

**Proposed Changes for July 1, 2016**  
**Public Housing ACOP and HCVP Administrative Plan**  
**As part of the 2016 Annual Plan**

In both the ACOP and Admin Plan, we will update the definition of Family. Currently, we have a couple different versions, but at its core it is defined as:

**FAMILY:** A family includes but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

- (1) A family with or without children in which any of the household members are related by blood or marriage or adult members who provide assurance to LMHA, either by affidavit or other documentation, they consider themselves to be in a permanent stable family relationship (the temporary absence of a child from the home due to placement in foster care shall not be considered in determining family composition and family size);
- (2) An elderly family;
- (3) A near elderly family;
- (4) A disabled family;
- (5) A displaced family;
- (6) The remaining member of a tenant family; and
- (7) A single person who is not an elderly or disabled person; or a displaced person, or the remaining member of a tenant family; or a pregnant woman without children.

In our society today, even though the above definitions are very broad, there are some advocates who believe these are too restrictive. So we have to add more stuff. [Maybe it is easier to define what is NOT a family!] So we are thinking about something like this:

**FAMILY:**

The applicant must qualify as a Family. A family may be a single person or a group of persons.

A “family” includes a family with a child or children. A group of persons consisting of two or more elderly persons or disabled persons living together, or one or more elderly or disabled persons living with one or more live-in aides is a family. The PHA determines if any other group of persons qualifies as a “family.”

A family also includes, but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

- A family with or without children in which any of the household members are related by blood or marriage or adult members who provide assurance to LMHA, either by affidavit or other documentation, they consider themselves to be in a *permanent*, stable family relationship (the temporary absence of a child from the home due to placement in foster care shall not be considered in determining family composition and family size).
- An elderly person or family
- A near-elderly person or family
- A disabled person or family
- A displaced person or family
- The remaining member of a tenant family; and
- A single person who is not elderly, disabled or displaced; (includes a pregnant woman with no children).
- One or more individuals (who have not attained the age of 18 years) being domiciled with—
  - a parent, or another person, having *or seeking* legal custody of such individual or individuals; or
  - the designee of such parent or other person having *or seeking* such custody, with the written permission of such parent or other person.

There has been some question about the word “permanent” since some families have shared or joint custody and other obvious reasons. So, we are considering removal of the word “permanent.”

Considering the increased number of male applicants for housing who have custody matters, it has been determined that LMHA should adopt a written policy to reflect its practices. Often times a father is not listed on the birth certificate, so when a man applies for housing and says “this is my son, put him on the list with me” we need some documentation to prove this.

For parents who were unmarried, mothers are presumed to be the sole residential parent and legal custodian of the child and remain so until a court designates otherwise. An unmarried father does not have custodial rights to a child until he files a complaint in the Juvenile Court seeking the allocation of parental rights and responsibilities. For parents who are married, both are considered residential and custodial parents until they are divorced and the Court makes a designation of parental rights and responsibilities. Without regard to marital status, a parent can seek custodial rights by filing a complaint with either the Juvenile or Domestic Relations Courts.

In the Admin Plan, this would affect Chapter 7, Section I, page 91, which currently reads:

**Verification of Change in Family Composition**

The PHA may verify changes in family composition (either reported or unreported) through letters, telephone calls, utility records, inspections, landlords, neighbors, credit data, school or DMV records, and other sources.

If an addition to the family is reported, the HA will request (in this order):

Court documentation showing legal custody or guardianship;

We would add to this line: “or that custody or guardianship is being sought.”

In the ACOP, this would affect Part III, Section 2, page 8 regarding interim recertifications:

The changes which must be reported are:

(a) a change in family composition. The tenant must report all requested changes in household composition. Head of household may only request change to add spouse/partner or minor dependent children at birth. Head of household must request approval and provide legal, court approved custody papers for minor children not their birth dependent.

We would add to this paragraph: “Or the Head of Household must demonstrate that they are actively seeking custody of the minor child.”

We will adopt a procedure which assists LMHA in determining what documentation and information should be sought from applicants for tenancy or tenants/participants who are seeking custody of children. It is not necessary to put the information in the ACOP or Admin Plan, but typical documents would include:

- Complaint for Divorce
- Answer and/or Counterclaim to a Divorce Complaint
- Complaint for the Establishment of Paternity
- Complaint for the Establishment of Parental Rights and Responsibilities
- Motion to Modify Custody or Shared Parenting
- Motion to Terminate Custody or Shared Parenting
- Motions filed by grandparents or other persons having interest
- Denial or Different Outcome of Motions

Court actions for parental rights and responsibilities may take months if not years to conclude. LMHA should therefore require of tenants/participants seeking custody periodic updates as to the status of their custody hearings as well as final hearing dates.

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In the ACOP, due to removal of preferences, we may modify some wording used in Admissions process to reflect this. We will review all other Appendixes for any required updates due to this change.

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In the ACOP, we currently have the following:

**H. ASSIGNMENT.** At the time of selection, the applicant shall be referred for placement in accordance with the following plan:

LMHA shall offer the applicant first in sequence on the waiting list one (1) unit of the appropriate size and type appropriate to the applicant’s needs. The unit offered shall be the appropriate size and type with the earliest vacate date. If the applicant refuses the unit “without good cause or an approved reasonable accommodation”, the applicant shall be removed from the waiting list and will be eligible to reapply in six (6) months. (November 2013)

“**With good cause**” is defined by the following:

(1) Inaccessibility to source of employment, education or job training, children’s day care, education program for children with disabilities, or a change in school districts. Additionally, “good cause” would also be given if acceptance of the unit offer would require a household member to quit a job, drop out of an educational institution, take a child out of daycare, remove a child from an educational program for children with disabilities or cause a child to change school districts.

(2) The family demonstrates to LMHA’s satisfaction that the acceptance of the offer will place a family member’s life, health, or safety in jeopardy. The family must offer specific and compelling documentation such as restraining orders, other court orders or documents from a law enforcement agency or other local, state or, mental health agencies. Reasons must be specific to the family.

(3) A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (must be listed on final application) or live-in aide necessary to the care of the principal household member.

(4) The unit is inappropriate for the applicant’s or a household member’s disabilities.

Refusals due to location alone do not qualify for the good cause exemption.

We plan to make modifications to the Good Causes to include additional opportunities for Good Cause refusals. Also, for those Good Cause requests that are related to persons with disabilities, we will refer to the Reasonable Accommodations procedures.

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We may modify the process of resident unit transfers based on family composition only.

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We would also like to review the Pet Policy to consider changes, such as:

- Eliminate the requirement to declaw cats;
- Eliminate the Pet Deposit and instead implement an annual pet fee;

- The number of pets is restricted to one, but with exceptions for small pets we allow two. Currently nit is not clear if an aquarium is considered as one (1) pet. We are thinking of keeping the rules for aquariums in place, but clarifying that we do not count it as a “pet”. Attached is the current Pet Policy for your reference.

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### **HCVP Administrative Plan**

The Reasonable Accommodations Policy, Chapter 1, Section D has too many details. We have a Reasonable Accommodations Procedure Manual for LMHA. We will shorten up this section and refer to the Manual.

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Modify Chapter 10 – Housing Quality Standards. We plan on removing a lot of specific detail and putting it in the HQS procedure manual, but we will keep what is required per federal regulations. Currently, this chapter is 30 pages long. By putting all the fine details in the HQS procedure manual, we can amend it as needed. When it is in the Administrative Plan, it is more cumbersome to modify.

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We need to add language regarding Shelter Plus Care participants. In the event that funding is cut, LMHA’s HCV program will absorb the current participants of the Shelter Plus Care program.

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