

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ADOPTING 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 Program of the U.S. Housing Act of 1937, as amended (the “**Program**”); and

WHEREAS, in accordance with 24 CFR § 982.54, the City adopted a written administrative plan (the “**Plan**”) establishing local policies for administration of the Program in accordance with U.S. Department of Housing and Urban Development (“**HUD**”) requirements; and

WHEREAS, the Plan must be revised if needed to comply with HUD requirements; and

WHEREAS, the City Council most recently adopted revisions to the City’s Plan on August 3, 2020, by adoption of Resolution No. 2020-30 and HUD has since revised its regulations and requirements necessitating these further revisions now being presented to the City Council.

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 November 21, 2022.

DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 21st day of November 2022.

Daniel Alemán, Jr.
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

Sonja Land
City Secretary

David L. Paschall
City Attorney

EXHIBIT A TO RESOLUTION NO. ____-2022

CHAPTER	CURRENT LANGUAGE	REQUIRED LANGUAGE UPATE	CFR Reference/PIH Notice
ENTIRE PLAN	Administrator of Housing	Manager of Housing and Community Services or designee	
PAGE 1-1	City's Director of Housing and Community Services	City's Director of Neighborhood Services	Title Correction
PAGE 1-2		ADD VASH The Housing Division may choose to implement the Veterans Affairs Supportive Housing Program (VASH) initiative. The Housing Division may set aside up to 10 vouchers in order to serve veterans experiencing homelessness. The policies administering the City of Mesquite VASH program are the same as the HCV program, unless stated otherwise.	Add text
PAGE 1-2		ADD MAINSTREAM The Housing Division may choose to implement the Mainstream Voucher Program (Mainstream) initiative. The Housing Division may set aside up to 55 vouchers in order to serve non-elderly persons with disabilities and their families. The policies administering the City of Mesquite Mainstream program are the same as the HCV program, unless stated otherwise.	Add text
PAGE 1-2		ADD EMERGENCY HOUSING The Housing Division may choose to implement the Emergency Housing Voucher Program (EHV) initiative. The Housing Division may set aside up to 50 vouchers in order to serve families experiencing homelessness. The policies administering the City of Mesquite EHV program are the same as the HCV program, unless stated otherwise.	Add text
PAGE 1-2	The Section 8 tenant-based Housing Choice Voucher (HCV) assistance program is funded by the federal government and administered by the City of Mesquite Housing and Community Services Department, known hereafter as the Housing Division for the jurisdiction of the City of Mesquite's HCV program includes the city limits of Mesquite and twenty-five (25) miles outside the city limits.	The Section 8 tenant-based Housing Choice Voucher (HCV) assistance program is funded by the federal government and administered by the City of Mesquite Housing and Community Services Department. The jurisdiction of the City of Mesquite's HCV program includes the city limits of Mesquite and twenty-five (25) miles outside the city limits.	Grammatical error
PAGE 1-2	LOCAL GOALS AND HOUSING DIVISION'S COMMITMENT TO ETHICS ANDSERVICE	LOCAL GOALS AND HOUSING DIVISION'S COMMITMENT TO ETHICS AND SERVICE	Punctuation error
PAGE 1-6	• Upon receipt of a housing discrimination complaint, the Fair Housing Administrator is required to:	Upon receipt of a housing discrimination complaint, the Fair Housing Administrator is required to:	Remove bullet
PAGE 1-10	The City of Mesquite has identified that 22% of the City of Mesquite speaks Spanish as the primary language at home (2010 US Census).	The City of Mesquite has identified that 34.3% of the City of Mesquite speaks Spanish as the primary language at home (2019 US Census, American Community Survey).	Updated language
PAGE 1-14	Housing Division will not discriminate on the basis of marital status, gender identity, or sexual orientation [FR Notice 02/03/2012]	Housing Division will not discriminate on the basis of marital status, gender identity, or sexual orientation [FR Notice 02/03/2012; Executive Order 13988]	Added resource
PAGE 2-6	<u>Portability</u> : For initial lease-up at admission, families who exercise portability must be within the applicable income limit for the jurisdiction of the receiving Housing Division in which they want to live.		Remove text
PAGE 2-12	The Housing Division determines that any household member is currently engaged in the illegal use of drugs. Currently engaged in is defined as any use of illegal drugs during the previous 12 months.	The Housing Division determines that any household member is currently engaged in the illegal use of drugs. Currently engaged in is defined as any use of illegal drugs during the previous three months.	Change time frame
PAGE 2-12	A conviction will be given more weight than an arrest.	A conviction will be given more weight than an arrest. A record or records of arrest will not be used as the sole basis of determining reasonable cause.	Add text

PAGE 2-13	The Housing Division will not admit any family that has violated any family obligation during a previous participation in the HCV program administered by any other housing agency that has resulted in a termination.	The Housing Division will not admit any family that has violated any family obligation during a previous participation in the HCV program administered by any other housing agency that has resulted in a termination in the past 5 years.	Add time frame
PAGE 2-15	Any Housing Division has ever terminated assistance under the program for any member of the family.	Any Housing Division has ever terminated assistance under the program for any member of the family in the past five years.	Add time frame
PAGE 3-5		A preference to a family whose FYI assistance is expiring and will lack adequate housing as a result of their termination from the program.	Add text
PAGE 4-4	The briefings will be conducted in individual meetings.		Remove text
PAGE 4-5		New HCV GB, Housing Search and Leasing p.7 - including information on how to complete the form and file a fair housing complaint - and any obligations of other special programs if the family is participating in one of those programs -The HUD pamphlet on lead-based paint entitled, "Protect Your Family from Lead in Your Home."	Add text
PAGE 4-6	Briefing Packet". The packet of information covers the responsibilities and roles of the three parties (tenant, owner, and the Housing Division). After review of the information, any interested owner may request to be added to the landlord list. Although not required, owners will also be encouraged to use online listings such as		Remove text

PAGE 5-8 - 5-9	While qualification for the disallowance is the same for all families, calculation of the disallowance will differ depending on when the family member qualified for the EID. Participants qualifying prior to May 9, 2016, will have the disallowance calculated under the “Original Calculation Method” described below which requires a maximum lifetime disallowance period of up to 48 consecutive months. Participants qualifying on or after 5-9 May 9, 2016, will be subject to the “Revised Calculation Method” Which shortens the lifetime disallowance period to 24 consecutive months. Under both the original and new methods, the EID eligibility criteria, the benefit amount, the single lifetime eligibility requirement and the ability of the applicable family member to stop and restart employment during the eligibility period are the same. The Housing Division defines prior income, or prequalifying income, as the family member’s last certified income (per interim or annual recertification) prior to qualifying for the EID. The family member’s prior, or prequalifying, income remains constant throughout the period that he or she is receiving the EID. During the 48 affects or is affected by the EID (e.g., when the family member’s income falls to a level at or below his/her prequalifying income, when one of the exclusion periods ends, and at the end of the lifetime maximum eligibility period).		Remove text
PAGE 5-9	Revised Calculation Method	Calculation Method	Updated language
PAGE 5-30	To establish the reasonableness of child care costs, the Housing Division will use the schedule of child care costs from the local welfare agency that is included in the appendix of this Plan.	To establish the reasonableness of child care costs, the PHA will use the schedule of child care costs from a qualified local entity that either subsidizes child care costs or licenses child care providers the local welfare agency.	Updated language
PAGE 7-3	The owner has a history or practice of non-compliance with the HQS for units leased under the tenant-based programs or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other federal housing program.	The owner has a history or practice of non-compliance with the HQS for units leased under the tenant-based programs or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other federal housing program. This is defined as an owner’s/landlord’s inability or refusal to comply with HQS resulting in three (3) or more abatements on any property owned by the owner/landlord, within a five (5) year period. Furthermore, MHD will not contract for any new move-ins with this owner/landlord for twenty-four (24) months from the date of the last abatement.	Add text

PAGE 7-9		FORECLOSURE [Notice PIH 2010-49] Families receiving HCV assistance are entitled to certain protections set forth under the Protecting Tenants at Foreclosure Act (PTFA). During the term of the lease, the new owner of the property does not have good cause to terminate the tenant’s lease, unless the new owner will occupy the unit as their primary residence and has provided the tenant with at least a 90-day notice. In that case, the lease may be terminated effective on the date of sale, although the tenant is still entitled to a 90-day notice to vacate. Further, the new owner assumes interest in the lease between the prior owner and the tenant and to the HAP contract. Any state or local law that provides longer time periods or other additional protections for tenants also applies. PHA Policy If a property is in foreclosure, the PHA will make all reasonable efforts to determine the status of the foreclosure and ownership of the property and will continue to make payments to the original owner until ownership legally transfers in accordance with the HAP contract. The PHA will attempt to obtain a written acknowledgement of the assignment of the HAP contract from the successor in interest. This will include a request for owner information, including a tax identification number and payment instructions from the new owner. Even if the new owner does not acknowledge the assignment of the HAP contract in writing, the assignment is still effective by operation of law. The PHA will inform the tenant that they must continue to pay rent in accordance with the lease, and if the new owner refuses to accept payment or cannot be identified, the tenant should pay rent into escrow. Failure to pay rent may constitute an independent ground for eviction. In the event that the PHA is unable to make HAP payments to the new owner due to an action or inaction by the new owner that prevents such payments (e.g., rejection of payments or failure to maintain the property according to HQS), or due to an inability to identify the new owner, the PHA will either use the funds to pay: The utilities that are the owner’s responsibility after taking reasonable steps to notify the owner; except that if the unit has been or will be rendered uninhabitable due to termination or threat of termination of service, prior notice is not required. In the latter case, the PHA shall notify the owner within a reasonable time after making the utility payment; or For the family’s reasonable moving costs, including security deposit costs. The PHA will also refer the tenant, as needed, to the local legal aid office in order to ensure adequate protection of the tenant’s rights and enforcement of the successor in interest’s performance under the HAP contract.	Add text
PAGE 8-2		The PHA will not conduct any HQS inspections using remove video inspections.	Added text

PAGE 8-2			Updated language
	The Housing Division has a goal to perform all Initial Inspections within 5 business days of the inspector receiving the inspection form or from date noted on inspection that unit is ready for inspection, whichever is later.	The Housing Division has a goal to perform all Initial Inspections within 5 business days of the inspector receiving the RFTA or from date noted on RFTA that unit is ready for inspection, whichever is later.	
PAGE 8-3	The Housing Division conducts an inspection in accordance with HQS at least biennially. Special inspections may be scheduled between anniversary dates. Special inspections may be requested by the family, the owner, HUD, a third party and the Housing Division.	Each unit under HAP contract must be inspected within either 12 months or 24 months of the last full HQS inspection, as follows: An initial annual inspection will always be due within 12 months after the move-in inspection. Owners with 85% or higher pass rate for HQS inspections will have biennial inspections on all their unit. The unit must be inspected within 24 months of the last full HQS inspection. For these units, should a special (complaint) inspection take place in the second 12-month period following the last regular inspection, a full HQS inspection will take place as a regular inspection, resetting the inspection clock. Units that fail the first annual inspection will be inspected within 12 months of that inspection. For any unit that is on a biennial inspection schedule, if the unit is found to have a life-threatening HQS fail, the owner of that unit will be required to participate in annual inspections on all their units for the period of 12 months before qualifying to return to biennial inspections. This does not apply to life-threatening HQS fails caused by tenants.	Added Policy & Updated Language
PAGE 8-4	Time Standards for Repairs Emergency items that endanger the family's health or safety must be corrected by the owner within 24 hours of notification. For non-emergency items, repairs must be made within 30 days. For major repairs, the Administrator of Housing and/or a designee may approve an extension beyond 30 days.	The owner and the family will be notified in writing of the results of all inspections. When an inspector identifies HQS failures, the PHA will determine (1) whether or not the failure is a life-threatening condition and (2) whether the family or owner is responsible. When life-threatening conditions are identified, the PHA will immediately notify both parties by telephone or email. The notice will specify who is responsible for correcting the violation. The corrective actions must be taken within 24 hours of the PHA's notice. When failures that are not life-threatening are identified, the PHA will send the owner and the family a written notification of the inspection results within five business days of the inspection. The written notice will specify who is responsible for correcting the violation, and the time frame within which the failure must be corrected. For non-emergency items, repairs must be made within 30 days. For major repairs, the PHA may approve an extension beyond 30 days.	Updated language

PAGE 8-4	Quality Control inspections will be performed by the Administrator of Housing or a designated person on the number of files required by SEMAP.	Quality Control inspections will be performed by a designated person on the number of files required by SEMAP.	Updated language
PAGE 8-8 THROUGH 8-9		<u>Carbon Monoxide Detectors</u> [PIH 2022-01; 2018 International Fire Code, Section 915.1.1 through 915.2.3] Carbon monoxide detection shall be provided in dwelling units, sleeping units and classrooms served by a fuel burning, forced-air furnace. <i>Locations</i> Carbon monoxide detection shall be installed in dwelling unit outside of each separate sleeping area in the immediate vicinity of the bedrooms. Where a fuel-burning appliance is located within a bedroom or its attached bathroom, carbon monoxide detection shall be installed within the bedroom.	[PIH 2022-01; 2018 International Fire Code, Section 915.1.1 through 915.2.3]
PAGE 10-4	There is no requirement for families to initially lease up (new admission) in the Housing Division's jurisdiction.	Families are required to live in the Housing Division's jurisdiction with voucher assistance for the first 12 months before requesting portability.	Updated Policy
PAGE 11-6	Any Housing Agency has ever terminated assistance under the program for any member of the family.	Any Housing Agency has ever terminated assistance under the program for any member of the family in the last five years.	Add time frame

PAGE 11-8		Use of Criminal Conviction Records after Admission [24 CFR 5.903] The regulation at 24 CFR 5.903 governs a PHA’s access to and use of criminal conviction records obtained from a “law enforcement agency” such as the National Crime Information Center (NCIC), police departments, and other law enforcement agencies that hold criminal conviction records. While the regulatory listing of permitted uses for these records includes PHA screening of applicants for admission to the HCV program, it specifically excludes the use of records for lease enforcement and eviction of HCV participants and excludes by omission a PHA’s use of records to terminate assistance for participants. While a PHA has regulatory authority to use criminal conviction records for the purpose of applicant screening for admission, there is no corresponding authority to use these records to check for criminal and illegal drug activity by participants, and therefore, PHAs may not use records for this purpose. The limitations, however, do not apply to criminal conviction information searches from non-federal sources (i.e., sources other than the “law enforcement agencies” defined in 24 CFR 5.902(b)). There is no prohibition that bars a PHA from using non-federal sources to conduct criminal background checks of program participants.	Add text
PAGE 12-20		If a property is subject to foreclosure, during the term of the lease, the new owner of the property does not have good cause to terminate the tenant’s lease, unless the new owner will occupy the unit as their primary residence and has provided the tenant with at least a 90-day notice. In that case, the lease may be terminated effective on the date of sale, although the tenant is still entitled to a 90-day notice to vacate. See Section 13-II.G for a discussion of PHA policies relating to units in foreclosure.	Add text

PAGE 12-4	The Housing Division must request HUD approval to establish payment standards that are higher than the basic range. At HUD’s sole discretion, HUD may approve a payment standard amount that is higher than the basic range for a designated part of the FMR area. HUD may approve an exception payment standard amount (in accordance with program requirements) for all units, or for all units of a given size, leased by program families in the exception area. Any Housing Agency with jurisdiction in the exception area may use the HUD-approved exception payment standard amount. The total population of all HUD-approved exception areas in an FMR area may not include more than 50 percent of the population of the FMR area.	A non-SAFMR PHA may establish an exception payment standard for a zip code area of up to and including 110 percent of the SAFMR determined by HUD for that zip code area. Regardless of the level of the exception payment standard compared to the metropolitan area FMRs (MAFMRs), the PHA must send an email to SAFMRs@hud.gov to notify HUD that it has adopted an exception payment standard based on the SAFMR. A PHA that adopts an exception payment standard pursuant to this authority must apply it to the entire ZIP code area, for both its HCV, and if applicable, its PBV program. For the PBV program, this means that the rent to owner may not exceed the new exception payment standard amount, provided the rent is still reasonable. A PHA that adopts an exception payment standard area must revise its briefing materials to make families aware of the exception payment standard and the area that it covers.	[24 CFR 982.503(c)(5), Notice PIH 2018-01]
PAGE 12-8		Remote Informal Reviews All PHA policies and processes for remote informal reviews must be conducted in accordance with due process requirements and be in compliance with HUD regulations. PHA Policy The PHA has the sole discretion to require that informal reviews be conducted remotely in case of local, state, or national physical distancing orders, and in cases of inclement weather or natural disaster. In addition, the PHA will conduct an informal review remotely upon request of the applicant as a reasonable accommodation for a person with a disability, if an applicant does not have child care or transportation that would enable them to attend the informal review, or if the applicant believes an in-person informal review would create an undue health risk. The PHA will consider other reasonable requests for a remote informal review on a case-by-case basis. Conducting Remote Informal Reviews The PHA must ensure that the applicant has the right to hear and be heard. PHA Policy The PHA will conduct remote informal reviews via telephone conferencing call-in or via videoconferencing. If the informal review will be conducted via videoconferencing, the PHA will ensure that all applicants, applicant representatives, PHA representatives and the person conducting the informal review can adequately access the platform (i.e., hear, be heard, see, and be seen). If any applicant, applicant representative, PHA representative, or person conducting the informal review is unable to effectively utilize the videoconferencing platform, the informal review will be conducted by telephone conferencing call-in. Whether the informal review is to be conducted via videoconferencing or telephone call-in, the PHA will provide all parties login information and/or conferencing call-in information before the review.	Add text

PAGE 12-9		Remote Informal Hearings The PHA’s essential responsibility is to ensure informal hearings meet the requirements of due process and comply with HUD regulations. Therefore, all PHA policies and processes for remote informal hearings will be conducted in accordance with due process requirements and will be in compliance with HUD regulations. PHA Policy The PHA has the sole discretion to require that informal hearings be conducted remotely in case of local, state, or national physical distancing orders, and in cases of inclement weather or natural disaster. In addition, the PHA will conduct an informal hearing remotely upon request as a reasonable accommodation for a person with a disability, if a participant does not have child care or transportation that would enable them to attend the informal hearing, or if the participant believes an in-person hearing would create an undue health risk. The PHA will consider other reasonable requests for a remote informal hearing on a case-by-case basis. Conducting Informal Hearings Remotely In conducting any informal hearing remotely, the PHA shall ensure due process and that all parties are able to have full access to the hearing. PHA Policy The PHA will conduct remote informal hearings via telephone conferencing call-in or via videoconferencing. If the informal hearing will be conducted via videoconferencing, the PHA will ensure that all participants, participant representatives, advocates, witnesses, PHA representatives, and the hearing officer can adequately access the platform (i.e., hear, be heard, see, and be seen). If any participant, representative, advocate, witness, PHA representative, or hearing officer is unable to effectively utilize the videoconferencing platform, the informal hearing will be conducted by telephone conferencing call-in. Whether the informal hearing is to be conducted via videoconferencing or telephone call-in, the PHA will provide all parties login information and/or telephone call-in information before the hearing.	Add text
PAGE 12-10		That the family may request a remote informal hearing If the PHA will require that the hearing be conducted remotely, at the time the notice is sent to the family informing them of the right to request an informal hearing, the family will be notified that the informal hearing will be conducted remotely. The family will be informed of the processes involved in a remote informal hearing and that the PHA will provide technical assistance, if needed, before the informal hearing.	Add text

PAGE 12-11		If the hearing will be conducted remotely, the PHA will compile a hearing packet, consisting of all documents the PHA intends to produce at the informal hearing. The PHA will mail copies of the hearing packet to the family, the family’s representatives, if any, and the hearing officer at least three days before the scheduled remote informal hearing. The original hearing packet will be in the possession of the PHA representative and retained by the PHA. Documents will be shared electronically whenever possible. The PHA hearing procedures may provide that the PHA must be given the opportunity to examine at the PHA offices before the hearing any family documents that are directly relevant to the hearing. The PHA must be allowed to copy any such document at the PHA’s expense. If the family does not make the document available for examination on request of the PHA, the family may not rely on the document at the hearing. PHA Policy For in-person hearings, the PHA will not require pre-hearing discovery by the PHA of family documents directly relevant to the hearing. If the informal hearing is to be conducted remotely, the PHA will require the family to provide any documents directly relevant to the informal hearing at least 24 hours before the scheduled hearing. The PHA will scan and email copies of these documents to the hearing officer and the PHA representative the same day. Documents will be shared electronically whenever possible.	Add text
PAGE 13-1 CONTD.			Full Chapter Addition