

Introduction

ABOUT THE MODEL ACOP AND THE PUBLIC HOUSING LEASE

HACB policy must be consistent with the public housing lease and any policy documents provided to tenants, and the lease and policy documents must comply with federal and state law.

The HACB ACOP contains policies that reflect the terms of the public housing leases. Policies on a particular topic may be included in the public housing lease, or may be a separate document incorporated in the lease by reference, such as a pet policy or transfer policy.

Because of variations in state and local landlord-tenant law, and because HUD affords HACBs wide discretion in some areas, a broad range of policies could be acceptable. Only a few of these compliant policies can be listed in the model ACOP.

If you are assured that your current board-approved public housing lease or separate policy document is up-to-date and is compliant with HUD requirements and with federal, state, and local laws, then it is neither necessary nor advisable to revise the terms of your lease or policy document to match default policies in the model ACOP. Instead, you should edit the model ACOP to match the terms of your existing public housing lease.

REFERENCES CITED IN THE HACB ACOP

Authority for HACB policies is derived from many sources. Primary among these sources are regulations and guidance issued by HUD. State law also directs HACB policy. State law must be followed where such law exists and does not conflict with federal regulations. In the absence of legal requirements or HUD guidance, industry practice may lead to HACB policy. Finally, the public housing lease will affect HACB policy and therefore must be consistent with federal and state laws and regulations.

HUD

HUD provides the primary source of HACB policy through federal regulations, HUD Notices and handbooks. Compliance with federal regulations, current HUD Notices and HUD handbooks is mandatory.

HUD provides nonmandatory guidance to HACBs through HUD published guidebooks. Expired HUD Notices and handbooks also provide guidance for HACB policy. Following HUD guidance is optional, as long as HACB policies comply with federal law, federal regulations and mandatory policy. Because HUD has already determined that the guidance it provides is consistent with mandatory policies, HACB reliance on HUD guidance provides the HACB with a “safe harbor.”

Content contained on the HUD website can provide further clarification of HUD policies. For example, FAQs on the HUD website can provide direction on the application of federal regulations to a specific pattern.

State Law

Where there is no mandatory federal guidance, HACBs must comply with state law, if it exists. Where state law is more restrictive than federal law, but does not conflict with it, the HACB should follow the state law.

Industry Practice

Where no law or HUD authority exists on a particular subject, industry practice may support HACB policy. An industry practice is a way of doing things that is followed by most housing authorities.

RESOURCES CITED IN THE HACB ACOP

The HACB ACOP cites several documents. Where a document or resource is cited frequently, it may be abbreviated. Where it is cited only once or twice, the HACB ACOP may contain the entire name of the document or resource. Following is a key to abbreviations used for various sources that are frequently cited in the ACOP, and a list of references and document locations that are referenced in the model ACOP or that may be helpful to you.

Abbreviations

Throughout the model ACOP, abbreviations are used to designate certain documents in citations. The following is a table of abbreviations of documents cited by the model ACOP.

Abbreviation	Document
CFR	Code of Federal Regulations
HCV GB	Housing Choice Voucher Program Guidebook (7420.10G), April 2001.
HUD-50058 IB	HUD-50058 Instruction Booklet
PH OCC GB	Public Housing Occupancy Guidebook, June 2003
RHIIP FAQs	Rental Housing Integrity Improvement Program (RHIIP) Frequently Asked Questions
VG	Verification Guidance, March 2004 (attachment to PIH Notice 2004-1)

Resources and Where to Find Them

Following is a list of resources helpful to the HACB or referenced in the model ACOP, and the online location of each.

Document and Location
Code of Federal Regulations http://www.ecfr.gov
Earned Income Disregard FAQs http://www.hud.gov/offices/pih/phr/about/ao_faq_eid.cfm
Enterprise Income Verification (EIV) System HACB Security Procedures, Version 1.2, issued January 2005 http://www.hud.gov/offices/pih/programs/ph/rhiip/docs/eivsecguideHACB.pdf
Executive Order 11063 http://www.hud.gov/offices/fheo/FHLaws/EXO11063.cfm
Federal Register http://www.gpo.gov/fdsys/search/getftoc.action
General Income and Rent Determination FAQs http://www.hud.gov/offices/pih/programs/ph/rhiip/faq_gird.cfm
Housing Choice Voucher Program Guidebook (7420.10G), April 2001 http://www.hud.gov/offices/pih/programs/hcv/forms/guidebook.cfm
HUD-50058 Instruction Booklet http://portal.hud.gov/hudportal/documents/huddoc?id=50058i.pdf
Joint Statement of the Department of Housing and Urban Development and the Department of Justice, issued May 17, 2004 http://www.hud.gov/offices/fheo/library/huddojstatement.pdf
Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, published January 22, 2007 http://www.hud.gov/offices/fheo/promotingfh/FederalRegistepublishedguidance.pdf

<p>Notice PIH 2007-27 (HA), Disallowed Costs and Sanctions Resulting from On-Site Monitoring Reviews http://www.hud.gov/offices/pih/publications/notices/07/pih2007-27.pdf</p>
<p>Notice PIH 2012-10, Verification of Social Security Numbers (SSNs) and Supplemental Security Income (SSI) Benefits; and Effective Use of the Enterprise Income Verification (EIV) System's Identity Verification Report http://portal.hud.gov/huddoc/pih2012-10.pdf</p>
<p>Notice PIH 2010-19, Administrative Guidance for Effective and Mandated Use of the Enterprise Income Verification (EIV) System http://www.hud.gov/offices/pih/publications/notices/10/pih2010-19.pdf</p>
<p>Notice PIH 2010-26 (HA), Nondiscrimination and Accessibility Notice http://www.hud.gov/offices/pih/publications/notices/10/pih2010-26.pdf</p>
<p>OMB Circular A-133 http://www.whitehouse.gov/omb/circulars/a133_compliance_supplement_2010</p>
<p>Public Housing Occupancy Guidebook, June 2003 http://www.hud.gov/offices/pih/programs/ph/rhiip/phguidebook.cfm</p>
<p>Rental Housing Integrity Improvement Program (RHIIP) Frequently Asked Questions http://www.hud.gov/offices/pih/programs/ph/rhiip/faq.cfm</p>
<p>VAWA Reauthorization Act of 2013 http://www.gpo.gov/fdsys/pkg/FR-2013-08-06/pdf/2013-18920.pdf</p>
<p>Verification FAQs http://www.hud.gov/offices/pih/programs/ph/rhiip/faq_verif.cfm</p>
<p>Verification Guidance, March 2004 (attachment to Notice PIH 2004-1) http://www.hud.gov/offices/pih/publications/notices/04/verifguidance.pdf</p>

The HUD Web site is <http://portal.hud.gov/hudportal/HUD>.

Guidebooks, handbooks, and other HUD resources may be found at the HUDClips Web site:
http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips.

