



**BOARD OF COMMISSIONERS
REGULAR SCHEDULED MEETING
12:00 P.M., November 26, 2021
GHURA's Main Office (via Zoom)
1st floor, Conference Room, Sinajana
AGENDA**

I. ROLL CALL

II. BOARD MEETING PUBLIC ANNOUNCEMENTS

1st Printing – Thursday, November 18, 2021

2nd Printing – Wednesday, November 24, 2021

III. APPROVAL OF PREVIOUS BOARD MINUTES – November 12, 2021

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IV. NEW BUSINESS

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| 2. Resolution No. FY2022-004.....
Resolution approving Fiscal Year 2022 Section 8 Housing Choice
Voucher Program Payment Standards | 5 - 6 |
| 3. Resolution No. FY2022-005.....
Resolution to adopt the Updated 2021 Public Housing Admissions and
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| 4. LIHTC 2021 Application, Panel Results and Recommendation | 95 - 103 |
| 5. Request for Reservation of Additional Tax Credits
Ironwood Villas Phase II | 104 |

V. CORRESPONDENCE AND REPORTS

1. A/E Manager's Update

VI. GENERAL DISCUSSION / ANNOUNCEMENTS

1. HR Item: Executive Management Performance Evaluations due Tuesday, November 30, 2021
2. Next proposed scheduled Board Meeting: Friday, December 10th, 2021 @ 12:00 p.m.

VII. ADJOURNMENT

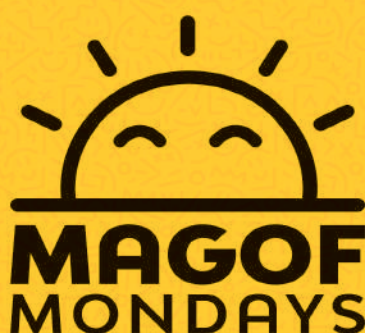
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GHURA

Guam Housing and Urban Renewal Authority
Aturidat Ginima' Yan Rinueban Siudad Guahan

117 Bien Venida Avenue, Sinajana, GU 96910
Phone: (671) 477-9851 • Fax: (671) 300-7565 • TTY: (671) 472-3701

Website: www.ghura.org



Joshua F. Tenorio
Lieutenant Governor of Guam

Lourdes A. Leon Guerrero
Governor of Guam

Board of Commissioners Meeting
Friday, November 26, 2021 at 12:00 PM.
This meeting is open to the public via Zoom.

Topic: GHURA BOC Mtg., Friday, November 26, 2021 12PM
Time: Nov 26, 2021 at 12:00 PM Guam, Port Moresby

Join Zoom Meeting:
<https://us06web.zoom.us/j/82280338202?pwd=ZmxMdHpUcHJpenJiOXA4NkFNVG84UT09>
Meeting ID: 822 8033 8202 Passcode: 091237

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- I. ROLL CALL
- II. BOARD MEETING PUBLIC ANNOUNCEMENTS
- III. APPROVAL OF PREVIOUS BOARD MINUTES - November 12, 2021
- IV. NEW BUSINESS
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 2. Resolution No. FY2022-004; Resolution approving Fiscal Year 2022 Section 8 Housing Choice Voucher Program Payment Standards
 3. Resolution No. FY2022-005; Resolution to adopt the Updates 2021 Public Housing Admissions and Continued Occupancy Policy (ACOP)
 4. LIHTC - 2021 QAP, Panel Results & GHURA Recommendation
 5. LIHTC - Ironwood Villas II, Request for Additional Credits
- V. CORRESPONDENCE AND REPORTS
 1. Discussion of Bid Results and Recommendations of Award:
 - a. Section 8 Office Expansion in Sinajana for IFB#GHURA-09-28-21-MAIN
 - b. HOME Program: Design-Build & Construction of Two New Homes for IFB#GHURA-08-26-2021
 - c. Replace Existing Exterior Doors at GHURA 26 AMP1 and GHURA 100 AMP2 FOR IFB#GHURA-08-20-2021
- VI. GENERAL DISCUSSION/ANNOUNCEMENTS
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The complete Board packet may be viewed on our website at www.ghura.org.

For more information, please contact Audrey Aguon at 475-1378 and for special accommodations, please contact Chief Planner - Designated Section 504 / ADA Coordinator at 475-1322 or TTY 472-3701

This advertisement was paid for by GHURA

INVITATION FOR BID

NO. IFB KGTF 22-01 BROADCASTING EQUIPMENT

PBS Guam is accepting bids from qualified vendors for Broadcast Equipment for PBS Guam.

Interested and qualified vendors may request for electronic copies of the IFB package from the Administrative Officer, Lorraine Hernandez at our main office located at 194 Sesame Street, Mangilao, Guam 96912, from 8:00 am to 5:00 pm, Guam Standard Time, Monday thru Friday, except Government of Guam Holidays.

All bids must be submitted to the Administration Office no later than November 24, 2021, via email to lhernandez@pbsguam.org by the close of business at 5:00 PM. **NO IN PERSON BIDS WILL BE ACCEPTED.** All bids will be publically opened and read aloud on November 26, 2021 at 1:00 pm at PBS Guam.

For any periodic updates of the IFB please visit PBS Guam's website at www.pbsguam.org. For any questions or further information or to request for copies of the IFB package, please contact **Lorraine Hernandez** at lhernandez@pbsguam.org or **John Muna** at jmuna1216@yahoo.com or you may call (671)734-5483/2207/5788/3718.



**GUAM EDUCATIONAL TELECOMMUNICATIONS
CORPORATION dba PBS GUAM**
194 SESAME STREET MANGILAO, GUAM 96912
www.pbsguam.org

IN LOVING MEMORY

George Anthony
BAMBA DUENAS

"Big G"

FAMILIAN PEPERO

SEPTEMBER 16, 1946 - NOVEMBER 06, 2021

OF MANGILAO WAS CALLED TO REST
AT THE AGE OF 75

HE IS PREDECEASED BY HIS

Parents: Clemente Cruz and Josefa Bamba Duenas

Brothers/Sisters: Jose B. Duenas, Vicente B. Duenas, Carmen Duenas, Maria D. Leon Guerrero

Brothers/Sisters-In-Law: Francisco Leon Guerrero, Victor P. Valenzuela, Pedro M. Leon Guerrero, Sumiko Duenas, Zelia D. Duenas

HE IS SURVIVED BY HIS

Daughters: Victoria Jeanne Namchek Acosta, Monica Denise Duenas; **Their sister:** Nicole Lenore Cruz, and **their mother:** Denise Namchek

Son-In-Law: Gilbert Isidro Acosta

Grandchildren: Alejandro N. Acosta, Rico N. Acosta, Rimoni Josefa Duenas Oplado
Sisters: Veronica D. Leon Guerrero, Concepcion D. Valenzuela

He is also survived by numerous cousins, nieces, nephews, relatives and friends.

Mass of Intention will be offered at Santa Teresita Church, Mangilao
on November 20, 2021 at 6:30pm.

Final Farewell will be held at Our Lady of Peace in Barrigada on November 23,
2021.

Rosary will be prayed at 9:00am.

Viewing and Last Respects may be paid from 9:30am-12:30pm.

Final Commendation and private cremation to follow.



DEPARTMENT OF ADMINISTRATION

DIPATAMTON ATMENSTRASION

DIRECTOR'S OFFICE

(Ufisanan Direktot)

Telephone (Telfon): (671) 475-1101/1250



LOURDES A. LEON GUERRERO
Governor (Maga'Gufo)
JOSHUA F. TENORIO
Lt. Governor (Siguando Magsa'Gufo)

REQUEST FOR PROPOSAL (RFP)

This ad is paid for by government funds from General Funds

FINANCIAL MANAGEMENT INFORMATION SYSTEM (FMIS)

RFP No.: DOA-ACCT-0660-2022-01

The Department of Administration (DOA) is soliciting proposals from experienced and qualified interested firms to provide professional Financial Management Information System services for the FMIS project.

To receive an FMIS RFP packet, a registration form will be available on the Department of Administration website: <https://doa.guam.gov/public-notices/>.

The Department of Administration recommends that all prospective offerors submit their registration form with their contact information to the DOA Single Point of Contact: Roberta Joyce R. Castro via e-mail at DOA.RFP@doa.guam.gov to ensure they receive any notices regarding any changes or updates to the RFP. The Department of Administration shall not be liable for failure to provide notices to any party who did not register contact information.

Deadline to register for this RFP will be no later than 3:00 p.m. Chamorro Standard Time, (ChST) Friday, December 10, 2021.

All questions regarding this RFP should be submitted in writing via e-mail to the DOA Single Point of Contact: Roberta Joyce R. Castro at DOA.RFP@doa.guam.gov on or before Friday, January 7, 2022 no later than 3:00 p.m. ChST.

Proposals must be submitted to the Department of Administration Director's Office 590 S. Marine Corps Drive, ITC Building, 2nd Floor Suite 224, Tamuning, Guam in the format specified in the solicitation, and must be received by the Department of Administration Director's Office, no later than 3:00 p.m. ChST, Friday, January 21, 2022. Failure to submit Proposals at the specified location, date, and time will be grounds for rejection of the Proposal.

/s/ Edward M. Birn,

Director, Department of Administration

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THE GUAM PUBLIC UTILITIES COMMISSION NOTICE OF PUBLIC MEETING

NOTICE IS HEREBY GIVEN that the Guam Public Utilities Commission [PUC] will conduct a special business meeting, commencing at 6:30 p.m. on December 2, 2021, Suite 202, GCIC Building, 414 W. Soledad Ave., Hagatna.

The following business will be transacted:

Agenda

1. Call to Order
2. Approval of Minutes of October 28, 2021
3. Guam Power Authority
 - GPA Docket 20-09, Ratification of Preliminary Order by Chairman Johnson Suspending the Effectiveness of GPA Net Metering Program Interconnection Policy AP-072, ALJ Report, and Proposed Order
 - GPA Docket 22-02, Petition for Approval of Procurement of the Performance Management Contract (PMC) for the Management, Operation and Maintenance of the GPA Fuel Farm Bulk Storage Facility, ALJ Report, and Proposed Order
 - GPA Docket 22-03, GPA's Filing for FY21 APPROVED CONTRACTS & OBLIGATIONS (for Informational Purposes Only)
4. Guam Waterworks Authority
 - GWA Docket 22-03, Petition to Approve Contract Amendments with Duenas, Camacho and Associates Inc. to complete Phase 3 Tank Inspection and Repairs, District Metering and Pressure Zone Realignment, Deep Wells GAC System Installation and Rehabilitation, and Waterline Replacements, ALJ Report, and Proposed Order
 - GWA Docket 22-04, Petition to Approve Contract Change Order No. 2 with Giant Construction Corp. for the Tai Road/S-13 and Canada-Toto Loop/Bias Street Waterline Replacement Project, ALJ Report, and Proposed Order
5. Administrative Matters
 - PUC Financials
6. Adjournment

Due to the current public health emergency, all persons attending the meeting will be required to wear masks. Social distancing protocols will be observed. Further information about the meeting may be obtained from the PUC's Administrator Lou Palomo at 472-1907. The meeting will be broadcast live on the PUC website at guampuc.com. Those persons who require special accommodations, auxiliary aids, or services to attend the meeting should also contact Ms. Palomo.

This Notice is paid for by the Guam Public Utilities Commission.



GHURA

Guam Housing and Urban Renewal Authority
Aturidat Ginima' Yan Rinueban Siudad Guahan

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LOURDES A. LEON GUERRERO
Governor of Guam

JOSHUA F. TENORIO
Lieutenant Governor of Guam

FINDING OF NO SIGNIFICANT IMPACT AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS MTM Community Recreational Facility PAID FOR WITH HUD FUNDS BY GHURA

November 10, 2021
Government of Guam/Guam Housing and Urban Renewal Authority
117 Bien Venida Ave., Sinajana, Guam 96910
Attention: Sonny P. Perez, PE: sperez@ghura.org

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the Guam Housing and Urban Renewal Authority.

REQUEST FOR RELEASE OF FUNDS

On or about November 26, 2021 the Guam Housing and Urban Renewal Authority (GHURA) will submit a request to the Director of the Office of Community Planning and Development, U.S. Department of Housing and Urban Development, Hawaii State Office-Pacific/Hawaii Region, for the release of Community Development Block Grant funds under Title I of the Housing and Community Development Act of 1974, as amended, to undertake a project known as the MTM Community Recreational Facility.

Project / Funding Source	Project Locations	Budget Amount
MTM Community Recreational Facility CDBG FY 2019	Aragon Street, MongMong-Toto Maite, GU 96910	\$464,566.80

FINDING OF NO SIGNIFICANT IMPACT

The GHURA has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at GHURA's Main Office, located at 117 Bien Venida Avenue, Sinajana, Guam and may be examined or copied weekdays 8:00a.m. to 5:00p.m.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the GHURA's Main Office. Attention: Sonny P. Perez, Architectural and Engineering Division. All comments received by the 26th of November 2021 will be considered by GHURA prior to authorizing submission of a request for release of funds. Comments should specify which notice they are addressing.

ENVIRONMENTAL CERTIFICATION

The Government of Guam certifies to the Director of the Office of Community Planning and Development, U.S. HUD, Hawaii State Office-Pacific/Hawaii Region that Lourdes Leon Guerrero in her capacity as Governor of Guam consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. The U.S. HUD Hawaii State Office's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows GHURA to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

The Office of Community Planning and Development, U.S. HUD Hawaii State Office-Pacific/Hawaii Region will accept objections to its release of fund and the Government of Guam's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are one of the following bases: (a) the certification was not executed by the Certifying Officer of the Government of Guam; (b) Government of Guam has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of fund by U.S. HUD, Hawaii State Office-Pacific/Hawaii Region; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to Mr. Mark Chandler, Director, Office of Community Planning and Development, U.S. Dept. of Housing and Urban Development, Hawaii State Office-Pacific/Hawaii 1132 Bishop Street, Suite 1400, Honolulu, HI 96813; (808) 457-4678. Potential objectors should contact the aforementioned office to verify the actual last day of the objection period.

/s/ Ray S. Topasna,
Executive Director

This advertisement is paid with GHURA CDBG funds.



GHURA

Guam Housing and Urban Renewal Authority
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LOURDES A. LEON GUERRERO
Governor of Guam

JOSHUA F. TENORIO
Lieutenant Governor of Guam

Board of Commissioners Meeting Friday, November 26, 2021 at 12:00 PM. This meeting is open to the public via Zoom.

Topic: GHURA BOC Mtg., Friday, November 26, 2021 12PM

Time: Nov 26, 2021 at 12:00 PM Guam, Port Moresby

Join Zoom Meeting:

<https://us06web.zoom.us/j/82280338202?pwd=ZmxMdHhUcHJpenJiOXA4NkFNVG84UT09>

Meeting ID: 822 8033 8202 Passcode: 091237

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**BOARD OF COMMISSIONERS
REGULAR SCHEDULED MEETING
12:00 P.M. November 26, 2021
GHURA Main Office (via Zoom Video Conference)
1st floor, Conference Room, Sinajana
BOC MEETING MINUTES**

I. ROLL CALL

After notice was duly given, pursuant to the Open Government Law of Guam and the Bylaws of the Authority, the Board of Commissioners' regularly scheduled board meeting was called to order at **12:00 P.M., Friday, November 26, 2021** at the GHURA Sinajana Main Office, 1st floor Conference room, by Acting Chairwoman Guzman. She indicated that **5** members of the Board of Commissioners were present, representing a quorum and that the meeting would proceed as scheduled.

PRESENT: (VIA ZOOM VIDEO CONFERENCE) Monica Guzman, Acting Chair George Pereda, Commissioner Frank Ishizaki, Commissioner Anisia Delia, Commissioner Karl Corpus, Resident Commissioner	MANAGEMENT & STAFF: Ray Topasna, Executive Director Elizabeth Napoli, Deputy Director Audrey Aguon, Special Assistant Katherine Taitano, CPD/RP&E Manager Sonny Perez, A/E Manager Norma San Nicolas, Section 8 Manager Philomena San Nicolas, AMP 4 Manager
LEGAL COUNSEL: Anthony Perez, Esq.	PUBLIC: (VIA ZOOM VIDEO CONFERENCE)

II. BOARD MEETING PUBLIC ANNOUNCEMENTS

1st Printing – Thursday, November 18, 2021 in Pacific Daily News
2nd Printing – Wednesday, November 24, 2021 in Pacific Daily News.
ACKNOWLEDGED.

III. APPROVAL OF PREVIOUS BOARD MINUTES

[176/21] Commissioner Delia motioned to approve the meeting minutes of Friday, November 12, 2021. The motion was seconded by Commissioner Ishizaki. With no objections by the other board members, the motion was approved.

IV. NEW BUSINESS

1. Resolution No. FY2022-003

Resolution approving the Fiscal Year 2022 Section 8 Housing Choice Voucher Program Utility Allowance Schedule.

[177/21] DISCUSSION- Director Topasna stated the following:

- Resolution number FY 2022-003 is the resolution approving the fiscal year 2022 Section 8 Housing Choice Voucher Program Utility Allowance Schedule.
- HUD requires housing authorities to review and update the section eight Housing Choice Voucher Program utility allowance schedule annually in accordance with 24 CFR 982.517.
- The utility allowance rate must be adjusted to reflect any change of 10% or more.
- The proposed 2022 UAS reflects an increase in electrical and water rates of eight to 10% and 3% per bottled gas. The only service fee that remained unchanged in this request is trash pickup service.
- Should the board approve this request, the implementation would commence effectively January 1, 2022.
- At this time I'll be asking the Board to approve the FY 2022 Section 8 Utility Allowance Schedule.

There were no further discussions.

[178/21] Commissioner Pereda moved to approve the resolution. FY 2022-003 to approve the fiscal year 2022 section 8 Housing Choice Voucher Program utility allowance schedule. Commissioner Delia seconded the motion. With no objections by the other board members, the motion was approved.

2. Resolution No. FY2022-004

Resolution approving Fiscal Year 2022 Section 8 Housing Choice Voucher Program Payment Standards.

[179/21] Director Topasna stated the following:

- 24 CFR 985.31, requires public housing agencies to review and adjust its voucher payment standard amounts to ensure it is within the basic range that is not less than 90% and not more than 110% of the area's fair market rent.
- The FY22 payment standards are based on the FY 2022 published Fair Market Rent for Guam
- For a zero bedroom, it'll be \$1016, One bedroom \$1,115, 2-bedroom \$1,467.03 3-bedroom \$2,084, a four bedroom \$2,511, a five bedroom \$2,888 and a six bedroom \$3,264.

- the recommended payments standard schedule is set between 105 to 110% and not more than 120% for reasonable accommodation for persons with disabilities.
- In consideration of the FY 2022 Section 8 Housing Choice Voucher Program budget and average going rates for rent in the private rental market, the recommendation payments standard schedule is set between 105 to 110% and not more than 120% for reasonable accommodation for persons with disabilities.
- We are recommending payment standards for the HCV and target funded programs, a zero-bedroom unit would be \$1,067. A one bedroom would be \$1,171. 2 bedrooms, \$1,540, a three-bedroom unit would be \$2,188, a four-bedroom unit would be \$2,762. 5 bedrooms would be \$3,176. And a six bedroom would be \$3,591.
- The payment standards for reasonable accommodation for persons with disabilities would be even greater. A zero bedroom would be \$1,219. A one bedroom would be \$1,338. 2 bedrooms would be \$1760. 3 bedrooms would be \$2501. 4 bedrooms would be \$3,013. 5 bedrooms would be \$3,465. And six bedrooms unit would be \$3,917.
- At this time, I am asking the Board for approval on the adjusted payment standards. If approved, implementation will take effect on January 1, 2022.

Acting Chair Guzman inquired about whether it is for all existing contracts. Director Topasna deferred the question to Mrs. Norma San Nicolas who stated that the payment standard is not for existing contracts. It only applies to those contracts coming in and those renewing their contracts. Acting Chair Guzman inquired about whether the same would apply to the previous resolution. Mrs. San Nicolas confirmed this.

There were no further discussions.

[180/21] Commissioner Ishizaki moved to approve Resolution No. FY2022-004 for Fiscal Year 2022, Section 8 Housing Choice Voucher Program Payment Standards. Commissioner Delia seconded the motion. There were no objections by the other board members. The motion was passed.

3. Resolution No. FY2022-005- Resolution to adopt the Updated 2021 Public Housing Admissions and Continued Occupancy Policy (ACOP)

[181/21] Director Topasna stated the following:

- 005 is a resolution to adopt the updated 2021 Public Housing Admissions and Continued Occupancy Policy or what we call the ACOP.

- The ACOP is GHURA's written statement of policies used to carry out the public housing program in accordance with federal law and regulations, and HUD requirements.
- The ACOP also contains policies that support the objectives contained in the GHURA'S agency plan.
- A public comment period was held and there were no comments that were received.
- A public hearing was also held, and no other attendees were present to either support or oppose.
- We're requesting the Board of Commissioners to approve the adoption of BOC Resolution No. FY2022-005, which is the amendment to the ACOP.

Acting Chair Guzman inquired about whether legal counsel was required to review the ACOP. Mr. Tony Perez, GHURA's Legal counsel, stated that due to the document being an in-house policy, it did not require legal counsel review.

Acting Chair Guzman inquired about a possible error on page 26 of 104 in the board packet on the use of the word MISCLASSIFIED. The question was deferred to Ms. Philomena San Nicolas. She stated that the Regulation cited in the ACOP is coming from the HUD Regulation with guidance from Nan Mckay. It is also the regulation cited under the federal Civil Rights Law and cited on the top, 24 CFR. Deputy Director Napoli indicated that Mrs. San Nicolas would look at the HUD regulations closely to be sure that it wasn't a typographical error and will report back to the board.

There were no further discussions.

[182/21] Commissioner Delia motioned to pass Resolution No. FY2022-005 to adopt the updated 2021 Public Housing Admission and Continued Occupancy Policy, otherwise known as ACOP. Commissioner Pereda seconded the motion. With no objections by the other board members, the motion was passed.

4. LIHTC 2021 Application, Panel Results and Recommendation

[183/21] Director Topasna stated the following:

- A four-member panel within the organization two with GHURA and two non GHURA personnel were involved in the evaluation of the proposals.
- The panel members were Philly San Nicolas from AMP4 and Mike Recuyal, an engineer with A/E. We also had Samantha Taitano of Manelu who is the chairperson of the of the Homeless Coalition and Lola Leon Guerrero, who currently serves as the chief planner at the Bureau of Statistics and Plans.
- The panelists were asked to review the applications and to independently score each applicant on the merit of their proposal. In addition, panelists

utilized the selection criteria established in the 2021, QAP, of which the board had adopted in a previous board meeting to aid them in the scoring process.

- In October, the panel completed the process after a two-week review. A total of 126 points were available to award for each project, per panelists.
- In total project number one received 361 points and project number two received 356 points.
- The average would come up to 90 points and 25 points for Summer Breeze number one, which is project number one, and then 89 points for summer Vista one.
- For the 2021 low-income housing tax credit cycle, there was a remaining tax credit from 2019 of \$197,832. In the 2020 cycle there was \$3,217,500 and then in the 2021 cycle there was \$3,245,625 which brings the grand total of credits available to be awarded for 2021 at \$6,660,957.
- Based on the results recommended by the panel, GHURA will be recommending to the Board of Commissioners to award \$3,663,526 to Summer Breeze one LLC for Summer Breeze I project.

Commissioner Ishizaki indicated that there seems to be enough of the total tax credits to award both projects. Director Topasna deferred to Ms. Katherine Taitano for comment.

Ms. Taitano stated the following:

- the available total is about 6.6.
- It has the calculations that come in from the developers and is based on what they see their costs to be.
- To award a project partial credit, we would be really looking at what we would do to make the project whole and looking forward then into another year of assignments of credits or allocations to do so.
- We can certainly take back anything that you folks ask us to do to see what it would be like if we did approach it in that way. To go back and revisit the second project, money wise with what has been proposed.
- Both projects met minimums. Both are in favor with the panelists. It comes down to what we know of our experience with the projects and needing additional credits.
- We were being cautious. We're being conservative. We had 6.6 on the table, but we stayed within our known allocation.

Acting Chair Guzman asked if Summer Breeze I is awarded with the 3.6, would the balance of 3 move onto the next round. Ms. Taitano confirmed this. Acting Chair Guzman also asked Ms. Taitano to confirm that in past experiences, there have been instances where they come back to request for additional credits for projects. Ms. Taitano stated that it has happened from time to time.

Acting Chair Guzman stated there seems to be a need for housing. Ms. Taitano agreed there is a need for more affordable housing.

Acting Chair Guzman went on to inquire from Director Topasna about whether his recommendation was also based on location. Director Topasna confirmed this and added that both project one and project two met all the criteria, but it was just a matter of whether there were enough credits to award. At this point, GHURA's backs are up against the wall, and there are timelines that must be met. The 6.6 million in tax credit is broken up from the 2019 remaining, the 2020 cycle, and the 2021 cycle. The prudent thing to do was to proceed with awarding a little bit more than half and if it's the board's desire, GHURA can revisit the whole issue.

Commissioner Ishizaki indicated that he was inclined to agree with the Acting Chair in that there are 64 units for Project 1 and 128 units for Project 2. He stated that he was more inclined to go with Project 2 to get more units developed.

Ms. Katherine Taitano stated that in the evaluation, a project was awarded an additional point for being in an area that was centrally located. Her team encouraged development outside of the north. So there's additional credits if they were to build in the south. However, there are challenges with leasing projects, far from the employment sectors, employment centers, so one is in the north and the other one is in central, that's one reason. Mr. Tony Perez added that criteria seven is the main distinction between the two offers and that's where the six-point differential came from. Criteria seven is location so yes, the difference in point came down to project location and housing needs characteristics. Location was the determining factor based upon the criteria. He reminded the board of how GHURA works, which is once this project is over, GHURA will be ready to start preparing the new QAP early next year to do this all over again. So another five or 6 million will roll again next year.

Acting Chair Guzman added that the other 5 or 6 million only if the board awards the first project. Mr. Perez confirmed this. Ms. Taitano added that the 2022 allocation is showing up as 2.975. Director Topasna indicated that GHURA will not be losing anything but would like to proceed with the board approving the award at a minimum with project number one.

Acting Chair Guzman inquired about why the amount went down from 3.2 in 2020, and in 2021, down to 2.9. Ms. Taitano stated that it's nothing that GHURA has done. GHURA Guam is at the floor, we get the minimum established threshold allocation for a jurisdiction that is not going to be affected by their population or other aspects. So, this is the minimum awarded to an area.

Ms. Taitano introduced Mr. Ho Eun of Coretech into the discussion because of his deep knowledge of the process.

Mr. Ho Eun stated the following:

- there is a new bill that has been passed in the House that has a different number, that is 3.6 million, more specifically, 3.629026 that is forthcoming in 30 to 35 days, because it is a part of the Build Back Better package.
- This will increase the allocation tax credit amount for Guam.
- Summer Breeze in Barrigada consists of eight buildings times eight units in a building. In Okkadu and Two Lover's Point area, initially we thought about 16 buildings. So as an applicant, our mindset, is if GHURA has additional credit available, then we are definitely more than happy and willing to adjust the number of the building or number of units to meet the remaining credits.
- Any additional credit available, they would be more than happy to adjust the rate.

Director Topasna added that he mentioned at a previous board meeting that GHURA had been in discussions with Governor's office. He indicated that Executive Management would like to see if Congress is willing to consider legislation that allows for a regional pool of the insular areas. Guam gets a set number of LIHTC credits that's allocated each year, and so do CNMI, American Samoa and other insular areas. The others are not as aggressive in awarding these tax credits. There could be a regional pool that's established. So, in the event CNMI, or American Samoa doesn't award, then Guam could be able to tap from that. Acting Chair Guzman inquired about whether it requires congressional approval or can it be negotiated amongst the participating PHAs. Ms. Katherine Taitano indicated that the process is that they are awarded, or they are they are doled out in, in calculation through formula with the IRS, and then they are taken back by them and redistributed. Director Topasna stated that GHURA would inquire about the process.

Mr. Ho Eun shared his experience in working with the tax credits from an investor's standpoint in the CNMI. He stated that the CNMI is not interested in the tax credits. He added that the tax credits were not being sold for several years. They did interim financing for the developer, and it took a lot of effort and discussions with a tax credit investor. He explained that even if CNMI wanted to build tax credit units, it will be very difficult and it's getting harder. In other words, they can get carried forward to the following year, but they can only do so much. That fund will go back to the region, and then be used in the states. He appreciated the brilliant idea of the director and if we can reach out and convince them that we can share within this region, it would be great news.

Acting Chair Guzman thanked Mr. Ho Eun for his insight and inquired with Mr. Tony Perez on how long the proposals were good for.

Mr. Perez stated that regarding awarding, it's normally just for the year, because a market study is required for every QAP application submitted. Whatever is submitted will likely be good for this cycle. Ms. Taitano confirmed Mr. Perez's statement and added that they typically

wouldn't recycle applications, but they've also been awarding every two years. It's only that having missed their window last year that they're here, at the end of the second year. We are looking at it and yet we're looking at the beginning of the next year to do the next one. It is just a matter of months till the next one, but if it is the pleasure of the board that we go back and look at the second project to maximize the utilization of the credits that are on for this application, they will certainly do so.

Commissioner Ishizaki stated that he had expressed his thoughts about the project. He preferred having 128 units rather than 64 units. Mr. Tony Perez indicated that there are enough tax credits to do that. He also added that it is the same developer that is submitting for both projects. Commissioner Ishizaki asked what can be done. Acting Chair Guzman indicated that GHURA could be using all its credits this year and hopefully with an additional 3 million coming in 2022. Or award the 64 Summer Breeze I now and then if GHURA does receive the 3 million then 2.9 plus another three, will be another 6 million. Mr. Perez stated that the CPD research came up with a figure of 2.9, while Mr. Eun's research was that GHURA would receive 3.69, but not both. Ms. Taitano added that what Mr. Ho Eun has put forth is the idea that he's willing to consider that the Summer Vista project could go into develop less than 128 based on what is left available of the credits. Mr. Ho Eun added that GHURA used to do forward commitments and the developer would take the risk to do the order preparation. \$3.6 million plus the remaining 6.6 is more than enough to cover 192 projects, 192 units. If the Board of Commissioners made the decision to help a developer, then there might be a slight delta, which is about a \$257,000 delta. The applicant would be more than happy to adjust the number of units. Instead of taking a risk on price escalation of materials, construction costs, it would be better to commit and deliver units to the families.

Acting Chair Guzman asked if GHURA can do forward commitments. Mr. Tony Perez stated that GHURA has done forward commitments in the past. The issue with that is the forward commitment numbers and we don't want to deal with any future adjustments.

Ms. Taitano stated that they are aware that the 2.975 is approved and things are moving with the Build Back Better, but she had not seen any issuances of the notices official. She had found pieces of it for the other elements of GHURA, but there are organizations that they look to for guidance and would like it to be as clean and straightforward as possible. Mr. Perez added that forward committing future tax credits seems impulsive and that he was more comfortable working with what they have, and what they know. When the next credits come in, another QAP will be prepared and go from there.

Acting Chair Guzman added that she agreed that GHURA should work with what it has and stated that now GHURA has 6.6. She inquired about how many residents would be in 128 units versus 64 units. Ms. Taitano stated that the types of units that were requested are shown page 99 of 104. There are 1-4-bedroom units for both the Summer Breeze and Summer Vista offerings. A 4-bedroom unit would possibly be up to eight people on a on a voucher. Acting

Page 8 of 13

Chair Guzman asked the board about their thoughts on the number of units. Commissioner Pereda stated that the board should go with the recommendation of management and the panel recommendation that was put forth to the board. Ms. Taitano stated that if it is the board's wish, they can go back and figure those numbers with the additional monies that they do know of and consider what is available and what Mr. Ho had mentioned. She appreciates the idea that they go back and be able to look at what was already on the slate offered under this QAP. Director Topasna stated that his recommendation is to proceed with the recommendation to award the tax credits for project number one and then proceed with what Kathy had suggested earlier, which is to revisit the remaining tax credits and do the math, then come back to the board with a second recommendation.

Acting Chair Guzman stated that due to the time sensitivity of this award and asked whether the time sensitivity would also apply to the reassessment of the second project. Ms. Taitano stated that there is flexibility. However, GHURA definitely has to assign one today because there is a timeline in order to get documentation executed before the end of December. Commissioner Delia agreed with management's and the panel's recommendation. Commissioner Corpus stated that he would rather go with Project 2, but would go along with project 1 to get something started.

There were no further discussions.

[184/21] Commissioner Pereda moved that we approve the recommendation of the review panelists and GHURA management to award LIHTC credits in the amount 3.663526 to Summer Breeze one LLC for the Summer Breeze number one project and to also allow for GHURA to consider the remaining LIHTC credits to be used as well in other considerations or for GHURA to contemplate the reservation of further remaining tax credits. Commissioner Delia seconded the motion. With no objections by the other board members, the motion passed.

Acting Chair Guzman inquired about the turnaround time for the second part of the motion. Ms. Taitano stated that they would begin working on it in the coming week.

Director Topasna thanked the board for supporting GHURA's request to award these tax credits and added that the last time he took the award of tax credits to the board, he unfortunately lost his job. He thanked the Board for doing the right thing and standing behind executive management following the rules that govern the authority.

5. Request for Reservation of Additional Tax Credits

[185/21] Director Topasna stated the following:

- This a request for reservation of additional tax credits for the Ironwood Villas Phase II project.

- It is an 88-unit development in Toto which was originally approved in September 2018.
- initial award of approximately 2.9 million in tax credits
- project has experienced construction and leasing delays, setbacks which resulted in the developer missing the target December 2020 deadline for units to be placed in service.
- Delays early on stemmed from reductions in available labor, labor force of H2B visa workers having resolved this issue groundbreaking for the project which occurred in November 2019.
- In early 2020 came the COVID pandemic and further delays in the form of mandated shutdown and slow down periods.
- Government closures impacting permitting and inspection schedules and public health mandated stop work orders to the industry in general.
- Presently 62% of the units or 55 of the 88 available are leased. Applications for the remaining 33 units are received and undergoing processing by ironwood property management
- The additional reservation of tax credits is being requested to address this specific gap.
- The Ironwood Villas phase two developer has requested GHURA's consideration for an additional tax credit reservation totaling \$336,200.
- GHURA has reviewed and discussed the specifics of this developers request.
- GHURA is recommending approval of the request for reservation of additional tax credits, amounting to \$336,200.

Commissioner Pereda asked why the recommendation is for a Reservation of tax credits. Ms. Katherine Taitano stated that Tax credits are not issued until a project is completed. Once the project is completed, then the final tax credit amounts are established. Those numbers then become actually what is allowed to the developer. If at some point, it is not necessary to utilize all those credits, they will return them. So it's a reservation of them. It's a reservation for them to use up to that amount. They come in to help the developer. There are certain timelines to issue tax credits. Any tax credits not needed, under the reservation will then come back to GHURA. If we say it's just awarded, it is characterized as a reservation of credits for a specific project. In so much as any developer comes in and provides us with what they believe their construction budgets or their financing needs are, they have proposed what their tax credit needs are. If it is not needed, then it will not be utilized. In the case of this project, they're down to the end of making it all complete and because they've had so many delays through 2020. Many of them governmental, those stops and starts hinder their progress. They are easily above 50% leased up and the only thing holding them back with the finished lease is the processing. So they have all the applicants they need. They're just in processing them now. The cost certification that comes at the end of a project will dictate the question of the total amount

of the credits. And we don't see that until after a given time. Acting Chair Guzman asked Ms. Taitano if the 2.9 originally reserved for Ironwood had not been issued since the project was not complete. Ms. Taitano stated that Ironwood has that but the project is not complete until it's complete and then a final accounting of all the credits used. They know from their management of it that they're in need of the additional credits and they've demonstrated that with documentation provided to us to review. There is a basis for their request. Acting Chair Guzman asked that if the board awards the 336 would Ironwood's Tax Credit for this project be 3.2. Ms. Taitano confirmed this and stated that the project was originally approved in September of 2018. They had labor issues, which many projects have and continue to have with h2. Their ground break was not until November 2019. Several months later, the COVID pandemic issues. Permitting took additional time. There were public health mandated shutdowns. Then the contractor to this project had a cluster outbreak. They ended up closed for a period while dealing with that from the public health side. There were challenges.

There were no further discussions.

[186/21] Commissioner Delia motioned to approve the reservation of additional tax credits for the Ironwood Villas Phase II in the amount of \$336,200. Commissioner Ishizaki seconded the motion. There were no objections by the other board members. The motion was approved.

Director Topasna stated that the governor unveiled her investment Para Hamyu Plan at her press conference and in it she mentioned GHURA awarding tax credits for the purpose of building affordable homes. Two days after her announcement, this dynamic organization has proceeded very expeditiously to move forward with what the administration committed to and that's building affordable homes. He stated that he believes that that's something we should be proud of. He thanked the board for their support.

V. CORRESPONDENCE AND REPORTS

1. A/E Manager's Update:

[187/21] Mr. Sonny Perez, A/E manager stated the following:

- Sinajana Arts Center- Mega United just poured the roof cap over the facility and has successfully covered the roof and now can do Interior works and can proceed rain or shine. February is the completion date.
- Umatac Baseball Field- dugouts are being built, the lights going up, and the ADA access ramps are also being installed.
- Inarajan Basketball court- footprints for the restrooms being installed, retaining wall construction ongoing.

- Women's Treatment Center- Clearing and grubbing activity, project is moving forward, request to save the tree on the property was noted.
- Sinajana Fire Station- award to Guma' Architects, requested to add character to the design.
- MOD Projects- ongoing projects. 8 units are being prepared for advertisements
- Repositioning- ongoing
- Solar Installation at Guma Trankilidat- ongoing
- Mosquito Lab- ongoing
- Wage Compliance- presentation at upcoming board meeting

There were no further discussions.

VI. GENERAL DISCUSSION / ANNOUNCEMENTS

1. HR Item- Executive Managements Performance Evaluation due date

[188/21] 1. Ms. Kim Bersamin stated the following:

- Back during a May 2019 board meeting, the Board voted for each commissioner to individually rate and submit the ratings back to HR for tabulating.
- HR to report results to the board.
- For maximum participation and greater transparency, the corresponding forms were emailed to the board.
- Mrs. Bersamin respectfully requested that the commissioners submit their forms by November 30, 2021.

Acting Chair Guzman suggested that Mrs. Bersamin send reminders to the board regarding the due date of the evaluations and encouraged the board to complete and submit the evaluation forms to HR with time for her team to tally.

Director Topasna stated that his preference is to have just a cutoff date. And in the event, one or two or more evaluations are not submitted, then my recommendation is that HR proceed because some of the concerns that were brought up in the AG opinion have to do with the delays between the anniversary date and the completion of the board evaluation. He suggested that December 1 be the cutoff date and HR would have to proceed with a recommendation. Just to avoid any delay between the evaluation period and the anniversary date. Acting Chair inquired about the anniversary date. Mrs. Bersamin stated that the anniversary date is January 14.

Acting Chair Guzman encouraged the board to submit their evaluations by December 1, 2021.

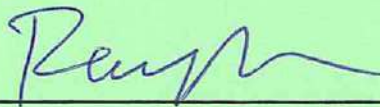
2. [189/21] Next Proposed Schedule Board Meeting: December 10, 2021 @12PM

There were no objections by the board members to an in-person BOC meeting on December 10, 2021, at 12PM.

VII. ADJOURNMENT

[190/21] Acting Chair Guzman moved to adjourn the meeting. Commissioner Delia seconded the motion. There were no objections by the other board members. The motion passed and meeting was adjourned at 1:48PM, Friday, November 26, 2021.

SEAL



RAY S. TOPASNA
Board Secretary / Executive Director

GUAM HOUSING AND URBAN RENEWAL AUTHORITY

October 26, 2021

MEMORANDUM

TO: GHURA Board of Commissioners
VIA: Ray Topasna, Executive Director
VIA: Elizabeth Napoli, Deputy Director
FROM: Norma San Nicolas, Section 8 Administrator
SUBJECT: Proposed Fiscal Year 2022 Utility Allowance



Hafa adai!

Please find attached for your review and approval, the proposed FY2022 Utility Allowance for the Section 8 Housing Choice Voucher Program. The Utility allowance schedule is used to determine each family's total housing assistance based on the unit size and type of utility service available. The U.S. Department of Housing and Urban Development requires housing authorities to review and update the Section 8 Housing Choice Voucher Program Utility Allowance schedule annually in accordance with 24 CFR 982.517. The Utility allowance rate must be adjusted to reflect any change of ten percent or more.

The proposed 2022 utility allowance reflects an increase in electrical and water rates of 8 to 10 percent and 3 percent for bottle gas. The only service fee that remained unchanged is trash pick-up service. The Utility Allowance Schedule provides for the most basic uses of utilities and services per household. Upon the GHURA Board of Commissioner's approval, the implementation of the FY2022 Utility Allowance Schedule shall commence effective January 1, 2022. If you should have any questions regarding the Utility Allowance, please do not hesitate to consult me. Thank you.

GUAM HOUSING AND URBAN RENEWAL AUTHORITY
BOARD OF COMMISSIONERS
RESOLUTION NO. FY2022-003

Moved by: **GEORGE F. PEREDA**

Seconded by: **ANISIA S. DELIA**

**RESOLUTION APPROVING THE FISCAL YEAR 2022 SECTION 8 HOUSING CHOICE
VOUCHER PROGRAM UTILITY ALLOWANCE SCHEDULE**

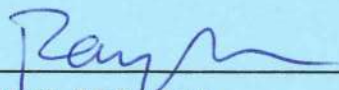
- WHEREAS,** pursuant to 24 CFR 982.517 the Authority is required to maintain a utility allowance schedule for all tenant-paid utilities under the Section 8 Housing Choice Voucher Program;
- WHEREAS,** the regulation requires for PHAs to review the Utility Allowance schedule annually and revise it to reflect changes of **ten percent** (10%) or more of any basic utility rate from the last revised schedule;
- WHEREAS,** 24 CFR 982.517 (d) requires the Authority to use the appropriate utility allowance for the actual unit size of each dwelling unit leased by the participant family under the Section 8 Housing Choice Voucher Program;
- WHEREAS,** The Authority's timely maintenance and implementation of the Utility Allowance Schedule impacts the Authority's performance under the Section Eight Management Program (SEMAP) in accordance with 24 CFR 985.3 (d);
- WHEREAS,** the effective implementation date to utilize the FY2022 Utility Allowance Schedule is January 1, 2022; and therefore, be it
- RESOLVED,** that the Board of Commissioners approves the FY2022 Section 8 Utility Allowance Schedule.

**IN REGULAR BOARD MEETING, SINAJANA, GUAM – NOVEMBER 26, 2021
PASSED BY THE FOLLOWING VOTES:**

AYES: Monica Guzman, George Pereda, Frank Ishizaki, Anisia Delia, Karl Corpus
NAYES: NONE
ABSENT: NONE
ABSTAINED: NONE

I hereby certify that the foregoing is a full, true and correct copy of the Resolution duly adopted by the Guam Housing and Urban Renewal Authority Board of Commissioners on **November 26, 2021**.

(S E A L)



RAY S. TOPASNA,
Board Secretary / Executive Director

Utility Allowance Schedule

See Public Reporting and Instructions on back.

**U.S Department of Housing and
Urban Development**

Office of Public and Indian Housing

OMB Approval No. 2577-0169

exp. 7/31/2022

The following allowances are used to determine the total cost of tenant-furnished utilities and appliances.

Locality/PHA Guam/ Guam Housing and Urban Renewal Authority		Unit Type ALL TYPES					Date (mm/dd/yyyy) 11/12/2021	
Utility or Service	Fuel Type	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Heating	Natural Gas							
	Bottled Gas							
	Electric							
	Electric – Heat Pump							
	Fuel Oil							
	Other							
Cooking	Natural Gas							
	Bottled Gas	12	19	19	23	30	35	41
	Electric	18	32	40	43	52	54	65
	Other							
Other Electric		41	51	67	78	91	98	112
Air Conditioning		30	41	52	64	76	81	86
Water Heating	Natural Gas							
	Bottled Gas	22	41	41	50	64	72	73
	Electric	29	41	47	53	72	78	85
	Fuel Oil							
Water		31	36	42	76	105	115	132
Sewer		28	28	28	28	28	28	28
Trash Collection		30	30	30	30	30	30	30
Other – specify								
Range/Microwave								
Refrigerator								
Actual Family Allowances – May be used by the family to compute allowance while searching for a unit.					Utility/Service/Applianc		Allowance	
					Heating			
Head of Household Name					Cooking			
					Other Electric			
					Air Conditioning			
					Water Heating			
Unit Address					Water			
					Sewer			
					Trash Collection			
					Other			
					Range/Microwave			
Number of Bedrooms					Refrigerator			
					Total			

PHAs must maintain a completed HUD Form-52667 Utility Allowance Schedule for each unit type that is typical in the PHA's jurisdiction. The utility allowance schedule is based on the typical cost of utilities and services paid by energy-conservation households that occupy housing of similar size and type in the same locality. In developing the schedule, the PHA must use normal patterns of consumption for the community as a whole and current utility rates.

This form includes the utilities that the PHA must consider: heating (space), cooking, other electric (e.g. lights, appliances, general usage), air conditioning (if the majority of housing units in the market provide centrally air-conditioned units or there is appropriate wiring for tenant-installed air conditioners), water heating, water, sewer, trash, the cost to provide a range, and the cost to provide a refrigerator. This form includes several fuel types, however, the PHA is not required to have a utility allowance for every fuel type listed on the form. The PHA is only required to have an allowance for the fuel types that are typical in the PHA's jurisdiction.

Electric resistance vs. electric heat pump: The most recent update to the HUD-52667 includes "Electric Heat Pump" as a fuel type under "Heating". PHAs may choose to provide an allowance on the schedule for electric (resistance), electric heat pump, or both. Heat pumps are more efficient and are associated with lower consumption. By adding this to the form, HUD is not requiring PHAs to consider both. This is up to the PHA, however, the HUD Utility Schedule Model tool available on HUDUser.gov provides an allowance for both electric resistance and electric heat pump.

Determining Allowances: In general, PHAs use local sources of information on the cost of utilities and services, such as:

1. Electric utility suppliers
2. Natural gas utility suppliers
3. Water and sewer suppliers
4. Fuel oil and bottled gas suppliers
5. Public service commissions
6. Real estate and property management firms
7. State and local agencies
8. Appliance sales and leasing firms

PHAs may use the HUD Utility Schedule Model (HUSM) available on HUDuser.org to determine their Utility Allowance Schedules. The tool uses geographic-specific utility consumption rates combined with user entered data on utility rates to determine the overall monthly allowance.

The public reporting burden for this information collection is estimated to be up to 0.25 hours, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The Department of Housing and Urban Development (HUD) is authorized to collect the information on this form by Section 8 of the U.S. Housing Act (42 U.S.C. 1437f). Form is only valid if it includes an OMB Control Number.

Privacy Act Statement: The Department of Housing and Urban Development (HUD) is authorized to collect the information required on this form by Section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f). Collection of family members' names and unit address, and owner's name and payment address is mandatory. The information is used to provide Section 8 tenant-based assistance under the Housing Choice Voucher program in the form of housing assistance payments. The information also specifies what utilities and appliances are to be supplied by the owner, and what utilities and appliances are to be supplied to the tenant. HUD may disclose this information to Federal, State, and local agencies when relevant to civil, criminal, or regulatory investigations and prosecutions. It will not be otherwise disclosed or released outside of HUD, except as permitted or required by law. Failure to provide any of the information may result in delay or rejection of family or owner participation in the program.

GUAM HOUSING AND URBAN RENEWAL AUTHORITY
Aturidat Ginima' Yan Rinueban Suidat Guahan
BOARD OF COMMISSIONERS
RESOLUTION NO. FY2022-004

Moved by: FRANK T. ISHIZAKI

Seconded by: ANISIA S. DELIA

**RESOLUTION APPROVING FISCAL YEAR 2022 SECTION 8 HOUSING CHOICE
VOUCHER PROGRAM PAYMENT STANDARDS**

WHEREAS, 24 CFR 982.503 (3) requires Public Housing Agencies administering the Section 8 Housing Choice Voucher (HCV) Program to establish a Payment Standards Schedule with a single payment standard amount for each unit size based on the area's Fair Market Rent (FMR);

WHEREAS, 24 CFR 982.505 requires GHURA to utilize the Payment Standards Schedule to calculate the maximum monthly housing assistance payment for each participant family under the Section 8 HCV Program. *The Payment Standard for the family shall be the lower of (a) the payment standard for the family unit size; or (b) the payment standard amount for the size of the dwelling unit rented by the family;*

WHEREAS, 24 CFR 985.3(i) requires Public Housing Agencies to review and adjust its voucher payment standard amounts to ensure it is within the basic range that is not less than 90 percent and not more than 110 of the area's Fair Market Rent. The FY2022 Payment Standards are based on the FY2022 published Fair Market Rent for Guam as depicted below:

0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
\$1,016	\$1,115	\$1,467	2,084	\$2,511	\$2,888	\$3,264

WHEREAS, in consideration of the FY2022 Section 8 Housing Choice Voucher Program budget and the average going rates for rent in the private rental market, the recommended Payment Standards Schedule are set between 105 to 110 percent; and not more than 120 percent for reasonable accommodation for persons with disabilities in accordance with Section 102 (d) of the Housing Opportunity Through Modernization Act of 2016:

Payment Standards for the HCV and target-funded programs

0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
\$1,067	\$1,171	\$1,540	\$2,188	\$2,762	\$3,176	\$3,591

Payment Standards for Reasonable Accommodation for persons with disabilities

0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
\$1,219	\$1,338	\$1,760	\$2,501	\$3,013	\$3,465	\$3,917

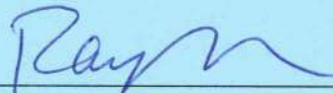
WHEREAS, the approved Payment Standards Schedule shall be implemented effective January 1, 2022; and therefore, be it;

RESOLVED, that the Guam Housing and Urban Renewal Authority Board of Commissioners approve the Payment Standards for fiscal year 2022.

**IN REGULAR BOARD MEETING, SINAJANA, GUAM – NOVEMBER 26, 2021
PASSED BY THE FOLLOWING VOTES:**

AYES: Monica Guzman, George Pereda, Frank Ishizaki, Anisia Delia,
Karl Corpus
NAYS: NONE
ABSENT: NONE
ABSTAINED: NONE

I hereby certify that the foregoing is full,
true and correct copy of the Resolution
duly adopted by the Guam Housing and
Urban Renewal Authority Board of
Commissioners on **November 26, 2021.**



Ray S. Topasna
Board Secretary / Executive Director



GHURA

Guam Housing and Urban Renewal Authority
Aturidat Ginima' Yan Rinueban Siudad Guahan
117 Bien Venida Avenue, Sinajana, GU 96910
Phone: (671) 477-9851 · Fax: (671) 300-7565 · TTY: (671) 472-3701
Website: www.ghura.org



November 19, 2021

TO: Board of Commissioners

FROM: Ray S. Topasna, Executive Director

SUBJECT: Request to Adopt
2021 Public Housing Admissions and Continued Occupancy Policy (ACOP)

Hafa Adai,

Requesting the Board of Commissioner's approval to adopt BOC Resolution No. FY2022-005 Attached are (1) the BOC Resolution, (2) Revision Instructions to the chapters, and (3) the revised Chapters 2, 3, and 14, as noted below. Revisions in each Chapter are in bold.

Chapter 2 - Fair Housing and Equal Opportunity
Chapter 3 - Eligibility
Chapter 14 - Grievance and Appeals

The ACOP is required by HUD. It is GHURA's written statement of policies used to carry out the public housing program in accordance with federal law and regulations, and HUD requirements. The ACOP also contains policies that support the objectives contained in the PHA's Agency Plan.

A public comment period was held from September 13, 2021 through October 27, 2021; **no comments were received**. A public hearing was held on October 27, 2021, via ZOOM; other than the host, **no other attendees were present**.

Upon the BOC's approval, the final ACOP will be posted on GHURA's website for public review and posted at each AMP Site Base. A copy will also be sent to HUD.

Your approval is greatly appreciated.

RAY S. TOPASNA

Attachments

**GUAM HOUSING AND URBAN RENEWAL AUTHORITY
ATURIDAT GINIMA' YANRINUEBAN SUIDAT GUAHAN**

**BOARD OF COMMISSIONERS
RESOLUTION NO. FY2022-005**

Moved By: ANISIA S. DELIA Seconded By: GEORGE F. PEREDA

**RESOLUTION TO ADOPT THE UPDATED 2021 PUBLIC HOUSING ADMISSIONS
AND CONTINUED OCCUPANCY POLICY (ACOP)**

WHEREAS, 24CFR 906 requires all Public Housing Agencies with a Public Housing Program to adopt a written Admissions and Continued Occupancy Policy (ACOP) that establishes local policies for the administration of the Public Housing Program in accordance with requirements prescribed by the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, 24CFR 903.3 mandates all Housing Authorities to administer the Public Housing Program in accordance with the Admissions and Continued Occupancy Policy (ACOP); and

WHEREAS, GHURA's Public Housing Program has revised the current Public Housing Admissions and Continued Occupancy Policy (ACOP) to include updated current mandates, regulations and policies that directly impact the current administration of the Public Housing Program, as listed in Exhibit I; and

WHEREAS, the Public Housing Admissions and Continued Occupancy Policy (ACOP) is the supporting documentation to the housing agencies Annual Plan in accordance with 24 CFR 903; and, therefore be it

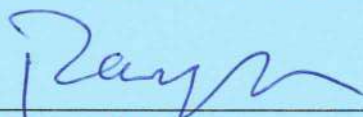
RESOLVED, that the Board of Commissioners hereby adopts the 2021 updated Public Housing Admissions and Continued Occupancy Policy (ACOP) for the Public Housing Program.

**IN REGULAR BOARD MEETING, SINAJANA, GUAM – NOVEMBER 26, 2021
PASSED BY THE FOLLOWING VOTES:**

AYES: Monica Guzman, George Pereda, Frank Ishizaki, Anisia Delia, Karl Corpus
NAYES: NONE
ABSENT: NONE
ABSTAINED: NONE

(SEAL)

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution duly adopted by the Guam Housing and Urban Renewal Authority Board of Commissioners on **November 26, 2021.**



RAY S. TOPASNA
Board Secretary / Executive Director

REVISION INSTRUCTIONS 5/1/2021 REVISION TO MODEL ACOP

REMOVE PAGES	INSERT PAGES	CHANGE MADE IN ACOP
Title Page	Revision Page	Added new revision date
---	Title Page	Updated copyright date for title page for approval by PHA Board of Commissioners and submission to HUD
2-1 thru 2-6	2-1 thru 2-6	<p>p. 2-1 - Corrected formatting in first paragraph</p> <p>pp. 2-2 – Added a 2nd Executive Order number on 3rd bullet</p> <p>p. 2-3 – Added reference in 4th paragraph</p> <p>p. 2-4 – Corrected formatting in 2nd paragraph under GHURA Policy</p>
2-14	2-14	p. 2-14 - Added new 2 nd paragraph and added text in 3 rd paragraph under 2-III.B. GHURA Policy
3-1/2	3-1/2	p.3-1 – Added 6 th dash text under first bullet
3-17 thru 3-36	3-17 thru 3-38	<p>Repaginated pp. 3-17 thru end of chapter</p> <p>p. 3-17 – Added text about form HUD-52675 to first paragraph</p> <p>pp. 3-18 – 3-19 – Added new section 3-II.E. EIV System Searches, with new Existing Tenant Search subsection and GHURA Policy, new Debts Owed to PHAs and Terminations subsection and GHURA Policy, and new Income and IVT Reports subsection</p>

REVISION INSTRUCTIONS 5/1/2021 REVISION TO MODEL ACOP

REMOVE PAGES	INSERT PAGES	CHANGE MADE IN ACOP
<p>14-1 thru 14-32 (Entire Chapter 14)</p>	<p>14-1 thru 14-34</p>	<p>p. 14-2 – Corrected formatting in 1st paragraph under 14-I.B. and in 1st paragraph under Notice of Denial, and changed text in last GHURA Policy</p> <p>pp. 14-3 thru 14-6 – Repaginated</p> <p>p. 14-3 – Added text to GHURA Policy under Scheduling an Informal Hearing subsection</p> <p>p. 14-4 – Moved Remote Informal Hearings subsection to below Conducting an Informal Hearing and added reference to the Remote Informal Hearings heading, changed text throughout that subsection and GHURA Policy, and added new Ensuring Accessibility for Persons with Disabilities and LEP Individuals subsection</p> <p>p. 14-5 – Changed text through Conducting Remote Informal Hearings subsection</p> <p>p. 14-9 – Revised text in GHURA Policy under Evidence</p> <p>p. 14-14 – Changed text in 1st GHURA Policy</p> <p>pp. 14-14 – 14-16 – Repaginated</p> <p>p. 14-15 – Added text to 1st GHURA Policy under Scheduling of Hearings</p> <p>p. 14-18 – Added PIH Notice reference to 14-III.G. heading and changed paragraph under this heading, and added text to 2nd paragraph under Discovery of Documents Before the Remote Hearing subsection GHURA Policy</p> <p>pp. 14-19 through end of chapter – Repaginated</p> <p>p. 14-19 – Added new Ensuring Accessibility for Persons with Disabilities and LEP Individuals subsection</p> <p>p. 14-19 – Changed text throughout Conducting Hearings Remotely subsection and GHURA Policy</p> <p>p. 14-20 – Changed text in 1st GHURA Policy</p> <p>p. 14-23 – Revised definition of <i>Hearsay Evidence</i> under GHURA Policy</p> <p>p. 14-30 – Added text to last paragraph under VI.</p> <p>p. 14-31 – Changed text in 2nd paragraph under VII. A.</p> <p>p. 14-31 – Deleted 2nd paragraph under VIII.</p>

Chapter 2

FAIR HOUSING AND EQUAL OPPORTUNITY

INTRODUCTION

This chapter explains the laws and HUD regulations requiring PHAs to affirmatively further civil rights and fair housing in all federally-assisted housing programs. The letter and spirit of these laws are implemented through consistent policy and procedures. The responsibility to further nondiscrimination pertains to all areas of the PHA's public housing operations.

This chapter describes HUD regulations and PHA policies related to these topics in three parts:

Part I: Nondiscrimination. This part presents the body of laws and regulations governing the responsibilities of the PHA regarding nondiscrimination.

Part II: Policies Related to Persons with Disabilities. This part discusses the rules and policies of the public housing program related to reasonable accommodation for persons with disabilities. These rules and policies are based on the Fair Housing Act (42.U.S.C.) and Section 504 of the Rehabilitation Act of 1973, and incorporate guidance from the Joint Statement of The Department of Housing and Urban Development and the Department of Justice (DOJ), issued May 17, 2004.

Part III: Prohibition of Discrimination Against Limited English Proficiency Persons. This part details the obligations of the PHA to ensure meaningful access to the public housing program and its activities by persons with limited English proficiency (LEP). This part incorporates the Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons published January 22, 2007, in the *Federal Register*.

PART I: NONDISCRIMINATION

2-I.A. OVERVIEW

Federal laws require PHAs to treat all applicants and tenant families equally, providing the same quality of service, regardless of family characteristics and background. Federal law prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, age, familial status, and disability. In addition, HUD regulations provide for additional protections regarding sexual orientation, gender identity, and marital status. The PHA will comply fully with all federal, state, and local nondiscrimination laws, and with rules and regulations governing fair housing and equal opportunity in housing and employment, including:

- Title VI of the Civil Rights Act of 1964
- Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988)
- Executive Orders 11063 **and 13988**
- Section 504 of the Rehabilitation Act of 1973
- The Age Discrimination Act of 1975
- Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern)
- The Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity Final Rule, published in the *Federal Register* February 3, 2012 and further clarified in Notice PIH 2014-20
- The Violence against Women Act of 2013 (VAWA)
- Any applicable state laws or local ordinances and any legislation protecting individual rights of tenants, applicants, or staff that may subsequently be enacted

When more than one civil rights law applies to a situation, the laws will be read and applied together.

GHURA Policy

No state or local nondiscrimination laws or ordinances apply.

2-I.B. NONDISCRIMINATION

Federal regulations prohibit discrimination against certain protected classes and other groups of people. State and local requirements, as well as PHA policies, can prohibit discrimination against additional classes of people.

The PHA shall not discriminate because of race, color, sex, religion, familial status, age, disability or national origin (called “protected classes”).

Familial status includes children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18.

The PHA will not discriminate on the basis of marital status, gender identity, or sexual orientation [FR Notice 02/03/12; **Executive Order 13988**].

GHURA Policy

GHURA does not identify any additional protected classes.

The PHA will not use any of these factors to:

- Deny to any family the opportunity to apply for housing, nor deny to any qualified applicant the opportunity to participate in the public housing program
- Provide housing that is different from that provided to others
- Subject anyone to segregation or disparate treatment
- Subject anyone to sexual harassment
- Restrict anyone's access to any benefit enjoyed by others in connection with the housing program
- Treat a person differently in determining eligibility or other requirements for admission
- Steer an applicant or tenant toward or away from a particular area based on any of these factors
- Deny anyone access to the same level of services
- Deny anyone the opportunity to participate in a planning or advisory group that is an integral part of the housing program
- Discriminate in the provision of residential real estate transactions
- Discriminate against someone because they are related to or associated with a member of a protected class
- Publish or cause to be published an advertisement or notice indicating the availability of housing that prefers or excludes persons who are members of a protected class

Providing Information to Families

The PHA must take steps to ensure that families are fully aware of all applicable civil rights laws. As part of the public housing orientation process, the PHA will provide information to public housing applicant families about civil rights requirements.

Discrimination Complaints

If an applicant or tenant family believes that any family member has been discriminated against by the PHA, the family should advise the PHA. The PHA should make every reasonable attempt to determine whether the applicant or tenant family's assertions have merit and take any warranted corrective action.

In all cases, the PHA may advise the family to file a fair housing complaint if the family feels they have been discriminated against under the Fair Housing Act.

Upon receipt of a housing discrimination complaint, the PHA is required to:

- Provide written notice of the complaint to those alleged and inform the complainant that such notice was made
- Investigate the allegations and provide the complainant and those alleged with findings and either a proposed corrective action or an explanation of why corrective action is not warranted
- Keep records of all complaints, investigations, notices, and corrective actions [Notice PIH 2014-20]

GHURA Policy

Applicants or tenant families who believe that they have been subject to unlawful discrimination may notify GHURA either orally or in writing.

Within 10 business days of receiving the complaint, GHURA will provide a written notice to those alleged to have violated the rule. GHURA will also send a written notice to the complainant informing them that notice was sent to those alleged to have violated the rule, as well as information on how to complete and submit a housing discrimination complaint form to HUD's Office of Fair Housing and Equal Opportunity (FHEO).

GHURA will attempt to remedy discrimination complaints made against GHURA and will conduct an investigation into all allegations of discrimination.

Within 10 business days following the conclusion of GHURA's investigation, GHURA will provide the complainant and those alleged to have violated the rule with findings and either a proposed corrective action plan or an explanation of why corrective action is not warranted.

GHURA will keep a record of all complaints, investigations, notices, and corrective actions. (See Chapter 16.)

PART II: POLICIES RELATED TO PERSONS WITH DISABILITIES

2-II.A. OVERVIEW

One type of disability discrimination prohibited by the Fair Housing Act is the refusal to make reasonable accommodation in rules, policies, practices, or services when such accommodation may be necessary to afford a person with a disability the equal opportunity to use and enjoy a program or dwelling under the program.

The PHA must ensure that persons with disabilities have full access to the PHA's programs and services. This responsibility begins with the first inquiry of an interested family and continues through every programmatic area of the public housing program [24 CFR 8].

The PHA must provide a notice to each tenant that the tenant may, at any time during the tenancy, request reasonable accommodation of a handicap of a household member, including reasonable accommodation so that the tenant can meet lease requirements or other requirements of tenancy [24 CFR 966.7(b)].

GHURA Policy

GHURA will ask all applicants and resident families if they require any type of accommodations, in writing, on the intake application, reexamination documents, and notices of adverse action by GHURA, by including the following language:

“If you or anyone in your family is a person with disabilities, and you require a specific accommodation in order to fully utilize our programs and services, please contact the housing authority.”

A specific position and phone number will be provided as the contact person for requests for accommodation for persons with disabilities.

2-II.B. DEFINITION OF REASONABLE ACCOMMODATION

A “reasonable accommodation” is a change, exception, or adjustment to a policy, practice or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. Since policies and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities exactly the same as others will sometimes deny them an equal opportunity to use and enjoy a dwelling. [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act]

Federal regulations stipulate that requests for accommodations will be considered reasonable if they do not create an "undue financial and administrative burden" for the PHA, or result in a “fundamental alteration” in the nature of the program or service offered. A fundamental alteration is a modification that alters the essential nature of a provider’s operations.

Types of Reasonable Accommodations

When it is reasonable (see definition above and Section 2-II.E), the PHA shall accommodate the needs of a person with disabilities. Examples include but are not limited to:

- Permitting applications and reexaminations to be completed by mail
- Providing “large-print” forms
- Conducting home visits
- Permitting a higher utility allowance for the unit if a person with disabilities requires the use of specialized equipment related to the disability
- Modifying or altering a unit or physical system if such a modification or alteration is necessary to provide equal access to a person with a disability
- Installing a ramp into a dwelling or building
- Installing grab bars in a bathroom
- Installing visual fire alarms for hearing impaired persons
- Allowing a PHA-approved live-in aide to reside in the unit if that person is determined to be essential to the care of a person with disabilities, is not obligated for the support of the person with disabilities, and would not be otherwise living in the unit.
- Providing a designated handicapped-accessible parking space
- Allowing an assistance animal
- Permitting an authorized designee or advocate to participate in the application or certification process and any other meetings with the PHA staff
- Displaying posters and other housing information in locations throughout the PHA's office in such a manner as to be easily readable from a wheelchair

2-II.C. REQUEST FOR AN ACCOMMODATION

If an applicant or participant indicates that an exception, change, or adjustment to a rule, policy, practice, or service is needed because of a disability, HUD requires that the PHA treat the information as a request for a reasonable accommodation, even if no formal request is made [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].

The family must explain what type of accommodation is needed to provide the person with the disability full access to the PHA's programs and services.

If the need for the accommodation is not readily apparent or known to the PHA, the family must explain the relationship between the requested accommodation and the disability.

GHURA Policy

GHURA will encourage the family to make its request in writing using a reasonable accommodation request form. However, GHURA will consider the accommodation any time the family indicates that an accommodation is needed whether or not a formal written request is submitted.

2-II.D. VERIFICATION OF DISABILITY

The regulatory civil rights definition for persons with disabilities is provided in Exhibit 2-1 at the end of this chapter. The definition of a person with a disability for the purpose of obtaining a reasonable accommodation is much broader than the HUD definition of disability which is used for waiting list preferences and income allowances.

Before providing an accommodation, the PHA must determine that the person meets the definition of a person with a disability, and that the accommodation will enhance the family's access to the PHA's programs and services.

If a person's disability is obvious or otherwise known to the PHA, and if the need for the requested accommodation is also readily apparent or known, no further verification will be required [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].

If a family indicates that an accommodation is required for a disability that is not obvious or otherwise known to the PHA, the PHA must verify that the person meets the definition of a person with a disability, and that the limitations imposed by the disability require the requested accommodation.

When verifying a disability, the PHA will follow the verification policies provided in Chapter 7. All information related to a person's disability will be treated in accordance with the confidentiality policies provided in Chapter 16 (Program Administration). In addition to the general requirements that govern all verification efforts, the following requirements apply when verifying a disability:

- Third-party verification must be obtained from an individual identified by the family who is competent to make the determination. A doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability may provide verification of a disability [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].
- The PHA must request only information that is necessary to evaluate the disability-related need for the accommodation. The PHA may not inquire about the nature or extent of any disability.
- Medical records will not be accepted or retained in the participant file.
- In the event that the PHA does receive confidential information about a person's specific diagnosis, treatment, or the nature or severity of the disability, the PHA will dispose of it. In place of the information, the PHA will note in the file that the disability and other requested information have been verified, the date the verification was received, and the name and address of the knowledgeable professional who sent the information [Notice PIH 2010-26].

2-II.E. APPROVAL/DENIAL OF A REQUESTED ACCOMMODATION [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act, Notice PIH 2010-26]

The PHA must approve a request for an accommodation if the following three conditions are met.

- The request was made by or on behalf of a person with a disability.
- There is a disability-related need for the accommodation.
- The requested accommodation is reasonable, meaning it would not impose an undue financial and administrative burden on the PHA, or fundamentally alter the nature of the PHA's operations.

Requests for accommodations must be assessed on a case-by-case basis. The determination of undue financial and administrative burden must be made on a case-by-case basis involving various factors, such as the overall size of the PHA's program with respect to the number of employees, type of facilities and size of budget, type of operation including composition and structure of workforce, the nature and cost of the requested accommodation, and the availability of alternative accommodations that would effectively meet the family's disability-related needs.

Before making a determination whether to approve the request, the PHA may enter into discussion and negotiation with the family, request more information from the family, or may require the family to sign a consent form so that the PHA may verify the need for the requested accommodation.

GHURA Policy

After a request for an accommodation is presented, GHURA will respond, in writing, within 10 business days.

If GHURA denies a request for an accommodation because there is no relationship, or nexus, found between the disability and the requested accommodation, the notice will inform the family of the right to appeal GHURA's decision through an informal hearing (if applicable) or the grievance process (see Chapter 14).

If GHURA denies a request for an accommodation because it is not reasonable (it would impose an undue financial and administrative burden or fundamentally alter the nature of GHURA's operations), GHURA will discuss with the family whether an alternative accommodation could effectively address the family's disability-related needs without a fundamental alteration to the public housing program and without imposing an undue financial and administrative burden.

If GHURA believes that the family has failed to identify a reasonable alternative accommodation after interactive discussion and negotiation, GHURA will notify the family, in writing, of its determination within 10 business days from the date of the most recent discussion or communication with the family. The notice will inform the family of the right to appeal GHURA's decision through an informal hearing (if applicable) or the grievance process (see Chapter 14).

2-II.F. PROGRAM ACCESSIBILITY FOR PERSONS WITH HEARING OR VISION IMPAIRMENTS

HUD regulations require the PHA to take reasonable steps to ensure that persons with disabilities related to hearing and vision have reasonable access to the PHA's programs and services [24 CFR 8.6].

At the initial point of contact with each applicant, the PHA shall inform all applicants of alternative forms of communication that can be used other than plain language paperwork.

GHURA Policy

To meet the needs of persons with hearing impairments, TTD/TTY (text telephone display / teletype) communication will be available.

To meet the needs of persons with vision impairments, large-print and audio versions of key program documents will be made available upon request. When visual aids are used in public meetings or presentations, or in meetings with GHURA staff, one-on-one assistance will be provided upon request.

Additional examples of alternative forms of communication are sign language interpretation; having material explained orally by staff; or having a third party representative (a friend, relative or advocate, named by the applicant) to receive, interpret and explain housing materials and be present at all meetings.

2-II.G. PHYSICAL ACCESSIBILITY

The PHA must comply with a variety of regulations pertaining to physical accessibility, including the following.

- Notice PIH 2010-26
- Section 504 of the Rehabilitation Act of 1973
- The Americans with Disabilities Act of 1990
- The Architectural Barriers Act of 1968
- The Fair Housing Act of 1988

The PHA's policies concerning physical accessibility must be readily available to applicants and resident families. They can be found in three key documents.

- This policy, the Admissions and Continued Occupancy Policy, describes the key policies that govern the PHA's responsibilities with regard to physical accessibility.
- Notice PIH 2010-26 summarizes information about pertinent laws and implementing regulations related to nondiscrimination and accessibility in federally-funded housing programs.
- The PHA's PHA Plan provides information about self-evaluation, needs assessment, and transition plans.

The design, construction, or alteration of the PHA facilities must conform to the Uniform Federal Accessibility Standards (UFAS). Notice PIH 2010-26 contains specific information on calculating the percentages of units for meeting UFAS requirements.

Newly-constructed facilities must be designed to be readily accessible to and usable by persons with disabilities. Alterations to existing facilities must be accessible to the maximum extent feasible, defined as not imposing an undue financial and administrative burden on the operations of the public housing program.

2-II.H. DENIAL OR TERMINATION OF ASSISTANCE

A PHA's decision to deny or terminate the assistance of a family that includes a person with disabilities is subject to consideration of reasonable accommodation [24 CFR 966.7].

When applicants with disabilities are denied assistance, the notice of denial must inform them of their right to request an informal hearing [24 CFR 960.208(a)].

When a family's lease is terminated, the notice of termination must inform the family of their right to request a hearing in accordance with the PHA's grievance process [24 CFR 966.4(l)(3)(ii)].

When reviewing reasonable accommodation requests, the PHA must consider whether reasonable accommodation will allow the family to overcome the problem that led to the PHA's decision to deny or terminate assistance. If a reasonable accommodation will allow the family to meet the requirements, the PHA must make the accommodation [24 CFR 966.7].

In addition, the PHA must provide reasonable accommodation for persons with disabilities to participate in the hearing process [24 CFR 966.56(h)].

PART III: IMPROVING ACCESS TO SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)

2-III.A. OVERVIEW

Language for Limited English Proficiency Persons (LEP) can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by the public housing program. In certain circumstances, failure to ensure that LEP persons can effectively participate in or benefit from federally-assisted programs and activities may violate the prohibition under Title VI against discrimination on the basis of national origin. This part incorporates the Final Guidance to Federal Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons, published January 22, 2007, in the *Federal Register*.

The PHA will take affirmative steps to communicate with people who need services or information in a language other than English. These persons will be referred to as Persons with Limited English Proficiency (LEP).

LEP persons are defined as persons who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English. For the purposes of this Admissions and Continued Occupancy Policy, LEP persons are public housing applicants and resident families, and parents and family members of applicants and resident families.

In order to determine the level of access needed by LEP persons, the PHA will balance the following four factors: (1) the number or proportion of LEP persons eligible to be served or likely to be encountered by the public housing program; (2) the frequency with which LEP persons come into contact with the program; (3) the nature and importance of the program, activity, or service provided by the program to people's lives; and (4) the resources available to the PHA and costs. Balancing these four factors will ensure meaningful access by LEP persons to critical services while not imposing undue burdens on the PHA.

2-III.B. ORAL INTERPRETATION

The PHA will offer competent interpretation services free of charge, upon request, to the LEP person.

GHURA Policy

GHURA will utilize a language line for telephone interpreter services.

When exercising the option to conduct remote hearings, however, the PHA will coordinate with a remote interpretation service which, when available, uses video conferencing technology rather than voice-only interpretation.

Where LEP persons desire, they will be permitted to use, at their own expense, an interpreter of their own choosing, in place of or as a supplement to the free language services offered by GHURA. **The PHA, at its discretion, may choose to use the language services even when LEP persons desire to use an interpreter of their choosing. The interpreter may be a family member or friend. If the interpreter chosen by the family is a minor, the PHA will not rely as on the minor to serve as the interpreter.**

GHURA will analyze the various kinds of contacts it has with the public, to assess language needs and decide what reasonable steps should be taken. “Reasonable steps” may not be reasonable where the costs imposed substantially exceed the benefits.

Where feasible and possible, according to its language assistance plan (LAP), GHURA will train and hire bilingual staff to be available to act as interpreters and translators, will pool resources with other PHAs, and will standardize documents.

2-III.C. WRITTEN TRANSLATION

Translation is the replacement of a written text from one language into an equivalent written text in another language.

GHURA Policy

In order to comply with written-translation obligations, GHURA will take the following steps:

GHURA will provide written translations of vital documents for each eligible LEP language group that constitutes 5 percent or 1,000 persons, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or

If there are fewer than 50 persons in a language group that reaches the 5 percent trigger, GHURA may not translate vital written materials, but will provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

2-III.D. IMPLEMENTATION PLAN

After completing the four-factor analysis and deciding what language assistance services are appropriate, the PHA shall determine whether it is necessary to develop a written implementation plan to address the identified needs of the LEP populations it serves.

If the PHA determines that it is not necessary to develop a written implementation plan, the absence of a written plan does not obviate the underlying obligation to ensure meaningful access by LEP persons to the PHA's public housing program and services.

GHURA Policy

If it is determined that GHURA serves very few LEP persons, and GHURA has very limited resources, GHURA will not develop a written LEP plan, but will consider alternative ways to articulate in a reasonable manner a plan for providing meaningful access. Entities having significant contact with LEP persons, such as schools, grassroots and faith-based organizations, community groups, and groups working with new immigrants will be contacted for input into the process.

If GHURA determines it is appropriate to develop a written LEP plan, the following five steps will be taken: (1) Identifying LEP individuals who need language assistance; (2) identifying language assistance measures; (3) training staff; (4) providing notice to LEP persons; and (5) monitoring and updating the LEP plan.

EXHIBIT 2-1: DEFINITION OF A PERSON WITH A DISABILITY UNDER FEDERAL CIVIL RIGHTS LAWS [24 CFR Parts 8.3 and 100.201]

A person with a disability, as defined under federal civil rights laws, is any person who:

- Has a physical or mental impairment that substantially limits one or more of the major life activities of an individual, or
- Has a record of such impairment, or
- Is regarded as having such impairment

The phrase “physical or mental impairment” includes:

- Any physiological disorder or condition, cosmetic or disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
- Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term “physical or mental impairment” includes, but is not limited to: such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.

“Major life activities” includes, but is not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, breathing, learning, and/or working.

“Has a record of such impairment” means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major live activities.

“Is regarded as having an impairment” is defined as having a physical or mental impairment that does not substantially limit one or more major life activities but is treated by a public entity (such as the PHA) as constituting such a limitation; has none of the impairments defined in this section but is treated by a public entity as having such an impairment; or has a physical or mental impairment that substantially limits one or more major life activities, only as a result of the attitudes of others toward that impairment.

The definition of a person with disabilities does not include:

- Current illegal drug users
- People whose alcohol use interferes with the rights of others
- Persons who objectively pose a direct threat or substantial risk of harm to others that cannot be controlled with a reasonable accommodation under the public housing program

The above definition of disability determines whether an applicant or participant is entitled to any of the protections of federal disability civil rights laws. Thus, a person who does not meet this definition of disability is not entitled to a reasonable accommodation under federal civil rights and fair housing laws and regulations.

The HUD definition of a person with a disability is much narrower than the civil rights definition of disability. The HUD definition of a person with a disability is used for purposes of receiving the disabled family preference, the \$400 elderly/disabled household deduction, the allowance for medical expenses, or the allowance for disability assistance expenses.

The definition of a person with a disability for purposes of granting a reasonable accommodation request is much broader than the HUD definition of disability. Many people will not qualify as a disabled person under the public housing program, yet an accommodation is needed to provide equal opportunity.

Chapter 3

ELIGIBILITY

INTRODUCTION

The PHA is responsible for ensuring that every individual and family admitted to the public housing program meets all program eligibility requirements. This includes any individual approved to join the family after the family has been admitted to the program. The family must provide any information needed by the PHA to confirm eligibility and determine the level of the family's assistance.

To be eligible for the public housing program:

- The applicant family must:
 - Qualify as a family as defined by HUD and the PHA.
 - Have income at or below HUD-specified income limits.
 - Qualify on the basis of citizenship or the eligible immigrant status of family members.
 - Provide social security number information for household members as required.
 - Consent to the PHA's collection and use of family information as provided for in the PHA-provided consent forms.
 - **Not currently be receiving a duplicative subsidy.**
- The PHA must determine that the current or past behavior of household members does not include activities that are prohibited by HUD or the PHA.

This chapter contains three parts:

Part I: Definitions of Family and Household Members. This part contains HUD and the PHA definitions of family and household members and explains initial and ongoing eligibility issues related to these members.

Part II: Basic Eligibility Criteria. This part discusses income eligibility, and rules regarding citizenship, social security numbers, and family consent.

Part III: Denial of Admission. This part covers factors related to an applicant's past or current conduct (e.g. criminal activity) that can cause the PHA to deny admission.

PART I: DEFINITIONS OF FAMILY AND HOUSEHOLD MEMBERS

3-I.A. OVERVIEW

Some eligibility criteria and program rules vary depending upon the composition of the family requesting assistance. In addition, some requirements apply to the family as a whole and others apply to individual persons who will live in the public housing unit. This part provides information that is needed to correctly identify family and household members, and explains HUD's eligibility rules.

3-I.B. FAMILY AND HOUSEHOLD [24 CFR 5.105(a)(2), 24 CFR 5.403, FR Notice 02/03/12, and Notice PIH 2014-20]

The terms *family* and *household* have different meanings in the public housing program.

Family

To be eligible for admission, an applicant must qualify as a family. *Family* as defined by HUD, includes but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status, a single person, who may be an elderly person, disabled person, near-elderly person, or any other single person; or a group of persons residing together. Such group includes, but is not limited to a family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family), an elderly family, a near-elderly family, a disabled family, a displaced family, or the remaining member of a tenant family. The PHA has the discretion to determine if any other group of persons qualifies as a family.

Gender Identity means actual or perceived gender characteristics.

Sexual orientation means homosexuality, heterosexuality, or bisexuality.

GHURA Policy

A family also includes two or more individuals who are not related by blood, marriage, adoption, or other operation of law, but who either can demonstrate that they have lived together previously or certify that each individual's income and other resources will be available to meet the needs of the family.

Each family must identify the individuals to be included in the family at the time of application, and must update this information if the family's composition changes.

Household

Household is a broader term that includes additional people who, with the PHA's permission, live in a public housing unit, such as live-in aides, foster children, and foster adults.

3-I.C. FAMILY BREAKUP AND REMAINING MEMBER OF TENANT FAMILY

Family Breakup

Except under the following conditions, the PHA has discretion to determine which members of an assisted family continue to receive assistance if the family breaks up:

- If the family breakup results from an occurrence of domestic violence, dating violence, sexual assault, or stalking, the PHA must ensure that the victim retains assistance. (For documentation requirements and policies related to domestic violence, dating violence, sexual assault, and stalking, see section 16-VII.D of this plan.)
- If a court determines the disposition of property between members of the assisted family, the PHA is bound by the court's determination of which family members continue to receive assistance.

GHURA Policy

When a family on the waiting list breaks up into two otherwise eligible families, only one of the new families may retain the original application date. Other former family members may submit a new application with a new application date if the waiting list is open.

If a family breaks up into two otherwise eligible families while living in public housing, only one of the new families will retain occupancy of the unit.

If a court determines the disposition of property between members of an applicant or resident family, GHURA will abide by the court's determination.

In the absence of a judicial decision or an agreement among the original family members, GHURA will determine which family will retain their placement on the waiting list or continue in occupancy. In making its determination, GHURA will take into consideration the following factors: (1) the interest of any minor children, including custody arrangements; (2) the interest of any ill, elderly, or disabled family members; (3) the interest of any family member who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, including a family member who was forced to leave a public housing unit as a result of such actual or threatened abuse, and provides documentation in accordance with section 16-VII.D of this ACOP; (4) any possible risks to family members as a result of criminal activity, and (5) the recommendations of social service professionals.

Remaining Member of a Tenant Family [24 CFR 5.403]

The HUD definition of family includes the *remaining member of a tenant family*, which is a member of a resident family who remains in the unit when other members of the family have left the unit [PH Occ GB, p. 26]. Household members such as live-in aides, foster children, and foster adults do not qualify as remaining members of a family.

If dependents are the only “remaining members of a tenant family” and there is no family member able to assume the responsibilities of the head of household, see Chapter 6, Section 6-I.B, for the policy on “Caretakers for a Child.”

3-I.D. HEAD OF HOUSEHOLD [24 CFR 5.504(b)]

Head of household means the adult member of the family who is considered the head for purposes of determining income eligibility and rent. The head of household is responsible for ensuring that the family fulfills all of its responsibilities under the program, alone or in conjunction with a co-head or spouse.

GHURA Policy

The family may designate any qualified family member as the head of household.

The head of household must have the legal capacity to enter into a lease under state and local law. A minor who is emancipated under local law may be designated as head of household.

3-I.E. SPOUSE, CO-HEAD, AND OTHER ADULT

A family may have a spouse or co-head, but not both [HUD-50058 IB, p. 13].

Spouse means the marriage partner of the head of household.

GHURA Policy

A marriage partner includes the partner in a "common law" marriage as defined in local law. The term "spouse" does not apply to friends, roommates, or significant others who are not marriage partners. A minor who is emancipated under local law may be designated as a spouse.

A co-head is an individual in the household who is equally responsible with the head of household for ensuring that the family fulfills all of its responsibilities under the program, but who is not a spouse. A family can have only one co-head.

GHURA Policy

Minors who are emancipated under local law may be designated as a co-head.

Other adult means a family member, other than the head, spouse, or co-head, who is 18 years of age or older. Foster adults and live-in aides are not considered other adults [HUD-50058 IB, p. 14].

3-I.F. DEPENDENT [24 CFR 5.603]

A *dependent* is a family member who is under 18 years of age or a person of any age who is a person with a disability or a full-time student, except that the following persons can never be dependents: the head of household, spouse, co-head, foster children/adults and live-in aides. Identifying each dependent in the family is important because each dependent qualifies the family for a deduction from annual income as described in Chapter 6.

Joint Custody of Dependents

GHURA Policy

Dependents that are subject to a joint custody arrangement will be considered a member of the family, if they live with the applicant or resident family 50 percent or more of the time.

When more than one applicant or assisted family (regardless of program) are claiming the same dependents as family members, the family with primary custody at the time of the initial examination or reexamination will be able to claim the dependents. If there is a dispute about which family should claim them, GHURA will make the determination based on available documents such as court orders, an IRS income tax return showing which family has claimed the child for income tax purposes, school records, or other credible documentation.

3-I.G. FULL-TIME STUDENT [24 CFR 5.603]

A *full-time student* (FTS) is a person who is attending school or vocational training on a full-time basis. The time commitment or subject load that is needed to determine if attendance is full-time is defined by the educational institution.

Identifying each FTS is important because

- (1) each family member that is an FTS, other than the head, spouse, or co-head, qualifies the family for a dependent deduction; and
- (2) the income of such an FTS is treated differently from the income of other family members.

3-I.H. ELDERLY AND NEAR-ELDERLY PERSONS, AND ELDERLY FAMILY [24 CFR 5.100, 5.403, 945.105, and FR Notice 02/03/12]

Elderly Persons

An *elderly person* is a person who is at least 62 years of age.

Near-Elderly Persons

A *near-elderly person* is a person who is 50-61 years of age.

Elderly Family

An *elderly family* is one in which the head, spouse, co-head, or sole member is an elderly person. Identifying elderly families is important because these families qualify for the elderly family allowance and the medical allowance as described in Chapter 6 and may qualify for a particular type of development as noted in Chapter 4.

3-I.I. PERSONS WITH DISABILITIES AND DISABLED FAMILY [24 CFR 5.403, FR Notice 02/03/12]

Persons with Disabilities

Under the public housing program, special rules apply to persons with disabilities and to any family whose head, spouse, or co-head is a person with disabilities. The technical definitions of individual with handicaps and persons with disabilities are provided in Exhibit 3-1 at the end of this chapter. These definitions are used for a number of purposes including ensuring that persons with disabilities are not discriminated against based upon disability.

As discussed in Chapter 2, the PHA must make all aspects of the public housing program accessible to persons with disabilities and consider requests for reasonable accommodations when a person's disability limits their full access to the unit, the program, or the PHA's services.

Disabled Family

A *disabled family* is one in which the head, spouse, or co-head is a person with disabilities. Identifying disabled families is important because these families qualify for the disabled family allowance and the medical allowance as described in Chapter 6 and may qualify for a particular type of development as noted in Chapter 4.

Even though persons with drug or alcohol dependencies are considered persons with disabilities for the purpose of non-discrimination, this does not prevent the PHA from denying admission or taking action under the lease for reasons related to alcohol and drug abuse in accordance with the policies found in Part III of this chapter and in Chapter 13.

3-I.J. GUESTS [24 CFR 5.100]

A *guest* is defined as a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

The lease must provide that the tenant has the right to exclusive use and occupancy of the leased unit by the members of the household authorized to reside in the unit in accordance with the lease, including reasonable accommodation of their guests [24 CFR 966.4(d)]. The head of household is responsible for the conduct of visitors and guests, inside the unit as well as anywhere on or near PHA premises [24 CFR 966.4(f)].

GHURA Policy

A resident family must notify GHURA when overnight guests will be staying in the unit for more than **three (3)** days. A guest can remain in the unit no longer than 14 consecutive days or a total of 30 cumulative calendar days during any 12-month period.

A family may request an exception to this policy for valid reasons (e.g., care of a relative recovering from a medical procedure expected to last 20 consecutive days). An exception will not be made unless the family can identify and provide documentation of the residence to which the guest will return.

Children who are subject to a joint custody arrangement or for whom a family has visitation privileges, that are not included as a family member because they live outside of the public housing unit more than 50 percent of the time, are not subject to the time limitations of guests as described above.

Former residents who have been evicted are not permitted as overnight guests.

Guests who represent the public housing unit address as their residence address or address of record for receipt of benefits or any other purposes will be considered unauthorized occupants. In addition, guests who remain in the unit beyond the allowable time limit will be considered unauthorized occupants, and their presence constitutes violation of the lease.

3-I.K. FOSTER CHILDREN AND FOSTER ADULTS

Foster adults are usually persons with disabilities, unrelated to the tenant family, who are unable to live alone [24 CFR 5.609(c)(2)].

The term *foster child* is not specifically defined by the regulations.

Foster children and foster adults that are living with an applicant or resident family are considered household members but not family members. The income of foster children/adults is not counted in family annual income and foster children/adults do not qualify for a dependent deduction [24 CFR 5.603 and HUD-50058 IB, pp. 13-14].

GHURA Policy

A foster child is a child that is in the legal guardianship or custody of a state, private adoption or foster care agency, yet is cared for by foster parents in their own homes, under some kind of short-term or long-term foster care arrangement with the custodial agency.

Children that are temporarily absent from the home as a result of placement in foster care are discussed in Section 3-I.L.

3-I.L. ABSENT FAMILY MEMBERS

Individuals may be temporarily or permanently absent from the unit for a variety of reasons including educational activities, placement in foster care, employment, and illness.

Definitions of Temporarily and Permanently Absent

GHURA Policy

Generally, an individual who is or is expected to be absent from the public housing unit for 180 consecutive days or less is considered temporarily absent and continues to be considered a family member. Generally, an individual who is or is expected to be absent from the public housing unit for more than 180 consecutive days is considered permanently absent and no longer a family member. Exceptions to this general policy are discussed below.

Absent Students

GHURA Policy

When someone who has been considered a family member attends school away from home, the person will continue to be considered a family member unless information becomes available to GHURA indicating that the student has established a separate household or the family declares that the student has established a separate household.

Absences Due to Placement in Foster Care [24 CFR 5.403]

Children temporarily absent from the home as a result of placement in foster care are considered members of the family.

GHURA Policy

If a child has been placed in foster care, GHURA will verify with the appropriate agency whether and when the child is expected to be returned to the home. Unless the agency confirms that the child has been permanently removed from the home, the child will be counted as a family member.

Absent Head, Spouse, or Co-head

GHURA Policy

An employed head, spouse, or co-head absent from the unit more than 180 consecutive days due to employment will continue to be considered a family member.

Individuals Confined for Medical Reasons

GHURA Policy

An individual confined to a nursing home or hospital on a permanent basis is not considered a family member.

If there is a question about the status of a family member, GHURA will request verification from a responsible medical professional and will use this determination in making a decision on whether to remove the family member from the lease. If the responsible medical professional cannot provide a determination, the person generally will be considered temporarily absent. The family may present evidence that the family member is confined on a permanent basis and request that the person not be considered a family member. If a family member is absent from the unit for medical reasons for more than 180 consecutive days, GHURA will consider this family member permanently absent and will remove the family member from the household. GHURA will review exceptions to this policy on a case-by-case basis.

Return of Permanently Absent Family Members

GHURA Policy

The family must request GHURA approval for the return of any adult family members that GHURA has determined to be permanently absent. The individual is subject to the eligibility and screening requirements discussed in this chapter.

3-I.M. LIVE-IN AIDE

Live-in aide means a person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who: (1) is determined to be essential to the care and well-being of the person(s), (2) is not obligated for the support of the person(s), and (3) would not be living in the unit except to provide the necessary supportive services [24 CFR 5.403].

The PHA must approve a live-in aide if needed as a reasonable accommodation for a person with disabilities in accordance with 24 CFR 8.

A live-in aide is considered a household member but not a family member. The income of the live-in aide is not counted in determining the annual income of the family [24 CFR 5.609(c)(5)]. Relatives may be approved as live-in aides if they meet all of the criteria defining a live-in aide. However, a relative who serves as a live-in aide is not considered a family member and would not be considered a remaining member of a tenant family.

GHURA Policy

A family's request for a live-in aide may be made either orally or in writing. GHURA 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 GHURA verification—at each annual reexamination.

In addition, the family and live-in aide will be required to submit a certification stating that the live-in aide is (1) not obligated for the support of the person(s) needing the care, and (2) would not be living in the unit except to provide the necessary supportive services.

GHURA has the discretion not to approve a particular person as a live-in aide, and may withdraw such approval, if [24 CFR 966.4(d)(3)(i)]:

- The person commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;

- The person has a history of drug-related criminal activity or violent criminal activity; or

- The person currently owes rent or other amounts to GHURA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.

Within 10 business days of receiving a request for a live-in aide, including all required documentation related to the request, GHURA will notify the family of its decision in writing.

PART II: BASIC ELIGIBILITY CRITERIA

3-II.A. INCOME ELIGIBILITY AND TARGETING

Income Limits

HUD is required by law to establish income limits that determine the income eligibility of applicants for HUD's assisted housing programs, including the public housing program. The income limits are published annually and are based on HUD estimates of the median incomes for families of different sizes in a particular area or county with adjustments for family size.

Types of Low-Income Families [24 CFR 5.603(b)]

Low-income family. A family whose annual income does not exceed 80 percent of the median income for the area, adjusted for family size.

Very low-income family. A family whose annual income does not exceed 50 percent of the median income for the area, adjusted for family size.

Extremely low-income family. A family whose annual income does not exceed the federal poverty level or 30 percent of the median income for the area, whichever number is higher.

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.

HUD also publishes over-income limits annually, but these are not used at admission. Over-income limits will be discussed in Chapter 13.

Using Income Limits for Eligibility [24 CFR 960.201]

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 *low-income* family.

Using Income Limits for Targeting [24 CFR 960.202(b)]

At least 40 percent of the families admitted from the PHA's waiting list to the public housing program during a PHA fiscal year must be *extremely low-income* families. This is called the "basic targeting requirement."

If admissions of extremely low-income families to the PHA's housing choice voucher program during a PHA fiscal year exceed the 75 percent minimum targeting requirement for that program, such excess shall be credited against the PHA's public housing basic targeting requirement for the same fiscal year.

The fiscal year credit for housing choice voucher program admissions that exceed the minimum voucher program targeting requirement must not exceed the lower of:

- Ten percent of public housing waiting list admissions during the PHA fiscal year
- Ten percent of waiting list admission to the PHA's housing choice voucher program during the PHA fiscal year
- The number of qualifying low-income families who commence occupancy during the fiscal year of public housing units located in census tracts with a poverty rate of 30 percent or more. For this purpose, qualifying low-income family means a low-income family other than an extremely low-income family.

For discussion of how income targeting is used in tenant selection, see Chapter 4.

3-II.B. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS [24 CFR 5, Subpart E]

Housing assistance is available only to individuals who are U.S. citizens, U.S. nationals (herein referred to as citizens and nationals), or noncitizens that have eligible immigration status. At least one family member must be a citizen, national, or noncitizen with eligible immigration status in order for the family to qualify for any level of assistance.

All applicant families must be notified of the requirement to submit evidence of their citizenship status when they apply. Where feasible, and in accordance with GHURA's Limited English Proficiency Plan, the notice must be in a language that is understood by the individual if the individual is not proficient in English.

Declaration [24 CFR 5.508]

HUD requires each family member to declare whether the individual is a citizen, a national, or an eligible noncitizen, except those members who elect not to contend that they have eligible immigration status. Those who elect not to contend their status are considered to be ineligible noncitizens. For citizens, nationals and eligible noncitizens the declaration must be signed personally by the head, spouse, co-head, and any other family member 18 or older, and by a parent or guardian for minors. The family must identify in writing any family members who elect not to contend their immigration status (see Ineligible Noncitizens below). No declaration is required for live-in aides, foster children, or foster adults.

U.S. Citizens and Nationals

In general, citizens and nationals are required to submit only a signed declaration that claims their status. However, HUD regulations permit the PHA to request additional documentation of their status, such as a passport.

GHURA Policy

Family members who declare citizenship or national status will not be required to provide additional documentation unless GHURA receives information indicating that an individual's declaration may not be accurate.

Eligible Noncitizens

In addition to providing a signed declaration, those declaring eligible noncitizen status must sign a verification consent form and cooperate with the PHA efforts to verify their immigration status as described in Chapter 7. The documentation required for establishing eligible noncitizen status varies depending upon factors such as the date the person entered the U.S., the conditions under which eligible immigration status has been granted, the person's age, and the date on which the family began receiving HUD-funded assistance.

Lawful residents of the Marshall Islands, the Federated States of Micronesia, and Palau, together known as the Freely Associated States, or FAS, are eligible for housing assistance under section 141 of the Compacts of Free Association between the U.S. Government and the Governments of the FAS [Public Law 106-504, 24 CFR 5.508(b)(2)].

Ineligible Noncitizens

Those noncitizens who do not wish to contend their immigration status are required to have their names listed on a non-contending family members listing, signed by the head, spouse, or co-head (regardless of citizenship status), indicating their ineligible immigration status. The PHA is not required to verify a family member's ineligible status and is not required to report an individual's unlawful presence in the U.S. to the United States Citizenship and Immigration Services (USCIS).

Providing housing assistance to noncitizen students is prohibited [24 CFR 5.522]. This prohibition extends to the noncitizen spouse of a noncitizen student as well as to minor children who accompany or follow to join the noncitizen student. Such prohibition does not extend to the citizen spouse of a noncitizen student or to the children of the citizen spouse and noncitizen student. Such a family is eligible for prorated assistance as a mixed family.

Mixed Families [24 CFR 5.504]

A family is eligible for admission as long as at least one member is a citizen, national, or eligible noncitizen. Families that include eligible and ineligible individuals are considered *mixed families*. Such families will be given notice that their assistance will be prorated, and that they may request a hearing if they contest this determination. See Chapter 6 for a discussion of how rents are prorated, and Chapter 14 for a discussion of grievance hearing procedures.

Ineligible Families [24 CFR 5.514(d), (e), and (f)]

A PHA may elect to provide assistance to a family before the verification of the eligibility of the individual or one family member [24 CFR 5.512(b)]. Otherwise, no individual or family may be assisted prior to the affirmative establishment by the PHA that the individual or at least one family member is eligible [24 CFR 5.512(a)].

GHURA Policy

GHURA will not provide assistance to a family before the verification of at least one family member as a citizen, national, or eligible noncitizen.

When GHURA determines that an applicant family does not include any citizens, nationals, or eligible noncitizens, following the verification process, the family will be sent a written notice within 10 business days of the determination.

The notice will explain the reasons for the denial of assistance and will advise the family of its right to request an appeal to the United States Citizenship and Immigration Services (USCIS), or to request a grievance hearing with GHURA. The grievance hearing with GHURA may be requested in lieu of the USCIS appeal, or at the conclusion of the USCIS appeal process. The notice must also inform the applicant family that assistance may not be delayed until the conclusion of the USCIS appeal process, but that it may be delayed pending the completion of the grievance hearing process.

Grievance hearing procedures are contained in Chapter 14.

Time Frame for Determination of Citizenship Status [24 CFR 5.508(g)]

For new occupants joining the resident family the PHA must verify status at the first interim or regular reexamination following the person's occupancy, whichever comes first.

If an individual qualifies for a time extension for the submission of required documents, the PHA must grant such an extension for no more than 30 days [24 CFR 5.508(h)].

Each family member is required to submit evidence of eligible status only one time during continuous occupancy.

GHURA Policy

GHURA will verify the status of applicants at the time other eligibility factors are determined.

3-II.C. SOCIAL SECURITY NUMBERS [24 CFR 5.216 and 5.218, Notice PIH 2018-24]

The applicant and all members of the applicant's household must disclose the complete and accurate social security number (SSN) assigned to each household member, and the documentation necessary to verify each SSN. If a child under age six has been added to an applicant family within the six months prior to program admission, an otherwise eligible family may be admitted to the program and must disclose and document the child's SSN within 90 days of admission. A detailed discussion of acceptable documentation is provided in Chapter 7.

Note: These requirements do not apply to noncitizens who do not contend eligible immigration status.

In addition, each participant who has not previously disclosed an SSN, has previously disclosed an SSN that HUD or the SSA determined was invalid, or has been issued a new SSN must submit their complete and accurate SSN and the documentation required to verify the SSN at the time of the next interim or annual reexamination or recertification. Participants age 62 or older as of January 31, 2010, whose determination of eligibility was begun before January 31, 2010, are exempt from this requirement and remain exempt even if they move to a new assisted unit.

GHURA must deny assistance to an applicant family if they do not meet the SSN disclosure and documentation requirements contained in 24 CFR 5.216.

3-II.D. FAMILY CONSENT TO RELEASE OF INFORMATION [24 CFR 5.230]

HUD requires each adult family member, and the head of household, spouse, or co-head, regardless of age, to sign form HUD-9886, Authorization for the Release of Information Privacy Act Notice, **the form HUD-52675, Debts Owed to Public Housing Agencies and Terminations**, and other consent forms as needed to collect information relevant to the family's eligibility and level of assistance. Chapter 7 provides detailed information concerning the consent forms and verification requirements.

Any request for applicant or resident information will not be released unless there is a signed release of information request from the applicant or resident.

The head of household is also required to sign the Supplement to Application for Federally Assisted Housing, Form HUD-92006.

The PHA must deny admission to the program if any member of the applicant family fails to sign and submit consent forms which allow the PHA to obtain information that the PHA has determined is necessary in administration of the public housing program [24 CFR 960.259(a) and (b)].

3-II.E. EIV SYSTEM SEARCHES [Notice PIH 2018-18; EIV FAQs; EIV System Training 9/30/20]

Existing Tenant Search

Prior to admission to the program, the PHA must search for all household members using the EIV Existing Tenant Search module. The PHA must review the reports for any SSA matches involving another PHA or a multifamily entity and follow up on any issues identified. The PHA must provide the family with a copy of the Existing Tenant Search results if requested. At no time may any family member receive duplicative assistance.

If the tenant is a new admission to the PHA, and a match is identified at a multifamily property, the PHA must report the program admission date to the multifamily property and document the notification in the tenant file. The family must provide documentation of move-out from the assisted unit, as applicable.

GHURA Policy

The PHA will contact the PHA or owner identified in the report to confirm that the family has moved out of the unit and obtain documentation of current tenancy status, including a form HUD-50058 or 50059, as applicable, showing an end of participation. The PHA will only approve assistance contingent upon the move-out from the currently occupied assisted unit.

Debts Owed to PHAs and Terminations

All adult household members must sign the form HUD-52675, Debts Owed to Public Housing and Terminations. Prior to admission to the program, the PHA must search for each adult family member in the Debts Owed to PHAs and Terminations module.

If a current or former tenant disputes the information in the module, the tenant should contact the PHA directly in writing to dispute the information and provide any documentation that supports the dispute. If the PHA determines that the disputed information is incorrect, the PHA will update or delete the record from EIV. Former tenants may dispute debt and termination information for a period of up to three years from the end of participation date in the program.

GHURA Policy

GHURA will require each adult household member to sign the form HUD-52675 once at the eligibility determination. Any new members added to the household after admission will be required to sign the form HUD-52675 prior to being added to the household.

GHURA will search the Debts Owed to PHAs and Terminations module as part of the eligibility determination for new households and as part of the screening process for any household members added after the household is admitted to the program. If any information on debts or terminations is returned by the search, GHURA will determine if this information warrants a denial in accordance with the policies in Part III of this chapter.

Income and IVT Reports

For each new admission, the PHA is required to review the EIV Income and IVT Reports to confirm and validate family reported income within 120 days of the IMS/PIC submission date of the new admission. The PHA must print and maintain copies of the EIV Income and IVT reports in the tenant file and resolve any discrepancies with the family within 60 days of the EIV Income or IVT report dates.

PART III: DENIAL OF ADMISSION

3-III.A. OVERVIEW

A family that does not meet the eligibility criteria discussed in Parts I and II must be denied admission.

In addition, HUD requires or permits the PHA to deny admission based on certain types of current or past behaviors of family members as discussed in this part. The PHA's authority in this area is limited by the Violence against Women Act of 2013 (VAWA), which expressly prohibits the denial of admission to an otherwise qualified applicant on the basis or as a direct result of the fact that the applicant is or has been the victim of domestic violence, dating violence, sexual assault, or stalking [24 CFR 5.2005(b)].

While the regulations state that the PHA must prohibit admission for certain types of criminal activity and give the PHA the option to deny for other types of previous criminal history, more recent HUD rules and OGC guidance must also be taken into consideration when determining whether a particular individual's criminal history merits denial of admission.

When considering any denial of admission, PHAs may not use arrest records as the basis for the denial. Further, HUD does not require the adoption of "One Strike" policies and reminds PHAs of their obligation to safeguard the due process rights of applicants and tenants [Notice PIH 2015-19].

HUD's Office of General Counsel issued a memo on April 4, 2016, regarding the application of Fair Housing Act standards to the use of criminal records. This memo states that a PHA violates the Fair Housing Act when their policy or practice has an unjustified discriminatory effect, even when the PHA had no intention to discriminate. Where a policy or practice that restricts admission based on criminal history has a disparate impact on a particular race, national origin, or other protected class, that policy or practice is in violation of the Fair Housing Act if it is not necessary to serve a substantial, legitimate, nondiscriminatory interest of the PHA, or if that interest could be served by another practice that has a less discriminatory effect [OGC Memo 4/4/16].

PHAs who impose blanket prohibitions on any person with any conviction record, no matter when the conviction occurred, what the underlying conduct entailed, or what the convicted person has done since then will be unable to show that such policy or practice is necessary to achieve a substantial, legitimate, nondiscriminatory interest. Even a PHA with a more tailored policy or practice that excludes individuals with only certain types of convictions must still prove that its policy is necessary. To do this, the PHA must show that its policy accurately distinguishes between criminal conduct that indicates a demonstrable risk to resident safety and property and criminal conduct that does not.

This part covers the following topics:

- Required denial of admission
- Other permitted reasons for denial of admission
- Screening
- Criteria for deciding to deny admission
- Prohibition against denial of admission to victims of domestic violence, dating violence, sexual assault, or stalking
- Notice of eligibility or denial

3-III.B. REQUIRED DENIAL OF ADMISSION [24 CFR 960.204]

PHAs are required to establish standards that prohibit admission of an applicant to the public housing program if they have engaged in certain criminal activity or if the PHA has reasonable cause to believe that a household member's current use or pattern of use of illegal drugs, or current abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

Where the statute requires that the PHA prohibit admission for a prescribed period of time after some disqualifying behavior or event, the PHA may choose to continue that prohibition for a longer period of time [24 CFR 960.203(c)(3)(ii)].

HUD requires the PHA to deny assistance in the following cases:

- Any member of the household has been evicted from federally-assisted housing in the last three (3) years for drug-related criminal activity. HUD permits but does not require the PHA to admit an otherwise-eligible family if the household member has completed a PHA-approved drug rehabilitation program or the circumstances which led to eviction no longer exist (e.g. the person involved in the criminal activity no longer lives in the household).

GHURA Policy

GHURA will admit an otherwise-eligible family who was evicted from federally-assisted housing within the past three (3) ~~five (5)~~ years for drug-related criminal activity, if GHURA is able to verify that the household member who engaged in the criminal activity has completed a supervised drug rehabilitation program approved by GHURA, or the person who committed the crime is no longer living in the household.

- The PHA determines that any household member is currently engaged in the use of illegal drugs. *Drug* means a controlled substance as defined in section 102 of the Controlled Substances Act [21 U.S.C. 802]. *Currently engaged in the illegal use of a drug* means a person has engaged in the behavior recently enough to justify a reasonable belief that there is continuing illegal drug use by a household member [24 CFR 960.205(b)(1)].

GHURA Policy

Currently engaged in is defined as any use of illegal drugs during the previous **three** months.

- The PHA has reasonable cause to believe that any household member's current use or pattern of use of illegal drugs, or current abuse or pattern of abuse of alcohol, may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

GHURA Policy

In determining reasonable cause, GHURA will consider all credible evidence, including but not limited to, any record of convictions, arrests, or evictions of household members related to the use of illegal drugs or the abuse of alcohol. A conviction will be given more weight than an arrest. A record **or records** of arrest(s) will not be used as the basis for the denial or proof that the applicant engaged in disqualifying criminal activity. GHURA will also consider evidence from treatment providers or community-based organizations providing services to household members. A pattern of abuse of alcohol will be considered three or more alcohol-related arrests in the last two years.

- Any household member has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine on the premises of federally assisted housing.
- Any household member is subject to a lifetime registration requirement under a state lifetime sex offender registration program.

3-III.C. OTHER PERMITTED REASONS FOR DENIAL OF ADMISSION

HUD permits, but does not require the PHA to deny admission for the reasons discussed in this section.

Criminal Activity [24 CFR 960.203(c)]

The PHA is responsible for screening family behavior and suitability for tenancy. In doing so, the PHA may consider an applicant's history of criminal activity involving crimes of physical violence to persons or property and other criminal acts which would adversely affect the health, safety, or welfare of other tenants.

GHURA Policy

If any household member is currently engaged in, or has engaged in any of the following criminal activities, within the past three (3) years, the family will be denied admission.

Drug-related criminal activity, defined by HUD as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug [24 CFR 5.100].

Violent criminal activity, defined by HUD as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage [24 CFR 5.100].

Criminal activity that may threaten the health, safety, or welfare of other tenants [24 CFR 960.203(c)(3)].

Criminal activity that may threaten the health or safety of GHURA staff, contractors, subcontractors, or agents.

Criminal sexual conduct, including but not limited to sexual assault, incest, open and gross lewdness, or child abuse.

Evidence of such criminal activity includes, but is not limited to any record of convictions, arrests, or evictions for suspected drug-related or violent criminal activity of household members within the past three (3) years. A conviction for such activity will be given more weight than an arrest or an eviction. A record or records of arrest will not be used as the basis for the denial or proof that the applicant engaged in disqualifying criminal activity.

In making its decision to deny assistance, GHURA will consider the factors discussed in Sections 3-III.E and 3-III.F. Upon consideration of such factors, GHURA may, on a case-by-case basis, decide not to deny assistance.

Previous Behavior [960.203(c) and (d) and PH Occ GB, p. 48]

HUD authorizes the PHA to deny admission based on relevant information pertaining to the family's previous behavior and suitability for tenancy.

In the event of the receipt of unfavorable information with respect to an applicant, the PHA must consider the time, nature, and extent of the applicant's conduct (including the seriousness of the offense). As discussed in Section 3-III.F, the PHA may also need to consider whether the cause of the unfavorable information may be that the applicant is the victim of domestic violence, dating violence, sexual assault, or stalking.

GHURA Policy

GHURA will deny admission to an applicant family if GHURA determines that the family:

- Has a pattern of unsuitable past performance in meeting financial obligations, including rent within the past three (3) years.

- Has a pattern of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences within the past three (3) years which may adversely affect the health, safety, or welfare of other tenants

- Has a pattern of eviction from housing or termination from residential programs within the past three (3) years (considering relevant circumstances)

- Owes rent or other amounts to this or any other PHA or owner in connection with any assisted housing program

- Misrepresented or does not provide complete information related to eligibility, including income, award of preferences for admission, expenses, family composition or rent

- Has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program in the last three (3) years

- Has engaged in or threatened violent or abusive behavior toward GHURA personnel

 - Abusive or violent behavior towards GHURA personnel* includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.

 - Threatening* refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

In making its decision to deny admission, GHURA will consider the factors discussed in Sections 3-III.E and 3-III.F. Upon consideration of such factors, GHURA may, on a case-by-case basis, decide not to deny admission.

GHURA will consider the existence of mitigating factors, such as loss of employment or other financial difficulties, before denying admission to an applicant based on the failure to meet prior financial obligations.

3-III.D. SCREENING

Screening for Eligibility

PHAs are authorized to obtain criminal conviction records from law enforcement agencies to screen applicants for admission to the public housing program. This authority assists the PHA in complying with HUD requirements and the PHA policies to deny assistance to applicants who are engaging in or have engaged in certain criminal activities. In order to obtain access to the records the PHA must require every applicant family to submit a consent form signed by each adult household member [24 CFR 5.903].

The PHA may not pass along to the applicant the costs of a criminal records check [24 CFR 960.204(d)].

GHURA Policy

GHURA will perform criminal background checks through local law enforcement for all adult household members.

If the results of the criminal background check indicate there may have been past criminal activity, but the results are inconclusive, GHURA will request a fingerprint card and will request information from the National Crime Information Center (NCIC).

PHAs are required to perform criminal background checks necessary to determine whether any household member is subject to a lifetime registration requirement under a state sex offender program in the state where the housing is located, as well as in any other state where a household member is known to have resided [24 CFR 960.204(a)(4)].

GHURA Policy

GHURA will use the Dru Sjodin National Sex Offender database to screen applicants for admission.

Additionally, the PHA must ask whether the applicant, or any member of the applicant's household, is subject to a lifetime registered sex offender registration requirement in any state [Notice PIH 2012-28].

If the PHA proposes to deny admission based on a criminal record or on lifetime sex offender registration information, the PHA must notify the household of the proposed action and must provide the subject of the record and the applicant a copy of the record and an opportunity to dispute the accuracy and relevance of the information prior to a denial of admission [24 CFR 5.903(f) and 5.905(d)].

Obtaining Information from Drug Treatment Facilities [24 CFR 960.205]

HUD authorizes PHAs to request and obtain information from drug abuse treatment facilities concerning applicants. Specifically, the PHA may require each applicant to submit for all household members who are at least 18 years of age, and for each family head, spouse, or co-head regardless of age, one or more consent forms signed by such household members that requests any drug abuse treatment facility to inform the PHA whether the drug abuse treatment facility has reasonable cause to believe that the household member is currently engaging in illegal drug use.

Drug Abuse Treatment Facility means an entity that holds itself out as providing, and provides, diagnosis, treatment, or referral for treatment with respect to the illegal drug use, and is either an identified unit within a general care facility, or an entity other than a general medical care facility.

Currently engaging in illegal use of a drug means illegal use of a drug that occurred recently enough to justify a reasonable belief that there is continuing illegal drug use by a household member.

Any consent form used for the purpose of obtaining information from a drug abuse treatment facility to determine whether a household member is currently engaging in illegal drug use must expire automatically after the PHA has made a final decision to either approve or deny the admission of such person.

Any charges incurred by the PHA for information provided from a drug abuse treatment facility may not be passed on to the applicant or tenant.

If the PHA chooses to obtain such information from drug abuse treatment facilities, it must adopt and implement one of the two following policies:

Policy A: The PHA must submit a request for information to a drug abuse treatment facility for all families before they are admitted. The request must be submitted for each proposed household member who is at least 18 years of age, and for each family head, spouse, or co-head regardless of age.

Policy B: The PHA must submit a request for information only for certain household members, whose criminal record indicates prior arrests or conviction for any criminal activity that may be a **sole** basis for denial of admission or whose prior tenancy records indicate that the proposed household member engaged in destruction of property or violent activity against another person, or they interfered with the right of peaceful enjoyment of the premises of other residents.

If the PHA chooses to obtain such information, it must abide by the HUD requirements for records management and confidentiality as described in 24 CFR 960.205(f).

GHURA Policy

GHURA will obtain information from drug abuse treatment facilities to determine whether any applicant family's household members are currently engaging in illegal drug activity only when GHURA has determined that the family will be denied admission based on a family member's drug-related criminal activity, and the family claims that the culpable family member has successfully completed a supervised drug or alcohol rehabilitation program.

Screening for Suitability as a Tenant [24 CFR 960.203(c)]

The PHA is responsible for the screening and selection of families to occupy public housing units. The PHA may consider all relevant information. Screening is important to public housing communities and program integrity, and to ensure that assisted housing is provided to those families that will adhere to lease obligations.

GHURA Policy

GHURA will consider the family's history with respect to the following factors:

- Payment of rent and utilities

- Caring for a unit and premises

- Respecting the rights of other residents to the peaceful enjoyment of their housing

- Criminal activity that is a threat to the health, safety, or property of others

- Behavior of all household members as related to the grounds for denial as detailed in Sections 3-III. B and C

- Compliance with any other essential conditions of tenancy

Resources Used to Check Applicant Suitability [PH Occ GB, pp. 47-56]

PHAs have a variety of resources available to them for determination of the suitability of applicants. Generally, the PHA should reject applicants who have recent behavior that would warrant lease termination for a public housing resident.

GHURA Policy

In order to determine the suitability of applicants GHURA will examine applicant history for the past **three** ~~five (5)~~ years. Such background checks will include:

Past Performance in Meeting Financial Obligations, Especially Rent

PHA and landlord references for the past three (3) years, gathering information about past performance meeting rental obligations such as rent payment record, late payment record, whether GHURA/landlord ever began or completed lease termination for non-payment, and whether utilities were ever disconnected in the unit. PHAs and landlords will be asked if they would rent to the applicant family again.

Utility company references covering the monthly amount of utilities, late payment, disconnection, return of a utility deposit and whether the applicant can get utilities turned on in his/her name. (Use of this inquiry will be reserved for applicants applying for units where there are tenant-paid utilities.)

If an applicant has no rental payment history GHURA will check court records of eviction actions and other financial judgments, and credit reports. A lack of credit history will not disqualify someone from becoming a public housing resident, but a poor credit rating may.

Applicants with no rental payment history will also be asked to provide GHURA with personal references. The references will be requested to complete a verification of the applicant's ability to pay rent if no other documentation of ability to meet financial obligations is available. The applicant will also be required to complete a checklist documenting their ability to meet financial obligations.

If previous landlords or the utility company do not respond to requests from GHURA, the applicant may provide other documentation that demonstrates their ability to meet financial obligations (e.g. rent receipts, cancelled checks, etc.)

Disturbances of Neighbors, Destruction of Property or Living or Housekeeping Habits at Prior Residences that May Adversely Affect Health, Safety, or Welfare of Other Tenants, or Cause Damage to the Unit or the Development

PHA and landlord references for the past three (3) years, gathering information on whether the applicant kept a unit clean, safe and sanitary; whether they violated health or safety codes; whether any damage was done by the applicant to a current or previous unit or the development, and, if so, how much the repair of the damage cost; whether the applicant's housekeeping caused insect or rodent infestation; and whether the neighbors complained about the applicant or whether the police were ever called because of disturbances.

Police and court records within the past three (3) years will be used to check for any evidence of disturbance of neighbors or destruction of property that might have resulted in arrest or conviction. A record **or records** of arrest(s) will not be used as the basis for the denial or proof that the applicant engaged in disqualifying activity.

A personal reference will be requested to complete a verification of the applicant's ability to care for the unit and avoid disturbing neighbors if no other documentation is available. In these cases, the applicant will also be required to complete a checklist documenting their ability to care for the unit and to avoid disturbing neighbors.

Home visits may be used to determine the applicant's ability to care for the unit.

3-III.E. CRITERIA FOR DECIDING TO DENY ADMISSION

Evidence

GHURA Policy

GHURA will use the preponderance of the evidence as the standard for making all admission decisions.

Preponderance of the evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole, shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Consideration of Rehabilitation

In determining whether to deny admission for illegal drug use or a pattern of illegal drug use by a household member who is no longer engaging in such use, or for abuse or a pattern of abuse of alcohol by a household member who is no longer engaging in such abuse, the Housing Authority may consider whether such household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully [42 U.S.C. 13661].

For this purpose, the Housing Authority may require the applicant to submit evidence of the household member's current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully. If rehabilitation is not an element of the eligibility determination, the Housing Authority may choose not to consider whether the person has been rehabilitated.

Consideration of Circumstances [24 CFR 960.203(c)(3) and (d)]

HUD authorizes the PHA to consider all relevant circumstances when deciding whether to deny admission based on a family's past history except in the situations for which denial of admission is mandated (see Section 3-III.B).

In the event the PHA receives unfavorable information with respect to an applicant, consideration must be given to the time, nature, and extent of the applicant's conduct (including the seriousness of the offense). In a manner consistent with its policies, the PHA may give consideration to factors which might indicate a reasonable probability of favorable future conduct.

GHURA Policy

GHURA will consider the following facts and circumstances prior to making its decision:

The seriousness of the case, especially with respect to how it would affect other residents' safety or property

The effects that denial of admission may have on other members of the family who were not involved in the action or failure to act

The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities, or (as discussed further in section 3-III.F) a victim of domestic violence, dating violence, sexual assault, or stalking.

The length of time since the violation occurred, including the age of the individual at the time of the conduct, as well as the family's recent history and the likelihood of favorable conduct in the future

While a record **or records** of arrest(s) will not be used as the basis for denial, an arrest may, however, trigger an investigation to determine whether the applicant actually engaged in disqualifying criminal activity. As part of its investigation, GHURA may obtain the police report associated with the arrest and consider the reported circumstances of the arrest. GHURA may also consider:

- Any statements made by witnesses or the applicant not included in the police report

- Whether criminal charges were filed

- Whether, if filed, criminal charges were abandoned, dismissed, not prosecuted, or ultimately resulted in an acquittal

- Any other evidence relevant to determining whether or not the applicant engaged in disqualifying activity

Evidence of criminal conduct will be considered if it indicates a demonstrable risk to safety and/or property

Evidence of the applicant family's participation in or willingness to participate in social service or other appropriate counseling service programs

In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully

GHURA will require the applicant to submit evidence of the household member's current participation in or successful completion of a supervised drug or alcohol rehabilitation program, or evidence of otherwise having been rehabilitated successfully.

Removal of a Family Member's Name from the Application

Should the PHA's screening process reveal that an applicant's household includes an individual subject to state lifetime registered sex offender registration, the PHA must offer the family the opportunity to remove the ineligible family member from the household. If the family is unwilling to remove that individual from the household, the PHA must deny admission to the family [Notice PIH 2012-28].

For other criminal activity, the PHA may permit the family to exclude the culpable family members as a condition of eligibility. [24 CFR 960.203(c)(3)(i)].

GHURA Policy

As a condition of receiving assistance, a family may agree to remove the culpable family member from the application. In such instances, the head of household must certify that the family member will not be permitted to visit or to stay as a guest in the public housing unit.

After admission to the program, the family must present evidence of the former family member's current address upon GHURA request.

Reasonable Accommodation [PH Occ GB, pp. 58-60]

If the family includes a person with disabilities, the PHA's decision concerning denial of admission is subject to consideration of reasonable accommodation in accordance with 24 CFR Part 8.

GHURA Policy

If the family indicates that the behavior of a family member with a disability is the reason for the proposed denial of admission, GHURA will determine whether the behavior is related to the disability. If so, upon the family's request, GHURA will determine whether alternative measures are appropriate as a reasonable accommodation. GHURA will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed denial of admission. See Chapter 2 for a discussion of reasonable accommodation.

3-III.F. PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

The Violence against Women Act of 2013 (VAWA) and the HUD regulation at 24 CFR 5.2005(b) prohibit PHAs from denying admission to an otherwise qualified applicant on the basis or as a direct result of the fact that the applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.

Definitions of key terms used in VAWA are provided in section 16-VII of this ACOP, where general VAWA requirements and policies pertaining to notification, documentation, and confidentiality are also located.

Notification

VAWA 2013 expanded notification requirements to include the obligation for PHAs to provide applicants who are denied assistance with a VAWA Notice of Occupancy Rights (form HUD-5380) and a domestic violence certification form (HUD-53825382) at the time the applicant is denied.

GHURA Policy

GHURA acknowledges that a victim of domestic violence, dating violence, sexual assault, or stalking may have an unfavorable history (e.g., a poor credit history, poor rental history, a record of previous damage to an apartment, a prior arrest record) due to adverse factors that would warrant denial under the GHURA's policies.

While GHURA is not required to identify whether adverse factors that resulted in the applicant's denial are a result of domestic violence, dating violence, sexual assault, or stalking, the applicant may inform GHURA that their status as a victim is directly related to the grounds for the denial. GHURA will request that the applicant provide enough information to GHURA to allow GHURA to make an objectively reasonable determination, based on all circumstances, whether the adverse factor is a direct result of their status as a victim.

GHURA will include in its notice of denial information about the protection against denial provided by VAWA in accordance with section 16-VII.C of this ACOP, a notice of VAWA rights, and a copy of the form HUD-5382. GHURA will request in writing that an applicant wishing to claim this protection notify GHURA within 14 business days.

Documentation

Victim Documentation [24 CFR 5.2007]

GHURA Policy

If an applicant claims the protection against denial of admission that VAWA provides to victims of domestic violence, dating violence, sexual assault, or stalking, GHURA will request in writing that the applicant provide documentation supporting the claim in accordance with section 16-VII.D of this ACOP.

Perpetrator Documentation

GHURA Policy

If the perpetrator of the abuse is a member of the applicant family, the applicant must provide additional documentation consisting of one of the following:

A signed statement (1) requesting that the perpetrator be removed from the application and (2) certifying that the perpetrator will not be permitted to visit or to stay as a guest in the public housing unit

Documentation that the perpetrator has successfully completed, or is successfully undergoing, rehabilitation or treatment. The documentation must be signed by an employee or agent of a domestic violence service provider or by a medical or other knowledgeable professional from whom the perpetrator has sought or is receiving assistance in addressing the abuse. The signer must attest under penalty of perjury to his or her belief that the rehabilitation was successfully completed or is progressing successfully. The victim and perpetrator must also sign or attest to the documentation.

3-III.G. NOTICE OF ELIGIBILITY OR DENIAL

GHURA will notify an applicant family of its final determination of eligibility in accordance with the policies in Section 4-III.E.

If a PHA uses a criminal record or sex offender registration information obtained under 24 CFR 5, Subpart J, as the basis of a denial, a copy of the record must precede the notice to deny, with an opportunity for the applicant to dispute the accuracy and relevance of the information before the PHA can move to deny the application. In addition, a copy of the record must be provided to the subject of the record [24 CFR 5.903(f) and 5.905(d)].

GHURA Policy

If, based on a criminal record or sex offender registration information an applicant family appears to be ineligible, GHURA will notify the family in writing of the proposed denial and provide a copy of the record to the applicant and to the subject of the record. The family will be given 10 business days to dispute the accuracy and relevance of the information. If the family does not contact GHURA to dispute the information within that 10-day period, GHURA will proceed with issuing the notice of denial of admission. A family that does not exercise their right to dispute the accuracy of the information prior to issuance of the official denial letter will still be given the opportunity to do so as part of the informal hearing process.

Notice requirements related to denying admission to noncitizens are contained in Section 3-II.B.

Notice policies related to denying admission to applicants who may be victims of domestic violence, dating violence, sexual assault, or stalking are contained in Section 3-III.F.

EXHIBIT 3-1: DETAILED DEFINITIONS RELATED TO DISABILITIES

Person with Disabilities [24 CFR 5.403]

The term *person with disabilities* means a person who has any of the following types of conditions.

- Has a disability, as defined in 42 U.S.C. Section 423(d)(1)(A), which reads:

Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months

In the case of an individual who has attained the age of 55 and is blind (within the meaning of “blindness” as defined in section 416(i)(1) of this title), inability by reason of such blindness to engage in substantial gainful activity, requiring skills or ability comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time.
- Has a developmental disability as defined in the Developmental Disabilities Assistance and Bill of Rights Act of 2000 [42 U.S.C.15002(8)], which defines developmental disability in functional terms as follows:

(A) IN GENERAL – The term *developmental disability* means a severe, chronic disability of an individual that-

 - (i) is attributable to a mental or physical impairment or combination of mental and physical impairments;
 - (ii) is manifested before the individual attains age 22;
 - (iii) is likely to continue indefinitely;
 - (iv) results in substantial functional limitations in 3 or more of the following areas of major life activity: (I) self-care, (II) receptive and expressive language, (III) learning, (IV) mobility, (V) self-direction, (VI) capacity for independent living, (VII) economic self-sufficiency; and
 - (v) reflects the individual’s need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

(B) INFANTS AND YOUNG CHILDREN – An individual from birth to age 9, inclusive, who has a substantial developmental delay or specific congenital or acquired condition, may be considered to have a developmental disability without meeting 3 or more of the criteria described in clauses (i) through (v) of subparagraph (A) if the individual, without services and supports, has a high probability of meeting those criteria later in life.
- Has a physical, mental, or emotional impairment that is expected to be of long-continued and indefinite duration; substantially impedes his or her ability to live independently, and is of such a nature that the ability to live independently could be improved by more suitable housing conditions.

People with the acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agent for AIDS are not excluded from this definition.

A person whose disability is based solely on any drug or alcohol dependence does not qualify as a person with disabilities for the purposes of this program.

For purposes of reasonable accommodation and program accessibility for persons with disabilities, the term person with disabilities refers to an individual with handicaps.

Individual with Handicaps [24 CFR 8.3]

Individual with handicaps means any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment. The term does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents the individual from participating in the program or activity in question, or whose participation, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others. As used in this definition, the phrase:

(1) Physical or mental impairment includes:

- (a) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine
- (b) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.

(2) Major life activities mean functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

(3) Has a record of such an impairment means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(4) Is regarded as having an impairment means:

- (a) Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by a recipient as constituting such a limitation
- (b) Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment
- (c) Has none of the impairments defined in paragraph (a) of this section but is treated by a recipient as having such an impairment

Chapter 14

GRIEVANCES AND APPEALS

INTRODUCTION

This chapter discusses grievances and appeals pertaining to PHA actions or failures to act that adversely affect public housing applicants or residents. The policies are discussed in the following three parts:

Part I: Informal Hearings for Public Housing Applicants. This part outlines the requirements and procedures for informal hearings for public housing applicants.

Part II: Informal Hearings with Regard to Noncitizens. This part discusses informal hearings regarding citizenship status and where they differ from the requirements for general applicant and tenant grievances.

Part III: Grievance Procedures for Public Housing Residents. This part outlines the requirements and procedures for handling grievances for public housing residents.

Note that this chapter is not the PHA's grievance procedure. The grievance procedure is a document separate from the ACOP. This chapter of the ACOP provides the policies that drive the grievance procedure. A sample grievance procedure is provided as Exhibit 14-1. However, please note that the procedure provided is only a sample and is designed to match up with the default policies in the model ACOP. As such, the PHA would need to modify accordingly should any alternative policy decisions be adopted.

PART I: INFORMAL HEARINGS FOR PUBLIC HOUSING APPLICANTS

14-I.A. OVERVIEW

When the PHA makes a decision that has a negative impact on an applicant family, the family is often entitled to appeal the decision. For applicants, the appeal takes the form of an informal hearing. HUD regulations do not provide a structure for or requirements regarding informal hearings for applicants (except with regard to citizenship status, to be covered in Part II). This part discusses the PHA policies necessary to respond to applicant appeals through the informal hearing process.

14-I.B. INFORMAL HEARING PROCESS [24 CFR 960.208(a) and PH Occ GB, p. 58]

Informal hearings are provided for public housing applicants. An applicant is someone who has applied for admission to the public housing program; but is not yet a tenant in the program. Informal hearings are intended to provide a means for an applicant to dispute a determination of ineligibility for admission to a project [24 CFR 960.208(a)]. Applicants to public housing are not entitled to the same hearing process afforded tenants under the PHA grievance procedures [24 CFR 966.53(a) and PH Occ GB, p. 58].

Informal hearings provide applicants the opportunity to review the reasons for denial of admission and to present evidence to refute the grounds for denial.

Use of Informal Hearing Process

While the PHA must offer the opportunity of an informal hearing to applicants who have been determined as ineligible for admission, the PHA could make the informal hearing process available to applicants who wish to dispute other PHA actions that adversely affect them.

GHURA Policy

GHURA will only offer informal hearings to applicants for the purpose of disputing denials of admission.

Notice of Denial [24 CFR 960.208(a)]

The PHA must give an applicant prompt notice of a decision denying eligibility for admission. The notice must contain a brief statement of the reasons for the PHA decision; and must also state that the applicant may request an informal hearing to dispute the decision. The notice must describe how to obtain the informal hearing.

GHURA Policy

As applicable, GHURA's notice of denial will include information about required or requested remote informal hearings.

When denying eligibility for admission, the PHA must provide the family a notice of VAWA rights (form HUD-5380) as well as the HUD VAWA self-certification form (form HUD-5382) in accordance with the Violence against Women Reauthorization Act of 2013, and as outlined in 16-VII.C. The notice and self-certification form must accompany the written notification of the denial of eligibility determination.

Prior to notification of denial based on information obtained from criminal or sex offender registration records, the family, in some cases, must be given the opportunity to dispute the information in those records which would be the basis of the denial. See Section 3-III.G for details concerning this requirement.

Scheduling an Informal Hearing

GHURA Policy

A request for an informal hearing must be made in writing and delivered to GHURA either in person or by first class mail, by the close of the business day, no later than 10 business days from the date of GHURA's notification of denial of admission.

GHURA will schedule and send written notice of the informal hearing within 10 business days of the family's request.

If the PHA informal hearing will be conducted remotely, at the time the notice is sent to the family, the family will be informed:

Regarding the processes involved in a remote informal hearing;

That the PHA will provide technical assistance prior to and during the informal hearing, if needed; and

That if the family or any individual witness has any technological, resource, or accessibility barriers preventing them from fully accessing the remote informal hearing, the family may inform the PHA and the PHA will assist the family in either resolving the issues or allow the family to participate in an in-person informal hearing, as appropriate.

Conducting an Informal Hearing [PH Occ GB, p. 58]

GHURA Policy

The informal hearing will be conducted by a person other than the one who made or approved the decision under review, or a subordinate of this person.

The applicant will be provided an opportunity to present written or oral objections to the decision of GHURA.

The person conducting the informal hearing will make a recommendation to GHURA, but GHURA is responsible for making the final decision as to whether admission should be granted or denied.

Remote Informal Hearings [Notice PIH 2020-32]

There is no requirement that informal hearings be conducted in-person, and as such, HUD allows PHAs to conduct all or a portion of their informal hearings remotely either over the phone, via video conferencing, or through other virtual platforms. If the PHA chooses to conduct remote informal hearings, applicants may still request an in-person informal hearing, as applicable.

GHURA Policy

GHURA has the sole discretion to require that informal hearings be conducted remotely in case of local, state, or national physical distancing orders, and in cases of inclement weather or natural disaster.

In addition, GHURA will conduct an informal hearing remotely upon request of the applicant as a reasonable accommodation for a person with a disability, if an applicant does not have child care or transportation that would enable them to attend the informal hearing, or if the applicant believes an in-person informal hearing would create an undue health risk. GHURA will consider other reasonable requests for a remote informal hearing on a case-by-case basis.

Ensuring Accessibility for Persons with Disabilities and LEP Individuals

As with in-person informal hearings, the platform for conducting remote informal hearings must be accessible to persons with disabilities and the informal hearing must be conducted in accordance with Section 504 and accessibility requirements. This includes ensuring any information, websites, emails, digital notifications, and other virtual platforms are accessible for persons with vision, hearing, and other disabilities. Further, providing effective communication in a digital context may require the use of individualized auxiliary aids or services, such as audio description, captioning, sign language and other types of interpreters, keyboard accessibility, accessible documents, screen reader support, and transcripts. Auxiliary aids or services must be provided in accessible formats, in a timely manner, and in such a way to protect the privacy and independence of the individual. PHAs may never request or require that individuals with disabilities provide their own auxiliary aids or services, including for remote informal hearings.

If no method of conducting a remote informal hearing is available that appropriately accommodates an individual's disability, the PHA may not hold against the individual his or her inability to participate in the remote informal review, and the PHA should consider whether postponing the remote informal hearing to a later date is appropriate or whether there is a suitable alternative.

Due to the individualized nature of disability, the appropriate auxiliary aid or service necessary, or reasonable accommodation, will depend on the specific circumstances and requirements.

As with in-person hearings, Limited English Proficiency (LEP) requirements also apply to remote informal hearings, including the use of interpretation services and document translation. See Chapter 2 for a more thorough discussion of accessibility and LEP requirements, all of which apply in the context of remote informal hearings.

Conducting Remote Informal Hearings [Notice PIH 2020-32]

The PHA must ensure that the lack of technology or inability to use technology for remote informal hearings does not pose a disadvantage to families that may not be apparent to the PHA. The PHA should determine through a survey or other means if these barriers exist prior to conducting the remote informal hearing and, if the family does not have the proper technology to fully participate, either postpone the informal hearing or provide an alternative means of access.

As with in-person informal hearings, the PHA must provide all materials presented, whether paper or electronic, to the family prior to the remote informal hearing. The family must also be provided with an accessible means by which to transmit their own evidence.

The PHA must ensure that the applicant has the right to hear and be heard. All PHA policies and processes for remote informal hearings will be conducted in accordance with due process requirements and will be in compliance with HUD regulations at 24 CFR 966.56 and the guidance for conducting remote hearings specified in Notice PIH 2020-32.

GHURA Policy

GHURA will conduct remote informal hearings via a video conferencing platform, when available. If, after attempting to resolve any barriers, applicants are unable to adequately access the video conferencing platform at any point, or upon applicant request, the informal hearing will be conducted by telephone conferencing call-in. If the family is unable to adequately access the telephone conferencing call-in at any point, the remote informal hearing will be postponed, and an in-person alternative will be provided promptly within a reasonable time.

At least five business days prior to scheduling the remote hearing, GHURA will provide the family with login information and/or conferencing call-in information and an electronic copy of all materials being presented via first class mail and/or email. The notice will advise the family of technological requirements for the hearing and request the family notify GHURA of any known barriers. GHURA will resolve any barriers using the guidance in Section 6 of Notice PIH 2020-32, including offering the family the opportunity to attend an in-person hearing.

If the informal hearing is to be conducted remotely, GHURA will require the family to provide any documents directly relevant to the informal hearing at least 24 hours before the scheduled hearing through the mail, via email, or text. GHURA will scan and email copies of these documents to the GHURA representative and to the person conducting the informal hearing the same day.

Documents will be shared electronically whenever possible.

GHURA will follow up the email with a phone call and/or email to the applicant at least one business day prior to the remote informal hearing to ensure that the applicant received all information and is comfortable accessing the video conferencing or call-in platform.

GHURA will ensure that all electronic information stored or transmitted with respect to the informal hearing is secure, including protecting personally identifiable

information (PII), and meets the requirements for accessibility for persons with disabilities and persons with LEP.

Informal Hearing Decision [PH Occ GB, p. 58]

GHURA Policy

GHURA will notify the applicant of GHURA's final decision, including a brief statement of the reasons for the final decision.

In rendering a decision, GHURA will evaluate the following matters:

Whether or not the grounds for denial were stated factually in the notice

The validity of grounds for denial of admission. If the grounds for denial are not specified in the regulations or in GHURA policy, then the decision to deny assistance will be overturned. See Chapter 3 for a detailed discussion of the grounds for applicant denial.

The validity of the evidence. GHURA will evaluate whether the facts presented prove the grounds for denial of admission. If the facts prove that there are grounds for denial, and the denial is required by HUD, GHURA will uphold the decision to deny admission.

If the facts prove the grounds for denial, and the denial is discretionary, GHURA will consider the recommendation of the person conducting the informal hearing in making the final decision whether to deny admission.

GHURA will notify the applicant of the final decision, including a statement explaining the reason(s) for the decision. The notice will be mailed, with return receipt requested, within 10 business days of the informal hearing, to the applicant and his or her representative, if any.

If the informal hearing decision overturns the denial, processing for admission will resume.

If the family fails to appear for their informal hearing, the denial of admission will stand and the family will be so notified.

Reasonable Accommodation for Persons with Disabilities [24 CFR 966.7]

Persons with disabilities may request reasonable accommodations to participate in the informal hearing process and the PHA must consider such accommodations. The PHA must also consider reasonable accommodation requests pertaining to the reasons for denial if related to the person's disability. See Chapter 2 for more detail pertaining to reasonable accommodation requests.

PART II: INFORMAL HEARINGS WITH REGARD TO NONCITIZENS

14-II.A. HEARING AND APPEAL PROVISIONS FOR NONCITIZENS [24 CFR 5.514]

Denial or termination of assistance based on immigration status is subject to special hearing and notice rules. These special hearings are referred to in the regulations as informal hearings, but the requirements for such hearings are different from the informal hearings used to deny applicants for reasons other than immigration status.

Assistance to a family may not be delayed, denied, or terminated on the basis of immigration status at any time prior to a decision under the United States Citizenship and Immigration Services (USCIS) appeal process. Assistance to a family may not be terminated or denied while the PHA hearing is pending, but assistance to an applicant may be delayed pending the completion of the informal hearing.

A decision against a family member, issued in accordance with the USCIS appeal process or the PHA informal hearing process, does not preclude the family from exercising the right, that may otherwise be available, to seek redress directly through judicial procedures.

Notice of Denial or Termination of Assistance [24 CFR 5.514(d)]

As discussed in Chapters 3 and 13, the notice of denial or termination of assistance for noncitizens must advise the family of any of the following that apply:

- That financial assistance will be denied or terminated, and provide a brief explanation of the reasons for the proposed denial or termination of assistance.
- The family may be eligible for proration of assistance.
- In the case of a tenant, the criteria and procedures for obtaining relief under the provisions for preservation of families [24 CFR 5.514 and 5.518].
- That the family has a right to request an appeal to the USCIS of the results of secondary verification of immigration status and to submit additional documentation or explanation in support of the appeal.
- That the family has a right to request an informal hearing with the PHA either upon completion of the USCIS appeal or in lieu of the USCIS appeal.
- For applicants, assistance may not be delayed until the conclusion of the USCIS appeal process, but assistance may be delayed during the period of the informal hearing process.

United States Citizenship and Immigration Services Appeal Process [24 CFR 5.514(e)]

When the PHA receives notification that the USCIS secondary verification failed to confirm eligible immigration status, the PHA must notify the family of the results of the USCIS verification. The family will have 30 days from the date of the notification to request an appeal of the USCIS results. The request for appeal must be made by the family in writing directly to the USCIS. The family must provide the PHA with a copy of the written request for appeal and proof of mailing.

GHURA Policy

GHURA will notify the family in writing of the results of the USCIS secondary verification within 10 business days of receiving the results.

The family must provide GHURA with a copy of the written request for appeal and proof of mailing within 10 business days of sending the request to the USCIS.

The family must forward to the designated USCIS office any additional documentation or written explanation in support of the appeal. This material must include a copy of the USCIS document verification request (used to process the secondary request) or such other form specified by the USCIS, and a letter indicating that the family is requesting an appeal of the USCIS immigration status verification results.

The USCIS will notify the family, with a copy to the PHA, of its decision. When the USCIS notifies the PHA of the decision, the PHA must notify the family of its right to request an informal hearing.

GHURA Policy

GHURA will send written notice to the family of its right to request an informal hearing within 10 business days of receiving notice of the USCIS decision regarding the family's immigration status.

Informal Hearing Procedures for Applicants [24 CFR 5.514(f)]

After notification of the USCIS decision on appeal, or in lieu of an appeal to the USCIS, an applicant family may request that the PHA provide a hearing. The request for a hearing must be made either within 30 days of receipt of the PHA notice of denial, or within 30 days of receipt of the USCIS appeal decision.

The informal hearing procedures for applicant families are described below.

Informal Hearing Officer

The PHA must provide an informal hearing before an impartial individual, other than a person who made or approved the decision under review, and other than a person who is a subordinate of the person who made or approved the decision.

Evidence

The family must be provided the opportunity to examine and copy at the family's expense, at a reasonable time in advance of the hearing, any documents in the possession of the PHA pertaining to the family's eligibility status, or in the possession of the USCIS (as permitted by USCIS requirements), including any records and regulations that may be relevant to the hearing.

GHURA Policy

The family will be allowed to copy any documents related to the hearing at **no cost to the family**. The family must request discovery of GHURA documents no later than 12:00 p.m. on the business day prior to the hearing.

The family must be provided the opportunity to present evidence and arguments in support of eligible status. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

The family must also be provided the opportunity to refute evidence relied upon by the PHA, and to confront and cross-examine all witnesses on whose testimony or information the PHA relies.

Representation and Interpretive Services

The family is entitled to be represented by an attorney or other designee, at the family's expense, and to have such person make statements on the family's behalf.

The family is entitled to request an interpreter. The PHA is obligated to provide a competent interpreter, free of charge, upon request. The family may also or instead provide its own interpreter, at the expense of the family.

Recording of the Hearing

The family is entitled to have the hearing recorded by audiotape. The PHA may, but is not required to, provide a transcript of the hearing.

GHURA Policy

GHURA will not provide a transcript of an audio taped informal hearing.

Hearing Decision

The PHA must provide the family with a written notice of the final decision, based solely on the facts presented at the hearing, within 14 calendar days of the date of the informal hearing. The notice must state the basis for the decision.

Retention of Documents [24 CFR 5.514(h)]

The PHA must retain for a minimum of 5 years the following documents that may have been submitted to the PHA by the family, or provided to the PHA as part of the USCIS appeal or the PHA informal hearing process:

- The application for assistance
- The form completed by the family for income reexamination
- Photocopies of any original documents, including original USCIS documents
- The signed verification consent form
- The USCIS verification results
- The request for a USCIS appeal
- The final USCIS determination
- The request for an informal hearing
- The final informal hearing decision

Informal Hearing Procedures for Residents [24 CFR 5.514(f)]

After notification of the USCIS decision on appeal, or in lieu of an appeal to the USCIS, a resident family may request that the PHA provide a hearing. The request for a hearing must be made either within 30 days of receipt of the PHA notice of termination, or within 30 days of receipt of the USCIS appeal decision.

The informal hearing procedures for resident families whose tenancy is being terminated based on immigration status is the same as for any grievance under the grievance procedures for resident families found in Part III below.

PART III: GRIEVANCE PROCEDURES FOR PUBLIC HOUSING RESIDENTS

14-III.A. REQUIREMENTS [24 CFR 966.52]

The PHA must have a grievance procedure in place through which residents of public housing are provided an opportunity to grieve any PHA action or failure to act involving the lease or PHA policies which adversely affect their rights, duties, welfare, or status. The PHA must not only meet the minimal procedural due process requirements provided under the regulations; but must also meet any additional requirements imposed by local, state, or federal law.

The PHA grievance procedure must be included in or incorporated by reference in the lease.

GHURA Policy

GHURA grievance procedure will be included as an attachment to the tenant lease.

The PHA must provide at least 30 days' notice to tenants and resident organizations setting forth proposed changes in the PHA grievance procedure; and provide an opportunity to present written comments. Comments submitted must be considered by the PHA before adoption of any changes to the grievance procedure by the PHA.

GHURA Policy

Residents and resident organizations will have 30 calendar days from the date they are notified by GHURA of any proposed changes in GHURA grievance procedure, to submit written comments to GHURA.

The PHA must furnish a copy of the grievance procedure to each tenant and to resident organizations.

14-III.B. DEFINITIONS [24 CFR 966.53; 24 CFR 966.51(a)(2)(i)]

There are several terms used by HUD with regard to public housing grievance procedures, which take on specific meanings different from their common usage. These terms are as follows:

- **Grievance** – any dispute which a tenant may have with respect to the PHA action or failure to act in accordance with the individual tenant’s lease or the PHA regulations which adversely affect the individual tenant’s rights, duties, welfare or status
- **Complainant** – any tenant whose grievance is presented to the PHA or at the project management office
- **Due Process Determination** – a determination by HUD that law of the jurisdiction requires that the tenant must be given the opportunity for a hearing in court which provides the basic elements of due process before eviction from the dwelling unit
- **Expedited Grievance** – a procedure established by the PHA for any grievance or termination that involves:
 - Any criminal activity that threatens the health, safety, or right to peaceful enjoyment or the PHA’s public housing premises by other residents or employees of the PHA; or
 - Any drug-related criminal activity on or off the premises
- **Elements of Due Process** – an eviction action or a termination of tenancy in a state or local court in which the following procedural safeguards are required:
 - Adequate notice to the tenant of the grounds for terminating the tenancy and for eviction
 - Right of the tenant to be represented by counsel
 - Opportunity for the tenant to refute the evidence presented by the PHA including the right to confront and cross-examine witnesses and to present any affirmative legal or equitable defense which the tenant may have
 - A decision on the merits
- **Hearing Officer/Panel** – an impartial person or persons selected by the PHA, other than the person who made or approved the decision under review, or a subordinate of that person. The individual or individuals do not need legal training.
- **Tenant** – the adult person (or persons) (other than a live-in aide)
 - Who resides in the unit, and who executed the lease with the PHA as lessee of the dwelling unit, or, if no such person now resides in the unit,
 - Who resides in the unit, and who is the remaining head of household of the tenant family residing in the dwelling unit
- **Resident Organization** – includes a resident management corporation

14-III.C. APPLICABILITY [24 CFR 966.51]

Grievances could potentially address most aspects of the PHA's operation. However, there are some situations for which the grievance procedure is not applicable.

The grievance procedure is applicable only to individual tenant issues relating to the PHA. It is not applicable to disputes between tenants not involving the PHA. Class grievances are not subject to the grievance procedure and the grievance procedure is not to be used as a forum for initiating or negotiating policy changes of the PHA.

If HUD has issued a due process determination, a PHA may exclude from the PHA grievance procedure any grievance concerning a termination of tenancy or eviction that involves:

- Any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises of other residents or employees of the PHA
- Any violent or drug-related criminal activity on or off such premises
- Any criminal activity that resulted in felony conviction of a household member

In states without due process determinations, PHAs must grant opportunity for grievance hearings for all lease terminations, regardless of cause, with the following exception: the PHA may use expedited grievance procedures for the excluded categories listed above. These expedited grievance procedures are described in Section 14-III.E. below.

If HUD has issued a due process determination, the PHA may evict through the state/local judicial eviction procedures. In this case, the PHA is not required to provide the opportunity for a hearing under the PHA's grievance procedure as described above.

GHURA Policy

GHURA is located in a HUD-declared due process state. Therefore, GHURA will not offer grievance hearings for lease terminations involving criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or employees of GHURA, for violent or drug-related criminal activity on or off the premises, or for any criminal activity that resulted in felony conviction of a household member.

See Chapter 13 for related policies on the content of termination notices.

14-III.D. INFORMAL SETTLEMENT OF GRIEVANCE [24 CFR 966.54]

HUD regulations state that any grievance must be personally presented, either orally or in writing, to the PHA office or to the office of the housing development in which the complainant resides so that the grievance may be discussed informally and settled without a hearing.

GHURA Policy

GHURA will accept requests for an informal settlement of a grievance either orally or in writing (including emailed requests), to GHURA office within 10 business days of the grievable event. Within 10 business days of receipt of the request GHURA will arrange a meeting with the tenant at a mutually agreeable time and confirm such meeting in writing to the tenant.

The informal settlement may be conducted remotely as required by the PHA, or may be conducted remotely upon consideration of the request of the tenant. See 14-III.G for **information on how and under what circumstances remote informal settlements may be conducted.**

If a tenant fails to attend the scheduled meeting without prior notice, GHURA will reschedule the appointment only if the tenant can show good cause for failing to appear, or if it is needed as a reasonable accommodation for a person with disabilities.

Good cause is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family.

HUD regulations require that a summary of such discussion will be prepared within a reasonable time and one copy will be given to the tenant and one retained in the PHA's tenant file.

The summary must specify the names of the participants, dates of meeting, the nature of the proposed disposition of the complaint and the specific reasons therefore, and will specify the procedures by which a hearing may be obtained if the complainant is not satisfied.

GHURA Policy

GHURA will prepare a summary of the informal settlement within five (5) business days; one copy to be given to the tenant and one copy to be retained in GHURA's tenant file.

For PHAs who have the option to establish an expedited grievance procedure, and who exercise this option, the informal settlement of grievances is not applicable to those grievances for which the expedited grievance procedure applies.

14-III.E. PROCEDURES TO OBTAIN A HEARING [24 CFR 966.55]

Requests for Hearing and Failure to Request [24 CFR 966.55(a), (c), and (d)]

GHURA Policy

The resident must submit a written request (including emailed requests) for a grievance hearing to GHURA within five (5) business days of the tenant's receipt of the summary of the informal settlement.

If the complainant does not request a hearing, the PHA's disposition of the grievance under the informal settlement process will become final. However, failure to request a hearing does not constitute a waiver by the complainant of the right to contest the PHA's action in disposing of the complaint in an appropriate judicial proceeding.

Scheduling of Hearings [24 CFR 966.56(a)]

If the complainant has complied with all requirements for requesting a hearing as described above, a hearing must be scheduled by the hearing officer promptly for a time and place reasonably convenient to both the complainant and the PHA. A written notification specifying the time, place and the procedures governing the hearing must be delivered to the complainant and the appropriate PHA official.

GHURA Policy

Within ten (10) business days of receiving a written request for a hearing, the hearing officer will schedule and send written notice of the hearing to both the complainant and GHURA.

If the PHA hearing will be conducted remotely, at the time the notice is sent to the family, the family will be notified:

- **Regarding the processes involved in a remote grievance hearing;**
- **That the PHA will provide technical assistance prior to and during the hearing, if needed; and**
- **That if the family or any individual witness has any technological, resource, or accessibility barriers, the family may inform the PHA and the PHA will assist the family in either resolving the issue or allow the family to participate in an in-person hearing, as appropriate.**

The PHA may wish to permit the tenant to request to reschedule a hearing for good cause.

GHURA Policy

The tenant may request to reschedule a hearing for good cause, or if it is needed as a reasonable accommodation for a person with disabilities. Good cause is defined as an unavoidable conflict which seriously affects the health, safety, or welfare of the family. Requests to reschedule a hearing must be made orally or in writing prior to the hearing date. At its discretion, GHURA may request documentation of the "good cause" prior to rescheduling the hearing.

Expedited Grievance Procedure [24 CFR 966.52(a)]

The PHA may establish an expedited grievance procedure for any grievance concerning a termination of tenancy or eviction that involves:

- Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents or employees of the PHA,
- Any drug-related criminal activity on or near such premises; or
- Any criminal activity that resulted in felony conviction of a household member.

In such expedited grievances, the informal settlement of grievances as discussed in 14-III.D is not applicable.

The PHA may adopt special procedures concerning expedited hearings, including provisions for expedited notice or scheduling, or provisions for expedited decision on the grievance.

GHURA Policy

GHURA will follow expedited grievance procedures for any grievance concerning a termination of tenancy or eviction that involves any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents or employees of GHURA, or any drug-related criminal activity on or near such premises.

Such procedures will provide for an expedited notice of hearing request, an expedited scheduling of the hearing, and for an expedited decision on the grievance. The tenant will have 3 business days to make their hearing request. The hearing officer will have 3 business days to schedule the hearing, and 3 business days to render a decision. All other aspects of the expedited grievance process shall be the same as for other grievances.

14-III.F. SELECTION OF HEARING OFFICER [24 CFR 966.53(e)]

The grievance hearing must be conducted by an impartial person or persons appointed by the PHA, other than the person who made or approved the PHA action under review, or a subordinate of such person. The PHA must describe their policies for selection of a hearing officer in their lease.

GHURA Policy

GHURA grievance hearings will be conducted by a single hearing officer and not a panel.

GHURA will appoint a staff member who was not involved in the decision under appeal. If a designated staff member (such as the program manager) was involved in the decision, or is a subordinate of such person, an alternate hearing officer will be selected.

GHURA may select designated staff members who were not involved in the decision under appeal in certain circumstances, such as appeals involving discrimination claims or denials of requests for reasonable accommodations.

The PHA must describe their policies for selection of the hearing officer in their lease forms. Changes to the public housing lease are subject to a 30-day comment period (24 CFR 966.4)

GHURA Policy

GHURA will appoint a person who has been selected in the manner required under the grievance procedure. Efforts will be made to assure that the person selected is not a friend, nor enemy of the complainant and that they do not have a personal stake in the matter under dispute or will otherwise have an appearance of a lack of impartiality.

The Executive Director will designate staff to serve as hearing officers.

14-III.G. REMOTE HEARINGS [Notice PIH 2020-32]

There is no requirement that grievance hearings be conducted in-person, and as such, HUD allows PHAs to conduct all or a portion of their grievance hearings remotely either over the phone, via video conferencing, or through other virtual platforms. If the PHA chooses to conduct remote grievance hearings, applicants may still request an in-person hearing, as applicable.

GHURA Policy

GHURA has the sole discretion to require that hearings be conducted remotely in case of local, state, or national physical distancing orders, and in cases of inclement weather or natural disaster.

In addition, GHURA will conduct a hearing remotely upon request as a reasonable accommodation for a person with a disability, if a tenant does not have child care or transportation that would enable them to attend the hearing, or if the tenant believes an in-person hearing would create an undue health risk. GHURA will consider other reasonable requests for a remote hearing on a case-by-case basis.

Discovery of Documents Before the Remote Hearing

GHURA Policy

If the hearing will be conducted remotely, GHURA will compile a hearing packet, consisting of all documents GHURA intends to produce at the hearing. GHURA will mail copies of the hearing packet to the tenant, the tenant's representatives, if any, and the hearing officer at least three days before the scheduled remote hearing. The original hearing packet will be in the possession of the GHURA representative and retained by GHURA.

If the hearing is to be conducted remotely, GHURA will require the resident to provide any documents directly relevant to the hearing at least 24 hours before the scheduled hearing **through the mail, via email, or text**. GHURA will scan and email copies of these documents to the hearing officer and GHURA representative the same day they are received.

Documents will be shared electronically whenever possible.

Ensuring Accessibility for Persons with Disabilities and LEP Individuals

As with in-person grievance hearings, the platform for conducting remote grievance hearings must be accessible to persons with disabilities and the grievance hearings must be conducted in accordance with Section 504 and accessibility requirements. This includes ensuring any information, websites, emails, digital notifications, and other virtual platforms are accessible for persons with vision, hearing, and other disabilities. Further, providing effective communication in a digital context may require the use of individualized auxiliary aids or services, such as audio description, captioning, sign language and other types of interpreters, keyboard accessibility, accessible documents, screen reader support, and transcripts. Auxiliary aids or services must be provided in accessible formats, in a timely manner, and in such a way to protect the privacy and independence of the individual. PHAs may never request or require that individuals with disabilities provide their own auxiliary aids or services, including for remote grievance hearings.

If no method of conducting a remote grievance hearing is available that appropriately accommodates an individual's disability, the PHA may not hold against the individual his or her inability to participate in the remote grievance hearing, and the PHA should consider whether postponing the remote hearing to a later date is appropriate or whether there is a suitable alternative.

Due to the individualized nature of disability, the appropriate auxiliary aid or service necessary, or reasonable accommodation will depend on the specific circumstances and requirements.

As with in-person reviews, Limited English Proficiency (LEP) requirements also apply to remote grievance hearings, including the use of interpretation services and document translation. See Chapter 2 for a more thorough discussion of accessibility and LEP requirements, all of which apply in the context of remote grievance hearings.

Conducting Hearings Remotely

The PHA must ensure that the lack of technology or inability to use technology for remote grievance hearings does not pose a disadvantage to families that may not be apparent to the PHA. The PHA should determine through a survey or other means if these barriers exist prior to conducting the remote grievance hearing and, if the family does not have the proper technology to fully participate, either postpone the hearing or provide an alternative means of access.

As with in-person grievance hearings, the PHA must provide all materials presented, whether paper or electronic, to the family prior to the remote grievance hearing. The family must also be provided with an accessible means by which to transmit their own evidence.

The PHA's essential responsibility is to ensure grievance hearings meet the requirements of due process and comply with HUD regulations. Therefore, all PHA policies and processes for remote grievance hearings will be conducted in accordance with due process requirements and will be in compliance with HUD regulations at 24 CFR 966.56 and the guidance for conducting remote hearings specified in Notice PIH 2020-32.

GHURA Policy

GHURA will conduct remote grievance hearings via a video conferencing platform, when available. If, after attempting to resolve any barriers, participants are unable to adequately access the video conferencing platform at any point, or upon request, the grievance hearing will be conducted by telephone conferencing call-in. If the family is unable to adequately access the telephone conferencing call-in at any point, the remote grievance hearing will be postponed, and an in-person alternative will be provided promptly within a reasonable time.

At least five business days prior to scheduling the remote hearing, GHURA will provide the family with login information and/or conferencing call-in information and an electronic copy of all materials being presented via first class mail and/or email. The notice will advise the family of technological requirements for the hearing and request the family notify GHURA of any known barriers. GHURA will resolve any barriers using the guidance in Section 6 of Notice PIH 2020-32, including offering the family the opportunity to attend an in-person hearing.

GHURA will follow up with a phone call and/or email to the family at least one business day prior to the remote grievance hearing to ensure that the family received all information and is comfortable accessing the video conferencing or call-in platform.

GHURA will ensure that all electronic information stored or transmitted with respect to the grievance hearing is secure, including protecting personally identifiable information (PII), and meets the requirements for accessibility for persons with disabilities and persons with LEP.

14-III.H. PROCEDURES GOVERNING THE HEARING [24 CFR 966.56]

Rights of Complainant [24 CFR 966.56(b)]

The complainant will be afforded a fair hearing. This includes:

- The opportunity to examine before the grievance hearing any PHA documents, including records and regulations that are directly relevant to the hearing. The tenant must be allowed to copy any such document at the tenant's expense. If the PHA does not make the document available for examination upon request by the complainant, the PHA may not rely on such document at the grievance hearing.

GHURA Policy

The tenant will be allowed to copy any documents related to the hearing at **no cost to the family**. There will be no charge for documents emailed by GHURA. The family must request discovery of GHURA documents no later than 12:00 p.m. on the business day prior to the hearing.

- The right to be represented by counsel or other person chosen to represent the tenant, and to have such person make statements on the tenant's behalf.

GHURA Policy

Hearings may be attended by the following applicable persons:

GHURA representative(s) and any witnesses for GHURA

The tenant and any witnesses for the tenant

The tenant's counsel or other representative

Any other person approved by GHURA as a reasonable accommodation for a person with a disability

- The right to a private hearing unless the complainant requests a public hearing.
- The right to present evidence and arguments in support of the tenant's complaint, to controvert evidence relied on by the PHA or project management, and to confront and cross-examine all witnesses upon whose testimony or information the PHA or project management relies.
- A decision based solely and exclusively upon the facts presented at the hearing.

Failure to Appear [24 CFR 966.56(c)]

If the complainant or the PHA fails to appear at a scheduled hearing, the hearing officer may make a determination to postpone the hearing for no more than five business days or may make a determination that the party has waived his/her right to a hearing. Both the complainant and the PHA must be notified of the determination by the hearing officer: Provided, that a determination that the complainant has waived his/her right to a hearing will not constitute a waiver of any right the complainant may have to contest the PHA's disposition of the grievance in an appropriate judicial proceeding.

There may be times when a complainant does not appear due to unforeseen circumstances which are out of their control and are no fault of their own.

GHURA Policy

If the tenant does not appear at the scheduled time of the hearing, the hearing officer will wait up to 30 minutes. If the tenant appears within 30 minutes of the scheduled time, the hearing will be held. If the tenant does not arrive within 30 minutes of the scheduled time, they will be considered to have failed to appear.

If the tenant fails to appear and was unable to reschedule the hearing in advance, the tenant must contact GHURA within 24 hours of the scheduled hearing date, excluding weekends and holidays. The hearing officer will reschedule the hearing only if the tenant can show good cause for the failure to appear, or it is needed as a reasonable accommodation for a person with disabilities.

“Good cause” is defined as an unavoidable conflict which seriously affects the health, safety, or welfare of the family.

General Procedures [24 CFR 966.56(d), (e)]

At the hearing, the complainant must first make a showing of an entitlement to the relief sought and thereafter the PHA must sustain the burden of justifying the PHA action or failure to act against which the complaint is directed [24 CFR 966.56(d)].

The hearing is conducted informally by the hearing officer. The PHA and the tenant must be given the opportunity to present oral or documentary evidence pertinent to the facts and issues raised by the complaint, and to question any witnesses.

GHURA Policy

Any evidence to be considered by the hearing officer must be presented at the time of the hearing. There are four categories of evidence.

Oral evidence: the testimony of witnesses

Documentary evidence: a writing which is relevant to the case, for example, a letter written to GHURA. Writings include all forms of recorded communication or representation, including letters, emails, words, pictures, sounds, videotapes or symbols or combinations thereof.

Demonstrative evidence: Evidence created specifically for the hearing and presented as an illustrative aid to assist the hearing officer, such as a model, a chart or other diagram.

Real evidence: A tangible item relating directly to the case.

Hearsay Evidence is evidence based not on a witness' personal knowledge. In and of itself, hearsay evidence carries no weight when making a finding of fact. The hearing officer may include hearsay evidence when considering their decision if it is corroborated by other evidence. Even though hearsay evidence is generally admissible in a hearing, the hearing officer will not base a hearing decision on hearsay alone unless there is clear probative value and credibility of the evidence, and the party seeking the change has met the burden of proof.

If GHURA fails to comply with the discovery requirements (providing the tenant with the opportunity to examine GHURA documents prior to the grievance hearing), the hearing officer will refuse to admit such evidence.

Other than the failure of GHURA to comply with discovery requirements, the hearing officer has the authority to overrule any objections to evidence.

The complainant or the PHA may arrange, in advance and at the expense of the party making the arrangement, for a transcript of the hearing. Any interested party may purchase a copy of such transcript. [24 CFR 966.56(e)]

GHURA Policy

If the complainant would like GHURA to record the proceedings by audiotape, the request must be made to GHURA by 12:00 p.m. on the business day prior to the hearing.

GHURA will consider that an audio tape recording of the proceedings is a transcript.

Accommodations of Persons with Disabilities [24 CFR 966.56(f)]

The PHA must provide reasonable accommodation for persons with disabilities to participate in the hearing. Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations, or attendants.

If the tenant is visually impaired, any notice to the tenant which is required in the grievance process must be in an accessible format.

See Chapter 2 for a thorough discussion of the PHA's responsibilities pertaining to reasonable accommodation.

Limited English Proficiency (24 CFR 966.56(g))

The PHA must comply with HUD's LEP Final Rule in providing language services throughout the grievance process.

14-III.I. DECISION OF THE HEARING OFFICER [24 CFR 966.57]

The hearing officer must issue a written decision, stating the reasons for the decision, within a reasonable time after the hearing. Factual determinations relating to the individual circumstances of the family must be based on a preponderance of evidence presented at the hearing. A copy of the decision must be sent to the complainant and the PHA. The PHA must retain a copy of the decision in the tenant's folder. A log of all hearing officer decisions must also be maintained by the PHA and made available for inspection by a prospective complainant, his/her representative, or the hearing officer. [24 CFR 966.57(a)]

GHURA Policy

In rendering a decision, the hearing officer will consider the following matters:

GHURA Notice to the Family: The hearing officer will determine if the reasons for GHURA's decision are factually stated in the notice.

Discovery: The hearing officer will determine if the family was given the opportunity to examine any relevant documents in accordance with PHA policy.

GHURA Evidence to Support GHURA Decision: The evidence consists of the facts presented. Evidence is not conclusion and it is not argument. The hearing officer will evaluate the facts to determine if they support GHURA's conclusion.

Validity of Grounds for Termination of Tenancy (when applicable): The hearing officer will determine if the termination of tenancy is for one of the grounds specified in the HUD regulations and GHURA policies. If the grounds for termination are not specified in the regulations or in compliance with GHURA policies, then the decision of GHURA will be overturned.

The hearing officer will issue a written decision to the family and GHURA no later than ten (10) business days after the hearing. The report will contain the following information:

Hearing information:

Name of the complainant

Date, time and place of the hearing

Name of the hearing officer

Name of GHURA representative(s)

Name of family representative (if any)

Names of witnesses (if any)

Background: A brief, impartial statement of the reason for the hearing and the date(s) on which the informal settlement was held, who held it, and a summary of the results of the informal settlement. Also includes the date the complainant requested the grievance hearing.

Summary of the Evidence: The hearing officer will summarize the testimony of each witness and identify any documents that a witness produced in support of his/her testimony and that are admitted into evidence.

Findings of Fact: The hearing officer will include all findings of fact, based on a preponderance of the evidence. *Preponderance of the evidence* is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Conclusions: The hearing officer will render a conclusion derived from the facts that were found to be true by a preponderance of the evidence. The conclusion will result in a determination of whether these facts uphold GHURA's decision.

Order: The hearing report will include a statement of whether GHURA's decision is upheld or overturned. If it is overturned, the hearing officer will instruct GHURA to change the decision in accordance with the hearing officer's determination. In the case of termination of tenancy, the hearing officer will instruct GHURA to restore the family's status.

Procedures for Further Hearing

GHURA Policy

The hearing officer may ask the family for additional information and/or might adjourn the hearing in order to reconvene at a later date, before reaching a decision. If the family misses an appointment or deadline ordered by the hearing officer, the action of GHURA will take effect and another hearing will not be granted.

Final Decision [24 CFR 966.57(b)]

The decision of the hearing officer is binding on the PHA which must take the action, or refrain from taking the action cited in the decision unless the PHA Board of Commissioners determines within a reasonable time, and notifies the complainant that:

- The grievance does not concern the PHA action or failure to act in accordance with or involving the complainant's lease on the PHA policies which adversely affect the complainant's rights, duties, welfare, or status; or
- The decision of the hearing officer is contrary to Federal, state, or local law, HUD regulations or requirements of the annual contributions contract between HUD and the PHA

GHURA Policy

When GHURA considers the decision of the hearing officer to be invalid due to the reasons stated above, it will present the matter to GHURA Board of Commissioners within 10 business days of the date of the hearing officer's decision. The Board has 30 calendar days to consider the decision. If the Board decides to reverse the hearing officer's decision, it must notify the complainant within 10 business days of this decision.

A decision by the hearing officer or Board of Commissioners in favor of the PHA or which denies the relief requested by the complainant in whole or in part must not constitute a waiver of any rights, nor effect in any manner whatever, any rights the complainant may have to a subsequent trial or judicial review in court. [24 CFR 966.57(c)]

EXHIBIT 14-1: SAMPLE GRIEVANCE PROCEDURE

Note: The sample procedure provided below is a sample only and is designed to match up with the default policies in the model ACOP. If your PHA has made policy decisions that do not reflect the default policies in the ACOP, you would need to ensure that the procedure matches those policy decisions.

I. Definitions applicable to the grievance procedure [24 CFR 966.53]

- A. Grievance: Any dispute a tenant may have with respect to PHA action or failure to act in accordance with the individual tenant's lease or PHA regulations that adversely affects the individual tenant's rights, duties, welfare, or status.
- B. Complainant: Any tenant (as defined below) whose grievance is presented to the PHA or at the project management office in accordance with the requirements presented in this procedure.
- C. Elements of due process: An eviction action or a termination of tenancy in a state or local court in which the following procedural safeguards are required:
 - i. Adequate notice to the tenant of the grounds for terminating the tenancy and for eviction
 - ii. Right of the tenant to be represented by counsel
 - iii. Opportunity for the tenant to refute the evidence presented by the PHA, including the right to confront and cross-examine witnesses and to present any affirmative legal or equitable defense that the tenant may have
 - iv. A decision on the merits of the case
- D. Hearing officer: An impartial person or persons selected by the PHA other than the person who made or approved the decision under review, or a subordinate of that person. Such individuals do not need legal training.
- E. Tenant: The adult person (or persons other than a live-in aide) who resides in the unit and who executed the lease with the PHA as lessee of the dwelling unit, or if no such person now resides in the unit, who resides in the unit and who is the remaining head of the household of the tenant family residing in the dwelling unit.
- F. Resident organization: An organization of residents, which also may include a resident management corporation.

II. Applicability of this grievance procedure [24 CFR 966.51]

In accordance with the applicable federal regulations (24 CFR 966.50), this grievance procedure is applicable to all individual grievances (as defined in Section I above) between the tenant and the PHA with the following exception of disputes between tenants not involving the PHA or class grievances. The grievance procedure is not intended as a forum for initiating or negotiating policy changes between a group or groups of tenants and the PHA's Board of Commissioners [24 CFR 966.51(b)].

This grievance procedure is incorporated by reference in all tenant dwelling leases and will be furnished to each tenant and all resident organizations [24 CFR 966.52 (b) and (d)].

Any changes proposed in this grievance procedure must provide for at least 30 days' notice to tenants and resident organizations, setting forth the proposed changes and providing an opportunity to present written comments. Comments will be considered by the PHA before any revisions are made to the grievance procedure [24 CFR 966.52(c)].

III. Informal settlement of a grievance [24 CFR 966.54]

Any grievance must be personally presented, either orally or in writing (**including email**), to the PHA's central office or the management office of the development in which the complainant resides **within 10 days after the grievable event**.

Grievances related to complaints about operations matters that are received by the PHA's central office will be referred to the person responsible for the management of the development in which the complainant resides. Grievances involving complaints related to discrimination, harassment, or disability rights will be referred to the Civil Rights Administrator or Director of Operations.

As soon as the grievance is received, it will be reviewed by the management office of the development or the Civil Rights Administrator (if applicable) to be certain that neither of the exclusions in paragraphs II.A or II.B above applies to the grievance. Should one of the exclusions apply, the complainant will be notified in writing that the matter raised is not subject to the PHA's grievance procedure with the reason specified.

If neither of the exclusions cited above apply, the complainant will be contacted to arrange a mutually convenient time **within 10 business days** to meet so the grievance may be discussed informally and settled without a hearing. At the informal settlement, the complainant will present the grievance and the person in charge of the management office or the Civil Rights Administrator will attempt to settle the grievance to the satisfaction of both parties.

Within five business days following the informal discussion, the PHA will prepare and either hand deliver, mail, or email to the tenant a summary of the discussion that must specify the names of the participants, the dates of meeting, the nature of the proposed disposition of the complaint, and the specific reasons therefore, and will specify the procedures by which a formal hearing under this procedure may be obtained if the complainant is not satisfied. A copy of this summary will also be placed in the tenant's file.

IV. Formal grievance hearing

If the complainant is not satisfied with the settlement arrived at in the informal settlement, the complainant must submit a written request for a hearing to the management office of the development where the tenant resides no later than five business days after the summary of the informal hearing is received.

The written request must specify:

- The reasons for the grievance; and
- The action of relief sought from the PHA

Within 10 days of receiving the written request for a hearing, the hearing officer will schedule and sent written notice of hearing to both the complainant and the PHA.

V. Selecting the hearing officer

A grievance hearing will be conducted by a single impartial person appointed by the PHA as described below:

- A. The hearing officer will be appointed directly by the executive director.
- B. The hearing officer will be a staff member who did not make or approve the decision under review and who is not a subordinate of such persons. If the designated staff member (such as the program manager) was involved in the decision or is a subordinate of such person, an alternate hearing officer will be selected.
- C. The PHA may select designated staff members who were not involved in the decision under review in certain circumstances, such as those involving discrimination claims or denials of requests for reasonable accommodations.
- D. The PHA's method for selecting a hearing officer will be inserted into the lease.

VI. Scheduling hearings [24 CFR 966.56(a)]

When a complainant submits a timely request for a grievance hearing, the PHA will immediately appoint an impartial hearing officer to schedule the hearing within the following 10 business days.

Once the hearing officer has scheduled the hearing, the hearing officer will send written notice of the hearing to both the complainant and the PHA. Notice to the complainant will be in writing, either personally delivered to the complainant, or sent by mail or email, return receipt requested.

The written notice will specify the time, place, and procedures governing the hearing. **If the hearing will be held remotely, the PHA will also include information on the remote hearing process.**

The tenant may request to reschedule a hearing on a one-time basis. Should the complainant need to reschedule a second time, he or she may do so for good cause, or if needed as a reasonable accommodation for a person with disabilities. *Good cause* is defined as an unavoidable conflict which seriously affects the health, safety, or welfare of the family. Requests to reschedule a hearing must be made orally or in writing prior to the hearing date.

VII. Procedures governing the hearing [24 CFR 966.56]

The hearing will be held before a hearing officer as described above in Section V. The complainant will be afforded a fair hearing, which will include:

- A. The opportunity to examine before the hearing any PHA documents, including records and regulations, that are directly relevant to the hearing.

The tenant is allowed to copy any such document at the tenant's expense. If the PHA does not make the document available for examination upon request by the complainant, the PHA may not rely on such document at the grievance hearing.
- B. The right to be represented by counsel or other person chosen as the tenant's representative and to have such person make statements on the tenant's behalf.

- C. The right to a private hearing unless the complainant requests a public hearing.
- D. The right to present evidence and arguments in support of the tenant's complaint, to refute evidence relied on by the PHA or project management, and to confront and cross-examine all witnesses upon whose testimony or information the PHA or project management relies.
- E. A decision based solely and exclusively upon the fact presented at the hearing [24 CFR 966.56(b)].

The hearing is conducted informally by the hearing officer. The PHA and the tenant must be given the opportunity to present oral or documentary evidence pertinent to the facts and issues raised by the complaint, and to question any witnesses.

The complainant or the PHA may arrange in advance for a transcript of the hearing at the expense of the party making the arrangement. Any interested party may purchase a copy of the transcript [24 CFR 966.56(e)].

The PHA must provide reasonable accommodation for persons with disabilities to participated in the hearing. Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations, or attendants. If the tenant is visually impaired, any notice to the tenant that is required under this procedure must be in an accessible format [24 CFR 966.56(f)].

The PHA must comply with HUD's requirements regarding limited English proficiency as specified in "Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons," issued January 22, 2007, and available at: http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/promotingfh/lep-faq.

VIII. Remote Hearings

The PHA has the authority to require that hearings be conducted remotely in certain situations.

IX. Failure to appear at the hearing

If the complainant or PHA fails to appear at the hearing, the hearing officer may make a determination to postpone the hearing or make a determination that the complainant has waived his or her right to a hearing.

Both the complainant and the PHA must be notified of the determination by the hearing officer. A determination that the complainant has waived his or her right to a hearing will not constitute a waiver of any right the complainant may have to contest the PHA's disposition of the grievance in an appropriate judicial setting [24 CFR 966.56(c)].

X. Decision of the hearing officer [24 CFR 966.57]

The hearing officer will prepare a written decision together with the reasons for the decision **within 10 business days** after the hearing. A copy of the decision will be sent to the complainant and the PHA.

The PHA will retain a copy of the decision in the tenant's file.

The hearing officer may ask the family for additional information and/or might adjourn the hearing in order to reconvene at a later date before reaching a decision. If the family misses a deadline ordered by the hearing officer, the hearing officer will make a decision based on the evidence presented.

The decision of the hearing officer will be binding on the PHA unless the PHA's Board of Commissioners determines within a reasonable time and notifies the complainant of its determination that:

- A. The grievance does not concern PHA action or failure to act in accordance with or involving the complainant's lease or PHA regulations, which adversely affect the complainant's rights, duties, welfare, or status; or
- B. The decision of the hearing officer is contrary to applicable federal, state, or local law, HUD regulations, or requirements of the annual contributions contract (ACC) between HUD and the PHA.

When the PHA considers the decision of the hearing officer to be invalid due to either of the reasons stated above, it will present the matter to the PHA Board of Commissioners within 10 business days of the date of the hearing officer's decision. The Board has 30 calendar days to consider the decision. If the Board decides to reverse the hearing officer's decision, it must notify the complainant within 10 business days of this decision.

A decision by the hearing officer or Board of Commissioners in favor of the PHA or which denies the relief requested by the complainant in whole or in part will not constitute a waiver of nor affect in any way the rights of the complainant to a trial or judicial review in any court proceedings, which may be brought in the matter later [24 CFR 966.57].



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Resident Commissioner

Ray S. Topasna
Executive Director

Elizabeth F. Napoli
Deputy Director

MEMORANDUM

To BOARD OF COMMISSIONERS

From  EXECUTIVE DIRECTOR

Date November 26, 2021

Subject LIHTC 2021 Application, Panel Results and Recommendation

Greetings Board of Commissioners:

The 4-member Panel (2 GHURA personnel and 2 non-GHURA personnel) concluded their evaluation of the two LIHTC applications received during this 2021 cycle.

The Panel consisted of the following individuals:

1. Philomena San Nicolas, Property Site Manager for AMP4, GHURA
2. Samantha Taitano, Executive Director, Mañe'lu
3. Lola Leon Guerrero, Chief Planner, Bureau of Statistics and Plans
4. Michael Racuyal, Engineer III, GHURA

Panelists were tasked to review applications and to independently score each applicant on the merit of their project. In addition, Panelists utilized the Selection Criteria established in the 2021 Qualified Allocation Plan (QAP pg. 8) to aid them in the scoring process. The panel was briefed on October 19, 2021 and the review process ran for two weeks and concluded on October 29, 2021.

A total of 126 points were available for award to each project (per Panelist). The Panelist's scores are presented on the following page.



PANELIST	Project #1 Summer Breeze I Points Awarded	Project #2 Summer Vista I Points Awarded
San Nicolas	88	88
Taitano	90	88
Leon Guerrero	91.5	89.5
Racuyal	91.5	90.5
Total	361	356
Rank	1st	2nd

Summer Breeze 1 Average Points Awarded:	90.25
Summer Vista 1 Average Points Awarded:	89.00

At the end of the review and ranking process, the proposed Summer Breeze I project ranked first followed by the Summer Vista I project.

The BOC may award the following tax credits for the 2021 LIHTC cycle:

LIHTC 2019 Remaining	\$ 197,832
LIHTC 2020	\$ 3,217,500
LIHTC 2021	<u>\$ 3,245,625</u>
Credits Available LIHTC 2021	\$ 6,660,957

I propose the following recommendation:

Based on the results of the Panel, I recommend the Board of Commissioners award \$3,663,526.00 to Summer Breeze I, LLC for the Summer Breeze I project.

At the Regular Board Meeting of November 26, 2021, a motion was made by Commissioner Pereda and seconded by Commissioner Delia to approve the recommendation of the Review Panelists and GHURA Management to award LIHTC Credits in the amount of \$3,663,526.00 to Summer Breeze I, LLC for the Summer Breeze I Project and to also allow GHURA to contemplate the use of further reservations for the remaining tax credits. Without any further discussion and objection, the motion was approved.



The scoring margins were close. Both projects offer many of the same or similar amenities, services, and designs. One key element was in the location of the project. Per the QAP Selection Criteria, projects proposed in central Guam garner higher points. Diversifying locations allows for more options for families and individuals seeking affordable housing.

Attached are the Panel's Consolidated Scoring sheets as well as a brief summary of the LIHTC process and highlights of each project as proposed.

We are prepared to discuss any aspect of this process at your request.

Thank you.

RAY S. TOPASNA
Executive Director

Attachments: (1) 2021 LIHTC Panel Results to the BOC
(2) Score Sheet & Comments



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Low Income Housing Tax Credit Program 2021 Competition Cycle Review

The 2021 LIHTC application cycle concluded on Friday October 29, 2021. Below you will find a brief summary of the process and results thereof. Applicants in the 2021 cycle competed for a credit allocation amount of up to \$6,660,957 to address the needs our island community as portrayed in the 2021 Qualified Allocation Plan (QAP).

The Board-approved 2021 QAP and LIHTC Application were made available to the general public beginning Saturday July 24, 2021 and concluded on Monday October 11, 2021. GHURA received two applications by the deadline. The following are the applicants and developers:

Project 1: Summer Breeze I
Applicant: Summer Breeze I, LLC
Developer: Core Tech Development, LLC.

Project 2: Summer Vista I
Applicant: Summer Vista I, LLC.
Developer: Core Tech Development, LLC.

A Panel of four individuals were assembled to review the submissions and consisted of the following:

1. Philomena San Nicolas, Property Site Manager for AMP4, GHURA
2. Samantha Taitano, Executive Director, Mañe'lu
3. Lola Leon Guerrero, Chief Planner, Bureau of Statistics and Plans
4. Michael Racuyal, Engineer III. GHURA

Each Panelist signed and submitted nondisclosure and conflict of interest agreements pertaining to the information provided by the applicants. The Panel was then given two weeks to review all applications from Monday October 18, 2021. Results were viewed and verified and the Panel met one last time on Friday October 29, 2021 to finalize results.

Basic project descriptions (highlights) are provided for your information on the following pages.



2021 Low Income Housing Tax Credit Applicants

	Project 1	Project 2
Name	Summer Breeze I	Summer Vista I
Applicant	Summer Breeze I, LLC	Summer Vista I, LLC
Developer	Core Tech Development, LLC	Core Tech Development, LLC
Amount of Tax Credits Requested	\$3,663,526	\$6,547,979
No. of Units	64	128
Unit Mix	6 – 1BR/1BA units 18 – 2BR/1BA units 30 – 3BR/2BA units 10 – 4BR/2BA units	12 – 1BR/1BA units 36 – 2BR/1BA units 60 – 3BR/2BA units 20 – 4BR/2BA units
Property Location	Central Guam Radio Barrigada	Northern Guam Dos Amantes area of Dededo
Occupancy Type	100% of project to HH earning 60% or less AMGI	100% of project to HH earning 60% or less AMGI
Extended Use Period (Inclusive of the 15 year compliance period)	61 years	61 years
Developer has prior experience with LIHTC program	Yes 6 completed projects	Yes 6 completed projects



	Project 1	Project 2
Name	Summer Breeze I	Summer Vista I
Applicant	Summer Breeze I, LLC	Summer Vista I, LLC
Project Details Shared/Common Ammenities	<ul style="list-style-type: none"> • 8 buildings • Unit amenities: energy star appliances; solar-powered water heaters; LED light fixtures; central AC units; typhoon proof windows; washer/dryer connections; parking stalls; outdoor patio; high-end kitchen cabinets; and solid surface countertops • Community Amenities: Open greenspace for communal gatherings; community center with meeting and function rooms; community recreational areas; fitness/martial arts facility; solar-powered streetlights; walking paths; playground, perimeter fencing; CCTV and onsite security guards; onsite leasing/property management office • Close proximity to employment hubs: restaurants, military installations, small businesses, retail stores, schools, airport, and other government agencies. • Close proximity to education: elementary schools, middle schools, high schools and colleges/universities. 	<ul style="list-style-type: none"> • 16 separate 2-story buildings • Unit amenities: energy star appliances; solar-powered water heaters; LED light fixtures; central AC units; typhoon proof windows; washer/dryer connections; parking stalls; outdoor patio; high-end kitchen cabinets; and solid surface countertops • Community Amenities: Open greenspace for communal gatherings; community center with meeting and function rooms; community recreational areas; fitness/martial arts facility; solar-powered streetlights; walking paths; playground, perimeter fencing; CCTV and onsite security guards; onsite leasing/property management office • Close proximity to employment hubs: restaurants, military installations, small businesses, retail stores, schools, airport, and other government agencies. • Close proximity to education: elementary, middle, and high schools within the area

	CRITERIA	POINTS
1	Project will provide low-income units for a longer period than is required under Section 42 of the Internal Revenue Code.	0 to 6
2	Project will provide a greater percentage of low-income units than required under Section 42 of the Internal Revenue Code.	2 to 8
3	Project's federal tax credit/low-income rental unit ratio for LIHTC Resource Efficiency Use	0 to 7
4	Project will serve tenant populations of individuals with children.	0 or 3
5	Project will serve tenant populations with special housing needs.	0 or 10
6	Qualified Non-Profit Organization	0 to 4
7	Project location and housing needs characteristics	0 to 20
8	Developer experience	0 to 8
9	Project characteristics, including whether the project includes the use of existing housing as part of a community revitalization plan	0 to 2
10	Replacement of existing public housing units	0 to 1
11	Total Project Cost Percentage	0 to 10
12	Project will receive project-based rental assistance	0 to 5
13	Local/Federal Government Support	0 to 2
14	Projects intended for eventual tenant ownership	0 to 2
15	Green Building / Energy Efficiency	2 to 12
16	Historic nature of the project	0 to 1
17	Project Reasonableness	0 to 18
18	Developer Fee	0 to 7

2021 LIHTC Panel Consolidated Scoring Sheet

Panelist	Final Comment
1 Philly San Nicolas	As a veteran of this process, there can be some areas that could be improved, such as the consolidated plan, Census Tract, infrastructure, I read more of what the developer appeared and the proposal. I anticipate that more development could take place in the central location, the south could also have promising grantee the information is in place. pm
2 Samantha Taitano	Enjoyed the process, learned a lot about LIHTC and the development process. Would like to see more in-depth plan for services and not just letters of commitment. I think the community services could really strengthen proposals. A lot would need to go into developing the south, but would be really nice to see these developments throughout the island and not just in the north. Also, can't believe how much it costs to build.
3 Lola Leon Guerrero	Good process. Learned a lot about LIHTC.
4 Mike Racuyal	Good Experience on the process about LIHTC, this will help on the community.

Panelist 1 Signature: Philly San Nicolas Date: 10/29/2021

Panelist 2 Signature: Samantha Taitano Date: 10/29/2021

Panelist 3 Signature: Mike Racuyal Date: 10/29/2021

Panelist 4 Signature: [Signature] Date: 10/29/2021

2021 LIHTC Panel Consolidated Scoring Sheet

Summer Breeze I										Summer Vista I									
Criteria	Points Available	Panelist 1	Points Awarded	Panelist 2	Points Awarded	Panelist 3	Points Awarded	Panelist 4	Points Awarded	Criteria	Points Available	Panelist 1	Points Awarded	Panelist 2	Points Awarded	Panelist 3	Points Awarded	Panelist 4	Points Awarded
1	0 to 6	6	6	6	6	6	6	6	6	1	0 to 6	6	6	6	6	6	6	6	6
2	2 to 8	8	8	8	8	8	8	8	8	2	2 to 8	8	8	8	8	8	8	8	8
3	0 to 7	0	0	0	0	0	0	0	0	3	0 to 7	0	0	0	0	0	0	0	0
4	0 to 3	3	3	3	3	3	3	3	3	4	0 to 3	3	3	3	3	3	3	3	3
5	0 or 10	10	10	10	10	10	10	10	10	5	0 or 10	10	10	10	10	10	10	10	9.5
6	0 to 4	4	4	4	4	4	4	4	4	6	0 to 4	4	4	4	4	4	4	4	4
7	0 to 20	15	15	17	17	17	17	16	16	7	0 to 20	13	13	15	15	15	15	15	15
8	0 to 8	8	8	8	8	8	8	8	8	8	0 to 8	8	8	8	8	8	8	8	8
9	0 to 2	1	1	1	1	1	1	2	2	9	0 to 2	1	1	1	1	1	1	1	1
10	0 to 1	0	0	0	0	0	0	0	0	10	0 to 1	0	0	0	0	0	0	0	0
11	0 to 10	0	0	0	0	0	0	0	0	11	0 to 10	0	0	0	0	0	0	0	0
12	0 to 5	0	0	0	0	0	0	0	0	12	0 to 5	0	0	0	0	0	0	0	0
13	0 to 2	1	1	2	2	2	2	2	2	13	0 to 2	2	2	2	2	2	2	2	2
14	0 to 2	1	1	1	1	1.5	1.5	2	2	14	0 to 2	2	2	1	1	1.5	1.5	2	2
15	2 to 12	12	12	12	12	12	12	12	12	15	2 to 12	12	12	12	12	12	12	12	12
16	0 to 1	0	0	0	0	0	0	0	0	16	0 to 1	0	0	0	0	0	0	0	0
17	0 to 18	18	18	17	17	18	18	18	18	17	0 to 18	18	18	17	17	18	18	18	18
18	0 to 7	1	1	1	1	1	1	1	1	18	0 to 7	1	1	1	1	1	1	1	1
Totals	126	88	88	90	90	91.5	91.5	91.5	91.5	Totals	126	88	88	88	88	89.5	89.5	90.5	90.5
Combined Panel Points										Combined Panel Points									
341										356									

SB1 average score: 90.25
SV1 average score: 89.00

Tallied by: Dominic Calvo
Reviewed by: Katherine Taitano



GHURA

Guam Housing and Urban Renewal Authority
Aturidat Ginima' Yan Rinueban Siudad Guahan
117 Bien Venida Avenue, Sinajana, GU 96910
Phone: (671) 477-9851 · Fax: (671) 300-7565 · TTY: (671) 472-3701
Website: www.ghura.org



MEMORANDUM

TO Board of Commissioners
FROM Executive Director
DATE November 18, 2021
SUBJECT Ironwood Villas Phase II
Request for Reservation of Additional Tax Credits

At the Regular Board Meeting of November 26, 2021, a motion was made by Commissioner Delia and seconded by Commissioner Ishizaki to approve the Request for Reservation of Additional Tax Credits for Ironwood Villas Phase II in the amount of \$336,200.00. Without any further discussion and objection, the motion was approved.

Hafa Adai Commissioners:

The Ironwood Villas Phase II developer has requested GHURA's consideration for an additional tax credit reservation totaling \$336,200. GHURA has reviewed and discussed the specifics of this developer's request. We recommend approval at this time.

Ironwood Villas Phase II is an 88-unit development in Toto originally approved in September 2018 with an initial award of approximately \$2.9M in tax credits. The project has experienced construction and leasing delays, setbacks which resulted in the developer missing the target December 2020 deadline for units to be placed in service. In turn, a financing gap was triggered by an increase in costs and decrease in equity to the project. The additional reservation of tax credits is requested to address this gap.

The project experienced delays early-on stemming from reductions in available labor force of H-2B workers to the contractor. Having resolved this issue, groundbreaking for this project occurred in late November 2019. Then in early 2020 came the COVID pandemic and further delays in the form of mandated shut down and slowdown periods, government closures impacting permitting and inspection schedules, and public health mandated stop work orders to the industry in general and specifically when the contractor's H-2B worker housing experienced a cluster outbreak. The late delivery of completed units impacted their being placed in service and available for leasing.

Ironwood Villas Phase II is presently under lease up. Presently, 62% of units (55 of the 88 available) are leased. Applications for the remaining 33 units are received and undergoing processing by Ironwood Property Management.

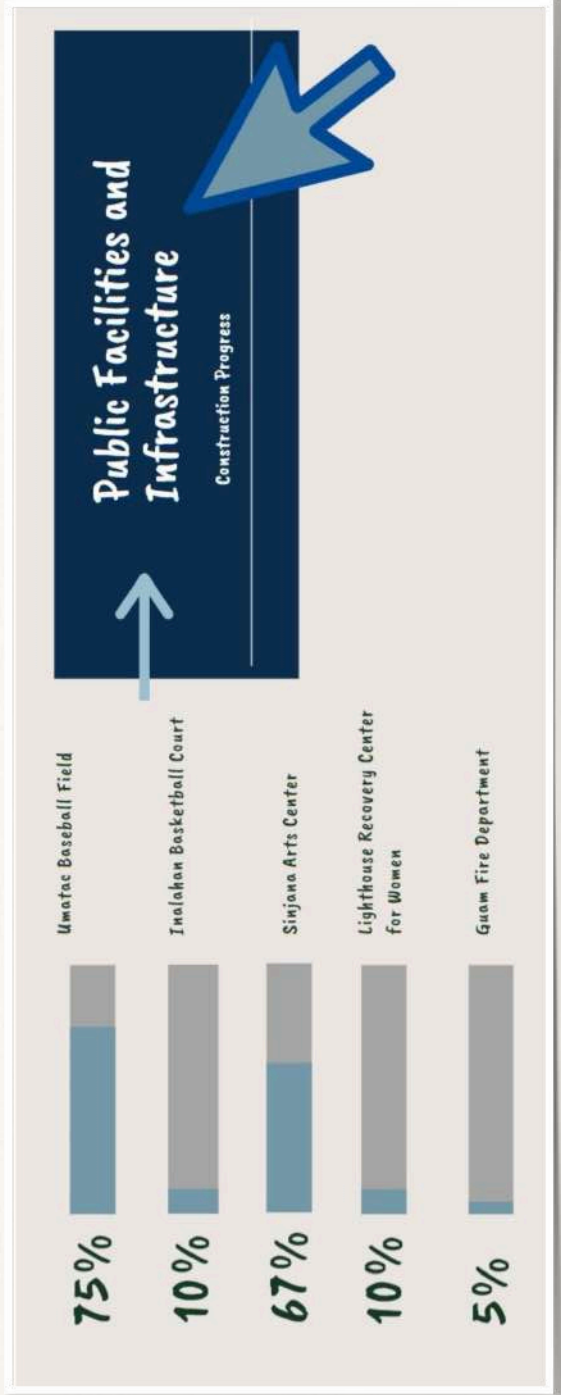

RAY S. TOPASNA
Executive Director



GHURA A/E

BOC REPORT

November 26, 2021



Upcoming Projects CDBG

- Eastern Substation
 - Sponsored by : Guam Police Department
 - Project type: Public Facilities & Infrastructure
 - \$200,000.00
- Sinajana Walks
 - Sponsored by: Sinajana Mayors Office
 - Project Type: Public Facilities & Infrastructure
 - \$150,000.00
- Acquisition of Affordable Rental Units
 - Sponsored by: GHURA
 - Project Type: Affordable Rental Housing
 - \$3,600,000.00

Updated 11/24/2021



Sinajana Arts Center



Umatac Baseball Field



Inalahan Basketball Court



Women's Treatment Center

Sinajana Dipattamenton Guåfi

Sinajana Fire Department
Conceptual Design Package

858 Chalan Kanton Tasi,
Sinajana, Guam 96913
United States
Geotag: Lat 13.4582, Long 144.7604



CONCEPTUAL PACKAGE BY:
GUMA
ARCHITECTS, LLC
GUAM | MARIANAS

Chamorro Cultural Symbols in Contemporary Architecture

The designs mainly take inspiration from the sails of the flying proa. It is a contemporary interpretation of form that lends itself to symbolism of the speed and efficiency at which the fire station can serve its jurisdiction, both through land and over waters.

The latte stone's forms can also be seen through the profiles of the cornices and canopies in the facade.





The Contrast and Interweaving of Fire and Water

Sinajana is said to have its name derived from the process of cooking in earthen ovens dug into the ground, also known as chināhan. The derivative, chinahān-ña, means “his or her cooking ground.” The village is also known for its water wells.

The use of earth tones throughout the structure and the waveform and woven textured reliefs on concrete cement the local history and culture into the building's architectural identity.

Rail Art



Honolulu Authority for Rapid Transportation

OPTION 1



Option 1:

- The facade incorporates the following cultural themes:
 - interpretative latte stone for the apparatus bay
 - flying proa sail at the facility's main entrance
 - basket weave texture on the main building wall.
- Initial color palette of earth tones are used to withstand fading and water marks due to the harsh climate

Please do note that both options for the facade and fire truck entry/exit are initial concepts and are subject to change as we develop the design.

OPTION 1A



Please do note that both options for the facade and fire truck entry/exit are initial concepts and are subject to change as we develop the design.

MODS, Capital Projects and other Initiatives



❖ MODS:

- ❖ Awarded and In-Progress: 34 (\$1.7M in FY21)
- ❖ Under Preparation: Eight (8) for advertisement
- ❖ Capital Projects: for award (12 / 10 / 21 BOC)
- ❖ Construction: Two new HOMES (\$650k), Section 8 Expansion (\$225k), Door Replacement AMP 2 (\$740k)
- ❖ AMP4 Reserve Fund: (\$1.8M - for advertisement)

❖ Ongoing:

- ❖ Asset Repositioning 750
- ❖ Solar Power Installation at GT
- ❖ Pursuing DPHSS Mosquito Lab BSL Certification
- ❖ Section 3 / Wage Compliance Program Mandates



GHURA A/E

BOC REPORT - Questions

November 26, 2021