

JHA Response FAQs Public Comment

ACOP 01/2026 DRAFT

What is JHA’s commitment to process and resident input?

JHA takes great pride in following established procedures, policies, and transparent evaluation processes. We are committed to integrating residents and RAB input where feasible, while also ensuring compliance with federal and state regulatory requirements.

What drives modifications to the ACOP?

When HUD or the State issues changes to federal or state laws—such as revised requirements for screening, admission, or occupancy—JHA is legally obligated to update our policies and processes to comply, regardless of preference.

- HUD Screening Guidance (December 4, 2025): HUD rescinded prior “safe-harbor” guidance related to criminal screening—including 2015–19, the 2016 OGC memo, and 2022 FHEO guidance. PHAs and property owners must now implement narrowly tailored, individualized assessments based on convictions only, ensuring policies do not result in disparate impact under the Fair Housing Act.
- Florida Immigration Law (effective February 13, 2025): The State enacted SB 2 C and SB 4 C, mandating significant changes including withholding in state tuition from undocumented immigrants, imposing new criminal penalties for undocumented entry, and even requiring the death penalty for undocumented persons convicted of capital felonies. These developments may necessitate changes to ACOP criteria regarding eligibility, documentation, and compliance processes.

Why does JHA use templates from other housing authorities?

Utilizing established templates helps ensure JHA adopts compliant and vetted policies efficiently and accurately. These templates are adapted and reviewed thoroughly to align with JHA’s specific context while ensuring we remain up to date with HUD and State requirements. Resident and stakeholder input continues to be reviewed alongside regulatory constraints.

How does JHA engage stakeholders and ensure transparency?

In addition to the 45-day public comment periods for the ACOP and Administrative Plan, we engaged with residents, RAB, and community stakeholders at key stages to gather feedback. Where regulatory changes are being implemented, we provide clear explanations—both verbally and in writing—on how these updates align with HUD or State mandates and the implications for resident eligibility and program administration.

Did JHA fail to conduct reasonable outreach under 24 CFR § 903.17?

No. § 903.17 applies specifically to the PHA Plan (Five-Year and Annual Plan) and does not apply to the ACOP or Administrative Plan as separate documents. While these policies are attachments to the PHA Plan, the outreach mandate pertains to the PHA Plan itself.

Nevertheless, in the interest of transparency, both the ACOP and Administrative Plan were posted for public comment for a full 45-day period, exceeding minimum notice requirements and ensuring ample opportunity for community input.

Why was the hearing scheduled on December 23?

JHA is required to provide a minimum 45-day public comment period before holding a hearing. Based on the start of the comment period and the holiday calendar, December 22, 2025, was the earliest date that allowed JHA to remain in full compliance with HUD requirements while ensuring the hearing occurred before the end of the comment period.

While December 23 is not a recognized holiday and the housing authority was open for business, we acknowledge that the timing may have posed challenges for some participants. We will take this feedback into consideration when scheduling future hearings to better accommodate community availability.

Why were policy changes not clearly identified in the proposed document?

Thank you for your feedback regarding the clarity of proposed policy changes. As explained during the Public Comment Meeting, JHA did make efforts to highlight certain changes and used red markings to identify others within the document.

We sincerely apologize for any confusion this may have caused. Transparency and accessibility are priorities for JHA, and we recognize the importance of making proposed changes easy to identify. Going forward, we will ensure that all changes in the ACOP are clearly marked and summarized in a way that is straightforward for residents, participants, and stakeholders to review.

Why was the current ACOP removed from JHA's website during the public comment period?

Thank you for your observation regarding the availability of the current ACOP during the public comment period. We apologize for any inconvenience it may have caused.

Upon review, we determined that the removal of the current ACOP from our website was unintentional during the process of posting the draft ACOP for public review. This was not a deliberate action aimed at limiting access. As soon as the issue was identified, the current ACOP was restored to our website and is now available for review.

You can access it directly here:

Current ACOP – Jacksonville Housing Authority [jaxha.org]

While HUD materials underscore the importance of using the ACOP as a means to communicate policies and promote transparency, they do not mandate uninterrupted online posting of the current ACOP. Nonetheless, as a best practice—and to support meaningful public engagement—JHA will:

- Ensure both the current and proposed ACOP remain posted simultaneously during public comment periods

- Provide clear directions for accessing all versions
- Review and refine our document posting protocols to prevent similar errors in the future

What is JHA's response to errors related to locality, laws, and links in the Draft ACOP?

Thank you for your detailed review and comments regarding errors related to locality, laws, and links in the Draft ACOP. JHA has thoroughly reviewed the draft document and

addressed these concerns, making the necessary corrections to ensure accuracy and compliance.

We sincerely appreciate Legal Aid and your team for identifying these issues and assisting us in improving the clarity and integrity of our policies. Your input is invaluable in helping us maintain transparency and accuracy.

The revised Draft ACOP will be posted back to the JHA website on January 2, 2026, and will be available for public review. We encourage you and other stakeholders to review the updated version and provide any additional feedback.

What is JHA's stance on protections for sexual orientation and gender identity under Equal Housing commitments?

Thank you for your observation regarding JHA's listing of protected classes under Equal Housing commitments. We want to clarify that JHA does not discriminate based on sex, including sexual orientation and gender identity.

As noted during recent policy updates, HUD's stance on protections for sexual orientation and gender identity has evolved. In February 2025, HUD Secretary Scott Turner announced changes that halted enforcement of the 2016 Equal Access Rule, which previously required HUD-funded programs to provide protections based on gender identity. While these changes affect enforcement, Fair Housing Act protections remain in place, and JHA continues to uphold them.

To reinforce our commitment, we have updated our Ethics Service materials to explicitly include sexual orientation and gender identity. Additionally, if the Draft ACOP had been reviewed in full, you would have seen that under the Fair Housing section, both categories were already included. Specifically, the Draft ACOP states:

“JHA complies with the Fair Housing Act and does not discriminate based on race, color, national origin, religion, sex (including sexual orientation and gender identity), familial status, or disability.”

Furthermore, the revised ACOP will remain aligned with federal guidance and will be updated as necessary to reflect any future HUD directives or regulatory changes. JHA, along with other PHAs, will continue to monitor HUD's evolving stance on this matter to ensure compliance and fairness for all residents. For transparency, the revised Draft ACOP will be posted on the JHA website on January 2, 2026, for public review and comment.

We appreciate your advocacy and attention to these important issues.

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What is JHA's timeframe for determining reasonable accommodation (RA) requests?

Thank you for highlighting the 10-day decision timeframe for reasonable accommodation (RA) requests. JHA shares your concern for urgent needs and will act immediately in such cases. The 10-day window is intended to allow both JHA and residents sufficient time to verify eligibility and supporting documentation—not to delay urgent requests.

Legal Context on Timeframes

HUD regulations under 24 CFR 8.24 require PHA decisions on accommodations to be made within a reasonable timeframe, allowing for necessary verification and the interactive process. HUD uses “promptly” and “reasonably” but does not mandate a specific number of days.

Guidance from comparable federal agencies often defines this as:

- An interactive meeting must occur within 30 calendar days of the request
- A final decision must be issued within 45 calendar days

JHA Practice

- Emergency cases (safety issues, urgent medical needs): JHA completes decisions immediately.

- For standard RA requests, the 10-day timeframe allows:
 - o Verification of the disability and accommodation need
 - o Engagement with the resident through the interactive process
 - o Alignment with HUD's "reasonable timeframe" requirement

We believe this balance protects residents' rights while ensuring due diligence.

Who is responsible for the cost of accommodations or modifications?

Thank you for your comment regarding cost responsibility for reasonable accommodations or modifications. We understand the concern and have removed the confusing language from the ACOP.

The section now reads:

"The cost necessary to carry out approved requests will be borne by the Housing Authority if there is no one else willing to pay for the modifications. If more than one accommodation is equally effective in providing access to the Housing Authority's programs and services, JHA retains the right to select the least invasive, most efficient or economical choice. The Housing Authority may approve additional reasonable accommodation requests for physical modifications. See JHA Accommodations/Modifications Policy."

This aligns with HUD and Section 504 of the Rehabilitation Act, which clearly state that PHAs must provide and pay for reasonable modifications unless doing so poses an undue financial or administrative burden.

This change ensures the ACOP complies with federal law and clearly communicates that JHA will cover costs for approved accommodations/modifications.

Thank you for helping us clarify and improve our policy.

What rights do residents have to review or appeal decisions on accommodation requests?

Thank you for your comment. We believe Section 10.8 accurately reflects resident rights and HUD requirements. It states:

Right to review:

Individuals may request an informal review with the ADA/504 Coordinator if a request is denied or alternative suggestions are inadequate. Residents may appeal via the Grievance Policy if not resolved. Individuals may appeal final grievance decisions to HUD or the U.S. Department of Justice.

HUD Regulatory:

- Informal Review: Under 24 CFR 982.554(a-b), applicants must be promptly informed of a denial and given an opportunity for an informal review, including written or oral objections and a final decision.

- Grievance Appeal: For participants, 24 CFR 966.50–966.57 requires PHAs to establish grievance procedures that allow tenants to dispute adverse actions “within a reasonable time” and file for an administrative hearing.

Our ACOP text conforms to these regulations and includes an explicit right to bypass internal processes by contacting HUD or DOJ once final grievance decisions are issued.

Why did JHA include language about providers “being required to testify” under VAWA, and what changes were made?

Thank you for raising concerns about the inclusion of language cautioning providers that they “may be required to testify” in court or depositions.

Upon review of HUD regulations, there is no provision in 24 CFR requiring PHAs to include such language in the ACOP.

JHA included this statement as an informational provision—not to dissuade anyone from exercising their rights, but to inform contributors that, as a matter of law, records or statements submitted in the context of disputes may become part of a legal record. However, since this language may unintentionally discourage participation, we have removed it to protect residents’ rights and ensure clarity.

What is JHA’s policy on custody verification for minors under Section 17.2(I)?

Thank you for raising concerns regarding our custody verification language. We appreciate the opportunity to clarify.

Current ACOP Language (Section 17.2(I)):

“A statement from the court, a professional such as a social worker or attorney will be acceptable verification for legal custody of a minor. Additionally, proof of legal guardianship listed on the minor’s health and human services benefits or school records is acceptable verification until legal custody is established.”

This distinguishes custody and guardianship and provides flexibility—it does not require formal custody but accepts acceptable documentation when custody is claimed.

HUD Requirements for Documentation:

HUD regulations (e.g., 24 CFR 982.551) outline that families must supply “any information that the PHA or HUD determines is necessary,” but HUD does not mandate formal custody as a condition for qualifying children in the household. HUD guidance encourages PHAs to accept reasonable documentation—such as school or benefits records, social worker statements, or guardianship documents—instead of insisting on legal custody documents.

JHA Policy Alignment:

- Our ACOP permits multiple forms of verification that align with HUD’s “reasonable documentation” principle.

- We do not require formal custody; rather, we accept valid alternatives pending formal custody establishment—protecting families from undue burdens.

This policy ensures compliance with the Fair Housing Act (familial status nondiscrimination) and HUD guidance, while establishing clear, flexible verification standards.

What changes were made to JHA’s denial criteria under Section 17.4?

Thank you for your comments regarding JHA’s proposed timeframes for denial reasons. We would like to clarify:

- Contrary to the concern raised, JHA has reduced, not extended, the timeframe for most denial reasons—from the previously proposed “five or seven years” back to three years. This decision aligns with a balanced approach to eligibility and fairness within our community.

In conjunction with this change, we have also aligned our policies with recent HUD guidance aimed at clarifying criminal background screening standards:

- On November 25, 2025, HUD Secretary Turner issued a letter rescinding outdated guidance (Notice 2015-19, the 2016 OGC memo, and the 2022 FHEO memo), and reemphasizing both mandatory and discretionary screening authorities under 24 CFR 960.204, 982.553, and the “One Strike” policy. PHAs are encouraged to reevaluate and strengthen criminal screening to maintain safety in HUD-assisted housing.
- The letter reaffirms that PHAs may consider arrest and conviction records, set suitability standards, and monitor ongoing criminal behavior—always within the Fair Housing Act’s anti-discrimination provisions.

JHA is fully committed to responsible and legally compliant denial criteria. Our revised approach reflects both community-focused fairness (with the three-year timeframe) and adherence to HUD’s strengthened directives on criminal screening.

Why did JHA change the timeframe for requesting an informal review of denial?

Thank you for your feedback regarding the use of business days versus calendar days for informal review deadlines. We understand the importance of clarity and consistency in these procedures.

We have made the following adjustments to the Draft ACOP:

- The timeframe for requesting an informal review has been changed from calendar days back to business days to maintain clarity and fairness for applicants.
- This change aligns with JHA’s traditional process, ensuring applicants receive the full allotment of days when a deadline falls on weekends or holidays.

In all cases, whether business or calendar days—JHA excludes weekends and official holidays when calculating deadlines. As a result, applicants will still receive the full timeframe intended, even if the deadline period includes non-business days.

This procedure is consistent with HUD’s requirement for prompt notice and a reasonable opportunity to request an informal review under 24 CFR § 982.554(a), which mandates:

"The notice must also state that the applicant may request an informal review of the decision and must describe how to obtain the informal review."

We hope these revisions resolve any confusion and uphold our commitment to fair, transparent, and consistent procedures.

What is JHA's approach to preferences under 24 CFR § 960.206?

Thank you for your comments regarding preferences under 24 CFR § 960.206. We appreciate the opportunity to clarify JHA's approach and HUD's definitions.

Under 24 CFR § 960.206, PHAs may adopt a working family preference, which applies to families where the head, spouse, or sole member is employed. Importantly, HUD requires that applicants must also receive the benefit of this preference if the head, spouse, or sole member is age 62 or older or is a person with disabilities.

This provision does not replace or eliminate a separate preference for persons with disabilities. Rather, it ensures that elderly or disabled applicants are not disadvantaged when a working family preference is applied.

JHA's ACOP includes both:

- A working family preference, consistent with HUD regulations, and
- A separate preference for persons with disabilities, which does not specify any particular disability, in compliance with HUD's prohibition against preferences for specific disabilities.

We hope this clarifies the distinction and confirms that JHA's policy aligns with HUD requirements.

Which communities are designated for elderly and/or disabled housing under JHA's policy?

Thank you for your comment regarding clarification of communities designated for elderly and/or disabled housing. JHA has revised the ACOP to clearly identify the properties included in this designation.

The updated ACOP now specifies that Hogan Creek and Centennial Towers are the communities designated for elderly and/or disabled residents.

This revision ensures transparency and reflects JHA's current policy. We appreciate your attention to this matter and your commitment to clarity in housing policies.

What is JHA's policy on bedroom occupancy standards?

Thank you for your comments regarding bedroom occupancy standards. We want to clarify that JHA's ACOP does not eliminate standards or allow arbitrary decisions. The ACOP explicitly states:

A. The Housing Authority does not determine who shares a bedroom. The Housing Authority may grant exceptions from the standards if the family requests and the Housing Authority determines the exceptions are justified by the relationship, age, sex, health or disability of family

members, or other circumstances. Requests based on health-related reasons must be specific to the need and must be verified by a doctor, medical professional, or social service professional.

Additionally, the ACOP provides:

D. Exemptions to the occupancy standards may be granted upon request. JHA staff will review these requests on a case-by-case basis and will consider the size and configuration of the unit in these events. In no case will JHA grant an exception that is in violation of local housing or occupancy codes, regulations or laws.

The example provided in your comments—such as a 4-year-old girl and a 17-year-old boy—falls squarely within these provisions. Families may request an exemption, and JHA will evaluate the request based on age, sex, and other relevant factors to ensure fairness and compliance.

We appreciate your concern and assure you that JHA's policy is designed to prevent disparate treatment and maintain flexibility for families while adhering to HUD and local requirements.

What is an Incentive Community and what are the qualifications?

Thank you for your inquiry regarding the term “Incentive Community” in JHA’s ACOP. An Incentive Community is a designated public housing community that offers residents an opportunity to reside in a home-like setting while assuming additional responsibilities and participating in programs designed to promote self-sufficiency.

As outlined in Section 19.8 of the ACOP:

- **Eligibility and Responsibilities:** Applicants must agree to assume additional responsibilities for the upkeep of the home (such as lawn care, hedge trimming, carpet cleaning, and watering lawns) and commit to completing programs such as financial literacy, job training, or homeownership training.
- **One-Time Opportunity:** Residents are eligible for this opportunity only once. Eligibility is not considered met unless the resident was listed as a household member on an Incentive Community lease and met specific criteria (e.g., age over 18 at lease end, listed as head/co-head/spouse, or their age, disability, or work status was used to qualify the household). Once a resident vacates an Incentive Community, they cannot return to any public housing Incentive Community.

The purpose of Incentive Communities is to encourage resident engagement, promote upward mobility, and prepare households for potential homeownership or greater independence. This approach aligns with HUD’s self-sufficiency goals, which emphasize empowering families to achieve economic independence through supportive services, training, and personal responsibility. These goals are consistent with HUD initiatives such as the Family Self-Sufficiency (FSS) Program and Moving to Work (MTW) principles, which encourage PHAs to implement innovative strategies that help residents transition toward self-reliance.

We hope this explanation clarifies the concept and intent behind Incentive Communities as described in JHA’s ACOP.

Why did JHA reduce the time to accept an offer of a unit?

JHA's decision to reduce the time to accept an offer from three business days to 24 hours (with five business days for mailed letters) was made to address the urgent need for housing in our community. The homeless population in Jacksonville and surrounding areas continues to rise, and we have families, elderly individuals, and persons with disabilities who are in critical need of stable housing.

When a Public Housing Authority (PHA) has more than 1,000 applicants on its waiting list, this is a clear indicator that the demand for housing far exceeds availability. Allowing extended decision periods delays the process for others who have been waiting six months or longer for an opportunity. Acting quickly ensures that we maximize occupancy and provide housing to those who need it most.

After considering feedback, JHA revised the Admissions and Continued Occupancy Policy (ACOP) to allow 72 hours (three business days) for acceptance, while maintaining the five business days for mailed letters. This adjustment balances the need for timely responses with reasonable flexibility for applicants.

Our goal is to serve as many households as possible, as quickly as possible, given the overwhelming demand for affordable housing.

What is JHA's policy on security deposits when accepting a unit?

JHA acknowledges the concern regarding the proposed change to the security deposit policy. We would like to clarify that the DRAFT ACOP was updated to reflect the current ACOP requirements for security deposits. This was not a new or major policy change but rather an alignment with existing practice.

Additionally, the DRAFT ACOP does allow for payment arrangements in exceptional circumstances. Specifically, the language states:

“In exceptional situations, the Housing Authority may permit a new resident to pay their security deposit (that is greater than \$100) in accordance with the Repayment Agreement Policy.”

This provision ensures flexibility for households experiencing hardship while maintaining consistency and fairness in our leasing process. Our goal is to balance financial responsibility with compassion for residents who may need additional time to meet their obligations.

Has JHA changed its utility reimbursement policy?

JHA appreciates the feedback regarding the utility reimbursement language in the proposed ACOP. We would like to clarify that there are no changes to this policy. Utility reimbursements will continue to be paid directly to the household, as has been the current practice. The reference in the draft was not intended to indicate a change in procedure.

We will review the section to ensure the language accurately reflects this policy and avoids any confusion.

What is JHA's late fee policy for rent payments?

JHA confirms that the DRAFT ACOP complies with 24 CFR § 966.4(b)(3). The policy states:

- A single late fee of \$50 is assessed on the 6th business day if rent is unpaid.
- No additional late fees accrue for the same month.
- The late fee is not required to be paid with past-due rent to avoid eviction.

We will ensure this clarification remains in the final ACOP language.

What is the lease term for public housing under JHA's policy?

JHA appreciates JALA's attention to the lease term language. We would like to clarify that our ACOP and lease provisions are specific to public housing and do not encompass other HUD-affiliated housing programs.

According to 24 CFR § 966.4(a)(2)(i–ii), public housing leases must have a 12-month term and automatically renew for the same period unless the tenant has committed a lease violation. A conversion to a month-to-month lease is permitted only when the tenant becomes over-income and meets criteria under § 960.507(d)(2).

Since our ACOP language aligns precisely with federal regulation—and refers exclusively to public housing lease terms—we believe it is unnecessary to add “in public housing” to the sentence. The statutory context of 24 CFR § 966.4 inherently limits the provision to public housing tenants.

What new information was added to the ACOP regarding Incentive Housing Opportunities under Reexaminations?

JHA acknowledges your comment and would like to clarify that the DRAFT ACOP includes expanded information regarding Incentive Housing Opportunities. Specifically, we added details on programs designed to promote resident engagement, upward mobility, and preparation for homeownership or greater independence. These initiatives align with HUD's self-sufficiency goals and include opportunities such as financial literacy, employment readiness, education, and homeownership counseling.

Additionally, JHA's vision for Incentive Housing Communities includes preparing families for new developments, such as Downtown East Apartments (formerly Franklin Arms) and Daisy Homes, as well as future housing projects. Our goal is to ensure families are ready to transition into these communities by participating in programs now that build financial stability and self-sufficiency.

By investing in residents today, JHA is creating pathways for households to move into modern, revitalized communities and achieve long-term success.

What are JHA's requirements for interim reexaminations and live-in aides?

JHA appreciates your feedback and would like to clarify the following:

- JHA is required to follow HUD regulations for Public Housing units regarding the addition of household members and live-in aides.

- In cases where units are layered with other programs (e.g., Public Housing and LIHTC), HUD permits PHAs to apply the most stringent policy to ensure compliance across all programs.

We have updated the DRAFT ACOP to clarify the requirements for live-in aides:

“All newly requested household members must complete the full eligibility and suitability screening process required for new applicants. Live-in aides, as defined under HUD regulations at 24 CFR § 5.403, are not considered family members but must also undergo criminal background and suitability screening prior to approval.”

This change ensures consistency with HUD regulations while addressing safety and suitability concerns.

What is JHA’s policy on transfers and “double rent”?

JHA appreciates your feedback and has updated the DRAFT ACOP to clarify the language regarding “double rent.” The revised section now states:

“Upon offer and acceptance of a unit, the family will execute all leasing documents. The residents must move to the new unit within five (5) days (excluding Sunday) from the date the new lease is signed. If the resident fails to vacate the original unit within this timeframe, they may be responsible for paying rent on both units—this is referred to as ‘double rent.’ Double rent continues until the resident returns all keys for the original unit to the Housing Authority. In the case of a transfer, the security deposit for the first unit may be applied to the second unit. If the original security deposit is less than the amount required for the new unit, the resident must pay the additional amount before or at the time of transfer.”

This clarification ensures that residents are only charged for the days they occupy both units, which is consistent with standard housing practices and HUD guidelines.

Regarding the security deposit policy, the adjustment reflects the need to maintain compliance with unit requirements and ensure fairness when moving to a unit with a higher deposit amount. The original deposit is applied toward the new unit, minimizing the financial impact on residents. The original deposit will only be applied if the resident leaves the old unit in good condition—meaning no damage beyond normal wear and tear—and does not owe rent or other charges.

On the one rejection with good cause provision, JHA emphasizes that when a resident requests a transfer or requires one due to under-housed status or reasonable accommodation, it is expected that they accept the offered unit. Vacant units represent housing opportunities for other families on the waiting list, many of whom have been waiting for months. Our goal is to minimize vacancy times and maximize housing availability for those in need.

What is JHA’s pet deposit policy?

JHA appreciates your feedback and would like to clarify that the pet deposit remains \$250 per pet for all pets in public housing, consistent with our current policy.

This amount is intended to cover potential damage while remaining reasonable and affordable for residents.

Does JHA's grievance procedure comply with HUD requirements?

Thank you for your comment. JALA is correct that HUD has determined Florida's state eviction process does not meet the "due process" threshold defined in 24 CFR 966.51(c)—meaning Florida landlords and PHAs cannot rely solely on state court hearings to satisfy HUD's requirements.

However, JHA's grievance procedure already fully complies with HUD policy:

- It is properly incorporated into the lease and provided at initial lease-up.
- It adheres to the informal and formal hearing structure HUD mandates.
- It clearly defines exclusions consistent with HUD's due process-based provisions under §966.51(a)(2).

Given Florida's lack of a HUD due process determination, JHA must ensure that any case involving criminal activity excluded under §966.51(a)(2) proceeds through Florida's judicial eviction process, bypassing the internal grievance procedure—exactly as the policy states.

Therefore:

- Our procedure is HUD-compliant.
- We will work with counsel to clarify the wording, explicitly referencing HUD's determination that Florida eviction law lacks due process and reinforcing that excluded evictions proceed through state court, not JHA's internal process.

JHA Response FAQs Public Comment Administrative Plan 01/2026 DRAFT

General Comments on JHA's Process Did Not Conduct Reasonable Outreach

24 CFR § 903.17 mandates that housing authorities "shall conduct reasonable outreach activities to encourage broad public participation in the PHA plans" (of which the Administrative Plan and ACOP are attachments thereof and require).

To our knowledge, JHA merely posted the proposed changes on its website. JALA is unaware of any steps taken to comply with 24 CFR § 903.17. JALA unexpectedly found the announcement on JHA's website.

If JHA did not conduct reasonable outreach activities as specified in the regulation, JHA should stop the current process and restart in order to comply with federal law.

Response: JHA takes great pride in following established procedures, policies, and transparent evaluation processes. We are committed to integrating residents and RAB input where feasible, while also ensuring compliance with federal and state regulatory requirements. Nevertheless, in the interest of transparency, both the ACOP and Administrative Plan were posted for public comment for a full 45-day period, exceeding minimum notice requirements and ensuring ample opportunity for community input.

Did Not Confer with RAB Prior to Release of Plans

It is JALA's understanding that JHA did not confer with the RAB prior to release of the plans for comment by the public. This is contrary to the process HUD recommends. See <https://files.hudexchange.info/resources/documents/PHA-Resident-Advisory-Boards-and-the-Housing-Authority-Plan-Process.pdf>.

It is not known why JHA chose not to confer with the RAB, but as HUD states in the attached guide:

Resident participation, primarily through the Resident Advisory Board, is a key part of that process. The Resident Advisory Board ensures that tenants are able to participate and have a meaningful voice in the creation of the Plans.

It is unknown whether JHA took any action to recruit tenant participation outside of the RAB. The RAB, as JALA understands, has been left to submit comments alongside the public and given no deference prior to posting of the proposed changes.

JHA's process is not in compliance with multiple federal regulations in 24 CFR Part 903. Importantly, 24 CFR § 903.13 provides that the "role of the Resident Advisory Board (or Resident Advisory Boards) is to assist and make recommendations *regarding the development of the PHA plan, and any significant amendment or modification to the PHA plan*" (emphasis added).

JHA should abandon the proposed plans unless and until it complies with federal law and meaningfully confers with the RAB, including identifying for the RAB all policy changes being made in the proposed plans.

Hearing Date and Time Inconvenient

Setting a hearing date for the proposed changes on December 23 is likely inconvenient to residents, participants, and the community. If JHA wanted to calculate a date designed to bring about low participation, December 23 is such a

date. While December 23 is not a holiday and the housing authority is open, JHA should choose a less inconvenient date in the future.

No Identification of Policy Changes in the Proposed Document

Unlike past years, JHA made no effort to highlight the changes to policy in its notice of the proposed changes or in the proposed document. If JHA wanted to design a way to make it extremely hard to identify the proposed policy changes, it succeeded.

While there is some random highlighting in the document, a comparison of the proposed plan with the current plan reflects the highlighting was not made for that purpose.

To allow for the process HUD actually envisions a housing authority will use to solicit comment on proposed changes, JHA should abandon the current process, identify the policy changes in the proposed document and put a revised plan out for new comment.

JHA's failure to identify policy changes so that the community, RAB, residents, and participants could fully participate in the process will likely have negative consequences on residents and participants as they unknowingly violate the program rules and face lease termination and/or eviction.

Simultaneous Comments Period for Administrative Plan and ACOP

Given that JHA is introducing two completely new plans (apparently throwing out the plans rolled out a mere two years ago) without identifying any policy changes, asking for comment of both plans at the same time surely reduces the participation level of residents, participants, and the community.

Additionally, given the timeframe for comment on both plans, it was impossible to thoroughly compare the policy changes being made in the proposed plans with the current plans.

Multiple Errors to Locality, Laws, and Links

It appears JHA has merely edited another housing authority's document. Unfortunately, the person making the edits did not carefully read the document, nor did they seem to have knowledge of the locality JHA serves or the laws that apply in Florida (including state and local fair housing protections). The links go to an out of state housing authority and the documents referenced do not appear to exist.

Included below are problems found in the first 3 Chapters of the proposed Administrative Plan. *JALA did not attempt to locate and report all the other incorrect*

references to the locality, the laws JHA is subject to, or the incorrect links in the rest of the chapters.

Given the serious flaws in the Administrative Plan put out for comment, and the importance of this document, JHA should make the necessary changes and put a revised plan out for new comment. The revised plan should be reviewed by JHA's attorneys to ensure it is appropriate for the community in which JHA participants live.

Response: JHA acknowledges the errors and they have been corrected.

Errors in Chapters 1 -3

HA's website goes to DuPage Housing Authority

1-II.B. – Incorrect reference to Jacksonville
County

1-II.D. - Link to JHA's HCV Procedure Guide goes to
Dupage Housing Authority 2-I.A. - Incorrect protected
classes named (appears to refer to Illinois laws)

2-I.B - Incorrect protected classes named (appears to
reflect to Illinois laws) 2-I.C. - Reference to Illinois
Department of Human Rights

2-I.D. - Link to Language Access Plan goes to DuPage Housing Authority
2-II.C. – Link to JHA's website is incorrect and goes to DuPage Housing
Authority

Part III (page 2-4): Another reference to Illinois and the Safe
Homes Act, an Illinois law 2-III.B. – Incorrect terminology for an
injunction for protection (likely Illinois terms)

3-I.A. – Incorrect reference to “Illinois law”

Substantive Comments for the Administrative Plan

The following comments are organized by chapter/section.

2-I.C. Discrimination Complaints

The proposed language indicating that JHA will merely attempt to resolve the complaint internally appears to improperly chill the right to file a complaint with HUD or sue JHA. In its guidance to housing authorities, HUD states “a PHA should encourage complaints.” For best practices, JHA should review HUD’s “Preventing and Addressing Sexual and Other Discriminatory Harassment in Housing, Best

Practices for Public Housing Agencies:

<https://files.hudexchange.info/resources/documents/PHA-Preventing-and-Addressing-Sexual-and-Other-Discriminatory-Harassment.pdf>. JALA recommends this policy be revised to acknowledge JHA's duty to inform participants of your right to file a complaint with HUD whenever there is an allegation of discrimination.

Response: JHA has amended the language to the following:

Applicants or participants who believe that they have been illegally discriminated against may notify JHA either orally or in writing. If the complaint is against JHA staff or contractor, JHA will attempt to resolve the complaint internally and inform the tenant of their right to make the Fair Housing Act complaint to HUD. If the complaint is against a non-JHA staff/vendor such as a landlord or Realtor, JHA will inform the applicant or participant of their right to file a complaint and provide contact information for HUD and the Florida Department of Human Rights.

2-II.C. Request for a Reasonable Accommodation

The proposed language requiring individuals to submit a written request and to use JHA forms violates the Fair Housing Act. Oral requests are permitted. JHA cannot require individuals to use their forms or to put the request in writing or deny a request that is made orally because of the failure to use JHA forms. JALA recommends that this section be revised to comply with the law.

Response: JHA has amended the language to the following:

The family must explain the type of accommodation necessary for the person with the disability to fully access JHA's programs and services. The requesting family must explain the relationship between the requested accommodation and the disability. A "nexus" or relationship between the requested accommodation and the individual's disability must be established in order for JHA to approve the accommodation.

The Reasonable Accommodation Request forms are available at JHA's offices as well as on the JHA's website at <http://www.Jaxha.org>. If the individual with a disability is unable to submit their request in writing, JHA will assist the individual in putting their request in written form or transcribe the request for the tenant. Participants should contact JHA and their owner or property manager about their reasonable accommodation needs.

2-II.D. Approval/Denial of a Requested Accommodation

JHA's proposed language concerning "factors" taken into account to approve or deny an RA request are irrelevant to the individual reasonable accommodation analysis.

All that matters are the 3 conditions presented below the proposed factors. We request removal of the "factors" language.

JHA cannot **require** a consent form to gather intrusive medical information regarding its participants/applicants. If JHA has a question about the nature of the disability or medical necessity, it may inquire of the applicant/participant who can then provide further documentation from their medical provider. We request removal of this language.

JHA proposes to give itself 30 days to make a decision on a reasonable accommodation request, even when the 30 days is not necessary and/or where there is an emergent need that requires quicker attention and decision and/or where no documentation/verification is necessary. This is a violation of the Fair Housing Act. We request removal of this language.

Response: JHA has amended the language to the following:

2-II.D. Approval/Denial of a Requested Accommodation

In order to provide reasonable accommodations to qualified participants with disabilities, JHA must verify that the person making the request (or the person on whose behalf the request is being made) meets the definition of a person with a disability and the individual requires the requested accommodation because of a disability. If the disability is obvious and the nexus is clear, JHA will not seek third party verification. When verifying a disability, JHA will follow the verification policies in Chapter 7- Verification.

Decisions to approve or deny requests for reasonable accommodations will be made on a case-by-case basis. Factors taken into account include the cost of the requested accommodation, the financial resources of JHA at the time of the request, the benefits that the accommodation would provide to the family, and the availability of alternative accommodations that would effectively meet the family's disability-related needs. JHA will approve a request for an accommodation if the following three conditions are met:

The request was made by or on behalf of a person with a disability;

There is a disability-related need for the accommodation; and

The requested accommodation is reasonable, meaning it would not impose an undue financial and administrative burden on JHA, or fundamentally alter the nature of

JHA's HCV operations (including the obligation to comply with HUD requirements and regulations).

At JHA's discretion, before making a determination on a reasonable accommodation request, JHA may discuss and negotiate with the family, request more information from the family or require the family to sign a consent form allowing JHA to further inquire about the need for the requested accommodation with the family's preferred knowledgeable professional, if information was not previously provided. JHA will only inquire the knowledgeable professional about the need for the accommodation and not medical information concerning the tenant or applicant. Where it is unclear whether there is a disability-related need for the accommodation, JHA will notify the family as to what additional information is needed, will allow a reasonable timeframe for submission of information, and will make a timely decision on the matter based on the information provided. A decision on the reasonable accommodation request will be made within 30 calendar days of receipt by JHA. If the applicant or participant disagrees with the determination, the applicant may request an informal review, or the participant may request a grievance hearing.

4-I.A. Applying for Assistance and Placement on the Waiting List

JHA appears to propose to switch from application date and time to a “lottery.” This is a policy change that deserves the input of the RAB. JHA should withdraw this change and keep the current process. It’s unknown if this is an oversight or an intended change.

JHA will institute a lottery waitlist to promote fairness and equal opportunity for all applicants who are seeking housing opportunities within our programs.

4-III.C. Selection Method

This section appears incomplete. The proposed language indicates there will be a cap on the number of homeless families, but no cap is listed. There is also another reference to “Jacksonville County.”

Cap number was removed and the county was corrected.

5-I.A. Overview

JHA’s proposed language refers to HQS requirements, but these standards have been replaced by NSPIRE standards.

HQS has been changed to NSPIRE standards.

5-II.A. Determining Family Unit (Voucher) Size

JHA's proposed language appears to be a troubling policy change requiring persons of different generations and sex to share the same bedroom unless they can afford to find a larger unit within their price range. The current policy allows for exceptions to the standards due to age, sex, and relationship of family members. JHA should reconsider changing this policy, especially since the RAB was not invited to advise on this important and consequential change.

Response: HUD does not specify the number of persons who may live in public housing units of various sizes. PHAs are permitted to develop appropriate occupancy standards as long as the standards do not have the effect of discriminating against families with children. A HUD Notice of Statement of Policy published in the Federal Register on December 18, 1998, states that "...an occupancy policy of two persons in a bedroom, as a general rule, is reasonable under the Fair Housing Act."

5-II.C. Voucher Term and Extensions

The proposed language concerning voucher extensions as a reasonable accommodation caps the extension to 60 calendar days. By its definition, this would not be a reasonable accommodation if there is a need for more than 60 days. A bright line cap cannot be set. We request removal of the cap. Even though a participant can request an extension of the extension, it is an onerous condition being placed on a tenant. The length of the extension should be dictated by disability-related need and medical necessity.

Response: *A family with a reasonable accommodation is not limited to one 60-day extension and can apply for additional accommodation. The language was not amended.*

6-II.B. Financial Hardship Afecting Minimum Rent

JHA's proposed plan language provides JHA's policies for implementation of hardship exemptions, but does not identify in its policy when families will be notified of their right to request a hardship exemption. JHA should include this information to ensure this important right is communicated to families at an appropriate time. This issue has been the subject of litigation in other jurisdictions, thus JALA encourages JHA to commit to a process of notifying families in writing of their right to request a hardship exemption to the minimum rent, and reflect same in its Administrative Plan.

Response: *The notification of minimum rent will be established in the JHA procedure guide.*

7-I.A. Introduction

The proposed language subjects the reasonable accommodation process to the verification requirements set forth in Chapter 7. JHA cannot require verification when a disability is obvious or set a more rigorous process than allowed by law.

JHA will continue to follow the verification guidance provided by HUD and will change verification policies, rules and procedures as needed to accommodate persons with disabilities." The intent of the statement is to express the flexibility in the process of verifications due to an accommodation

7-I.C Verification Hierarchy

JHA's proposed language states that lower-priority forms of verification will only be considered when higher-priority forms are insufficient. In many cases it is simply not available. JHA should rephrase/broaden this language to acknowledge that there are additional reasons while higher-priority forms may not be available.

Response: The language has been amended:

JHA will use the methods authorized by HUD to verify family information. The verification methods are listed below in order of preference. In general, JHA will use the most reliable form of verification that is available and document the reasons when JHA uses a lesser form of verification. JHA will consider lower-priority forms of verification only if higher-priority forms are insufficient or unavailable. In order of priority, the forms of verification that JHA will use are:

8-II.C Enforcing Owner Compliance

The section reflects a disappointing change in policy, reducing the maximum abatement period from 90 to 60 days. Reducing the time the family has to search for a new unit only benefits the noncompliant landlord and may harm the tenant who must locate a new unit, and pay a new deposit and moving costs due to no fault of their own. The policy also does not indicate at what point in the process the family will be issued a voucher to move, meaning the family could end up homeless. JHA should keep the maximum abatement period at 90 days (recommended by HUD), and indicate clearly in its policy at what point the family will be given a voucher to move. Since the lease terminates automatically when the HAP contract terminates, this reduction in time directly affects participants negatively.

In addition, and although not in the proposed plan, we recommend that JHA add a policy recognizing that tenants may have the right to withhold rent under state law. While it is true that HUD regulations do not provide a process for a participant to "suspend" or "abate" their tenant portion, tenants participating in the Housing Choice Voucher Program have the ability to enforce their rights as provided under state law.

For example, in Florida, tenants may have the right to withhold rent for serious code violations after giving proper notice to the landlord. HCVP participants are entitled to exercise these same rights even though they participate in the HCV program.

Adding to confusion, in the past JHA has routinely included a statement in its HQS abatement and termination notices that the tenant is responsible for their portion of rent during the abatement process. This inaccurate legal advice causes confusion for tenants and landlords.

JHA should include the following statement in its policies and notices: “The family may nonetheless exercise any rights it may have under state law relating to an owner’s failure to timely make repairs.”

Response: JHA wants residents living in a unit that provides safe, sanitary, and decent living conditions. Having residents continue to reside in units that are not complaint /do not meet these conditions past 60 days is unacceptable; ultimately providing inadequate living conditions to the program participant. The 60-day abatement period is a widely used practice used across the country as well as other large agencies in Florida. JHA has added some language where extensions can be provided in cases where tenants cannot find housing. New language is as follows:

The maximum length of time that a HAP may be abated is 60 calendar days (or a reasonable longer period established by the PHA, but not to exceed 90 days) of the notice of abatement.

JHA agrees HCVP participants are entitled to exercise these same rights even though they participate in the HCV program. JHA will address state laws in the procedure guidebook

9-I.E. Duplicative Assistance

The proposed language for duplicative assistance does not address the requirements of 24 CFR § 982.311(d)(2) which allows for an overlap of subsidies when tenants are moving from one property to another:

If a participant family moves from an assisted unit with continued tenant-based assistance, the term of the assisted lease for the new assisted unit may begin during the month the family moves out of the first assisted unit.

Overlap of the last housing assistance payment (for the month when the family moves out of the old unit) and the first assistance payment for the new unit, is not considered to constitute a duplicative housing subsidy.

There may also be a need for overlap as a reasonable accommodation at move time. JALA recommends JHA revise this section to accurately reflect fair housing and federal laws.

Response: Provided language has been included.

10-I.A. Allowable Moves

JHA should add to the allowable reasons for move: “If the family needs to move due a reasonable accommodation.” There is also an outdated reference to HQS standards.

Response: Language has been amended and reference to HQS removed.

The family has received a reasonable accommodation to move to a unit that meets the needs of the family's disability.

10-I.B. Restrictions on Moves

JHA should change the language to include that a family may move when necessary as a reasonable accommodation.

Response: The language has been amended:

A family may only be issued moving papers to make an elective move once in any 12-month period or if granted a reasonable accommodation.

10-I.C. Portability

JHA must provide an exception to the requirements to live in JHA’s jurisdiction for 12 months when necessary as a reasonable accommodation. JALA recommends this section be revised.

There may be a typo in the section covering voucher extensions when JHA states “The family returns to JHA’s jurisdiction and search for a unit there.”

Response: The language has been amended:

Participant families that have been issued vouchers may qualify to lease a unit outside JHA's jurisdiction under portability. Applicant families are required to lease up under JHA jurisdiction for a period of 12 months before being allowed to move to another PHAs jurisdiction, unless the family has been granted a reasonable accommodation.

11-II.C. Changes Affecting Income or Expenses

The Section for “Family-Initiated Interim Re-examinations” is confusing. There is a distinction made between zero income households and other households, but it is not clear what JHA intends. The use of the word “however” also looks out of place.

JALA also recommends JHA revise this section to include a definition of what

constitutes the “date of the change” of income. Is it when the participant receives payment (like a check stub), or something else. Given JHA also proposes to drastically change its policies relating to payment plans for family-caused errors, this section deserves more policy guidance.

Response: Defined zero income families as families with no reported income.

11-II.E. Notification of New Family Share and HAP Amount

While JHA indicates that the family may request an informal hearing concerning the determination of income (as required by federal regulation), JHA does not indicate it has a policy of informing tenants of this right. JHA should include in its policy that tenants will be informed of this important right.

Otherwise, how will they know? JALA recommends JHA include such a requirement in its policy to identify when families will be informed of said right.

Response: The family has the opportunity to review the Lease Adjustment letters that will be sent to the tenant and landlord.

12-I.D Family Obligations

This is another policy change. Current policy allows for absences up to 180 days, as permitted by regulation. JHA proposes to cut that time in half to 90 days and require terminations for absences longer than 90 days. This could have a tremendous negative affect on persons requiring hospitalization for a serious injury. JALA recommends JHA leave the policy as is.

Response: JHA is allowed to shorten this period of time according to § 982.312 Absence from unit.

There are references to HQS standards in this section.

Response: Removed and replaced with NSPIRE

With respect to a termination based on an eviction for serious violations of the lease, and given that *HUD has determined that Florida eviction procedure does NOT provide the opportunity for a hearing in court that contains the basic elements of due process as defined in HUD regulations*, JHA should revise this section. The standards used to determine whether the family was evicted for serious lease violations under 24 CFR § 982.552 (b)(2) are not reflective of Florida’s harsh eviction process.

13-II.A. Termination of HAP Payments

The first section is confusing in that it seems to indicate JHA will stop paying when the tenancy is terminated in accordance with the lease. But the action of the landlord giving a notice of lease termination does mean JHA should stop making payments. It also makes the landlord cooperate with JHA to get the payments during an eviction proceeding, even though the regulation requires that JHA continue to make payments during the eviction process. This section is inconsistent with 24 CFR § 982.311, and therefore JALA recommends it be revised to comply with federal law.

Response: The tenancy is terminated when the family moves from or is evicted from the unit.

Once the owner has obtained a court judgment or other process allowing the owner to evict the tenant, JHA will terminate the HAP contract and initiate termination proceedings if it has not already done so in accordance with the policies in Chapter 12-Terminations.

14-II.B. Family-Caused Errors and Program Abuse

The proposed plan limits the family to one repayment agreement during their participation in the programs. Not all family-caused errors are intentional. This section punishes families who make more than one error. This appears to be a policy change.

Further it requires a down payment of \$500, rather than the current policy which requires a down payment of 10%, with exceptions for lesser amounts. \$500 may be impossible for some families. JHA should utilize the prior policy that has been reviewed and approved by the RAB.

Response: JHA is not required to offer repayment agreements. Due to the overwhelming need in the community, JHA has chosen to limit the number of repayment agreements. The amounts have been amended:

JHA may enter into repayment agreements for amounts not to exceed \$2,000. For amounts greater JHA will pursue other modes of collection.

Upon execution of a repayment agreement, the family must pay either the balance owed to the JHA or 10% of the balance owed to JHA.

Chapter 15 – Special Housing Types

There is a reference RHSP and Illinois, which is not applicable to JHA

Response: Removed

16-II.B. Payment Standards

JHA's proposed language does not include reference to increases in payment standard due to a reasonable accommodation. Per the regulation, JHA may increase the payment standard up to 120% of the applicable FMR or SAFMR as a reasonable accommodation. It may also seek approval from HUD if a greater percentage increase is necessary as a reasonable accommodation.

Response: The language has been amended.

JHA will review the appropriateness of its payment standards on at least an annual basis. In addition to ensuring the payment standards are generally within 90 to 110 percent of the applicable FMR or SAFMR. Higher payment standards are allowed for a reasonable accommodation. JHA will consider the following factors when determining whether an adjustment should be made to the payment standard schedule.

16-III.A. Informal Reviews

The proposed language is confusing when referring to "Denying listing on the JHA waiting list" vs. "Failure to be selected for a spot on the waiting list." JALA asks that these terms be clarified. The language includes bases that are not present in 24 CFR 982.554(c). Those bases should be removed to be in accordance with the regulation.

Response: Clarification provided.

16-III.B. Informal Hearings for Participants

JHA provides that evidence of "drug-related/violent criminal activity includes, but is not limited to" eyewitness accounts. We suggest JHA change the phrasing to "may include" to account that the evidence JHA receives can be unreliable and false, including eyewitnesses.

Response: JHA is providing examples of evidence in this section and no changes were made.

17-VI.F. Screening Policies for Rental Assistance Demonstration (RAD) Properties

This section is referenced in the Table of Contents, and is required by HUD, but is missing completely. This is a series omission. JHA should fix this error, abandon the current process, and start the public comment process over.

Response: The section was omitted in error and language added below:

Rescreening current households is prohibited. This includes income eligibility or income targeting provisions. Consequently, current households will be grandfathered for conditions that occurred prior to conversion but will be subject to any ongoing eligibility requirements for actions that occur after conversion. For example, a unit with a household that was over-income at time of conversion would continue to be treated as an assisted unit. Thus, 24 C.F.R. § 982.201, concerning eligibility and targeting, will not apply for current households. Once that remaining household moves out, the unit must be leased to an eligible family. The Authority will make their best effort to appropriately size households throughout the conversion.

17-X.A. Regional Housing Initiative

This section appears to relate to another housing authority and should be removed.

Response: The section has been removed.

17-X.B. Chicago RHI Commitment

Also not applicable to JHA and should be removed.

Response: The section has been removed.

Acronyms and Glossary of Terms

There are multiple acronyms and terms in the glossary that are not relevant to JHA or housing authorities in the state of Florida. This needs to be reviewed and updated. There is also a page numbering issue that should be corrected.

Response: The glossary of terms has been amended.