

RESOLUTION NO. 66-2019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ADOPTING THE REVISIONS TO THE CITY OF MESQUITE HOUSING CHOICE VOUCHER ADMINISTRATIVE PLAN; AND DECLARING AN EFFECTIVE DATE THEREOF.

WHEREAS, the City Council of the City of Mesquite, Texas (the "City"), has authorized participation in the Housing Choice Voucher of the U.S. Housing Act of 1937, as amended; and

WHEREAS, in accordance with 24 CFR 982.54, the City must adopt a written administrative plan ("Plan") that establishes local policies for administration of the program in accordance with U. S. Department of Housing and Urban Development ("HUD") requirements; and

WHEREAS, the City Council did adopt a Plan and is required to adopt any revisions to the Plan; and

WHEREAS, the City Council adopted revisions to the City's Plan in October 2018 and HUD has since revised its regulations and requirements; and

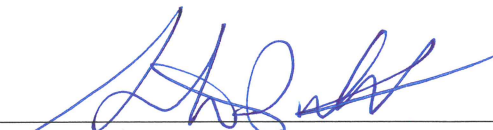
WHEREAS, HUD requires that the City's Plan be revised to comport with HUD regulations and requirements amended since October 15, 2018.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the revisions to the Housing Choice Voucher Administrative Plan, more fully described in Exhibit "A" attached hereto and made part of hereof, are hereby adopted.

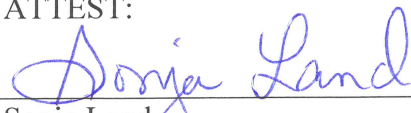
SECTION 2. That the effective date of the Plan shall be October 1, 2019.

DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 16th day of September 2019.



Stan Pickett
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney

EXHIBIT "A"

CHAPTER	CURRENT LANGUAGE	REQUIRED LANGUAGE UPDATE	CFR Reference/PIH Notice
PAGE 2-19	VAWA 2005	VAWA 2013	Amended update
PAGE 3-3 E	If the applicant family fails to respond or correspondence is returned as undeliverable to the Housing Division, the applicant family will be withdrawn from the waiting list.	If the applicant family fails to respond within 10 business days or correspondence is returned as undeliverable with no forwarding address to the Housing Division, the applicant family will be withdrawn from the waiting list. If the notice is returned by the post office with a forwarding address, the notice will be re-sent to the address indicated. The family will have 10 business days to respond from the date the letter was re-sent. A notice will be sent to the family's address of record and any forwarding address on returned mail.	Modify policy
PAGE 3-3 E	A notice will be sent to the family's address of record as well as to any alternate address provided on the initial application	A notice will be sent to the family's address of record and any forwarding address on returned mail.	982.201F
PAGE 3-3 E	No current language	The family's response must be in writing and may be delivered in person, by mail, by email, or by fax. Responses should be postmarked or received by the MHD not later than 10 business days from the date of the PHA letter. If the family fails to respond within 10 business days, the family will be removed from the waiting list without further notice.	24 CFR 982.204
PAGE 3-4/5	Local Preferences [24 CFR 982.207] HUD permits the Housing Division to establish a system of local preferences for selection of families admitted to the program. The system of local preferences must be based on local housing needs and priorities. The City of Mesquite has determined that the following preferences will be offered: • A preference to any family that has been terminated from the HCV program due to insufficient program funding. This preference will receive the highest ranking. • A preference for working families (families where the head, spouse, co-head, or sole member is employed). An applicant family shall be given the benefit of the working family preference if the head, spouse, co-head, or sole member is elderly (age 62 and over) and/or disabled. • A preference to veterans of the U.S. Armed Forces (Head of Household, Co-head or Spouse) • The working family and veteran family preference will receive equal ranking and shall be ranked second to any family that has been terminated from the HCV program due to insufficient program funding.	Local Preferences [24 CFR 982.207] HUD permits the Housing Division to establish a system of local preferences for selection of families admitted to the program. The system of local preferences must be based on local housing needs and priorities. The City of Mesquite has determined that the following preferences will be offered: • A preference to any family that has been terminated from the HCV program due to insufficient program funding. This preference will receive the highest ranking. • The working family and veteran family preference will receive equal ranking and shall be ranked second to any family that has been terminated from the HCV program due to insufficient program funding. • A preference for working families (families where the head, spouse, co-head, or sole member is employed). An applicant family shall be given the benefit of the working family preference if the head, spouse, co-head, or sole member is elderly (age 62 and over) and/or disabled.	Modify preference selection
PAGE 3-6 H	Any required documents or information that the family is unable to provide at the interview must be provided within 14 calendar days of the interview. In certain cases, longer submission deadlines for certain items, including documentation of Social Security numbers and eligible noncitizen status, may be granted. If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. The family will be sent a notice of denial if the required documents and information are not provided within the required time frame (plus any extensions).	Any required documents or information that the family is unable to provide at the interview must be provided within 10 calendar days of the interview. In certain cases, longer submission deadlines for particular items, including documentation of Social Security numbers and eligible noncitizen status, may be granted. If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. The family will be sent a notice of denial if the required documents and information are not provided within the required time frame (plus any extensions).	Modify policy
PAGE 3-7	J-1-1	J-2-1	Correction only
PAGE 4-2	Adults of different generations will not be allocated a separate bedroom from other family members. For subsidy standard purposes, different generations are defined as family members from different eras. For example, grandparents/parent; parents/children etc.	Two (2) people will be required to share a room regardless of the sex or age. MHD may approve an exception to the rule for a person with disabilities. The living area may be considered a sleeping room for occupancy purposes.	CFR 982.402
PAGE 4-2	The family's continued need for an additional bedroom due to special medical equipment must be re-verified at annual reexamination.	The family's continued need for an additional bedroom due to special medical equipment must be re-verified at annual reexamination through annual re-inspection.	Modify policy

PAGE 6-2 & 6-3	The Housing Division will obtain income reports for annual rec examinations on a monthly basis. Reports will be generated as part of the regular rec examination process. Income reports will be compared to family-provided information as part of the annual rec examination process. Income reports may be used in the calculation of annual income. Income reports may also be used to meet the regulatory requirement for third party verification, as described above. Income and IVT reports will be used in interim rec examinations to identify any discrepancies between reported income and income shown in the EIV system, and as necessary to verify and calculate earned income, unemployment benefits, Social Security and/or SSI benefits. EIV will also be used to verify that families claiming zero income are not receiving income from any of these sources. Income and IVT reports will be retained in participant files with the applicable annual or interim rec examination documents.	The Housing Division will obtain income and Income Validation Tool (IVT) reports for annual rec examinations on a monthly basis. Reports will be generated as part of the regular rec examination process. Income and IVT reports will be compared to family-provided information as part of the annual rec examination process. Income reports may be used in the calculation of annual income. Income reports may also be used to meet the regulatory requirement for third party verification, as described above. Income and IVT reports will be used in interim rec examinations to identify any discrepancies between reported income and income shown in the EIV system, and as necessary to verify and calculate earned income, unemployment benefits, Social Security and/or SSI benefits. EIV will also be used to verify that families claiming zero income are not receiving income from any of these sources. Income and IVT reports will be retained in participant files with the applicable annual or interim rec examination documents.	Modify policy
PAGE 6-3	EIV Discrepancy Reports The EIV discrepancy report is a tool for identifying families who may have concealed or underreported income. Data in the discrepancy report represents income for past reporting periods and may be between 6 months and 30 months old at the time reports are generated. Families who have not concealed or under-reported income may appear on the discrepancy report in some circumstances, such as loss of a job or addition of new family members. Income discrepancies may be identified through use of the EIV "Income Discrepancy Report" or by review of the discrepancy tab for the individual family.	EIV Income Validation Tool (IVT) THE IVT provides a validation of tenant reported wages, unemployment compensation and Social Security benefits reported in IMS-PIC via form HUD-50058. The IVT displays Discrepancies in previously reported amounts of tenant income by comparing the income reported (50058) with the income/benefit information received from the Department of Health and Human Services' (HHS) National Directory of New Hires (NDNH) & the Social Security Administration (SSA) data sharing agreements	Updated from EIV system
PAGE 6-4	Written third-party verification documents must be original and authentic and may be supplied by the family or received from a third-party source. The Housing Division may photocopy the document to retain in the file and return the original to the family.	Written third-party verification documents must be original, authentic and dated within 60 days of MHD's request. It may be supplied by the family or received from a third-party source. The Housing Division may photocopy the document to retain in the file and return the original to the family.	Modify policy
PAGE 6-5	Oral third-party verification is mandatory when written third-party verification when neither form of written third party is available, or is delayed/have not been returned within 14 calendar days	Oral third-party verification is mandatory when written third-party verification is unavailable or is delayed/have not been returned within 10 calendar days.	PIH NOTICE 2010-19
PAGE 6-6	The self-certification must be made in a format acceptable to the Housing Division and must be signed by the family member whose information or status is being verified. All self-certifications must be signed in the presence of a Housing Division notary public.	The self-certification must be made in a format acceptable to the Housing Division and must be signed by the family member whose information or status is being verified. All self-certifications must be signed in the presence of a notary public.	Modified policy
PAGE 6-14	Church issued baptismal certificate (if not other verification of legal identity is available)	Church issued baptismal certificate (if no other verification of legal identity is available)	Correction only
PAGE 7-1	Missing information and/or missing documents will only be accepted as original hard copies and in-person. The Housing Division will not accept missing information over the phone but will accept some missing information over the fax or email.	Missing information and/or missing documents will be accepted as original hard copies, fax, email and in-person. The Housing Division will accept some missing information over the phone(i.e. year built, security deposit amount)	Modify policy
PAGE 7-5	The Housing Division will review the lease, particularly noting the approvability of optional charges and compliance with regulations and state and local law	The Housing Division will not review the lease, particularly noting the approvability of optional charges and compliance with regulations and state and local law	Modify policy
Page 7-10	Checks that are not received within 45 days of issuance will not be replaced until a written request, in the form required by the City's Accounting Division, has been received from the payee	Checks that are not received within 15 days of issuance will not be replaced until a written request, in the form required by the City's Accounting Division, has been received from the payee	Modify policy

PAGE 7-13	<p>The Voucher Payment Standard amount is set by the Housing Division between 90 percent and 110 percent of the HUD published Fair Market Rent (FMR). This is considered the basic range. The Housing Division reviews the appropriateness of the Payment Standard annually when the SAFMR is published. In determining whether a change is needed, the Housing Division will ensure that the Payment Standard is always within the range of 90 percent to 110 percent of the new SAFMR, unless an exception payment standard has been approved by HUD.</p> <p>The Housing Division will establish a payment standard for every FMR area within its jurisdiction and will establish payment standard amounts for each "unit size." If the Housing Division has established an exception area, the Housing Division must use the appropriate payment standard for the exception area. The Housing Division may approve a higher payment standard within the basic range, if required as a reasonable accommodation for a family that includes a person with disabilities.</p>	<p>The Voucher Payment Standard amount is set by the Housing Division between 90 percent and 110 percent of the HUD published Small Area Fair Market Rent (SAFMR). This is considered the basic range. The Housing Division reviews the appropriateness of the Payment Standard annually when the SAFMR is published. In determining whether a change is needed, the Housing Division will ensure that the Payment Standard is always within the range of 90 percent to 110 percent of the new SAFMR, unless an exception payment standard has been approved by HUD.</p> <p>The Housing Division will establish a payment standard for every SAFMR area within its jurisdiction and will establish payment standard amounts for each "unit size." If the Housing Division has established an exception area, the Housing Division must use the appropriate payment standard for the exception area. The Housing Division may approve a higher payment standard within the basic range, if required as a reasonable accommodation for a family that includes a person with disabilities.</p>	Modify policy
PAGE 9-5	<p>Families are required to report all changes (increase or decreases) in income within 10 calendar days of the date the change takes effect.</p>	<p>Families are required to report all changes (increase or decreases) in income within 10 calendar days of the date the change takes effect.</p>	Modify policy
PAGE 9-6	<p>MHD will process all income increases from all income sources by performing an interim reexamination. The family will be given a full 30 days notice from the 1st day of the upcoming month prior to the increase taking effect.</p>	<p>MHD will process all income increases from all income sources by performing an interim reexamination. The family will be given a full 30 days notice from the 1st day of the upcoming month prior to the increase taking effect.</p>	Modify policy
PAGE 9-7	<p>The Housing Division requires that families report interim changes to the Housing Division within 10 calendar days of when the change occurs. Any information, document(s) or signature(s) needed from the family that is needed to verify the change must be provided within same 10 calendar days of the change.</p>	<p>The Housing Division requires that families report interim changes to the Housing Division within 10 calendar days of when the change occurs. Any information, document(s) or signature(s) needed from the family that is needed to verify the change must be provided within same 10 calendar days of the change.</p>	Modified reporting policy
PAGE 10-3	<p>If a zero HAP family requests to move to a new unit, the family may request a voucher to move. However, if no subsidy will be paid at the unit to which the family requests to move, the PHA will not enter into a HAP contract on behalf of the family for the new unit.</p>	<p>If a zero HAP family requests to move to a new unit, the family may request a voucher to move. However, if no subsidy will be paid at the unit to which the family requests to move, the PHA will not enter into a HAP contract on behalf of the family for the new unit.</p>	Modified policy HUD letter dated December 3, 1997
PAGE 10-3	<p>If a participant family is approved to move out of its jurisdiction under portability.</p>	<p>If a participant family is approved to move out of its jurisdiction under portability.</p>	Correction only
PAGE 10-5	<p>Families are not required to live in the Housing Division's jurisdiction with voucher assistance for the first 12 months before requesting portability.</p>	<p>Families are required to live in the Housing Division's jurisdiction with voucher assistance for the first 12 months before requesting portability.</p>	Modify policy
PAGE 10-5, 11-8, 11-14	<p>The Violence against Women Act of 2005 (VAWA)</p>	<p>The Violence against Women Act of 2013 (VAWA)</p>	Update of revision to VAWA 2013
PAGE 10-10	<p>[Notice PIH 2012-42]</p>	<p>[Notice PIH 2016-09]</p>	Updated PIH notice
PAGE 10-11	<p>[Notice PIH 2012-42]</p>	<p>[Notice PIH 2016-09]</p>	Updated PIH notice
PAGE 10-13	<p>[Notice PIH 2012-42]</p>	<p>[Notice PIH 2016-09]</p>	Updated PIH notice
PAGE 11-7	<p>No current language</p>	<p>Each family will be allowed one repayment agreement as a participant. No additional offers of repayment will be made for failing to report income based on MHD's interim notification policy or annual recertification process.</p>	Modify policy

PAGE 12-18	<p>The Housing Division will not enter into a repayment agreement with a family if there is already a repayment agreement in place with the family or if the amount owed by the family exceeds the federal or state threshold for criminal prosecution.</p>	<p>The Housing Division will allow one (1) repayment agreement only per family or if the amount owed by the family exceeds the federal or state threshold for criminal prosecution.</p>	CFR 792.103; Modified policy
GL-2	Violence Against Women Reauthorization Act of 2005	Violence Against Women Reauthorization Act of 2013	Update of revision to VAWA 2013