

**HOUSING AUTHORITY OF NEW ORLEANS
BOARD OF COMMISSIONERS
REGULAR MEETING
SEPTEMBER 18, 2012**

RESOLUTION NO. 2012-32

WHEREAS, the Housing Authority of New Orleans (HANO) is a named defendant in the matter captioned *Casey Billieson, et al vs. Housing Authority of New Orleans, et al, CDC, Orleans Parish, 94-19231* which matter has been settled by the parties and approved by the Court ; and,

WHEREAS, the Settlement Agreement, dated October 7, 2010 and the Supplemental Class Settlement Agreement dated May 25, 2011 (Settlement) require as part of the settlement that HANO reserve up to 200 housing choice vouchers (HCV) to qualified class members who have an urgent, emergency, and immediate need for housing as determined by the Court and who meet all other eligibility criteria for said housing choice vouchers as determined by HANO; and,

WHEREAS, pursuant to the Settlement, qualified class members who are interested in vouchers will be selected by the court and referred to HANO for verification and a determination of voucher eligibility in accordance with HANO's HCVP Administrative Plan; and,

WHEREAS, HANO is required to establish, implement and periodically update an Administrative Plan applicable to the Housing Choice Voucher Program (HCVP) which reflects the requirements and regulations of the U.S. Department of Housing and Urban Development (HUD) and allowable HANO discretionary policies; and,

WHEREAS, the Settlement effectively requires Special Admission for eligible and applicable class members with this special admission criteria expiring on or before June 28, 2013; and,

WHEREAS, HANO proposes amending the HANO HCVP Administrative Plan to reflect this Special Admission for class members selected by the court in accordance with the court approved class action settlement agreement; and

BE IT THEREFORE RESOLVED, that HANO's HCVP Administrative Plan be amended as shown by the attached, in accordance with the court approved settlement in *Casey Billieson, et al vs. Housing Authority of New Orleans et al, CDC 94-19231* and authorization is provided to the Administrative Receiver or his designee to implement the amended policies and procedures and take any and all other necessary action relative to the terms of the Settlement.

Executed this 18th day of September, 2012

APPROVAL:



**DAVID GILMORE,
ADMINISTRATIVE RECEIVER
CHAIRMAN, BOARD OF COMMISSIONERS**

HANO will remove applicants from the wait list upon documented request from the applicant. In such cases, no informal hearing is required.

If a family is removed from the wait list because HANO has determined the family is not eligible for admission, a notice will be sent to the family. The notice will state the reasons the family is proposed to be removed from the wait list and will inform the family how to request an informal review regarding HANO's decision. Applicants removed from the wait list may reapply in one year if the wait list is open.

Reasonable accommodations may be provided if the reason for removing an applicant is related to a disability. HANO may also consider mitigating circumstances as required pursuant to 24 CFR 982.206 and may advise applicants of their right to request both a reasonable accommodation and mitigating circumstances in any notice of proposed removal from the wait list.

Reinstatement to the Wait list

If a family is removed from the wait list for failure to respond, HANO may reinstate the family at its former position if it is determined that the lack of response was due to HANO error, or to circumstances beyond the family's control. To be considered for reinstatement at their former position, the applicant must contact HANO within one year of being removed from the wait list.

The decision to withdraw an applicant family that includes a person with disabilities from the wait list is subject to reasonable accommodation. If the applicant did not respond to HANO's request for information or updates because of the family member's disability, HANO must reinstate the applicant family to their former position on the wait list [24 CFR 982.204(c)(2)].

ORDER OF SELECTION FROM THE WAIT LIST

It is HANO's policy to ensure that all families who express an interest in housing assistance are given equal opportunity to apply, and are treated in a fair and consistent manner. Families will be selected from the wait list based on the targeted funding, special preferences for which they qualify, income targeting requirements, and date and time of application.

When a family is selected from the wait list, HANO will request an application with information to establish family eligibility and level of assistance. No applicant has a right or entitlement to be listed on the wait list, or to any particular position on the wait list [24 CFR 982.202(c)].

When an applicant's name is at the top of the wait list, in accordance with HANO policies, they will be selected from the wait list. Once selected, the applicant will be screened and an eligibility determination made. Eligible applicants drawn from the wait list will be included in a pool of ready applicants. The applicant in the ready pool with the earliest date and time of eligibility will be offered the next available voucher. If funds are not sufficient to house the family at the top of the wait list in accordance with HANO subsidy standards, no additional vouchers will be issued until sufficient funds are available to cover the cost of the family's assistance.

When the wait list is open only for a finite period of time, HANO will accept completed pre-application forms. Once the wait list is closed, HANO may conduct a lottery and create a wait list to determine each applicant's rank on the wait list.

SPECIAL ADMISSIONS & TARGETED FUNDING

24 CFR 982.203

If HUD awards HANO program funding that is targeted for families living in specified units, HANO must use the assistance for the families living in these units. Families who qualify are placed on the wait list. When a specific type of funding becomes available, the wait list is searched for the first available family

meeting the targeted funding criteria. HANO must maintain records showing that the family was admitted with HUD-targeted assistance or via special admission. Special admissions may include:

- A family displaced because of demolition or disposition of a public housing project;
- A family residing in a multifamily rental housing project when HUD sells, forecloses or demolishes the project;
- For housing covered by the Low Income Housing Preservation and Resident Homeownership Act of 1990 (41 U.S.C. 4101 et seq.);
- A non-purchasing family residing in a project subject to a homeownership program (under 24 CFR 248.173); or
- A family displaced because of mortgage prepayment or voluntary termination of a mortgage insurance contract (as provided in 24 CFR 248.165);
- A family residing in a project covered by a project-based Section 8 HAP contract at or near the end of the HAP contract term;
- Previously assisted PBV families;
- Project-based Section 8 HAP contract vouchers at or near end of HAP contract term that convert to tenant-based vouchers.
- Any family in good standing that has had its voucher rescinded or has been terminated from the HCV program due to insufficient program funding.
- Up to 200 vouchers for affected parties in the Casey Billieson et al vs. City of New Orleans et al. 94-19231 case in accordance with the court approved class action settlement. This Special Admission will expire June 28, 2013. In the event that 200 vouchers are issued prior to June 28, 2013 to qualified class members who are determined eligible for voucher assistance by HANO, this Special Admission will end prior to June 28, 2013.

LOCAL PREFERENCES

HANO has established local preferences for the HCV program as described below.

Homeless, Disabled and Victims of Domestic Violence

In an effort to reduce the homeless population and the population at-risk of homelessness in New Orleans, and to affirmatively further the goals of fair housing, HANO will provide up to 1100 vouchers annually to eligible families who are homeless, disabled and/or victims of domestic violence and that meet the local preference criteria defined in the Memorandum of Understanding (MOU) by and between HANO and each partner agency. HANO may, at its discretion, modify the total number of vouchers available for this local preference based on funding availability, the performance of social service agency partners, or other factors.

To serve these clients, HANO partners with local nonprofit agencies. These nonprofit agencies refer clients to HANO that meet certain eligibility criteria for the local preference as defined in the Memoranda of Understanding (MOU) with each organization that will be approved by the board. HANO may, at its discretion, enter into MOUs with additional agencies serving these populations in the future. Each partner agency must agree to provide housing search assistance and case management support so that these clients can find housing and remain stably housed. HANO will not accept any referrals from partner



Housing Authority of New Orleans

September 18, 2012

MEMORANDUM

**To: David Gilmore
Administrative Receiver
Board of Commissioners**

**From: Tony Ucciferri, Director
Housing Choice Voucher Program**

Re: Amendment to HANO HCVP Administrative Plan: Special Admissions

This resolution requests approval to amend the Housing Authority of New Orleans (HANO) Housing Choice Voucher Program (HCVP) Administrative Plan to provide Special Admission for up to 200 vouchers for eligible class members as a result of court approval of the class action settlement in *Casey Billieson et al v. Housing Authority of New Orleans et al.*, CDC 1994-19231. This special admission is time limited and will end no later than June 28, 2013 or earlier if 200 vouchers are issued to eligible class members prior to June 28, 2013.

This litigation was filed on behalf of children living in HANO public housing developments due to alleged exposure to lead. HANO disputed the claims in the lawsuit. A proposed settlement was reached October 7, 2010 with final approval by the Court after a fairness hearing on December 29, 2011. Class members must timely submit a proof of claim form to the court no later than August 31, 2012.

The court will make referrals of qualified class members to HANO for possible housing voucher assistance based upon the court's determination of those with the most urgent need for housing. Any class member referred must meet all HUD and HANO standard eligibility requirements for the Housing Choice Voucher Program as determined by HANO. Under the court order, class members who are already part of an assisted household will not be eligible for a voucher. This special admission amendment will sunset on or before June 28, 2013.

Approval is requested to amend the HANO HCVP Administrative Plan Special Admission section (see attached) in accordance with the court approved class action settlement in *Casey Billieson et al v Housing Authority of New Orleans et al*, Civil District Court 94-19231.