.00	0.00	0.00	290,328.75
TOTAL ADMIN EMPLOYEE BENEFITS	37,518.42	32,692.90	-4,825.52	32,795.26	37,518.42	32,692.90	-4,825.52	425,007.66
TOTAL OTHER ADMIN EXPENSES	56,238.12	43,010.63	-13,227.49	47,368.43	56,238.12	43,010.63	-13,227.49	1,529,709.68
TOTAL FEE FOR SERVICE	16,830.13	16,059.83	-770.30	21,484.84	16,830.13	16,059.83	-770.30	192,717.67
TOTAL ADMINISTRATIVE EXPENSES	324,764.95	358,839.00	34,074.05	318,958.02	324,764.95	358,839.00	34,074.05	5,575,053.54
RESIDENT SERV SALARIES								
RELOCATION EXPENSE	448.30	1,551.96	1,103.66	975.00	448.30	1,551.96	1,103.66	18,623.67
RESIDENT SERV EMP BENEFITS	1,803.59	0.00	-1,803.59	3,076.13	1,803.59	0.00	-1,803.59	0.00
RESIDENT FUND	455.00	1,076.14	621.14	1,812.55	455.00	1,076.14	621.14	12,913.69
FEE FOR SERVICE	60,311.18	85,851.93	25,540.75	69,825.81	60,311.18	85,851.93	25,540.75	1,030,223.31
TOTAL OTHER RESIDENT SERVICES	63,018.07	88,480.03	25,461.96	75,689.49	63,018.07	88,480.03	25,461.96	1,061,760.67
TOTAL RESIDENT SERVICE EXPENSES	63,018.07	88,480.03	25,461.96	75,689.49	63,018.07	88,480.03	25,461.96	1,061,760.67
COVID-19 EXPENSES								
TOTAL COVID-19 EXPENSES	9,605.60	54,060.95	44,455.35	0.00	9,605.60	54,060.95	44,455.35	648,731.42
UTILITY EXPENSES								
TOTAL UTILITY EXPENSES	286,627.69	232,292.72	-54,334.97	277,977.94	286,627.69	232,292.72	-54,334.97	2,769,298.95
TOTAL MAINTENANCE								
MAINTENANCE SALARIES								
TOTAL MAINTENANCE SALARIES	206,477.25	246,255.95	39,778.70	220,683.16	206,477.25	246,255.95	39,778.70	3,201,327.15
TOTAL MAINTENANCE MATERIALS	63,267.99	86,071.26	22,803.27	83,054.01	63,267.99	86,071.26	22,803.27	1,032,854.22
TOTAL MAINT SERVICES AND CONTRACTS	149,641.83	390,218.71	240,576.88	233,639.53	149,641.83	390,218.71	240,576.88	4,699,789.10
TOTAL MAINT EMPLOYEE BENEFITS	90,338.26	86,581.64	-3,756.62	98,262.66	90,338.26	86,581.64	-3,756.62	1,125,559.65
TOTAL MAINTENANCE EXPENSES	509,725.33	809,127.56	299,402.23	635,639.36	509,725.33	809,127.56	299,402.23	10,059,530.12
PROTECTIVE SERVICE EXPENSES								
TOTAL FEE FOR SERVICE	18,527.46	20,626.08	2,098.62	18,715.63	18,527.46	20,626.08	2,098.62	247,512.97
TOTAL SECURITY EXPENSE	62,751.13	50,612.05	-12,139.08	6,843.95	62,751.13	50,612.05	-12,139.08	607,344.66
TOTAL PROTECT SERVICE EXPENSES	81,278.59	71,238.13	-10,040.46	25,559.58	81,278.59	71,238.13	-10,040.46	854,857.63
GENERAL EXPENSES								
INSURANCE EXPENSES								
TOTAL INSURANCE EXP	75,154.98	57,777.30	-17,377.68	71,070.69	75,154.98	57,777.30	-17,377.68	693,328.01
TOTAL BAD DEBT EXPENSE	0.00	21,151.08	21,151.08	4,127.00	0.00	21,151.08	21,151.08	253,812.95
TOTAL GENERAL EXPENSES	75,154.98	78,928.38	3,773.40	75,197.69	75,154.98	78,928.38	3,773.40	947,140.96
OTHER EXPENSES								
TOTAL OTHER EXPENSES	0.00	109.38	109.38	1,125.00	0.00	109.38	109.38	1,312.50

Budget Comparison

Period = Jan 2021

Book = Accrual ; Tree = ysi_is

	PTD	PTD	PTD	YTD	YTD	YTD		
	Actual	Budget	Variance	Last Year	Actual	Budget	Variance	Annual
TOTAL OPERATING EXPENSES	1,350,175.21	1,693,076.15	342,900.94	1,410,147.08	1,350,175.21	1,693,076.15	342,900.94	21,917,685.79
NON-OPERATING EXPENSES								
HAP EXPENSES								
TOTAL HAP EXPENSES	18,274.10	14,629.08	-3,645.02	21,426.28	18,274.10	14,629.08	-3,645.02	175,548.83
TOTAL DEPR & AMORT EXPENSE	164,796.17	156,029.99	-8,766.18	151,640.77	164,796.17	156,029.99	-8,766.18	1,872,359.88
TOTAL NON-OPERATING EXPENSES	183,070.27	170,659.07	-12,411.20	173,067.05	183,070.27	170,659.07	-12,411.20	2,047,908.71
TOTAL EXPENSES	1,533,245.48	1,863,735.22	330,489.74	1,583,214.13	1,533,245.48	1,863,735.22	330,489.74	23,965,594.50
TOTAL TRANSFERS	31,681.00	-167,638.94	-199,319.94	34,119.50	31,681.00	-167,638.94	-199,319.94	-2,011,667.06
TOTAL PRIOR PERIOD ADJUSTMENT	1,072.00	0.00	-1,072.00	0.00	1,072.00	0.00	-1,072.00	0.00
NET OPERATING INCOME (LOSS)	-249,461.18	-7,222.20	-242,238.98	356,434.51	-249,461.18	-7,222.20	-242,238.98	1,713,411.30

Budget Comparison

Period = Jan 2021

Book = Accrual ; Tree = ysi_ls

	PTD	PTD	PTD	YTD	YTD	YTD		
	Actual	Budget	Variance	Last Year	Actual	Budget	Variance	Annual
REVENUES								
TENANT REVENUES								
TOTAL TENANT REVENUES	98,918.00	91,666.96	7,251.04	73,024.28	98,918.00	91,666.96	7,251.04	1,100,003.38
HUD GRANTS AND SUBSIDY								
TOTAL HUD GRANTS AND SUBSIDY	0.00	0.00	0.00	22,206.00	0.00	0.00	0.00	0.00
TOTAL NON-CASH INT INCOME (HIO)	4,779.78	4,794.78	-15.00	4,569.14	4,779.78	4,794.78	-15.00	57,537.36
INT INCOME - RESTRICT FUNDS	493.03	446.61	46.42	413.15	493.03	446.61	46.42	5,359.25
OTHER INCOME								
TOTAL OTHER INCOME	182.02	13,790.42	-13,608.40	194.74	182.02	13,790.42	-13,608.40	165,485.03
TOTAL REVENUES	104,372.83	110,698.77	-6,325.94	100,407.31	104,372.83	110,698.77	-6,325.94	1,328,385.02
EXPENSES								
OPERATING EXPENSES								
ADMINISTRATIVE EXPENSES								
ADMINISTRATIVE SALARIES								
TOTAL ADMIN SALARIES	9,346.07	9,776.67	430.60	10,577.85	9,346.07	9,776.67	430.60	127,096.70
TOTAL ADMINISTRATIVE FEE	39,941.41	51,194.39	11,252.98	56,420.49	39,941.41	51,194.39	11,252.98	177,251.70
TOTAL COMPENSATED ABSENCE	0.00	0.00	0.00	0.00	0.00	0.00	0.00	24,640.05
TOTAL ADMIN EMPLOYEE BENEFITS	3,453.25	9,280.22	5,826.97	10,057.46	3,453.25	9,280.22	5,826.97	120,641.99
TOTAL OTHER ADMIN EXPENSES	18,892.04	10,573.77	-8,318.27	21,287.65	18,892.04	10,573.77	-8,318.27	132,740.28
TOTAL FEE FOR SERVICE	691.59	741.00	49.41	1,042.37	691.59	741.00	49.41	8,891.74
TOTAL ADMINISTRATIVE EXPENSES	72,324.36	81,566.05	9,241.69	99,385.82	72,324.36	81,566.05	9,241.69	591,262.46
RELOCATION EXPENSE	0.00	74.75	74.75	0.00	0.00	74.75	74.75	2,897.00
RESIDENT FUND	117.00	126.75	9.75	113.15	117.00	126.75	9.75	1,520.90
FEE FOR SERVICE	4,136.02	5,860.37	1,724.35	4,606.09	4,136.02	5,860.37	1,724.35	70,324.43
TOTAL OTHER RESIDENT SERVICES	4,253.02	6,061.87	1,808.85	4,719.24	4,253.02	6,061.87	1,808.85	74,742.33
TOTAL RESIDENT SERVICE EXPENSES	4,253.02	6,061.87	1,808.85	4,719.24	4,253.02	6,061.87	1,808.85	74,742.33
UTILITY EXPENSES								
TOTAL UTILITY EXPENSES	16,700.84	16,024.14	-676.70	25,208.42	16,700.84	16,024.14	-676.70	192,289.66
TOTAL MAINTENANCE								
MAINTENANCE SALARIES								
TOTAL MAINTENANCE SALARIES	31,487.46	33,077.43	1,589.97	31,752.30	31,487.46	33,077.43	1,589.97	430,006.45
TOTAL MAINTENANCE MATERIALS	7,461.83	12,052.77	4,590.94	16,933.82	7,461.83	12,052.77	4,590.94	144,632.73
TOTAL MAINT SERVICES AND CONTRACTS	13,480.12	17,406.90	3,926.78	68,953.36	13,480.12	17,406.90	3,926.78	208,882.20
TOTAL MAINT EMPLOYEE BENEFITS	12,694.71	12,010.87	-683.84	11,471.10	12,694.71	12,010.87	-683.84	156,140.92
TOTAL MAINTENANCE EXPENSES	65,124.12	74,547.97	9,423.85	129,110.58	65,124.12	74,547.97	9,423.85	939,662.30
PROTECTIVE SERVICE EXPENSES								
TOTAL FEE FOR SERVICE	25.37	49.95	24.58	139.58	25.37	49.95	24.58	599.40
TOTAL SECURITY EXPENSE	6,448.01	2,769.02	-3,678.99	2,569.83	6,448.01	2,769.02	-3,678.99	33,228.24
TOTAL PROTECT SERVICE EXPENSES	6,473.38	2,818.97	-3,654.41	2,709.41	6,473.38	2,818.97	-3,654.41	33,827.64
GENERAL EXPENSES								
INSURANCE EXPENSES								
TOTAL INSURANCE EXP	16,533.10	13,036.19	-3,496.91	16,199.65	16,533.10	13,036.19	-3,496.91	156,434.35
TOTAL BAD DEBT EXPENSE	0.00	3,469.82	3,469.82	1,495.00	0.00	3,469.82	3,469.82	41,637.74
TOTAL LOAN INTEREST	0.00	0.00	0.00	2,650.28	0.00	0.00	0.00	0.00
TOTAL NON-CASH INT EXP	44,333.98	44,879.21	545.23	43,883.31	44,333.98	44,879.21	545.23	538,550.42
TOTAL GENERAL EXPENSES	60,867.08	61,385.22	518.14	64,228.24	60,867.08	61,385.22	518.14	736,622.51
OTHER EXPENSES								
CASUALTY LOSS								
NET CASUALTY LOSS	0.00	0.00	0.00	-272,396.68	0.00	0.00	0.00	0.00
TOTAL OTHER EXPENSES	0.00	0.00	0.00	-272,396.68	0.00	0.00	0.00	0.00
TOTAL OPERATING EXPENSES	225,742.80	242,404.22	16,661.42	52,965.03	225,742.80	242,404.22	16,661.42	2,568,406.90
NON-OPERATING EXPENSES								
HAP EXPENSES								

HIO, Inc. (7hioinc)

Budget Comparison

Period = Jan 2021

Book = Accrual ; Tree = ysi_is

	PTD	PTD	PTD	YTD	YTD	YTD		
	Actual	Budget	Variance	Last Year	Actual	Budget	Variance	Annual
TOTAL HAP EXPENSES	3,102.00	3,175.47	73.47	4,012.00	3,102.00	3,175.47	73.47	38,105.62
TOTAL DEPR & AMORT EXPENSE	65,037.40	68,481.31	3,443.91	72,749.75	65,037.40	68,481.31	3,443.91	821,775.75
TOTAL NON-OPERATING EXPENSES	68,139.40	71,656.78	3,517.38	76,761.75	68,139.40	71,656.78	3,517.38	859,881.37
TOTAL EXPENSES	293,882.20	314,061.00	20,178.80	129,726.78	293,882.20	314,061.00	20,178.80	3,428,288.27
TOTAL TRANSFERS	-31,681.00	-48,654.04	-16,973.04	-34,119.50	-31,681.00	-48,654.04	-16,973.04	-583,848.39
TOTAL PRIOR PERIOD ADJUSTMENT	23,724.00	0.00	-23,724.00	0.00	23,724.00	0.00	-23,724.00	0.00
NET OPERATING INCOME (LOSS)	-181,552.37	-154,708.19	-26,844.18	4,800.03	-181,552.37	-154,708.19	-26,844.18	-1,516,054.86

Budget Comparison

Period = Jan 2021

Book = Accrual ; Tree = ysi_is

	PTD	PTD	PTD	YTD	YTD	YTD		
	Actual	Budget	Variance	Last Year	Actual	Budget	Variance	Annual
REVENUES								
TENANT REVENUES								
TOTAL TENANT REVENUES	125.00	125.00	0.00	563.71	125.00	125.00	0.00	1,500.00
HUD GRANTS AND SUBSIDY								
TOTAL HUD GRANTS AND SUBSIDY	2,992,338.00	2,777,741.67	214,596.33	3,213,923.00	2,992,338.00	2,777,741.67	214,596.33	33,332,900.00
TOTAL OTHER GOV'T GRANTS DONATIONS	10,299.00	0.00	10,299.00	22,925.00	10,299.00	0.00	10,299.00	0.00
INT INCOME - RESTRICT FUNDS	10.46	27.40	-16.94	58.27	10.46	27.40	-16.94	328.77
OTHER INCOME								
TOTAL OTHER INCOME	0.00	416.67	-416.67	0.00	0.00	416.67	-416.67	5,000.00
TOTAL REVENUES	3,002,772.46	2,778,310.74	224,461.72	3,237,469.98	3,002,772.46	2,778,310.74	224,461.72	33,339,728.77
EXPENSES								
OPERATING EXPENSES								
ADMINISTRATIVE EXPENSES								
TOTAL OTHER ADMIN EXPENSES	4,267.52	3,750.00	-517.52	3,122.58	4,267.52	3,750.00	-517.52	45,000.00
TOTAL ADMINISTRATIVE EXPENSES	4,267.52	3,750.00	-517.52	3,122.58	4,267.52	3,750.00	-517.52	45,000.00
UTILITY EXPENSES								
TOTAL UTILITY EXPENSES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
GENERAL EXPENSES								
TOTAL BAD DEBT EXPENSE	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL GENERAL EXPENSES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL OPERATING EXPENSES	4,267.52	3,750.00	-517.52	3,122.58	4,267.52	3,750.00	-517.52	45,000.00
NON-OPERATING EXPENSES								
HAP EXPENSES								
TOTAL HAP EXPENSES	3,148,976.00	2,774,560.74	-374,415.26	2,848,933.00	3,148,976.00	2,774,560.74	-374,415.26	33,294,728.77
TOTAL NON-OPERATING EXPENSES	3,148,976.00	2,774,560.74	-374,415.26	2,848,933.00	3,148,976.00	2,774,560.74	-374,415.26	33,294,728.77
TOTAL EXPENSES	3,153,243.52	2,778,310.74	-374,932.78	2,852,055.58	3,153,243.52	2,778,310.74	-374,932.78	33,339,728.77
TOTAL PRIOR PERIOD ADJUSTMENT	1,635.00	0.00	-1,635.00	0.00	1,635.00	0.00	-1,635.00	0.00
NET OPERATING INCOME (LOSS)	-152,106.06	0.00	-152,106.06	385,414.40	-152,106.06	0.00	-152,106.06	0.00

Budget Comparison

Period = Jan 2021

Book = Accrual ; Tree = ysi_ls

	PTD	PTD	PTD	YTD	YTD	YTD	
	Actual	Budget	Variance	Last Year	Actual	Budget	Annual
REVENUES							
TENANT REVENUES							
TOTAL TENANT REVENUES	125.00	133.14	-8.14	263.70	125.00	133.14	1,597.68
HUD GRANTS AND SUBSIDY							
TOTAL HUD GRANTS AND SUBSIDY	239,717.00	235,739.00	3,978.00	222,221.00	239,717.00	235,739.00	2,828,868.00
TOTAL FEE REVENUE							
TOTAL FEE REVENUE	0.00	3,635.49	-3,635.49	0.00	0.00	3,635.49	43,625.88
TOTAL OTHER GOV'T GRANTS DONATIONS	14,671.12	18,689.33	-4,018.21	14,808.16	14,671.12	18,689.33	224,272.00
OTHER INCOME							
TOTAL OTHER INCOME	3,894.24	0.00	3,894.24	2,104.38	3,894.24	0.00	0.00
TOTAL REVENUES	258,407.36	258,196.96	210.40	239,397.24	258,407.36	258,196.96	3,098,363.56
EXPENSES							
OPERATING EXPENSES							
ADMINISTRATIVE EXPENSES							
ADMINISTRATIVE SALARIES							
TOTAL ADMIN SALARIES	86,376.64	89,140.06	2,763.42	87,046.49	86,376.64	89,140.06	1,158,404.08
TOTAL ADMINISTRATIVE FEE	86,658.00	60,833.33	-25,824.67	60,561.15	86,658.00	60,833.33	772,000.00
TOTAL COMPENSATED ABSENCE	0.00	0.00	0.00	0.00	0.00	0.00	114,367.00
TOTAL ADMIN EMPLOYEE BENEFITS	34,226.09	24,254.12	-9,971.97	40,090.45	34,226.09	24,254.12	315,303.42
TOTAL OTHER ADMIN EXPENSES	15,868.54	27,488.00	11,619.46	28,770.63	15,868.54	27,488.00	349,072.32
TOTAL ADMINISTRATIVE EXPENSES	223,129.27	201,715.51	-21,413.76	216,468.72	223,129.27	201,715.51	2,709,146.82
RESIDENT SERV SALARIES							
RELOCATION EXPENSE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
RESIDENT SERV EMP BENEFITS	1,803.59	0.00	-1,803.59	2,430.96	1,803.59	0.00	0.00
RESIDENT FUND	0.00	1,700.00	1,700.00	1,294.51	0.00	1,700.00	5,187.76
TOTAL OTHER RESIDENT SERVICES	1,803.59	1,700.00	-103.59	9,793.07	1,803.59	1,700.00	5,187.76
TOTAL RESIDENT SERVICE EXPENSES	1,803.59	1,700.00	-103.59	9,793.07	1,803.59	1,700.00	5,187.76
UTILITY EXPENSES							
TOTAL UTILITY EXPENSES	0.00	770.42	770.42	811.47	0.00	770.42	9,245.13
TOTAL MAINTENANCE							
MAINTENANCE SALARIES							
TOTAL MAINTENANCE SALARIES	6,301.02	21,634.95	15,333.93	5,219.07	6,301.02	21,634.95	281,254.27
TOTAL MAINTENANCE MATERIALS	0.00	99.28	99.28	203.32	0.00	99.28	1,191.38
TOTAL MAINT SERVICES AND CONTRACTS	1,122.17	1,277.49	155.32	1,614.40	1,122.17	1,277.49	18,329.90
TOTAL MAINT EMPLOYEE BENEFITS	5,895.90	4,889.30	-1,006.60	5,208.77	5,895.90	4,889.30	63,560.93
TOTAL MAINTENANCE EXPENSES	13,319.09	27,901.02	14,581.93	12,245.56	13,319.09	27,901.02	364,336.48
PROTECTIVE SERVICE EXPENSES							
TOTAL SECURITY EXPENSE	141.93	295.85	153.92	186.34	141.93	295.85	3,550.16
TOTAL PROTECT SERVICE EXPENSES	141.93	295.85	153.92	186.34	141.93	295.85	3,550.16
GENERAL EXPENSES							
INSURANCE EXPENSES							
TOTAL INSURANCE EXP	5,047.61	5,082.96	35.35	4,219.48	5,047.61	5,082.96	60,995.57
TOTAL GENERAL EXPENSES	5,047.61	5,082.96	35.35	4,219.48	5,047.61	5,082.96	60,995.57
OTHER EXPENSES							
TOTAL OTHER EXPENSES	0.00	0.00	0.00	0.00	0.00	0.00	1,192.53
TOTAL OPERATING EXPENSES	243,441.49	237,465.76	-5,975.73	243,724.64	243,441.49	237,465.76	3,153,654.45
NON-OPERATING EXPENSES							
TOTAL DEPR & AMORT EXPENSE	1,420.98	1,887.84	466.86	1,158.37	1,420.98	1,887.84	22,654.12
TOTAL NON-OPERATING EXPENSES	1,420.98	1,887.84	466.86	1,158.37	1,420.98	1,887.84	22,654.12
TOTAL EXPENSES	244,862.47	239,353.60	-5,508.87	244,883.01	244,862.47	239,353.60	3,176,308.57
NET OPERATING INCOME (LOSS)	13,544.89	18,843.36	-5,298.47	-5,485.77	13,544.89	18,843.36	-77,945.01

Budget Comparison

Period = Jan 2021

Book = Accrual ; Tree = ysi_is

	PTD	PTD	PTD	YTD	YTD	YTD		
	Actual	Budget	Variance	Last Year	Actual	Budget	Variance	Annual
REVENUES								
TENANT REVENUES								
TOTAL TENANT REVENUES	15,936.00	3,750.00	12,186.00	0.00	15,936.00	3,750.00	12,186.00	45,000.00
TOTAL FEE REVENUE								
TOTAL FEE REVENUE	325,619.62	333,898.82	-8,279.20	319,272.88	325,619.62	333,898.82	-8,279.20	4,213,280.91
TOTAL OTHER GOV'T GRANTS DONATIONS	0.00	35,416.67	-35,416.67	0.00	0.00	35,416.67	-35,416.67	425,000.00
INVESTMENT INCOME								
TOTAL INTEREST INCOME - MAIN	3.72	12.67	-8.95	18.54	3.72	12.67	-8.95	152.00
OTHER INCOME								
TOTAL OTHER INCOME	4,429.83	7,586.09	-3,156.26	96.00	4,429.83	7,586.09	-3,156.26	37,033.00
TOTAL REVENUES	345,989.17	380,664.25	-34,675.08	319,387.42	345,989.17	380,664.25	-34,675.08	4,720,465.91
EXPENSES								
OPERATING EXPENSES								
ADMINISTRATIVE EXPENSES								
ADMINISTRATIVE SALARIES								
TOTAL ADMIN SALARIES	177,550.89	205,185.60	27,634.71	172,582.13	177,550.89	205,185.60	27,634.71	2,665,079.50
TOTAL ADMINISTRATIVE FEE	0.00	0.00	0.00	0.00	0.00	0.00	0.00	13,000.00
TOTAL COMPENSATED ABSENCE	0.00	0.00	0.00	0.00	0.00	0.00	0.00	224,096.00
TOTAL ADMIN EMPLOYEE BENEFITS	70,579.87	65,161.27	-5,418.60	72,569.16	70,579.87	65,161.27	-5,418.60	847,096.51
TOTAL OTHER ADMIN EXPENSES	47,780.51	52,400.94	4,620.43	55,106.22	47,780.51	52,400.94	4,620.43	687,841.25
TOTAL ADMINISTRATIVE EXPENSES	295,911.27	322,747.81	26,836.54	300,257.51	295,911.27	322,747.81	26,836.54	4,437,113.26
RESIDENT SERV SALARIES								
RELOCATION EXPENSE	0.00	5,562.16	5,562.16	0.00	0.00	5,562.16	5,562.16	66,746.00
RESIDENT SERV EMP BENEFITS	1,955.80	2,099.40	143.60	1,940.63	1,955.80	2,099.40	143.60	27,292.44
YOUTH ACTIVITIES	0.00	666.67	666.67	241.10	0.00	666.67	666.67	8,000.00
RESIDENT FUND	6,000.00	1,818.86	-4,181.14	2,777.39	6,000.00	1,818.86	-4,181.14	28,226.33
TOTAL OTHER RESIDENT SERVICES	10,963.14	13,906.26	2,943.12	8,243.83	10,963.14	13,906.26	2,943.12	179,133.99
TOTAL RESIDENT SERVICE EXPENSES	10,963.14	13,906.26	2,943.12	8,243.83	10,963.14	13,906.26	2,943.12	179,133.99
UTILITY EXPENSES								
TOTAL UTILITY EXPENSES	6,789.65	5,349.95	-1,439.70	6,705.37	6,789.65	5,349.95	-1,439.70	64,199.38
TOTAL MAINTENANCE								
MAINTENANCE SALARIES								
TOTAL MAINTENANCE SALARIES	687.24	833.33	146.09	4,997.02	687.24	833.33	146.09	10,000.00
TOTAL MAINTENANCE MATERIALS	1,400.76	1,161.09	-239.67	1,102.84	1,400.76	1,161.09	-239.67	13,933.02
TOTAL MAINT SERVICES AND CONTRACTS	9,267.46	7,984.61	-1,282.85	17,830.08	9,267.46	7,984.61	-1,282.85	93,815.50
TOTAL MAINT EMPLOYEE BENEFITS	0.00	294.94	294.94	0.00	0.00	294.94	294.94	294.94
TOTAL MAINTENANCE EXPENSES	11,355.46	10,273.97	-1,081.49	23,929.94	11,355.46	10,273.97	-1,081.49	118,043.46
PROTECTIVE SERVICE EXPENSES								
PROTECTIVE SERVICE SALARIES								
TOTAL PROTECTIVE SERV SALARIES	6,053.61	6,923.07	869.46	4,401.62	6,053.61	6,923.07	869.46	90,000.00
TOTAL SECURITY EXPENSE	325.69	1,655.09	1,329.40	452.12	325.69	1,655.09	1,329.40	19,861.00
TOTAL SECURITY EMPLOYEE BENEFITS	537.37	623.08	85.71	1,250.60	537.37	623.08	85.71	8,100.00
TOTAL PROTECT SERVICE EXPENSES	6,916.67	9,201.24	2,284.57	6,104.34	6,916.67	9,201.24	2,284.57	117,961.00
GENERAL EXPENSES								
INSURANCE EXPENSES								
TOTAL INSURANCE EXP	12,370.36	10,310.54	-2,059.82	8,558.01	12,370.36	10,310.54	-2,059.82	123,726.39
TOTAL LOAN INTEREST	7,665.75	6,666.67	-999.08	7,239.57	7,665.75	6,666.67	-999.08	80,000.00
TOTAL GENERAL EXPENSES	20,036.11	16,977.21	-3,058.90	15,797.58	20,036.11	16,977.21	-3,058.90	203,726.39
OTHER EXPENSES								
TOTAL OTHER EXPENSES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL OPERATING EXPENSES	351,972.30	378,456.44	26,484.14	361,038.57	351,972.30	378,456.44	26,484.14	5,120,177.48
NON-OPERATING EXPENSES								

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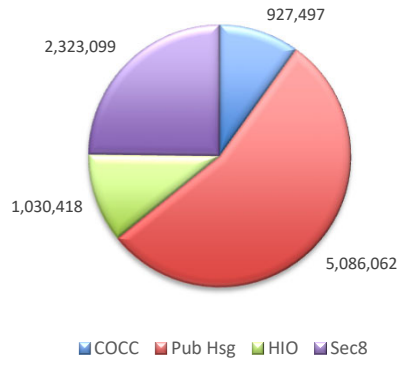
Budget Comparison

Period = Jan 2021

Book = Accrual ; Tree = ysi_is

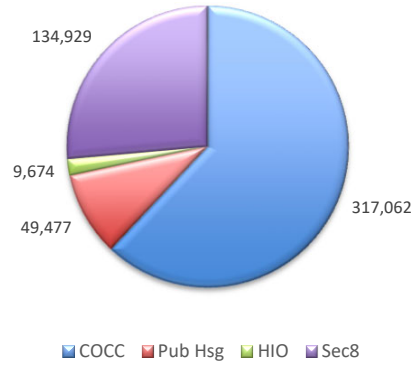
	PTD	PTD	PTD	YTD	YTD	YTD		
	Actual	Budget	Variance	Last Year	Actual	Budget	Variance	Annual
TOTAL DEPR & AMORT EXPENSE	12,782.23	11,666.67	-1,115.56	11,439.19	12,782.23	11,666.67	-1,115.56	140,000.00
TOTAL NON-OPERATING EXPENSES	12,782.23	11,666.67	-1,115.56	11,439.19	12,782.23	11,666.67	-1,115.56	140,000.00
TOTAL EXPENSES	364,754.53	390,123.11	25,368.58	372,477.76	364,754.53	390,123.11	25,368.58	5,260,177.48
TOTAL TRANSFERS	0.00	-51,316.50	-51,316.50	0.00	0.00	-51,316.50	-51,316.50	-615,798.00
NET OPERATING INCOME (LOSS)	-18,765.36	41,857.64	-60,623.00	-53,090.34	-18,765.36	41,857.64	-60,623.00	76,086.43

CASH BALANCE

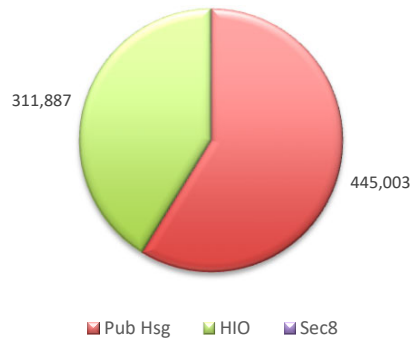


	Total	Restricted	Unrestricted
COCC	927,497	149,042	778,456
Pub Hsg	5,086,062	4,079,631	1,006,430
HIO	1,030,418	894,944	135,474
SEC8	2,323,099	1,037,630	1,285,469
	9,367,076	6,161,247	3,205,829

OTHER ACCOUNTS RECEIVABLE *



A/R - TENANT



	30 days	60 days +
Pub Hsg	177,735	267,268
Hio	17,709	294,178

***OTHER ACCONTS RECEIVABLES:**

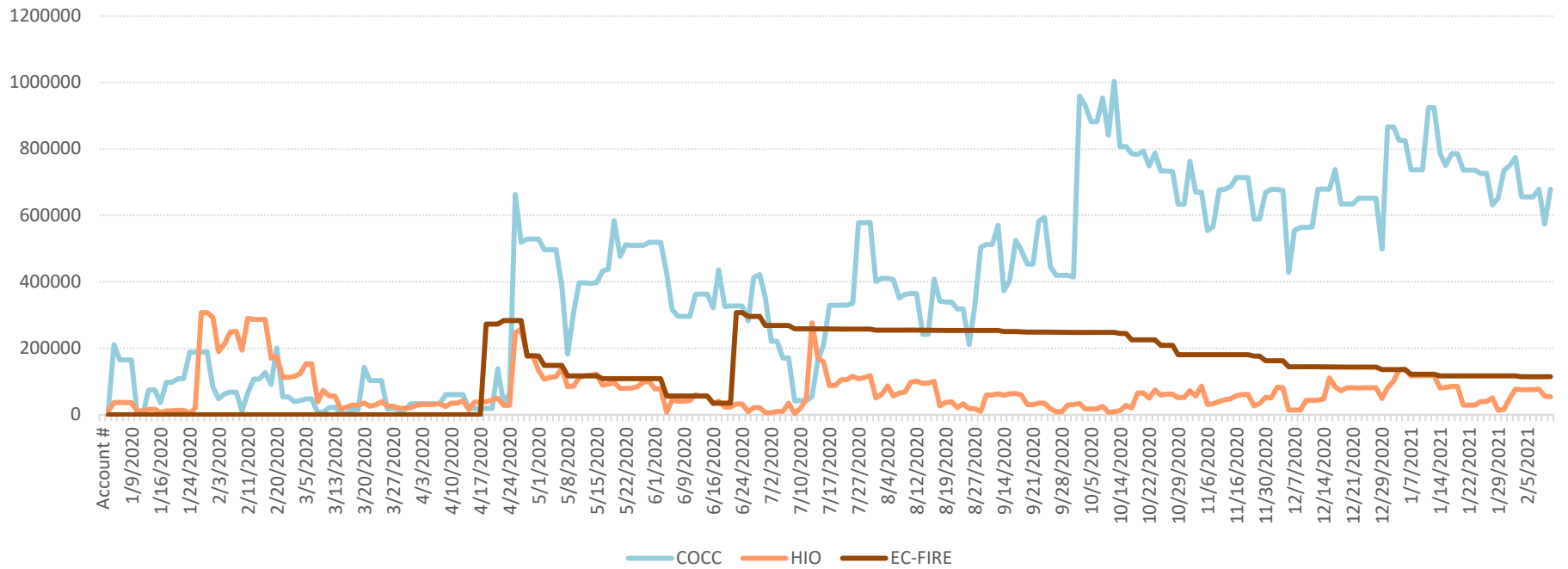
COCC Accounts Receivable includes outstanding rents from the Library and CNP & CNI Grant Receivable

Public Housing Accounts Receivables includes Capital Fund, ROSS Grants & CARES Act receivables

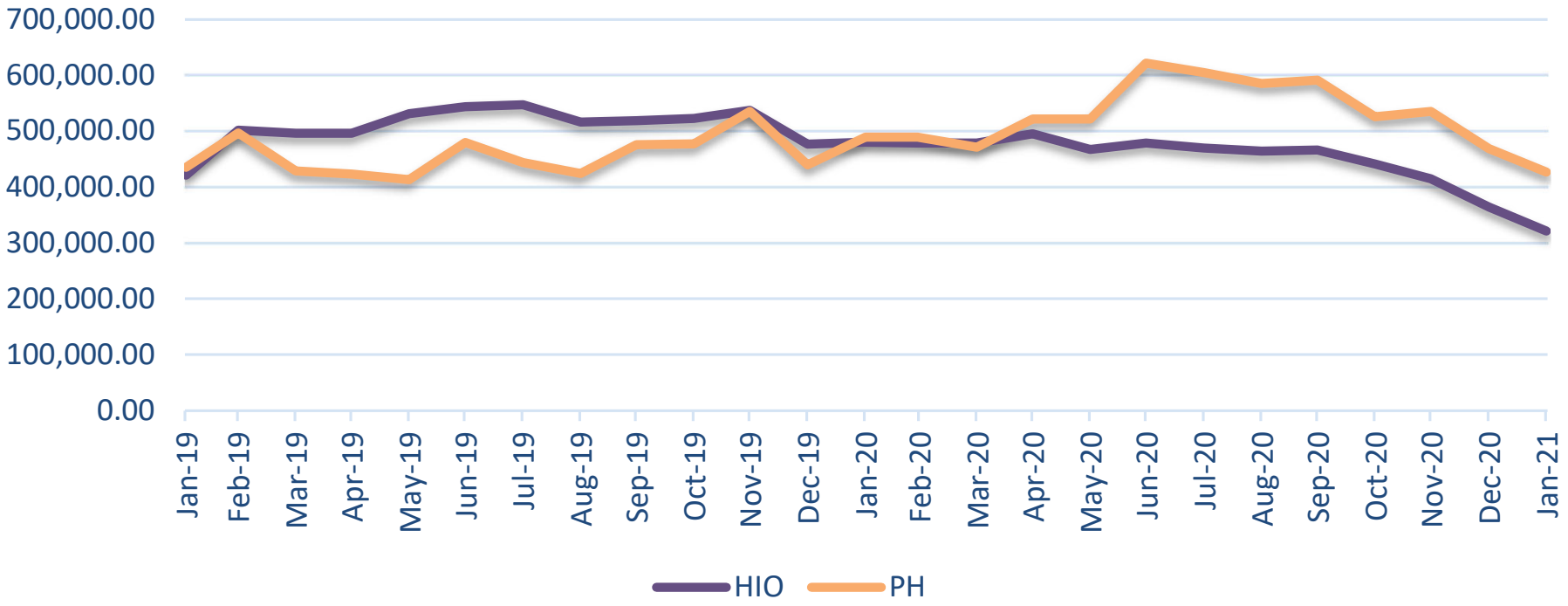
HIO Accounts Receivalbes includes Non-Dwelling Rent

Sec8 Accounts Receivables is comprised of the remaining HUD repayment balance; FSS grant receivables which is due to timing; and the balance of 4Home receivables.

Cash Balances Trend 2020-2021



Tenants Accounts Receivable Trend 2019-2021 YR



Memorandum



To: Board of Commissioners
From: Susan Wiggins, CFO
Date: March 1, 2021
Re: Finance Report

AGENCY BALANCE SHEET

January 2021:

Cash position had a net change decrease of **(\$633,131)**

- Public Housing (PH): had a negative net change **(\$292,896)**
- HIO: had a negative net change of **(\$69,506)**
- Section 8: had a negative net change of **(\$164,254)**
- Central Office: had a negative net change of **(\$106,475)**

The negative cash net change for January was due to vendor payments and insurance premiums.

Balance Sheet Variance Summary:

Account Receivable had a net change decrease (\$188,711).

- Operating A/R had a negative net change of (\$20,761).
- A/R Inter-property had a negative net change of (\$82,334).
- Tenant Receivables had a negative net change of (\$84,758).
 - Tenant ledger clean-up for 4HIO properties prior to 2019, write-off (\$23,782).
- A/R Promissory Notes had a negative net change of (\$858).
 - 6 tenants signed repayment agreements

Prepaid Assets had a **positive** net change of \$170,766.

- Insurance premiums for auto, liability, property, and director & officers coverage

Fixed Assets in January had a net change decrease of (\$180,894).

- Property improvements involved new roofs, gutters, HVAC, security updates (cameras and door locks), and mold remediation \$34,206
- Monthly depreciation accrual, net of dispositions (\$215,101)

Total Liabilities had a net change decrease of (\$199,297).

Current Liabilities had a negative net change of (\$270,084)

- Accounts Payable had a net change increase \$91,298
- Accrued Fees, Tenant Security Deposits, Unearned Revenue, R/E Taxes, Contract Retainage, and Withholdings had a net change increase of (\$361,382)

Memorandum



To: Board of Commissioners
From: Susan Wiggins, CFO
Date: March 1, 2021
Re: Finance Report

AGENCY BUDGET COMPARISON

Revenue was unfavorable to budget MTD by (\$188,666) and unfavorable to budget YTD by (\$188,666)
Expense was unfavorable to budget MTD by (\$4,405) and YTD by (\$4,405)
Transfers are unfavorable due to timing

January 2021:

Adjusted Net Operating Income/ (Loss) MTD was (\$317,872) / YTD (\$317,872). This is adding back non-cash transactions which comprise of depreciation expense of \$244,037 and prior period adjustments of \$26,431.

- **Public Housing** Adjusted Net Operating Income/(Loss) MTD was (\$123,147) / YTD (\$123,147)
 - The adjusted net operating income/ (loss) MTD & YTD budget variances were unfavorable by (\$234,103).
 - MTD & YTD budget variances were unfavorable for revenue.
 - The HUD grants and subsidy budget variance was unfavorable (\$249,221). The 2021 CFP grant has not been released yet to pull operating funds.
 - The tenant revenue budget variance was unfavorable (\$43,966). The majority of the unfavorable variance was in dwelling rents (\$38,962).
 - The MTD & YTD budget variance for expenses were favorable.
- **HIO** Adjusted Net Operating Income/(Loss) MTD was (\$53,237) / YTD (\$53,237)
 - The adjusted net operating income/ (loss) MTD & YTD budget variances were unfavorable by (\$7,094).
 - The MTD & YTD budget variance for revenue were unfavorable.
 - The MTD & YTD budget variances for expenses were favorable.
- **Central Office** Adjusted Net Operating Income/(Loss) MTD was (\$5,983) / YTD (\$5,983)
 - The adjusted net operating income/ (loss) MTD & YTD budget variances were unfavorable.
 - The MTD & YTD budget variances for revenue were unfavorable
 - The MTD & YTD budget variances for expenses were favorable.
- **Section 8 HAP** Adjusted Net Operating Income/ (Loss) MTD was (\$150,471) / YTD (\$150,471).
 - The MTD & YTD adjusted net operating income/ (loss) budget variance were unfavorable.
 - The MTD & YTD budget variances for revenue were favorable.
 - The MTD & YTD expenses were unfavorable.
- **Section 8 Admin** Adjusted Net Operating Income/ (Loss) MTD was \$14,966 / YTD was \$14,966.
 - The adjusted net operating income/ (loss) MTD & YTD budget variances were unfavorable.
 - The MTD & YTD budget variances for revenue were favorable.
 - The MTD & YTD budget variance for expenses were unfavorable.

Admin Expenses: MTD & YTD budget variances were favorable to budget by \$48,221.

- Administrative Salaries and Employee Benefits were favorable to the budget for MTD & YTD.

Resident Service Expenses: MTD & YTD budget variances were favorable to budget \$30,110.

Memorandum



To: Board of Commissioners
From: Susan Wiggins, CFO
Date: March 1, 2021
Re: Finance Report

COVID-19 Expenses: We still have \$639,126 in PH CARES Act funds available.

- Cares Act Funding utilization to date (2021):
 - \$9,606 for computer equipment, computer supplies, and software

Utility Expenses: MTD & YTD budget variances were unfavorable, (\$55,681).

Maintenance Expenses: MTD & YTD budget variance were favorable, \$322,327.

Protective Services Expenses: MTD & YTD budget variances were unfavorable, (\$11,256).

General Expenses: MTD & YTD budget variances were favorable by \$1,268.

6.6. Development

Memorandum



To: OHA Board of Commissioners
From: Brian Hansen, General Counsel
Date: March 4, 2021
Re: Development Report

Replacement Housing Factor Funds Development

OHA purchased four lots fronting 30th Street and bisected by Miami Street (3003 – 3007 Miami Street and 3004 – 3008 Miami Street) for the construction of six townhomes to be used as new public housing units. The original intent was to develop these units using the RHF grant funds OHA accumulated from the demolition of Pleasantview Homes.

OHA accumulated seven (7) Replacement Housing Factor (RHF) grants totaling \$1,311,257.00. The funds have different expiration dates depending upon when the grants were obtained:

- \$355,105.00 expired 8/31/2020
- \$356,242.00 expiring 8/31/2021
- \$599,910.00 expiring 10/29/2021

HUD previously communicated through its online systems a 2021 expiration date for the \$355,105.00 RHF funds but unexpectedly changed the expiration date to 2020 in April 2020.

OHA submitted the Development Proposal for the 30th and Miami development to HUD on June 12, 2020 and requested an expedited review given the need to expend \$355,105.00 prior to August 31, 2020. HUD approved the Development Proposal on August 27, 2020. In the timeperiod between submission of the Development Proposal and HUD approval, construction costs increased significantly due to supply chain complications from COVID-19.

	JUNE 2020	AUG 2020	INCREASE
TOTAL COSTS	2,169,007	2,769,103	600,096
COST PER UNIT	361,501	461,517	100,016

OHA staff, in consultation with the Development Committee and Brinshore, determined that rather than committing to a contract with significantly elevated pricing, OHA should wait for costs to decrease or volume pricing can be secured by folding the project in with the larger CNI developments.

OHA expended \$223,121.70 on predevelopment costs to date. These expenses were paid out of the RHF grant funds that expired on August 31, 2020.

OHA is developing plans in consultation with HUD and the Development Committee to ensure the remaining \$956,152.00 in RHF grant funds are expended prior to the applicable deadlines. This could include shifting the funds away from 30th and Miami to an alternative endeavor. On October 7, 2020, OHA submitted a proposal to the HUD Regional Counsel to use the funds to purchase the Park Villa development from Housing in Omaha (HIO). HUD has approved this use of the funds pending an acceptable acquisition and development proposal. OHA staff is completing a scope of work for renovation of the units. A resolution is being presented to the OHA Board of Commissioners this month for acquisition of the Park Villa site from HIO. OHA staff has begun drafting the development proposal for HUD and the environmental review is underway. OHA is also contracting with CVR to handle resident relocation under the Uniform Relocation Act.

CNI Grant – Spencer Homes

OHA staff is focused on developing case management and relocation plans for Spencer residents. OHA staff is currently working with CVR to finalize the Spencer Relocation Plan.

OHA wishes to enter into a Master Development Agreement (MDA) with Brinshore Development for the purpose of developing all phases of the CNI plan. The MDA has been approved by the City Attorney's office. It is being presented to the OHA Board for approval on December 17, 2020 and will then be submitted to the Omaha City Council.

The Phase I Environmental Site Assessment (ESA) has been completed. There were several Recognized Environmental Concerns (RECs) and a Phase II ESA is underway to address the RECs.

OHA will be exploring the acquisition of two residential properties near Spencer Homes for the purpose of extending the street grid as part of the redevelopment.

Choice Neighborhood Planning Grant – Southside

OHA staff and the CNP partners have adapted to COVID restrictions by engaging with community stakeholders virtually and through social distancing. OHA staff continue to meet with the CNP partners and HUD to share updates.

Habitat for Humanity and Section 32 Homeownership Application

OHA and Habitat have closed on the final house under the Section 32 Partnership. OHA received a total of \$2,692,963.50 for 31 houses.

Scattered Site Housing

OHA staff has submitted a Section 18 Disposition Application to HUD and the sale of thirteen scattered site single family houses. The OHA Board of Commissioners has approved the disposition of an additional 7 houses that will first need to be removed from the Habitat Section 32 Plan before they are eligible to be sold on the market. These 7 houses were initially approved to be soled to Habitat but were ultimately excluded from the program for a variety of reasons. OHA anticipates HUD will approve the application in May 2021. All residents have been informed of the right to purchase the house they are living in at appraised value. To move forward with the purchase process, residents must provide OHA with a pre-approval letter from a lender before April 5, 2021. The houses will be listed for sale with a real estate agent in summer 2021.

Jackson Tower and the Old Central Office

OHA is partnering with Youth Emergency Services (YES) to facilitate YES' pursuit of a redevelopment project at the site of the old central office and the adjoining lots. The OHA Board of Commssioners approved the partnership and options for YES to purchase to be determined portions of the property. Any division of the property will need to be approved by the OHA Board of Commissioners at a future meeting.

Housing in Omaha, Inc.

OHA staff is in the process of repositioning poorly performing HIO developments. The process could include selling certain properties and repositioning others under alternative HUD programs. HIO procured Investors Realty as its real estate broker.

Staff is exploring the possibility of selling and/or repositioning several properties. Due to the confidential nature of real estate transactions, staff will continue to provide updates to the Development Committee and regular updates are provided to the HIO Board.

6.7. Procurement/Contracting/Capital Budgets

Memorandum



To: The Board of Commissioners

From: Steve Schrader, Director of Procurement & Capital Improvements

Date: March 4, 2021

Re: Capital Improvements Monthly Report for January 2021

Ernie Chambers Fire

The Majestic building at Chambers had a three-alarm fire On December 20, 2019. OHA staff issued an Invitation for Bids (IFB) for a general contractor for the remaining renovation of the building. The HIO Board of Directors approved a contract with the low bidder, Lund-Ross on February 12, 2021. Contract to be effective March 1st.

Security Camera Installation

Camera installation is complete at Jackson Tower, our last location. Cameras are providing evidence on a regular basis.

Radon Mitigation at all OHA and HIO scattered site locations

The City of Omaha awarded OHA a Grant of \$250,000 to test for Radon in OHA and HIO Scattered Site properties. OHA will dedicate a full-time staff person to this project for the next five to six months.

Green Physical Needs Assessment:

Staff executed a contract with Nelrod, a consulting firm, to complete a GPNA. Site visits were conducted the week of December 14, 2020. Staff will use the resulting data to prepare future Capital Budgets.

HUD Lead Base Paint Abatement Grant

HUD awarded OHA a \$660,000 Grant for abating lead at our properties. The Grant is focused explicitly on homes where people younger than seven years old reside. This Grant will fund testing, abatement, and relocation if required. Testing of fourteen units is complete and the contractor is preparing scopes of work for the abatement of all lead found in these properties. Staff will be issuing IFB's for the removal or abatement of all materials found to contain lead. This process often affects all wood trims, doors, cabinets, and windows. OHA has eighteen months to obligate these funds. Additional homes will be tested for lead in the next few months.

Benson Tower HVAC

Air handler experienced a catastrophic failure on February 11, 2021. The unit services all hallways and common areas. Resident units are not affected. Temporary heating has been provided for first floor common areas pending repairs. Repairs are estimated at \$250,000.

LED Lighting Upgrades

Staff is working with Engineers preparing a scope of work to replace all interior and exterior lighting.

Active Capital Improvement & Construction projects at mid-February include:

Project	Status	Fund	Budget
Majestic Fire - General Contractor	Contract to be executed week of 2/22/21	INS	896,000
Radon Testing & Mitigation. - 505 units	Pending City of Omaha paperwork	City	250,000
Crown Tower – Mold abatement	Plumber reviewed every unit in Dec.	CFP	80,000
Crown Tower - Remediation plan	Writing plan	CFP	200,000
Window replacement in scattered sites	Scope ready for 486 windows	CFP	500,000
Lead Base Paint Abatement Grant	Abatement required at first 14	LCFP	600,000
Insurance Claim	KJ Tower Entry Doors	INS	24,000
Insurance Claims	Fire reconstruction jobs – Four underway	INS	70,000
Security Cameras - Jackson	Install Complete	CFP	132,000
A&E for Lighting - three Towers	Site visits completed – Planning phase	CFP	23,000
LED Lighting interiors	Pending Engineering	CFP	500,000
Security Fencing at Evans Tower	Pending weather	CFP	23,000
GPNA	Results due	CFP	45,000
Roof Assessment at all Towers	Held for snow	CFP	500,000
Roofing, siding & windows	Assessing all scattered Sites	CFP	1,000,000
Lead Base Paint Abatement Grant	Assess additional units	CFP	60,000
Masonry repairs and waterproofing	6 towers underway	CFP	1,000,000
LED Lighting upgrades - Exterior	Retrofitting exterior fixtures	CFP	84,000
Elevator Door - Operator upgrades	Recommended by KONE	CFP	150,000
Bath & Showers renovation	300 units with immediate needs	CFP	400,000
Security & Safety Grant Application	Applied for Grant	CFP	\$250,000
A&E - Gobbler Upgrades	A&E contract needed	CFP	150,000
LVT Flooring upgrades	Replacing carpet at all sites with LVT	CFP	250,000
Alley Poyner - Community Furniture	Procurement of items underway	COVID	TBD
Concrete & Handrails at Southside	Scope of work needed	CFP	80,000
Security Door and Frame replacements	Exterior doors at most towers	CFP	250,000
Fire detection systems at all Towers	Assessing for upgrades required	CFP	500,000
Vacancy Reduction Activities	As needed	CFP	TBD
Lower windows at all towers	New item	CFP	TBD

Bold status – updated for this report

Bold Budget – Contract in place, funds obligated.

Notices of Violation (NOV's):

Staff continues to manage the resolution of all NOV's as a priority item.

Capital Fund Program Grants:

2021 Capital Fund Grant is \$5,808,517.00 (NEW)

- \$1,452,129 is budgeted and available for Operations at the AMP level.
- \$ 580,851 is budgeted and available for the management of the Grant and Contracts funded by the Grant.
- \$ 580,851 is budgeted and available for Security enhancements
- \$3,194,684 is budgeted and available for Capital Improvement activities.

2020 Capital Fund Grant is \$6,017,802.00

- \$1,504,450 was contributed to Operations at the AMP level.
- \$ 902,670 was paid to the COCC for the management of the Grant and Contracts funded by the Grant.
- \$ 598,447 is budgeted and available for Security enhancements
- \$3,012,234 is budgeted and available for Capital Improvement activities.

2019 Capital Fund Grant is \$5,612,551.00

- \$1,403,127 contributed to Operations at the AMP level.
- \$ 841,876 was paid to the COCC for the management of the Grant and Contracts funded by the Grant.
- \$ 552,990 is budgeted and obligated for Management Improvements and Security Enhancements.
- \$2,814,517 is budgeted for Capital Improvements and Development activities.

Source	Operations	Fee for Administration of Grant	Unobligated Capital Improvement	Development Only	Total
CFP 2018	\$1,341,749	\$536,997	\$0		\$5,366,997
CFP 2019	\$1,403,138	\$841,876	\$2,814,517		\$5,612,551
CFP 2020	\$1,504,450	\$902,670	\$3,590,684		\$6,017,802
CFP 2021	\$1,452,129	\$580,851	\$3,775,536		\$5,808,517
Habitat sale proceeds (31 to date)				\$2,680,766	\$2,680,766
RHF Grants				\$956,152	\$956,152
Pleasantview proceeds				\$773,849	\$773,849
Jones ST proceeds				\$37,528	\$37,528
CFP 2019 – Lead Based Paint			\$660,000		\$660,000
			\$10,840,737	\$4,448,295	\$27,914,162

Memorandum



To: The Board of Commissioners
From: Steve Schrader, Dir. Procurement & Capital Improvements
Date: March 4, 2021
Re: Procurement Monthly Report for January 2021

Current Procurement Activity

Vendor	Project	Type	Budget	Action Stage	Date
Baird Holm LLP	Legal Services - General	RFP	TBD	Resolution	3/4/2021
Baird Holm LLP	Legal Services - Labor Relations	RFP	TBD	Resolution	3/4/2021
Reno & Cavanaugh PLLC	Legal Services - Development	RFP	TBD	Resolution	3/4/2021
AOI Corp.	Community Room Furniture	IFB	\$95,124	Resolution	3/4/2021
Payless Office Products	Community Room Furniture	IFB	\$27,462	Resolution	3/4/2021
CVR Associates	Villa Relocation	Ammend	\$53,750	Resolution	3/4/2021

Contracts Executed – Approved by Previous Board Action:

Vendor	Project	Type	Budget	DBE/MBE/WB	Date
Lund-Ross	Majestic Fire Rebuild - HIO	HIO IFB	\$896,000	No	TBD

Contract Modifications – Approved by Previous Board Action:

Vendor	Project	Type	Budget	DBE/MBE/WB	Date
Fisher Building Services	PN/PS Waterproofing	Extension	\$0	No	TBD

Purchase Orders, Contracts and Modifications in excess of \$4,000

Vendor	Project	Transactions	Spent	Per Trans.	DBE
A UNITED AUTOMATIC	Tower Door Replacements	4	\$ 26,136	\$ 6,534	No
ALL MAKES OFFICE EQ	Office Furniture	1	\$ 8,094	\$ 8,094	No
FERGUSON ENTERPRIS	Maintenance Supplies & Appliance	16	\$ 11,420	\$ 714	Yes
GRASSMAN LAWN SER	Snow Removal	4	\$ 4,525	\$ 1,131	Yes
HD SUPPLY FACILITIES	Maintenance Supplies	23	\$ 7,281	\$ 317	Yes
KENNETH D. LATHRUM	Fire Job Architect	2	\$ 7,895	\$ 3,948	No
LOWES	Maintenance Supplies & Appliance	5	\$ 5,669	\$ 1,134	Yes
Morrissey Appraisal Servi	Appraisals	2	\$ 5,075	\$ 2,538	Yes
NL&L INC.	Snow removal and Lawn care	1	\$ 4,200	\$ 4,200	No
PLUMBMASTER / WOL	Maintenance Supplies	4	\$ 8,397	\$ 2,099	No
SHERWIN WILLIAMS	Paint & Paint Supplies	12	\$ 8,642	\$ 720	No
THOMPSON DREESSEN	Surveys	4	\$ 14,600	\$ 3,650	No
TR CONSTRUCTION	Snow Removal	4	\$ 16,275	\$ 4,069	No

MBE/WBE Enterprises Purchasing Activity:

Procurement staff is also responsible for assisting the resident population and the metropolitan Omaha area by

Purchases awarded to MBE/WBE Enterprises in January 2021:

Name	Jan-21	12 Months
ADAMS PAINTING COMPANY		12,450
AQC LLC		1,500
BARFIELDS PAINTING	6,450	20,100
BLUE JAY TERMITE AND PEST CONTROL, INC		48,281
BRADCO COMPANY		1,773
BROWNS COMMERCIAL CLEANING	1,450	5,650
CLEAN ON POINT, LLC.	1,400	5,300
COUNTY SECURITY & PROTECTIVE SERVICES, LLC		5,695
CROWN TROPHY AND AWARD		53
DAVIS INSURANCE AGENCY, INC		12,218
DH PACE CO FRMLY NORMS DOOR SERVICE		428
FUTURE CONSTRUCTION SPECIALTIES	2,350	228,816
GAZELLAS BRIGHT, LLC.		4,290
GRASSMAN LAWN SERVICE LLC	4,525	27,705
H.H.E.R.S. LLC	13,365	243,933
HAYES & ASSOCIATES, LLC.		106,796
JOHNSTONE SUPPLY		12,332
JUST CLEAN	4,180	80,930
KEN & ASSOCIATES LLC	7,880	64,660
MIDLANDS PRINTING & FORMS	192	8,677
NAN MCKAY AND ASSOCIATES, INC		1,614
NL&L INC.	4,200	36,000
RONALD ROSS, CONSTABLE	68	1,430
SERVPRO OF SARPY COUNTY	3,653	3,653
SURFACE 1 CONSTRUCTION		56,107
THE OFFICIAL HANDYMAN	3,510	41,938
V.C.K.LLC		3,350
VECTOR HEATING & COOLING	7,780	45,673
	61,003	1,081,350

407,800 6,810,032

15% 16%

Fifteen percent (15%) of January purchases went to MBE/WBE Enterprises.

Sixteen percent (16%) of purchases the last 12 months went to MBE/WBE Enterprises.

**Total discretionary expenditures processed by procurement.*

6.8. Human Resources

Memorandum



To: The Board of Commissioners

From: Latina Jackson, Director of Human Resources

Date: February 23, 2021

Re: Staffing Report Summary January 21, 2021 – February 23, 2021

Total Open Positions 7

Position(s)	Number of Positions Open	Department	Status
Public Safety Officer	1	Public Safety	Reviewing applications
Housing Specialist	2	Housing Choice Voucher	Interviewing & Checking references
Maintenance Manager	1	Property Management	Interviewing
Pest Control Technician	1	Property Management	Interviewing
Administrative Clerk	1	Public Housing Intake	Checking references
Video Surveillance Specialist	1	Public Safety	Interviewing

Total New Hires 2

Title	Number of Positions Filled	Department/Location
Maintenance Repairer	1	Property Management – Benson & Crown Towers
Community Outreach Coordinator	1	Family & Community Services

Total Transfers 0

Name	Old Title	New Title	Department	Date

Total Promotions 0

Name	Old Title	New Title	Department	Date

Type of Termination	Number of Employees
Involuntary	1
Voluntary	0

Current Monthly Turnover Rate
.55%

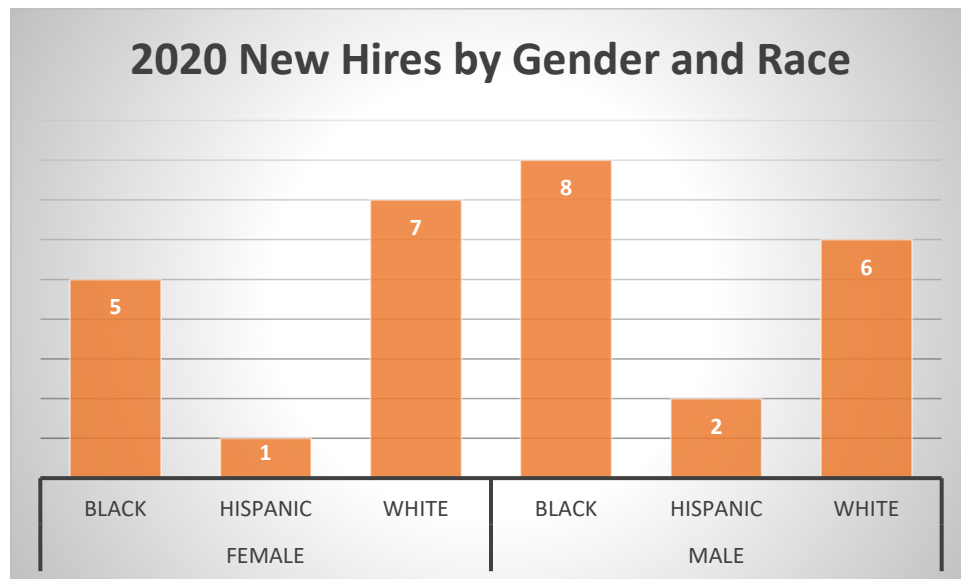
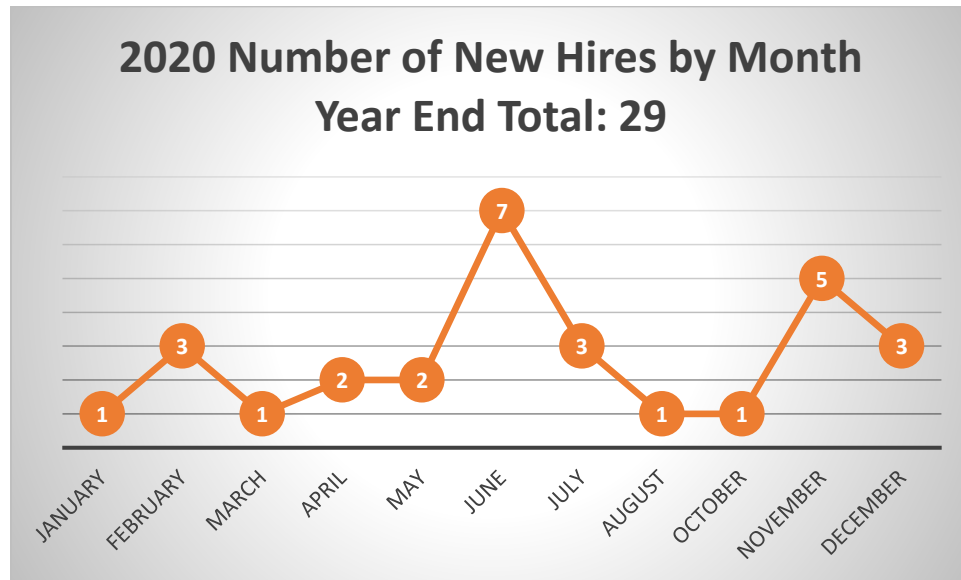
Annual Turnover Rate (03/2020 – 02/2021)
12.59%

2020 HR Recruitment, Promotions and Separations Summary

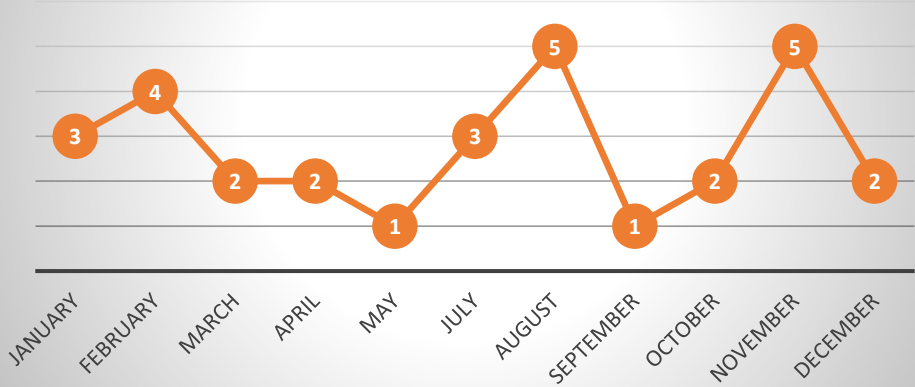
The staff in Human Resources assists applicants and employees with all phases of the employment process. They oversee benefits, recruitment, interviewing, testing, background checks, selection and the appraisal process of all employees while also assisting with other duties.



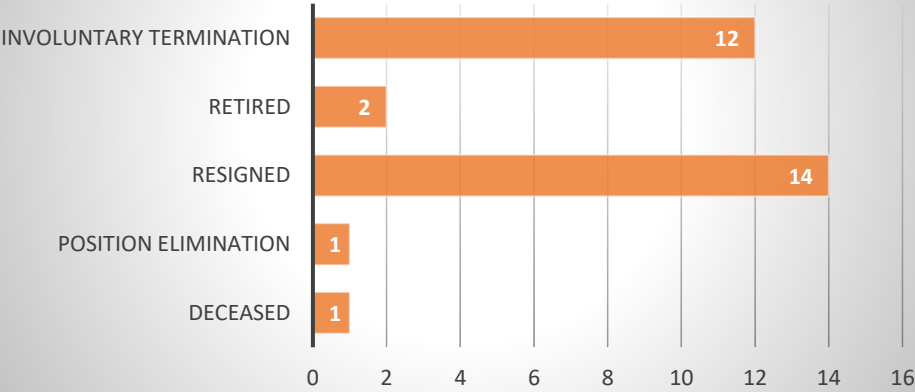
In 2020 OHA posted 28 positions and had 29 new hires, including 4 promotions.



2020 Turnover Count per Month Year End Total: 30



2020 Count by Termination Reason Year End Total: 30



6.9. Family and Community Services

Family and Community Services Department

Synergy of Services = Self-Sufficiency

Outreach

Academic Achievement

Transportation

Elderly and Disabled Services

Resident Education and Employment

Family Self-Sufficiency

Homeownership

Grants



Family and Community Services Department

Family Services and Community Outreach (FSCO) Program

Goal: The primary goal of the Family Services and Community Outreach Program is to assess, upon lease-up, the needs of public housing residents and strategically connect them to community resources and internal OHA programs that stabilize their housing situations; provide access to education and employment opportunities; and offer youth tutoring and mentoring as well as quality services that allow the elderly to age-in-place. Additionally, the FSCO Program assists the overall agency through: assistance with collection of non-payment of rent through referral resources; enhanced public safety through resident mediation; formal and informal HCV and Public Housing hearings; incentive transfer; and the development of the Community Service/Section 3 Resident program, Resident Associations and the Central Advisory Committee.

Snapshot of Services/Referrals	The Impact (households served)
New Intake Family Assessments/Home Visits	275
Study Centers (Youth & Adult)/Computer Lab (SS and TSF)	125
Outreach Efforts	180
Educational Opportunities (ABE/GED/ESL/Translation services) Adult	21
Employment Referrals (Job Readiness/Employment Leads/Job Placement)	50
Youth/Adult (Cultural/Recreational/Educational)	195
Transportation to all activities	Over 200
IntraAgency Service Coordination & Support	40
Number of New Enrollment (Case management)	15
Number of New Community Partnerships	10
Number of Cultural/Recreational Activities	12
Referral to FSS/HOP	4
Food/Nutrition program	Over 1,000 families
Service Coordination with Property Management	20

Resident Education and Employment Program (REEP)

Goal: The primary goal of the Resident Education and Employment Program (REEP) is to provide meaningful opportunities for Public Housing and Section 8 residents to receive job readiness training, soft and life skill development, post-secondary education, GED/ABE/ESL, job search assistance and resume preparation. By connecting residents with Metro-area employers REEP seeks to provide employment opportunities that lead to economic self-sufficiency.

Snapshot of Service Coordination	The Impact (households served)
Job Placement	5
Job Readiness Training/Referral and Job Fair	Over 200
Direct Employment Leads/Flyers	Over 300
Post-Secondary Education (Certificate Programs/2/4 year University)	42

Family and Community Services Department***Family Self-Sufficiency Program (HCV/PH) (FSS)***

Goal: The primary goal of the Family Self-Sufficiency Program is to empower families to become economically self-sufficient. Through the provision of intensive case management services, financial literacy counseling, asset development, life skills workshops, goal planning (ITSP) and strategic service coordination through the Program Coordinating Committee (PCC) residents are equipped with the skills necessary to live and lead self-sufficient lives.

Snapshot of Service Coordination	The Impact (households served)
Intensive One-on-One Case Management (HCV & PH)	HCV:164 PH:55
TANF Recipients (Welfare To Work)	HCV:8 PH:2
Residents Face-to-Face Contact visit	0
Recommendation for Graduation	2
Recommendation for Termination	0
Program graduates	0
New Enrollment	0
Employment/Job Training/Referrals (YTD)	0
Post Secondary Education (YTD)	45
Employed full-time (YTD)	HCV-75/PH-22
Financial Literacy (Financial Management & Homeownership Counseling) (YTD)	1
Asset Development (Escrows) (YTD)	HCV: \$414, 493.00 PH: \$131,680.00 Total:\$546, 273.00
Life Skills (YTD)	10
Service Coordination (PCC)	10

How We Impact OHA and the Community?**ACHIEVEMENTS:**

- Four (4) tenants were approved for a home mortgage loan this month.
- Two (2) residents closed on a home using their Section 8 voucher.
- Two (2) residents graduated and/or recommended for graduation from the FSS program.
- Two (2) more new FSS contracts were signed.
- Partnership with DCHD and Methodist College Nursing students to administer covid-19 vaccination at four (4) OHA towers and staff.
- Working with Charles Drew to provide covid-19 vaccination to the other seven (7) OHA towers.
- HUD awarded OHA a FSS renewal grant in the amount of \$224,000.
- Ongoing Covid-19 testing site at MCC Fort Campus (25 residents were referred)

Family and Community Services Department

- Charles Drew Community Clinic continues their outreach efforts to make COVID-19 testing available, with over 600 on-site flu shots, Medicaid Expansion benefits and distribution of education/preventative materials to all 11 OHA Towers.
- Five (5) more OHA student athletes visited College/university campus this month.
- Over 75 OHA tenants are signed up for 2021 Step-Up Omaha Summer program.
- Still working with 50 current OHA MCC and UNO students to receive the newly available Scott Foundation Scholarship.
- Working on partnership with HWS and AIM to provide a very unique training and employment opportunity to OHA tenants. (Coding School)
- Newly developed partnership with UNMC to provide Mental Health services to OHA tenants during such problematic times.
- Intercultural Center providing ongoing case management, behavioral health, food pantry, hot meals, and transportation to OHA's elderly population.
- Eight (8) more OHA students completed applications to Nebraska State schools for free tuition assistance for fall 2021 school year.
- Still working with Simple, City of Omaha and US Soccer to build newly Mini-Pitch Soccer futsal at Keith Miguel Park upcoming spring.
- Continuing our partnership with Whispering for food box and hot meals distribution to OHA towers and family developments. (This month over 400 boxes and 300 hot meals were distributed).
- CPHHE Covid-19 Task Force, DHHS COVID-19 Vaccine and Testing Task Force meetings.
- Working with Urban Home Broadband to possibly provide free or low-cost internet access to OHA tenants.
- Partnership with The Simple Foundation to host Drive and Walk Thru mask distribution at the LFWC to residents and surrounding neighborhood. (Over 15,000 masks distributed)
- Continuing our partnership with The Simple Foundation to provide daily after school Learning POD to over 80 OHA students at the South YMCA. Program included Educational/Technology support, social development, emotional support, and mental health. Students attend from 4pm-8:00pm, Dinner and snacks are provided.
- Working with a number of Community Partners to provide resources to residents such as masks (over 21,000), food (over 17,000 Baskets), Rent Assistance, Learning Kits/Back Pack (1100 kits) for children, Counseling, Educational support, Technology support, Employment, household items etc. to all OHA residents during such problematic times.
- OHA continues our partnership with ENCAP to provide all of our elderly residents with commodities at all eleven OHA Towers during these challenging times. (Over 500 distributed)
- Working with New Era, Douglas County Health, Somalia Bantu Community of Omaha, and Creighton University-CPHHE to train 18 Residents Community Health (CHA) Ambassadors to become Vaccinations Specialist and Educational Advocate on COVID-19 for all 11 OHA Towers and family Developments.
- Creighton University COVID-19 Task Force weekly meetings.
- Staff are working with residents to provide resources for food, employment and other needs during the COVID-19 pandemic. Our pantry partners and Village Zone churches have been diligent in making sure residents' needs are met during such problematic times.
- Staff are working with partners to make sure we are providing direct supervision to residents who need the most assistance during COVID-19 such as mental health, medical, and nutrition assistance.

Family and Community Services Department

- OHA continues our partnership with Heartland Workforce Solution and Goodwill to refer residents to job fairs/placement and job readiness workshops during such challenging times. (This month a meeting is schedules to address employment disparities)
- Partnership meetings- Abundance of Community Zoom meetings (Over 30 meetings)
- Over 200 residents were referred to Drive-through/Virtual Career/Employment Readiness/Training opportunities & Hiring events-10 Companies provided employment and training opportunities during COVID-19.
- Staff continues to work with over 25 OHA High School students to make sure they' re getting students into educational institutions to help break the cycle of generational poverty. (This month, Buffet Scholarship and State school enrollment applications were completed)
- OHA staff continues to bridge communication barriers with the Sudanese, Somalia and Somalia Bantu population throughout OHA programs during this challenging times. Biggest concerns and topics are Public Safety at Southside. (over 45 residents were served)

Newly CPPHE COVID – 19 Vaccinations Project

The Omaha Housing Authority has more than 15 certified CPHHE Covid-19 Community Health Ambassadors (CHA). Each ambassador is actively working to educate and promote resources related to the COVID-19 pandemic. Ambassador activities run through the month of June.

Activities include:

COVID – 19 Observations (Ambassadors are required to do 1 observation a day)

Education on Vaccinations

Continued mask distribution

Education on contact tracing

Evaluation services

Completed over 300 COT/Observations this month

UPCOMING EVENTS:

Partnership with Creighton University, Douglas County and New Era to kick-off Covid-19 Vaccination project next month.

Partnership with Nebraska Urban Indian Health Coalition to provide Covid-19 testing on January16, 2021.

Critical partners during covid-19-Nebraska Center for Healthy Families, Black Men United, WCA, Whispering Roots, Inclusive Communities, Fair Deal, OEDC, US Marines, Heartland Hope, Good-follow, The Block, Eagle Scout, USDA, Inter-Culture Center, Dream City Church, God Father Pizza, Somalia Bantu Community of Omaha, CPHHE, PACE, National Guard, Test Nebraska, New Era Nebraska, USDA, DHHS, Lozier, Girls Inc., Walmart, Fair Deal Market, Aksarben Knights, Omaha Steak, Simple Foundation, DCHD, Empowerment Zone

Family and Community Services Department

Village Churches, No More Empty Pot, CRCC, OPS OPD, Northstar Foundation, Lozier Foundation, Whispering Roots, Charles Drew Clinic, ReConnect, Family Housing, United Way, Goodfellows, St. Cecilia Cathedral, Master Craft, UNMC, Food Bank, Cargill Food, Heart Ministry, Voters Matter Engagement, Heartland Workforce, Center for Holistic, ENCAP, and Together Inc.,

6.10. Legal

Memorandum



To: OHA Board of Commissioners
 From: Brian Hansen, General Counsel
 Date: February 4, 2021
 Re: Legal Matters

LITIGATION

CASE	CLAIM	ACTIONS/FILINGS	FORUM	ATTORNEY
PENDING CASES				
<i>Red Hawk v. OHA</i>	Small claims	03/11/20 Claim filed 05/05/20 OHA moved to regular docket 05/05/20 OHA filed answer 06/03/21 Pre-trial hearing	Small claims Douglas County County Court	B. Hansen
<i>Ferguson v. OHA</i>	Employment discrimination	05/19/20 Complaint filed 07/17/20 OHA filed response	NEOC	B. Hansen
<i>Ferguson v. OHA</i>	Wrongful termination	08/27/20 Complaint filed 10/30/20 OHA response submitted	NEOC	B. Hansen
<i>Mohamed v OHA</i>	Discrimination disability	07/21/20 NEOC notice of Complaint 08/30/20 OHA submitted response 02/05/21 Interview with NEOC	NEOC	B. Hansen
<i>Payich v. OHA</i>	Discrimination disability	08/07/20 HUD notice of Complaint 09/21/20 OHA submitted response 01/27/21 Interview with HUD	HUD	B. Hansen
<i>Drake v. OHA</i>	Discrimination disability	11/12/20 NEOC notice of Complaint 12/18/20 OHA submitted response	NEOC	B. Hansen
<i>Mitchell v. OHA</i>	Employment discrimination	11/12/20 NEOC notice of Complaint 01/29/21 OHA submitted response	NEOC	B. Hansen
<i>Williams v. OHA</i>	Employment discrimination	11/24/20 NEOC notice of Complaint 01/29/21 OHA submitted response	NEOC	B. Hansen
<i>Harris v. OHA</i>	Employment discrimination	12/02/20 NEOC notice of Complaint 02/28/21 OHA submitted response	NEOC	B. Hansen
<i>Wells v. OHA</i>	Employment discrimination	12/21/20 NEOC notice of Complaint 03/24/21 OHA response due	NEOC	B. Hansen
<i>Wells v. OHA</i>	Tenant wrongful death	12/14/20 Notice of intent to file tort claim		B. Hansen

FEBRUARY 2021 EVICTION CASES

	Restitution	Dismiss	CDC	Denied	Moved	Pending	Cured/Paid	Total
Nonpayment	2	0	5	0	0	0	0	7
PID								
Lease								
Criminal								
02.21 Totals	2	0	5	0	0	0	0	7

01/21 Totals	20	2	20	0	2	0	4	48
12/20 Totals	10			2	1			13
11/20 Totals	7	2	13	0	0	0	3	25
10/20 Totals	8	0	9	0	2	0	2	21
09/20 Totals	0	0		0	0	0	0	0
08/20 Totals	0	0		0	0	0	0	0
07/20 Totals	8	0		0	0	0	0	8
06/20 Totals	0	0		0	0	0	0	0
05/20 Totals	0	0		0	0	0	0	0
04/20 Totals	0	0		0	0	0	0	0
03/20 Totals	1		38	0	0	0	0	39
02/20 Totals	32	8		0	2	0	34	76
01/20 Totals	0	0		0	0	0	0	0

OTHER ON-GOING LEGAL DEPARTMENT MATTERS:

- Response to Coronavirus emergency
- Securities Building disposition & planning
- Scattered sites market disposition & planning: Application to HUD 02/12/2021
- RHF Project planning
- Park Villa (HIO56 property at 95th & Park Ave) development planning
- Development planning for HIO56 properties
- Development planning for other HIO properties
- Habitat for Humanity: final unit closed
- CNI Grant - Spencer
- CNP Grant – Southside
- Coordination with Property Management regarding PIDs and nonpayment
- HIO Commercial Leasing
- HUD compliance
- Review of OHA ACOP, policies, procedures

7. NEW BUSINESS
8. EXECUTIVE SESSION
9. ADJOURNMENT