

Board Meeting Date
May 9, 2023

Date Submitted
May 9, 2023

RESOLUTION
OF
WHITE PLAINS HOUSING AUTHORITY

Resolution **23-06A OPTION #1**

TITLE: Resolution requiring Public Housing families whose incomes exceed the "Over-Income" limits for 24 months to find other housing and move out of Public Housing within six months of the end of the 24-month over-income period."

Commissioner _____ **offered the following:**

Commissioner _____ **seconded the motion:**

Whereas: federal law and HUD regulations require the Housing Authority to amend its Admissions and Continued Occupancy Policy to address the issue of "Over-Income" tenants; and

Whereas: the HUD regulation gives every over income tenant 24 months of "grace period" during which, if their income should fall below the Over-income limit, these provisions do not apply; and

Whereas: if the tenant family's income later exceeds the Over Income limit the 24 hour grace period starts over; and

Whereas: the White Plains Housing Authority has determined that the most judicious course of action in this situation is to notify the affected over-income families when they first become over-income, again 12 months after they first become over-income and, finally, 24 months after they become over-income, that they will be required to find other housing and move out of public housing six months after the 24 month grace period; now, therefore, be it,

Resolved: that the White Plains Housing Authority will require all public housing tenants whose incomes exceed the Over-income Limit for 24 consecutive months to sign a Non-public housing Lease and pay a rent equal to the greater of the HUD Fair Market Rent or the HUD subsidy for their unit.

Approved as to Form
Legality on Basis of Fact
Set Forth

Counsel

I hereby certify that the above resolution was adopted at a meeting of the Board of Commissioners of the White Plains Housing Authority on _____.

Denise Brooks
Secretary to the Board

Board Meeting Date
May 9, 2023

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May 9, 2023

RESOLUTION
OF
WHITE PLAINS HOUSING AUTHORITY

Resolution **23-06B** **OPTION #2**

TITLE: Resolution requiring Public Housing families whose incomes exceed the "Over-Income" limits for 24 months to sign a new Non-Public Housing Lease and pay a rent equal to the greater of the full Fair Market Rent applicable to their unit or a rent based upon the per unit per month value of HUD operating subsidy and Capital grant attributable to their unit."

Commissioner _____ **offered the following:**

Commissioner _____ **seconded the motion:**

Whereas: federal law and HUD regulations require the Housing Authority to amend its Admissions and Continued Occupancy Policy to address the issue of "Over-Income" tenants; and

Whereas: the HUD regulation gives every over income tenant 24 months of "grace period" during which, if their income should fall below the Over-income limit, these provisions do not apply; and

Whereas: if the tenant family's income later exceeds the Over Income limit the 24 hour grace period starts over; and

Whereas: the White Plains Housing Authority has determined that the most judicious course of action in this situation is to notify the affected over-income families when they first become over-income, again 12 months after they first become over-income and, finally, 24 months after they become over-income, that if they wish to remain in their apartments, that they will be required to sign a new "non-public housing" lease and pay a rent based upon the higher of the HUD Fair Market Rent for their unit or a rent based on the HUD subsidy (operating and capital) applicable to their apartment; now therefore be it,

Resolved: that the White Plains Housing Authority will require all public housing tenants whose incomes exceed the Over-income Limit for 24 consecutive months to find other housing and move out of public housing within six months of the completion of the 24-month grace period.

Approved as to Form
Legality on Basis of Fact
Set Forth

Counsel

I hereby certify that the above resolution was adopted at a meeting of the Board of Commissioners of the White Plains Housing Authority on _____.

Denise Brooks
Secretary to the Board

Board Meeting Date
May 9, 2023

Date Submitted
May 9, 2023

**RESOLUTION
OF
WHITE PLAINS HOUSING AUTHORITY**

Resolution 23-07

TITLE: Authorization for the White Plains Housing Authority to adopt and implement the Housing Opportunity Through Modernization Act of 2018 (HOTMA) Income and Assets Final Rule as mandated by HUD, and hereby amend the White Plains Housing Authority Admissions and Continued Occupancy Policy (ACOP).

Commissioner _____ **offered the following:**

Commissioner _____ **seconded the motion:**

WHEREAS: the Housing Opportunity Through Modernization Act of 2018 (HOTMA) was signed into law on July 29, 2016; and,

WHEREAS: one of the statutory amendments made by HOTMA adds an income limit to the Public Housing program; and,

WHEREAS: HUD’s implementation of this requirement is described in the Federal Register, Vol. 83 pp. 35490-35494 and requires all public housing authorities to update agency program policies, also referred to as the Admissions and Continued Occupancy Policy (ACOP); and,

WHEREAS: under the new rule, as authorized in Resolution 23-06__ on May 9, 2023, Public Housing households with adjusted household income exceeding 120% of area median income (AMI) for two (2) consecutive years are considered over-income, and after a grace period have to _____; now therefore be it,

RESOLVED: that the Board of Commissioners approves the White Plains Housing Authority to adopt and implement the Housing Opportunity Through Modernization Act of 2018 (HOTMA) Income and Assets Final Rule as mandated by HUD, and hereby amend the White Plains Housing Authority Admissions and Continued Occupancy Policy (ACOP).

Approved as to Form
Legality on Basis of Fact
Set Forth

Counsel

I hereby certify that the above resolution was adopted at a meeting of the Board of Commissioners of the White Plains Housing Authority on _____.

**Denise Brooks
Secretary to the Board**