

HOUSING COMMISSION AGENDA
Special Meeting: February 19, 2014

Time: 8:00 a.m.

Nidus Court Recreation Room, 2020 Nidus Court, Union City, CA 94587

The public is welcome at all Housing Commission meetings. If you wish to speak on a matter NOT on the Agenda, please file a Public Comment card with the Commission Clerk. Upon recognition by the Chairperson during Public Comment, state your name, comments and/or questions. Anyone wishing to address the Commission on an agenda item or on business introduced by the Housing Commission may do so when the Chairperson calls for comments on the agenda item. Please be brief and limit your comments to the specific subject under discussion. NOTE: Only matters within the Housing Commission's jurisdiction may be addressed.

To allow the opportunity for all to speak, a time limit of 3 minutes has been set for public speakers wishing to address the Housing Commission. The Chairperson has the discretion to further limit this time if warranted by the number of speakers.

The Housing Commission Secretary of the Housing Authority of the County of Alameda has, on Thursday, February 13, 2014 duly distributed this Agenda to the Clerk of the Board of Supervisors for posting in the office of the Alameda County Administration Building and has posted it on the bulletin board of the Housing Authority of the County of Alameda.

AMERICANS WITH DISABILITIES: *In compliance with the Americans with Disabilities Act, if special assistance to participate in this meeting is needed, please contact the Housing Authority office at (510) 727-8511. Notification at least 48 hours prior to the meeting will enable the Housing Authority to make reasonable arrangements.*

| | <u>PAGE</u> |
|---|--------------------------------------|
| 1. CALL TO ORDER / ROLL CALL | |
| 2. CLOSED SESSION <i>Contract Negotiations with SEIU Local 1021 and the Housing Authority of the County of Alameda Labor Negotiations Pursuant to Government Code 54957.6</i> | |
| 3. APPROVAL OF THE MINUTES OF THE DECEMBER 11, 2013 MEETING | ACTION 2 |
| 4. PUBLIC COMMENT On matters not on the Agenda | |
| 5. NEW BUSINESS | |
| 5-1. Draft Annual PHA Plan for Fiscal Year 2014 | PUBLIC HEARING REQUIRED 7 |
| 5-2. Revisions to HACA's Section 8 Administrative Plan | ACTION 8 |
| 5-3. Assign a Salary to the Newly Created Class of Part-time Property Aide | ACTION 10 |
| 5-4. Quarterly Investment Portfolio for the Quarter Ended December 31, 2013 | INFORMATION 17 |
| 5-5. Quarterly Budget Status Report for the Quarter Ended December 31, 2013 | INFORMATION 19 |
| 5-6. Program Activity Report | INFORMATION 26 |
| 6. COMMITTEE REPORTS | |
| 7. COMMISSIONER REPORTS | |
| 8. COMMUNICATIONS Updated list of HACA acronyms | |
| 9. ADJOURNMENT | |

MINUTES
December 11, 2013

**HOUSING COMMISSION MINUTES
REGULAR MEETING: DECEMBER 11, 2013, 8:00 A.M.
NIDUS RECREATION ROOM, 2020 NIDUS COURT, UNION CITY, CA 94587**

SUMMARY ACTION MINUTES

1. CALL TO ORDER/ROLL CALL

Call to Order

Vice Chairperson Biddle called the meeting to order at 8:09 a.m.

Roll Call

Present: Cmr. Apodaca, Biddle, Cashmere, Gascoscos, Haddock, Iosefa and Steiner

Excused: Cmr. Natarajan

Entered after Roll Call: Cmr. Asher, Peixoto and Reed

Absent: Cmr. Gerry

2. EXECUTIVE SESSION

*Contract Negotiations with SEIU Local 1021 and the Housing Authority of the County of Alameda
Labor Negotiations Pursuant to Government Code 54957.6*

The Commission adjourned into Executive Session at 8:10 a.m. and reconvened in regular session at 8:36 a.m. Chairperson Reed reported that there were no reportable actions taken during the Executive Session.

3. APPROVAL OF THE MINUTES OF THE OCTOBER 30, 2013 COMMISSION MEETING

Recommendation: Approve the minutes of the October 30, 2013 meeting as presented.

Motion/Second: Biddle/Gascoscos.

8 ayes; 2 abstentions: Cmr. Reed and Apodaca. Motion passed.

APPROVED AS RECOMMENDED.

4. PUBLIC COMMENT - On matters not on the agenda.

None.

5. NEW BUSINESS

5-1. ACTION: FURLOUGH DAYS FOR MANAGEMENT EMPLOYEES

Christine Gouig, Executive Director, presented the staff report. Ms. Gouig summarized the possible actions that the federal government could take with respect to the budget and the potential impact of these actions on HACA's funding and projected budget deficit. Ms. Gouig reported that HACA's management employees have indicated that they are agreeable to taking five furlough days prior to the end of HACA's fiscal year and would like to begin taking these now. She explained the reasons why it would be beneficial to allow the managers to take their furlough days now rather than wait until

negotiations with represented employees are concluded.

Recommendation: Authorize the Executive Director to develop a schedule of 5 furlough days for management employees.

Commission Discussion: Cmr. Biddle commented that spreading the furlough days out over a longer period of time would help to minimize the impact on HACA's operations.

Motion/Second: Biddle/Apodaca.

Ayes: All Motion passed.

APPROVED AS RECOMMENDED.

5-2. ACTION: HACA SECTION 8 ADMINISTRATIVE PLAN REVISIONS

Ron Dion, Deputy Director for Programs, presented the staff report. Mr. Dion reported that staff is proposing to amend chapters 3, 5, 6, 7, 12 and 16 of HACA's Section 8 Administrative Plan in order to incorporate some changes in HUD's regulations and to HACA's practices.

Recommendation: Approve the proposed revisions to HACA's Section 8 Administrative Plan as presented.

Motion/Second: Steiner/Biddle.

Ayes: All Motion passed.

APPROVED AS RECOMMENDED.

5-3. INFORMATION: BUDGET STATUS REPORT

Christine Gouig presented the staff report. Ms. Gouig provided a detailed update on the status of the federal budget.

5-4. INFORMATION: PROGRAM ACTIVITY REPORT

Daniel Taylor, Special Programs Manager, presented the staff report. Mr. Taylor reported on the annual FSS *It's Your Time to Shine* event that was held in November and that the FSS department is preparing for its annual gift-giving event. Mr. Taylor also provided an update on the ongoing FSS national study and announced that HACA's FSS program received a \$1500 grant from the Oakland Methodist Foundation. Ms. Gouig announced that FSS is currently accepting donations to help with the costs of the grocery gift cards for the FSS gift-giving event.

Commission Discussion: Cmr. Steiner and Jennifer Cado, Senior Administrative Analyst, discussed the monthly debt collections report.

6. COMMITTEE REPORTS

None.

7. COMMISSIONER REPORTS

None.

8. COMMUNICATIONS

George Smith, Maintenance and Modernization Manager, provided an update on the status of HACA's main office renovation project and presented drawings of the building design. He distributed a copy of

the flyer notifying nearby residents and businesses of the upcoming construction. Cmr. Reed and Mr. Smith discussed the asbestos abatement work that is currently being done on the Atherton building.

Ms. Gouig reported that an updated list of HACA's acronyms will be provided to the Commission at the January meeting. She also reported that HACA has received its public housing PHAS score and is measured as a *Standard Performer* with 88 out of 100 points. Ms. Gouig also provided an update on the status of the submittal of HACA's Rental Assistance Demonstration (RAD) program application and named the housing authorities in California that have been approved for RAD.

9. ADJOURNMENT

There being no further business, Cmr. Reed adjourned the meeting at 9:10 a.m.

Respectfully submitted,

Melissa Taesali
Executive Assistant

Christine Gouig
Executive Director/Housing Commission Secretary

Approved:

Ursula Reed
Housing Commission Chairperson

NEW BUSINESS

February 19, 2014

HOUSING AUTHORITY OF ALAMEDA COUNTY

AGENDA STATEMENT

Meeting: February 19, 2014

Subject: Annual PHA Plan for Fiscal Year 2014 (Public Hearing Required)

Exhibits Attached: Attachment A: Draft of HACA’s Annual PHA Plan for Fiscal Year 2014

Recommendation: Conduct Public Hearing: No Action Required at this Time

Financial Statement: None

BACKGROUND

The HACA Annual Plan is a guide to HACA’s policies, programs, operations, and strategies for meeting the local housing needs and goals set forth in HACA’s 5-Year Plan for Fiscal Years 2010-2014. HUD regulations require that housing authorities update their Annual Plan each year.

Staff has prepared the draft Annual Plan, using the template required by HUD. The Annual Plan is due at HUD by April 17. We are bringing the draft Plan to you in February so that you have sufficient time for review prior to the due date. We will present the Plan as an action item at your April 9 meeting. Before the April 9 meeting we will also have met with the Resident Advisory Board (RAB) and will present any comments the RAB has along with staff’s responses.

DISCUSSION and ANALYSIS

There are few significant substantive changes proposed in the current draft Annual Plan in comparison to last year’s. Changes have been made to Section 7 to reflect HACA’s disposition of its Nidus and Dyer elderly public housing developments since the preparation of last year’s Annual Plan. There are also changes to Section 7 that address HACA’s application to HUD’s Rental Assistance Demonstration (RAD) program; HACA’s possible recourse to Section 18 Demolition and/or Disposition; and the project-basing of vouchers to several projects. Section 9.1 has been added regarding HACA’s strategy for addressing public housing turnover time. Section 10 has been modified to reflect HACA’s planned application in response to Notice PIH 2014-03 issued February 4, 2014, announcing the availability of set-aside funding for project-basing vouchers under the HUD–Veterans Affairs supportive housing (HUD-VASH) program.

As in recent years, total Capital Funds are shown as a transfer to operations rather than being separately budgeted for each project. This is allowed for housing authorities with fewer than 250 public housing units and that, like HACA, are, at a minimum, standard performers under the PHAS reporting system. Capital Fund allocations are determined by HUD formula.

HOUSING AUTHORITY OF ALAMEDA COUNTY

AGENDA STATEMENT

Meeting: February 19, 2014

Subject: Administrative Plan Policy Revisions

Exhibits Attached: Attachment B: Redline summary of policy revisions

Recommendation: Approve proposed policy revisions

Financial Statement: None

BACKGROUND

HACA’s Section 8 Housing Choice Voucher (HCV) Program Administrative Plan (Admin Plan) sets forth HACA’s policies for administering the Section 8 Program in a manner consistent with HUD requirements and HACA’s Agency Plan—its policies, programs, operations, and strategies for meeting local housing needs and goals. HACA’s Admin Plan is available for public review.

From time to time it becomes necessary to amend the Admin Plan in order to incorporate changed HUD regulations, revised HACA practices, program initiatives, or to make clarifications or corrections.

ANALYSIS and DISCUSSION

Recently, Congress renewed the Violence Against Women Act (VAWA) and HUD issued guidance to housing authorities (PHAs) as to changes needed in their Admin Plans. Accordingly, policy revisions are proposed to HACA Admin Plan Chapters 3, 5, 9, 10, 12, and 16. A red-line version of the changes is enclosed. See Attachment B.

Chapter 3 - Eligibility

Per the Violence Against Women Reauthorization Act of 2013 (VAWA 2013), adds protection to victims of sexual assault, and, at the time that an applicant is denied assistance, a notice of rights and the form HUD-50066 (Certificate of Domestic Violence, Dating Violence, or Stalking).

Chapter 5 – Briefings and Voucher Issuance

Adds sexual assault as a serious and repeated lease violation.

Chapter 9 – General Leasing Policies

Adds confidential information provided by the family in response to a HACA request for documentation of sexual assault as information that HACA may not disclose to the owner except at the written request, or with the written consent, of the individual providing the documentation.

Chapter 10 – Moving with Continued Assistance and Portability

Adds the following protections for victims of sexual assault:

- A claim that a family move is necessary to protect the health or safety of a family member who is or has been the victim of sexual assault is a valid basis on which a family may request permission to move with continued assistance.
- When HACA has grounds for denying or terminating the family's assistance, HACA will allow exceptions to these grounds for families who are otherwise in compliance with program obligations but have moved to protect the health or safety of an individual who is, or has been, a victim of sexual assault and who reasonably believed that he or she was imminently threatened with harm from further violence if he or she remained in the unit.
- Any HACA restrictions on elective moves do not apply when the family or a member of the family is, or has been, the victim of sexual assault.

Chapter 12 – Termination of Assistance and Tenancy

Adds the following protections for victims of sexual assault:

- HUD requires or permits housing authorities to terminate assistance in a variety of circumstances. VAWA 2013 explicitly prohibits PHAs from considering incidents or actual threatened sexual assault as reasons for terminating the assistance of a victim of such violence.
- When making a decision to terminate assistance, HACA will consider the extent of participation or culpability of individual family members, including whether the culpable family member is a victim of sexual assault.

Chapter 16 – Program Administration

Adds the definition of sexual assault; notification requirements of VAWA rights for program applicants and participants; and sexual assault documentation standards.

Staff recommends that you approve the revisions to the Admin Plan. Once approved, staff training will be conducted and the revised Plan will be implemented.

HOUSING AUTHORITY OF ALAMEDA COUNTY

AGENDA STATEMENT

Meeting: February 19, 2014

Subject: Assign compensation to the newly-created class of Part-Time Property Aide

Exhibits Attached: Part-Time Property Aide classification specification

Recommendation: Approve compensation for new classification

Financial Statement: The recommended compensation for Part-Time Property Aide results in no new financial impact

BACKGROUND

At today’s Personnel Committee meeting the Committee considered the creation of the new class of Part-Time Property Aide. This classification is responsible for the minor day-to-day property oversight of the Housing Authority’s two public housing projects, Mission View in Union City and Emery Glen in Emeryville. In addition, the Housing Authority provides management services to the units owned by PACH under an agreement with PACH - Nidus Senior and Dyer Senior, both in Union City.

Currently, the Housing Authority fulfills the oversight responsibilities of these properties through the use of independent contractors. The California Code of Regulations, Title 25, Section 42, requires these individuals to live on any premises in which there are 16 or more units. The Housing Authority’s public housing properties and the Nidus and Dyer PACH projects each contain more than 16 units and so all must comply with California law.

The Housing Authority’s independent contractors essentially serve as the “eyes and ears” of the Housing Authority at the property, calling staff when they learn of a problem at the property. They do not collect rent, arrange for repairs, show vacant units or sign leases—duties typically associated with a property manager. Consequently, they perform their duties on very much a part-time basis and indeed some have outside employment.

In order to extend workers’ compensation coverage to these individuals and to fulfill certain requirements of California’s labor law (Labor Code provisions and Industrial Welfare Commission Wage Orders), staff recommends that these individuals become employees of the Housing Authority.

DISCUSSION AND ANALYSIS

Other Housing Authorities. Staff surveyed other housing authorities, similar in size and number of public housing units, to see if those agencies had a comparable position and to determine a relevant salary. The survey results did not provide sufficient data to provide a comparison for

compensation for this new classification since the way in which housing authorities comply with applicable provisions of the California law varies across the board.

The California Code of Regulations, Title 25, Article 5, Section 42, states that "...a manager...or other responsible person shall reside upon the premises and shall have charge of every apartment house in which there are 16 or more apartments." Housing authorities interpret and apply this provision in ways that range from the responsible person being simply a key-holder to being a property caretaker to being a full-blown property manager who collects rent, administers lease agreements and leases vacant units. The individual's relationship to the housing authority also varies and includes an independent contractor, part-time employee or full-time employee.

California Code Requirements. Despite the extreme part-time nature of the independent contractors we have been using, California's Labor Code and Industrial Welfare Commission Wage Orders dictate they should be Housing Authority employees and be covered by our workers' compensation coverage. This protects both the Part-Time Property Aide and the Housing Authority. In order to cover the Part-Time Property Aides, these individuals must be employees of the Housing Authority. To become part-time employees of the Housing Authority, these individuals will need to be employed in a specific HACA job classification with a specific salary.

Compensation. The compensation for individuals who function as the "manager...or other responsible person" as described in the California Code can also vary greatly. There are a number of different ways in which these individuals are compensated ranging from cash, rent credit, salary or some combination thereof.

The Housing Authority currently compensates its part-time independent contractors with a rent credit, paid utilities and a monthly stipend of \$25 for telephone usage. Staff recommends continuing with this same compensation structure for employees who are appointed to the new classification of Part-Time Property Aide because (1) this form of compensation is common for this type of work and is allowable under the Internal Revenue Code and California's labor law and (2) this method is cost-neutral for the Housing Authority.

This classification will essentially be a "non-salaried" position because the rent credit will be the primary source of compensation. Since the rent credit is considered to be the primary source of compensation, the Housing Authority must comply with the provisions of the Industrial Welfare Commission's Wage Order pertaining to the public housekeeping industry. This Wage Order limits the amount of compensation which can be offset by the occupancy of the rental unit and states, in pertinent part:

"When credit for meals or lodging is used to meet part of the employer's minimum wage obligation, the amount so credited may not be more than two-thirds (2/3) of the ordinary rental value and in no event more than \$451.89 per month for one employee..."

On July 1, 2014, when the California minimum wage increases from \$8.00 per hour to \$9.00 per hour, the monthly "lodging credit" will also increase from \$451.89 to \$508.38 for an individual employee.

The new classification of Part-Time Property Aide will be covered by the Housing Authority's Personnel Rules. To the extent that those rules apply to part-time employees, they will apply to the new classification of Part-Time Property Aide. Therefore, in addition to receiving the lodging credit, paid utilities and monthly telephone stipend, employees in this classification will be entitled to accrue a pro-rated amount of paid vacation, sick leave and holiday pay.

Staff recommends assigning a compensation structure as outlined above to the newly-created classification of Part-Time Property Aide.

PART-TIME PROPERTY AIDE

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DEFINITION:

Under general supervision provided by the Housing Management Leadworker and at times the Programs Manager, the Part-Time Property Aide performs the day-to-day responsibilities of general oversight of the property to which they are assigned. These day-to-day responsibilities include a variety of tasks involving customer service, communication with public housing residents, interacting with other public agencies such as law enforcement and social services that may come onto the property, monitoring of property grounds and referring issues to the appropriate Housing Authority staff.

DISTINGUISHING FEATURES:

Part-time Property Aides receive supervision from the Housing Management Leadworker and general direction from the Programs Manager. Incumbents in this classification are required to live on site at their assigned location and are required to interpret, apply and follow applicable specific Housing Authority policies and procedures.

EXAMPLE OF DUTIES:

Note: The following duties are those usually performed by most employees in this classification. However, employees may perform other related duties at an equivalent level. Not all duties listed are necessarily performed by each individual in the classification.

1. Conduct daily inspections of property grounds, exterior of buildings, yards, sidewalks, and trash area and immediately report problems and any graffiti to the Housing Authority staff.
2. Keep exterior of all buildings, walkways, grounds, playground, and garbage bin area free of any debris and other trash.
3. Report exterior lights that need repair or replacement to Housing Authority staff.
4. Refer emergencies to the appropriate authorities (e.g., police, fire department) or to staff designated by the Housing Authority. Allow access to emergency and law enforcement personnel. Promptly report any emergency entry to an occupied unit to Housing Authority staff.
5. Promptly inform Housing Authority staff of vacancies, abandoned units, vandalism, criminal activity, destruction of Housing Authority property and lease violations.
6. Where applicable, provide general upkeep of laundry facilities and community rooms.
7. Monitor parking spaces for tenant use and unauthorized, inoperable and/or unregistered vehicles and inform Housing Authority staff of violations.
8. Notify Housing Authority staff of any safety concerns related to the property and residents.
9. Maintain positive tenant relations by prompt courteous service and responses to tenant concerns and promote community standards for property maintenance, housekeeping and general conduct.

PART-TIME PROPERTY AIDE

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10. Perform community room services such as maintaining the master calendar for community room reservations (if applicable), assisting residents in the completion of the reservation form and forwarding the completed form and the collected fees to Housing Authority staff by the next business day.
11. Perform other related duties as required by the Housing Authority.

SPECIAL EMPLOYMENT CONDITIONS:

As a condition of employment, employees in this classification are required to comply with the following specific provisions:

1. Possession of Keys

The Part-Time Property Aides are given possession of the following keys: (1) property master key, (2) fire alarm boxes and (3) storage sheds (located at family properties). Part-Time Property Aides agree to keep personal possession of assigned keys and to not duplicate keys under any circumstances. Part-Time Property Aides further agree to keep keys in his/her personal possession and to securely affix keys to their person.

2. Occupancy of Unit

The Part-Time Property Aide's right to occupy the assigned unit described in the applicable lease agreement is not considered as a tenancy for any period whatsoever and shall terminate upon the termination of employment. Following the effective date of termination, the Part-Time Property Aide and all other occupants of the unit described in the lease agreement shall vacate the unit and return possession to the Housing Authority.

3. Smoking Prohibition

Smoking of tobacco products is not permitted anywhere on Housing Authority premises, including in individual assigned units and the interior and exterior of common areas on property premises to which the Part-Time Property Aide is assigned.

4. Concurrent Conditions of Employment and Tenancy

Continued employment of employees in the classification of Part-Time Property Aide is conditioned upon the existence of a valid lease agreement for the assigned unit. Likewise, the validity of said lease agreement is conditioned upon the continued Housing Authority employment in this classification. Therefore, when employment is terminated the lease agreement terminates as well. If the lease agreement is violated or invalidated, employment in this classification will also terminate.

5. Fair Market Rental

PART-TIME PROPERTY AIDE

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If the lease agreement is terminated, it is understood that the Part-Time Property Aide agrees to pay the Housing Authority the fair market rental value of the unit occupied for the duration of occupancy under the applicable provisions of the lease agreement.

6. Surrender of Premises

Part-Time Property Aides understand and agree that he/she and all occupants shall vacate the premises of the unit assigned in accordance with applicable provisions of the lease agreement, surrender the premises and all Housing Authority property and return all Housing Authority property (including supplies, keys, etc.) immediately upon request of the Housing Authority.

MINIMUM QUALIFICATIONS:

Either I

One year of experience performing the duties of an on-site property manager.

Or II

Two years of experience demonstrating the following: outstanding customer service and problem solving skills, ability to effectively interact with individuals from a wide variety of socioeconomic and cultural backgrounds, ability to exercise strong initiative and the ability to be flexible.

Either III

High school diploma or G.E.D.

Or IV

Some acceptable combination of education and appropriate experience that establish the minimum qualifications.

V

Ability to live on site at the assigned premises and to enter into a Housing Authority lease agreement.

And VI

Ability to pass a background investigation including: fingerprinting, review of criminal records, pre-employment physical, and review of sex offender registries and credit reports for incumbent and his/her adult household members planning to live on site.

LICENSE:

Possession of a valid California Motor Vehicle Operations License is required.

PART-TIME PROPERTY AIDE

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KNOWLEDGE, SKILLS & ABILITIES:

General knowledge of: property upkeep, how to implement policies and procedures, public housing programs and general safety.

Ability to: identify issues and problem-solve, read, write and communicate effectively, interact with individuals representing a diverse population including senior citizens and individuals with a disability, quickly establish and maintain credibility with tenants and other community agencies, create and maintain appropriate professional boundaries, be proactive and provide quality customer service.

PHYSICAL DEMANDS OF CLASSIFICATION:

Essential functions of this classification may require the following: maintaining the physical condition necessary for sitting or standing for prolonged periods of time in both indoors and outdoors housing environments, excellent hand strength and manual dexterity to operate keyboard equipment and to grip, grasp and push/pull objects, ability to climb stairs, stretch, bend and lift up to 20 pounds. *Note – reasonable accommodation may be made to enable individuals with qualifying disabilities to perform these functions.*

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

AGENDA STATEMENT

Meeting: February 19, 2014

Subject: Quarterly Investment Portfolio Report

Exhibits Attached: Investment Portfolio Report for Quarter ended December 31, 2013

Recommendation: Receive Report

Financial Statement: \$17,915,085 Invested at an Average Monthly Yield ranging from 0.05% to 0.26% (excluding FSS Escrow Participant Accounts)

BACKGROUND

Public Agencies are required to file an investment policy with their governing boards and to provide quarterly financial reports on the status of the Agency's investments and to certify to their compliance with the approved investment policy.

DISCUSSION AND ANALYSIS

The investment portfolio report that is attached reflects the investments at December 31, 2013 for each program that HACA administers.

The Housing Choice Voucher program has a total investment of \$4,999,001, which is 29% of the total investment portfolio. As HACA uses Net Restricted Assets (NRA) to augment short HAP funding from HUD, amounts available for investment will continue to decrease and the duration to maturity will become shorter and shorter.

The Housing Development Fund has a total investment of \$10,696,369, which is 60% of the total investment portfolio. Approximately 63% of its portfolio is in the State of California Local Agency Investment Fund (LAIF). Progress payments for the office building remodel will decrease the amount available for future reinvestment.

The Public Housing program has a total investment of \$999,943, which is 5% of the total investment portfolio.

Ocean Avenue and Park Terrace investments are 1% and 5% of the total investment, respectively.

The FSS Participant Escrow Accounts are maintained in a savings account, in accordance with HUD regulations, at Union Bank.

Housing Authority of Alameda County
Investment Portfolio
For the Quarter ended December 31, 2013

| PROGRAM NAME | TYPE OF ACCOUNT | AMOUNT | INTEREST RATE | MATURITY DATE |
|---|--|-------------------------|---------------|-------------------------------|
| HCV | Union Bank N.A. Commercial Paper | \$ 1,999,793.33 | 0.06001% | 12/31/2013 |
| | Union Bank N.A. Commercial Paper | \$ 1,999,245.56 | 0.14005% | 2/4/2014 |
| | Union Bank N.A. Commercial Paper | \$ 999,962.50 | 0.05000% | 1/2/2014 |
| Ocean Avenue | Union Bank N.A. Commercial Paper | \$ 219,958.93 | 0.08001% | 2/28/2014 |
| Park Terrace | Union Bank N.A. Commercial Paper | \$ 999,813.33 | 0.08001% | 2/28/2014 |
| Housing Dev Fund | State of CA - Local Agency Investment Fund | \$ 6,696,602.01 | 0.26000% | LAIF Avg Eff Yield 9/30/13 |
| | Union Bank N.A. Commercial Paper | \$ 3,999,766.67 | 0.05000% | 1/30/2014 |
| Public Housing | Union Bank N.A. Commercial Paper | \$ 999,943.06 | 0.05000% | 1/16/2014 |
| TOTAL | | \$ 17,915,085.39 | | |
| <p>The above investment portfolio is in compliance with the policy approved by the Housing Commission.</p> | | | | |
|  Christine Guig Executive Director | | 1-8-14 Date | | |

QUARTERLY
FINANCIAL STATUS REPORT
Quarter Ended December 31, 2013

HOUSING AUTHORITY OF ALAMEDA COUNTY
Financial Status Report
December 2013

| | Low Rent Public Housing | Housing Choice Vouchers | Housing Development Fund | Park Terrace | Ocean Avenue | Totals |
|-------------------------------------|-------------------------------|-------------------------------|--------------------------------|------------------|-----------------|---------------------|
| <u>Operating revenues</u> | | | | | | |
| Rental revenue | \$ 163,981 | \$ - | \$ 59,583 | \$ 67,500 | \$ 27,085 | \$ 318,149 |
| Other revenue | 43,876 | - | 0 | 0 | 2,335 | 46,211 |
| Total operating revenues | <u>207,857</u> | <u>-</u> | <u>59,583</u> | <u>67,500</u> | <u>29,420</u> | <u>364,360</u> |
| <u>Operating expenses</u> | | | | | | |
| Administration | (135,437) | (2,426,711) | (18,065) | (17,598) | (15,616) | (2,613,427) |
| Tenant service | (825) | - | - | - | - | (825) |
| Utilities | (32,460) | - | (31,377) | - | (3,272) | (67,109) |
| Ordinary maintenance and operations | (177,274) | - | (379,903) | (16,578) | (8,742) | (582,497) |
| General expenses | (76,096) | (1,138,470) | - | (1,161) | (1,030) | (1,216,757) |
| Total operating expenses | <u>(422,092)</u> | <u>(3,565,181)</u> | <u>(429,345)</u> | <u>(35,337)</u> | <u>(28,660)</u> | <u>(4,480,615)</u> |
| Operating (loss) | <u>(214,235)</u> | <u>(3,565,181)</u> | <u>(369,762)</u> | <u>32,163</u> | <u>760</u> | <u>(4,116,255)</u> |
| <u>Non-operating revenues</u> | | | | | | |
| HUD PHA grants | 261,588 | 3,108,769 | - | - | - | 3,370,357 |
| Capital Fund Grant for operations | 0 | - | - | - | - | 0 |
| Other revenue | 0 | 174,812 | 5,270 | - | - | 180,082 |
| Investment income | 1,031 | 1,096 | 10,903 | 822 | 330 | 14,182 |
| Total non-operating revenues | <u>262,619</u> | <u>3,284,677</u> | <u>16,173</u> | <u>822</u> | <u>330</u> | <u>3,564,621</u> |
| Unaudited Income/(loss) | \$ 48,384 | \$ (280,504) | \$ (353,589) | \$ 32,985 | \$ 1,090 | \$ (551,634) |

NET ASSETS Balance @ FYE 6/30/13:

| | | | | | | |
|---|----------------------|----------------------|----------------------|---------------------|-------------------|----------------------|
| Invested in Capital Assets | \$ 1,658,943 | \$ 16,213 | \$ 2,524,942 | \$ 429,884 | \$ 691,878 | \$ 5,321,860 |
| Restricted for HAP (NRA) | | 8,172,462 | | | | 8,172,462 |
| Restricted (LRPH Eden Loan, security deposits held) | 11,036,881 | | | 5,324 | 3,581 | 11,045,786 |
| Unrestricted | 1,378,834 | 2,192,077 | 11,763,248 | 1,004,942 | 214,737 | 16,553,838 |
| TOTAL | \$ 14,074,658 | \$ 10,380,752 | \$ 14,288,190 | \$ 1,440,150 | \$ 910,196 | \$ 41,093,946 |

| | |
|--|-----------------------|
| Net Restricted Assets (for HAP- held by HACA) bal @ FYE 6/30/13: | <u>\$ 8,172,462</u> |
| Program Reserves (for HAP- held by HUD) bal @ FYE 6/30/13: | <u>\$ 855,185</u> |
| HAP Budget Authority | <u>\$ 35,477,950</u> |
| Other Income (Fraud Recovery, FSS forfeitures) | 56,340 |
| HAP Expenses | <u>(38,834,230)</u> |
| Addition to/(Deduction from) NRA - restricted for HAP | <u>\$ (3,299,940)</u> |

**Housing Authority of Alameda County
PUBLIC HOUSING
Budget Status Report FYE 2013-2014
December 2013**

| FY 2014 - PH OPERATING BUDGET | YTD BUDGET 12/31/2013 | YTD ACTUALS 12/31/13 | OVER/ (UNDER) BUDGET | Projected to 6/30/14 | SCH. NO. | 2013 BUDGET | 2014 BUDGET | Difference |
|---|--------------------------|-------------------------|----------------------------|-------------------------|-------------|--------------------|--------------------|--------------------|
| INCOME | | | | | | | | |
| Dwelling Rentals | 195,273 | 163,981 | (31,292) | 327,962 | A-1 | 533,610 | 390,545 | (143,065) |
| Office Rental (Mission Blvd-net) | 23,344 | 0 | (23,344) | 0 | A | 0 | 46,688 | 46,688 |
| Investment Income | 1,100 | 1,031 | (69) | 2,062 | A | 2,200 | 2,200 | 0 |
| Misc. Income | 35,625 | 43,876 | 8,251 | 87,751 | A-1 | 135,764 | 71,250 | (64,514) |
| Transfer of Reserves from Ocean Ave | | | | 0 | | 500,000 | | (500,000) |
| Operating Subsidy | 102,987 | 261,588 | 158,599 | 205,974 | A-1 | 380,579 | 205,974 | (174,605) |
| Asset Reposition Fee | 92,619 | 0 | (92,619) | 185,237 | A-1 | 199,020 | 185,237 | (13,783) |
| Capital Grant | 14,780 | 0 | (14,780) | 0 | A-1 | 258,378 | 29,559 | (228,819) |
| TOTAL INCOME | 465,727 | 470,476 | 4,747 | 808,987 | | 2,009,551 | 931,454 | (1,078,096) |
| EXPENSES | | | | | | | | |
| Administration | | | | | | | | |
| Salaries | (113,109) | (113,606) | (497) | (227,212) | B-1& 2 | (233,093) | (226,217) | 6,876 |
| Other Admin. | (14,415) | (21,831) | (7,416) | (43,661) | C-1 | (116,368) | (28,830) | 87,538 |
| Total | (127,523) | (135,436) | (7,913) | (270,873) | | (349,461) | (255,047) | 94,414 |
| Tenant Services | | | | | | | | |
| Resident Managers | (2,750) | (825) | 1,925 | (5,500) | | (5,500) | (5,500) | 0 |
| Recreation | (3,750) | 0 | 3,750 | (7,500) | | (7,500) | (7,500) | 0 |
| Total | (6,500) | (825) | 5,675 | (13,000) | | (13,000) | (13,000) | 0 |
| Utilities | | | | | | | | |
| Water | (25,041) | (17,968) | 7,073 | (35,936) | | (74,000) | (50,081) | 23,919 |
| Electricity | (9,500) | (6,312) | 3,188 | (12,623) | | (19,000) | (19,000) | 0 |
| Gas | (700) | (132) | 569 | (264) | | (2,600) | (1,400) | 1,200 |
| Sewage | (13,200) | (8,049) | 5,151 | (16,098) | | (47,600) | (26,400) | 21,200 |
| Total | (48,441) | (32,460) | 15,982 | (64,920) | | (143,199) | (96,881) | 46,318 |
| Maintenance | | | | | | | | |
| Salaries | (34,992) | (36,185) | (1,194) | (72,371) | B-2 | (69,983) | (69,983) | (0) |
| Materials | (25,971) | (12,511) | 13,461 | (25,021) | D | (63,960) | (51,942) | 12,018 |
| Contract Costs | (184,409) | (128,578) | 55,831 | (257,155) | D | (594,158) | (368,818) | 225,340 |
| Total | (245,372) | (177,273) | 68,098 | (354,547) | | (728,101) | (490,743) | 237,357 |
| General | | | | | | | | |
| Insurance | (20,541) | (15,374) | 5,167 | (30,749) | E | (80,712) | (41,081) | 39,631 |
| Tax-In Lieu Of | (14,683) | (14,683) | 0 | (29,366) | | (39,041) | (29,366) | 9,675 |
| Employee Benefits | (77,012) | (46,039) | 30,973 | (92,078) | | (154,569) | (154,024) | 545 |
| Collection Loss | (500) | 0 | 500 | 0 | | (1,000) | (1,000) | 0 |
| Miscellaneous | (500) | 0 | 500 | 0 | | (1,000) | (1,000) | 0 |
| Total | (113,236) | (76,096) | 37,141 | (152,193) | | (276,322) | (226,472) | 49,850 |
| Total Routine Expenses | (541,072) | (422,091) | 118,982 | (855,533) | | (1,510,083) | (1,082,143) | 427,940 |
| Capital Expenditure-exterior renovation of Emery Glen | | | | | | (500,000) | | 500,000 |
| TOTAL EXPENSES | (541,072) | (422,091) | 118,982 | (855,533) | | (2,010,083) | (1,082,143) | 927,940 |
| NET INCOME (DEFICIT) | (75,344) | 48,384 | 123,730 | (46,546) | | (533) | (150,689) | (150,156) |

Unrestricted Net Assets @ 6/30/13
 Projected Income/(Deficit) @ 6/30/14
 Projected Unrestricted Net Assets @ 6/30/14

\$1,378,834
 (46,546)
 \$1,332,288

Housing Authority of Alameda County
HOUSING CHOICE VOUCHER
Administrative Budget Status Report FYE 2013-2014
December 2013

| FY 2014 - HCV OPERATING BUDGET | Budgeted @ 12/31/2013 | Actual @ 12/31/2013 | OVER (UNDER) | PROJECTED TO 6/30/14 | SCH. NO. | 2013 BUDGET | 2014 BUDGET | DIFFERENCE |
|--|------------------------------|----------------------------|---------------------|-----------------------------|-----------------|--------------------|--------------------|-------------------|
| INCOME | | | | | | | | |
| Investment Income | 1,800 | 1,096 | (704) | 2,192 | A1 | 3,600 | 3,600 | 0 |
| Misc. Income | 173,000 | 174,812 | 1,812 | 326,027 | A1 | 208,000 | 346,000 | 138,000 |
| Administrative Fee Income | 3,291,465 | 3,108,769 | (182,696) | 6,478,042 | A | 6,905,311 | 6,582,930 | (322,381) |
| TOTAL INCOME | 3,466,265 | 3,284,677 | (181,588) | 6,806,260 | | 7,116,911 | 6,932,530 | (184,381) |
| EXPENSES | | | | | | | | |
| Administration | | | | | | | | |
| Salaries | (1,928,747) | (1,852,135) | 76,612 | (3,704,271) | B-1& 2 | (4,362,145) | (3,857,494) | 504,651 |
| Other Admin. | (656,749) | (574,576) | 82,173 | (1,239,152) | C-1&2 | (1,161,477) | (1,313,499) | (152,022) |
| Total | (2,585,496) | (2,426,711) | 158,785 | (4,943,422) | | (5,523,622) | (5,170,993) | 352,629 |
| General | | | | | | | | |
| Insurance | (91,170) | (57,512) | 33,658 | (115,023) | E | (201,590) | (182,340) | 19,250 |
| Employee Benefits | (1,002,948) | (1,080,958) | (78,009) | (2,161,916) | | (2,224,694) | (2,005,897) | 218,797 |
| Miscellaneous | 0 | 0 | 0 | 0 | | 0 | 0 | 0 |
| Total | (1,094,118) | (1,138,469) | (44,351) | (2,276,939) | | (2,426,284) | (2,188,237) | 238,047 |
| Total Routine Expenses | (3,679,615) | (3,565,181) | 114,434 | (7,220,361) | | (7,949,906) | (7,359,229) | 590,676 |
| Capital Expenditures | 0 | 0 | 0 | 0 | D2 | 0 | 0 | 0 |
| TOTAL EXPENSES | (3,679,615) | (3,565,181) | 114,434 | (7,220,361) | | (7,949,906) | (7,359,229) | 590,676 |
| Income (Deficit) Unfunded 2012 FSS (1/2 year) - Use of Reserve | | | | | | (158,607) | | |
| Income (Deficit) UNSPECIFIED BUDGET REDUCTION | | | | | | (674,387) | (426,699) | |
| NET INCOME (DEFICIT) | (213,350) | (280,504) | (296,022) | (414,102) | | (832,994) | (426,699) | 406,295 |

Unrestricted Net Assets @ 6/30/13
 Projected Income (Deficit) @ 6/30/14
 Projected Unrestricted Net Assets @ 6/30/14

\$2,478,875
(414,102)
\$2,064,773

**Housing Authority of Alameda County
HOUSING DEVELOPMENT FUND
Budget Status Report FYE 2013-2014
December 2013**

| | Budget FYE 2014 Total | Budget FYE 2013 Total |
|--------------------------|-----------------------------|-----------------------------|
| Income: | | |
| Miscellaneous | 5,000 | 5,000 |
| Investment Interest | 38,000 | 38,000 |
| Leases | - | 84,000 |
| | 43,000 | 127,000 |
| Expenses: | | |
| Administrative | (32,000) | (5,000) |
| Scholarships | (12,750) | (12,750) |
| Utilities | - | (55,038) |
| Janitorial | - | (31,378) |
| Landscape Services | - | (7,336) |
| Garbage Service | - | (10,536) |
| Repairs | - | (22,117) |
| Heating/air conditioning | - | (14,927) |
| Other Maintenance | - | (14,432) |
| Building Security | - | (1,378) |
| Contract Services | - | - |
| Insurance | - | (3,704) |
| Other | - | - |
| Property Mgmt Fee | - | (6,672) |
| Transfer of Equity to PH | - | (60,000) |
| | (44,750) | (245,268) |
| Net Income/(Loss) | (1,750) | (118,268) |

| ACTUAL | | | | Total |
|-----------|----------|----------|---------|------------|
| General | Salmon | Atherton | Mission | 12/31/2013 |
| 5,270 | - | - | - | 5,270 |
| 10,903 | - | - | - | 10,903 |
| - | - | 59,583 | - | 59,583 |
| 16,173 | - | 59,583 | - | 75,757 |
| (2,624) | - | - | - | (2,624) |
| (10,678) | - | - | - | (10,678) |
| - | (12,931) | (18,214) | (231) | (31,377) |
| - | - | (17,877) | - | (17,877) |
| - | - | (3,300) | (1,870) | (5,170) |
| - | (1,785) | (3,419) | (387) | (5,591) |
| - | (860) | (4,001) | (500) | (5,361) |
| - | - | - | - | - |
| - | (1,146) | (7,385) | - | (8,531) |
| - | - | (478) | (463) | (941) |
| (309,120) | (22,746) | - | (1,950) | (333,816) |
| - | (146) | (2,472) | - | (2,618) |
| - | - | - | - | - |
| - | - | (1,854) | (2,909) | (4,763) |
| - | - | - | - | - |
| (322,423) | (39,613) | (59,000) | (8,310) | (429,346) |
| (306,249) | (39,613) | 584 | (8,310) | (353,589) |

| Projected to 6/30/14 | | | | Total |
|----------------------|-----------|-----------|----------|-----------|
| General | Salmon | Atherton | Mission | |
| 10,540 | - | - | - | 10,540 |
| 21,807 | - | - | - | 21,807 |
| 0 | - | 119,167 | - | 119,167 |
| 32,347 | - | 119,167 | - | 151,514 |
| (5,249) | - | - | - | (5,249) |
| (21,355) | - | - | - | (21,355) |
| - | (51,723) | (36,429) | (463) | (88,615) |
| - | - | (35,753) | - | (35,753) |
| - | - | (6,600) | (3,740) | (10,340) |
| - | (7,140) | (6,837) | (774) | (14,751) |
| - | (3,440) | (8,003) | (1,000) | (12,443) |
| - | - | - | - | - |
| - | (4,582) | (14,770) | - | (19,353) |
| - | - | (955) | (926) | (1,881) |
| (330,000) | (90,984) | - | (3,900) | (424,884) |
| - | (584) | (4,944) | - | (5,528) |
| - | - | - | - | - |
| - | - | (3,708) | (5,817) | (9,525) |
| - | - | - | - | - |
| (356,604) | (158,454) | (117,999) | (16,620) | (649,677) |
| (324,257) | (158,454) | 1,167 | (16,620) | (498,163) |

| | |
|---|----------------------|
| Unrestricted Net Assets @ 6/30/13 | \$ 11,763,248 |
| Projected Income (Deficit) @ 6/30/14 | (498,163) |
| Projected Unrestricted Net Assets @ 6/30/14 | <u>\$ 11,265,085</u> |
| Cumulative Atherton Remodel Cost @ 12/31/13 | <u>\$ 1,780,165</u> |

Housing Authority of Alameda County
PARK TERRACE
Budget Status Report FYE 2013-2014
December 2013

| FY 2014 OPERATING BUDGET | YTD BUDGET 12/31/13 | YTD ACTUAL 12/31/13 | DIFFERENCE | Projected 06/30/14 | SCH. NO. | 2013 BUDGET | 2014 BUDGET | DIFFERENCE |
|-----------------------------|------------------------|------------------------|---------------|-----------------------|-------------|-----------------|-----------------|---------------|
| INCOME | | | | | | | | |
| Dwelling Rentals | 24,966 | 24,270 | (696) | 48,540 | A | 42,768 | 49,932 | 7,164 |
| Dwelling Rentals-HAP | 42,282 | 43,230 | 948 | 86,460 | A | 76,320 | 84,564 | 8,244 |
| Other Tenant Charges | 150 | 0 | (150) | 0 | | 300 | 300 | 0 |
| Interest Income | 468 | 822 | 355 | 1,644 | A | 1,900 | 935 | (965) |
| Miscellaneous Income | 0 | 0 | 0 | 0 | | 0 | 0 | 0 |
| TOTAL INCOME | 67,865 | 68,322 | 457 | 136,644 | | 121,288 | 135,731 | 14,443 |
| EXPENSES | | | | | | | | |
| Administration | | | | | | | | |
| Other Admin. | (18,528) | (17,598) | 930 | (35,196) | B | (36,274) | (37,056) | (782) |
| Total | (18,528) | (17,598) | 930 | (35,196) | | (36,274) | (37,056) | (782) |
| Utilities | | | | | | | | |
| Water | 0 | 0 | 0 | 0 | | 0 | 0 | 0 |
| Electricity | (100) | 0 | 100 | 0 | | (200) | (200) | 0 |
| Gas | (150) | 0 | 150 | 0 | | (300) | (300) | 0 |
| Total | (250) | 0 | 250 | 0 | | (500) | (500) | 0 |
| Maintenance | | | | | | | | |
| Materials | (1,694) | 0 | 1,694 | 0 | C | (3,388) | (3,388) | 0 |
| Contract Costs | (23,100) | (16,578) | 6,522 | (33,156) | C | (46,200) | (46,200) | 0 |
| Total | (24,794) | (16,578) | 8,216 | (33,156) | | (49,588) | (49,588) | 0 |
| General | | | | | | | | |
| Insurance | (850) | (1,161) | (311) | (2,322) | D | (1,500) | (1,700) | (200) |
| Collection Loss | 0 | 0 | 0 | 0 | | 0 | 0 | 0 |
| Miscellaneous | (500) | 0 | 500 | 0 | | (1,000) | (1,000) | 0 |
| Total | (1,350) | (1,161) | 189 | (2,322) | | (2,500) | (2,700) | (200) |
| TOTAL EXPENSES | (44,922) | (35,337) | 9,585 | (70,674) | | (88,862) | (89,844) | (982) |
| Capital Expenditure | | | | | | 0 | 0 | |
| NET INCOME (DEFICIT) | 22,944 | 32,985 | 10,042 | 65,971 | | 32,426 | 45,887 | 13,461 |

Unrestricted Net Assets FYE 6/30/13

\$ 1,004,942

Projected Net Income FYE 6/30/14

65,971

Projected Unrestricted Net Asset @ 6/30/14

\$ 1,070,913

Housing Authority of Alameda County
OCEAN AVENUE
Budget Status Report FYE 2013-2014
December 2013

| FY 2014 | YTD BUDGET | YTD ACTUAL | Difference | Projected | SCH. | 2013 | 2014 | |
|-----------------------------|-------------------|-------------------|-------------------|------------------|-------------|-----------------|-----------------|-------------------|
| OPERATING BUDGET | 12/31/13 | 12/31/13 | | 6/30/14 | NO. | BUDGET | BUDGET | DIFFERENCE |
| INCOME | | | | | | | | |
| Dwelling Rentals | 29,820 | 21,445 | (8,375) | 42,890 | A | 59,020 | 59,640 | 620 |
| Dwelling Rentals-HAP | 5,640 | 5,640 | 0 | 11,280 | A | 11,280 | 11,280 | 0 |
| Other Tenant Charges | 250 | 2,335 | 2,085 | 4,670 | | 500 | 500 | 0 |
| Interest Income | 330 | 329 | (1) | 658 | A | 990 | 660 | (330) |
| Miscellaneous Income | 250 | 0 | (250) | 0 | | 500 | 500 | 0 |
| TOTAL INCOME | 36,290 | 29,749 | (6,541) | 59,499 | | 72,290 | 72,580 | 290 |
| EXPENSES | | | | | | | | |
| Administration | | | | | | | | |
| Other Admin. | (13,602) | (15,616) | (2,014) | (31,232) | B | (26,683) | (27,204) | (521) |
| Total | (13,602) | (15,616) | (2,014) | (31,232) | | (26,683) | (27,204) | (521) |
| Utilities | | | | | | | | |
| Water | (2,908) | (2,743) | 165 | (5,487) | | (7,356) | (5,816) | 1,540 |
| Electricity | (569) | (424) | 144 | (848) | | (1,137) | (1,137) | 0 |
| Gas | (99) | (104) | (6) | (209) | | (197) | (197) | 0 |
| Total | (3,575) | (3,272) | 303 | (6,544) | | (8,690) | (7,150) | 1,540 |
| Maintenance | | | | | | | | |
| Materials | (1,000) | (1,622) | (622) | (3,244) | C | (2,000) | (2,000) | 0 |
| Contract Costs | (9,750) | (7,119) | 2,631 | (14,239) | C | (19,500) | (19,500) | 0 |
| Total | (10,750) | (8,742) | 2,008 | (17,483) | | (21,500) | (21,500) | 0 |
| General | | | | | | | | |
| Insurance | (650) | (1,030) | (380) | (2,060) | D | (1,200) | (1,300) | (100) |
| Collection Loss | 0 | 0 | 0 | 0 | | 0 | 0 | 0 |
| Miscellaneous | 0 | 0 | 0 | 0 | | 0 | 0 | 0 |
| Total | (650) | (1,030) | (380) | (2,060) | | (1,200) | (1,300) | (100) |
| TOTAL EXPENSES | (28,577) | (28,659) | (82) | (57,318) | | (58,073) | (57,154) | 919 |
| Capital equipment purchase | 0 | 0 | 0 | 0 | | 0 | 0 | 0 |
| NET INCOME (DEFICIT) | 7,713 | 1,090 | (6,623) | 2,180 | | 14,217 | 15,426 | 1,209 |

| | |
|--|-------------------|
| Unrestricted Net Assets FYE 6/30/13 | \$ 714,737 |
| Transfer of Reserves for Emery Glen renovation | (500,000) |
| Unrestricted Net Asset @ 6/30/13 | \$ 214,737 |
| Projected Net Income FYE 6/30/14 | 2,180 |
| PROJECTED Unrestricted Net Asset @ 6/30/14 | \$ 216,917 |

PROGRAM ACTIVITY

REPORT

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

AGENDA STATEMENT

Meeting: February 19, 2014

Subject: Program Activity Report

Exhibits Attached: Section 8 Contract Report; Section 8 Average Contract Rent Report; Fraud Payments Report; Landlord Rental Listing Report; FSS Program Monthly Report

Recommendation: Receive Report

Financial Statement: None

SECTION 8 HOUSING CHOICE VOUCHERS

- **Lease-Up:** As of January 1, 2014, the Section 8 Housing Choice Voucher program had 6,201 units under contract and 6,218 units under contract as of February 1, 2014. The fiscal year-to-date lease-up average is 98.70% units for January 1, 2014 and 98.96% for February 1, 2014. The budget authority use average through December 2013 is 109.5%.
- **Program Utilization:** As of January 1, 2014, the average HAP subsidy was \$1,038 and the average tenant-paid rent portion was \$417 for an average Contract Rent of \$1,455. As of February 1, 2014, the average HAP subsidy is \$1,039 and the average tenant-paid rent portion is \$417 for an average Contract Rent of \$1,456.
 - ❖ As of January 1, 2014, HACA had 163 outgoing billed portability contracts and 168 as of February 1, 2014 (i.e., HACA voucher holders who are housed in another housing authority's jurisdiction).
 - ❖ As of January 1, 2014, HACA billed other housing authorities, primarily the Oakland Housing Authority, for 1,138 incoming portability contracts and 1,130 as of February 1, 2014. HACA receives only 80% of the HUD-authorized Administrative Fee for billed incoming portability contracts.
- **Section 8 Contract Report:** Copies of the Contract Reports for December 2013 and January 2014 are attached.
- **Fraud / Debt Recovery:** HACA retained \$1,145.16 in fraud and debt recovery payments for the month of November 2013, \$2,273.22 for the month of December 2013 and \$1,569.75 for the month of January 2014. A total of \$35,720.47 was retained over the last six months.
- **Landlord Rental Listings:** As of January 1, 2014, there were 1,618 landlords with properties in HACA's jurisdiction utilizing the *GoSection8* rental listing service and 1,621 as of February 3, 2014. There were five new landlords added to the Section 8 program last month and four this month. There were 20 active properties listed as of January 1, 2014 and 19 as of February 3, 2014.

FAMILY SELF SUFFICIENCY (FSS)

The FSS Holiday Giving Connection was a great success this year with 94 families receiving grocery gift cards and toys valued at \$3,475 in total. The FSS department is grateful to all those who donated this year.

The FSS department continues to be busy with HUD's FSS study with 16 families added to the study in November and remains on schedule with the timeline of activities for the study. Four more FSS orientations were scheduled for January in order to solicit the interest of participants in joining the study.

January was a busy month as staff audited each FSS program file in order to report to HUD on program activities and outcomes by January 31, 2014. The January 2014 FSS Program Summary report highlights those outcomes.

PUBLIC HOUSING

- **Occupancy:** As of January 1, 2014, the Public Housing program had 64 of 72 units leased and had a 93.06% fiscal year-to-date lease up rate. As of February 1, 2014, the Public Housing program had 65 of 72 units leased and has a 92.71% fiscal year-to-date lease up rate.

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

Section 8 Contract and HAP Report for the month of: December 2013

| City | Certificates | | Vouchers | | December 2013 TOTAL | | December 2012 | December 2011 |
|---------------|--------------|---------------------|--------------|-----------------------|------------------------|-----------------------|------------------|------------------|
| | Number | HAP* | Number | HAP** | Number | HAP | | |
| Albany | - | \$ - | 33 | \$ 34,254 | 33 | \$ 34,254 | 37 | 38 |
| Castro Valley | 12 | \$ 10,572 | 212 | \$ 220,056 | 224 | \$ 230,628 | 245 | 250 |
| Dublin | 2 | \$ 1,762 | 353 | \$ 366,414 | 355 | \$ 368,176 | 276 | 313 |
| Emeryville | 5 | \$ 4,405 | 105 | \$ 108,990 | 110 | \$ 113,395 | 112 | 110 |
| Fremont | 28 | \$ 24,668 | 1,238 | \$ 1,285,044 | 1,266 | \$ 1,309,712 | 1,363 | 1,412 |
| Hayward | 111 | \$ 97,791 | 2,321 | \$ 2,409,198 | 2,432 | \$ 2,506,989 | 2,567 | 2,536 |
| Newark | 2 | \$ 1,762 | 253 | \$ 262,614 | 255 | \$ 264,376 | 276 | 288 |
| Pleasanton | 4 | \$ 3,524 | 124 | \$ 128,712 | 128 | \$ 132,236 | 140 | 166 |
| San Leandro | 16 | \$ 14,096 | 1,486 | \$ 1,542,468 | 1,502 | \$ 1,556,564 | 1,449 | 1,430 |
| San Lorenzo | 2 | \$ 1,762 | 233 | \$ 241,854 | 235 | \$ 243,616 | 228 | 212 |
| Union City | 5 | \$ 4,405 | 831 | \$ 862,578 | 836 | \$ 866,983 | 871 | 769 |
| TOTALS | 187 | \$164,747.00 | 7,189 | \$7,462,182.00 | 7,376 | \$7,626,929.00 | 7,564 | 7,524 |

**Based on an average December Housing Assistance Payment (HAP) of \$881 per certificate contract.*

***Based on an average December Housing Assistance Payment (HAP) of \$1038 per voucher contract.*

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

Section 8 Contract and HAP Report for the month of: January 2014

| City | Certificates | | Vouchers | | January 2014 TOTAL | | January 2013 | January 2012 |
|---------------|--------------|---------------------|--------------|-----------------------|-----------------------|-----------------------|-----------------|-----------------|
| | Number | HAP* | Number | HAP** | Number | HAP | | |
| Albany | - | \$ - | 33 | \$ 34,254 | 33 | \$ 34,254 | 39 | 35 |
| Castro Valley | 12 | \$ 10,572 | 211 | \$ 219,018 | 223 | \$ 229,590 | 251 | 243 |
| Dublin | 2 | \$ 1,762 | 358 | \$ 371,604 | 360 | \$ 373,366 | 304 | 294 |
| Emeryville | 5 | \$ 4,405 | 106 | \$ 110,028 | 111 | \$ 114,433 | 111 | 113 |
| Fremont | 28 | \$ 24,668 | 1,236 | \$ 1,282,968 | 1,264 | \$ 1,307,636 | 1,426 | 1,355 |
| Hayward | 110 | \$ 96,910 | 2,315 | \$ 2,402,970 | 2,425 | \$ 2,499,880 | 2,541 | 2,566 |
| Newark | 3 | \$ 2,643 | 252 | \$ 261,576 | 255 | \$ 264,219 | 286 | 280 |
| Pleasanton | 4 | \$ 3,524 | 123 | \$ 127,674 | 127 | \$ 131,198 | 167 | 139 |
| San Leandro | 18 | \$ 15,858 | 1,494 | \$ 1,550,772 | 1,512 | \$ 1,566,630 | 1,426 | 1,458 |
| San Lorenzo | 2 | \$ 1,762 | 232 | \$ 240,816 | 234 | \$ 242,578 | 215 | 231 |
| Union City | 5 | \$ 4,405 | 830 | \$ 861,540 | 835 | \$ 865,945 | 774 | 859 |
| TOTALS | 189 | \$166,509.00 | 7,190 | \$7,463,220.00 | 7,379 | \$7,629,729.00 | 7,540 | 7,573 |

**Based on an average January Housing Assistance Payment (HAP) of \$881 per certificate contract.*

***Based on an average January Housing Assistance Payment (HAP) of \$1038 per voucher contract.*

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA
Section 8 Average Contract Rent Report for the Month of: December 2013

| City | Number of HAP Contracts | Average Contract Rent | Average HAP Paid by HACA | Average Rent Paid by Family | Average Family-Paid Rent as a Percentage of Average Contract Rent |
|---------------|--------------------------------|------------------------------|---------------------------------|------------------------------------|--|
| Albany | 33 | \$1,270 | \$972 | \$298 | 23% |
| Castro Valley | 213 | \$1,380 | \$944 | \$436 | 32% |
| Dublin | 355 | \$1,584 | \$1,218 | \$366 | 23% |
| Emeryville | 105 | \$1,249 | \$867 | \$382 | 31% |
| Fremont | 1,244 | \$1,588 | \$1,126 | \$462 | 29% |
| Hayward | 2,340 | \$1,375 | \$978 | \$397 | 29% |
| Newark | 260 | \$1,816 | \$1,302 | \$514 | 28% |
| Pleasanton | 123 | \$1,375 | \$959 | \$415 | 30% |
| San Leandro | 1,479 | \$1,367 | \$977 | \$389 | 28% |
| San Lorenzo | 230 | \$1,682 | \$1,245 | \$438 | 26% |
| Union City | 739 | \$1,628 | \$1,156 | \$472 | 29% |

*Some rents may vary by \$1 due to rounding

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA
Section 8 Average Contract Rent Report for the Month of: January 2014

| City | Number of HAP Contracts | Average Contract Rent | Average HAP Paid by HACA | Average Rent Paid by Family | Average Family-Paid Rent as a Percentage of Average Contract Rent |
|---------------|--------------------------------|------------------------------|---------------------------------|------------------------------------|--|
| Albany | 33 | \$1,270 | \$972 | \$298 | 23% |
| Castro Valley | 212 | \$1,379 | \$950 | \$429 | 31% |
| Dublin | 353 | \$1,593 | \$1,220 | \$373 | 23% |
| Emeryville | 105 | \$1,249 | \$868 | \$381 | 31% |
| Fremont | 1,237 | \$1,589 | \$1,123 | \$466 | 29% |
| Hayward | 2,319 | \$1,375 | \$979 | \$396 | 29% |
| Newark | 254 | \$1,821 | \$1,301 | \$520 | 29% |
| Pleasanton | 123 | \$1,376 | \$962 | \$413 | 30% |
| San Leandro | 1,486 | \$1,369 | \$976 | \$392 | 29% |
| San Lorenzo | 233 | \$1,683 | \$1,242 | \$441 | 26% |
| Union City | 746 | \$1,632 | \$1,161 | \$471 | 29% |

*Some rents may vary by \$1 due to rounding

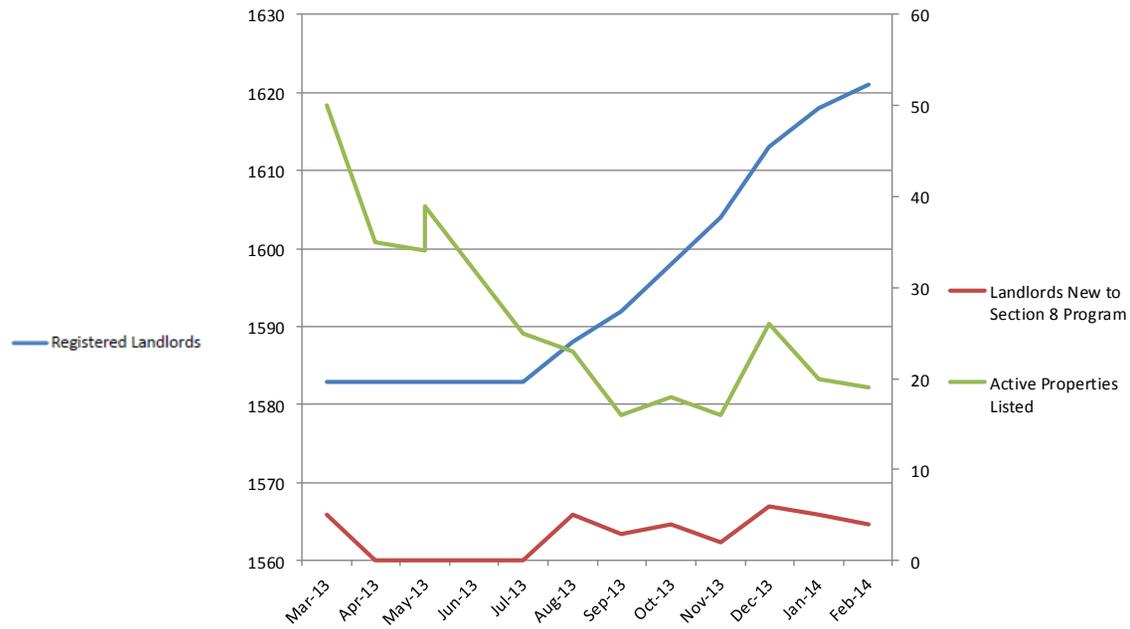
DEBT COLLECTIONS
2013-2014
FYE 06/30/14

| | JULY | AUGUST | SEPTEMBER | OCTOBER | NOVEMBER | DECEMBER | JANUARY | FEBRUARY | MARCH | APRIL | MAY | JUNE | GRAND TOTALS |
|-------------------------|-------------------|-------------------|-----------------|--------------------|-------------------|-------------------|-------------------|---------------|---------------|---------------|---------------|---------------|--------------------|
| <i>DAMAGE CLAIMS</i> | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | | | | | | \$0.00 |
| <i>FRAUD REPAYMENTS</i> | \$1,738.00 | \$2,321.84 | \$555.05 | \$27,855.45 | \$1,145.16 | \$2,273.22 | \$1,569.75 | | | | | | \$37,458.47 |
| TOTALS | \$1,738.00 | \$2,321.84 | \$555.05 | \$27,855.45 | \$1,145.16 | \$2,273.22 | \$1,569.75 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$37,458.47 |

Landlord Rental Listing Report

Monthly

| | 3/4/2013 | 4/2/2013 | 5/1/2013 | 5/31/2013 | 7/1/2013 | 8/5/2013 | 9/3/2013 | 10/1/2013 | 11/1/2013 | 12/2/2013 | 1/2/2014 | 2/3/2014 |
|---|----------|----------|----------|-----------|----------|----------|----------|-----------|-----------|-----------|----------|----------|
| Registered Landlords | 1583 | 1583 | 1583 | 1583 | 1583 | 1588 | 1592 | 1598 | 1604 | 1613 | 1618 | 1621 |
| Landlords New to Section 8 Program | 5 | 0 | 0 | 0 | 0 | 5 | 3 | 4 | 2 | 6 | 5 | 4 |
| Active Properties Listed | 50 | 35 | 34 | 39 | 25 | 23 | 16 | 18 | 16 | 26 | 20 | 19 |





To: Christine Gouig, Executive Director
From: Daniel Taylor, Special Programs Manager
Re: **FSS Program Summary**
CC: Ron Dion, Linda Evans, Phyllis Harrison, Mary Sturges, Eli Isaacs
Date: December 24, 2013

| Program Summary | December 2013 |
|-------------------------------|----------------------|
| Total Clients Under Contract: | 126 |
| Graduates: | 1 |
| Escrow Disbursed: | \$7,317.60 |
| Ports In: | 1 |
| Ports Out: | 1 |
| Terminations: | 2 |
| New Contracts: | 0 |

FSS PROGRAM NEWS:

The Giving Connection

The FSS team was able to distribute \$3,475 in grocery gift cards and toys to 94 FSS families, thanks to a grant from the Oakland United Methodist Foundation as well as donations from a HACA Commissioner, a Section 8 landlord, HACA management employees, the Hayward Fire Department and the community. Each FSS participant wrote a thank you note to the supporters of the FSS Giving Connection upon picking up a gift card and toy. The families were extremely grateful that the program was able to provide gifts again this year because they are aware of the lack of funding due to budget cuts and sequestration. Some participants even decided to donate gifts instead of receiving one this year.

MDRC - National Evaluation of the Family Self-Sufficiency (FSS) Program

FSS staff continues to meet weekly via phone conference with MDRC to report on the progress of HACA's participation in the study. "Random Assignment" meetings held in November resulted in 8 families in the control group and 8 in the FSS group. To date, we are on schedule with the timeline of activities as projected during earlier planning meetings.

HUD-FSS Annual Program Report

During the month of January, FSS staff will audit each FSS program file in preparation for our annual eLogic Model reporting to HUD. The focus will be on program activities/outputs and outcomes. The report is due to HUD on or before January 31, 2014.

FSS Orientations

There are four orientations scheduled for January 2014:

- **Wednesday, January 15th**
10:00 a.m. to 11:30 a.m.
- **Thursday, January 16th**
6:00 p.m. to 7:30 p.m.
- **Wednesday, January 29th**
10:00 a.m. to 11:30 a.m.
- **Thursday, January 30th**
6:00 p.m. to 7:30 p.m.

Workshops

There were no workshops scheduled in the month of December.

Referrals= Case Management =73



To: Christine Gouig, Executive Director
From: Daniel Taylor, Special Programs Manager
Re: **FSS Program Summary**
CC: Ron Dion, Linda Evans, Phyllis Harrison, Mary Sturges, Eli Isaacs
Date: February 6, 2014

| Program Summary | January 2014 |
|-------------------------------|---------------------|
| Total Clients Under Contract: | 126 |
| Graduates: | 0 |
| Escrow Disbursed: | \$0 |
| Ports In: | 0 |
| Ports Out: | 0 |
| Terminations: | 0 |
| New Contracts: | 0 |

FSS PROGRAM NEWS:

FSS Annual Program Report - January 2013 through December 2013

FSS staff audited 168 participant files in preparation for our annual report to HUD. Listed below are program highlights of services / activities and outcomes for 2013:

- 19 participants successfully graduated from the FSS program.
- \$297,174 in escrow accounts were disbursed to households that graduated.
- 1 FSS participant graduated and purchased a home.
- 3 households relinquished their voucher and were able to move to non-subsidized housing.
- 50 families increased their household annual income an average of \$11,769 over the previous year.
- 46 households increased their self-sufficiency earned income.
- 3 families had a reduction in welfare assistance.
- 2 households ceased receiving welfare.
- 65 individuals were employed full-time.
- 42 individuals were employed part-time.
- 107 participants received employment counseling and / or job referrals.
- 7 participants enrolled in college.
- 69 individuals completed post-secondary courses.
- 7 participants earned a BA degree.
- 2 participants earned an AA degree.

ATTACHMENT

A

PHA 5-Year and Annual Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB No. 2577-0226
Expires 4/30/2011

| | | | | | |
|-----|---|----------|--------------------------------------|-------------------------------|--|
| 1.0 | PHA Information PHA Name: Housing Authority of the County of Alameda PHA Code: CA067 PHA Type: <input type="checkbox"/> Small <input checked="" type="checkbox"/> High Performing Standard <input type="checkbox"/> HCV (Section 8) PHA Fiscal Year Beginning: (MM/YYYY): 07/2014 | | | | |
| 2.0 | Inventory (based on ACC units at time of FY beginning in 1.0 above) Number of PH units: 72 Number of HCV units: 6161 | | | | |
| 3.0 | Submission Type <input type="checkbox"/> 5-Year and Annual Plan <input checked="" type="checkbox"/> Annual Plan Only <input type="checkbox"/> 5-Year Plan Only | | | | |
| 4.0 | PHA Consortia <input type="checkbox"/> PHA Consortia: (Check box if submitting a joint Plan and complete table below.) | | | | |
| | Participating PHAs | PHA Code | Program(s) Included in the Consortia | Programs Not in the Consortia | No. of Units in Each Program PH HCV |
| | PHA 1: | | | | |
| | PHA 2: | | | | |
| | PHA 3: | | | | |
| 5.0 | 5-Year Plan. Complete items 5.1 and 5.2 only at 5-Year Plan update. | | | | |
| 5.1 | Mission. State the PHA's Mission for serving the needs of low-income, very low-income, and extremely low income families in the PHA's jurisdiction for the next five years: | | | | |
| 5.2 | Goals and Objectives. Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low-income and very low-income, and extremely low-income families for the next five years. Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan. | | | | |
| 6.0 | PHA Plan Update (a) Identify all PHA Plan elements that have been revised by the PHA since its last Annual Plan submission. (b) Identify the specific location(s) where the public may obtain copies of the 5-Year and Annual PHA Plan. For a complete list of PHA Plan elements, see Section 6.0 of the instructions. See Annual Plan Attachment. | | | | |
| 7.0 | Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers. Include statements related to these programs as applicable. See Annual Plan Attachment. | | | | |
| 8.0 | Capital Improvements. Please complete Parts 8.1 through 8.3, as applicable. See Annual Plan Attachment. | | | | |
| 8.1 | Capital Fund Program Annual Statement/Performance and Evaluation Report. As part of the PHA 5-Year and Annual Plan, annually complete and submit the <i>Capital Fund Program Annual Statement/Performance and Evaluation Report</i> , form HUD-50075.1, for each current and open CFP grant and CFFP financing. See Annual Plan Attachment. | | | | |
| 8.2 | Capital Fund Program Five-Year Action Plan. As part of the submission of the Annual Plan, PHAs must complete and submit the <i>Capital Fund Program Five-Year Action Plan</i> , form HUD-50075.2, and subsequent annual updates (on a rolling basis, e.g., drop current year, and add latest year for a five year period). Large capital items must be included in the Five-Year Action Plan. See Annual Plan Attachment. | | | | |
| 8.3 | Capital Fund Financing Program (CFFP). <input type="checkbox"/> Check if the PHA proposes to use any portion of its Capital Fund Program (CFP)/Replacement Housing Factor (RHF) to repay debt incurred to finance capital improvements. | | | | |
| 9.0 | Housing Needs. Based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data, make a reasonable effort to identify the housing needs of the low-income, very low-income, and extremely low-income families who reside in the jurisdiction served by the PHA, including elderly families, families with disabilities, and households of various races and ethnic groups, and other families who are on the public housing and Section 8 tenant-based assistance waiting lists. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location. See Annual Plan Attachment. | | | | |
| 9.1 | Strategy for Addressing Housing Needs. Provide a brief description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. Note: Small, Section 8 only, and High Performing PHAs complete only for Annual Plan submission with the 5-Year Plan. | | | | |

| | |
|------|---|
| 10.0 | <p>Additional Information. Describe the following, as well as any additional information HUD has requested.</p> <p>(a) Progress in Meeting Mission and Goals. Provide a brief statement of the PHA's progress in meeting the mission and goals described in the 5-Year Plan. See Annual Plan Attachment.</p> <p>(b) Significant Amendment and Substantial Deviation/Modification. Provide the PHA's definition of "significant amendment" and "substantial deviation/modification." None</p> |
| 11.0 | <p>Required Submission for HUD Field Office Review. In addition to the PHA Plan template (HUD-50075), PHAs must submit the following documents. Items (a) through (g) may be submitted with signature by mail or electronically with scanned signatures, but electronic submission is encouraged. Items (h) through (i) must be attached electronically with the PHA Plan. Note: Faxed copies of these documents will not be accepted by the Field Office.</p> <p>(a) Form HUD-50077, <i>PHA Certifications of Compliance with the PHA Plans and Related Regulations</i> (which includes all certifications relating to Civil Rights)</p> <p>(b) Form HUD-50070, <i>Certification for a Drug-Free Workplace</i> (PHAs receiving CFP grants only)</p> <p>(c) Form HUD-50071, <i>Certification of Payments to Influence Federal Transactions</i> (PHAs receiving CFP grants only)</p> <p>(d) Form SF-LLL, <i>Disclosure of Lobbying Activities</i> (PHAs receiving CFP grants only)</p> <p>(e) Form SF-LLL-A, <i>Disclosure of Lobbying Activities Continuation Sheet</i> (PHAs receiving CFP grants only)</p> <p>(f) Resident Advisory Board (RAB) comments. Comments received from the RAB must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the recommendations and the decisions made on these recommendations.</p> <p>(g) Challenged Elements</p> <p>(h) Form HUD-50075.1, <i>Capital Fund Program Annual Statement/Performance and Evaluation Report</i> (PHAs receiving CFP grants only)</p> <p>(i) Form HUD-50075.2, <i>Capital Fund Program Five-Year Action Plan</i> (PHAs receiving CFP grants only)</p> |

HUD-50075 Annual Plan Attachment Fiscal Year Beginning: 07/2014

6.0 The following PHA Plan elements have been revised since HACA's last Annual Plan submission:

- 6.1.1 Element #1: Eligibility, Selection and Admission Policies, including Deconcentration and Wait List Procedures;
- 6.1.2 Element #2: Financial Resources;
- 6.1.3 Element #4: Operation and Management; and
- 6.1.4 Element #11: Fiscal Year Audit.

This completed form HUD-50075 with attachments is available at the PHA's Business Office, 1489 Salmon Way, Hayward, CA 94544. It's also available on the HACA website at <http://www.haca.net/index.php/phdownloads/category/9-section-8-housing-choice-voucher-program>.

7.0 Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers.

7.1 Hope VI, Mixed Finance Modernization or Development.

- 7.1.1 Effective March 1, 2011, HACA consolidated with the Dublin Housing Authority (DHA) subsequent to DHA's disposal of the 150-unit Arroyo Vista, its sole public housing project. (DHA did not administer any Section 8 housing or any other federal, state, or local housing program.) HACA now has access to the modest HUD Replacement Housing Factor (RHF) funds from Arroyo Vista and may have access to remaining development funds from DHA, which it may use to create additional public housing units in either a stand-alone or mixed finance project. Were HACA to develop a mixed-finance project, it would seek to partner with an experienced non-profit or for-profit developer to secure a percentage of units as public housing units in a project(s) developed by such developer.
- 7.1.2 HACA may also use the RHF funds resulting from the Arroyo Vista disposition along with RHF funds from disposition of certain of its own public housing units to purchase existing units for conversion to public housing or to develop new units using modular housing.
- 7.1.3 HACA may also use the RHF funds resulting from the Arroyo Vista disposition along with RHF funds from disposition of certain of its own public housing units to support the renovation of its existing public housing units after such units are converted under HUD's Rental Assistance Demonstration (RAD) program for which HACA applied in November 2013.

7.2 Demolition and/or Disposition.

- 7.2.1 Because the combination of tenant rents and fees, HUD Operating Subsidy, and Capital Fund funding is inadequate to finance the long-term viability of HACA's Public Housing units, HACA has disposed of all but 72 units of Public Housing. Should the Rental Assistance Demonstration (RAD) program not be expanded and should HUD open its Section 18 Demolition and/or Disposition program, HACA will apply to dispose of these 72 units pursuant to Section 18.
- 7.2.2 Disposition Timetable for remaining 72 Public Housing units (36 units at the Mission View site and 36 units at the Emery Glen site):
HACA has applied to HUD for approval to include its remaining 72 units of Public Housing in the Rental Assistance Demonstration (RAD) program and is now on the HUD consideration wait list.

7.3 Conversion of Public Housing (to tenant-based assistance). N/A

7.4 Homeownership. N/A

7.5 Project-Based Vouchers.

- 7.5.1 HACA anticipates project-basing up to 550 units. The cities of Emeryville, Dublin, Fremont, Hayward, San Leandro, and Union City as well as the unincorporated areas of Castro Valley and San Lorenzo are currently-identified locations. Additional locations in Alameda County, such as (but not limited to) Albany, Newark, and Pleasanton are possible.
- 7.5.2 HACA is planning to project-base up to 45 units in non-impacted census tracts in Dublin and/or Fremont in order to expand housing opportunities for homeless veterans in higher cost areas. HACA will apply to HUD and the VA to project base up to 45 VASH vouchers in the project(s) to replace some or all of HACA's regular project based vouchers so as to ensure the veterans in the project receive the supportive services provided under VASH.
- 7.5.3 HACA is planning to project-base up to eight units in central and southern Alameda County to serve the disabled population. It is working with Alameda County and the Neighborhood Stabilization Program on this project.
- 7.5.4 HACA is planning to project-base up to 20 units in the City of Emeryville to support the development of housing for families.

8.0 Capital Improvements

HACA will use 100 percent of funds from the Capital Fund program for activities that are eligible under the Operating Fund, including capital improvements.

- 8.1 Form HUD-50075.1, *Capital Fund Program Annual Statement/Performance and Evaluation Report* has been completed as required and is enclosed.
- 8.2 Form HUD-50075.2, *Capital Fund Program Five-Year Action Plan* has been completed as required and is enclosed.
- 8.3 HACA does not propose to pledge any portion of its CPF/RHF funds to repay debt incurred to finance capital improvements.

9.0 Housing Needs

Housing needs for renters in HACA's jurisdiction are set forth in Part I of the Alameda County HOME Consortium's FY10-14 Consolidated Plan as follows:

Housing Problems of Renter Households

Low, very low and extremely low income households face a broad range of housing problems. At one end are the homeless households living in shelters or those who are in and out of temporary housing. Moving toward the middle of the range are those who have a place to call home, but who have tentative housing situations. These households often live from pay check to pay check and cannot afford to pay for both their housing and other basic necessities, such as food and clothing. They often do not have access to housing near work which is affordable and may face discrimination in finding affordable housing. Given the above factors, the housing they may find may be overcrowded, unsafe or rundown.

Nature and Extent of Renter Housing Problems

Fifty-one percent (51 %) of all renters in the Consortium had housing cost burdens; of those with cost burdens, 15% had severe cost burdens (paying over 50% of income for rent) and another 36% had moderate cost burdens (paying 30-50% of income) (2000 Census).

Sixty-four percent (64%) of extremely low income households (18,262) are renters. Small related households are the predominant family type among extremely low income renters (35%), followed by elderly one and two member households (27%). Eleven percent (11 %) of the extremely low income renters are in large related households; the remaining 27% are other household types.

Of renters in the Consortium who have housing problems (49%), the extremely low income households have the highest percentage of housing problems. Eighty-one percent (81 %) of extremely low income renters have

housing problems. More than 78% of the extremely low income renters spend more than 30% of their incomes on housing, i.e. are "cost-burdened." Sixty-six percent (66%) of the extremely low income renter households spend in excess of 50% of their incomes on housing (severe cost burden). Large related extremely low income renter households have the highest percentage of housing problems (95%).

Low-income renter households (with incomes between 50-80% of median) also have acute housing problems. Fully 88% of these low income renters had severe or moderate housing problems; 33% had severe cost burdens and 80% had moderate cost burdens. According to the National Low Income Housing Coalition, these figures make it clear that creating subsidized housing for renters with incomes above 50% of median will do very little to reduce the number of households with severe problems. Most renters with severe problems were either in Other Not Related Households (48%), in Small Related Households (31 %), or Elderly (38%).

9.1 Strategy for Addressing Housing Needs

- 9.1.1 In addition to the initiatives outlined in Sections 7.5 above and 10.1.2 below, HACA anticipates deploying a continuously open applicant-accessible waiting list on its website, www.haca.net. With such a waiting list anyone needing housing can apply anytime rather than waiting until the list reopens. HACA is also redoubling its efforts to reduce vacancy loss in its 72-unit public housing program to maximize availability of occupied unit-months. It will do this by changing its procurement of contractors that do unit turnover work from a unit-by-unit procurement to a unit-type procurement through which a contractor eligibility list will be created and units assigned as they become vacant.

10.0 Additional Information

10.1 Progress in Meeting Mission and Goals

- 10.1.1 **Mission:** HACA's success in meeting its mission is reflected in its High Performing SEMAP designation and its PHAS Standard Performer designation.

- 10.1.2 **Goal:** Expand the supply of assisted housing

Objectives: Apply for additional rental vouchers; and, depending on

available funding, utilize Section 8 HCV project-basing to increase housing opportunities for special needs populations.

Progress: HACA will submit an application in response to [Notice PIH 2014-03](#) issued February 4, 2014, announcing the availability of set-aside funding for project-basing vouchers under the HUD–Veterans Affairs (VA) supportive housing ([HUD-VASH](#)) program.

Re: utilizing Section 8 HCV project-basing to increase housing opportunities for special needs populations, HACA has leased up 32 project-based units at Main Street Village, a Fremont project providing housing and services to the homeless and mentally ill; has leased 5 project-based units at Magnolia Terrace, an Emeryville project providing housing and services to the disabled; has leased 3 project based units at FESCO, a Hayward project providing housing and services to homeless families with children; and has leased 98 project based units at Nidus Court and Dyer Street, HACA’s former Union City Public Housing developments for the elderly.

HACA is planning to project base up to 45 VASH units in non-impacted census tracts in Dublin and/or Fremont in order to expand housing opportunities for homeless veterans.

Additionally, HACA is planning to project base 20 or more units in the north-county city of Emeryville in order to expand housing opportunities for families and up to 8 units in central and southern Alameda County for the disabled.

10.1.3 **Goal:** Improve the quality of assisted housing

Objectives: Maintain Public Housing Assessment System (PHAS) and Section Eight Management Assessment Program (SEMAP) scores of 90 or higher; transition to a computerized inspection system and inspections conducted by census tract; and modernize up to fifty (50) public housing units.

HACA has a small public housing program that currently consists of 72 units. Because HACA’s public housing program is so small and fully leased except for turnover, HACA does not have vacancies into which to float existing tenants while modernizing their unit. Consequently, HACA modernizes units as they become vacant.

HACA understands that units undergoing modernization improvements are those that require the unit to become or remain vacant to accomplish the improvements. HACA’s modernization efforts will include, but not be

limited to, Asbestos Containing Material abatement activities, interior upgrades including sink and countertop replacements, installing energy efficient appliances, cabinet replacement, window and/or door replacement, 504/ADA reasonable accommodations, accessibility modifications, heating, electrical and plumbing upgrades, concrete restoration, roofing, siding, paving repairs, mold abatement, interior and exterior painting, common area improvements and completion of comprehensive and individual modernization activities funded through CFP.

HACA's public housing portfolio is shown on the following table. HACA will schedule the modernization of up to 15 of these units as they become available due to vacancy, casualty loss, and court litigation or due to changes in market conditions beyond HACA's control.

| Address | Unit Designation | Unit Status Type |
|----------------------|-------------------|----------------------------|
| 4125 Dyer Street #1 | General Occupancy | Initial Approval Completed |
| 4125 Dyer Street #10 | General Occupancy | Initial Approval Completed |
| 4125 Dyer Street #11 | General Occupancy | Initial Approval Completed |
| 4125 Dyer Street #12 | General Occupancy | Initial Approval Completed |
| 4125 Dyer Street #13 | General Occupancy | Initial Approval Completed |
| 4125 Dyer Street #14 | General Occupancy | Initial Approval Completed |
| 4125 Dyer Street #15 | General Occupancy | Initial Approval Completed |
| 4125 Dyer Street #16 | General Occupancy | Initial Approval Completed |
| 4125 Dyer Street #17 | General Occupancy | Initial Approval Completed |
| 4125 Dyer Street #18 | General Occupancy | Initial Approval Completed |
| 4125 Dyer Street #19 | General Occupancy | Initial Approval Completed |
| 4125 Dyer Street #2 | General Occupancy | Initial Approval Completed |
| 4125 Dyer Street #20 | General Occupancy | Initial Approval Completed |
| 4125 Dyer Street #21 | General Occupancy | Initial Approval Completed |
| 4125 Dyer Street #22 | General Occupancy | Initial Approval Completed |
| 4125 Dyer Street #23 | General Occupancy | Initial Approval Completed |
| 4125 Dyer Street #24 | General Occupancy | Initial Approval Completed |
| 4125 Dyer Street #25 | General Occupancy | Initial Approval Completed |
| 4125 Dyer Street #26 | General Occupancy | Initial Approval Completed |
| 4125 Dyer Street #27 | General Occupancy | Initial Approval Completed |
| 4125 Dyer Street #28 | General Occupancy | Initial Approval Completed |
| 4125 Dyer Street #29 | General Occupancy | Initial Approval Completed |
| 4125 Dyer Street #3 | General Occupancy | Initial Approval Completed |
| 4125 Dyer Street #30 | General Occupancy | Initial Approval Completed |
| 4125 Dyer Street #31 | General Occupancy | Initial Approval Completed |
| 4125 Dyer Street #32 | General Occupancy | Initial Approval Completed |
| 4125 Dyer Street #33 | General Occupancy | Initial Approval Completed |
| 4125 Dyer Street #34 | General Occupancy | Initial Approval Completed |
| 4125 Dyer Street #35 | General Occupancy | Initial Approval Completed |
| 4125 Dyer Street #36 | General Occupancy | Initial Approval Completed |

| | | |
|------------------------|-------------------|----------------------------|
| 4125 Dyer Street #4 | General Occupancy | Initial Approval Completed |
| 4125 Dyer Street #5 | General Occupancy | Initial Approval Completed |
| 4125 Dyer Street #6 | General Occupancy | Initial Approval Completed |
| 4125 Dyer Street #7 | General Occupancy | Initial Approval Completed |
| 4125 Dyer Street #8 | General Occupancy | Initial Approval Completed |
| 4125 Dyer Street #9 | General Occupancy | Initial Approval Completed |
| 6200 Doyle Street # 10 | General Occupancy | Initial Approval Completed |
| 6200 Doyle Street #1 | General Occupancy | Initial Approval Completed |
| 6200 Doyle Street #11 | General Occupancy | Initial Approval Completed |
| 6200 Doyle Street #12 | General Occupancy | Initial Approval Completed |
| 6200 Doyle Street #13 | General Occupancy | Initial Approval Completed |
| 6200 Doyle Street #14 | General Occupancy | Initial Approval Completed |
| 6200 Doyle Street #15 | General Occupancy | Initial Approval Completed |
| 6200 Doyle Street #16 | General Occupancy | Initial Approval Completed |
| 6200 Doyle Street #17 | General Occupancy | Initial Approval Completed |
| 6200 Doyle Street #18 | General Occupancy | Initial Approval Completed |
| 6200 Doyle Street #19 | General Occupancy | Initial Approval Completed |
| 6200 Doyle Street #2 | General Occupancy | Initial Approval Completed |
| 6200 Doyle Street #20 | General Occupancy | Initial Approval Completed |
| 6200 Doyle Street #21 | General Occupancy | Initial Approval Completed |
| 6200 Doyle Street #22 | General Occupancy | Initial Approval Completed |
| 6200 Doyle Street #23 | General Occupancy | Initial Approval Completed |
| 6200 Doyle Street #24 | General Occupancy | Initial Approval Completed |
| 6200 Doyle Street #25 | General Occupancy | Initial Approval Completed |
| 6200 Doyle Street #26 | General Occupancy | Initial Approval Completed |
| 6200 Doyle Street #27 | General Occupancy | Initial Approval Completed |
| 6200 Doyle Street #28 | General Occupancy | Initial Approval Completed |
| 6200 Doyle Street #29 | General Occupancy | Initial Approval Completed |
| 6200 Doyle Street #3 | General Occupancy | Initial Approval Completed |
| 6200 Doyle Street #30 | General Occupancy | Initial Approval Completed |
| 6200 Doyle Street #31 | General Occupancy | Initial Approval Completed |
| 6200 Doyle Street #32 | General Occupancy | Initial Approval Completed |
| 6200 Doyle Street #33 | General Occupancy | Initial Approval Completed |
| 6200 Doyle Street #34 | General Occupancy | Initial Approval Completed |
| 6200 Doyle Street #35 | General Occupancy | Initial Approval Completed |
| 6200 Doyle Street #36 | General Occupancy | Initial Approval Completed |
| 6200 Doyle Street #4 | General Occupancy | Initial Approval Completed |
| 6200 Doyle Street #5 | General Occupancy | Initial Approval Completed |
| 6200 Doyle Street #6 | General Occupancy | Initial Approval Completed |
| 6200 Doyle Street #7 | General Occupancy | Initial Approval Completed |
| 6200 Doyle Street #8 | General Occupancy | Initial Approval Completed |
| 6200 Doyle Street #9 | General Occupancy | Initial Approval Completed |

Performance: In the past fiscal year, HACA remained a High Performer under SEMAP and was rated a Standard Performer under PHAS.

HACA's transition to a mobile HQS inspection system has been delayed as HACA prepares to issue an RFP for new enterprise housing software before the end of the current fiscal year.

As of January 31, 2014, HACA extensively renovated and improved 11 Public Housing units in the current fiscal year.

10.1.4 **Goal:** Increase assisted housing choices

Objectives: Conduct outreach efforts to potential voucher landlords; monitor voucher success and utilization rates and assess adequacy of payment standards; and continue promoting homeownership activities and assisting participants to become homeowners.

Progress: In the current fiscal year, HACA has continued to promote the HCVP in publications of the Rental Housing Association of Southern Alameda County (RHA). HACA assessed the adequacy of its payment standards relative to voucher success rates, gross rents, and budgeted funds and modified the standards accordingly. HACA also broadened eligibility to its homeownership program from Family Self Sufficiency (FSS) participants to all HCVP participants. Regardless, as a result of increasing sales prices and tight lending practices, only three participants (two of which were FSS participants) were able to purchase a home last fiscal year.

10.1.5 **Goal:** Provide an improved living environment

Objectives: Work proactively with local governments to foster understanding and support of HACA and its assisted housing programs.

Progress: In recent fiscal years, HACA staff has participated in ongoing Alameda County Department of Housing and Community Development (HCD) forums as part of a continuous effort to provide information and support for HACA's assisted housing programs. HACA staff has participated in the Point in Time count of the homeless as administered by Alameda County HCD.

10.1.6 **Goal:** Promote self-sufficiency and asset development of assisted households

Objectives: Provide or attract supportive services to improve employability.

Progress: In 2013, HACA's FSS program focused on employability and provided referrals and job leads to over 168 (households) participants. Sixty-five participants were employed full time and 42 part-time; 50 families increased their income an average of \$11,769 over the previous year.

10.1.7 **Goal:** Ensure equal opportunity and affirmatively further fair housing

Objectives: Undertake affirmative measures to ensure access to assisted housing, and a suitable living environment for families living in assisted housing, regardless of race, color, sex, religion, familial status, age, disability, national origin, marital status, sexual orientation, source of income or ancestry.

Progress: HACA has continued to administer a Section 504 Grievance Procedure (discrimination on the basis of handicap) and to provide hard-copy weekly rental listings that include units designated for the disabled. As a public service, HACA also lists privately owned subsidized developments in its jurisdiction, including those with accessibility features, regardless of whether the developments accept Housing Choice Vouchers.

HACA continued to administer a Language Assistance Plan for serving Limited English Proficiency populations in its jurisdiction; a Public Housing Affirmative Fair Housing Marketing Plan; and a Transition Plan in order to reach compliance with Uniform Federal Accessibility Standards requirements.

| Part I: Summary | | | | | |
|--|--|--|----------------------|--------------------------------|---|
| PHA Name: Housing Authority of Alameda County | | Grant Type and Number Capital Fund Program Grant No: CA3906750114 Replacement Housing Factor Grant No: Date of CFFP: _____ | | | FFY of Grant: 2014 FFY of Grant Approval: 2014 |
| Type of Grant <input checked="" type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/Emergencies <input type="checkbox"/> Revised Annual Statement (revision no:) <input type="checkbox"/> Performance and Evaluation Report for Period Ending: <input type="checkbox"/> Final Performance and Evaluation Report | | | | | |
| Line | Summary by Development Account | Total Estimated Cost | | Total Actual Cost ¹ | |
| | | Original | Revised ² | Obligated | Expended |
| 1 | Total non-CFP Funds | | | | |
| 2 | 1406 Operations (may not exceed 20% of line 21) ³ | \$150,000 | | \$150,000 | |
| 3 | 1408 Management Improvements | | | | |
| 4 | 1410 Administration (may not exceed 10% of line 21) | | | | |
| 5 | 1411 Audit | | | | |
| 6 | 1415 Liquidated Damages | | | | |
| 7 | 1430 Fees and Costs | | | | |
| 8 | 1440 Site Acquisition | | | | |
| 9 | 1450 Site Improvement | | | | |
| 10 | 1460 Dwelling Structures | | | | |
| 11 | 1465.1 Dwelling Equipment—Nonexpendable | | | | |
| 12 | 1470 Non-dwelling Structures | | | | |
| 13 | 1475 Non-dwelling Equipment | | | | |
| 14 | 1485 Demolition | | | | |
| 15 | 1492 Moving to Work Demonstration | | | | |
| 16 | 1495.1 Relocation Costs | | | | |
| 17 | 1499 Development Activities ⁴ | | | | |
| 18a | 1501 Collateralization or Debt Service paid by the PHA | | | | |
| 18ba | 9000 Collateralization or Debt Service paid Via System of Direct Payment | | | | |
| 19 | 1502 Contingency (may not exceed 8% of line 20) | | | | |
| 20 | Amount of Annual Grant: (sum of lines 2 – 19) | \$150,000 | | \$150,000 | |
| 21 | Amount of line 20 Related to LBP Activities | | | | |
| 22 | Amount of line 20 Related to Section 504 Activities | | | | |
| 23 | Amount of line 20 Related to Security – Soft Costs | | | | |
| 24 | Amount of line 20 Related to Security – Hard Costs | | | | |
| 25 | Amount of line 20 Related to Energy Conservation Measures | | | | |

¹ To be completed for the Performance and Evaluation Report.
² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.
⁴ RHF funds shall be included here.

| | | | | |
|---|---------------------------------------|--|--------------------------------------|---|
| Part I: Summary | | | | |
| PHA Name: Housing Authority of Alameda County | | Grant Type and Number Capital Fund Program Grant No: CA3906750114 Replacement Housing Factor Grant No: Date of CFFP: _____ | | FFY of Grant: 2014 FFY of Grant Approval: 2014 |
| Type of Grant | | | | |
| <input checked="" type="checkbox"/> Original Annual Statement | | <input type="checkbox"/> Reserve for Disasters/Emergencies | | <input type="checkbox"/> Revised Annual Statement (revision no:) |
| <input type="checkbox"/> Performance and Evaluation Report for Period Ending: | | <input type="checkbox"/> Final Performance and Evaluation Report | | |
| Line | Summary by Development Account | Total Estimated Cost | | Total Actual Cost¹ |
| | | Original | Revised² | Obligated Expended |
| Signature of Executive Director | | Date | Signature of Public Housing Director | Date |

| Part I: Summary | | | | | |
|--|--|---|----------------------|---|----------|
| PHA Name: Housing Authority of Alameda County | | Grant Type and Number Capital Fund Program Grant No: _____ Date of CFFP: _____ | | Replacement Housing Factor Grant No: CA39R067501 ** | |
| | | | | FFY of Grant: 2014 FFY of Grant Approval: 2014 | |
| Type of Grant <input checked="" type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/Emergencies <input type="checkbox"/> Revised Annual Statement (revision no:) <input type="checkbox"/> Performance and Evaluation Report for Period Ending: <input type="checkbox"/> Final Performance and Evaluation Report | | | | | |
| Line | Summary by Development Account | Total Estimated Cost | | Total Actual Cost ¹ | |
| | | Original | Revised ² | Obligated | Expended |
| 1 | Total non-CFP Funds | | | | |
| 2 | 1406 Operations (may not exceed 20% of line 21) ³ | | | | |
| 3 | 1408 Management Improvements | | | | |
| 4 | 1410 Administration (may not exceed 10% of line 21) | | | | |
| 5 | 1411 Audit | | | | |
| 6 | 1415 Liquidated Damages | | | | |
| 7 | 1430 Fees and Costs | | | | |
| 8 | 1440 Site Acquisition | | | | |
| 9 | 1450 Site Improvement | | | | |
| 10 | 1460 Dwelling Structures | | | | |
| 11 | 1465.1 Dwelling Equipment—Nonexpendable | | | | |
| 12 | 1470 Non-dwelling Structures | | | | |
| 13 | 1475 Non-dwelling Equipment | | | | |
| 14 | 1485 Demolition | | | | |
| 15 | 1492 Moving to Work Demonstration | | | | |
| 16 | 1495.1 Relocation Costs | | | | |
| 17 | 1499 Development Activities ⁴ | \$229,021 | | \$229,021 | |
| 18a | 1501 Collateralization or Debt Service paid by the PHA | | | | |
| 18ba | 9000 Collateralization or Debt Service paid Via System of Direct Payment | | | | |
| 19 | 1502 Contingency (may not exceed 8% of line 20) | | | | |
| 20 | Amount of Annual Grant: (sum of lines 2 – 19) | \$229,021 | | \$229,021 | |
| 21 | Amount of line 20 Related to LBP Activities | | | | |
| 22 | Amount of line 20 Related to Section 504 Activities | | | | |
| 23 | Amount of line 20 Related to Security – Soft Costs | | | | |
| 24 | Amount of line 20 Related to Security – Hard Costs | | | | |
| 25 | Amount of line 20 Related to Energy Conservation Measures | | | | |

¹ To be completed for the Performance and Evaluation Report.
² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.
⁴ RHF funds shall be included here.

| | | | | | |
|---|---------------------------------------|---|----------------------------|---|-----------------|
| Part I: Summary | | | | | |
| PHA Name: Housing Authority of Alameda County | | Grant Type and Number Capital Fund Program Grant No: _____ Date of CFFP: _____ | | Replacement Housing Factor Grant No: CA39R0675G | |
| | | | | FFY of Grant: 2014 | |
| | | | | FFY of Grant Approval: 2014 | |
| Type of Grant | | | | | |
| <input checked="" type="checkbox"/> Original Annual Statement | | <input type="checkbox"/> Reserve for Disasters/Emergencies | | <input type="checkbox"/> Revised Annual Statement (revision no:) | |
| <input type="checkbox"/> Performance and Evaluation Report for Period Ending: | | | | <input type="checkbox"/> Final Performance and Evaluation Report | |
| Line | Summary by Development Account | Total Estimated Cost | | Total Actual Cost¹ | |
| | | Original | Revised² | Obligated | Expended |
| Signature of Executive Director | | Date | | Signature of Public Housing Director | |
| | | | | Date | |

ATTACHMENT
B

3-I.C. FAMILY BREAK-UP AND REMAINING MEMBER OF TENANT FAMILY

Family Break-up [24 CFR 982.315]

Except under the following conditions, the PHA has discretion to determine which members of an assisted family continue to receive assistance if the family breaks up:

- If the family breakup results from an occurrence of domestic violence, dating violence, sexual assault, or stalking, the PHA must ensure that the victim retains assistance. (For documentation requirements and policies related to domestic violence, dating violence, sexual assault, and stalking, see section 16-IX.D of this plan.)
- If a court determines the disposition of property between members of the assisted family in a divorce or separation decree, HACA is bound by the court's determination of which family members continue to receive assistance.

HACA Policy

When a family on the waiting list breaks up into two otherwise eligible families, only one of the new families may retain the original application date. Other former family members may make a new application with a new application date if the waiting list is open.

If a family breaks up into two otherwise eligible families while receiving assistance, only one of the new families will continue to be assisted.

In the absence of a judicial decision, or an agreement among the original family members, HACA will determine which family will retain its placement on the waiting list, or will continue to receive assistance. In making its determination, HACA will take into consideration the following factors: (1) the interest of any minor children, including custody arrangements, (2) the interest of any ill, elderly, or disabled family members, (3) the interest of any family member who is the victim of domestic violence, dating violence, sexual assault, or stalking, including a family member who was forced to leave an assisted unit as a result of such actual or threatened abuse; (4) any possible risks to family members as a result of criminal activity, and (5) the recommendations of social service professionals.

Remaining Member of a Tenant Family [24 CFR 5.403]

The HUD definition of family includes the *remaining member of a tenant family*, which is a member of an assisted family who remains in the unit when other members of the family have left the unit. Household members such as live-in aides, foster children, and foster adults do not qualify as remaining members of a family.

If dependents are the only "remaining members of a tenant family" and there is no family member able to assume the responsibilities of the head of household, see Chapter 6, Section 6-I.B, for the policy on "Caretakers for a Child."

PART III: DENIAL OF ASSISTANCE

3-III.A. OVERVIEW

A family that does not meet the eligibility criteria discussed in Parts I and II, must be denied assistance. In this section we will discuss other situations and circumstances in which denial of assistance is mandatory for the PHA, and those in which denial of assistance is optional for the PHA.

Forms of Denial [24 CFR 982.552(a)(2); HCV GB, p. 5-35]

Denial of assistance includes any of the following:

- Not placing the family's name on the waiting list
- Denying or withdrawing a voucher
- Not approving a request for tenancy or refusing to enter into a HAP contract
- Refusing to process a request for or to provide assistance under portability procedures

Prohibited Reasons for Denial of Program Assistance [24 CFR 982.202(b), 24 CFR Part 5, Subpart L]

HUD rules prohibit denial of program assistance to the program based on any of the following criteria:

- Age, disability, race, color, religion, sex, or national origin. (See Chapter 2 for additional information about fair housing and equal opportunity requirements.)
- Where a family lives prior to admission to the program
- Where the family will live with assistance under the program. Although eligibility is not affected by where the family will live, there may be restrictions on the family's ability to move outside HACA's jurisdiction (See Chapter 10, Portability.)
- Whether members of the family are unwed parents, recipients of public assistance, or children born out of wedlock
- Whether the family includes children
- Whether a family decides to participate in a family self-sufficiency program
- Whether or not a qualified applicant has been a victim of domestic violence, dating violence, sexual assault, or stalking if the applicant is otherwise qualified for assistance. (See section 3-III.G.)

Screening for Suitability as a Tenant [24 CFR 982.307]

The PHA has no liability or responsibility to the owner for the family's behavior or suitability for tenancy. The PHA has the authority to conduct additional screening to determine whether an applicant is likely to be a suitable tenant.

HACA Policy

HACA will not conduct additional screening to determine an applicant family's suitability for tenancy.

The owner is responsible for screening and selection of the family to occupy the owner's unit. The PHA must inform the owner that screening and selection for tenancy is the responsibility of the owner. An owner may consider a family's history with respect to factors such as: payment of rent and utilities, caring for a unit and premises, respecting the rights of other residents to the peaceful enjoyment of their housing, criminal activity that is a threat to the health, safety or property of others, and compliance with other essential conditions of tenancy.

HUD requires the PHA to provide prospective owners with the family's current and prior address (as shown in PHA records) and the name and address (if known) of the owner at the family's current and prior addresses. HUD permits the PHA to provide owners with additional information, as long as families are notified that the information will be provided, and the same type of information is provided to all owners.

The PHA may not disclose to the owner any confidential information provided to the PHA by the family in response to a request by the PHA for documentation of domestic violence, dating violence, sexual assault, or stalking except at the written request or with the written consent of the individual providing the documentation [24 CFR 5.2007(b)(4)].

HACA Policy

HACA will inform owners of their responsibility to screen prospective tenants, and will, upon request, provide owners with the required known name and address information, at the time of the initial HQS inspection or before. HACA will not provide any additional information to the owner, such as tenancy history or criminal history.

3-III.E. CRITERIA FOR DECIDING TO DENY ASSISTANCE

Evidence [24 CFR 982.553(c)]

HACA Policy

HACA will use the concept of the preponderance of the evidence as the standard for making all admission decisions.

Preponderance of the evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not.

Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Consideration of Circumstances [24 CFR 982.552(c)(2)]

HUD authorizes PHAs to consider all relevant circumstances when deciding whether to deny assistance based on a family's past history except in the situations for which denial of assistance is mandatory (see Section 3-III.B).

HACA Policy

HACA will consider the following factors prior to making its decision:

The seriousness of the case, especially with respect to how it would affect other residents

The effects that denial of assistance may have on other members of the family who were not involved in the action or failure

The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities, or (as discussed further in section 3-III.G) a victim of domestic violence, dating violence, sexual assault, or stalking

The length of time since the violation occurred, the family's recent history and the likelihood of favorable conduct in the future

As evidence of the likelihood of favorable conduct in the future, HACA will consider all of the following: Evidence of employment, education, successful completion of the CHOICES or FACT programs sponsored by Alameda County Behavioral Health Care Services, participation in a work training program, participation in a counseling program, involvement in a community group, a certificate of rehabilitation from the state, and letters of support from parole or probation, case workers, clergy, or community leaders.

In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully

HACA will require the applicant to submit evidence of the household member's current participation in or successful completion of a supervised

3-III.G. PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING
[[24 CFR Part 5, Subpart L]

The Violence against Women Act of 2013~~45~~ (VAWA) and the HUD regulation at 24 CFR 5.2005(b) prohibit PHAs from denying an applicant admission to the HCV program “on the basis that the applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant otherwise qualifies for assistance or admission.”

Definitions of key terms used in VAWA are provided in section 16-IX of this plan, where general VAWA requirements and policies pertaining to notification, documentation, and confidentiality are also located.

Notification

VAWA 2013 expanded notification requirements to include the obligation for PHAs to provide applicants who are denied assistance with a notice of rights and the form HUD-50066 at the time the applicant is denied.

HACA Policy

HACA acknowledges that a victim of domestic violence, dating violence, sexual assault, or stalking may have an unfavorable history (e.g., a poor credit history, a record of previous damage to an apartment, a prior arrest record) that would warrant denial under HACA’s policies. Therefore, if HACA makes a determination to deny admission to an applicant family, HACA will include in its notice of denial the VAWA information described in section 16-IX.C of this plan as well as including a copy of the form HUD-50066. The PHA~~and~~ will request that an applicant wishing to claim protection under VAWA notify HACA within 10 business days.

Documentation

Victim Documentation [24 CFR 5.2007]

HACA Policy

If an applicant claims the protection against denial of assistance that VAWA provides to victims of domestic violence, dating violence, sexual assault, or stalking, HACA will request in writing that the applicant provide documentation supporting the claim in accordance with section 16-IX.D of this plan.

Perpetrator Documentation

HACA Policy

If the perpetrator of the abuse is a member of the applicant family, the applicant must provide additional documentation consisting of one of the following:

A signed statement (1) requesting that the perpetrator be removed from the application and (2) certifying that the perpetrator will not be permitted to visit or to stay as a guest in the assisted unit

Documentation that the perpetrator has successfully completed, or is successfully undergoing, rehabilitation or treatment. The documentation must be signed by an employee or agent of a domestic violence service provider or by a medical or other knowledgeable professional from whom the perpetrator has sought or is receiving assistance in addressing the abuse. The signer must attest under penalty of perjury to his or her belief that the rehabilitation was successfully completed or is progressing successfully. The victim and perpetrator must also sign or attest to the documentation.

- The family must not commit any serious or repeated violation of the lease.

HACA Policy

HACA will determine if a family has committed serious or repeated violations of the lease based on available evidence, including but not limited to, a court-ordered eviction, or an owner's notice to evict, police reports, and affidavits from the owner, neighbors, or other credible parties with direct knowledge.

Serious and repeated lease violations will include, but not be limited to, nonpayment of rent, disturbance of neighbors, destruction of property, living or housekeeping habits that cause damage to the unit or premises, and criminal activity. Generally, the criterion to be used will be whether or not the reason for the eviction was the fault of the tenant or guests. Any incidents of, or criminal activity related to, domestic violence, dating violence, sexual assault, or stalking will not be construed as serious or repeated lease violations by the victim [24 CFR 5.2005(c)(1)].

- The family must notify HACA and the owner before moving out of the unit or terminating the lease.

HACA Policy

The family must comply with lease requirements regarding written notice to the owner. The family must provide written notice to HACA at the same time the owner is notified.

- The family must promptly give HACA a copy of any owner eviction notice.
- The family must use the assisted unit for residence by the family. The unit must be the family's only residence.
- The composition of the assisted family residing in the unit must be approved by HACA. The family must promptly notify HACA in writing of the birth, adoption, or court-awarded custody of a child. The family must request HACA approval to add any other family member as an occupant of the unit.

HACA Policy

The request to add a family member must be submitted in writing and approved prior to the person moving into the unit. HACA will determine eligibility of the new member in accordance with the policies in Chapter 3.

- The family must promptly notify HACA in writing if any family member no longer lives in the unit.

9-I.A. TENANT SCREENING

HACA has no liability or responsibility to the owner or other persons for the family's behavior or suitability for tenancy [24 CFR 982.307(a)(1)].

HACA may elect to screen applicants for family behavior or suitability for tenancy. See Chapter 3 for a discussion of HACA's policies with regard to screening applicant families for program eligibility [24 CFR 982.307(a)(1)].

The owner is responsible for screening and selection of the family to occupy the owner's unit. At or before HACA approval of the tenancy, HACA must inform the owner that screening and selection for tenancy is the responsibility of the owner [24 CFR 982.307(a)(2)]. HACA must also inform the owner or manager of his/her rights and obligations under the Violence against Women Act of 2013~~05~~ (VAWA) [24 CFR 5.2005(a)(2)].

HACA must provide the owner with the family's current and prior address (as shown in HACA records); and the name and address (if known to HACA) of the landlord at the family's current and prior address. [24 CFR 982.307 (b)(1)].

HACA is permitted, but not required, to offer the owner other information in HACA's possession about the tenancy history or drug trafficking of family members [24 CFR 982.307(b)(2)].

HACA's policy on providing information to the owner must be included in the family's briefing packet [24 CFR 982.307(b)(3)].

HACA may not disclose to the owner any confidential information provided by the family in response to a HACA request for documentation of domestic violence, dating violence, sexual assault, or stalking except at the written request or with the written consent of the individual providing the documentation [24 CFR 5.2007(b)(4)].

HACA Policy

HACA will not screen applicants for family behavior or suitability for tenancy.

HACA will not provide additional screening information to the owner.

- The owner has given the family a notice to vacate, has commenced an action to evict the family, or has obtained a court judgment or other process allowing the owner to evict the family [24 CFR 982.314(b)(2)]. The family must give HACA a copy of any owner eviction notice [24 CFR 982.551(g)].
- The family or a member of the family is or has been the victim of domestic violence, dating violence, sexual assault, or stalking and the move is needed to protect the health or safety of the family or family member [24 CFR 982.314(b)(4)]. This condition applies even when the family has moved out of its unit in violation of the lease, with or without prior notification to HACA, if the family or family member who is the victim reasonably believed that he or she was imminently threatened by harm from further violence if he or she remained in the unit [24 CFR 982.314(b)(4), 24 CFR 982.353(b)].

PHA Policy

If a family requests permission to move with continued assistance based on a claim that the move is necessary to protect the health or safety of a family member who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, HACA will request documentation in accordance with section 16-IX.D of this plan.

HACA reserves the right to waive the documentation requirement if it determines that a statement or other corroborating evidence from the family or family member will suffice. In such cases HACA will document the waiver in the family's file.

- HACA has terminated the assisted lease for the family's unit for the owner's breach [24 CFR 982.314(b)(1)(i)].
- HACA determines that the family's current unit does not meet the HQS space standards because of an increase in family size or a change in family composition. In such cases, HACA must issue the family a new voucher, and the family and HACA must try to find an acceptable unit as soon as possible. If an acceptable unit is available for the family, HACA must terminate the HAP contract for the family's old unit in accordance with the HAP contract terms and must notify both the family and the owner of the termination. The HAP contract terminates at the end of the calendar month that follows the calendar month in which HACA gives notice to the owner. [24 CFR 982.403(a) and (c)]

sufficient funds to allow the move. This policy applies to moves within HACA's jurisdiction as well as to moves outside it under portability.

Grounds for Denial or Termination of Assistance

HACA has grounds for denying or terminating the family's assistance [24 CFR 982.314(e)(2)]. VAWA allows exceptions to these grounds for denial or termination of assistance for families who are otherwise in compliance with program obligations, but have moved to protect the health or safety of an individual who is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and who reasonably believed he or she was imminently threatened by harm from further violence if they remained in the unit. [Pub.L. 109-162]

PHA Policy

If HACA has grounds for denying or terminating a family's assistance, HACA will act on those grounds in accordance with the regulations and policies set forth in Chapters 3 and 12, respectively. In general, it will not deny a family permission to move for this reason; however, it retains the discretion to do so under special circumstances. Refer to sections 3-III.G and 12-II.E for VAWA provisions.

Restrictions on Elective Moves [24 CFR 982.314(c)]

HUD regulations permit HACA to prohibit any elective move by a participant family during the family's initial lease term. They also permit HACA to prohibit more than one elective move by a participant family during any 12-month period. However, such prohibitions, if adopted, do not apply when the family or a member of the family is or has been the victim of domestic violence, dating violence, **sexual assault**, or stalking and the move is needed to protect the health or safety of the family or family member. (For the policy on documentation of abuse, see section 10-I.A.) In addition, the PHA may not establish a policy permitting moves only at reexamination [Notice PIH 2012-42].

HACA Policy

HACA will not deny a family permission to make an elective move during the family's initial lease term provided the family and owner agree to the lease termination in writing. This policy applies to moves within HACA's jurisdiction, and, except during the first 12 months after a nonresident applicant has been admitted to the program, to moves outside of HACA's jurisdiction under portability.

HACA will consider exceptions to these policies for the following reasons: to protect the health or safety of a family member (e.g., lead-based paint hazards, domestic violence, witness protection programs), to accommodate a change in family circumstances (e.g., new employment, school attendance in a distant area), or to address an emergency situation over which a family has no control.

In addition, HACA will allow exceptions to these policies for purposes of reasonable accommodation of a family member who is a person with disabilities (see Chapter 2).

10-II.B. INITIAL PHA ROLE

Allowable Moves under Portability

A family may move with voucher assistance only to an area where there is at least one PHA administering a voucher program [24 CFR 982.353(b)]. If there is more than one PHA in the area, the initial PHA may choose the receiving PHA [24 CFR 982.355(b)].

Applicant families that have been issued vouchers as well as participant families may qualify to lease a unit outside the HACA's jurisdiction under portability. HUD regulations and PHA policy determine whether a family qualifies.

Applicant Families

Under HUD regulations, most applicant families qualify to lease a unit outside the HACA's jurisdiction under portability. However, HUD gives HACA discretion to deny a portability move by an applicant family for the same two reasons that it may deny any move by a participant family: insufficient funding and grounds for denial or termination of assistance.

HACA Policy

In determining whether or not to deny an applicant family permission to move under portability because HACA lacks sufficient funding or has grounds for denying assistance to the family, HACA will follow the policies established in section 10-1B of this chapter.

In addition, HACA may establish a policy denying the right to portability to nonresident applicants during the first 12 months after they are admitted to the program [24 CFR 982.353(c)].

HACA Policy

With the exception of CHOICES or FACT Programs Graduates as described in Section 4-III.C., Local Preferences - Section 8 Housing Choice Voucher Program (HCV), if neither the head of household nor the spouse/cohead of an applicant family had a domicile (legal residence) in the HACA's jurisdiction at the time the family's application for assistance was selected for assistance, the family must lease a unit ~~within HACA's~~ ~~within HACA's~~ jurisdiction for at least 12 months before requesting portability.

HACA will consider exceptions to this policy for purposes of reasonable accommodation (see Chapter 2) or reasons related to domestic violence, dating violence, ~~sexual assault~~, or stalking. However, any exception to this policy is subject to the approval of the receiving PHA [24 CFR 982.353(c)(3)].

Participant Families

The Initial PHA must not provide portable assistance for a participant if a family has moved out of its assisted unit in violation of the lease [24 CFR 982.353(b)]. [The Violence against Women Act of 2013 \(VAWA\)](#) creates an exception to this prohibition for families who are otherwise in compliance with program obligations but have moved to protect the health or safety of an individual who is or has been a victim of domestic violence, dating violence, [sexual assault](#), or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if they remained in the unit [24 CFR 982.353(b)].

HACA Policy

HACA will determine whether a participant family may move out of HACA's jurisdiction with continued assistance in accordance with the regulations and policies set forth here and in sections 10-1.A and 10-1.B of this chapter. HACA will notify the family of its determination in accordance with the approval policy set forth in section 10-1.C of this chapter.

Determining Income Eligibility

Applicant Families

An applicant family may lease a unit in a particular area under portability only if the family is income eligible for admission to the voucher program in that area [24 CFR 982.353(d)(3)]. The family must specify the area to which the family wishes to move [Notice 2012-42].

The initial PHA is responsible for determining whether the family is income eligible in the area to which the family wishes to move [24 CFR 982.355(c)(1)]. If the applicant family is not income eligible in that area, the PHA must inform the family that it may not move there and receive voucher assistance [Notice PIH 2012-42].

Participant Families

The income eligibility of a participant family is not redetermined if the family moves to a new jurisdiction under portability [24 CFR 982.353(d)(2), 24 CFR 982.355(c)(1)].

Reexamination of Family Income and Composition

No new reexamination of family income and composition is required for an applicant family.

HACA Policy

For a participant family approved to move out of its jurisdiction under portability, HACA generally will conduct a reexamination of family income and composition only if the family's annual reexamination must be completed on or before the initial billing deadline specified on form HUD-52665, Family Portability Information.

HACA will make any exceptions to this policy necessary to remain in compliance with HUD regulations.

12-I.C. FAMILY CHOOSES TO TERMINATE ASSISTANCE

The family may request that HACA terminate housing assistance payments on behalf of the family at any time.

HACA Policy

The request to terminate assistance must be made in writing and signed by the head of household and, if applicable, the spouse or co-head. Before terminating the family's assistance, HACA will follow the notice requirements in Section 12-II.F.

12-I.D. MANDATORY TERMINATION OF ASSISTANCE

HUD requires HACA to terminate assistance in the following circumstances.

Eviction [24 CFR 982.552(b)(2), 24 CFR 5.2005(c)(1), 24 CFR 5.2005(d)]

HACA must terminate assistance whenever a family is evicted from a unit assisted under the HCV program for a serious or repeated violation of the lease. As discussed further in section 12-II.E, incidents of actual or threatened violence, dating violence, sexual assault, or stalking may not be construed as serious or repeated violations of the lease by the victim or threatened victim of such violence or stalking.

HACA Policy

A family will be considered *evicted* if the family moves after a legal eviction order has been issued, whether or not physical enforcement of the order was necessary.

If a family moves after the owner has given the family an eviction notice for serious or repeated lease violations but before a legal eviction order has been issued, termination of assistance is not mandatory. However, HACA will determine whether the family has committed serious or repeated violations of the lease based on available evidence and may terminate assistance or take any of the alternative measures described in Section 12-II.C. In making its decision, HACA will consider the factors described in Sections 12-II.D and 12-II.E. Upon consideration of such alternatives and factors, HACA may, on a case-by-case basis, choose not to terminate assistance.

Serious and repeated lease violations will include, but not be limited to, nonpayment of rent, disturbance of neighbors, destruction of property, or living or housekeeping habits that cause damage to the unit or premises and criminal activity. Generally, the criteria to be used is whether the reason for the eviction was through no fault of the tenant or guests.

Failure to Provide Consent [24 CFR 982.552(b)(3)]

HACA must terminate assistance if any family member fails to sign and submit any consent form they are required to sign for an annual or interim reexamination. See Chapter 7 for a complete discussion of consent requirements.

Other Authorized Reasons for Termination of Assistance
[24 CFR 982.552(c), 24 CFR 5.2005(c)(1)]

HUD permits HACA to terminate assistance under a number of other circumstances. It is left to the discretion of HACA whether such circumstances in general warrant consideration for the termination of assistance. As discussed further in section 12-II.E, The Violence Against Women Reauthorization Act of 2013~~95~~ explicitly prohibits PHAs from considering incidents or actual threatened domestic violence, dating violence, sexual assault, or stalking as reasons for terminating the assistance of a victim of such violence.

HACA Policy

HACA will not terminate a family's assistance because of the family's failure to meet its obligations under the Family Self-Sufficiency program.

HACA will terminate a family's assistance if

The family has failed to comply with any family obligations under the program. See Exhibit 12-1 for a listing of family obligations and related HACA policies.

Any family member has been evicted from federally-assisted housing in the last five years.

Any PHA has ever terminated assistance under the program for any member of the family.

Any family member has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.

The family currently owes rent or other amounts to any PHA in connection with the HCV, Certificate, Moderate Rehabilitation or public housing programs.

The family has not reimbursed any PHA for amounts the PHA paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.

The family has breached the terms of a repayment agreement entered into with the PHA.

A family member has engaged in or threatened violent or abusive behavior toward HACA personnel.

Abusive or violent behavior towards HACA personnel includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.

Threatening refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

In making its decision to terminate assistance, HACA will consider alternatives as described in Section 12-II.C and other factors described in Section 12-II.D and Section 12-II.E. Upon consideration of such alternatives and factors, HACA may, on a case-by-case basis, choose not to terminate assistance.

12-II.D. CRITERIA FOR DECIDING TO TERMINATE ASSISTANCE

Evidence

For criminal activity, HUD permits HACA to terminate assistance if a *preponderance of the evidence* indicates that a household member has engaged in the activity, regardless of whether the household member has been arrested or convicted [24 CFR 982.553(c)].

HACA Policy

HACA will use the concept of the preponderance of the evidence as the standard for making all termination decisions.

Preponderance of the evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not.

Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence

Consideration of Circumstances [24 CFR 982.552(c)(2)(i)]

HACA is permitted, but not required, to consider all relevant circumstances when determining whether a family's assistance should be terminated.

HACA Policy

HACA will consider the following factors when making its decision to terminate assistance:

The seriousness of the case, especially with respect to how it would affect other residents

The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities or (as discussed further in section 12-II.E) a victim of domestic violence, dating violence, sexual assault, or stalking

The length of time since the violation occurred, the family's recent history and the likelihood of favorable conduct in the future

In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully

HACA will require the participant to submit evidence of the household member's current participation in or successful completion of a supervised drug or alcohol rehabilitation program, or evidence of otherwise having been rehabilitated successfully.

In the case of program abuse, the dollar amount of the overpaid assistance and whether or not a false certification was signed by the family

12-ILE. TERMINATIONS RELATED TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

This section describes the protections against termination of assistance that the Violence against Women Act of 2013~~05~~ (VAWA) provides for victims of domestic violence, dating violence, sexual assault, and stalking. For general VAWA requirements, key VAWA definitions, and PHA policies pertaining to notification, documentation, and confidentiality, see section 16-IX of this plan.

VAWA Protections against Termination

VAWA provides four specific protections against termination of HCV assistance for victims of domestic violence, dating violence, sexual assault, or stalking. (Note: The second, third, and fourth protections also apply to terminations of tenancy or occupancy by owners participating in the HCV program. So do the limitations discussed under the next heading.)

First, VAWA provides that a PHA may not terminate assistance to a family that moves out of an assisted unit in violation of the lease, with or without prior notification to the PHA, if the move occurred to protect the health or safety of a family member who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the unit [24 CFR 982.314(b)(4)].

Second, it provides that an incident or incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking may not be construed either as a serious or repeated lease violation by the victim or as good cause to terminate the assistance of the victim [24 CFR 5.2005(c)(1)].

Third, it provides that criminal activity directly related to domestic violence, dating violence, or stalking may not be construed as cause for terminating the assistance of a tenant if a member of the tenant's household, a guest, or another person under the tenant's control is the one engaging in the criminal activity and the tenant or an ~~immediate family member of the tenant~~affiliated individual or other individual is the actual or threatened victim of the domestic violence, dating violence, sexual assault, or stalking [24 CFR 5.2005(c)(2)].

Fourth, it gives PHAs the authority to terminate assistance to any tenant or lawful occupant who engages in criminal acts of physical violence against family members or others without terminating assistance to, or otherwise penalizing, the victim of the violence [24 CFR 5.2009(a)].

Limitations on VAWA Protections [24 CFR 5.2005(d) and (e)]

VAWA does not limit the authority of a PHA to terminate the assistance of a victim of abuse for reasons unrelated to domestic violence, dating violence, sexual assault, or stalking so long as the PHA does not subject the victim to a more demanding standard than it applies to other program participants [24 CFR 5.2005(d)(1)].

Likewise, VAWA does not limit the authority of a PHA to terminate the assistance of a victim of domestic violence, dating violence, sexual assault, or stalking if the PHA can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the assisted property if the victim is not terminated from assistance [24 CFR 5.2005(d)(2)].

HUD regulations define *actual and imminent threat* to mean words, gestures, actions, or other indicators of a physical threat that (a) is real, (b) would occur within an immediate time frame, and (c) could result in death or serious bodily harm [24 CFR 5.2005(d)(2) and (e)]. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include:

- The duration of the risk
- The nature and severity of the potential harm
- The likelihood that the potential harm will occur
- The length of time before the potential harm would occur [24 CFR 5.2005(e)]

Even when a victim poses an actual and imminent threat, however, HUD regulations authorize a PHA to terminate the victim's assistance "only when there are no other actions that could be taken to reduce or eliminate the threat" [24 CFR 5.2005(d)(3)].

HACA Policy

In determining whether a program participant who is a victim of domestic violence, dating violence, or stalking is an actual and imminent threat to other tenants or those employed at or providing service to a property, HACA will consider the following, and any other relevant, factors:

Whether the threat is toward an employee or tenant other than the victim of domestic violence, dating violence, sexual assault, or stalking

Whether the threat is a physical danger beyond a speculative threat

Whether the threat is likely to happen within a short period of time

Whether the threat to other tenants or employees can be eliminated in some other way, such as by helping the victim relocate to a confidential location or seeking a legal remedy to prevent the perpetrator from acting on the threat

If the participant wishes to contest HACA's determination that he or she is an actual and imminent threat to other tenants or employees, the participant may do so as part of the informal hearing.

Documentation of Abuse [24 CFR 5.2007]

HACA Policy

When a participant facing assistance termination of assistance for reasons related to domestic violence, dating violence, sexual assault, or stalking claims protection under VAWA, HACA will request that the individual provide documentation supporting the claim in accordance with the policies in section 16-IX.D of this plan.

HACA reserves the right to waive the documentation requirement if it determines that a statement or other corroborating evidence from the individual will suffice. In such cases HACA will document the waiver in the individual's file.

Terminating the Assistance of a Domestic Violence Perpetrator

Although VAWA provides protection against termination for victims of domestic violence, it does not provide such protection for perpetrators. VAWA gives HACA the explicit authority to "terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others...without terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant" [24 CFR 5.2009(a)]. This authority is not dependent on a bifurcated lease or other eviction action by an owner against an individual family member. Further, this authority supersedes any local, state, or other federal law to the contrary. However, if HACA chooses to exercise this authority, it must follow any procedures prescribed by HUD or by applicable local, state, or federal law regarding termination of assistance. This means that HACA must follow the same rules when terminating assistance to an individual as it would when terminating the assistance of an entire family [3/16/07 *Federal Register* notice on the applicability of VAWA to HUD programs].

HACA Policy

HACA will terminate assistance to a family member if HACA determines that the family member has committed criminal acts of physical violence against other family members or others. This action will not affect the assistance of the remaining, nonculpable family members.

In making its decision, HACA will consider all credible evidence, including, but not limited to, a signed certification (form HUD-50066) or other documentation of abuse submitted to HACA by the victim in accordance with this section and section 16-IX.D. HACA will also consider the factors in section 12-II.D. Upon such consideration, HACA may, on a case-by-case basis, choose not to terminate the assistance of the culpable family member.

If HACA does terminate the assistance of the culpable family member, it will do so in accordance with applicable law, HUD regulations, and the policies in this plan.

HACA Confidentiality Requirements

All information provided to HACA regarding domestic violence, dating violence, or stalking, including the fact that an individual is a victim of such violence or stalking, must be retained in confidence and may neither be entered into any shared data base nor provided to any related entity, except to the extent that the disclosure (a) is requested or consented to by the individual in

Notice of Termination Based on Citizenship Status [24 CFR 5.514 (c) and (d)]

HACA must terminate assistance if (1) a family fails to submit required documentation within the required timeframe concerning any family member's citizenship or eligible immigration status; (2) evidence of citizenship and eligible immigration status is submitted timely, but USCIS (United States Citizenship and Immigration Service) primary and secondary verification does not verify eligible immigration status of a family; or (3) HACA determines that a family member has knowingly permitted another individual who is not eligible for assistance to reside (on a permanent basis) in the unit. For (3) above, such termination must be for a period of at least 24 months.

The notice of termination must advise the family of the reasons their assistance is being terminated, that they may be eligible for proration of assistance, the criteria and procedures for obtaining relief under the provisions for preservation of families, that they have the right to request an appeal to the USCIS of the results of secondary verification of immigration status and to submit additional documentation or a written explanation in support of the appeal, and that they have the right to request an informal hearing with HACA either upon completion of the USCIS appeal or in lieu of the USCIS appeal. Informal hearing procedures are contained in Chapter 16.

HACA Policy

The notice to terminate will be sent to the family and the owner at least 30 calendar days prior to the effective date of the termination.

12-ILG. HOW TERMINATION OF ASSISTANCE AFFECTS THE HAP CONTRACT AND LEASE

When the family's assistance is terminated, the lease and HAP contract terminate automatically [Form HUD-52641].

The owner may offer the family a separate unassisted lease [HCV GB, p. 15-8].

PART IX: VIOLENCE AGAINST WOMEN ACT (VAWA): NOTIFICATION, DOCUMENTATION, CONFIDENTIALITY

16-IX.A. OVERVIEW

The Violence against Women Act of 2013~~05~~ (VAWA) provides special protections for victims of domestic violence, dating violence, [sexual assault](#), and stalking who are applying for or receiving assistance under the housing choice voucher (HCV) program. If your state or local laws provide greater protection for such victims, those laws take precedence over VAWA.

In addition to definitions of key terms used in VAWA, this part contains general VAWA requirements and PHA policies in three areas: notification, documentation, and confidentiality. Specific VAWA requirements and PHA policies are located primarily in the following sections: 3-I.C, "Family Breakup and Remaining Member of Tenant Family"; 3-III.G, "Prohibition against Denial of Assistance to Victims of Domestic Violence, Dating Violence, and Stalking"; 10-I.A, "Allowable Moves"; 10-I.B, "Restrictions on Moves"; 12-II.E, "Terminations Related to Domestic Violence, Dating Violence, or Stalking"; and 12-II.F, "Termination Notice."

16-IX.B. DEFINITIONS [24 CFR 5.2003]

As used in VAWA:

- The term *bifurcate* means, with respect to a public housing or Section 8 lease, to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.
- The term *dating violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship
 - The type of relationship
 - The frequency of interaction between the persons involved in the relationship
- The term *domestic violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

- The term ~~immediate family member~~ affiliated individual means, with respect to a person:
 - A spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in the position or place of a parent; or
 - Any other person, tenant, or lawful occupant living in the household of that person ~~and related to that person by blood and marriage.~~
- The term *sexual assault* means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks the capacity to consent
- The term *stalking* means:
 - To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or
 - To place under surveillance with the intent to kill, injure, harass, or intimidate another person; and
 - In the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (1) that person, (2) a member of the immediate family of that person, or (3) the spouse or intimate partner of that person.

16-IX.C. NOTIFICATION [24 CFR 5.2005(a)]

Notification to Public

HACA adopts the following policy to help ensure that all actual and potential beneficiaries of its HCV program are aware of their rights under VAWA.

HACA Policy

HACA will post the following information regarding VAWA in its offices and on its Web site. It will also make the information readily available to anyone who requests it.

A summary of the rights and protections provided by VAWA to housing choice voucher program applicants and participants who are or have been victims of domestic violence, dating violence, sexual assault, or stalking (see sample notices in Exhibits 16-1 and 16-2)

The definitions of *domestic violence*, *dating violence*, sexual assault, and *stalking* provided in VAWA (included in Exhibits 16-1 and 16-2)

An explanation of the documentation that HACA may require from an individual who claims the protections provided by VAWA (included in Exhibits 16-1 and 16-2)

A copy of form HUD-50066, Certification of Domestic Violence, Dating Violence, or Stalking

A statement of HACA's obligation to keep confidential any information that it receives from a victim unless (a) HACA has the victim's written permission to release the information, (b) it needs to use the information in an eviction proceeding, or (c) it is compelled by law to release the information (included in Exhibits 16-1 and 16-2)

The National Domestic Violence Hot Line: 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY) (included in Exhibits 16-1 and 16-2)

Contact information for local victim advocacy groups or service providers

Notification to Program Applicants and Participants [24 CFR 5.2005(a)(1)]

PHAs are required to inform applicants and program participants of their rights under VAWA, including their right to confidentiality and the limits thereof, when they are denied assistance, when they are admitted to the program, and when they are notified of an eviction or termination of housing benefits. ~~Since VAWA provides protections for applicants as well as participants, PHAs may elect to provide the same information to applicants.~~

HACA Policy

HACA will provide all applicants with information about VAWA at the time they request an application for housing assistance. HACA will also include information about VAWA in all notices of denial of assistance (see section 3-III.G).

HACA will provide all participants with information about VAWA at the time of admission (see section 5-I.B) and at annual reexamination. HACA will also include information about VAWA in notices of termination of assistance, as provided in section 12-II.F.

The VAWA information provided to applicants and participants will consist of the notice in Exhibit 16-1 and a copy of form HUD-50066, Certification of Domestic Violence, Dating Violence, and Stalking.

Notification to Owners and Managers [24 CFR 5.2005(a)(2)]

PHAs are required to notify owners and managers participating in the HCV program of their rights and obligations under VAWA.

HACA Policy

HACA will provide owners and managers with information about their rights and obligations under VAWA when they begin their participation in the HCV program and at least annually thereafter.

The VAWA information provided to owners will consist of the notice in Exhibit 16-2 and a copy of form HUD-50066, Certification of Domestic Violence, Dating Violence, and Stalking.

16-IX.D. DOCUMENTATION [24 CFR 5.2007]

A PHA presented with a claim for initial or continued assistance based on status as a victim of domestic violence, dating violence, sexual assault, stalking, or criminal activity related to any of these forms of abuse may—but is not required to—request that the individual making the claim document the abuse. Any request for documentation must be in writing, and the individual must be allowed at least 14 business days after receipt of the request to submit the documentation. The PHA may extend this time period at its discretion. [24 CFR 5.2007(a)]

The individual may satisfy the PHA's request by providing any one of the following three forms of documentation [24 CFR 5.2007(b)]:

- (1) A completed and signed HUD-approved certification form (HUD-50066, Certification of Domestic Violence, Dating Violence, or Stalking), which must include the name of the perpetrator only if the name of the perpetrator is safe to provide and is known to the victim
- (2) A federal, state, tribal, territorial, or local police report or court record
- (3) Documentation signed by a person who has assisted the victim in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of such abuse. This person may be an employee, agent, or volunteer of a victim service provider; an attorney; or a medical professional. Acceptable documentation also includes a record of an administrative agency, and documentation from a mental health professional. The person signing the documentation must attest under penalty of perjury to the person's belief that the incidents in question are bona fide incidents of abuse. The victim must also sign the documentation.

The PHA may not require third-party documentation (forms 2 and 3) in addition to certification (form 1), except as specified below under "Conflicting Documentation," nor may it require certification in addition to third-party documentation [VAWA final rule].

HACA Policy

Any request for documentation of domestic violence, dating violence, sexual assault, or stalking will specify a deadline of 14 business days following receipt of the request, will describe the three forms of acceptable documentation, will provide explicit instructions on where and to whom the documentation must be submitted, and will state the consequences for failure to submit the documentation or request an extension in writing by the deadline.

HACA may, in its discretion, extend the deadline for 10 business days. Any extension granted by HACA will be in writing.

Conflicting Documentation [24 CFR 5.2007(e)]

In cases where the PHA receives conflicting certification documents from two or more members of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, the PHA may determine which is the true victim by requiring each to provide acceptable third-party documentation, as described above (forms 2 and 3). The PHA must honor any court orders issued to protect the victim or to address the distribution of property.

HACA Policy

If presented with conflicting certification documents (two or more forms HUD-50066) from members of the same household, HACA will attempt to determine which is the true victim by requiring each of them to provide third-party documentation in accordance with 24 CFR 5.2007(b)(2) or (3) and by following any HUD guidance on how such determinations should be made.

Discretion to Require No Formal Documentation [24 CFR 5.2007(d)]

The PHA has the discretion to provide benefits to an individual based solely on the individual's statement or other corroborating evidence—i.e., without requiring formal documentation of abuse in accordance with 24 CFR 5.2007(b).

HACA Policy

If HACA accepts an individual's statement or other corroborating evidence of domestic violence, dating violence, sexual assault, or stalking, HACA will document acceptance of the statement or evidence in the individual's file.

Failure to Provide Documentation [24 CFR 5.2007(c)]

In order to deny relief for protection under VAWA, a PHA must provide the individual requesting relief with a written request for documentation of abuse. If the individual fails to provide the documentation within 14 business days from the date of receipt, or such longer time as the PHA may allow, the PHA may deny relief for protection under VAWA.

16-IX.E. CONFIDENTIALITY [24 CFR 5.2007(b)(4)]

All information provided to the PHA regarding domestic violence, dating violence, sexual assault, or stalking, including the fact that an individual is a victim of such violence, sexual assault, or stalking, must be retained in confidence. This means that the PHA (1) may not enter the information into any shared database, (2) may not allow employees or others to access the information unless they are explicitly authorized to do so and have a need to know the information for purposes of their work, and (3) may not provide the information to any other entity or individual, except to the extent that the disclosure is (a) requested or consented to by the individual in writing, (b) required for use in an eviction proceeding, or (c) otherwise required by applicable law.

HACA Policy

If disclosure is required for use in an eviction proceeding or is otherwise required by applicable law, HACA will inform the victim before disclosure occurs so that safety risks can be identified and addressed.

EXHIBIT 16-1: SAMPLE NOTICE TO HOUSING CHOICE VOUCHER APPLICANTS AND TENANTS REGARDING THE VIOLENCE AGAINST WOMEN ACT (VAWA)

This sample notice was adapted from a notice prepared by the National Housing Law Project.

A federal law that went into effect in 2013⁰⁶ protects individuals who are victims of domestic violence, dating violence, sexual assault, and stalking. The name of the law is the Violence against Women Act, or "VAWA." This notice explains your rights under VAWA.

Protections for Victims

If you are eligible for a Section 8 voucher, the housing authority cannot deny you rental assistance solely because you are a victim of domestic violence, dating violence, sexual assault, or stalking.

If you are the victim of domestic violence, dating violence, sexual assault, or stalking, you cannot be terminated from the Section 8 program or evicted based on acts or threats of violence committed against you. Also, criminal acts directly related to the domestic violence, dating violence, sexual assault, or stalking that are caused by a member of your household or a guest can't be the reason for evicting you or terminating your rental assistance if you were the victim of the abuse.

Reasons You Can Be Evicted

You can be evicted and your rental assistance can be terminated if the housing authority or your landlord can show there is an *actual and imminent* (immediate) threat to other tenants or employees at the property if you remain in your housing. Also, you can be evicted and your rental assistance can be terminated for serious or repeated lease violations that are not related to the domestic violence, dating violence, sexual assault, or stalking committed against you. The housing authority and your landlord cannot hold you to a more demanding set of rules than it applies to tenants who are not victims.

Removing the Abuser from the Household

Your landlord may bifurcate (split) the lease to evict a tenant who has committed criminal acts of violence against family members or others, while allowing the victim and other household members to stay in the assisted unit. Also, the housing authority can terminate the abuser's Section 8 rental assistance while allowing you to continue to receive assistance. If the landlord or housing authority chooses to remove the abuser, it may not take away the remaining tenants' rights to the unit or otherwise punish the remaining tenants. In removing the abuser from the household, your landlord must follow federal, state, and local eviction procedures.

Moving to Protect Your Safety

The housing authority may permit you to move and still keep your rental assistance, even if your current lease has not yet expired. The housing authority may require that you be current on your rent or other obligations in the housing choice voucher program. The housing authority may ask you to provide proof that you are moving because of incidences of abuse.

Proving that You Are a Victim of Domestic Violence, Dating Violence, or Stalking

The housing authority and your landlord can ask you to prove or “certify” that you are a victim of domestic violence, dating violence, sexual assault, or stalking. The housing authority and your landlord must give you at least 14 business days (i.e. Saturdays, Sundays, and holidays do not count) to provide this proof. The housing authority and your landlord are free to extend the deadline. There are three ways you can prove that you are a victim:

- Complete the certification form given to you by the housing authority or your landlord. The form will ask for your name, the name of your abuser, the abuser’s relationship to you, the date, time, and location of the incident of violence, and a description of the violence. You are only required to provide the name of the abuser if you know the name and if it is safe to provide it.
- Provide a statement from a victim service provider, attorney, or medical professional who has helped you address incidents of domestic violence, dating violence, sexual assault, or stalking. The professional must state that he or she believes that the incidents of abuse are real. Both you and the professional must sign the statement, and both of you must state that you are signing “under penalty of perjury.”
- Provide a police or court record, such as a protective order.

If you fail to provide one of these documents within the required time, the landlord may evict you, and the housing authority may terminate your rental assistance.

Confidentiality

The housing authority and your landlord must keep confidential any information you provide about the violence against you, unless:

- You give written permission to the housing authority or your landlord to release the information.
- Your landlord needs to use the information in an eviction proceeding, such as to evict your abuser.
- A law requires the housing authority or your landlord to release the information.

If release of the information would put your safety at risk, you should inform the housing authority and your landlord.

VAWA and Other Laws

VAWA does not limit the housing authority’s or your landlord’s duty to honor court orders about access to or control of the property. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.

VAWA does not replace any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking.

For Additional Information

If you have any questions regarding VAWA, please contact the Alameda County Family Justice Center, 470 27th St., Oakland, CA 94612, at (510) 267-8800.

For help and advice on escaping an abusive relationship, call the National Domestic Violence Hotline at 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY).

Definitions

For purposes of determining whether a tenant may be covered by VAWA, the following list of definitions applies:

VAWA defines *domestic violence* to include felony or misdemeanor crimes of violence committed by any of the following:

- A current or former spouse of the victim
- A person with whom the victim shares a child in common
- A person who is cohabitating with or has cohabitated with the victim as a spouse
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies
- Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction

VAWA defines *dating violence* as violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the victim AND (2) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

VAWA defines *stalking* as (A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person OR (ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person AND (B) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (i) that person, (ii) a member of the immediate family of that person, or (iii) the spouse or intimate partner of that person.

VAWA defines sexual assault as "any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent" (42 U.S.C. 13925(a)).

EXHIBIT 16-2: SAMPLE NOTICE TO HOUSING CHOICE VOUCHER OWNERS AND MANAGERS REGARDING THE VIOLENCE AGAINST WOMEN ACT (VAWA)

This sample notice was adapted from a notice prepared by the National Housing Law Project.

A federal law that went into effect in 2013~~06~~ protects individuals who are victims of domestic violence, dating violence, and stalking. The name of the law is the Violence against Women Act, or "VAWA." This notice explains your obligations under VAWA.

Protections for Victims

You cannot refuse to rent to an applicant solely because he or she is a victim of domestic violence, dating violence, or stalking.

You cannot evict a tenant who is the victim of domestic violence, dating violence, sexual assault, or stalking based on acts or threats of violence committed against the victim. Also, criminal acts directly related to the domestic violence, dating violence, sexual assault, or stalking that are caused by a household member or guest cannot be cause for evicting the victim of the abuse.

Permissible Evictions

You can evict a victim of domestic violence, dating violence, sexual assault, or stalking if you can demonstrate that there is an *actual* or *imminent* (immediate) threat to other tenants or employees at the property if the victim is not evicted. Also, you may evict a victim for serious or repeated lease violations that are not related to the domestic violence, dating violence, sexual assault, or stalking. You cannot hold a victim of domestic violence, dating violence, sexual assault, or stalking to a more demanding standard than you hold tenants who are not victims.

Removing the Abuser from the Household

You may bifurcate (split) the lease to evict a tenant who has committed criminal acts of violence against family members or others, while allowing the victim and other household members to stay in the unit. If you choose to remove the abuser, you may not take away the remaining tenants' rights to the unit or otherwise punish the remaining tenants. In removing the abuser from the household, you must follow federal, state, and local eviction procedures.

Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

If a tenant asserts VAWA's protections, you can ask the tenant to certify that he or she is a victim of domestic violence, dating violence, sexual assault, or stalking. You are not required to demand official documentation and may rely upon the victim's statement alone. If you choose to request certification, you must do so in writing and give the tenant at least 14 business days to provide documentation. You are free to extend this deadline. A tenant can certify that he or she is a victim by providing any one of the following three documents:

- A completed, signed HUD-approved certification form. The most recent form is HUD-50066. This form is available at the housing authority, or online at <http://www.hud.gov/offices/adm/hudclips/forms/hud5.cfm>.
- A statement from a victim service provider, attorney, or medical professional who has helped the victim address incidents of domestic violence, dating violence, sexual assault, or stalking. The professional must state that he or she believes that the incidents of abuse are real. Both the victim and the professional must sign the statement under penalty of perjury.
- A police or court record, such as a protective order.

If the tenant fails to provide one of these documents within 14 business days, you may evict the tenant if authorized by otherwise applicable law and lease provisions.

Confidentiality

You must keep confidential any information a tenant provides to certify that he or she is a victim of domestic violence, dating violence, sexual assault, or stalking. You cannot enter the information into a shared database or reveal it to outside entities unless:

- The tenant provides written permission releasing the information.
- The information is required for use in an eviction proceeding, such as to evict the abuser.
- Release of the information is otherwise required by law.

The victim should inform you if the release of the information would put his or her safety at risk.

VAWA and Other Laws

VAWA does not limit your obligation to honor court orders regarding access to or control of the property. This includes orders issued to protect the victim and orders dividing property among household members in cases where a family breaks up.

VAWA does not replace any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking.

Additional Information

- If you have any questions regarding VAWA, please contact the Alameda County Family Justice Center, 470 27th St., Oakland, CA 94612, at (510) 267-8800.
- HUD Notice PIH 2006-42 contains detailed information regarding VAWA's certification requirements. The notice is available at <http://www.hud.gov/offices/adm/hudclips/notices/pih/06pihnotices.cfm>.