



MUSCATINE MUNICIPAL HOUSING AGENCY

ITEM 11D

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**MEMORANDUM**

**TO:** Gregg Mandsager, City Administrator

**FROM:** Dick Yerington, Housing Administrator

**DATE:** November 7, 2012

**RE:** Resolution to approve changes to the Muscatine Municipal Housing Agency's Public Housing Admissions & Continued Occupancy Policy (ACOP)

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**INTRODUCTION:** Certain modifications and revisions have been proposed to the Muscatine Municipal Housing Agency (MMHA) Public Housing Admissions & Continued Occupancy Policy (ACOP).

**BACKGROUND:** Staff has reviewed federal regulations and Department of Housing and Urban Development recommendations and is now recommending changes that will allow MMHA to better serve our residents. The Resident Advisory Board has also reviewed and supports the changes as presented.

**RECOMMENDATION / RATIONALE:** It is recommended that city council approve the attached resolution and authorize changes as recommended.

**BACKUP INFORMATION:** Attached resolution  
Attached revision list of changes

**RESOLUTION NO.** \_\_\_\_\_

**RESOLUTION AUTHORIZING CHANGES TO  
THE MUSCATINE MUNICIPAL HOUSING AGENCY  
PUBLIC HOUSING ADMISSIONS & CONTINUED OCCUPANCY POLICY**

**WHEREAS,** the Public Housing Admissions & Continued Occupancy Policy (ACOP ) needs updated in order to reflect changes to allow our agency to better serve our jurisdiction; and

**WHEREAS,** staff has reviewed federal regulatory requirements along with Department of Housing and Urban Development and the Resident Advisory Board recommendations and has made revisions for updating the ACOP, and;

**WHEREAS,** revisions to the administrative policy are in the best interest of the Muscatine Municipal Housing Agency and the community; and,

**WHEREAS,** the city council, acting as the Public Housing Agency Board of Commissioners must authorize and approve all policy changes to the Public Housing Admissions & Continued Occupancy Policy.

**NOW THEREFORE, BE IT RESOLVED,** the City of Muscatine City Council hereby approves and authorizes policy changes to the Public Housing Admissions & Continued Occupancy Policy as presented.

**MOVED, PASSED AND ADOPTED** this 15<sup>th</sup> day of November 2012.

**BY THE CITY COUNCIL OF  
THE CITY OF MUSCATINE, IA**

\_\_\_\_\_  
DEWAYNE HOPKINS MAYOR  
CITY OF MUSCATINE, IOWA

**ATTEST:**

\_\_\_\_\_  
GREGG MANDSAGER, CITY CLERK  
CITY OF MUSCATINE, IOWA

# Admissions and Continued Occupancy Policies

## Proposed Changes

### Council Meeting November 15, 2012

(Deletions indicated by strikethrough. Insertions indicated by underline. )

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#### Introduction

##### ABOUT THE MODEL ACOP

##### Resources and Where to Find Them

[Notice PIH 2012-10, Verification of Social Security Numbers \(SSNs\) and Supplemental Security Income \(SSI\) Benefits; and Effective Use of the Enterprise Income Verification \(EIV\) System's Identity Verification Report](#)<http://portal.hud.gov/huddoc/pih2012-10.pdf>~~[Notice PIH 2010-3, Verification of Social Security Numbers \(SSNs\) and Supplemental Security Income \(SSI\) Benefits](#)~~ <http://www.hud.gov/offices/pih/publications/notices/10/pih2010-3.pdf>

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#### Chapter 1

##### OVERVIEW OF THE PROGRAM AND PLAN

1-II.D. APPLICABLE REGULATIONS Applicable regulations include:

[24 CFR Part 35: Lead-Based Paint](#)

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#### Chapter 2

##### FAIR HOUSING AND EQUAL OPPORTUNITY

##### PART I: NONDISCRIMINATION

##### 2-I.A. OVERVIEW

Federal laws require PHAs to treat all applicants and tenant families equally, providing the same quality of service, regardless of family characteristics and background. Federal law prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, age, familial status, and disability. [In addition, HUD regulations provide for additional protections regarding sexual orientation, gender identity, and marital status.](#) The PHA will comply fully with all federal, state, and local nondiscrimination laws, and with rules and regulations governing fair housing and equal opportunity in housing and employment, including:

[The Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity Final Rule, published in the Federal Register February 3, 2012](#)

##### 2-I.B. NONDISCRIMINATION

Federal regulations prohibit discrimination against certain protected classes [and other groups of people](#). State and local requirements, as well as PHA policies, can prohibit discrimination against additional classes of people.

The PHA will not discriminate on the basis of marital status, [gender identity](#), or sexual orientation [\[FR Notice 02/03/12\]](#).  
[PHA Policy](#)     [The PHA does not identify any additional protected classes.](#)

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#### Chapter 3

##### ELIGIBILITY

##### PART I: DEFINITIONS OF FAMILY AND HOUSEHOLD MEMBERS

3-I.B. FAMILY AND HOUSEHOLD [24 CFR 5.403 and HUD-50058 IB, p. 13,

[FR Notice 02/03/12\]](#)

The terms *family* and *household* have different meanings in the public housing program.

##### Family



To be eligible for admission, an applicant must qualify as a family. ~~A family may be a single person or a group of persons. Family as defined by HUD, includes but is not limited to the following, regardless actual or perceived sexual orientation, gender identity, or marital status, a single person, who may be an elderly person, disabled person, near-elderly person, or any other single person; or a group of persons residing together. Such group includes, but is not limited to a family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family), an elderly family, a near-elderly family, a disabled family, a displaced family, or the remaining member of a tenant family. includes a family with a child or children, two or more elderly or disabled persons living together, one or more elderly or disabled persons living with one or more live-in aides, or a single person.~~ The PHA has the discretion to determine if any other group of persons qualifies as a family.

Gender Identity means actual or perceived gender characteristics.

Sexual orientation means homosexuality, heterosexuality, or bisexuality.

### **3-I.H. ELDERLY AND NEAR-ELDERLY PERSONS, AND ELDERLY FAMILY**

**[24 CFR 5.100, 5.403, 945.105, and FR Notice 02/03/12]**

#### **Elderly Persons**

An *elderly person* is a person who is at least 62 years of age. ~~[24 CFR 5.100].~~

#### **Near-Elderly Persons**

A *near-elderly person* is a person who is 50-61 years of age. ~~[24 CFR 945.105].~~

#### **Elderly Family**

An *elderly family* is one in which the head, spouse, cohead, or sole member is an elderly person. ~~[24 CFR 5.403].~~

### **3-I.I. PERSONS WITH DISABILITIES AND DISABLED FAMILY [24 CFR 5.403,**

**FR Notice 02/03/12]**

### **3-II.C. SOCIAL SECURITY NUMBERS [24 CFR 5.216 and 5.218, Notice PIH ~~2010-3~~2012-10]**

## **Chapter 4**

### **APPLICATIONS, WAITING LIST AND TENANT SELECTION**

#### **4-III.D. THE APPLICATION INTERVIEW**

Assistance cannot be provided to the family until all SSN documentation requirements are met. However, if the PHA determines that an applicant family is otherwise eligible to participate in the program, the family may retain its place on the waiting list for a period of time determined by the PHA [Notice PIH ~~2010-3~~2012-10].

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## **Chapter 6**

### **INCOME AND RENT DETERMINATIONS**

#### ***Equity in Real Property or Other Capital Investments***

##### PHA Policy

In determining the equity, the PHA 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.

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

The PHA 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].



## PHA Policy

For the purposes of calculating expenses to convert to cash for real property, the PHA will use ten percent of the market value of the home.

### **Treatment of Overpayment Deductions from Social Security Benefits**

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 ~~2010-3~~2012-10].

### **Periodic Payments Excluded from Annual Income**

Kinship care payments are considered equivalent to foster care payments and are also excluded from annual income [Notice PIH ~~2008-40~~2012-1].

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## **Chapter 7**

### **VERIFICATION**

#### ***EIV Identity Verification***

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 ~~2010-3~~2012-10].

#### **7-II.B. SOCIAL SECURITY NUMBERS [24 CFR 5.216 and Notice PIH ~~2010-3~~2012-10]**

An original document issued by a federal, state, or local government agency, which contains the name and SSN of the individual, ~~along with other identifying information of the individual~~ Such other evidence of the SSN as HUD may ~~prescribe in administrative instructions~~

Once the individual's verification status is classified as "verified," the PHA ~~should may, at its discretion,~~ remove and destroy copies of documentation accepted as evidence of social security numbers. ~~by no later than the next reexamination.~~ The retention of the EIV Summary Report or Income Report is adequate documentation of an individual's SSN.

## PHA Policy

Once an individual's status is classified as "verified" in HUD's EIV system, the PHA will remove and destroy copies of documentation accepted as evidence of social security numbers ~~by no later than the next reexamination.~~

### **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 ~~5.6035.403~~, necessary to qualify for waiting list preferences or certain income disallowances and deductions.

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## **Chapter 13**

### **LEASE TERMINATIONS**

**13-II.D. FAILURE TO DISCLOSE AND DOCUMENT SOCIAL SECURITY NUMBERS [24 CFR 5.218(c), 24 CFR 960.259(a)(3), Notice PIH ~~2010-3~~2012-10]**

**13-II.H. DEATH OF A SOLE FAMILY MEMBER [Notice PIH ~~2010-3~~2012-10]**

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## **Chapter 15**

### **PROGRAM INTEGRITY**

#### **15-II.E. FRAUD AND PROGRAM ABUSE RECOVERIES**

PHAs who enter into a repayment agreement with a family to collect rent owed, initiate litigation against the family to recover rent owed, or begin eviction proceedings against a family may retain 100 percent of program funds that the PHA recovers [Notice PIH ~~20052007-2~~7 (HA)].