

Public Comments and CMHA Response

The following is a summary of the comments that were received verbally and/or in writing during the public review process for the FY2008 PHA Plan, including the CMHA response. In addition to the Public Hearing held on September 21, 2007, CMHA also held meetings with our community partners to discuss changes to the Housing Choice Voucher Program Administrative Plan, the Public Housing Admissions and Continued Occupancy Policy and the PHA Plan. Many of the written comments were submitted by Peter Iskin of the Legal Aid Society, who we would again like to acknowledge for his thorough review and thoughtful comments on these PHA Plan documents. Other written comments were received from Brian Davis of the Northeast Ohio Coalition for the Homeless (NEOCH), and several members of the Office of Homeless Services (OHS) Advocacy and Public Policy Committee.

The comments, followed by a CMHA response, are compiled for each of the following documents by topic and listed sequentially by section.

- A. Public Housing Agency Plan for Fiscal Year 2008 (“PHA Plan”);
- B. Changes to the Admissions and Continued Occupancy Policy (“ACOP”);
- C. Changes to the Housing Choice Voucher Program Administrative Plan; and
- D. Other Comments

A. Public Housing Agency Plan (PHA Plan) for FY2008

1. Section 3.A.(4)c. – Admissions Preferences for the Public Housing Program

Comment a: Do not make any changes to the Public Housing application preference list which would devalue the preference for people with a disability, those who are homeless or veterans. [OHC]

Comment b: After discussions with staff, we can support the change in preference. The CMHA plan as proposed originally was to introduce a super preference for those who are involuntarily displaced (natural disaster, government action, victim of domestic violence, informant, or hate crime) or those who have successfully completed an alcohol or drug treatment program. It is our understanding that this will be changed to the involuntarily displaced and those residing in a HUD funded transitional housing facility. This is a small number of people in the community, and with that limited scope we can support this change in preference. We understand the intentions and support these efforts to move people from CMHA partnered transitional housing facilities into public housing without an interruption or disruption in their housing. [NEOCH]

CMHA Response: The standard preference will remain for applicants who have a disability, are homeless or veterans. The few number of applicants who are involuntarily displaced, are victims of a natural disaster, or who have successfully completed a substance abuse treatment program will be given a higher preference due to their more urgent circumstances. Based upon these

discussions, CMHA did revise the successful completion of a substance abuse treatment program preference to: “successful completion of a substance abuse treatment program *or supportive housing program housed within or in partnership with CMHA*”.

2. Section 4.A.(1)b. and 4.B.(2) – Minimum Rent

Comment a: CMHA’s proposal to adopt a minimum rent of \$0 for the Housing Choice Voucher program is commendable and should be adopted. [Legal Aid Society]

Comment b: We applaud the decision to eliminate the minimum rent for those eligible. This is a huge step that we think will assist tenants. [NEOCH]

Comment c: Set the minimum rents for both programs at \$0. [OHS]

Comment d: Set the minimum rent at \$0 for both programs. The Voucher Program has recommended a minimum rent of \$0 for 2008, and we ask that Public Housing follow that initiative. With the minimum rent, many of our clients are still eligible for \$0 rent, but in order to receive it, they must be informed of and then go through the hurdles of applying for a minimum rent exemption, and CMHA’s implementation of the exemption rule has been uneven. Those between jobs or waiting for their disability should not be expected to find a way to pay rent of \$50 (the current minimum rent), [NEOCH]

CMHA Response: While the Housing Choice Voucher Program (HCVP) has chosen to remove their minimum rent requirement of \$50, CMHA will maintain the \$25 minimum rent for the Public Housing program in 2008. It remains the position of the Public Housing program where CMHA directly manages the properties that the minimum rent conveys an important message - if someone is receiving something of value, they should have to pay something for it. By paying something, they are more likely to feel a sense of ownership for the property at which they live, and will be better residents and neighbors. As relief from the minimum rent payment and in accordance with HUD requirements, CMHA offers protection from eviction through the hardship exemption.

3. Section 4.A.(1)f. – Rent Re-determinations

Comment a: Income re-determination should occur once per year. During the welfare reform debate in Congress, we were promised that housing subsidies would be offered, and people who saw earning increases could keep that increase until their annual re-determination. We would like to see both public housing and the voucher program have similar rules so that tenants should be able to keep these additional resources in order to save funds for non-subsidized market rate housing. We do not see any federal restrictions that would prevent the Housing Authority from adopting this policy. [NEOCH]

Comment b: Set a consistent policy for both programs that allows tenants to keep income increases between re-determination hearings. [OHS]

CMHA Response: While there might have been some promise of subsidies in the past, the reality is that CMHA is only being funded at 83% of our eligible subsidy amount for the Public Housing program. CMHA does not require tenants to report increased earnings unless the increase is more than \$2500, which seems to be the maximum amount acceptable to HUD under their new income verification system.

4. Section 9.2 – Designation of Public Housing for the Elderly

Comment: We renew our opposition to any expansion of the senior only buildings with Outhwaite. As we have stated every year, we do not believe that it is good public policy to have more than 20% of the total public housing inventory reserved for those over 50 when the demand is for residents from 20-49 years old. We do not believe that this is consistent with the City of Cleveland’s Consolidated Plan. [NEOCH]

CMHA Response: It is part of the current CMHA development strategy to build small senior buildings as part of the redevelopment of our larger family properties so that aging families can remain in their neighborhood and have a place to live that better matches their housing needs. Despite the designation of these properties, the needs of the non-elderly and disabled have not been ignored, as CMHA has served hundreds of individuals through homeless and transitional housing programs, such as the commitment of over 1200 vouchers to the Gateway Program. In addition, CMHA has taken 115 high-rise public housing units offline to provide housing for three different transitional housing programs. While the number of seniors on the CMHA waiting list has never been a high proportion of the overall waiting list, there has been enough demand to have maintained around 1800 senior households for the past several years. When combined with almost 1600 near-elderly (50 to 61) households living in our highrise buildings, which is the next priority for the elderly designated buildings, CMHA believes that there are more than enough applicable households to justify the designation of these 2510 units (about 25% of the public housing inventory), and that it does fulfill a need within the community.

5. Section 11(A)(2) – Riverview Replacement Units Homeownership Program

Comment: CMHA proposes a homeownership program for all Riverview HOPE VI replacement units plus five unspecified Scattered Site units. This program should contain a CMHA obligation to develop timely, on a one-for-one basis, replacement public housing units for all public housing units that are sold under the program. This element of the program, for replacement public housing units, should be stated expressly in the CMHA Annual Plan. [Legal Aid Society]

CMHA Response: As part of the Riverview HOPE VI Revitalization Plan, CMHA has proposed a Homeownership Plan for 5 of the 135 scattered site units that were either initially acquired in 1998 or are that will be acquired in the next two years as replacement units for the demolished Riverview family units. It is CMHA’s intent to replace these 5 units after they have been sold, and the Executive Summary of the PHA Plan has been amended to include this statement.

6. Section 11(B)(2)(a) – Unlimited Size of HCV Homeownership Program

Comment a: CMHA proposes to eliminate its restriction on the number of families that may participate in its Housing Choice Voucher homeownership program. CMHA should rescind this proposal and continue to limit the number of families in its Housing Choice Voucher homeownership program to a reasonable number, such as 150 families. This will insure that CMHA does not divert an unreasonable amount of voucher assistance from extremely low income families. While homeownership is a commendable goal, the primary purpose of CMHA’s Housing Choice Voucher program should be to help extremely low income families. Because they cannot afford market rents, voucher (or similar) rental assistance is their only means for securing decent housing. [Legal Aid Society]

Comment b: We do not support having an unlimited size of the (HCVP) Homeownership program. The Homeless Coalition would like to see a limit of 100 families participating in this program. [NEOCH]

CMHA Response: Since it was never CMHA’s intent to make the number of participants in the HCVP Homeownership program unlimited, CMHA has changed this section of the PHA Plan to indicate that “yes” there will be a limit on the number of participating families and that it will be “more than 100 participants” which means there will be no change from last year’s PHA Plan. The HCVP would like its partners to be aware that the Homeownership Program does not negatively affect low-income housing in the County. To be a participant in the Homeownership Program, the family must already be participating in the CMHA rental voucher program. In other words, potential homeowners are already receiving a monthly subsidy through CMHA. The homeownership program merely allows the subsidy already being paid towards rent to contribute toward purchase instead. When a voucher holder purchases a home, their rental voucher is converted to a homeownership voucher. When the family ceases to participate in the homeownership program, their voucher is converted back to a rental voucher and it becomes available to a family on the waiting list. There have been 48 homes purchased since 2003. Of these, 3 homeownership vouchers have been converted back to rental vouchers due to the voucher holder “graduating” from the Homeownership Program.

B. Admissions and Continued Occupancy Policy (ACOP)

1. Ch. 1, § 1.12(C)(2),(3) – LIHTC Income Tiers, Garden Valley and Outhwaite

Comment: CMHA proposes Low Income Housing Tax Credit (“LIHTC”) income tiers for admission to Garden Valley and Outhwaite. The proposal would require CMHA to lease 40% of the units to households with income at or below 50% of area median income (“AMI”), and 60% of the units to households with income at or below 60% of AMI. CMHA should revise this proposal to make these LIHTC income tiers similar to those CMHA adopted for Tremont Pointe (formerly Valleyview), and similar to the HUD income targeting rules for public housing.

- Under the Tremont Pointe income tiers, with respect to the LIHTC units (which includes the public housing units), management is required to lease

- 47% of the units to households with income at or below 30% of AMI, and
 - 23.5% of the units to households with income between 31% and 40% of AMI.
 - The HUD income targeting rules require a PHA to lease not less than 40% of its public housing units to households with an income at or below 30% of AMI. 24 C.F.R. § 960.202(b)(1). Consistent with these Tremont Pointe and HUD rules, CMHA should revise the LIHTC income tiers for Garden Valley and Outhwaite so as to require CMHA to lease
 - not less than 40% of the units to households with an income at or below 30% of AMI,
 - not less than 60% of the units to households with an income at or below 50% of AMI, and
 - 100% of the units to households with an income at or below 60% of AMI.
- [Legal Aid Society]

CMHA Response: CMHA has adjusted the income tiering section to “40% of the units to households with income at or below 30% of area median income (“AMI”), and 60% of the units to households with income at or below 60% of AMI.” While taking the minimalist approach to stating policy, the reality is that the vast majority (88%) of public housing residents are in the extremely low income (below 30%) category.

2. Ch. 1, § 1.12(C)(2),(3) – LIHTC Student Rule, Garden Valley and Outhwaite

Comment: CMHA proposes a LIHTC student rule for admission to Garden Valley and Outhwaite, which would state that full-time students are not eligible for admission. CMHA should modify this proposal so that, like the corresponding Tremont Pointe rule (ACOP § 1.12(A)(4)(a)), it recognizes and references the exceptions that permit certain full-time students to reside in LIHTC units. [Legal Aid Society]

CMHA Response: CMHA has modified the language accordingly.

3. Ch. 2, § 2.16 – Admission Rules on Criminal Activity

Comment a: Adopt the recommendations of the Cleveland/Cuyahoga County Re-Entry task force. [OHS]

Comment b: All of the recommendations of the Re-Entry Task Force should be adopted. Over the past year, advocates have worked to reduce some of the barriers to housing for those coming out of incarceration. We ask that CMHA adopt those recommendations to allow those who have paid their debt to get on with their life with the fewest barriers as possible. [NEOCH]

Comment c: CMHA makes several commendable proposals for revising § 2.16. [Legal Aid Society]

CMHA Response: Over the past year, CMHA met several times with Task Force representatives that resulted in several changes to this section of the ACOP, which pertains to criminal admissions. While CMHA did not adopt all of the recommendations of the Task Force, modifications have been made to some of the language in this section that was either not clear or

too restrictive. Based upon discussions of the proposed changes, CMHA further defined the history of criminal activity as “within three years” of application, but did not change the period of one year from “completion of their sentence” to the suggested “release from prison.” CMHA has also agreed to continue a dialogue with the Task Force about the possibility of additional changes in the future.

4. Ch. 3, § 3.03(F) – EID Eligibility Based on Employment Within Six Months After Receiving OWF Cash Assistance

Comment: CMHA’s policy and practice, in some or all cases, is to deny eligibility for the earned income disallowance (aka disregard) (“EID”) where a family member (i) is employed, (ii) then is unemployed and receives OWF cash assistance for one or more months, and (iii) then is re-employed within six months after receiving the OWF cash assistance and the re-employment results in an increase in the family’s annual income. Also, CMHA’s policy and practice, in some or all cases, is to deny eligibility for the EID solely because the family member, who was employed within six months after receiving OWF cash assistance, did not receive the OWF cash assistance for six consecutive months (or for some other specified time period). These CMHA policies and practices violate 24 C.F.R. § 960.255. A family is a “qualified family” for the EID if a family’s annual income increases as a result of new employment (or increased earnings) of a family member, within six months after the family member received OWF cash assistance. 24 C.F.R. § 960.255(a) (definition of “qualified family”). Under this definition, the family member is not required to receive the OWF cash assistance for any minimum period of time. *Id.* And, under this definition, whether the family member was employed prior to receiving the OWF cash assistance is irrelevant. *Id.* HUD has confirmed this position, in its Admission and Occupancy FAQ, Section II, Q&A No. 34 (available at www.hud.gov/offices/pih/phr/about/ao_faq_eid.cfm), which reads:

Q34: If a family was working, and then becomes unemployed, applies for TANF, receives TANF for one month and then becomes employed again, is the member entitled to the disregard.

A34: Yes. The regulation states that a person is eligible if they have experienced employment during or within 6 months after receiving TANF assistance. This person is eligible for EID.

Therefore, CMHA should revise this section (and CMHA’s practice) so that the policy (and practice) expressly require CMHA to grant the EID in all cases where a family’s annual income increases as a result of new employment (or increased earnings) of a family member, within six months after the family member received OWF cash assistance, irrespective of the number of months in which the family member received OWF cash assistance, and irrespective of whether the family member was employed prior to receiving the OWF cash assistance. [Legal Aid Society]

CMHA Response: CMHA believes it is following the HUD regulations in regards to the implementation of EID rules. Therefore, we see no need to revise the policy statements, but we are always willing to discuss specific cases where the Legal Aid Society believes that there has been a misinterpretation of these rules.

5. Chapter 3, § 3.08(H)(6) – Repayment of Suspended Minimum Rent

Comment: This section and CMHA practice appear to require any tenant who receives a minimum rent hardship exemption (1) to enter into a repayment agreement for the minimum rent that is not paid during the first 90 days of the exemption, irrespective of whether the qualifying hardship is long-term and (2) to enter into the repayment agreement upon the termination of the exemption. This CMHA policy and practice violates 24 C.F.R. § 5.630(b). When determining whether to grant a minimum rent hardship exemption, CMHA is required to determine promptly whether the qualifying hardship exists and, if so, whether it is short-term or long-term. 24 C.F.R. § 5.630(b)(2)(i). If the qualifying hardship exists and is long-term, CMHA is barred from requiring repayment of any of the suspended minimum rent. 24 C.F.R. § 5.630(b)(2)(iii)(B). Therefore, CMHA should revise this section (and CMHA’s practice) so that the policy (and practice) require CMHA (1) to determine promptly whether a qualifying hardship is long-term and (2) not to assess or collect any suspended minimum rent, when the qualifying hardship is long-term. [Legal Aid Society]

CMHA Response: CMHA agrees that minimum rent payments will not be charged to residents during the period that they have a qualifying long-term hardship. The language of this section was not clear and has been revised to indicate that payments would only be due from those families where it was determined that the minimum rent suspension was only temporary.

6. Chapter 6, New § 6.12 – Access to Tenant Files by Tenant or Tenant’s Agent

Comment: Tenants and their agents, from time to time, need timely access to the files that CMHA maintains at the management offices and the recertification department, relative to the tenant’s occupancy of a CMHA dwelling unit (“Tenant and Recertification files”). The Tenant and Recertification files contain rent computations, information that the tenant furnished to CMHA, notices that CMHA served upon the tenant, and numerous other matters related to the tenancy. On many occasions, CMHA has not granted tenants or their agents timely access to the Tenant and Recertification files. To remedy this problem, CMHA should adopt an ACOP policy on this matter. A reasonable place to insert the policy would be in a new § 6.12. The policy should state:

CMHA shall provide the tenant and the tenant’s authorized agent with timely access to the files that CMHA maintains at the management office and the recertification department, relative to the tenant’s occupancy of a CMHA dwelling unit (“Tenant and Recertification files”). Timely access is presumed to be seven days from the date of the request for access, but may be a shorter or longer time period if it is required by special circumstances and the tenant or CMHA informs the other party of those circumstances. A third party may be an authorized agent of the tenant for these purposes only if the tenant grants such authority in a signed written document.

The tenant or the tenant’s authorized agent may present a request for access to the Tenant and Recertification files, either orally or in writing, to the CMHA central office or to the management office of the estate at which the tenant resides. When the request is submitted

(or as soon thereafter as is reasonably possible), CMHA and the party who submitted the request (the tenant or the tenant's authorized agent) shall arrange a mutually convenient date, time, and location for CMHA to provide the party who submitted the request with timely access to the Tenant and Recertification files.

The tenant and the tenant's authorized agent may receive copies of any documents that are contained in the Tenant and Recertification files. CMHA shall provide the tenant and the tenant's authorized agent with those copies, free of charge. [Legal Aid Society]

CMHA Response: While CMHA is not going to add this suggested language to the ACOP, a procedure has been developed whereby tenants and their authorized agents may review these files at the AMP office of their property with 48 hours advance notice.

7. Chapter 6, New § 6.13 – Date-Stamped Copy of Tenant's Written Submissions

Comment: Tenants regularly submit written documents to CMHA. These written submissions concerns a variety of matters, including, for example, a change in income, a change in family composition, or a complaint regarding a specified CMHA action or inaction. Too often, disputes arise as to whether the tenant submitted the written document to CMHA. To enhance the accuracy of CMHA's record maintenance, to enable CMHA to better serve its tenants, and to minimize the number of such disputes, CMHA should adopt an ACOP policy (in a new § 6.13) that states:

Upon receiving any written document from a tenant, CMHA shall make a copy of the written document and shall provide the tenant with a date-stamped copy of the written document, which verifies CMHA's receipt of the written document.

While this proposed ACOP policy may be consistent with the practice that CMHA now expects of its staff, an ACOP policy is still appropriate and needed. The proposed ACOP policy would (i) clearly state CMHA's policy on this matter, (ii) inform the tenants of the policy, and (iii) promote more consistent staff implementation of the expected practice. Presently, staff implementation of this policy (or expected practice) is uneven. [Legal Aid Society]

CMHA Response: CMHA does not see the need to add this as a policy statement, since it is established procedure and practice to provide this service. CMHA has and will continue to emphasize the importance of this provision with Property Management staff.

8. Chapter 11 – VAWA Lease Provisions and Notice to Tenants

Comment: Under 42 U.S.C. §§ 1437d(1)(5) and (6), CMHA is required to make certain changes in its public housing dwelling lease to implement provisions of the Violence Against Women Act ("VAWA"). Last year, CMHA adopted revisions to the ACOP that implemented certain VAWA requirements. But, CMHA did not make the required VAWA revisions to the CMHA leases (ACOP Ch. 11). This year, it appears that CMHA again does not propose to make these required lease revisions. If CMHA does propose to make the required lease revisions, it should revise the

ACOP Ch. 11 accordingly. If CMHA does not propose to make the required lease revisions, it should reverse that decision and comply with the applicable law. Under 42 U.S.C. § 1437d(u)(2)(B), CMHA is required to provide its public housing tenants with notice of their VAWA rights, including their right to confidentiality. In the event that CMHA has not provided tenants with this required notice, it should do so as soon as is reasonably possible. [Legal Aid Society]

CMHA Response: Since it is such an onerous task to change and reissue the dwelling lease, CMHA will address these changes at a later time (next year if resources allow it) when the entire lease can be reviewed and revised. However, CMHA will implement a lease addendum when appropriate and in addition to incorporating VAWA language into the ACOP, CMHA sent the required notification to all public housing families and provides it to new admissions.

9. Miscellaneous – Posting of the Admissions & Continued Occupancy Policy

Comment: CMHA should post the ACOP on the CMHA website, like it now posts the Annual Plan, the Five Year Plan, and the Administrative Plan for the Housing Choice Voucher Program. Making the ACOP easily accessible via this posting would be very helpful to public housing tenants, public housing applicants, their representatives, social service agencies, and others. [Legal Aid Society]

CMHA Response: This was done in August 2007.

C. Housing Choice Voucher Program Administrative Plan

1. Chapter 2, Page 2-2, Section B – When Family Composition is Decided

Comment Paraphrased: CMHA should not adopt this proposed paragraph. It is unfair and perhaps unlawful. The time period between the date of the original application and the date on which CMHA makes an initial eligibility determination may be an extended period of time. [Legal Aid Society]

CMHA Response: Agree. CMHA’s original suggested wording does not accurately describe what occurs and therefore the wording should be revised. To explain CMHA’s original intention, the waiting list contains the names of heads-of-household selected in the lottery, not their family members. When the full application is submitted, at the time the family’s name reaches the top of the waiting list and the interview is completed, the head-of-household indicates other family members who will be residing in the household. CMHA makes its eligibility determination based upon this full application. The wording will be clarified to read, “Processing for eligibility will proceed with the individuals listed on the application.” Further, it is noted that it is not CMHA’s intention to apply this paragraph to participants in the voucher program. CMHA agrees with the observation that PHA approval is not required to remove a family member from the voucher household.

2. Chapter 2, Page 2-2, Section J – Removal of Offending Family Member

Comment Paraphrased: The time period between the date of the original application and the date on which CMHA makes an initial eligibility determination may be an extended period of time. During that time, a household member may engage in criminal activity and no longer reside with the household. Applicants should not be held accountable for the conduct of persons no longer members of their household. This paragraph should not be adopted, or at least revised so as to be applicable only to criminal conduct that occurred prior to the submission of the original application.

CMHA Response: Agree with the observation that clarification is needed (see response above). The full application, indicating all family members, is not submitted until the family's name reaches the top of the waiting list. Therefore, the declaration of family members is current at the time of the admissions review. The wording will be clarified to state: "The PHA may deny assistance for an applicant if any adult family member does not clear the criminal background check." CMHA's criminal review standard is three years prior to admission, with the exception of patterns of serious violent criminal activity, which is five years. Denial of admission based upon certain criminal activities during a reasonable time before admission is permitted in the Code of Federal Regulations.

3. Chapter 2, Page 2-8 – Successful Completion of a Drug or Alcohol Rehab Program

Comment Paraphrased: CMHA proposes to add a sentence that would create a presumption of denial for any non-disabled applicant who no longer engages in illegal use of drugs or alcohol and who has successfully completed a supervised drug or alcohol rehabilitation program. CMHA should not adopt this proposed sentence.

CMHA Response: Agree. CMHA withdraws the proposed change.

4. Chapter 4, Page 3-4, Section E – Removal of Working Family Preference

Comment Paraphrased: CMHA's proposed revision of the first sentence of Section E, which removes reference to the working family preference that CMHA eliminated last year, is commendable and should be adopted.

CMHA Response: Agree.

5. Chapter 4, Page 4-6, Section J – Landlord Referred Applicants in the Section 8 Moderate Rehabilitation Program

Comment Paraphrased: CMHA’s current admin plan wording regarding filling vacancies in the Mod Rehab Program should be revised.

CMHA Response: Agree. The proposed revised wording states, “When the PHA is notified of a vacancy, it will send referrals from the Moderate Rehabilitation (MR) waiting list to the MR landlord for a period of 30 days. The PHA will contact the first family on the appropriate bedroom size waiting list and if the family is interested in the Mod Rehab unit, the PHA will refer the family to the owner. If the family refuses the unit, the refusal will be noted and the next person on the waiting list will be contacted. Once the family has refused a referral to three different MR properties, their name will be placed at the bottom of the waiting list. If a family is not accepted by the MR landlord, the landlord must document the reason for the refusal on a form provided by the PHA. The owner may refuse any family so long as the owner has a valid reason and does not unlawfully discriminate. After 30 days, the landlord may refer a name to the PHA. The referral will receive 30 points toward order of selection on the waiting list.”

6. Chapter 4, Pages 4-5 and 4-7 – Removal from Tenant-Based or PBV Waiting List Due to Admission to the Other Program

Comment Paraphrased: The comments concern three related CMHA proposals for the project-based waiting list. First, CMHA proposes to maintain a designated project-based waiting list. Second, CMHA proposes a policy that would remove applicants from the waiting list for the tenant-based voucher if and when they are admitted to the project-based program. Third, CMHA proposes a policy that would remove applicants from the waiting list for project-based assistance if and when they are admitted to the tenant-based voucher program. The latter two proposals should not be adopted as they seem to violate the Code of Federal Regulations.

CMHA Response: Agree. The wording will be revised to state, “Once admitted to the project-based program, the applicant’s name is removed from the project-based waiting list.” It should be noted that participants in the project-based program are eligible for a regular HCVP voucher after one year on the project-based program.

7. Chapter 6, Page 4-7, Section K – Notice of PBV Waiting List Opening or Closing

Comment Paraphrased: CMHA should revise its proposal for notification to the public for opening and closing of the project-based waiting list. It does not meet the requirement for publication in a local newspaper of general circulation and by minority media.

CMHA Response: Agree. The wording will be revised to read, “When the PHA opens the waiting list, the PHA will advertise through public notice in local newspapers, minority publications and media entities, including the Plain Dealer, Call and Post, Del Sol, and Sun Newspapers, or other print media whose distribution is within the PHA’s jurisdiction... Waiting list closing will be announced by public notice.”

8. Chapter 5, Page 5-2 Section A – Children Under 4 Years of Age Sharing a Bedroom

Comment: CMHA’s proposed deletion of the shared bedroom requirement, for two children of different sexes under 4 years of age, is commendable and should be adopted.

CMHA Response: Agree.

9. Chapter 6, Pages 6-4 and 6-5 – Minimum Rent of \$0

Comment Paraphrased: The zero minimum rent proposal is commendable and should be adopted. CMHA’s proposal to make minimum rent effective March 1, 2008 should be revised so as to make the effective date January 1, 2008.

CMHA Response: Agree.

10. Chapter 6, Page 6-10 and Chapter 7, Page 7-14 – Use of Self-Certification to Verify Permanent Absence of Spouse or Other Family Member

Comment Paraphrased: CMHA proposes to eliminate self-certification (affidavits) as a method for verifying the permanent absence of a spouse or other household member, even if the other acceptable methods of verification are not reasonably available to the household. CMHA should not adopt these proposed changes because self-certification is often the only available form of verification.

CMHA Response: Agree. Rather than simply omitting self-certification, the option of submitting an affidavit of separation will be added.

11. Chapter 9, Page 9-1, Section A – Absence of Foreclosure Requirement

Comment: CMHA’s proposed RFTA requirement that the dwelling unit not be in foreclosure is commendable and should be adopted.

CMHA Response: Agree.

12. Chapter 9, Snow Removal Duties under a Voucher Lease

Comment: CMHA’s proposed clarification on when a tenant may be obligated under a voucher lease to remove snow is commendable and should be adopted.

CMHA Response: Agree.

13. Chapter 10, Page 10-8 – Tenant Payment Obligations During an Abatement

Comment Paraphrased: CMHA proposes to add a paragraph that addresses the tenant’s payment obligation during an abatement period. CMHA should delete, “but the family still owes its monthly obligation, if any”. Whether the tenant still owes the tenant’s share of the monthly rent is a matter of state law.

CMHA Response: Agree. The wording will be revised to state, “During abatement the HAP contract is still in effect. This means that only the HAP is abated. The family is not responsible for reimbursing the owner for any HAP that is not distributed by the PHA.”

14. Chapter 15, Pages 15-6 and 15-7 – CMHA Review Before it Issues a Notice of Termination

Comment: CMHA should adopt the following policy: “CMHA shall conduct an independent verification and analysis of the alleged relevant facts, when and to the extent that it is reasonably feasible, before it issues a proposed notice of termination.” This policy would be a safeguard against CMHA reliance on unreliable sources of information, such as hearsay alone and/or anonymous sources when it issues a notice of termination.

CMHA Response: Disagree. The proposed wording is not needed. CMHA reviews evidence carefully before sending a notice of proposed termination. Generally, evidence consists of police reports, court documents or other written materials. In addition, all tenants who are proposed for termination are offered the option of requesting an informal hearing. This is an opportunity for review and analysis of alleged relevant facts. At the informal hearing the tenant may review and challenge the evidence presented by CMHA and present evidence and witnesses of his/her own. The tenant is permitted to have legal representation at his or her own expense. When CMHA receives hearsay reports of program violations, or receives information from anonymous sources alone, the tenant may receive a warning letter or perhaps no action will be taken at all. The standard in a HCVP termination case is preponderance of the evidence. It is not CMHA’s policy or practice to terminate tenants without evidence.

15. Chapter 20, Page 20-3 – PBV Program Regulations

Comment: CMHA’s statement of the implementing HUD rules for the PBV program (first sentence of third paragraph under Purpose) should end at 24 CFR Part 983. The remainder of the sentence is obsolete because the Federal Register provisions to which it refers are not contained in 24 CFR Part 983.

CMHA Response: Agree.

16. Chapter 20, Page 20-3 – Supportive Services Under the PBV Program

Comment: CMHA’s proposed list of supportive services under the PBV program is commendable and should be adopted.

CMHA Response: Agree.

17. Chapter 20, Page 20-3 – Applicant Referrals from Owners of PBV Properties

Comment Paraphrased: CMHA seemingly proposes to permit owners of PBV properties to refer applicants for placement on the PBV waiting list, even if the waiting list is closed, provided the property serves a narrowly defined segment of the general population, such as homeless persons with a disability. Another, and perhaps better approach, may be a separate waiting list for the property, which the regulations permit. CMHA’s proposed approach may violate the regulations.

CMHA Response: Agree. The wording will be revised to read, “All available project-based voucher units will be leased by persons referred from the Project-Based Voucher Waiting List(s). Owners of PBV properties can refer applicants to the PHA for placement onto the PBV waiting list when the Project-Based Voucher Waiting List is open.” The proposed wording, “...when the property serves a narrowly defined segment(s) of the general population (e.g., homeless persons with disabilities). All property owners can refer applicants to the PHA for placement...” is withdrawn.

18. Chapter 20, Page 20-8, Section E – Cash Downpayment Requirement Relative to Elderly and Persons with a Disability

Comment: For both elderly and persons with a disability, CMHA proposes “to review,” on an individual basis, the minimum cash downpayment requirement. It appears that CMHA intends, upon such reviews, to waive or modify the requirement in certain cases. If this is CMHA’s intent, CMHA should expressly state it.

CMHA Response: Agree. The wording will be revised to read, “The PHA will review this requirement on an individual basis for elderly and families with disabilities; and this requirement may be waived or modified”.

D. Other Comments

1. Close the Public Housing Waiting List after it reaches 5,000 people.

Comment a: It does not make sense to hold out hope for people when the waiting list is 3 to 5 years. There are now 7,000 people on the CMHA Public Housing Waiting List and there are only 9,700 units in the CMHA inventory. We understand the expense in opening and closing the waiting list, but maybe we can think about this as a planned event for FY2009. With the growing crisis in the housing market and the explosion in foreclosures over the next year, we feel that the

list will increase to the point that more people will be on the waiting list than are actually housed by CMHA. We propose that CMHA think about closing its waiting list in 2008 for everyone except those 50 or older. [NEOCH]

Comment b: Close the Public Housing waiting list at 5,000 people except for those 50 and over. [OHS]

CMHA Response: This is something that CMHA has considered in the past, and will consider again in the coming year. The only category on the waiting list that is excessive is the one-bedroom applicants from 18-49 years of age. CMHA has explored closing the one-bedroom waiting list in the past, but we have not received clear HUD guidance on whether we can only close it for those 18-49 years old. CMHA cannot close the one-bedroom list entirely since applications are always needed from those 50 years of age and older.

2. Add more information to the Website.

Comment a: CMHA's Admissions and Continued Occupancy Policy (ACOP) contains important CMHA policies including its admission rules. We ask that CMHA at all times maintain its current ACOP on display on the CMHA website. We also ask for more information on the website for tenants and those seeking to be a tenant to better interact with the Housing Authority. This could include where do people go to ask for help or who to call if you want to find out where you are on the waiting list. [NEOCH]

Comment b: Add admissions policy and more contact information to the CMHA website. [OHS]

CMHA Response: The ACOP was placed on the CMHA website in August 2007, and will be updated annually. CMHA is always looking for ways to improve the website and add useful information for those that need it.

3. Assign a staff person from both the Housing Choice Voucher and Public Housing programs to be the liaison with the homeless community.

Comment a: This would enable shelter staff to contact a HCV staff person to expedite move out of the shelter and into an apartment after an individual's lottery number is drawn. Space within the shelter is at such a premium that we need all the help that we can get opening up those spaces. [NEOCH]

Comment b: It is critical that we free up space within the shelters quickly. Therefore, when a person's name or number is drawn for a public housing unit, the person should move quickly into housing. We need one staff person that we can talk to in order to cut through the bureaucracy and free up the space in the shelters for other homeless people. [NEOCH]

Comment c: Assign a staff person to be the liaison to the homeless community for each of the programs (Public Housing and Housing Choice Voucher). [OHS]

CMHA Response: Unfortunately, current staffing levels and budget constraints do not permit the assignment of a specific person to this task. However, CMHA will continue to expedite the processing of applicants on a case-by-case basis when needed for specific clients, or for certain initiatives as we have done in the past.

4. General statements

Comment a: We understand the importance of CMHA to our community, and want the agency to remain a strong and healthy organization housing very low income individuals. As a side note, we applaud the agency for the hiring of Police Commander Andres Gonzalez. We worked closely with Commander Gonzalez in the third district, and he always believed in honesty and transparent partnership with the homeless community. As always, if there is any ability for the Coalition to assist with advocacy efforts to increase federal funding, we would be happy to partner with CMHA. [NEOCH]

Comment b: We urge the Housing Authority board to pass a resolution in support of the National Housing Trust (HR 2895) to preserve and create new affordable housing. [NEOCH]