

**FHA ACOP
Comparison Table Former vs. New Policy**

Below is a table that reflects the changes to the FHA's ACOP Plan. This table is designed as a quick reference guide to highlight the difference between the former and new policies; however, it does not represent policies in their entirety. The new policies replace, modify or represent former policy language. Place note the policy headings used in the table are designed to provide guidance as to the subject matter of the former and new policy and are not necessarily the policy headings from the Administrative Plan. **Yellow highlights** indicate new text. Strikethrough indicates removed text.

No.	Chapter	Former Policy	New Policy
1.	3 Eligibility	<p>3-I.M Live In Aide</p> <p>A family's request for a live-in aide may be made either orally or in writing. The PHA will verify the need for a live-in aide with a reliable, knowledgeable professional as provided by the family, such as a doctor, social worker, or case worker. For continued approval, the family must submit a new, written request—subject to PHA verification—at each annual reexamination.</p>	<p>3-I.M Live In Aide</p> <p>A family's request for a live-in aide may be made either orally or in writing. The PHA will verify the need for a live-in aide, if necessary, with a reliable, knowledgeable professional as provided by the family, such as a doctor, social worker, or case worker. For continued approval, the family may be required to submit a new, written request—subject to PHA verification—at each annual reexamination.</p>
2.	3 Eligibility	<p>3-11.A Income Eligibility and Targeting</p> <p>Area median income is determined by HUD, with adjustments for smaller and larger families. HUD may establish income ceilings higher or lower than 30, 50, or 80 percent of the median income for an area if HUD finds that such variations are necessary because of unusually high or low family incomes.</p> <p>Using Income Limits for Eligibility [24 CFR 960.201]</p> <p>Income limits are used for eligibility only at admission. Eligibility is established by comparing a family's annual income with HUD's published income limits. To be income-eligible, a family must be a <i>low-income</i> family.</p>	<p>3-11.A Income Eligibility and Targeting</p> <p>Area median income is determined by HUD, with adjustments for smaller and larger families. HUD may establish income ceilings higher or lower than 30, 50, or 80 percent of the median income for an area if HUD finds that such variations are necessary because of unusually high or low family incomes.</p> <p>HUD also publishes over-income limits annually, but these are not used at admission. Over-income limits will be discussed in Chapter 13.</p> <p>Using Income Limits for Eligibility [24 CFR 960.201]</p> <p>Income limits are used to determine eligibility at admission. Eligibility is established by comparing a family's annual income with HUD's published income limits. To be income-eligible, a family must be a <i>low-income</i> family.</p>
3.	9 Reexaminations	<p>9-I.B STREAMLINED ANNUAL REEXAMINATIONS [24 CFR 960.257]</p> <p>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 the PHA may determine income from fixed sources by applying a verified cost of living adjustment (COLA) or rate of interest. The PHA may, however, obtain third-party verification of all income, regardless of the source. Further, upon request of the family, the PHA must perform third-party verification of all income sources.</p> <p>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.</p>	<p>9-I.B STREAMLINED ANNUAL REEXAMINATIONS [24 CFR 960.257]</p> <p>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 the PHA may determine income from fixed sources by applying a verified cost of living adjustment (COLA) or rate of interest. The PHA may, however, obtain third-party verification of all income, regardless of the source. Further, upon request of the family, the PHA must perform third-party verification of all income sources.</p> <p>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.</p>

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		<p><u>PHA Policy</u></p> <p>The PHA will streamline the annual reexamination process by applying the verified COLA or interest rate to fixed-income sources. The PHA will document in the file how the determination that a source of income was fixed was made.</p> <p>If a family member with a fixed source of income is added, the PHA will use third-party verification of all income amounts for that family member.</p> <p>If verification of the COLA or rate of interest is not available, the PHA will obtain third-party verification of income amounts.</p> <p>Third-party verification of fixed sources of income will be obtained during the intake process and at least once every three years thereafter.</p>	<p>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, the PHA may streamline the verification of fixed income and may choose whether to verify non-fixed income amounts in years where no fixed-income review is required. If the family receives less than 90 percent of its income from fixed sources, the PHA may streamline the verification of fixed income and must verify non-fixed income annually.</p> <p><u>PHA Policy</u></p> <p>The PHA will streamline the annual reexamination process by applying the verified COLA or interest rate to fixed-income sources. The PHA will document in the file how the determination that a source of income was fixed was made.</p> <p>If a family member with a fixed source of income is added, the PHA will use third-party verification of all income amounts for that family member.</p> <p>If verification of the COLA or rate of interest is not available, the PHA will obtain third-party verification of income amounts.</p> <p>Third-party verification of fixed sources of income will be obtained during the intake process and at least once every three years thereafter.</p>
4.	13 Lease Terminations	HUD through HOTMA placed Income limitation on public Housing tenancies. A new section was added – Change went into effect March 24, 2019	<p>Over-Income Families [24 CFR 960.261; FR Notice 7/26/18]</p> <p>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 income has exceeded 120 percent of area median income (AMI) (or a different limitation established by the secretary) for two consecutive years, the PHA 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.</p> <p>PHAs also have discretion, under 24 CFR 960.261, to adopt policies allowing termination of tenancy for families whose income exceeds the limit for</p>

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			<p>program eligibility. Such policies would exempt families participating in the Family Self-Sufficiency (FSS) program or currently receiving the earned income disallowance.</p> <p><u>PHA Policy</u></p> <p>At annual or interim reexamination, if a family's income exceeds the applicable over-income limit, the PHA will document the family file and begin tracking the family's over-income status.</p> <p>If one year after the applicable annual or interim reexamination the family's income continues to exceed the applicable over-income limit, the PHA 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 the PHA's over-income policies.</p> <p>If two years after the applicable annual or interim reexamination the family's income continues to exceed the applicable over-income limit, the PHA 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. The PHA will notify the family in writing of their new rent amount. The new rent amount will be effective 30 days after the PHA's written notice to the family.</p> <p>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 PHA 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. The PHA 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.</p> <p>The PHA will begin tracking over-income families once these policies have been adopted, but no later than March 24, 2019.</p> <p>The PHA 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.</p>

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5	16 Program Administration	<p>16-II.B. FLAT RENTS [24 CFR 960.253(b) and Notice PIH 2015-13]</p> <p>Establishing Flat Rents</p> <p>The 2015 Appropriations Act requires that flat rents must be set at no less than 80 percent of the applicable fair market rent (FMR). Alternatively, the PHA may set flat rents at no less than 80 percent of the applicable small area FMR(SAFMR) for metropolitan areas, or 80 percent of the applicable unadjusted rents for nonmetropolitan areas.</p> <p>For areas where HUD has not determined a SAFMR or an unadjusted rent, PHAs must set flat rents at no less than 80 percent of the FMR or apply for an exception flat rent.</p> <p>The 2015 Appropriations Act permits PHAs to request an exception flat rent that is lower than either 80 percent of the FMR or SAFMR/unadjusted rent if the PHA can demonstrate that these FMRs do not reflect the market value of a particular property or unit.</p> <p>In order to demonstrate the need for an exception flat rent, PHAs are required to submit a market analysis methodology that demonstrates the value of the unit. The PHA must use HUD's rent reasonableness methodology to determine flat rents. In determining flat rents, PHAs must consider the following:</p> <ul style="list-style-type: none"> • Location • Quality • Unit size • Unit type • Age of property • Amenities at the property and in immediate neighborhood • Housing services provided • Maintenance provided by the PHA • Utilities provided by the PHA <p>PHAs must receive written HUD approval before implementing exception flat rents. PHAs that use exception flat rents must conduct a new market analysis, and obtain HUD approval, annually.</p>	<p>16-II.B. FLAT RENTS [24 CFR 960.253(b) and Notice PIH 2017-23]</p> <p>Establishing Flat Rents</p> <p>The 2015 Appropriations Act requires that flat rents must be set at no less than 80 percent of the applicable fair market rent (FMR). Alternatively, the PHA may set flat rents at no less than 80 percent of the applicable small area FMR(SAFMR) for metropolitan areas, or 80 percent of the applicable unadjusted rents for nonmetropolitan areas.</p> <p>For areas where HUD has not determined a SAFMR or an unadjusted rent, PHAs must set flat rents at no less than 80 percent of the FMR or apply for an exception flat rent.</p> <p>The 2015 Appropriations Act permits PHAs to request an exception flat rent that is lower than either 80 percent of the FMR or SAFMR/unadjusted rent if the PHA can demonstrate that these FMRs do not reflect the market value of a particular property or unit.</p> <p>In order to demonstrate the need for an exception flat rent, PHAs are required to submit a market analysis methodology that demonstrates the value of the unit. The PHA must use HUD's rent reasonableness methodology to determine flat rents. In determining flat rents, PHAs must consider the following:</p> <ul style="list-style-type: none"> • Location • Quality • Unit size • Unit type • Age of the unit • Amenities at the property and in immediate neighborhood • Housing services provided • Maintenance provided by the PHA • Utilities provided by the PHA and/or landlord for (comparable units in the market study) <p>The PHA must provide a corresponding key explaining the calculations used for determining the valuation for each factor.</p> <p>PHAs must receive written HUD approval before implementing exception flat rents. PHAs with a previously approved flat rent exception request may submit a written</p>

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		<p>PHAs are now required to apply a utility allowance to flat rents. Flat rents set at 80 percent of the FMR must be reduced by the amount of the unit's utility allowance, if any.</p> <p>Review of Flat Rents</p> <p>No later than 90 days after HUD publishes new annual FMRs/SAFMRs/unadjusted rent, PHAs must revise flat rents as necessary based changes to the FMR/SAFMR/unadjusted rent. The PHA must offer changes to the flat rent to all new admissions and to existing families at the next annual rent option.</p>	<p>request to extend the approved flat rents for up to two additional years, provided local market conditions remain unchanged. Detailed information on how to request exception flat rents can be found in Notice PIH 2017-23.</p> <p>PHAs are now required to apply a utility allowance to flat rents as necessary. Flat rents set at 80 percent of the FMR must be reduced by the amount of the unit's utility allowance, if any.</p> <p>Review of Flat Rents</p> <p>No later than 90 days after the effective date of the new annual FMRs/SAFMRs/unadjusted rent, PHAs must implement new flat rents as necessary based changes to the FMR/SAFMR/unadjusted rent or request an exception.</p>
6	16 Program Administration	<p style="text-align: center;">PART VI: REPORTING REQUIREMENTS FOR CHILDREN WITH ENVIRONMENTAL INTERVENTION BLOOD LEAD LEVEL</p> <p>16-VI.A. REPORTING REQUIREMENTS [24 CFR 35.1130(e)]</p> <p>The PHA has certain responsibilities relative to children with environmental intervention blood lead levels that are living in public housing.</p> <p>The PHA must report the name and address of a child identified as having an environmental intervention blood lead level to the public health department within 5 business days of being so notified by any other medical health care professional. The PHA must also report each known case of a child with an environmental intervention blood lead level to the HUD field office.</p> <p style="text-align: center;"><u>PHA Policy</u></p> <p>The PHA will provide the public health department written notice of the name and address of any child identified as having an environmental intervention blood lead level.</p> <p>The PHA will provide written notice of each known case of a child with an environmental intervention blood level to the HUD field office within 5 business days of receiving the information.</p>	<p style="text-align: center;">PART VI: REPORTING REQUIREMENTS FOR CHILDREN WITH ELEVATED BLOOD LEAD LEVEL</p> <p>16-VI.A. REPORTING REQUIREMENTS [24 CFR 35.1130(e); Notice PIH 2017-13]</p> <p>The PHA has certain responsibilities relative to children with elevated blood lead levels that are living in public housing.</p> <p>The PHA must report the name and address of a child identified as having an elevated blood lead level (EBLL) to the public health department within five business days of being so notified by any other medical health care professional. The PHA must also report each known case of a child with an EBLL to the HUD field office.</p> <p style="text-align: center;"><u>PHA Policy</u></p> <p>The PHA will provide the public health department written notice of the name and address of any child identified as having an elevated blood lead level.</p> <p>The PHA will provide written notice of each known case of a child with an EBLL to the HUD field office, and to HUD's Office of Lead Hazard Control (OLHCHH), within five business days of receiving the information.</p>