

Tuscaloosa Housing Authority

FY2024 Annual PHA Plan

Published October 13, 2023

Written comments are due by 2PM CST on November 27, 2023

A Public Hearing will be held at 12:15PM CST on December 13, 2023



ALL comments must be submitted in writing to:

Jessica Alexander
Director of Development & Capital Programs
2117 Jack Warner Parkway, Suite 2
Tuscaloosa, Alabama 35401

Or via email to:

jalexander@tuscaloosahousing.org

Streamlined Annual PHA Plan <i>(High Performer PHAs)</i>	U.S. Department of Housing and Urban Development Office of Public and Indian Housing	OMB No. 2577-0226 Expires 03/31/2024
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Purpose. The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA’s operations, programs, and services, including changes to these policies, and informs HUD, families served by the PHA, and members of the public of the PHA’s mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low-income families

Applicability. The Form HUD-50075-HP is to be completed annually by **High Performing PHAs**. PHAs that meet the definition of a Standard PHA, Troubled PHA, HCV-Only PHA, Small PHA, or Qualified PHA do not need to submit this form.

Definitions.

- (1) **High-Performer PHA** – A PHA that owns or manages more than 550 combined public housing units and housing choice vouchers and was designated as a high performer on both the most recent Public Housing Assessment System (PHAS) and Section Eight Management Assessment Program (SEMAP) assessments.
- (2) **Small PHA** - A PHA that is not designated as PHAS or SEMAP troubled, and that owns or manages less than 250 public housing units and any number of vouchers where the total combined units exceed 550.
- (3) **Housing Choice Voucher (HCV) Only PHA** - A PHA that administers more than 550 HCVs, was not designated as troubled in its most recent SEMAP assessment and does not own or manage public housing.
- (4) **Standard PHA** - A PHA that owns or manages 250 or more public housing units and any number of vouchers where the total combined units exceed 550, and that was designated as a standard performer in the most recent PHAS or SEMAP assessments.
- (5) **Troubled PHA** - A PHA that achieves an overall PHAS or SEMAP score of less than 60 percent.
- (6) **Qualified PHA** - A PHA with 550 or fewer public housing dwelling units and/or housing choice vouchers combined and is not PHAS or SEMAP troubled.

A.	PHA Information.																										
A.1	<p> PHA Name: <u>Tuscaloosa Housing Authority</u> PHA Code: <u>AL077</u> PHA Type: <input checked="" type="checkbox"/> High Performer PHA Plan for Fiscal Year Beginning: (MM/YYYY): <u>04/2024</u> PHA Inventory (Based on Annual Contributions Contract (ACC) units at time of FY beginning, above) Number of Public Housing (PH) Units <u>960</u> Number of Housing Choice Vouchers (HCVs) <u>1982</u> Total Combined <u>2,304</u> PHA Plan Submission Type: <input checked="" type="checkbox"/> Annual Submission <input type="checkbox"/> Revised Annual Submission </p> <p> Availability of Information. In addition to the items listed in this form, PHAs must have the elements listed below readily available to the public. A PHA must identify the specific location(s) where the proposed PHA Plan, PHA Plan Elements, and all information relevant to the public hearing and proposed PHA Plan are available for inspection by the public. Additionally, the PHA must provide information on how the public may reasonably obtain additional information of the PHA policies contained in the standard Annual Plan but excluded from their streamlined submissions. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on their official website. PHAs are also encouraged to provide each resident council a copy of their PHA Plans. </p> <p> The THA FY 2024 Annual Plan is available for review at the THA Main Office located at 2117 Jack Warner Pkwy, Suite 2, Tuscaloosa, AL 35401. The plan is also available at each AMP office and can be accessed on THA's website at www.tuscaloosahousing.org. See (Attachment 1). </p> <p> <input type="checkbox"/> PHA Consortia: (Check box if submitting a Joint PHA Plan and complete table below) </p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th rowspan="2" style="width: 25%;">Participating PHAs</th> <th rowspan="2" style="width: 10%;">PHA Code</th> <th rowspan="2" style="width: 25%;">Program(s) in the Consortia</th> <th rowspan="2" style="width: 20%;">Program(s) not in the Consortia</th> <th colspan="2" style="width: 20%;">No. of Units in Each Program</th> </tr> <tr> <th style="width: 10%;">PH</th> <th style="width: 10%;">HCV</th> </tr> </thead> <tbody> <tr> <td>Lead PHA:</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td> </td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td> </td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Participating PHAs	PHA Code	Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program		PH	HCV	Lead PHA:																	
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		PH	HCV																								
Lead PHA:																											

B. Plan Elements

B.1 Revision of Existing PHA Plan Elements.

(a) Have the following PHA Plan elements been revised by the PHA since its last **Annual PHA Plan** submission?

- | | | |
|-------------------------------------|-------------------------------------|--|
| Y | N | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Statement of Housing Needs and Strategy for Addressing Housing Needs. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Financial Resources. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Rent Determination. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Homeownership Programs. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Safety and Crime Prevention. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Pet Policy. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Substantial Deviation. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Significant Amendment/Modification |

(b) If the PHA answered yes for any element, describe the revisions for each element below:

Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions:

The Deconcentration Policy is found in Section 17, Page 120 of the ACOP (**Attachment 2**). Each public housing development will continue to maintain a site-based waiting list.

THA is in the process of amending its Section 8 Administrative Plan to include a lottery selection system for issuing HCV vouchers to wait listed applicants.

THA has partnered with Nan McKay to provide case management services to its Housing Choice Voucher clients.

THA updated its Admissions and Continued Occupancy Policy (ACOP) in July 2023, and adopted an Over Income Policy to comply with HOTMA. Section 103 under HOTMA creates new limitations on program participation for families residing in public housing that remain over-income (OI) for 24 consecutive months. After a 24-month grace period, PHA policy may allow OI families to continue to live in a public housing unit paying an alternative rent. If the PHA does not adopt such a policy, the PHA must terminate tenancy of the OI family within six months of the final notification. The change was considered a Significant Amendment to the ACOP Policy. The THA Board of Commissioners approved the Policy after consulting with the Resident Advisory Board, and also after a 45-day comment period. The change was approved by HUD Field Office in October 2023. THA intends to implement the OI Policy (**Attachment 7**) and has chosen to terminate tenancy of the OI family after a 24-month grace period.

THA is staying abreast of the HOTMA provisions that affect the public housing and housing choice voucher program.

Rent Determination:

THA increased the HCV payment standards up to 120% of the Fair Market Value for 2023. THA intends to request HUD's approval for 2024.

THA will incorporate the changes to Sections 102 (Determination of Family Income) and 104 (Net Family Assets) of HOTMA. HUD requires these changes to be fully implemented prior to January 1, 2025.

Safety and Crime Prevention:

THA utilizes its VIOLENCE AGAINST WOMEN (VAWA) Policy to protect tenants, applicants, and affiliated individuals who are victims of domestic violence, dating violence, sexual assault, or stalking (collectively VAWA crimes) from being denied, evicted, or terminated from housing assistance based on acts of such violence against them.

THA has security cameras and license plate recognition cameras in each public housing development. The City of Tuscaloosa Police Department (TPD) and the Tuscaloosa County Sheriff's Department both have access to these camera systems. THA continues to meet monthly with the TPD to identify problem areas, and to develop strategies and solutions to eradicate criminal activity in each development.

Significant Amendment/Modification:

A "Significant Amendment/Modification" is any amendment or modification to a THA policy, rule, regulation or other aspect of the plan that occurs after THA has submitted its 5-Year Plan or Annual Plan to HUD, and includes:

- Significant changes to the rent or admission policies outlined in the Authority's ACOP or HCV Section 8 Administrative Plan;
- New work activities to be included in an approved 5-Year Plan/Annual Plan;
- Conversion activities that affect any number of units, including activities regarding demolition/disposition, unit designation or conversion activities, for purposes of a RAD conversion, or a mixed-finance proposal;

- Conversion activities that affect any number of units, including homeownership or activities using Capital Fund Financing (CFFP);
- Significant changes to any proposed activities or policies described in the agency plan that would momentarily affect services or programs provided to residents; this definition does not include budget revisions, changes in organizational structure, changes resulting from HUD-imposed regulations, or minor policy changes.

THA will perform the following actions in the event of a significant amendment/modification:

- (1) THA will consider recommendations from the THA Resident Advisory Board and submit those recommendations with the HUD submission.
- (2) THA will call a public meeting of its Board of Commissioners at which the amendment or modification is adopted.
- (3) THA will not implement the amendment or modification until notification of the amendment or modification is provided to HUD and approved by HUD in accordance with HUD's plan review procedures.

(c) The PHA must submit its Deconcentration Policy for Field Office Review.

The Agency's ACOP includes the Deconcentration Policy which is referenced under Section 17, Page 120 ([Attachment 2](#)).

B.2 New Activities.

(a) Does the PHA intend to undertake any new activities related to the following in the PHA's current Fiscal Year?

Y	N	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Hope VI or Choice Neighborhoods.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mixed Finance Modernization or Development.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Demolition and/or Disposition.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Conversion of Public Housing to Tenant Based Assistance.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Conversion of Public Housing to Project-Based Rental Assistance or Project-Based Vouchers under RAD.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Based Vouchers.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Units with Approved Vacancies for Modernization.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Other Capital Grant Programs (i.e., Capital Fund Community Facilities Grants or Emergency Safety and Security Grants).

(b) If any of these activities are planned for the current Fiscal Year, describe the activities. For new demolition activities, describe any public housing development or portion thereof, owned by the PHA for which the PHA has applied or will apply for demolition and/or disposition approval under section 18 of the 1937 Act under the separate demolition/disposition approval process. If using Project-Based Vouchers (PBVs), provide the projected number of project-based units and general locations, and describe how project basing would be consistent with the PHA Plan.

HOPE VI or Choice Neighborhoods:
 THA and the City of Tuscaloosa plan to discuss the possibility of applying for a Choice Neighborhood Grant to perform neighborhood revitalization in an area to be determined.

THA intends to acquire McKenzie Court (AL077000011 & AL077000012) from the Limited Partnership upon expiration of the 15-Year LIHTC period on December 31, 2024. THA will take over the management from Hollyhand Companies. McKenzie Court was redeveloped under a HOPE VI Grant.

Mixed Finance Modernization or Development AND Demolition and/or Disposition:
 THA has a comprehensive Development Plan which contemplates the redevelopment of its remaining three public housing communities: Hay Court, Crescent East, and Branscomb. More specifically, THA intends to submit a demo/dispo application to the HUD SAC office for Hay Court (AL077000006) as early as 2025, while simultaneously applying to the Alabama Housing Finance Authority seeking a 9% LIHTC award. This is the same model THA used to redevelop its other aging properties. THA will consult with the Special Applications Center (SAC) Office and the Birmingham Field Office to obtain necessary approvals for this project.

THA intends to acquire McKenzie Court (AL077000011 & AL077000012) from the Limited Partnership upon expiration of the 15-Year LIHTC period on December 31, 2024. THA will take over the management from Hollyhand Companies. McKenzie Court was redeveloped under a HOPE VI Grant.

In addition to the potential demo/dispo application for Hay Court, THA plans to submit a disposition application for its central office. The central office was acquired during the aftermath of the 2011 tornado after the destruction of THA's former central office. The current office has several issues which have become untenable, including high association fees and a significant parking deficiency.

Conversion of Public Housing to Project-Based Rental Assistance or Project-Based Vouchers under RAD:
 THA is considering the conversion of public housing units at McKenzie Court to PBRA/PBV under RAD. McKenzie's 15-Year LIHTC compliance period will end December 31, 2024, and THA has the Right of First Refusal to purchase the property from the Limited Partnership. THA will consider converting all eligible units under RAD as a part of this transaction.

	<p>Units with Approved Vacancies for Modernization: THA received HUD Field Office Approval for vacancies at Crescent East Apartments (AL077000009) for comprehensive modernization work using capital funds. THA will continue to obtain HUD approval for future vacancies subject to comprehensive capital improvements on a project-by-project basis (Attachment 3).</p>
<p>B.3</p>	<p>Progress Report.</p> <p>Provide a description of the PHA’s progress in meeting its Mission and Goals described in the PHA 5-Year Plan.</p> <p>THA’s mission is the same as that of the Department of Housing and Urban Development.</p> <p>HUD’s mission is to create strong, sustainable, inclusive communities and quality affordable homes for all. HUD is working to strengthen the housing market to bolster the economy and protect consumers; meet the need for quality affordable rental homes; utilize housing as a platform for improving quality of life; build inclusive and sustainable communities free from discrimination and transform the way HUD does business.</p> <p>A list of THA’s Goals as described in its 5-Year Plan, and the progress made are as follows:</p> <p>Goal 1.) Achieve and maintain an average Section 8 Leasing rate of 98% or above. <i>Progress:</i> The Average Section 8 Leasing Rate is currently 95%. This rate is determined by the information THA submits to the HUD PIC system.</p> <p>Goal 2.) Maintain Annual Tenant Accounts Receivable at or below 10% of total charges. <i>Progress:</i> Annual Tenant Accounts Receivable is currently at 48%. THA has implemented a Rent Collection Procedure, which will improve rent collection.</p> <p>Goal 3.) Complete routine Work Orders within 48 hours. <i>Progress:</i> Routine work orders were completed within an average of 48 hours. Staff will continue to monitor work orders to ensure timely delivery of services.</p> <p>Goal 4.) Acquire Property for the development of the Delaware Jackson replacement units. <i>Progress:</i> THA and its developer partner developed two phases of affordable housing, Jackson I and Jackson II Apartments, which has very effectively replaced the units lost because of the Delaware Jackson disposition.</p> <p>Goal 5.) Reduce public housing average vacancy turnaround to 10 days or fewer. <i>Progress:</i> The current average vacancy turnaround is 34 days. Contractors are closely monitored to reduce prep time and managers are required to process two applications for each vacant unit.</p> <p>Goal 6.) Meet Capital Funds Program obligation and expenditure deadlines. <i>Progress:</i> THA continues to meet all CFP obligation and expenditure deadlines.</p> <p>Goal 7.) Begin Construction on another phase of the homeownership. <i>Progress:</i> Springer Phase IV-Section 4 infrastructure only phase was completed in December 2022. Springer Phase IV-Section 5 infrastructure only phase is currently in progress and expected to be completed by November 2023. These infrastructure phases develop the land for future home development. Springer Estates Phase V vertical home construction, consisting of 6 -7 homes, will tentatively begin fall/winter 2023 and is contingent upon funding.</p> <p>Goal 8.) Apply for additional Section 8 Vouchers (Special Purpose Vouchers). <i>Progress:</i> THA continues to partner with the State of Alabama Department of Human Resources in issuing Foster Youth to Independence (FYI) housing vouchers. These vouchers assist youth exiting the foster care system who are at risk of homelessness. THA also received an allocation of Emergency Housing Vouchers (EHV) as a part of the 2021 American Rescue Plan (ARP). A MOU was executed with Continuum of Care (CoC) and other local social service agencies for direct referrals and services. EHV assist families experiencing homelessness, at risk of homelessness, fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking, and recently homeless, as outlined by HUD. HUD also issued THA new incremental regular HCVs under the Consolidated Appropriations Act 2022. THA has the discretion to specify additional terms and conditions for the use of these vouchers to ensure that vouchers are used by survivors of domestic violence, and/or individuals and families who are homeless or at risk of homelessness.</p> <p>Goal 9.) Complete the disposition of 6.48 Acres of the “Locklear Property.” <i>Progress:</i> THA received HUD approval to dispose of the Locklear Property in a letter dated February 14, 2018. THA advertised the property for public bid on two separate occasions during the spring and summer of 2018 without receiving a legitimate offer. THA notified the Birmingham Field Office and SAC Office of the renewed interest in these properties, and of THA’s intention to sell the properties through a competitive public proposal whereas the minimum acceptable price will be the Fair Market Value (FMV) established by the appraisal. THA received SAC approval in an email dated November 18, 2021, to dispose of the property at a price no less than 80% of the appraised FMV in accordance with PIH Notice 2021-07. THA disposed of the properties in July 2022 at a price of 81% of the appraised fair market value.</p>

	<p>Goal 10.) Maintain SEMAP High Performer designation. <i>Progress:</i> THA is currently a SEMAP Troubled Performer yet continues to strive for High Performer designation.</p> <p>Goal 11.) Maintain PHAS High Performer designation. <i>Progress:</i> THA is currently a PHAS High Performer</p> <p>Goal 12.) Improve REAC physical inspection score to 75 or above. <i>Progress:</i> THA has improved the REAC physical inspection score to 78.</p> <p>Goal 13.) Achieve Family Self-Sufficiency (FSS) Program goals. <i>Progress:</i> THA continues to achieve FSS Program goals.</p> <p>Goal 14.) Achieve Resident Opportunity & Self-Sufficiency (ROSS) Program goals. <i>Progress:</i> THA continues to work to achieve ROSS Program goals.</p>
<p>B.4.</p>	<p>Capital Improvements. Include a reference here to the most recent HUD-approved 5-Year Action Plan in EPIC and the date that it was approved. See HUD Form 50075.2 (5 Year Action Plan) approved by HUD in EPIC on June 1, 2023.</p>
<p>B.5</p>	<p>Most Recent Fiscal Year Audit.</p> <p>(a) Were there any findings in the most recent FY Audit?</p> <p>Y N <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>(b) If yes, please describe:</p>
<p>C. Other Document and/or Certification Requirements.</p>	
<p>C.1</p>	<p>Resident Advisory Board (RAB) Comments.</p> <p>(a) Did the RAB(s) have comments to the PHA Plan?</p> <p>Y N <input checked="" type="checkbox"/> <input type="checkbox"/></p> <p>(b) If yes, comments must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations.</p> <p>THA met with the RAB on <i>October 25, 2023</i> to discuss the Draft FY 2024 Annual Plan. RAB comments and applicable THA responses have been included as Attachment 4.</p>
<p>C.2</p>	<p>Certification by State or Local Officials.</p> <p>Form HUD-50077-SL, <i>Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p> <p>Form 50077-SL has been included as Attachment 5.</p>

C.3	<p>Civil Rights Certification/Certification Listing Policies and Programs that the PHA has Revised since Submission of its Last Annual Plan.</p> <p><i>Form 50077-ST-HCV-HP, PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations Including PHA Plan Elements that Have Changed</i> must be submitted by the PHA as an electronic attachment to the PHA Plan.</p> <p>Form 50077-ST-HCV-HP has been included as Attachment 6.</p>
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C.4	<p>Challenged Elements. If any element of the PHA Plan is challenged, a PHA must include such information as an attachment with a description of any challenges to Plan elements, the source of the challenge, and the PHA’s response to the public.</p> <p>(a) Did the public challenge any elements of the Plan?</p> <p style="margin-left: 20px;">Y N</p> <p style="margin-left: 20px;"><input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>If yes, include Challenged Elements.</p>
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D.	Affirmatively Furthering Fair Housing (AFFH).
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D.1	<p>Affirmatively Furthering Fair Housing.</p> <p>Provide a statement of the PHA’s strategies and actions to achieve fair housing goals outlined in an accepted Assessment of Fair Housing (AFH) consistent with 24 CFR § 5.154(d)(5). Use the chart provided below. (PHAs should add as many goals as necessary to overcome fair housing issues and contributing factors.) Until such time as the PHA is required to submit an AFH, the PHA is not obligated to complete this chart. The PHA will fulfill, nevertheless, the requirements at 24 CFR § 903.7(o) enacted prior to August 17, 2015. See Instructions for further detail on completing this item.</p> <table border="1" style="width: 100%; margin-top: 10px;"> <tr> <td style="background-color: #cccccc;">Fair Housing Goal: Accessible Agency Website</td> </tr> <tr> <td style="background-color: #cccccc;"> <p><i><u>Describe fair housing strategies and actions to achieve the goal</u></i></p> <p>The Agency’s website www.tuscaloosahousing.org now has Userway technology embedded within to assist individuals with accessibility needs with obtaining housing information and also to help reduce/eliminate communication barriers.</p> </td> </tr> </table>	Fair Housing Goal: Accessible Agency Website	<p><i><u>Describe fair housing strategies and actions to achieve the goal</u></i></p> <p>The Agency’s website www.tuscaloosahousing.org now has Userway technology embedded within to assist individuals with accessibility needs with obtaining housing information and also to help reduce/eliminate communication barriers.</p>
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Fair Housing Goal: Annual Employee Fair Housing Training

Describe fair housing strategies and actions to achieve the goal

All Agency staff is required to complete mandatory Fair Housing Training annually.

Fair Housing Goal: Reasonable Accommodation Request Procedure

Describe fair housing strategies and actions to achieve the goal

The Agency implemented a Reasonable Accommodation Request Procedure to ensure that all requests are handled in an objective and consistent manner.

DRAFT FY 2024 Annual Plan

Published October 13, 2023

Draft Fiscal Year 2024 Annual PHA Plan Now Available for Review & Comment

The Tuscaloosa Housing Authority's Draft FY 2024 Annual PHA Plan is available for public review and comment until 2PM CST on Monday, November 27, 2023.

The Draft FY 2024 Plan is available for review at THA's Central Office located at 2117 Jack Warner Parkway, Suite 2, Tuscaloosa, AL 35401. The plan is also available at each AMP Site office and on THA's website: www.tuscaloosahousing.org.

All comments regarding the Draft Annual Plan must be made in writing and addressed to:

*Jessica Alexander
Director of Development & Capital Programs
Tuscaloosa Housing Authority
2117 Jack Warner Parkway, Suite 2
Tuscaloosa, Alabama 35401*

Written comments must be received no later than 2:00PM on Monday, November 27, 2023.

A **Public Hearing** is scheduled for Wednesday, December 13, 2023 at 12:15 PM in the *Board Room at the THA Main Office located at 2117 Jack Warner Pkwy, Ste 2*. Interested parties are invited to attend.

The schedule of Annual Plan Discussions to be held in THA Developments is outlined below:

- Draft 2024 Plan is finalized for public review and comment: October 13, 2023
- *Official* 45-Day Public Review and Comment Period begins: October 13, 2023
- Hay Court/ McKenzie/ Jackson Apts. Resident Meeting: 9:00 AM October 19, 2023
@ Hay Court Community Room
- Rosedale Resident Meeting: 10:00 AM October 19, 2023
@ Rosedale I Community Room
- Branscomb/Jackson II/ Pine Cone Resident Meeting 11:00 AM October 19, 2023
@ Branscomb Community Room
- Crescent East Resident Meeting (Crescent East): 10:00 AM October 25, 2023
- Resident Advisory Board (THA Central Office): 1:30 PM October 25, 2023
- Public Review and Comment Period Ends: 2:00 PM November 27, 2023
- **FY 2024 Annual PHA Plan Public Hearing: 12:15 PM December 13, 2023**

TUSCALOOSA HOUSING AUTHORITY

Tuscaloosa, Alabama

ADMISSIONS AND CONTINUED OCCUPANCY POLICY

Adopted by PHA Board of Commissioners

Resolution No.: 36-04

Date of Adoption: June 15, 2022

This document was altered by the Tuscaloosa Housing Authority on the following dates:

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CHAPTER 17: OFFERING THE UNITS (TENANT SELECTION AND ASSIGNMENT PLAN)

As units become available for occupancy, the PHA will offer units to applicants on the waiting list. In accordance with the QHWRA, the PHA encourages occupancy of its developments by families with a broad range of incomes. At a minimum, 40% of all new admissions on an annual basis will be extremely low-income families (See Appendix E for Income Limits). The offer of assistance will be made without discrimination because of race, color, religion, sex, national origin, age, disability, or familial status.

A. Deconcentration

The offers will be made in the following manner. To the maximum extent feasible, the deconcentration and income-mixing requirements of the QHWRA will be followed.

1. Families with incomes ranging from 0% to 80% of median income will be selected in accordance with the tenant selection section of this ACOP.
 - a. Families with the highest incomes will be offered units in developments where average family incomes are lowest.
 - b. Conversely, families with the lowest incomes will be offered units in developments with the highest average family incomes.
 - c. The PHA may offer incentives to families to accomplish the deconcentration and income mixing objectives.
2. The PHA may employ a system of income ranges in order to maintain a resident body composed of families with a range of incomes and tenant rent paying abilities representative of the range of incomes among low-income families in the PHA's area of operation and may take into account the average tenant rent the PHA should receive to maintain financial solvency.
3. The PHA's selection policies are designed so that selection of new public housing residents will bring the PHA's actual distribution of tenant rents closer to the projected distribution of tenant rents.
4. The PHA will select, based on date and time of application and preferences, two (2) families in the extremely low-income category and two (2) families from the lower income category (31% to 80% of area median income) alternately until the 40% admission requirement of extremely low-income families is achieved (2 plus 2 policy).
5. After the minimum level is reached, all selections will be made based solely on date, time, and preferences.
6. Any applicants passed over as a result of implementing this 2 plus 2 policy will retain their place on the waiting list and will be offered a unit in order of their original placement on the waiting list.

STATEMENT OF CAPITAL IMPROVEMENTS (OPEN GRANTS)

2023 CFP

The 2023 Capital Fund award in the amount of \$2,636,641 will be used as follows:

- \$263,664 will be used for operations.
- \$263,664 will be used for administration costs.
- \$1,959,313 will be used towards the comprehensive renovations at Crescent East Apartments. Phase I of the renovations (61 units) began in June 2023. The work includes interior and exterior renovations of the apartments.
- \$100,000 will be used for fees and costs associated with the renovations at Crescent East Apartments.
- \$50,000 will be used for fees and costs associated with the Crescent East relocation.

2022 CFP

The 2022 Capital Fund award in the amount of \$3,186,879 will be used as follows:

- \$317,552 will be used for operations.
- \$317,552 will be used for administration costs.
- \$2,351,775 will be used for the comprehensive renovations at Crescent East Apartments. Phase I of the renovations (61 units) began in June 2023. The work will include interior and exterior renovations and related site improvements.
- \$100,000 will be used for fees and costs associated with the renovations at Crescent East.
- \$100,000 will be used for fees and costs associated with the Crescent East Relocation.

2021 CFP

The 2021 Capital Fund award in the amount of \$3,137,041 will be used as follows:

- \$312,275 will be used for operations.
- \$312,275 will be used for administration costs.
- \$1,339,902 was used towards the comprehensive renovations at Branscomb Apartments. Phase V of the renovations (19 units) began in June 2022. The work included interior and exterior renovations of the apartments and site work.
- \$17,380 will be used for fees and costs associated with the renovations at Branscomb Apartments.
- \$15,565 will be used for fees and costs associated with the Branscomb Relocation.
- \$430,628 was used for site improvements at Crescent East. The improvements began in January 2023, and included storm drainage, curb and gutter, fencing, sidewalk accessibility, and grassing.
- \$235,100 was used for fees and costs associated with improvements at Crescent East.
- \$453,468 was used for unit renovations and site improvements at Hay Court. Unit renovations began May 2022, and included new HVACs, carbon monoxide/ smoke combo detectors, hot water heaters, call-for-aid systems, and bathroom improvements at (30) units. Site improvements began October 2022, and included storm drainage, minor sidewalk repair, grassing, new basketball court, signage, and related improvements.
- \$20,448 was used for fees and costs associated with improvements at Hay Court.

FY2024 Annual Plan Discussion

Resident Advisory Board Meeting

1:30 PM October 25, 2023 LOCATION: TBD

Agenda: Topics discussed during the RAB Meeting are as follows:

- *Annual Plan Process (Timeline, Written Comment Submission, Public Hearing)*
- *Annual Plan Elements*
- *ACOP, Section 8 Admin Policy, & Other Policy Revisions*
- *Demolition & Disposition Activities*
- *Potential for conversion of units under the Rental Assistance Demonstration (RAD)*
- *Homeownership Program Overview*
- *Overview of THA's Mission/ Goals & Progress*
- *5-Year Action Plan & Proposed Capital Improvements*
- *Fair Housing Goals*

Resident Comments: Questions/ Comments provided by the RAB and the applicable THA responses.

RAB 1:

THA 1:

RAB 2:

THA 2:

RAB 3:

THA 3:

**Certification by State or Local
Official of PHA Plans Consistency
with the Consolidated Plan or
State Consolidated Plan
(All PHAs)**

U. S Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 3/31/2024

**Certification by State or Local Official of PHA Plans
Consistency with the Consolidated Plan or State Consolidated Plan**

I, Walt Maddox, the Mayor for the City of Tuscaloosa
Official's Name *Official's Title*

certify that the 5-Year PHA Plan for fiscal years **FY 2024 – FY 2028** and/or Annual PHA
Plan for fiscal year **FY 2024** of the Tuscaloosa Housing Authority is consistent with the
PHA Name

Consolidated Plan or State Consolidated Plan including the Analysis of Impediments (AI) to Fair
Housing Choice or Assessment of Fair Housing (AFH) as applicable to the

City of Tuscaloosa
Local Jurisdiction Name

pursuant to 24 CFR Part 91 and 24 CFR §§ 903.7(o)(3) and 903.15.

Provide a description of how the PHA Plan's contents are consistent with the Consolidated Plan or
State Consolidated Plan.

*The Consolidated Plan regulations require grantees to create strategies to address the needs of
public housing residents. As part of the Consolidated Plan, all grantees must affirmatively further
fair housing, which means conducting an Analysis of Impediments to Fair Housing Choice (AI)
and taking appropriate actions to overcome the effects of any impediments identified. The PHA
Plan is a comprehensive guide to PHA policies, programs, operations, and strategies for meeting
local housing needs. These documents have been reviewed and were determined to be consistent.*

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will
prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official: <i>Walt Maddox</i>	Title: <i>Mayor, City of Tuscaloosa</i>
Signature:	Date:

The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality. This information is collected to ensure consistency with the consolidated plan or state consolidated plan.

Public reporting burden for this information collection is estimated to average 0.16 hours per year per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

**Certifications of Compliance with
PHA Plan and Related Regulations
(Standard, Troubled, HCV-Only, and
High Performer PHAs)**

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 3/31/2024

**PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations
including PHA Plan Elements that Have Changed**

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairperson or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the x 5-Year and/or x Annual PHA Plan, hereinafter referred to as "the Plan", of which this document is a part, and make the following certification and agreements with the Department of Housing and Urban Development (HUD) for the PHA fiscal year beginning 04/2024, in connection with the submission of the Plan and implementation thereof:

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located (24 CFR § 91.2).
2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments (AI) to Fair Housing Choice, or Assessment of Fair Housing (AFH) when applicable, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan (24 CFR §§ 91.2, 91.225, 91.325, and 91.425).
3. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Resident Advisory Board or Boards in developing the Plan, including any changes or revisions to the policies and programs identified in the Plan before they were implemented, and considered the recommendations of the RAB (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
4. The PHA provides assurance as part of this certification that:
 - (i) The Resident Advisory Board had an opportunity to review and comment on the changes to the policies and programs before implementation by the PHA;
 - (ii) The changes were duly approved by the PHA Board of Directors (or similar governing body); and
 - (iii) The revised policies and programs are available for review and inspection, at the principal office of the PHA during normal business hours.
5. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.
6. The PHA certifies that it will carry out the public housing program of the agency in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-2000d-4), the Fair Housing Act (42 U.S.C. 3601-19), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), title II of the Americans with Disabilities Act (42 U.S.C. 12101 et seq.), and other applicable civil rights requirements and that it will affirmatively further fair housing in the administration of the program. In addition, if it administers a Housing Choice Voucher Program, the PHA certifies that it will administer the program in conformity with the Fair Housing Act, title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, title II of the Americans with Disabilities Act, and other applicable civil rights requirements, and that it will affirmatively further fair housing in the administration of the program.
7. The PHA will affirmatively further fair housing, which means that it will take meaningful actions to further the goals identified in the Assessment of Fair Housing (AFH) conducted in accordance with the requirements of 24 CFR § 5.150 through 5.180, that it will take no action that is materially inconsistent with its obligation to affirmatively further fair housing, and that it will address fair housing issues and contributing factors in its programs, in accordance with 24 CFR § 903.7(o)(3). The PHA will fulfill the requirements at 24 CFR § 903.7(o) and 24 CFR § 903.15(d). Until such time as the PHA is required to submit an AFH, the PHA will fulfill the requirements at 24 CFR § 903.7(o) promulgated prior to August 17, 2015, which means that it examines its programs or proposed programs; identifies any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement; and maintains records reflecting these analyses and actions.
8. For PHA Plans that include a policy for site-based waiting lists:
 - The PHA regularly submits required data to HUD's 50058 PIC/IMS Module in an accurate, complete and timely manner (as specified in PIH Notice 2011-65);

- The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites; and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site;
 - Adoption of a site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD;
 - The PHA shall take reasonable measures to assure that such a waiting list is consistent with affirmatively furthering fair housing; and
 - The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR 903.7(o)(1).
9. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
 10. In accordance with 24 CFR § 5.105(a)(2), HUD's Equal Access Rule, the PHA will not make a determination of eligibility for housing based on sexual orientation, gender identify, or marital status and will make no inquiries concerning the gender identification or sexual orientation of an applicant for or occupant of HUD-assisted housing.
 11. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
 12. The PHA will comply with the requirements of Section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low-or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.
 13. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.
 14. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
 15. The PHA will provide the responsible entity or HUD any documentation that the responsible entity or HUD needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58 or Part 50, respectively.
 16. With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under Section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
 17. The PHA will keep records in accordance with 2 CFR 200.333 and facilitate an effective audit to determine compliance with program requirements.
 18. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act of 1992, and 24 CFR Part 35.
 19. The PHA will comply with the policies, guidelines, and requirements of 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Financial Assistance, including but not limited to submitting the assurances required under 24 CFR §§ 1.5, 3.115, 8.50, and 107.25 by submitting an SF-424, including the required assurances in SF-424B or D, as applicable.
 20. The PHA will undertake only activities and programs covered by the Plan in a manner consistent with its Plan and will utilize covered grant funds only for activities that are approvable under the regulations and included in its Plan.
 21. All attachments to the Plan have been and will continue to be available at all times and all locations that the PHA Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the Plan and additional requirements at the primary business office of the PHA and at all other times and locations identified by the PHA in its PHA Plan and will continue to be made available at least at the primary business office of the PHA.
 22. The PHA certifies that it is in compliance with applicable Federal statutory and regulatory requirements, including the Declaration of Trust(s).
 - 23.

Tuscaloosa Housing Authority
PHA Name

AL077
PHA Number/HA Code

Annual PHA Plan for Fiscal Year 2024

5-Year PHA Plan for Fiscal Years 2024 - 2028

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802).

Name of Executive Director: Chris Hall		Name Board Chairman: Lin Moore	
Signature	Date	Signature	Date

The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality. This information is collected to ensure compliance with PHA Plan, Civil Rights, and related laws and regulations including PHA plan elements that have changed.

Public reporting burden for this information collection is estimated to average 0.16 hours per year per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

TUSCALOOSA HOUSING AUTHORITY
Tuscaloosa, Alabama

**CONTINUED OCCUPANCY POLICY FOR
PUBLIC HOUSING OVER-INCOME FAMILIES**

Adopted by PHA Board of Commissioners

Resolution No.: 37 - 08

Date of Adoption: July 19, 2023

Effective Date of Implementation: _____

ADMISSIONS AND CONTINUED OCCUPANCY POLICY FOR PUBLIC HOUSING OVER-INCOME FAMILIES

Implementation Schedule

Staff Training Date, if needed: _____

Distribution to Functional Areas

This policy has been distributed to staff in the following departments:

- Public Housing Managers**
- Admissions/Occupancy Staff**
- Financial Staff**
- Maintenance Staff**
- Other Specify:** _____

Date Policy Prepared: May 11, 2023

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CONTINUED OCCUPANCY POLICY OF PUBLIC HOUSING OVER-INCOME (OI) FAMILIES

HUD establishes income limits by family size for the area in which each PHA is located. These income limits will be published by HUD annually and are used to determine the family's initial eligibility and level of assistance for the public housing program. Section 103 of the Housing Opportunity Through Modernization Act (HOTMA) of 2016 amended the U.S. Housing Act of 1937 and placed an income limitation on families for continued occupancy in public housing units.

A. Applicability

Section 103 of HOTMA applies to all PHAs operating a public housing program, including Moving to Work (MTW) Agencies, with one exception, a PHA which owns or operates fewer than 250 public housing units. This PHA may lease a public housing unit to a non-assisted OI family, in accordance with its PHA Annual Plan (or supporting documents), if all of the following conditions are satisfied:

1. There are no eligible low-income applicants on the waiting list;
2. There are no eligible low-income families applying for public housing assistance when the unit is leased to an OI family;
3. The PHA advertises the availability of public housing units to eligible low-income families including publication of a notice for at least 30 days in at least one newspaper of general circulation before offering the unit to an OI family;
4. The OI family rents the unit on a month-to-month basis at a rental amount which is not less than the cost to operate the unit;
5. The lease to the OI family provides that the OI family agrees to vacate the unit when it is needed by an eligible family; and
6. The PHA gives the OI family at least 30 days' notice to vacate the unit when it is needed for rental by an eligible family.

B. Determination of Over-Income Limit

The PHA will determine the over-income limit by multiplying the applicable income limit for a very low-income public housing family by a factor of 2.4.

1. The very low-income limit varies by family size.
2. The PHA will calculate the over-income limit for each family size in its public housing program.
3. When determining the public housing family's over-income status, the PHA will not include income that is excluded from such as amounts based on participation in the Family Self-Sufficiency (FSS) program and all families receiving the earned income disallowance (EID).
4. The PHA will compare the over-income limit to the family's annual income during an annual or interim income reexamination.

If the family's annual income is greater than the over-income limit, then the family exceeds the over-income limit for the public housing program, and will be notified.

5. Once the PHA has adopted its continued occupancy policy for public housing OI families, the PHA will update the over-income limits for the public housing program in its ACOP no later than 60 days after HUD publishes new income limits each year.

C. PHA Continued Occupancy Policy for Public Housing Over-Income (OI) Families

The continued occupancy policy for public housing OI families (hereinafter referred to as continued occupancy policy) adopted and implemented by the PHA is in compliance with the Fair Housing Act, Civil Rights, Section 504 of the Rehabilitation Act (Section 504), Title II of the Americans with Disabilities Act (ADA), and will grant reasonable accommodations that may be necessary for persons with disabilities.

1. When the PHA becomes aware, either through an annual or interim reexamination that a public housing program family's income, including families participating in the FSS program and all families receiving EID, exceeds the established income limit for the family size, the PHA will implement its continued occupancy policy to terminate the tenancy of the over-income public housing family **or** allow the over-income public housing family to remain in the public housing unit and charge the over-income public housing family the alternative non-public housing rent.
2. The PHA's continued occupancy policy is to **terminate the tenancy of the OI family.**

Note: The PHA may not evict or terminate the tenancy of OI families in the public housing program based on income until the family has been over 120% area median income for 24 consecutive months and the PHA has implemented the continued occupancy policy in the PHA's written policies.

D. 24 Consecutive Months Grace Period

The period of time an over-income public housing family has to reside in their public housing unit is 24 consecutive months before the PHA enforces its continued occupancy policy.

1. Once the PHA has determined a public housing family to be over-income through an annual or interim reexamination, the effective date of the action will be the point in time for which the 24 consecutive month grace period begins.
2. If the PHA becomes aware, through a subsequent annual or interim reexamination, during the consecutive 24-month grace period that the family's income has decreased to an amount that is below the over-income limit, the family will be entitled to a new 24 consecutive month grace period if the PHA later determines that the family's income once again exceeds the over-income limit.
3. At all times prior to the end of 24 consecutive months, the family will continue to be public housing program participants.
4. There are no exceptions to the limitation on public housing tenancy for HUD assisted families who are determined to be over-income for 24 consecutive months.

5. During the 24 consecutive month grace period, the family will continue to pay their current rent choice amount (*i.e.*, income-based rent, flat rent, or if applicable, the prorated rent for mixed families).
6. Because there is a 24-month process to declare an over-income public housing family ineligible for public housing assistance, large increases to the over-income limit for higher rental markets may result in public housing families who are over-income in the initial 12-months not being considered over-income in the second 12 months as the over-income limit is adjusted upward in subsequent years.
7. If the family has exceeded the over-income limit for 24 consecutive months, the PHA will enforce its continued occupancy policy to **terminate the family's tenancy**.
8. Annual and Interim Reexaminations
For OI families who are in their grace period:
 - a. Annual and interim reexaminations will be conducted in accordance with the PHA's Admissions and Continued Occupancy Policy (ACOP).
 - b. An income reexamination must be conducted 12 months after the initial over-income determination, unless it has been determined the family's income fell below the over-income limit since the initial over-income determination.
 - c. An income reexamination must be conducted 24 months after the initial over-income determination, unless it has been determined the family's income fell below the over-income limit since the second over-income determination.

E. Families Determined to be Over-Income Prior to the Final Rule

On July 26, 2018 (2018 Notice), HUD announced the official applicable effective date of the provisions of Section 103 of HOTMA as September 24, 2018, and instructed PHAs to complete the process for amending their OI policy within six (6) months after the applicable date published.

1. Effective March 24, 2019, the PHA was required to update its ACOP to implement a continued occupancy policy of over-income public families based on the 2018 Notice. All over-income policies were to include the imposition of the over-income limit in the public housing program, when the 24 consecutive month grace period would begin, and the notification requirements to the over-income families.
2. HUD did not enforce the PHA's continued occupancy policy based on the 2018 Notice that required the PHA to either terminate families who have been over income for two (2) consecutive years or charge over-income public housing families an alternative rent as HUD had not provided guidance on how to determine such rent.
 - a. If the PHA's continued occupancy policy opted to terminate, HUD determined that the PHA could elect to follow the policy but were not required to do so until the issuance of the Final Rule.

With the issuance of the Final Rule, the PHA must begin the termination procedure within the time frame specified in this policy.

- b. If the PHA elected not to terminate over-income families who exceed the grace period, the PHA was required to offer the families the option of paying an income-based rent or a flat rent at their next annual reexamination.

If the PHA's continued occupancy policy opted to charge an alternative rent, with the issuance of the Final Rule, the PHA must require the family to execute a new lease for Non-Public Housing Over-Income (NPHOI) families and charge the family the non-public housing rent no later than 60 days after the effective date of the Final Rule or at the next lease renewal, whichever is sooner.

3. Over-income public housing families who have already exceeded the 24 consecutive month grace period or two (2) consecutive reexamination cycles under the existing notification requirement are not entitled to another 24 consecutive month grace period.
4. If the PHA followed the previous existing notification which instructed the PHA to compare the over-income limit to the family's adjusted income, the PHA does not need to redetermine the family's over-income status based on the Final Rule guidance for annual or interim reexamination effective prior to the date of the Final Rule.
5. New notice requirements do not apply retroactively, so any family that has properly received notice under the previous existing notification requirement will not be required to receive new notices.

F. Notification of OI Families

If the PHA determines the public housing family has exceeded the over-income limit pursuant to an income reexamination, the PHA will provide written notification to the family of the over-income determination.

1. Initial Over-Income Limit Notification
 - a. The PHA will provide written notification to the over-income public housing family no later than 30 days after the PHA's initial determination.
 - b. The notice must state that the family has exceeded the over-income limit and continuing to exceed the over-income limit for a total of 24 consecutive months will result in the PHA following its continued occupancy policy to terminate the tenancy of the OI family.
 - c. The notice will contain information on the OI family's right to request a hearing and instructions on how to request such hearing if the family disputes the PHA's determination.
 - d. The PHA will make note to the family's file to calculate the family's income 12 months after the initial determination to determine if the family remains over-income.

2. Second Over-Income Limit Notification

- a. The PHA will conduct an income reexamination 12 months after the initial over-income determination, unless the PHA determined the family's income fell below the over-income limit since the initial over-income determination.
- b. If the PHA determines the family has exceeded the over-income limit for 12 consecutive months, the PHA will provide written notification of this 12-month over-income limit determination no later than 30 days after the income reexamination that led to the 12-month over-income determination.
- c. The notice will state that the family has exceeded the over-income limit for 12 consecutive months and continuing to exceed the over-income limit for a total of 24 consecutive months will result in the PHA following its continued occupancy policy to terminate the tenancy of the OI family.
- d. The notice will contain information on the OI family's right to request a hearing and instructions on how to request such hearing if the family disputes the PHA's determination.
- e. The PHA will make note to the family's file to calculate the family's income 24 months after the initial determination to determine if the family remains over-income.

3. Third and Final Over-Income Limit Notification

- a. The PHA will conduct an income examination 24 months after the initial over-income determination, unless the PHA determined the family's income fell below the over-income limit since the second over-income limit determination.
- b. If the PHA determines the family has exceeded the over-income limit for 24 consecutive months, the PHA will provide written notification of this 24-month over-income limit determination no later than 30 days after the income reexamination that led to the 24-month over-income limit determination.
- c. The notice will state that the family has exceeded the over-income limit for 24 consecutive months and in accordance with the PHA's continued occupancy policy for OI families, the PHA will terminate the family's tenancy.
- d. The notice will contain information on the OI family's right to request a hearing and instructions on how to request such hearing if the family disputes the PHA's determination.

4. Reexaminations Flat Rent Options

- a. The PHA will no longer apply the three (3) year reexamination provision to families once the PHA determines that the family is over-income.
- b. Once a PHA determines the family is over-income, the PHA will follow the documentation and notification requirements of this section.

5. Effective Communication

The PHA will ensure that all notices and communications are provided in a manner that is effective for persons with hearing, visual, and other disabilities.

- a. For persons with vision impairments, upon request and free of charge, this may include brailled materials, large print, or materials on tape.
- b. For persons with hearing impairments, upon request and free of charge, this may include sign language or other types of interpretation, appropriate auxiliary aids, and services, such as interpreters, transcription services, and accessible electronic communications. Section 504 and ADA requirements (24 CFR 8.6 and 24 CFR 8.28; 28 CFR part 35, Subpart E).

G. Termination of Tenancy of an Over-Income (OI) Family

It is the PHA's continued occupancy policy to terminate the tenancy of over-income public housing families.

1. The PHA must terminate the tenancy of the OI family no more than six (6) months after the third and final written over-income limit notice has been issued to the over-income public housing family.
2. The PHA's notification to terminate the OI family's tenancy will state the period of time before tenancy termination.
 - a. It is the PHA's continued occupancy policy to terminate the tenancy of an over-income public housing family 180 days after the third and final written over-income limit notice has been issued to the over-income public housing family.
 - b. The PHA will provide the appropriate notice of termination of tenancy (notice to vacate) in accordance with state and local laws.
3. The family's public housing lease will convert to month-to-month lease term to account for the period before termination of tenancy.
4. Families that are in the period before termination of tenancy continue to be public housing program participants and must abide by all the PHA's public housing requirements, including but not limited to:
 - a. Choice of Rent
 - 1) The PHA will continue to charge the over-income public housing family the family's choice of income-based, flat rent, or if applicable prorated rent for mixed families during the period before termination.
 - 2) The family must continue to pay the tenant rent by its due date.
 - b. Annual and Interim Reexamination
 - 1) For OI families in the period before their tenancy termination, the PHA must conduct an interim reexamination of family income as required per the PHA's

interim policies because the over-income public housing family is still a public housing program participant prior to termination.

- 2) However, decreases resulting from the income determination will not:
 - a) Reset the period before termination; or
 - b) Make the over-income public housing family eligible to remain in the public housing program beyond the period before termination as per the PHA's continued occupancy policy.

- c. Compliance with the Community Service and Self-Sufficiency Requirements.

Over-income non-exempt adult family members in the period before their tenancy termination must continue to comply with CSSR.

5. Waiting List: Preference

The PHA whose policy is to terminate OI families after the 24 consecutive month grace period may not use this preference and this preference may not be applied to current public housing families (*e.g.*, OI families facing termination of tenancy pursuant to PHA policies) or families who have vacated the public housing project.

H. Annual Reporting

The PHA will submit annually to HUD, and make publicly available, a report that specifies, as of the end of the year (end of the calendar year or December 31st), the number of families residing in public housing with incomes exceeding the over-income limit and the number of families on the waiting lists for admission to public housing projects and provide any other information regarding over-income families requested by HUD.

1. Data on the Number of OI Families Residing in Public Housing

This report will require no additional action on the part of the PHA. HUD will pull a report of this data as of December 31st each year and make it publicly available. The report will include:

- a. The number of families residing in public housing with incomes exceeding the over-income limitation, including:
 - 1) The number of families in the 24 consecutive month grace period,
 - 2) Those that are in the period before termination, and
 - 3) Those that are NPHOI families paying the alternative non-public housing rent.
- b. The PHA will report on the number of OI families residing in the PHA's public housing through income data already provided by form HUD-50058, under OMB approval number 2577-0083 and through unit data in the Inventory Management System/PIH Information Center (IMS/PIC) and/or its successor system: the Housing Information Portal (HIP).

2. Data on the Number of Families on Waiting Lists for Admission to Public Housing Projects
 - a. The waiting list data will be submitted via the *Public Housing Waiting List Data Collection Tool* in the Operating Fund Web portal.
 - 1) HUD will make the new reporting module available beginning January 1, 2024.
 - 2) All information provided, such as the number of households and the status of the waiting list (open or closed), should be current as of December 31st of the previous calendar year.
 - 3) All submissions will be due by March 31st of each year.
 - 4) HUD will combine this data with the data provided in IMS/PIC and/or HIP and the form HUD-50058 form and publish the Public Housing Over-Income Families and Waiting-Lists Report annually on the HUD website by April 30th of each calendar year.
 - b. The data may be provided by any authorized PHA official but will require the electronic signature of the Executive Director.
 - c. A PHA that maintains both an agency-wide and site-based wait lists, should be mindful not to duplicate households when reporting on the total number of families on the waiting list.

DEFINITIONS

HOTMA amended the 1937 Fair Housing Act with new and expanded provisions related to families who are residing in public housing units while being over the income limit for the public housing program. The use of such definitions are reflected throughout this policy.

Alterative Non-Public Housing Rent

This is the monthly amount the PHA must charge non-public housing over-income (NPHOI) families, allowed by the PHA's continued occupancy policy to remain in a public housing unit and who have completed the 24 consecutive month grace period.

It is a monthly rent equal to the greater of:

- The applicable Fair Market Rent (FMR) for the unit; or
- The amount of the monthly subsidy provided for the unit, which will be determined by adding the per unit assistance provided to a public housing property as calculated through the applicable formulas for the Public Housing Capital Fund and Public Housing Operating Fund.
 - For the Public Housing Capital Fund, the amount of Capital Funds provided to the unit will be calculated as the per unit Capital Fund assistance provided to a PHA for the development in which the family resides for the most recent funding year for which Capital Funds have been allocated;
 - For the Public Housing Operating Fund, the amount of Operating Funds provided to the unit will be calculated as the per unit amount provided to the public housing project where the unit is located for the most recent funding year for which a final funding obligation determination has been made;
- HUD will publish such funding amounts no later than December 31 each year.

HOTMA (Housing Opportunity Through Modernization Act of 2016

- On July 29, 2016, HOTMA was signed into law (Pub. L. 114–201, 130 Stat. 782).
- HOTMA makes numerous changes to statutes governing HUD programs, including sections 3, 8, and 16 of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (1937 Act).
- In addition to amending regulations for HUD's public housing and Section 8 programs, the HOTMA Final Rule revises the program regulations for several other HUD programs. HUD did this in the interest of aligning its requirements across its programs or because the underlying program statute required HUD to make the revisions. These include the regulations for:
 - HUD's Community Development Block Grants,
 - HOME Investment Partnerships,
 - Housing Trust Fund,
 - Housing Opportunities for Persons With AIDS,
 - Supportive Housing for the Elderly (Section 202), and
 - Supportive Housing for Persons with Disabilities (Section 811) programs.

- Since HUD and other federal agencies may use the regulations revised as part of this rulemaking in the calculation of income for other programs or activities, the public should be aware that the effects of this rulemaking are not limited to the programs listed in this rule and preamble.

Non-Public Housing Over-Income Family (NPHOI)

- A family that has exceeded the over-income limit for 24 consecutive months who remains in a public housing unit.
- The NPHOI family is paying the alternative non-public housing rent.
- A NPHOI family are no longer public housing program (PHP) participants and are unassisted tenants.

Over-Income (OI) Family

- A family whose income exceeds the over-income limit.
- This term includes families during the grace period or that are in the period before termination and are still public housing program participants.

Note: In the public housing program, this term previously referred to a family that is not a low-income family (i.e., a family with an income exceeding 80% of the Area Median Income (AMI)).

Over-Income (OI) Limit

- The over-income limit is determined by multiplying the applicable income limit for a very low-income family, as defined in 24 CFR 5.603(b), by a factor of 2.4 (i.e., 120% of the AMI).
- HUD has codified this definition.

EZ-STEPS GUIDE: HOW TO PROCESS PUBLIC HOUSING OVER-INCOME FAMILIES

(See Attachment)

NOTICE

The Nelrod Company has made its best efforts to comply with regulations, laws, and Federal/local policies. The Nelrod Company does not offer advice on legal matters or render legal opinions. We recommend that this policy be reviewed by the Housing Authority's general counsel and/or attorney prior to approval by the Board of Commissioners.

The Nelrod Company is not responsible for any changes made to these policies by any party other than The Nelrod Company.



PUBLIC NOTICE

May 12, 2023

PUBLIC HEARING - JULY 19, 2023 @ 12:15PM CST

**RE: DRAFT Admissions & Continued Occupancy Policy - Over-Income Families
SIGNIFICANT AMENDMENT TO ANNUAL AGENCY PLAN**

The draft policy is available for public review and comment for 45-days beginning May 12, 2023, until June 27, 2023. The draft policy is available for review and download at www.tuscaloosahousing.org and a printed copy is made available for onsite review at the THA Main Office located at 2117 Jack Warner Parkway, Suite 2, Tuscaloosa, 35401.

Written comments must be received before 5 P.M. CST on June 27, 2023, at the mailing or email address provided below. Comments received after this date and time will not be considered.

Changes to this policy constitutes a Significant Amendment to the Annual Agency Plan which requires a Public Hearing. The THA Board of Commissioners will convene for a Public Hearing at 12:15 P.M. CST on July 19, 2023, at the Main Office located at 2117 Jack Warner Parkway, Suite 2, Tuscaloosa. All are welcome to attend.

Please send written comments to:

Chris Hall

Executive Director

Tuscaloosa Housing Authority

PO BOX 2281

Tuscaloosa, Alabama 35401

or via email at chall@tuscaloosahousing.org

Resident Advisory Board Meeting (Policy for Public Housing)

Location: Hay Court Community Room

Sign in Sheet

Date: July 13, 2023

Time: 2:30 pm

	Print	Signature	
1	Lena...	Lena...	
2	Mildred Fred	Mildred Fred	
3	Grace Primus	Grace Primus Hay Court	
4	Brenda Black	Brenda Black	
5	MINNIE TAYLOR	Minnie Taylor	
6	Tyfa G. Anderson	Tyfa G. Anderson	
7	La Joya Ali	La Joya Ali	
8	Olivia Southall	Olivia Southall	
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