

**HOUSING AUTHORITY OF NEW ORLEANS
BOARD OF COMMISSIONERS
REGULAR MEETING
OCTOBER 23, 2012**

RESOLUTION NO. 2012-39

WHEREAS, the Housing Authority of New Orleans (HANO) operates a Housing Choice Voucher Program (HCVP) pursuant to the U.S. Housing Act of 1937 as amended by the Housing and Community Development Act of 1974 and 1987; and

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

WHEREAS, HANO wishes to amend the Administrative Plan to reflect revised policies on restrictions on moves pursuant to Public and Indian Housing (PIH) Notice 2012-42.

THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Housing Authority of New Orleans approves the amendment to HANO's HCVP Administrative Plan to reflect revised policies on restrictions on moves pursuant to Public and Indian Housing (PIH) Notice 2012-42, as shown on Exhibit "A" attached and authorization be provided to the Administrative Receiver or his designee to take any and all other necessary action to implement said amendment.

Executed this 23rd day of October, 2012

APPROVAL:



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



October 23, 2012

MEMORANDUM

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

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

Re: Amendment to HANO HCVP Administrative Plan: Restrictions on Moves

This resolution requests approval of an amendment to the Housing Authority of New Orleans (HANO) Housing Choice Voucher Program (HCVP) Administrative Plan to revise policies regarding restrictions on moves.

On October 2, 2012, HUD issued Public and Indian Housing (PIH) Notice 2012-42 that revised HUD regulations relative to the ability of families to move with continued assistance. According to the HUD Notice, the PHA must establish policies in its Administrative Plan which state how the agency will address families who have requested a move and were denied due to lack of funding. At a minimum, the PHA policy must address:

- How the PHA will inform families of the PHA's policy regarding moves denied due to lack of funding; i.e., information contained in briefing packets or in a letter to the tenant at the time the move is denied.
- How long the family's request to move will be open for consideration and how the PHA will notify families with open requests when funds become available.

A PHA may not deny a family's request to move to a higher cost unit or a higher cost area because it wishes to admit additional families from its waiting list into its voucher program, regardless of whether it has unit months available (UMA) to do so. If the PHA denies a family's request to move, it may not subsequently admit any additional families to its voucher program until the PHA has followed the policy as described above.

HANO proposes revising its Administrative Plan as attached to comply with HUD requirements regarding denial of moves due to insufficient funding.

In addition, the HUD Notice emphasizes that a PHA must not establish a policy that restricts families from moving only at the time of the families' annual reexamination. The regulation at 24 CFR 982.314(c)(2) states the PHA may establish policies on two specific issues: (1) prohibiting moves during the initial lease term and; (2) a policy that may prohibit more than one move by the family during any one-year period. PHAs cannot establish more restrictive criteria than allowed by current regulatory language. Current HANO policy in the Administrative Plan restricts family moves to the annual reexamination period except in the case of extenuating circumstances. This language is being stricken from the Administrative Plan.

Approval is requested to amend the HANO HCVP Administrative Plan to revise policies regarding restrictions on moves.

HANO will deny a family permission to move on grounds that HANO does not have sufficient funding for continued assistance if (a) the move is initiated by the family, not the owner or HANO; (b) HANO can demonstrate that the move will, in fact, result in higher subsidy costs; and (c) HANO can demonstrate that it does not have sufficient funding in its annual budget to accommodate the higher subsidy costs.

HANO will create a list of families whose moves have been denied due to insufficient funding. When funds become available, the families on this list will take precedence over families on the waiting list. HANO will use the same procedures for notifying families with open requests to move when funds become available as it uses for notifying families on the waiting list. HANO will inform the family of its policy regarding moves denied due to insufficient funding in a letter to the family at the time the move is denied.

A move request which has been denied due to insufficient funding will be deemed active for a period of twelve (12) months from the date of the denial due to insufficient funding. Thereafter, move requests will be re-determined for appropriateness subject to sufficient funding.

Grounds for Denial or Termination of Assistance Related to Moves

24 CFR 982.353(b)

If HANO has grounds for denying or terminating a family's assistance, HANO will act on those grounds in accordance with the regulations and policies set forth in this plan. In general, it will not deny a family permission to move for this reason; however, it retains the discretion to do so under special circumstances.

Restrictions on Elective Moves

24 CFR 982.314(c)

HANO will deny a family permission to make an elective move during the family's initial lease term. This policy applies to moves within HANO's jurisdiction or outside it under portability.

HANO will also deny a family permission to make more than one elective move during any 12-month period. This policy applies to all assisted families residing in HANO's jurisdiction.

As part of the move process, HANO will require existing owners to complete the Notice of Good Standing Form. If the owner does not respond within the allotted time frame, HANO will continue processing the move. HANO will not approve a request to move if the tenant is not in good standing. Good standing means that:

- There is no outstanding balance for rent or damages to the unit;
- The tenant is current on any existing repayment agreement;
- There are no damages to the unit beyond normal wear and tear; and
- The tenant has not violated any provisions of the lease within the twelve months prior to the request to move.

~~Subsequent to the initial lease term, families will be permitted to move only at the time of annual reexamination or under extenuating circumstances subject to HANO management approval.~~

HANO will consider exceptions to these policies for the following reasons:

- to protect the health or safety of a family member (e.g., lead-based paint hazards, domestic violence, witness protection programs),
- to accommodate a change in family circumstances (e.g., new employment, school attendance in a distant area), or
- to address an emergency situation over which a family has no control.