

SANTA FE COUNTY

Resolution No. 2000 41

1755232

RESOLUTION ADOPTING THE ADMISSIONS AND OCCUPANCY POLICY AMENDMENTS

WHEREAS, The Quality Housing and Work Responsibility Act of 1998 (QHWRA) established changes to the Admission and Occupancy Policy; and,

WHEREAS, each Public Housing Authority must adopt or amend their current policies to comply with these changes made by the QHWRA; and,

WHEREAS, the Housing Authority must adopt and implement these changes immediately by Board Resolution indicating that any necessary changes have been made to the Housing Authority's Admission and Occupancy Policy; and

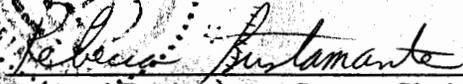
WHEREAS, the Board of County Commissioners has the authority to approve the Resolution Adopting the Admissions and Occupancy Policy Amendments.

NOW THEREFORE BE IT RESOLVED, by the Santa Fe County Board of Commissioners that the Admissions and Occupancy Policy amendments, which is included as Exhibit "A" of this resolution is hereby adopted.

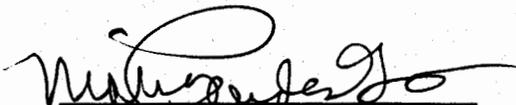
APPROVED, ADOPTED AND PASSED THIS 11th day of April, 2000.

Board of County Commissioners


Joe S. Grife Jr., Chairman



Rebecca Bustamante, County Clerk

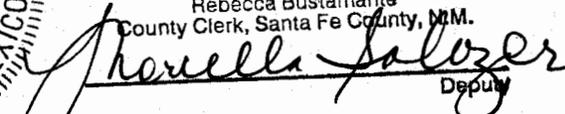
Approved as to Legal Form:


Office of the County Attorney


COUNTY CLERK
SANTA FE COUNTY NEW MEXICO
REBECCA BUSTAMANTE

1112.796) SS
COUNTY OF SANTA FE)
STATE OF NEW MEXICO)
I hereby certify that this instrument was filed
for record on the 12 day of Apr A.D.
20 00 at 10:26 o'clock a.m
and was duly recorded in book 1755
page 232-236 of the records of
Santa Fe County.

Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.


Deputy

ADMISSIONS
AND
CONTINUED OCCUPANCY POLICY
(Amendments)

1755233

Deconcentration Policy

Section 513 of the Quality Housing and Work Responsibility Act of 1998 (QHWRA) amends Section 16 of the United States Housing Act of 1937 (USHA) to establish public housing deconcentration requirements.

The QHWRA requires the Housing Authority to submit with their annual public housing agency plan an admissions policy designed to provide for deconcentration of poverty and income mixing, by bringing higher income tenants into lower income public housing projects and bringing lower income tenants into higher income public housing projects.

The Housing Authority may offer incentives for eligible families having higher income to occupy dwelling units in projects predominantly occupied by eligible families having lower incomes, and provide for occupancy of eligible families having lower incomes in projects predominantly occupied by eligible families having higher incomes.

Incentives may be made in a manner that allows the eligible family to have the sole discretion in determining whether to accept the incentive and the Housing Authority may not take any adverse action toward the family for not accepting the incentive and occupancy of a project having lower incomes, provided that the skipping of a family to reach another family to implement the policy shall not be considered an adverse action. The Housing Authority must implement this Admission Policy in a manner that does not interfere with the use of site based waiting list authorized under QHWRA.*

*Though incentives may be offered as part of QHWRA, the Housing Authority does not intend to offer incentives until such time as HUD offers clear guidance on the provision of incentives by the Housing Authority.

Through the February 18, 1999 initial guidance and all subsequent notices, HUD is requiring the Housing Authority to begin implementing this public housing deconcentration policy immediately. The Santa Fe County Board of Commissioners must pass a resolution indicating that any necessary changes have been made in the Housing Authority's Admission and Occupancy policy. The Housing Authority must keep this Board Resolution on file for possible HUD review.

Income Targeting

The Housing Authority must reserve at least 40% of its public housing new admissions each fiscal year for families whose incomes do not exceed 30% of the area medium income.

The Housing Authority must also reserve at least 75% of its new Section 8 admissions each fiscal year for families whose incomes do not exceed 30% of the area medium income. Housing Authorities that exceed the Section 8 minimum rule of 75% may apply a portion of the excess to the public housing goal. This provision is called fungibility because to a limited extent, it makes the targeting requirements in public housing and tenant-based assistance interchangeable or

fungible. There are three further limitations on a Housing Authority's use of fungibility. Fungibility credits only can be used to drop the annual requirements for housing very poor families below 40 percent of newly available units in public housing, by the lowest of the following amounts:

1755234

- A.) The number of units equivalent to ten (10) percent of the number of newly available Vouchers and Certificates in that fiscal year.
- B.) The number of public housing units that (i) are in public housing projects located in census tracts having a poverty rate of 30% or more, and (ii) are made available for occupancy by, and actually occupied in that year by families other than very poor families.
- C.) The number of units that cause the Housing Authority's overall requirement for housing very poor families to drop to 30% of its newly available units.

The income targeting requirements will be applied on a prorata basis to the remainder of the Housing Authority's current fiscal year to the end of the current fiscal year, and thereafter by applicable fiscal year.

Federal Preferences

Section 506 of the QHWRA amends Section 3(b) of The USHA repealing federal preferences.

The QHWRA permanently repeals federal preference requirements for Public Housing and Section 8 programs. The Housing Authority must make adjustments in their admissions policies to assure the preferences used comply with public housing deconcentration and Public Housing and Section 8 income targeting. Local preferences may be established based on local housing needs and priorities as determined by the Housing Authority, including comments received during the public hearing for the five-year and annual plans, and information from the local consolidated plan. Existing local preferences may remain without further Housing Authority action or may be altered as authorized before QHWRA. The Housing Authority may establish, after Public Notice an opportunity for public comment, a written system of preferences for selection that is not inconsistent with the Local or State Consolidated Plan. The preference for admitting elderly, disabled, and dislaced persons before other single persons has been eliminated. The Housing Authority must revise their Admissions and Continued Occupancy Policy when writing their five-year plan.

Disallowance of Earned Income

Section 508 of the QHWRA amends Section 3 of the USHA establishing the disallowance of earned income of certain families.

For public housing only, the QHWRA exempts earned income for families who start work or self-sufficiency programs. The QHWRA phases in the impact on rent of an increase in earned income of certain families. The PHA cannot increase a public housing family's rent for a period of 12 months if the increase in income results from:

- (1) earnings of a previously unemployed family member who was previously unemployed for one or more years. For purposes of this section, "previously unemployed" includes a person who

has earned, in the previous twelve months, , no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage;

1755235

(2) earnings of a family member during participation in a self-sufficiency or job training program;
or

(3) earnings of a family member that had been receiving welfare in the previous six months.

After the 12-month disallowance, a family's rent increase must be phased in. The phased-in rent cannot increase as a result of the earned income by more than 50% for an additional 12 months. The rule as does not place a limit on the number of times a family or an individual can benefit from the disallowance of earned income.

New Community Service and Self-Sufficiency Requirements for Public Housing

Section 512 of the QHWRA amends Section 12 of the USHA requiring non-exempt adult family members of public housing to contribute 8 hours community service each month or participate in a self-sufficiency program for 8 hours each month.

Community Service is service for which an individual volunteers. Since Community Service is considered a tool to assist residents in becoming responsible and self-sufficient, a number of community service activities will be considered self-sufficiency activities.

The PHA will include as community service, activities improving the physical environment of the resident's development, volunteer work in a local school, hospital or child care center, working with youth organizations, helping neighborhood groups on special projects, or participation in programs that develop and strengthen resident self-responsibility such as drug and alcohol abuse counseling and English proficiency. The QHWRA prohibits political activity as community services.

The PHA will network with agencies in the Community to develop community service activities. The non-exempt resident will receive a form from the PHA that it will take to the community service agency. Upon completion of community service or self-sufficiency activity, the agency will sign off on the document certifying that the individual did complete the service or activity. The PHA will track community service and self-sufficiency activity of all non-exempt public housing residents.

The QHWRA provides a list of exemptions to the requirement for community services and economic self-sufficiency. These include adults who are 62 years of age or older, persons with disabilities, persons engaged in work activities, and persons participating in a welfare-to-work program. The PHA will re-verify a resident's exempt status annually. A family may be evicted for non-compliance of the community service requirement.

If a non-exempt adult family member is found to be in non-compliance of the community service requirement, the PHA will require the non-compliant adult and the head of household to sign an agreement to make up the hours needed within the next 12 month period. Continued non-compliance will result in eviction of the entire family, unless the non-compliant family member is no longer in the household.