

ADMISSIONS AND CONTINUED OCCUPANCY POLICY (ACOP)
PROPOSED POLICY REVISIONS

The Housing Authority of Savannah (HAS) intends to update its Reasonable Accommodations and Reasonable Modifications policy within the Admissions and Continued Occupancy Policy. The proposed changes to these policies are outlined below.

The proposed changes to the policies will be demonstrated in the following manner:

- Old policy language to be deleted shown as ~~strikethrough~~.
- The new proposed policy modifications are indicated in **blue text**.

TAKEN FROM THE PUBLIC HOUSING ACOP

CHAPTER 2: FAIR HOUSING AND EQUAL OPPORTUNITY

PART II: POLICIES RELATED TO PERSONS WITH DISABILITIES

2-II. A. OVERVIEW

One type of disability discrimination prohibited by the Fair Housing Act is the refusal to make reasonable accommodation in rules, policies, practices, or services when such accommodation may be necessary to afford a person with a disability the equal opportunity to use and enjoy a program or dwelling under the program.

The housing authority must ensure that persons with disabilities have full access to the housing authority's programs and services. This responsibility begins with the first inquiry of an interested family and continues through every programmatic area of the public housing program [24 CFR 8].

The housing authority must provide a notice to each tenant that the tenant may, at any time during the tenancy, request reasonable accommodation of a handicap of a household member, including reasonable accommodation so that the tenant can meet lease requirements or other requirements of tenancy [24 CFR 966.7(b)].

Housing Authority of Savannah Policy

The housing authority will ask all applicants and resident families if they require any type of accommodations, in writing, on the intake application, reexamination documents, and notices of adverse action by the housing authority, by including the following language:

“If you or anyone in your family is a person with disabilities, and you require a specific accommodation in order to fully utilize our programs and services, please contact the housing authority.”

~~A specific position and phone number will be provided as the contact person for requests for accommodation for persons with disabilities.~~

The applicant or resident shall contact the designated public housing property manager to request a reasonable accommodation.

2-II. B. DEFINITION OF REASONABLE ACCOMMODATION AND MODIFICATION

A “reasonable accommodation” is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces, unless providing it would be an undue financial and administrative burden or a fundamental alteration of the housing authority’s housing programs.

Since policies and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities exactly the same as others will sometimes deny them an equal opportunity to use and enjoy a dwelling. [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act]

A “reasonable modification” is any change to the public or common use areas of a building or any change to a dwelling unit necessary to afford a person with a disability full use and enjoyment of the premises, unless providing it would be an undue financial and administrative burden.

Federal regulations stipulate that requests for accommodations will be considered reasonable if they do not create an “undue financial and administrative burden” for the housing authority or result in a “fundamental alteration” in the nature of the program or service offered. A fundamental alteration is a modification that alters the essential nature of a provider’s operations.

2-II. C. REQUEST FOR ACCOMMODATION OR MODIFICATION

If an applicant or participant indicates that an exception, change, or adjustment to a rule, policy, practice, or service is needed because of a disability, HUD requires that the housing authority treat the information as a request for a reasonable accommodation, even if no formal request is made [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].

The family must explain what type of accommodation is needed to provide the person with the disability full access to the housing authority’s programs and services. If the need for the accommodation is not readily apparent or known to the housing authority, the family must explain the relationship between the requested accommodation and the disability.

Housing Authority of Savannah Policy

The housing authority will encourage the family to make its request in writing using a reasonable accommodation request form. However, the housing authority will consider the accommodation any time the family indicates that an accommodation or modification is needed whether or not a formal written request is submitted.

Upon receipt of a request for a reasonable accommodation or modification in writing or orally from a requesting participant or prospective participant (the “requestor”) the request shall be forwarded to the Director of Property Management., if it involves a public housing resident or applicant.

If the request is oral, it shall be documented by the individual who receives the request identifying the requestor's name, unit number, and date of request, detailing the reasonable accommodation or modification requested, and indicating to whom the request was made.

2-II.D. VERIFICATION OF DISABILITY

The regulatory civil rights definition for persons with disabilities is provided in Exhibit 2-1 at the end of this chapter. The definition of a person with a disability for the purpose of obtaining a reasonable accommodation or modification is much broader than the HUD definition of disability which is used for waiting list preferences and income allowances.

Before providing an accommodation, the housing authority must determine that the person meets the definition of a person with a disability, and that the accommodation will enhance the family's access to the housing authority's programs and services.

If a person's disability is obvious or otherwise known to the housing authority, and if the need for the requested accommodation or modification is also readily apparent or known, no further verification will be required [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].

Additionally, if a disability is not obvious or known, HAS may require proof that the requestor has a disability, including asking the requestor to provide written verification from a knowledgeable professional that the requestor has a disability, but shall not require more specific information about the nature or extent of the disability than necessary to assess the request.

If the need for a requested accommodation or modification is not obvious or known, HAS may ask the requestor how the requested accommodation or modification is necessary to accommodate the individual's disability. HAS may ask the requestor to provide written verification from a knowledgeable professional about how the requested accommodation or modification is necessary to accommodate the requestor's disability.

~~If a family indicates that an accommodation is required for a disability that is not obvious or otherwise known to the housing authority, the housing authority must verify that the person meets the definition of a person with a disability, and that the limitations imposed by the disability require the requested accommodation.~~

When verifying a disability, the housing authority will follow the verification policies provided in Chapter 7. All information related to a person's disability will be treated in accordance with the confidentiality policies provided in Chapter 16 (Program Administration). In addition to the general requirements that govern all verification efforts, the following requirements apply when verifying a disability:

- Third-party verification must be obtained from an individual identified by the family who is competent to make the determination. A doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability may provide verification of a disability [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].
- The housing authority must request only information that is necessary to evaluate the disability-related need for the accommodation. The housing authority may not inquire about the nature or extent of any disability.

- Medical records will not be accepted or retained in the participant file.
- In the event that the housing authority does receive confidential information about a person's specific diagnosis, treatment, or the nature or severity of the disability, the housing authority will dispose of it. In place of the information, the housing authority will note in the file that the disability and other requested information have been verified, the date the verification was received, and the name and address of the knowledgeable professional who sent the information [Notice PIH 2010-26].

2-II.E. APPROVAL/DENIAL OF A REQUESTED ACCOMMODATION OR MODIFICATION

[Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act, Notice PIH 2010-26]

The housing authority must approve a request for an accommodation or modification if the following three conditions are met.

- The request was made by or on behalf of a person with a disability.
- There is a disability-related need for the accommodation or modification.
- The requested accommodation is reasonable, meaning it would not impose an undue financial and administrative burden on the housing authority, or fundamentally alter the nature of the housing authority's operations.

Requests for accommodations or modifications must be assessed on a case-by-case basis. The determination of undue financial and administrative burden must be made on a case-by-case basis involving various factors, such as the overall size of the housing authority's program with respect to the number of employees, type of facilities and size of budget, type of operation including composition and structure of workforce, the nature and cost of the requested accommodation, and the availability of alternative accommodations that would effectively meet the family's disability-related needs.

Before making a determination whether to approve the request, the housing authority may enter into discussion and negotiation with the family, request more information from the family, or may require the family to sign a consent form so that the housing authority may verify the need for the requested accommodation or modification.

Housing Authority of Savannah Policy

All reasonable accommodation or modification requests shall be acknowledged as being received, in writing, within seven (7) business days of receipt.

~~After a request for an accommodation is presented, the housing authority will respond, in writing, within 10 business days.~~

HAS shall grant a request for a reasonable accommodation or modification relating to the

disability unless doing so would impose an undue financial and administrative burden or would fundamentally alter the nature of the applicable program.

HAS shall provide a final decision on a request for a reasonable accommodation or modification to the requestor in writing as soon as is practical but, in any event, no later than ten (10) business days after actual receipt of the request and after all necessary requested additional documentation is received.

If a modification request is granted, the approval will identify whether HAS or the requestor will be responsible for the costs of any such modification.

If an accommodation request is granted, the resident will not be responsible for any associated cost or additional fee.

If the housing authority denies a request for an accommodation or modification because there is no relationship, or nexus, found between the disability and the requested accommodation, the notice will inform the family of the right to appeal the housing authority's decision through an informal hearing (if applicable) or the grievance process (see Chapter 14).

If the housing authority denies a request for an accommodation or modification because it is not reasonable (it would impose an undue financial and administrative burden or fundamentally alter the nature of the housing authority's operations), the housing authority will discuss with the family whether an alternative accommodation or modification could effectively address the family's disability-related needs without a fundamental alteration to the public housing program and without imposing an undue financial and administrative burden.

If an accommodation or modification request is denied, the requestor shall be provided with the reason for the denial in writing. If the request is denied or granted in part, the requestor shall have the right to request a conference within seven (7) days of actual receipt of the denial to discuss alternative accommodations or modifications that would effectively address the requestor's disability-related needs without causing a fundamental alteration or imposing an undue financial and administrative burden. The notice of the denial of the reasonable accommodation or modification shall alert the requestor of their right to appeal the housing authority's decision through an informal hearing or the grievance process.

~~If the housing authority believes that the family has failed to identify a reasonable alternative accommodation after interactive discussion and negotiation, the housing authority will notify the family, in writing, of its determination within 10 business days from the date of the most recent discussion or communication with the family. The notice will inform the family of the right to appeal the housing authority's decision through an informal hearing (if applicable) or the grievance process (see Chapter 14).~~

If the HAS needs further information to make a decision on accommodation or modification request, it shall notify the requestor what additional information is needed in its notice of denial. If HAS does not receive the requested information within twenty (20) business days, it shall notify the requestor that the request is denied due to lack of information. Notwithstanding this notice, should the requestor provide the requested information at any time after the twenty (20) business days, HAS shall consider the request.

If the requestor believes that a request has been denied unlawfully or that the response has been delayed unreasonably, the requestor family may request a grievance hearing pursuant to Section IV of Exhibit 14-1 of the housing authority's Admission and Continued Occupancy Policy. Requestor may also or instead file a complaint with the U.S. Department of Housing and Urban Development, <https://www.hud.gov/fairhousing/fileacomplaint>, and the U.S. Department of Justice, Civil Rights Division, <https://civilrights.justice.gov/>

REVISIONS FOR CHAPTER 4: ADMINISTRATIVE APPLICATIONS

PART I: THE APPLICATION PROCESS

4-I.A. OVERVIEW

This part describes the policies that guide the PHA's housing authority's efforts to distribute and accept applications, and to make preliminary determinations of applicant family eligibility that affect placement of the family on the waiting list. This part also describes the PHA's housing authority obligation to ensure the accessibility of the application process to include, elderly persons, people with disabilities, and people with Limited English Proficiency (LEP).

4-I.B. APPLYING FOR ASSISTANCE [HCV GB, pp. 4-11 – 4-16, Notice PIH 2009-36]

Any family that wishes to reside in public housing must apply for admission to the program [24 CFR 1.4(b)(2)(ii), 24 CFR 960.202(a)(2)(iv), and PH Occ GB, p. 68]. HUD permits the PHA housing authority to determine the format and content of its applications, as well how such applications will be made available to interested families and how applications will be accepted by the PHA housing authority. However, the PHA housing authority must include Form HUD-92006, Supplement to Application for Federally Assisted Housing, as part of the PHA's housing authority's application [Notice PIH 2009-36].

Housing Authority of Savannah Policy

Depending upon the length of time that applicants may need to wait to receive assistance, the PHA housing authority may use a one- or two-step application process.

A one-step process will be used when it is expected that a family will be selected from the waiting list within 60 days of the date of application. At application, the family must provide all of the information necessary to establish family eligibility and level of assistance.

A two-step process will be used when it is expected that a family will not be selected from the waiting list for at least 60 days from the date of application. Under the two-step application process, the [PHA housing authority](#) initially will require families to provide only the information needed to make an initial assessment of the family's eligibility, and to determine the family's placement on the waiting list. The family will be required to provide all of the information necessary to establish family eligibility and level of assistance when the family is selected from the waiting list.

The Housing Authority of Savannah (HAS) will accept electronic applications to establish the waiting list at periodic intervals as determined based on need to ensure that an adequate pool of applicants is available to maintain full program utilization. The electronic applications will be available (~~www.savannahpha.com~~) at the HAS portal ([portals.savannahpha.com](#)).

4-I.D. PLACEMENT ON THE WAITING LIST

Eligible for Placement on the Waiting List (Sub-section)

Housing Authority of Savannah Policy

~~The HAS waiting list is maintained online. The family will be provided with an electronic receipt and a confirmation number once their application is accepted through the online system.~~ [Applications to public housing waiting lists are accepted electronically through the online applicant portal which will provide notification to the family that the application was submitted and provide the applicant with a confirmation number upon submission.](#)

Applicants will be placed on the waiting list according to the date and time their complete application is received by the [PHA housing authority](#).

The [PHA housing authority](#) will assign families on the waiting list according to the bedroom size for which a family qualifies as established in its occupancy standards (see Chapter 5). Families may request to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines (as long as the unit is not overcrowded according to [PHA housing authority's](#) standards and local codes). However, in these cases, the family must agree not to request a transfer for two years after admission, unless they have a change in family size or composition.

Placement on the waiting list does not indicate that the family is, in fact, eligible for admission. When the family is selected from the waiting list, the PHA housing authority will verify any preference(s) claimed and determine eligibility and suitability for admission to the program.

4-III.C. NOTIFICATION OF SELECTION

When the family has been selected from the waiting list, the PHA housing authority must notify the family [24 CFR 960.208].

Housing Authority of Savannah Policy

The PHA housing authority will notify the family ~~by first class mail~~ through the online applicant portal by sending an email and when it is selected from the waiting list.

The notice will inform the family of the following:

- Date and time, ~~and location~~ of the scheduled application interview session, including any procedures for rescheduling the interview.
- Who is required to attend the interview.
- Documents that must be provided at the interview to document the legal identity of household members, including information about what constitutes acceptable documentation.
- Documents that must be provided at the interview to document eligibility for a preference, if applicable.
- Other documents and information that should be brought to the interview.

If a notification letter is returned to the PHA housing authority with no forwarding address, the family will be removed from the waiting list without further notice. Such failure to act on the part of the applicant prevents the PHA housing authority from making an eligibility determination; therefore, no informal hearing will be offered.

4-III.D. THE APPLICATION INTERVIEW

HUD recommends that the PHA housing authority obtain the information and documentation needed to make an eligibility determination through a private interview. Being invited to attend a virtual or telephone interview session does not constitute admission to the program.

Assistance cannot be provided to the family until all SSN documentation requirements are met. However, if the PHA housing authority 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 housing authority [Notice PIH 2018-24].

Reasonable accommodation must be made for persons with disabilities who are unable to

attend a [virtual or telephone](#) interview [session](#) due to their disability [24 CFR 8.4(a) and 24 CFR 100.204(a)].

Housing Authority of Savannah Policy

Families selected from the waiting list are required to participate in an eligibility interview.

The head of household and the spouse/cohead will be strongly encouraged to attend a [virtual or telephone](#) interview [session](#) together. However, either the head of household or the spouse/cohead may attend the interview [session](#) on behalf of the family.

Verification of information pertaining to adult members of the household not present at the interview will not begin until signed release forms are returned to the [PHA housing authority](#). All adult family members are required to attend the interview [session](#).

4-II.E. REPORTING CHANGES IN FAMILY CIRCUMSTANCES

Housing Authority of Savannah Policy

While the family is on the waiting list, the family must inform the PHA, within 10 business days, of changes in family size or composition, preference status, or contact information, including current residence, mailing address, and phone number. The changes must be submitted ~~in writing or electronically (via email)~~ [through the online applicant portal](#).

Changes in an applicant's circumstances while on the waiting list may affect the family's qualification for a particular bedroom size or entitlement to a preference. When an applicant reports a change that affects their placement on the waiting list, the waiting list will be updated accordingly. [Additionally, all contact information submitted by the applicant will be verified and updated with every phone conversation and/ or email communication with the head of household.](#)

4-II.F. UPDATING THE WAITING LIST

HUD requires the PHA to establish policies that describe the circumstances under which applicants will be removed from the waiting list [24 CFR 960.202(a)(2)(iv)].

Purging the Waiting List

The decision to remove an applicant family that includes a person with disabilities from the waiting list is subject to reasonable accommodation. If the applicant did not respond to the [PHA's housing authority's](#) request for information or updates because of the family member's disability, the [PHA's housing authority's](#) must, upon the family's request, reinstate the applicant family to their former position on the waiting list as a reasonable accommodation [24 CFR 8.4(a), 24 CFR 100.204(a), and PH Occ GB, p. 39 and 40]. See Chapter 2 for further information regarding reasonable accommodations.

Housing Authority of Savannah Policy

The waiting list will be updated as needed to ensure that all applicant information is current and timely.

The HAS waiting list is maintained electronically and online. To update the waiting list, the PHA will require that the family provide an email address and the update request will be sent via email. In the event that the family does not have an email listed, a letter will be mailed to each family on the waiting list to determine whether the family continues to be interested in, and to qualify for, the program. housing authority will send a notice to the applicant through the online applicant portal requesting if the applicant would like to remain on the waiting list. This update request will be sent to the last address email address that the PHA has on record for the family the applicant used to register for the online portal and to apply to the waiting list initially.

The update request will provide a deadline by which the family must respond and will state that failure to respond will result in the applicant's name being removed from the waiting list.

The family's response must be via email or in writing and may be delivered in person, by mail, by email, or by fax through the applicant portal. Responses should be date stamped, postmarked or received by the PHA entered in the applicant portal not later than 14 business days from the date of the PHA housing authority letter or update email.

If the family fails to respond within 14 business days, the family will be removed from the waiting list without further notice.

If the email or notice is undeliverable or returned by the post office with no forwarding address, the applicant will be removed from the waiting list without further notice. When a family is removed from the waiting list during the update process for failure to respond, no informal hearing will be offered. Such failures to act on the part of the applicant prevent the PHA housing authority from making an eligibility determination; therefore no informal hearing is required.

If a family is removed from the waiting list for failure to respond, the PHA housing authority may reinstate the family if the lack of response was due to PHA housing authority error, or to circumstances beyond the family's control.

Removal from the Waiting List

Housing Authority of Savannah Policy

The PHA housing authority will remove an applicant from the waiting list upon request by

the applicant family. In such cases no informal hearing is required.

If at any time an applicant family is on the waiting list, the **PHA housing authority** determines that the family is not eligible for assistance (see Chapter 3), the family will be removed from the waiting list.

If a family is removed from the waiting list because the **PHA housing authority** has determined the family is not eligible for assistance, a notice will be sent to the ~~family's address of record as well as to any alternate~~ **email** address provided on the **applicant's** ~~initial provided on the initial application~~ **online portal account**. The notice will state the reasons the family was removed from the waiting list and will inform the family how to request an informal review regarding the **PHA's** housing authority's decision (see Chapter 14) [24 CFR 960.208(a)].

REVISIONS FOR CHAPTER 5 OCCUPANCY STANDARDS AND UNIT OFFERS

PART II: UNIT OFFERS - 24 CFR 1.4(b)(2)(ii); 24 CFR 960.208

5-II.A. OVERVIEW pg.5-5

The **PHA housing authority** must assign eligible applicants to dwelling units in accordance with a plan that is consistent with civil rights and nondiscrimination laws. In filling an actual or expected vacancy, the **PHA housing authority** must offer the dwelling unit to an applicant in the appropriate offer sequence. The PHA will offer the unit until it is accepted. This section describes the **PHA housing authority's** policies with regard to the number of unit offers that will be made to applicants selected from the waiting list. This section also describes the **PHA housing authority's** policies for offering units with accessibility features.

Housing Authority of Savannah Policy

The **PHA housing authority** will maintain a record of units offered, including location, date and circumstances of each offer, each acceptance or rejection, including the reason for the rejection. **Upon unit acceptance, the required utilities to dwell in the unit must be established in the Head of Household name within 24 hours of the unit acceptance.**

9-III.C. CHANGES AFFECTING INCOME OR EXPENSES

Housing Authority of Savannah Policy

The PHA will conduct interim reexaminations in each of the following instances: For families receiving the Earned Income Disallowance (EID), the **PHA housing authority** 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 household has reported zero income, the PHA will run an EIV/IVT report every 3 months as long as the family continues to report that they have no income.~~

REVISIONS TO CHAPTER 16 PROGRAM ADMINISTRATION

16-III.B. REPAYMENT POLICY

General Repayment Agreement Guidelines

Down Payment Requirement

Housing Authority of Savannah Policy

A family may, but will not be required to make a down payment on the amount owed prior to entering into a repayment agreement with the PHA housing authority.

Payment Thresholds

Notice PIH 2017-12 recommends that the total amount that a family must pay each month—the family’s monthly share of rent plus the monthly debt repayment amount—should not exceed 40 percent of the family’s monthly adjusted income, which is considered “affordable.” Moreover, Notice PIH 2017-12 acknowledges that PHAs have the discretion to establish “thresholds and policies” for repayment agreements with families [24 CFR 982.552(c)(1)(vii)].

Housing Authority of Savannah Policy

The PHA housing authority has established the following thresholds for repayment of debts:

Amounts between \$3,000 and \$5,000 the federal or state threshold for criminal prosecution must be repaid within 36 months.

Amounts between \$2,000 and \$2,999 must be repaid within 30 months.

Amounts between \$1,000 and \$1,999 must be repaid within 24 months.

Amounts under \$1,000 must be repaid within 12 months