

KENDALL HOUSING AUTHORITY
RESOLUTION NO. 2019 – 09
ADMINISTRATIVE PLAN REVISIONS

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE KENDALL HOUSING AUTHORITY (KHA), as follows:

Section 1: It is in the best interests of the Kendall Housing Authority to take the following action:

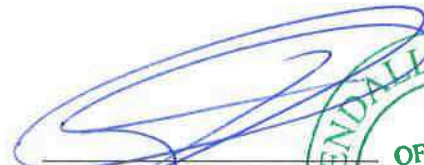
Approve the attached revisions to the Kendall Housing Authority Administrative Plan for three changes. One in Chapter 4 (Olmstead Class Waivers), another in Chapter 17 to reorder the Plan by adding it as Chapter 20, and lastly a change in Chapter 16 (Informal Reviews & Hearings).

Section 2: This Resolution is effective upon its adoption.

Approved by the Kendall Housing Authority Board of Commissioners on the 23rd day of August, 2019.



Matthew Prochaska
Chairman



Thomas Grant
Secretary



Ayes: 5

Nays: 0

Abstain: 1

ADMINISTRATIVE PLAN OPERATIONAL ADJUSTMENTS

RE: OLMSREAD WAIVER REQUEST

4-III.B. SELECTION AND HCV FUNDING SOURCES. Special Admissions [24 CFR 982.203] HUD may award funding for specifically-named families living in specified types of units (e.g., a family that is displaced by demolition of public housing; a non-purchasing family residing in a HOPE 1 or 2 projects). In these cases, KHA may admit families that are not on the waiting list, or without considering the family's position on the waiting list. KHA must maintain records showing that such families were admitted with special program funding.

➤ KHA Policy: KHA administers the following types of Special Admissions:

1. Families that are an active participant in a Witness Relocation and Protection Program or State Victim Assistance Program. KHA may from time to time cooperate with the State Attorneys and/or law enforcement agencies to relocate households within the KHA service area and otherwise eligible for rental assistance, for protection of potential witnesses. Such action will be taken at administrative discretion and only if vouchers are available. An example of such action may - but not necessarily - be limited to a household whose member(s) has extended themselves in the public interest which placed them in personal jeopardy.

2. Statewide Referral Network. State Operated Development Class (SODC) members may be referred to the waiting list through the State of Illinois Statewide Referral Network (SRN) within the terms of the Olmstead consent decrees. **SRN units are targeted for households earning at or below thirty percent (30%) of the Area Median Income (AMI) with a head of household who has a disability or illness, including, but not limited to, a physical, developmental or mental limitation, substance abuse disorder, HIV/AIDS, or is homeless or at risk of homelessness.**

RE: REGIONAL HOUSING INITIATIVE

1. Add a new **Chapter 20: Administrative Plan Supplements**
2. Chapter 17, Part 10: Regional Housing Initiative (RHI) is moved and changes to: **Chapter 20, Part I: Regional Housing Initiative (RHI)**
3. Sections 17-X.A – 17-X.F are moved and changed to **Sections 20-I.A – 20-I.F**
4. Add a new **Chapter 20, Part II: Attachments**
5. Add a new **20-II.A: RHI Administrative Plan**
6. Add a new **20-II.B: RHI Intergovernmental Agreement**
7. Add a new **20-II.C: RHI Operating Plan**

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CURRENT LANGUAGE

16-III.A. Informal Reviews for Applicants
[24 CFR 982.554]

An Informal Review is available to program applicants, and in this case, someone that has applied for admission to one of the HCV programs but has not yet been leased into an approved unit and given the opportunity to utilize the subsidy. For applicants, and other than Mediation, the Informal Review process is the only “in-house” appeal process available.

Decisions Subject to Informal Review

Denial of assistance may include any or all the following [24 CFR 982.552(a)(2)]:

- Denying listing on *KHA* waiting list;
- Denying or withdrawing a voucher;
- Refusing to enter a HAP Contract or approve a lease;
- Refusing to process or provide assistance under portability procedures;
- ~~A determination to deny a Reasonable Accommodation request;~~
- ~~Denial of assistance based on unfavorable history involving criminal activity that disturbs the health and safety and peaceful enjoyment of the premises; and~~
- ~~Denial of assistance based on information, investigation, background checks, and/or arrests or convictions of an unfavorable history that may be the result of domestic violence, sexual violence, dating violence, sexual assault or stalking.~~

KHA will NOT offer Informal Reviews for the following reasons [24 CFR 982.554(c)]:

- Discretionary administrative determinations by *KHA*;
- General policy issues or class grievances;
- ~~A determination of the voucher size;~~
- A determination of the family unit size under *KHA* subsidy standards;
- ~~A determination that the unit is too expensive based on the applicant's reported income;~~
- A determination not to grant approval of the tenancy;
- A determination that the unit is not in compliance with the HQS; or
- A determination that the unit is not in accordance with the HQS due to family size or composition.

PROPOSED CHANGES

16-III.A. Informal Reviews for Applicants
[24 CFR 982.554]

An Informal Review is available to program applicants, and in this case, someone that has applied for admission to one of the HCV programs but has not yet been leased into an approved unit and given the opportunity to utilize the subsidy. For applicants, and other than Mediation, the Informal Review process is the only “in-house” appeal process available.

Decisions Subject to Informal Review

Reasons for denial of assistance and subject to an Informal Review, may include any or all the following [24 CFR 982.552(a)(2)]:

- Denying listing on *KHA* waiting list;
- Denying or withdrawing a voucher;
- Refusing to enter a HAP Contract or approve a lease;
- Refusing to process or provide assistance under portability procedures.

KHA will NOT offer Informal Reviews for the following reasons [24 CFR 982.554(c)]:

- Discretionary administrative determinations by *KHA*;
- General policy issues or class grievances;
- A determination of the family unit size under *KHA* subsidy standards;
- A *KHA* determination not to approve an extension of the voucher term;
- A *KHA* determination not to grant approval of the tenancy;
- A *KHA* determination that the unit selected by the applicant is not in compliance with HQS; or

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- A *KHA* determination that the unit is not in accordance with HQS due to family size or composition.

CURRENT LANGUAGE

16-III.B. Informal Hearings for Participants [24 CFR 982.555]

KHA must offer an Informal Hearing for certain *KHA* determinations relating to the individual circumstances of a participant family. A participant is defined as a family that has been admitted to *KHA*'s HCV program and is currently assisted in the program. The purpose of the Informal Hearing is to consider whether *KHA*'s decisions related to the family's circumstances are in accordance with the law, HUD regulations and *KHA* policies.

KHA is not permitted to terminate a family's assistance until the time allowed for the family to request an Informal Hearing has elapsed, and any requested hearing has been completed. Termination of assistance for a participant may include any or all of the following:

- Refusing to enter into a HAP Contract or approve a lease;
- Terminating housing assistance payments under an outstanding HAP Contract; or
- Refusing to process or provide assistance under portability procedures.

Decisions Subject to Informal Hearing

Circumstances for which *KHA* must give a participant family an opportunity for an Informal Hearing are as follows:

- A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment;
- A determination of the appropriate utility allowance (if any) for tenant-paid utilities from *KHA* utility allowance schedule;
- A determination of the family unit size under *KHA*'s subsidy standards;
- A determination to terminate assistance for a participant family because of the family's actions or failure to act;
- A determination to terminate assistance because the participant has been absent from the assisted unit for longer than the maximum period permitted under *KHA* policy and HUD rules;
- ~~A determination to terminate a family's Family Self-Sufficiency contract, withhold supportive services, or propose forfeiture of the family's escrow account [24 CFR 984.303(i)];~~
- ~~A determination to deny admission based on an unfavorable history that may be the result of domestic violence, dating violence, or stalking;~~
- ~~A determination to deny portability; or~~
- ~~A determination to deny a Reasonable Accommodation request.~~

Circumstances for which an Informal Hearing is not required are as follows:

- Discretionary administrative determinations by *KHA*;
- General policy issues or class grievances;
- Establishment of *KHA* schedule of utility allowances for families in the program;
- A *KHA* determination not to approve an extension or suspension of a voucher term;
- A *KHA* determination not to approve a unit or tenancy;
- A *KHA* determination that a unit selected by the applicant is not in compliance with the HQS;
- A *KHA* determination that the unit is not in accordance with HQS because of family size; or
- A determination by *KHA* to exercise or not to exercise any right or remedy against an owner under a HAP Contract.

PROPOSED CHANGES

16-III.B. Informal Hearings for Participants [24 CFR 982.555]

KHA must offer an Informal Hearing for certain *KHA* determinations relating to the individual circumstances of a participant family. A participant is defined as a family that has been admitted to *KHA*'s HCV program and is currently assisted in the program. The purpose of the Informal Hearing is to consider whether *KHA*'s decisions related to the family's circumstances are in accordance with the law, HUD regulations and *KHA* policies.

KHA is not permitted to terminate a family's assistance until the time allowed for the family to request an Informal Hearing has elapsed, and any requested hearing approved by *KHA* during that time has been completed. Termination of assistance for a participant may include any or all of the following:

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- Refusing to enter into a HAP Contract or approve a lease;
- Terminating housing assistance payments under an outstanding HAP Contract;
or
- Refusing to process or provide assistance under portability procedures.

Decisions Subject to Informal Hearing

Circumstances for which *KHA* must give a participant family an opportunity for an Informal Hearing are as follows:

- A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment;
- A determination of the appropriate utility allowance (if any) for tenant-paid utilities from *KHA* utility allowance schedule;
- A determination of the family unit size under *KHA*'s subsidy standards;
- A determination to terminate assistance for a participant family because of the family's actions or failure to act [24 CFR 982.552];
- A determination to terminate assistance because the participant has been absent from the assisted unit for longer than the maximum period permitted under *KHA* policy and HUD rules; or
- In the cases under HUD rules where *KHA* must give the opportunity for an Informal Hearing before *KHA* terminates housing assistance payments (HAP) for the family under an outstanding HAP Contract.

Circumstances for which an Informal Hearing is not required are as follows:

- Discretionary administrative determinations by *KHA*;
- General policy issues or class grievances;
- Establishment of *KHA* schedule of utility allowances for families in the program;
- A *KHA* determination not to approve an extension or suspension of a voucher term;
- A *KHA* determination not to approve a unit or tenancy;
- A *KHA* determination that a unit selected by the applicant is not in compliance with the HQS (However, *KHA* must provide the opportunity for an Informal Hearing for a decision to terminate assistance for a breach of the HQS caused by the family as described in [24 CFR 982.551(c)]);
- A *KHA* determination that the unit is not in accordance with HQS because of family size; or
- A determination by *KHA* to exercise or not to exercise any right or remedy against an owner under a HAP Contract.