

**Proposed FY2022 HCV/ACOP - Primary**  
**Public Comment Period: April 29 - May 31**  
**Public Comment Hearings: FIC, May 11 @ 6:00p and Live Stream May 16 @ 11:00a**

Comment #	Individual/Organization	Comment	CHA Response
1	Gwen Griffith, 773.902.8875	How to you get help fixing your house without being over charged. Jazz on the Blvd.	CHA has received this inquiry and has responded to the resident.
2	Jackie Paige, 312.730.8965, weseekthee@yahoo.com	*Paying for moving expenses when resident doesn't want to move (abatement issue) * Cannibus policy, why are there allowances or emotional pets but not for medical marijuana...seems inconsistent.	Thank you for your comment.
3	Maria S. Garcia, 2315 S Sawyer, #C, 312.388.0525, mariasgarcia2002@yahoo.com	My neighbor tried to run me over with his car in the alley after he threw hot coffee in my face and shouted profanities. He threaten to kill me too. I made a police report but he's still stalking me. Can I please have an emergency transfer?	CHA has received this inquiry and has responded to the resident.
4	Anton Montgomery, Washington Park Low Rise, 312.796.4391, myishone@gmail.com	My unit is uninhabitable and I need a reasonable accomodation, can you help me? Also I have zero income...	CHA has worked with the resident to resolve this issue.
5*	Jaclyn Zarack Koriath, J.D. (she/her/hers) Director of Housing Advocacy The Network: Advocating Against Domestic Violence	I. VAWA Emergency Transfers (Admin Plan, pgs. 19, 98) CHA has amended the Admin Plan to include a section on Violence Against Women Act ("VAWA") emergency transfers, but the proposed addition fails to provide meaningful information about how a survivor of gender-based violence can access VAWA protections. CHA should amend this addition to include detail of how a survivor can request an emergency transfer (including which individual/department is a point of contact and their contact information), a time frame for CHA to respond to a survivor's request for an emergency transfer, and a commitment to expediting the process of getting a survivor in need of an emergency transfer moving papers and a quick inspection. CHA should also explain that, in supporting a survivor in transferring their subsidy, CHA will work with them to identify a safe unit, as information becomes available.	Thank you for your response. CHA participants can find additional details on the rights afforded to them under the Violence Against Women Act ("VAWA") in the Housing Choice Voucher (HCV) Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking. CHA is in the process of updating the HCV Emergency Transfer Plan. Furthermore, additional information including the number for the Victim Assistance hotline is available at <a href="https://www.thecha.org/residents/services/victim-assistance-violence-against-women-act">https://www.thecha.org/residents/services/victim-assistance-violence-against-women-act</a> for additional information.
6	Jaclyn Zarack Koriath, J.D. (she/her/hers) Director of Housing Advocacy The Network: Advocating Against Domestic Violence	Rather than identifying the process by which a survivor can request an emergency transfer, CHA references its Emergency Transfer Plan for the Housing Choice Voucher Program ("Emergency Transfer Plan"). CHA's Emergency Transfer Plan needs to be updated to be consistent with VAWA and its protections, including new protections that have been included in the 2022 reauthorization. For example, CHA's Emergency Transfer Plan does not address bifurcation, which is an important issue for survivors, a protection provided by VAWA, and a subject included in HUD's example emergency transfer plan (HUD-5381). This is also an issue that survivors in CHA's programs have struggled with, including being held responsible for the entire household's income while a termination is pending or not being	Please see response 5.
7	Jaclyn Zarack Koriath, J.D. (she/her/hers) Director of Housing Advocacy The Network: Advocating Against Domestic Violence	II. Transfers/Family Right to Move (Admin Plan pgs. 98, 99, 134, 136, ACOP pgs.49, 50, 52) CHA's proposed changes regarding a participant's move fail to consider the realistic barriers to CHA's transfer process. In the Admin Plan, CHA proposes to remove tenants from the PBV waitlist if they refuse a second unit offer without good cause. See Admin Plan at 17-12. However, often when tenants are offered a unit from the PBV waitlist, the unit is already unavailable/leased to another tenant by the time that they are able to connect with the property about the referral. This proposed change should be removed, and CHA should specifically include	CHA evaluates whether the participant shall be removed from the transfer waiting list should a participant refuse a second unit offer, without good cause.
8	Jaclyn Zarack Koriath, J.D. (she/her/hers) Director of Housing Advocacy The Network: Advocating Against Domestic Violence	Similarly, CHA shifts the burden of securing permission to transfer from a participant's existing landlord onto the participant, even though this puts the participant in a difficult situation because their landlord has to sign off on paperwork to allow their move. This provision also does not reflect that survivors of gender-based violence are often protected under the Illinois Safe Homes Act, and do not require their landlord's permission in order to terminate their lease. CHA should facilitate the lease termination process when a	CHA does not require property owners to sign paperwork to allow moves under VAWA. CHA informs property owners that the HAP contract will be terminated consistent with VAWA requirements.
9	Jaclyn Zarack Koriath, J.D. (she/her/hers) Director of Housing Advocacy The Network: Advocating Against Domestic Violence	Finally, CHA's restriction that residents who request a transfer will only receive one unit offer (Admin Plan, 18-34), is inconsistent with other provisions in the Admin Plan, which allow for more than one unit offer, and does not take into account the barriers that certain populations face (including survivors of gender-based violence and people with disabilities) in finding a safe and accessible unit.	Thank you for your comment.
10	Jaclyn Zarack Koriath, J.D. (she/her/hers) Director of Housing Advocacy The Network: Advocating Against Domestic Violence	We support (1) CHA's proposed changes regarding allowing a participant to transfer if their PBV unit is under abatement or if their unit is the wrong bedroom size based on their family size; and (2) CHA's inclusion of paying storage costs for participants that need to transfer. See Admin Plan at 17-12, ACOP at pg 48. We also strongly support CHA's addition that participants can transfer between housing programs. See ACOP at pg. 46. This addition will open up housing options for participants, which is especially important for populations that have more difficulty finding a unit,	Thank you for your comment.

11	<p>Jaelyn Zarack Koriath, J.D. (she/her/hers)  Director of Housing Advocacy  The Network: Advocating Against Domestic Violence</p>	<p>III. Medical Marijuana/Cannabis (Admin Plan pgs. 24, 115-116, 132, ACOP pgs. 23-24, and Lease) CHA proposes to amend its Admin Plan, ACOP and lease to add that household members will be informed that the use or possession of medical marijuana is considered a violation of the Controlled Substance Act and may be grounds for denial of admission in or termination from any CHA-supported housing program. CHA cites the Controlled Substances Act, 21 U.S.C. Section 801 et seq. (CSA), as its basis to affirm that CHA is required to deny or terminate housing for tenants that use medical marijuana. The CSA categorizes marijuana as a Schedule 1 substance. <b>Though HUD has determined that the use of medical or recreational may be a basis to terminate assistance, nothing in the federal regulations requires CHA to do so.</b></p>	<p>HUD requires the CHA to deny assistance in accordance with the Controlled Substances Act (21 USC 801, et seq., 841), which prohibits the use or possession of medical marijuana. Household members are informed that the use of medical marijuana may be grounds for denial of admission in or termination from any CHA-supported housing program.  The following US Code sections also requires CHA to establish standards regarding medical marijuana and cannabis. 42 U.S. Code § 13661(b) Ineligibility of illegal drug users and alcohol abusers states "Notwithstanding any other provision of law, a public housing agency or an owner of federally assisted housing, as determined by the Secretary, shall establish standards that prohibit admission to the program or admission to federally assisted housing for any household with a member who the public housing agency or owner determines is illegally using a controlled</p>
12	<p>Jaelyn Zarack Koriath, J.D. (she/her/hers)  Director of Housing Advocacy  The Network: Advocating Against Domestic Violence</p>	<p>CHA should take into consideration that the Cannabis Regulation and Tax Act, 410 ILCS Section 705, legalizes marijuana in Illinois for both recreational and medicinal purposes. <b>CHA should remove its Cannabis Policy or, in the alternative, acknowledge that denials and terminations are discretionary and that CHA will consider all mitigating circumstances in accordance to guidance</b></p>	<p>Both the ACOP and the HCV Administrative Plan incorporates language allowing for applicants, participants, and residents to present mitigating circumstances information for CHA to consider involving denials and terminations.</p>
13	<p>Jaelyn Zarack Koriath, J.D. (she/her/hers)  Director of Housing Advocacy  The Network: Advocating Against Domestic Violence</p>	<p>CHA is not required to deny admission for current medical marijuana users. In 2015, HUD issued a memo affording owners of federally assisted housing and PHAs the discretion to deny prospective residents engaged in drug-related criminal activity (use of medical marijuana may be under the Controlled substances Act available at <a href="https://www.hud.gov/sites/documents/PIH2015-19.PDF">https://www.hud.gov/sites/documents/PIH2015-19.PDF</a>). HUD further proscribes that an owner of PHA must consider all of the circumstances relevant to the decision to admit</p>	<p>Please see responses to 11 and 12.</p>
14	<p>Jaelyn Zarack Koriath, J.D. (she/her/hers)  Director of Housing Advocacy  The Network: Advocating Against Domestic Violence</p>	<p>Similarly, CHA should use discretion in deciding whether to terminate assistance for medical marijuana use. Citing section 577 of the Quality Housing and Work Responsibility Act of 1988 ("QHWRA"), HUD issued a memo on December 29, 2014 that made clear that owners of federally assisted housing have "discretion to evict or not evict current tenants for their use of marijuana." The QHWRA <i>provides discretion to owners and PHAs to determine, on a case-by-case basis,</i></p>	<p>Please see responses to 11 and 12.</p>
15	<p>Jaelyn Zarack Koriath, J.D. (she/her/hers)  Director of Housing Advocacy  The Network: Advocating Against Domestic Violence</p>	<p>CHA's prohibition on medical marijuana use, on and off the property, is also in direct conflict with the Fair Housing Act. The Fair Housing Act prohibits discrimination in housing on the basis of disability. By enforcing a ban on medical marijuana use by residents, disabled tenants residing in federally subsidized housing in Illinois would be the only class of disabled individuals not afforded a right to a reasonable accommodation.   Lastly, the ban against manufacturing and distributing marijuana prevents CHA residents from employment opportunities. A growing number of jobs in Chicago are in marijuana dispensaries. <i>Budget</i></p>	<p>Please see response 12. Also note, CHA's language does not prohibit employment and educational opportunities to applicants, participants, and residents to work or learn in legally-licensed marijuana positions.</p>
16	<p>Jaelyn Zarack Koriath, J.D. (she/her/hers)  Director of Housing Advocacy  The Network: Advocating Against Domestic Violence</p>	<p>IV. Tenant Selection and Admissions (Admin Plan pgs. 119, 121, ACOP pgs. 13,30, 32, 34, 25) The Admin Plan and the ACOP both propose to change the allowable reasons for which an individual on the site-based waitlist can refuse a unit. This is important because refusing a unit without "good cause" will result in removal from the waitlist and an inability to access CHA's available on-site units. The Admin Plan and the ACOP both remove an applicant's ability to refuse a unit because:  <i>The unit is not accessible to a source of employment, education or job training, children's day care, or educational program for children with disabilities. The location of the unit would require the adult household member to quit a job, drop out of an educational</i></p>	<p>Please see response 17.</p>
17	<p>Jaelyn Zarack Koriath, J.D. (she/her/hers)  Director of Housing Advocacy  The Network: Advocating Against Domestic Violence</p>	<p>Admin Plan at 18-19; ACOP at pg. 28.  This issue was discussed during a virtual public hearing on May 16, 2022. At this hearing, CHA staff noted that this change was proposed due to the fact that applicants may now apply for specific sites. Theoretically, applicants will only apply for sites that are geographically conducive to their needs. However, many site-based waitlists—especially those in opportunity areas—have waiting lists of 25 years or more, so it is likely that applicants will need to choose between employment/childcare/education opportunities and housing opportunities. We urge the CHA to retain this important provision and allow applicants to refuse units based on accessibility to employment, daycare, and education etc. We believe this is critical because applicants, especially those experiencing unstable housing, may endure changing life <i>circumstances from the time they apply for the site and the time</i></p>	<p>The CHA allows applicants to select a site-based waitlist that reflects their location preference. Applicants are responsible for keeping their application up to date and selecting the waitlist that meets their needs.</p>
18	<p>Jaelyn Zarack Koriath, J.D. (she/her/hers)  Director of Housing Advocacy  The Network: Advocating Against Domestic Violence</p>	<p>V. Just Housing Amendment (Admin Plan pgs. 113, 116, 117, ACOP pgs. 6, 20, 22-23, 101, 106, Lease) The CHA has made important changes to both the Admin Plan and the ACOP to acknowledge its obligations to comply with the Cook County Just Housing Amendment (Cook County Code Sec. 42-38 and Part 700 of the Cook County Human Rights Substantive and Procedural Rules) ("JHA"). Both documents provide identical language. While we welcome these changes as well as other acknowledgments found in</p>	<p>Please see response 19.</p>

19	<p>Jaelyn Zarack Koriath, J.D. (she/her/hers)          Director of Housing Advocacy          The Network:          Advocating Against Domestic Violence</p>	<p>Below are the new provisions pertaining to the JHA found at pgs.17-18 of the ACOP and p.18-11 of the Admin Plan, as well as the necessary changes that the CHA must make (additions marked in italics, underlined, and bold; deletions marked in bold and strike-through):</p> <p>12. The CHA will comply with the provisions of the Cook County Just Housing Amendment, Ordinance No. 19-2394, to § 42-38 of the Cook County Human Rights Ordinance and Part 700 of the Cook County Human Rights Substantive and Procedural Rules.</p> <p>c. No person shall inquire about, consider, or require disclosure of criminal conviction history before the prequalification process is complete, and the CHA has determined the applicant has satisfied all other application criteria for housing or continued occupancy and has sent notice of prequalification to the applicant.</p> <p>d.The CHA may not consider any information related to the criminal convictions that are more than three (3) years old or any covered criminal history as defined in Section 42-38(a) of the Human Rights Ordinance; the definition is also included in the glossary of this document.</p> <p>g.All applicants shall receive the tenant selection criteria, a</p>	<p>The additions to part 12, deletion and addition in part c, and additions to parts d and g will be reflected in the updated ACOP.</p>
20	<p>Jaelyn Zarack Koriath, J.D. (she/her/hers)          Director of Housing Advocacy          The Network:          Advocating Against Domestic Violence</p>	<p>h. Applicants shall receive a copy of the results of the criminal background check within five days of the date that the CHA obtains them. (Sec. 740.100 of the Cook County Human Rights Rules)</p> <p>i.Within five business days of receiving a copy of the background check results, applicants shall have the opportunity to produce evidence that disputes the accuracy or relevance of information related to any criminal convictions from the last three years. (Sec. 740.110 of the Cook County Human Rights Rules)</p> <p>j.After giving an applicant the opportunity to dispute the accuracy and/or relevance of a conviction, the CHA shall conduct an individualized assessment to determine whether the individual's recent conviction history poses a demonstrable risk. If the individual poses a demonstrable risk, the CHA may deny the individual. (Sec. 750.100 of the Cook County Human Rights Rules)</p> <p>k.The CHA shall either approve or deny the application within three business days of receipt of information from the applicant disputing or rebutting the information contained in the criminal background check. A denial notice must be in writing; it must explain why denial based on criminal conviction is necessary to protect against a demonstrable risk of harm; and it must inform the applicant of their right to file a complaint with the Cook County Human Rights Commission. (Subject 760 of the Cook County Human Rights Rules)</p>	<p>Sections h through k will not be reflected in the ACOP as these are procedural concerns which are adequately reflected in internal procedures on applicant screening and admission.</p>
21	<p>Jaelyn Zarack Koriath, J.D. (she/her/hers)          Director of Housing Advocacy          The Network:          Advocating Against Domestic Violence</p>	<p>Fair Housing Disclosures and Affirmations At various points in the ACOP and the Admin Plan, the CHA discusses its obligations to follow all fair housing laws and specifies the various protected classes recognized by those laws, including state and local laws. Because the JHA is a fair housing law, the CHA needs to modify its fair housing disclosures to reflect its obligations under the JHA. The CHA will accomplish this by adding "covered criminal history" to all lists of protected classes, located at the citations listed below. Importantly, these lists already include non-federal protected classes (e.g. source of income):</p> <p>ACOP citations Admin Plan citations (see chart for accurate formatting BTH)</p> <ul style="list-style-type: none"> <li>● (I) (p.1) (opening paragraph)</li> <li>● (I)(A)(2) (p.2)</li> <li>● (II)(A)(1) (p.7)</li> <li>● (II)(J)(3)(d) (p.24)</li> <li>● (III)(A)(3) (p.25)</li> <li>● (IV) (p.32) (1st paragraph)</li> <li>● 2-1 A (p.1-4) (2nd paragraph)</li> </ul>	<p>Thank you for your comment.</p>
22	<p>Jaelyn Zarack Koriath, J.D. (she/her/hers)          Director of Housing Advocacy          The Network:          Advocating Against Domestic Violence</p>	<p>To aid in comprehension, the CHA should also include "covered criminal history" as a definition in the glossaries of each document, using the official definition found under Cook County Code Sec. 42-38(a). Finally, as part of its obligations to affirmatively disclose fair housing protections, the CHA should add a section to its fair housing chapters of each document to discuss the new protections under</p>	<p>CHA will add the definition of "covered history" to the definitions section.</p>
23	<p>Jaelyn Zarack Koriath, J.D. (she/her/hers)          Director of Housing Advocacy          The Network:          Advocating Against Domestic Violence</p>	<p>Eligibility Criteria for CHA Programs At various points in both the ACOP and the Admin Plan, the CHA continues to include statements that do not comply with the JHA. The CHA must make all necessary changes to expressly stipulate the following: (1) the CHA will not deny applications for new or continued housing or terminate housing or assistance based solely on a person's criminal record; (2) exceptions apply under state and federal law, as well as for convictions within three years of the date of application; (3) for convictions within the last three years, the CHA will not automatically deny or terminate housing (except where exceptions apply) but instead will conduct an individualized assessment with input from the applicant to determine</p>	<p>For certain offenses, HUD requires the CHA to prohibit admission regardless of when the conviction occurred. The JHA states "Nothing in this section shall be interpreted as prohibiting a housing provider from denying housing to an applicant based on their criminal conviction history when required by federal or state law." The criminal background check process does not occur until after the applicant has passed the prequalification phase. The criminal background check phase begins and the CHA will provide the opportunity for an individualized assessment. CHA will maintain its current language for compliance with federal and state law.</p>

24	Jaclyn Zarack Koriath, J.D. (she/her/hers) Director of Housing Advocacy The Network: Advocating Against Domestic Violence	Use of Arrests as the Sole Basis for Denials At various points in both the ACOP and the Admin Plan, the CHA states that the mere fact of an arrest will never suffice as the sole basis for evidencing criminal activity for the purposes of denying assistance. In light of the passage of the JHA, this language is now misleading. In Cook County, no form of criminal records may serve as the sole basis for a denial. In addition to arrests, the JHA adds charges, citations, expunged criminal records, pardoned criminal records, expunged criminal records, juvenile records, participation in a diversion or	The CHA may deny based solely on certain convictions. Adding convictions to this list would be incorrect and potentially more confusing. Convictions within three years may be used to deny an applicant.
25	Jaclyn Zarack Koriath, J.D. (she/her/hers) Director of Housing Advocacy	The only exceptions are those mandated by law, including mandatory prohibitions under federal regulations and the exceptions listed in the JHA. The key exception is a conviction within the last three years, wherein the conviction may form the basis for a denial if the	Please see response 24.
26	Jaclyn Zarack Koriath, J.D. (she/her/hers) Director of Housing Advocacy The Network: Advocating Against Domestic Violence	Not mentioning the more expansive protections of the JHA when discussing arrest records is guaranteed to cause confusion and conflicts and could expose CHA to liability. The CHA should therefore add language on the JHA wherever the CHA mentions that arrest records cannot suffice for a denial. The locations of these statements are as follows: ACOP citations Admin Plan citations ● (I)(G)(15)(c) (p.20) ● (II)(G)(17) (p.21)	Please see response 24.
27	Jaclyn Zarack Koriath, J.D. (she/her/hers) Director of Housing Advocacy The Network: Advocating Against Domestic Violence	<b>Denial of Grievance Procedures based on Felony Convictions</b> The CHA currently denies residents the opportunity to use the CHA's Grievance Procedure based on a felony conviction. This denial violates the JHA, specifically Cook County Code Sec. 42-38(b)(1), which prohibits distinguishing or restricting the terms, conditions, or privileges of a real estate transaction based on covered criminal history. The mere fact that a resident has a criminal record cannot be the reason for denying the privilege of a grievance procedure.	ACOP XIII.C.5.a. The CHA is required to terminate tenancy if any member of the household has been convicted of a felony 24 CFR 966.4(l)(3). According to the ordinance, nothing in the JHA shall be interpreted as prohibiting a housing provider from denying housing to an applicant based on their criminal conviction history when required by federal law.
28	Jaclyn Zarack Koriath, J.D. (she/her/hers) Director of Housing Advocacy The Network: Advocating Against Domestic Violence	<b>Sharing of Criminal Background Check Results with Applicants</b> At various points in both the ACOP and the Admin Plan, the CHA states if an applicant is denied based on their criminal history, the CHA will send the applicant a copy of the criminal background check results. This statement fails to comply with the requirements of the JHA. Pursuant to Sec. 740.100 of the Cook County Human Rights Substantive and Procedural Rules, housing providers must send copies of background checks within five days of obtaining the results and prior to any denial decision. The sharing of the results affords the applicant an opportunity to send the provider additional	Please see response 30.
29	Jaclyn Zarack Koriath, J.D. (she/her/hers) Director of Housing Advocacy The Network: Advocating Against	Therefore, the CHA must edit these noncompliant statements. Below is an example of a compliant statement that the CHA should adopt: "Pursuant to Sec. 740.100 of the Cook County Human Rights Rules and the Just Housing Amendment, the CHA will send the applicant a copy of the background check results within five days of obtaining them. Applicants will have at least five business days to submit	Please see response 30.
30	Jaclyn Zarack Koriath, J.D. (she/her/hers) Director of Housing Advocacy The Network: Advocating Against Domestic Violence	The locations for this revision are as follows: ACOP citations Admin Plan citations Lease ● (I)(E)(8)(a) (p.11) ● (II)(E)(10)(a)(ii) (p.15) ● (II)(F)(5) (p.17) ● (V)(C)(4) (p.47) ● (VI)(A)(6) p.53  ● 12-III.D (p.12-6) ● 16-III.A (p.16-4) ● 18-III.E(8)(a)(2) (p.18-6) ● 18-III.E(10)(a) (p.18-9) ● 18-III.F(5) (p.18-10) ● 18-IV.J(4) (p.18-34) ● 18-V.D(2),(6) (p.18-45)	CHA is considering changes to make its compliance more clear, however, the ACOP and Admin Plan both repeatedly reflect compliance with the Just Housing Amendment.
31	Jaclyn Zarack Koriath, J.D. (she/her/hers) Director of Housing Advocacy	Compliance with the JHA for the HCV and PBV Programs The CHA's important additions on the JHA only apply to public housing and RAD properties. However, the proposed amendments fail to acknowledged the same for the housing choice voucher program (chapters 1-16 of the Admin Plan) and project-based voucher (PBV)	Thank you for your comment.
32	Jaclyn Zarack Koriath, J.D. (she/her/hers) Director of Housing Advocacy	The CHA must rectify this glaring omission by adding the provisions found under Chapter 18-III.F(12) of the Admin Plan (p.18-11) to Chapter 3 and Chapter 17 of the Admin Plan (These provisions explain the requirements of the JHA. The CHA should ensure these provisions are corrected first, pursuant to the comments regarding	Thank you for your comment.
33	Jaclyn Zarack Koriath, J.D. (she/her/hers) Director of Housing Advocacy The Network: Advocating Against Domestic Violence	The CHA needs to make these changes because both programs count as real estate transactions under Cook County Code Sec. 42-38(a). The CHA even acknowledges that fair housing protections apply to these programs under Chapter 2 of the Admin Plan. If the CHA recognizes that it cannot deny a tenant-based voucher or a projectbased voucher unit based on fair housing protected classes, including non-federal protected classes like order of protection status and military discharge status, then it must also recognize covered criminal history as a protected class for these programs. The CHA must explicitly outline that the JHA applies to all CHA housing programs, just as it does in these proposed changes for the public housing and RAD programs. If the CHA does make these	Thank you for your comment.

34	<p>Jaclyn Zarack Koriath, J.D. (she/her/hers) Director of Housing Advocacy The Network: Advocating Against Domestic Violence</p>	<p>VI. Smoke-Free Policy (Admin Plan pg. 127) CHA should rescind this proposed Smoking-Free change to its Administrative Plan. CHA cites 24 C.F.R. 965.1 and 966 in support of its added smoke-free policy. These federal regulations apply to public housing – not tenant-based rental assistance. Even HUD guidance relating to smoke-free policies makes it clear that HUD guidance applies to public housing. PIH Notice 2017-03 explains that smoke-free policies apply to public housing units other than those in mixed-finance building and also excludes housing</p>	<p>Thank you for your comment. CHA will maintain its current policy for RAD PBV units.</p>
35	<p>Jaclyn Zarack Koriath, J.D. (she/her/hers) Director of Housing Advocacy The Network: Advocating Against Domestic Violence</p>	<p>VII. Community Space Policy (Admin Plan pg. 129, ACOP pgs. 43-46,101, Lease) CHA added an onerous and extensive community space policy for reserving community rooms and other communal spaces in public housing and RAD properties. We are concerned that the policy provides for broad discretion to CHA to deny use of community space to residents and community organizations that challenge the CHA or hold the CHA accountable to providing safe, decent, and fair housing to its residents. Broad discretion on behalf of CHA to approve or not approve meetings for tenants and community organizations who are engaged in speech that challenges the CHA has potential first amendment concerns and could be in contravention to HUD's rules and regulations.</p>	<p>The Community Space Policy integrated into the ACOP does not include substantively different language from the standalone "Policy for the Use of CHA Community Space in Residential Buildings". This policy has applied to Public Housing community space since 2005 and has not changed. CHA has moved this policy language into the ACOP. Affiliated groups are those that are sponsored and/or funded by HUD, CHA, the City of Chicago or by Court Order, employees of CHA or other governmental employees approved by CHA. The LAC and Building Presidents meet the criteria for an Affiliated Groups or Individuals. Non-tenant organizers that are not a part of resident organizations and do not fall under the definition for affiliated groups will be considered non-affiliated groups.</p>
36	<p>Jaclyn Zarack Koriath, J.D. (she/her/hers) Director of Housing Advocacy The Network: Advocating Against Domestic Violence</p>	<p>We request that CHA revisit this policy to ensure that tenants engaged in protected organizing activity are able to reserve community space quickly and efficiently without management and CHA oversight or intimidation. We request that CHA clarify that the LACs, Building Presidents, and non-tenant organizers assisting in the establishment or operation of the tenant organization pursuant to the RAD notice are explicitly considered affiliated organizations</p>	<p>Please see response to 35.</p>
37	<p>Jaclyn Zarack Koriath, J.D. (she/her/hers) Director of Housing Advocacy The Network: Advocating Against Domestic Violence</p>	<p>The CHA is likewise reminded that the RAD Notice PIH-2019-23 (HA) requires the CHA to make reasonably available community space for meetings as requested by the Local Advisory Council and Building Presidents or, if there is no LAC or Building President at the property, for a tenant organization following the established protocol in the RAD notice. Further, if LACs or other democratically operating tenant organizations at buildings without LACs work with non-tenant community organizers, those organizers have the right to participate in tenant meetings and assist in the operation of the LAC. See RAD Notice-PIH-2019-23 (HA) at 131-134. Notably, the CHA's requirement that it approve any distributed written materials or literature or that building management be allowed to observe</p>	<p>Nothing in the Community Space Policy prevents: 1. LACs and Building Presidents from convening in community space. Requests for community space to conduct regularly scheduled resident organization meetings will be approved. 2. Non-tenant community organizers from participating in tenant meetings and assisting with the operations of tenant organizations. 3. LACs and other tenant organizations from organizing independently from CHA. n the Community Space Policy.  Furthermore, the PIH Notice cited describes "resident provisions in conversions of assistance from public housing" (i.e., it is applicable to RAD properties and not Public Housing properties).</p>
38	<p>Jaclyn Zarack Koriath, J.D. (she/her/hers) Director of Housing Advocacy The Network: Advocating Against Domestic Violence</p>	<p>The Community Space Policy also contains no timelines by which residents and others can request use of the space and receive a response. In our experience, residents and our organizations have attempted to reserve community space and have not received a response. We request CHA provide clarity around the timeline for approval of community space as well as a written justification every time the community space is denied. We further request that the timelines be allowed to be flexible when there are exigent circumstances at the property that necessitate the needs of tenants</p>	<p>Timelines by which residents and others can request use of community space and receive a response will be provided at time of application.</p>
39	<p>Jaclyn Zarack Koriath, J.D. (she/her/hers) Director of Housing Advocacy The Network: Advocating Against Domestic Violence</p>	<p>VIII. Reasonable Accommodations/Assistance Animals (Admin Plan pgs. 136, 150, 161-167, ACOP pgs. 44, 51, 60, 61, 89, 91, 110, Lease) One major concern in the proposed Admin Plan is that it seems to eliminate references to the Housing Rights and Nondiscrimination Department. As a result, it is unclear which entity, if any, at CHA is responsible for ensuring compliance with disability discrimination laws. Under the Americans with Disabilities Act ("ADA") and Section 504 of the Rehabilitation Act of 1973 ("Section 504"), CHA is required to have an ADA/504 Coordinator who ensures that it complies with disability discrimination laws. see 28 CFR § 35.107; 24 CFR § 8.53. Under the new Admin plan, it is not clear who at</p>	<p>Please reference the Fair Housing information on CHA's website: <a href="https://www.thecha.org/residents/public-housing/fair-housing">https://www.thecha.org/residents/public-housing/fair-housing</a>.</p>
40	<p>Jaclyn Zarack Koriath, J.D. (she/her/hers) Director of Housing Advocacy The Network: Advocating Against Domestic Violence</p>	<p>Another major source of concern is the changes made to the ACOP and Admin Plan regarding pets and assistance animals. Many of the policies CHA proposes to adopt violate disability discrimination laws and the most recent HUD Guidance regarding Assistance Animals and people with disabilities. For example, the Admin Plan states that CHA "requires verification of the need for an assistance animal from knowledgeable professional and will confirm such verification." Admin Plan at 18-60; ACOP at 86.1 This type of inquiry is only appropriate if the individual's disability and need for the assistance animal are not apparent. If both are apparent, the CHA cannot require any kind of verification before allowing the animal. See Assessing a Person's Request to Have an Animal as a Reasonable Accommodation Under the Fair Housing Act at 6 (hereinafter "Assistance Animal Guidance"), U.S. Department of</p>	<p>Thank you for your comment. CHA will review to determine appropriate language changes to clarify its policies.</p>
41	<p>Jaclyn Zarack Koriath, J.D. (she/her/hers) Director of Housing Advocacy The Network: Advocating Against Domestic Violence</p>	<p>Likewise, CHA cannot prohibit people with disabilities from having their assistance animal with them until CHA approves their reasonable accommodation request. See Proposed Admin Plan at 18-61. CHA's reasonable accommodation process is notoriously long, even for simple reasonable accommodation requests. Even though the new pet policy sets forth timelines for response to a reasonable accommodation request, they will not always be followed. Meanwhile, people with disabilities need their assistance animal in order to use and enjoy their properties, and cannot wait the weeks or months it often takes CHA to evaluate a reasonable</p>	<p>The CHA is aware of the time it takes to approve a reasonable accommodation and is flexible in response to a resident's current condition.</p>

42	Jaclyn Zarack Koriath, J.D. (she/her/hers) Director of Housing Advocacy The Network: Advocating Against Domestic Violence	Although CHA's pet policy does not apply size and weight limitations to assistance animals, it applies breed restrictions to assistance animals, in violation of the federal Fair Housing Act. See Assistance Animal Guidance at 14 ("housing providers may not limit the breed or size of a dog used as a service animal or support animal just because of the size or breed but can, as noted, limit based on...")	The proposed ACOP included the following sentence in XII.C.4. that clearly states breed restrictions do not apply for assistance animals: "Breed restrictions do not apply to animals that assist, support or provide service to persons with disabilities; 24 CFR § 960.705."
43	Jaclyn Zarack Koriath, J.D. (she/her/hers) Director of Housing Advocacy The Network: Advocating Against Domestic Violence	The pet policy also states that "persons with disabilities must be able to care for their animals, keep them and their units in a safe and healthy condition, and be responsible for any damage, beyond reasonable wear and tear caused by their assistance animal." Admin Plan at 18-60. As a preliminary matter, it is problematic that these requirements are directed only at people with disabilities and not CHA participants in general – it presumes people with disabilities would not be able to care for their assistance animals. Secondly, while these requirements may be reasonable, they are extremely vague and may be enforced unevenly from building to building or management to management. Likewise, the noise	This statement in the Pet Policy does not hold residents with disabilities to a different standard. Section D.11. states that any resident who owns a pet "must be capable of taking care of the pet or animal without assistance or with assistance from a source other than the CHA." Section C.1. states that destruction of property caused by pets "will be the financial obligation of the owner."
44	Jaclyn Zarack Koriath, J.D. (she/her/hers) Director of Housing Advocacy The Network: Advocating Against Domestic Violence	The pet policy states that "[w]hile pets and assistance animals are outside of the unit and in building common areas . . . they must be controlled by being either kept on a leash, carried in the resident's arms, or in an appropriate animal cab. While outside the unit, dogs must be kept tightly reigned [sic] on a leash no longer than six feet in length." Admin Plan at 18-63. This policy violates disability discrimination laws. Under the FHA, an assistance animal must be under the owner's control, but the housing provider cannot specify how that is accomplished. Various types of leashes may be inaccessible based on their disability, and the person with a	The policy does not violate any laws or regulations and requiring owners to demonstrate or maintain control over their animals using a six foot leash is a reasonable measure necessary for the health and safety of all residents.
45	Jaclyn Zarack Koriath, J.D. (she/her/hers) Director of Housing Advocacy The Network: Advocating Against Domestic Violence	Both the ACOP and the Admin Plan remove from the list of examples of mandatory transfers an "[t]ransfers to a unit in closer proximity to healthcare provider." 2020 ACOP at 44; 2021 Admin Plan at 18-47. It is unclear why this occurred. Although project-based waitlists are now site-specific, circumstances may change between when an individual signs up for a waitlist and when they are offered a unit that may require a mandatory transfer to be closer to a medical provider. Disabilities are not stagnant. In the case of the voucher program, people with disabilities routinely need to move to a unit within a reasonable distance from medical providers, and this is the basis for people with disabilities to request exception to the voucher payment standard. Thus, it is critical that this example, and the accommodation, remain for	Per 24 CFR § 8.20, the CHA will continue to make modifications to its units, buildings, policies, and procedures that allow residents with disabilities to take full advantage of and use CHA programs. Proximity to specific healthcare providers does not materially impact a resident with disabilities' eligibility for or ability to participate in CHA programs.
46	Jaclyn Zarack Koriath, J.D. (she/her/hers) Director of Housing Advocacy The Network: Advocating Against Domestic Violence	Finally, both the ACOP and Admin Plan have added a statement that "Residents, including those with live-in aides, are responsible for housekeeping and/or maintenance upkeep." ACOP at 56; Admin Plan at 18-48. Again, it is reasonable to have basic cleanliness requirements for CHA participants, but it is unclear why people with disabilities who have live-in aides are singled out as needing to abide by cleanliness requirements. It would violate disability discrimination laws to hold individuals with disabilities with live-in aides to a different standard than their non-disabled counterparts. see generally 42 U.S.C. § 3604. Moreover, any issue with	This excerpt is included under the "Unit Maintenance and Inspections" subsection and applies to all residents. Furthermore, the excerpt itself states "Residents, including those with live-in aides..." indicating that all residents are held to this standard, including residents with live-in aides.
47	Jaclyn Zarack Koriath, J.D. (she/her/hers) Director of Housing Advocacy The Network: Advocating Against Domestic Violence	IX. Tenant Ability to View Unit Prior to Lease (ACOP pg. 33) CHA removed "Showing Units Prior to Leasing: Applicants shall have an opportunity to view the unit they will be offered, a model of the unit or a unit of similar bedroom size before they accept a unit offer and lease a unit" from page 33 of the ACOP. It is unclear why CHA would remove a tenant's right to view a unit prior to leasing. No private market tenant would ever be expected to lease a unit without viewing it first. Public housing applicants should be treated no differently. Viewing the unit is important for applicants to make an informed housing choice to ensure that the unit and common	Thank you for your comment.
*Grid Responses 5-47 are one comment submitted by Jaclyn Zarack Koriath, J.D., Director of Housing Advocacy for The Network: Advocating Against Domestic Violence.			