

## Public Notice

### Proposed Changes to Public Housing Admissions and Continued Occupancy Policy (ACOP)

The Hagerstown Housing Authority (HHA) has reviewed and made changes to its Public Housing Admissions and Continued Occupancy Policy (ACOP). This policy governs the continued occupancy of residents in our Public Housing Programs. The changes made to this policy are to ensure compliance with the guidelines set forth and mandated by the Housing Opportunity Through Modernization Act (HOTMA) for Over-Income Public Housing Families. Federal Register Vol. 83 No. 144 [attached] amends public housing requirements to:

*The law requires that after a family's income has exceeded 120 percent of the area median income (AMI) (or a different limitation established by the Secretary) for two consecutive years, a public housing agency (PHA) must terminate the family's tenancy within 6 months of the second income determination or charge the family a monthly rent equal to the greater of (1) the applicable Fair Market Rent (FMR); or (2) the amount of monthly subsidy for the unit including amounts from the operating and capital fund, as determined by regulations.*

By enacting the 120% Over-Income Rule termination of tenancy for a tenant exceeding 120% of AMI the following stipulations would occur:

- Notification to family exceeding 120% of AMI would occur one year after the family's income would exceed the 120% AMI benchmark.
- Notification to the family of termination of tenancy from being over-income would occur at year two of the family exceeding the 120% AMI benchmark.
- Termination of Tenancy would occur within six months AFTER the second year of the family exceeding the 120% of AMI benchmark.
- **If family income drops BELOW 120% of AMI during any of the aforementioned time-periods, the family's timeline for termination for 120% of AMI is deemed null and void. The family would be eligible for another two-year termination timeline for exceeding 120% of AMI if the family was in this situation, again.**
- **If family is in a valid Family Self-Sufficiency (FSS) contract, the termination of tenancy will be suspended until FSS contract is either terminated or fulfilled.**
- **If at least one family member is receiving the Earned Income Disregard (EID) benefit, the termination of tenancy will be suspended until EID is either terminated or fulfilled.**

This 120% Over-Income regulation is hereby posted for comment and will be enacted effective March 1, 2019.

Residents of or applicants for Public Housing, Low Income Housing Tax Credit (LIHTC), and any member of the Public may submit comments on the Proposed ACOP changes during the public comment period. The 30-day comment period begins January 25, 2019 and ends February 25, 2019 (4:30pm). All comments must be received by 4:30pm on February 25, 2019 to be considered and must be in writing. The proposed changes will be posted for review on HHA's website at [www.hagerstownha.com](http://www.hagerstownha.com) as well as the following locations:

- HHA Administrative Office (35 W. Baltimore Street)
- HHA Resident Services Office (11 W. Baltimore Street)
  - GWC Administrative Office (40 Elgin Blvd.)
  - CWB Building (45 W. Baltimore Street)

Mail comments to: Hagerstown Housing Authority  
David Kump

Re: Amended Admissions & Continued Occupancy Policy (ACOP) - 120% Over Income  
35 W. Baltimore Street  
Hagerstown, MD 21740

Email comments to:  
[dkump@hagerstownha.com](mailto:dkump@hagerstownha.com)

Subject: Amended Admissions and Continued Occupancy Policy (ACOP) - 120% Over  
Income

Fax comments to:  
(301) 733-7298

Attention: Amended Public Housing Admissions and Continued Occupancy Policy  
(ACOP) - 120% Over Income