



HOUSING COMMISSION AGENDA
Regular Meeting: September 14, 2016
Time: 8:00 a.m.

HACA Board Room, 22941 Atherton Street, Hayward, CA 94541

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, September 8, 2016, 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.

1. CALL TO ORDER / ROLL CALL

2. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - 2 CASES

World Priority LLC v. Housing Authority of the County of Alameda, Superior Court, State of California, County of Alameda, Case No. RG14752066

Philadelphia Indemnity Insurance Co. v. Housing Authority of the County of Alameda, Superior Court, State of California, County of Alameda, Case No. RG16820347

3. APPROVAL OF THE MINUTES OF THE JULY 20, 2016 MEETING

ACTION

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4. PUBLIC COMMENT - On matters not on the Agenda

5. NEW BUSINESS

5-1. Section 8 Benefit Payment Standards

ACTION

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5-2. Ratification of the Memorandum of Understanding with Abode Services

ACTION

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5-3. Consider Support for Alameda County Housing Bond, Measure A

**PRESENTATION
AND ACTION**

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5-4. Management Class Annual Comparability Adjustment

ACTION

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5-5. HACA Section 8 Administrative Plan Revisions

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5-6. Change Order #2 to Contract No. HACA 2013-03A, Emery Glen Exterior Improvements

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HOUSING COMMISSION AGENDA (CONTINUED)

Regular Meeting: September 14, 2016

Time: 8:00 a.m.

HACA Board Room, 22941 Atherton Street, Hayward, CA 94541

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5-7.	Approve Appointment to the Preserving Alameda County Housing, Inc. (PACH) Board of Directors	ACTION 30
5-8.	Financial Status Report for the Quarter and Year Ended June 30, 2016 (Unaudited)	INFORMATION 31
5-9.	Program Activity Report	INFORMATION 33
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6.	COMMISSIONER REPORTS	
7.	COMMUNICATIONS Report on the HUD PHA Listening Sessions Summer 2016 - Arizona	
8.	ADJOURNMENT	

MINUTES
July 20, 2016



**HOUSING COMMISSION MINUTES
SPECIAL MEETING: JULY 20, 2016
HACA BOARD ROOM, 22941 ATHERTON STREET, HAYWARD, CA 94541**

SUMMARY ACTION MINUTES

1. CALL TO ORDER/ROLL CALL

Call to Order

Chairperson Biddle called the meeting to order at 8:00 a.m.

Roll Call

Present: Cmr. Bacon, Biddle, Buckholz, Cox, Gacoscos, Gerry, Hannon, Iosefa, Maass, and Peixoto

Excused: Cmr. Asher and Steiner

2. ELECTION OF OFFICERS

Chairperson Biddle announced that the Nominating Committee selected Cmr. Pat Gacoscos and Mark Gerry as candidates for the Chairperson and Vice Chairperson positions, respectively. The Commission elected the recommended candidates. Newly elected Chairperson Gacoscos chaired the remainder of the meeting.

Recommendation: Approve the nomination of Cmr. Gacoscos and Gerry to the positions of Chairperson and Vice Chairperson, respectively, of the Housing Commission.

Commission Discussion: Chairperson Gacoscos thanked Cmr. Biddle for serving as the Commission Chairperson. Cmr. Biddle commented that he enjoyed serving in the position. Chairperson Gacoscos welcomed newly appointed Commissioner Deborah Cox from the City of San Leandro.

Motion/Second: Bacon/Hannon.

Ayes: All. Motion passed. **APPROVED AS RECOMMENDED.**

3. APPROVAL OF THE MINUTES OF THE JUNE 8, 2016 HOUSING COMMISSION MEETING

Recommendation: Approve the minutes of the June 8, 2016 Housing Commission meeting as presented.

Motion/Second: Bacon/Maass.

Ayes: 9; 1 abstention: Cmr. Cox. Motion passed. **APPROVED AS RECOMMENDED.**

4. PUBLIC COMMENT

None.

5. NEW BUSINESS

5-1. PRESENTATION: RECOGNITION OF THE 2016 HACA SCHOLARSHIP WINNERS

Daniel Taylor, Special Programs Manager, presented the staff report. Ms. Gouig suggested that the Commission move on to the next item of business on the agenda pending the arrival of the scholarship winners for this presentation and that the Commission return to this agenda item once they were present in the HACA Board Room.

5-2. PRESENTATION: RECOGNITION OF EMPLOYEE YEARS OF SERVICE.

Christine Gouig presented the staff report. Ms. Gouig described HACA's employee service awards program and explained that the program includes a presentation to the Housing Commission of employees who have achieved 25 years or more of service. She reported that HACA employees Dorene Carr, Neomia Cooper, Ramona Flores and Cathy Leoncio all have achieved 25 years of service and that HACA employee Carol Alves has achieved 44 years of service. The employees who were present in the audience were asked to stand and were applauded. Neomia Cooper, an Eligibility Technician in the Programs Department, thanked the Commission for the recognition.

Mary Rizzo-Shuman, Programs Manager, recognized Ramona Flores, Housing Specialist, and Neomia Cooper, Eligibility Technician, for achieving 25 years of service at HACA. She reported that Ms. Flores & Ms. Cooper work in HACA's Programs Department and described their individual roles at HACA through the years and praised them for their strong work ethic and dedication to HACA.

Ms. Gouig recognized Cathy Leoncio, Finance Director, for achieving 25 years of service at HACA. She described Ms. Leoncio's role in the agency, praised Ms. Leoncio for her knowledge and expertise in governmental accounting practices and HUD financial regulations, and expressed appreciation for the excellent work that Ms. Leoncio does for the agency. Ms. Leoncio thanked Ms. Gouig and the Commission for the recognition.

Beverly Brewer, Procurement Analyst, recognized Carol Alves, Administrative Clerk, for achieving 44 years of service. Ms. Brewer described Ms. Alves' role in the Procurement Department and provided a brief history of her work, first with the Dublin Housing Authority and then with HACA. She praised Ms. Alves for her dependability, efficiency and initiative and described some of the things that Ms. Alves has done to improve HACA's procurement processes. Ms. Brewer thanked Ms. Alves for the excellent work that she does for HACA's Procurement Department.

George Smith, Maintenance and Modernization Manager, recognized Dorene Carr for achieving 25 years of service at HACA. He described Ms. Carr's work in the Maintenance and Modernization Department and praised her for work.

Chairperson Gacoscos congratulated the employees on their achievements and thanked them for their service to HACA.

Ms. Alves and Ms. Flores were introduced to the Commission by their managers and were applauded.

Chairperson Gacoscos returned to agenda item 5-1.

5-1. PRESENTATION: RECOGNITION OF THE 2016 HACA SCHOLARSHIP WINNERS

Daniel Taylor announced the names of the 2016 HACA Scholarship winners who were present at the meeting and each of the winners described their plans, goals and achievements. Mr. Taylor also announced the names of the scholarship winners who were not present at the meeting and the schools they were attending.

Commission Discussion: Chairperson Gacoscos commended the scholarship winners on their outstanding achievements.

5-3. PRESENTATION: RECOGNIZE LIENCHI LE AS HACA'S SHINING STAR FOR JULY-DECEMBER 2016

Christine Gouig introduced Lienchi Le, an Eligibility Technician in HACA's Programs Department, as HACA's Shining Star for July-December 2016. Linda Evans, FSS Program Leadworker and Chairperson of HACA's Communications Committee, read the comments that were submitted by those who nominated Lienchi. The Commission and public applauded Lienchi and Chairperson Gacoscos presented her with a certificate. Lienchi thanked her peers for the nomination and award and commented that there are many "Shining Stars" at HACA.

Commission Discussion: Chairperson Gacoscos congratulated Lienchi on her award. Cmr. Hannon commented that he's worked in government for many years and always appreciates when public employees are recognized for their outstanding work and congratulated Lienchi on receiving the HACA Shining Star award. Mary Rizzo-Shuman thanked the Commission for recognizing Lienchi. She praised Lienchi for her work in the Programs Department and commented that Lienchi is an asset to the agency.

5-4. RESOLUTION NO. 08-16: APPROVING HACA'S OPERATING BUDGET FOR THE JULY 1, 2016-JUNE 30, 2017 FISCAL YEAR

Christine Gouig gave a brief introduction to this item. She reported that HACA's Budget/Audit/Negotiations Committee held a meeting to review the proposed budget in detail and recommends that the Commission approve the proposed budget as presented. Ms. Gouig provided the Commission with an update on the status of the federal budget and indicated HACA continues to experience challenges as result of the insufficient funding from HUD.

Cathy Leoncio presented the staff report. Ms. Leoncio provided a summary of the income and expenses in the proposed budget and described the factors that were considered in the proposed budget projections.

Recommendation: Approve Resolution No. 08-16 approving HACA's proposed operating budget for the July 1, 2016-June 30, 2017 fiscal year as presented.

Commission Discussion: Cmr. Hannon and Ms. Leoncio discussed how the salaries for employees are budgeted. Cmr. Biddle commented that he served on the Budget Committee and talked about some of the challenges HACA is faced with due to the insufficient funding from HUD. Ms. Gouig commented that it is very difficult to manage the work required by HUD's regulations with funding that HUD provides and described some of the initiatives that HACA has undertaken in order to maintain its programs.

Motion/Second: Biddle/Buckholz.

Ayes: All. Motion passed. **APPROVED AS RECOMMENDED.**

5-5. RESOLUTION NO. 09-16: AUTHORIZING SUBMISSION OF THE SECTION EIGHT MANAGEMENT ASSESSMENT PROGRAM (SEMAP) CERTIFICATION TO HUD

Christine Gouig introduced this item. Ms. Gouig explained the process for submitting the Section Eight Management Assessment Program (SEMAP) certification to HUD and reported that HACA received an overall SEMAP rating of "High Performer." Jennifer Cado, Senior Administrative Analyst, presented the staff report. Ms. Cado explained the 14 key performance indicators that are used in SEMAP to measure HACA's performance in the administration of the Section 8 program. She reported that with the exception of one performance indicator, HACA received full points in SEMAP and the "High Performer" rating overall. Ms. Cado thanked staff for their hard work over the past year. Ms. Gouig reported that HUD announced the SEMAP program will be re-vamped and it is likely that HUD will introduce an entirely new assessment system.

Recommendation: Adopt Resolution No. 09-16 approving the Section Eight Management Assessment Program certification and authorizing submittal of certification to HUD.

Commission Discussion: Cmr. Hannon commented on his experience in working with HUD. He commended staff for their SEMAP achievements.

Motion/Second: Hannon/Bacon.

Ayes: All. Motion passed. **APPROVED AS RECOMMENDED.**

5-6. PUBLIC HEARING: RESOLUTION NO. 10-16 APPROVING AN AMENDMENT TO HACA'S ANNUAL PUBLIC HOUSING AGENCY PLAN FOR THE FISCAL YEAR BEGINNING JULY 1, 2016 - PUBLIC HEARING

Ron Dion, Deputy Director for Programs, presented the staff report. Mr. Dion explained that HACA's site located at 29800 Mission Boulevard in Hayward is the only development remaining in HACA's Public Housing Program and that staff is proposing to 'dispose of' the site to PACH, HACA's non-profit instrumentality. He further explained that staff is proposing to amend HACA's Annual Public Housing Agency Plan (PHA Plan) to incorporate provisions for the submission of the inventory removal application to HUD. He thanked Cmr. Peixoto for his assistance in obtaining a letter of support from the City of Hayward. Mr. Dion reported that staff completed the required consultation with the HACA Resident Advisory Board (RAB) about the proposed amendment to the PHA Plan and that the RAB did not propose any changes. He recommended that the Commission conduct a public hearing and approve the proposed amendment as presented.

Public Hearing: Chairperson Gacoscos opened the public hearing at 8:55 a.m. No comments from the public were received. Chairperson Gacoscos closed the public hearing at 8:56 a.m.

Recommendation: Adopt Resolution No. 10-16 to amend HACA's annual Public Housing Agency Plan for the July 1, 2016 - June 30, 2017 fiscal year.

Commission Discussion: None.

Motion/Second: Hannon/Peixoto.

Ayes: All. Motion passed. **APPROVED AS RECOMMENDED.**

5-7. RESOLUTION NO. 11-16: APPROVING DISPOSITION APPLICATION FOR 29800 MISSION BOULEVARD

Ron Dion presented the staff report. Mr. Dion summarized the process for the submittal of a disposition application to HUD for the disposal of the site located at 29800 Mission Boulevard in Hayward. He explained that an Environmental Review (ER) on the project is being completed by the City of Hayward and that the ER will be submitted to HUD upon completion. Mr. Dion stated that Section 5, item number 8, of the inventory removal application in the exhibit attached to the staff report shows the preliminary appraisal amount of \$1.17 million. He noted for the record that the appraisal amount should be shown as \$1.58 million on the disposition application.

Recommendation: Adopt Resolution No. 11-16 approving and authorizing the submittal of the disposition application to dispose of the site located at 29800 Mission Boulevard in Hayward.

Commission Discussion: None.

Motion/Second: Biddle/Cox

Ayes: All. Motion passed. **APPROVED AS RECOMMENDED.**

5-8. ACTION: REVISION TO HACA'S PERSONNEL RULE RE: MANAGEMENT VACATION SELL BACK

Charla Freckmann, Human Resources Analyst, presented the staff report. Ms. Freckmann explained that Section 3.17.3 of HACA's Personnel Rules includes a provision that allows management employees to sell back their accrued vacation for the equivalent cash value. She reported that staff is proposing to amend this rule to make it clearer as to how this benefit is implemented and administered and to increase the number of hours of accrued vacation that management employees are allowed to sell back.

Recommendation: Approve the proposed amendments to HACA Personnel Rule 3.17.3 as presented.

Commission Discussion: Cmr. Hannon commented that while he supports the vacation sell back benefit he wants to encourage employees to take time off. Cmr. Peixoto and Ms. Freckmann discussed the California Employees' Pension Reform Action of 2013 (PEPRA). Ms. Freckmann indicated that one of the reasons staff is proposing to update the language is to ensure that HACA is in compliance with PEPRA.

Motion/Second: Biddle/Bacon.

Ayes: All. Motion passed. **APPROVED AS RECOMMENDED.**

5-9. ACTION: PROCUREMENT AWARD FOR TEMPORARY STAFFING SERVICES

Beverly Brewer presented the staff report. Ms. Brewer reported that staff issued a Request for Proposals for temporary staffing services on June 16, 2016. She described the criteria that staff used to evaluate the proposals. Ms. Brewer recommended that the Commission award a contract

to AppleOne Employment Services of Fremont, California in an amount not to exceed \$225,000. Ms. Gouig noted that these temporary staffing services would be used on an as-needed basis only and described some of the scenarios that would warrant the need for a temporary employee.

Recommendation: Award contract for temporary staffing services for an amount not to exceed \$225,000 and authorize the Executive Director to negotiate and enter into a contract with Howroyd-Wright Employment Agency, Inc. DBA AppleOne Employment Services.

Commission Discussion: Cmr. Peixoto asked if staff needs to meet and confer with the employee union regarding the use of temporary employees and Ms. Gouig indicated that a meet and confer is not required for the use of temporary employees to backfill a vacant position. Cmr. Hannon and Ms. Brewer discussed some of the vendor's performance requirements.

Motion/Second: Biddle/Buckholz.

Ayes: All. Motion passed. **APPROVED AS RECOMMENDED.**

5-10. INFORMATION: QUARTERLY INVESTMENT PORTFOLIO REPORT FOR THE QUARTER ENDED JUNE 30, 2016

Cathy Leoncio presented the staff report. Report received with no questions or comments from the Commission.

5-11. INFORMATION: BUDGET STATUS REPORT

Cathy Leoncio presented the staff report. Report received with no questions or comments from the Commission.

5-12. INFORMATION: PROGRAM ACTIVITY REPORT

Daniel Taylor presented the staff report. Mr. Taylor recognized a 2016 HACA Scholarship winner who had arrived late to the meeting. He praised the Family Self-Sufficiency (FSS) Coordinators for their hard work. Mr. Taylor announced that the annual Health and Resource Fair will take place on Saturday, July 23 and invited the Commissioners to attend. Ms. Cado announced that HACA applied for and was awarded 2016-2017 funding for our four FSS Coordinator positions.

6. COMMITTEE REPORTS

None.

7. COMMISSIONER REPORTS

Cmr. Peixoto announced that the City of Hayward appointed Kelly McAdoo as the new City Manager.

Cmr. Gerry congratulated Chairperson Gacoscos and thanked Cmr. Biddle for his service as the Housing Commission Chairperson. Cmr. Peixoto thanked Cmr. Biddle for his leadership during challenging times. Chairperson Gacoscos welcomed Cmr. Cox. Cmr. Cox stated that she is happy to represent the City of San Leandro.

8. COMMUNICATIONS

Ms. Gouig reported that HUD made special administrative funding available for Veterans Affairs Supportive Housing (VASH) and that HACA applied for and was awarded this funding. She described some of the challenges that VASH program participants are facing in their search for affordable housing and explained that this special administrative funding will enable HACA to partner with Abode Services to assist VASH participants in their search for housing. Ms. Gouig noted that since there will be no August Commission meeting, she will sign an MOU with Abode Services and bring the MOU to the Commission for ratification at the September meeting.

Ms. Gouig also reported on her attendance at the 2016 NAHRO National Conference in Portland, Oregon. She described some of the new HUD initiatives that were announced at the conference. Ms. Gouig indicated that HUD is also going to introduce Small Area Fair Market Rents (SAFMR) and described the issues that housing authorities will face if HUD implements SAFMRs. She indicated that housing authorities in the region are working together to comment on the SAFMR regulations. Ms. Gouig provided an update on HUD’s Administrative Fee study.

Ms. Gouig announced that a representative from Alameda County may be doing a presentation on the affordable housing bond that will be on the November ballot at the Commission’s September meeting. She also announced that a bill that many housing authorities had been supporting for some time was approved by the House of Representatives and the Senate and is now pending the President’s signature. Ms. Gouig gave an overview of this bill and explained that the bill will give housing authorities more flexibility in the Project-Based Voucher program.

Cmr. Gerry commented on the status of the current rental market.

Public Comment: David Koutney, a landlord, commented on the current rental market and an experience that he had in processing a rental contract with HACA. Chairperson Gacoscos thanked him for his comments and recommended that Mr. Koutney speak with Cathy Leoncio.

Cmr. Buckholz and Ms. Gouig discussed the SAFMRs and how difficult it would be to assign payment standards to a particular zip code.

7. ADJOURNMENT

There being no further business Chairperson Biddle adjourned the meeting at 9:34 a.m.

Respectfully Submitted,

Melissa Taesali
Executive Assistant

Christine Gouig
Executive Director/Housing Commission Secretary

Approved:

Pat Gacoscos
Housing Commission Chairperson

NEW BUSINESS

September 14, 2016

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

AGENDA STATEMENT

Meeting: September 14, 2016

Subject: Section 8 HCV Payment Standards

Exhibits Attached: None

Recommendation: Approve the Proposed Payment Standards for the HCV Program

Financial Statement: \$1,490,478 per year potential increase in HAP paid to landlords

BACKGROUND

A housing authority's payments to landlords to subsidize the rents of Section 8 Housing Choice Voucher (HCV) Program participants are called "Housing Assistance Payments" (HAP). A formula determines the total HAP funding that HUD provides annually to each housing authority. Congress may or may not appropriate sufficient funds to fund 100% of that formula.

A housing authority must manage the HAP funds that it receives from HUD to pay landlords enough so that families can afford modest housing and yet not run out of money before the end of the year when new funding is provided. If a housing authority sets the rents that families are allowed to pay too low for its market area, families won't be able to find suitable housing and/or will have to pay too much of their income (i.e., more than 30% - 40%) for rent. If the housing authority sets rents too high, it will run out of HAP funds and will have to reduce the size of its program, possibly having to terminate the leases of participating families.

The rents that a housing authority allows participating families to pay are determined, in large part, by HUD. Every year, HUD publishes "fair market rents" for each market area in the United States to be effective on October 1 of that year. Fair market rent (FMR) is the rent, including the cost of utilities (except telephone and cable TV), that must be paid in the market area to rent privately owned, decent, safe and sanitary rental housing that is *modest* (i.e., non-luxury). It is not intended that the FMRs enable a participating family to rent every type of unit in a community.

After HUD publishes the FMRs, every housing authority must then adopt one or more "payment standard" schedules based on those FMRs. A housing authority may either adopt a single payment standard amount for its whole FMR area, or a separate payment standard amount for each designated part of the FMR area (e.g., for each city).

HACA AGENDA ITEM NO.: 5-1.

The payment standard establishes the voucher amount for each unit size, i.e., the **maximum** gross rent (rent plus utilities) that will be used by the housing authority to compute the monthly HAP that it will pay the landlord on behalf of the Section 8 family. The **actual** gross rent that the housing authority will use is based on the reasonableness of the rent in comparison to that of similar units in the same neighborhood; it is not automatically the payment standard.

The housing authority may establish the payment standard amount for a unit size at any level between 90% and 110% of the published FMR for that unit size. HUD approval is not required to establish a payment standard amount in that range (called the “basic range”), but *is* required to establish a payment standard amount that is higher or lower than the basic range.

DISCUSSION AND ANALYSIS

HUD has published the 2016-2017 FMRs. The FMRs are 3.29% - 3.99% higher than our February 8, 2016 final FMRs that resulted from the rental market survey that the Alameda and Contra Costa County housing authorities procured.

Staff has analyzed Section 8 program data, including 1) gross rents currently being paid by Section 8 participants, paying close attention to those that moved in the previous year, 2) the number of “over-housed” families (that is, families living in a unit larger than their voucher size), 3) the number of families whose rent exceeds the current payment standard (where the tenant pays the overage), 4) the percentage of families whose rent exceeds 30% of their adjusted monthly income, 5) recently approved increases in the utility allowances, and 6) the impact on the total tenant rent portion of existing participants. After a thorough analysis of its data, staff proposes the following to be made effective December 1, 2016 (the first of the month following 60 days after the FMR effective date):

- For the cities of Albany, Castro Valley and Emeryville, set the payment standards at 106% of the revised FMR, an amount equal to an average of a 10.6% increase in the current payment standard.
- For the cities of Dublin and Pleasanton, set the payment standards at 110% of the revised FMR, an amount equal to an average of a 9.4% increase in the current payment standard.
- For the cities of Fremont, Newark and Union City, set the payment standards at 108% of the revised FMR, an amount equal to an average of a 10% increase in the current payment standard.
- For the cities of Hayward, San Leandro and San Lorenzo, set the payment standards at 104% of the revised FMR, an amount equal to an average of an 11.6% increase in the current payment standard.

All proposed payment standards are within the basic HUD range of 90 – 110 percent of FMR and do not require HUD approval.

RECOMENDATION

Staff recommends that your Housing Commission approve the payment standards shown on the following page.

PAYMENT STANDARDS BY CITY

City	Unit Size by Bedrooms							
	Studio	1	2	3	4	5	6	7
Albany	\$1,521	\$1,826	\$2,303	\$3,198	\$3,579	\$4,116	\$4,652	\$5,190
Castro Valley (u)	\$1,521	\$1,826	\$2,303	\$3,198	\$3,579	\$4,116	\$4,652	\$5,190
Dublin	\$1,579	\$1,895	\$2,390	\$3,319	\$3,714	\$4,271	\$4,828	\$5,386
Emeryville	\$1,521	\$1,826	\$2,303	\$3,198	\$3,579	\$4,116	\$4,652	\$5,190
Fremont	\$1,550	\$1,861	\$2,347	\$3,258	\$3,646	\$4,194	\$4,740	\$5,288
Hayward	\$1,492	\$1,792	\$2,260	\$3,138	\$3,511	\$4,038	\$4,565	\$5,092
Newark	\$1,550	\$1,861	\$2,347	\$3,258	\$3,646	\$4,194	\$4,740	\$5,288
Pleasanton	\$1,579	\$1,895	\$2,390	\$3,319	\$3,714	\$4,271	\$4,828	\$5,386
San Leandro	\$1,492	\$1,792	\$2,260	\$3,138	\$3,511	\$4,038	\$4,565	\$5,092
San Lorenzo (u)	\$1,492	\$1,792	\$2,260	\$3,138	\$3,511	\$4,038	\$4,565	\$5,092
Union City	\$1,550	\$1,861	\$2,347	\$3,258	\$3,646	\$4,194	\$4,740	\$5,288

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

AGENDA STATEMENT

Meeting: September 14, 2016

Subject: Memorandum of Understanding (MOU) with Abode Services

Exhibits Attached: Memorandum of Understanding

Recommendation: Ratify the MOU

Financial Statement: \$64,029 from HUD award

BACKGROUND

In December 2015, HACA received an allocation of 42 HUD-VASH vouchers in partnership with the Oakland office of the Veterans Administration (VA). The Oakland VA had been dealing with staffing turnover that had resulted in a very low number of referrals and, as a result, only two units of the allocation are leased up. The office is now fully staffed but the VA has stated that it needs assistance with finding landlords that are willing to participate in the HUD-VASH program.

DISCUSSION AND ANALYSIS

In March of this year HUD issued Notice PIH 2016-04 offering VASH Extraordinary Administrative Fees (EAF). Under the Notice, housing authorities could apply for EAF to support additional or extraordinary related administrative expenses incurred to increase lease-up or decrease the time it takes for a Veteran to locate and move into a unit. HACA applied for EAF with the intent of hiring a temporary employee that would work out of the Oakland VA office and assist the VA with searching for landlords with available units willing to rent to our HUD-VASH Veterans. This would have allowed the VA to concentrate its efforts on referring HUD-VASH eligible Veterans to HACA. The Oakland VA submitted a letter of support for HACA's application.

After HACA was awarded \$64,029 in July, the VA indicated that it didn't have sufficient office space for a temporary employee and that training such an employee would take three months. HACA and the VA then approached Abode Services to provide the housing search services pursuant to the award. Abode is a Bay Area agency that provides housing search assistance for a number of low-income housing programs and has a strong network already in place for referring willing landlords. With the funds HACA received, Abode Services will be able to provide one full-time employee through June 30, 2017 to assist the VA with housing search assistance for HACA's HUD-VASH Veterans. This full-time employee will provide housing location services and housing placement assistance to HUD-VASH participants, conduct landlord outreach and engagement, maintain an inventory of appropriate units for potential participants, work one-on-one with participants to prepare them for tenancy and assist with the approval of leases and execution of Housing Assistance Payment (HAP) contracts with landlords.

HACA AGENDA ITEM NO.: 5-2.

HACA values its partnership with the Oakland VA in serving homeless Veterans. HACA also values the expertise Abode Services will be able to bring to this project. This partnership will allow each party to use its particular skills—the VA to determine eligible HUD-VASH participants and provide them with supportive services, Abode Services to provide housing search assistance to HUD-VASH participants in this very difficult rental market, and HACA to process program eligibility, inspect units and manage subsidy payments for HUD-VASH participants.

RECOMMENDATION

Staff recommends that your Commission ratify the attached MOU between HACA and Abode Services.

HACA will receive another allocation of 19 HUD-VASH vouchers in December 2016, again in partnership with the Oakland VA. If HACA and the VA find this model to be successful and HUD provides future VASH EAF, HACA will apply for the set-aside again when it becomes available.

Housing Location/Navigation Services

Memorandum of Understanding

Housing Authority of the County of Alameda & Abode Services

This memorandum of understanding (MOU) is entered into on August 24, 2016 (date) between Housing Authority of the County of Alameda (HACA), hereafter referred to as "Lead Agency" and Abode Services, hereafter referred to as "Housing Location/Navigation Services Provider".

Purpose

Lead Agency and Housing Location/Navigation/Services Provider recognize that the parties to this MOU are collaboratively engaging in housing program delivery to HUD-VASH eligible veterans in Alameda County.

The intent of the program is to provide high quality, safe, and affordable permanent supportive housing to the program's target population and to offer them Housing Location/Navigation Services. A strong level of communication and coordination between the parties is required to assist persons who have HACA HUD-VASH vouchers to secure and locate housing units and landlords willing to accept those vouchers.

Roles and Responsibilities of Both Parties to MOU

Confidentiality

Both parties recognize that the effectiveness of services in a voluntary services model requires mutual respect of client confidentiality by all parties in all interagency communication. This MOU addresses documentation for consent and release of information, the sharing of information not deemed confidential by law, and the handling of information that is deemed confidential by law.

Each party agrees that it will not at any time disclose confidential information and/or material without the consent of the tenant/participant and any other party to this MOU unless such disclosure is authorized or required by law. Unauthorized disclosure of confidential information shall be considered a material breach of this MOU. Where appropriate, tenant/participant releases will be secured before confidential information is exchanged. Confidential information will be handled with the utmost discretion and judgment.

Ongoing Communication

Both parties agree that diligent efforts should be made to keep open lines of communication and to insure mutual accountability in carrying out the separate roles and functions of each party. Both parties agree to:

1. Share with each other phone and contact directories of key staff involved with the programs within their respective organizations, e.g., supervisors, case managers, clinicians, housing specialists, etc. The directory should include e-mail, fax, and phone numbers, including emergency contact numbers, where available and appropriate.
2. Share written policies, procedures and forms for filing complaints, grievances, and incident reports related to the programs. This includes an overview of the reporting structure within each organization.
3. Respect tenant/client confidentiality and share information about specific individuals only with an explicit written permission or in cases where the individual's health and safety are in imminent danger. If the tenant's housing is in jeopardy, both parties agree to share only information pertinent to the imminent threat of loss of housing or information approved for disclosure by an individual tenant. Both parties agree that their intake and consent documents will disclose, in writing, to tenants that participate in a program in which housing and services staff communicate confidential tenant information that their information will be disclosed only when: 1) tenants give written permission for this communication to occur; or 2) tenants are in jeopardy of losing their housing.

4. Conduct ongoing training and provide guidance for their staff regarding maintenance of confidentiality and include confidentiality as a work performance expectation for all appropriate job classifications.
5. Conduct regular joint meetings of management level staff coordinated by the Lead Agency. These meetings will occur at least two times per year, with the annual schedule established in advance. Examples of topics to be covered at these meetings include:
 - > Discussion of landlord engagement progress
 - > Discussion of policy
 - > Discussion of funding and staffing issues
 - > Review of this MOU between the parties

Roles and Responsibilities of the Housing Location/Navigation Services Provider

The Housing Location/Navigation Services Provider is to provide Housing Location/Navigation services to persons who have HACA HUD-VASH vouchers.

Housing Location/Navigation Services Provider Specific Responsibilities:

1. Provide housing location services and housing placement assistance to participants.
2. Conduct landlord outreach and engagement.
3. Develop and maintain inventory of appropriate units for potential participants. Network with landlords, renter's associations, property management businesses and county wide permanent housing providers.
4. Assist with the approval of all leases and help execute Housing Assistance Payment (HAP) contracts with landlords as needed.
5. Work one to one with participants to prepare them for tenancy, ranging from filling out rental applications to preparing for dialogue with prospective landlords.

Roles and Responsibilities of Lead Agency

1. Work collaboratively with Housing Location/Navigation Services Provider in the delivery of the program and the services contained in this MOU.
2. Provide an authorized representative who will perform the following functions in matters pertaining to the program:
 - a. Respond to complaints and concerns from all parties including tenants;
 - b. Manage practice and strategy for effective communication and responsiveness to tenants and reasonable accommodation for disability;
 - c. Facilitate and attend meetings as needed;
 - d. Represent the program publicly to community members and to local government agencies, as appropriate;
 - e. Collaboratively advocate for continued funding and services for the program.
3. Receive and respond to requests as established through existing reasonable accommodation policy.
4. Facilitate and attend collaborative meetings.

General Terms for Both Parties

Nondiscrimination

Neither party shall discriminate against any applicant, participant or tenant on the basis of race, color, religion, sex, national origin, age, familial status, disability, sexual orientation, gender identity or marital status.

Billing and Payment Process

In consideration of the services provided by Housing Location/Navigation Services Provider in accordance with the terms, conditions, and specifications set forth in this MOU, Lead Agency shall make payment to Housing Location/Navigation Services Provider based on the rates and in the manner specified in Exhibit A. In no event shall Lead Agency's total financial obligation under this MOU exceed Sixty-four thousand and twenty nine dollars and no cents (\$64,029.00).

Housing Location/Navigation Services Provider will invoice and supply backup documentation to Lead Agency on a monthly basis. Lead Agency will provide payment no later than 10 business days after receiving the invoice and backup documentation.

Dispute Resolution

In the event of any controversy or dispute related to or arising out of this MOU, the parties agree to meet and confer in good faith to attempt to resolve the controversy or dispute without an adversarial proceeding. If the controversy or dispute is not resolved to the mutual satisfaction of the parties within five (5) business days of notice of the controversy or dispute, the parties agree to waive their rights, if any, to a jury trial and pre-trial discovery, and to submit the controversy or dispute to arbitration, which shall be conducted in Alameda County, State of California. The parties shall select the arbitrator within ten (10) business days after the end of the five (5) business day period referenced in the foregoing sentence. If the parties are unable to agree on an arbitrator, they shall jointly petition the American Arbitration Association (the "Arbitration Company") for the appointment of an arbitrator according to the procedures for such appointment provided under the Arbitration Company's rules for commercial arbitration. During the course of the arbitration and until a final settlement has been reached, this MOU shall remain in full force and effect unless otherwise terminated as provided in this MOU.

Severability

In the event any provision of this MOU shall be found to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect the validity, legality and enforceability of the remainder of this MOU.

Amendments

This MOU may be amended only in writing and authorized by the designated representatives of Lead Agency and Housing Location/Navigation Services Provider. This MOU is for the time period of August 24, 2016 to June 30, 2017.


This MOU may be changed from time to time by both parties in writing, and will be jointly reviewed no less than annually.

By signing below, both parties to this MOU indicate that they have reviewed its contents and agree to abide by the commitments articulated herein.

Lead Agency:
Housing Authority of the County of Alameda

Housing Location/Navigation Services Provider:
Abode Services


(Signature)


(Signature)

Christine Gouig, Executive Director
Print Name and Title

Louis Chicoine, Executive Director
Print Name and Title

8-29-16
Date

8-29-16
Date

Exhibit A
Amount and Method of Payment
to Abode Services

In consideration of the services provided by Housing Location/Navigation Services Provider in accordance with the terms, conditions, and specifications set forth in this MOU, Lead Agency shall pay Housing Location/Navigation Services Provider based on the following fee schedule and terms:

Housing Location/Navigation Services Provider shall submit invoices on a monthly basis. Lead Agency shall provide payment to Housing Location/Navigation Services Provider within ten (10) business days of receipt of invoices and all backup documentation.

Payments:

- **Monthly Invoices** - Housing Location/Navigation Services Provider shall invoice Lead Agency for program operation expenses, which could include mileage, computer/IT, telephone, office supplies, staff training, administration, and salaries and wages. Housing Location/Navigation Services Provider will supply backup documentation for reimbursement.

In no event shall the total amount of this MOU exceed \$64,029.

Please mail or email soft copies of documents to contact below:

Housing Authority of the County of Alameda
Address: 22941 Atherton Street, Hayward, CA 94541-6633
Phone: (510) 727-8507
Contact Name: Daniel Taylor
Email: danielt@haca.net

HOUSING AUTHORITY OF ALAMEDA COUNTY

AGENDA STATEMENT

September 14, 2016

Subject: Consider Support for Alameda County Housing Bond, Measure A

Exhibits Attached: None

Recommendation: Receive presentation and consider support for Alameda County Housing Bond, Measure A

BACKGROUND

On June 28, 2016, the Alameda County Board of Supervisors adopted County Resolution No. 2016-195, which submitted Alameda County Housing Bond, Measure A (Measure A) for approval by Alameda County's electorate during the November 8, 2016 General Election.

Measure A will generate up to \$580 million for affordable housing throughout Alameda County. Linda Gardner, Director of the Alameda County Housing and Community Development Department, will be at your September Commission meeting to give a presentation on Measure A. Staff recommends that you receive the presentation and consider supporting Alameda County Housing Bond, Measure A.

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

AGENDA STATEMENT

Meeting: September 14, 2016

Subject: Management Class Annual Comparability Adjustment

Exhibits Attached: 2016 Management Class Comparability Survey Results – Cost of Living Adjustment (COLA)

Recommendation: Approve recommended annual salary adjustment of 3.0% retroactive to June 17, 2016, the beginning of the first pay period of the fiscal year, and continue the Management Compensation Policy

Financial Statement: \$42,641

BACKGROUND

Thirty years ago, in June of 1986, the Housing Commission adopted various components for setting and maintaining compensation for management employees. Taken together these components are referred to as the Management Compensation Policy. In 2003, the Commission appointed a sub-committee to review the various methodologies used for setting and maintaining compensation. The sub-committee affirmed the Management Compensation Policy and its practices with a few recommended changes regarding the then-existing comparability pool. Over the years, the comparability pool has been adjusted a few times, adding and deleting agencies. However, the underlying practice of maintaining and implementing the various components of the management compensation policy has remained consistent.

The core components of the Management Compensation Policy are:

- Conduct annual cost of living adjustment (COLA) surveys by assessing cost of living adjustments granted to management employees in the comparability pool, calculating the mean (average) of those adjustments and applying them to both employees' salaries and HACA's salary range structure;
- Conduct triennial surveys to review HACA's management positions and compare them to similar positions within our comparability pool to insure that they are assigned a pay range at the median (middle) rate of comparable positions within the pool or are tied to another classification internally; and
- As part of the triennial survey, review total compensation programs for management classifications to make sure that HACA's program is competitive.

DISCUSSION and ANALYSIS

The annual COLA comparability survey is usually conducted in the Fall of each year because public agencies adopt their annual budgets prior to granting management employee increases and often the increase is not known until July, August or even later. The results of the annual survey are attached. At the October 8, 2014 meeting, with respect to COLAs, your Commission modified the methodology to allow rounding of the survey results to the nearest tenth of a percent. The average adjustment for the agencies in the pool this year is 3.0%. The proposed management employee COLA is retroactive to June 17, 2016, the first pay period in the fiscal year.

Staff recommends that your Commission approve the COLA as described above. Along with accepting the results of the survey and directing staff to implement the results, it has been your Commission's practice to direct staff to continue the practices and procedures of the Management Compensation Policy going forward.

SURVEY SUMMARY

Management COLA - FY 2016/17

	AGENCY	COLA	DATE
1	City of Alameda Housing Auth.	3.0%	effective 7/1/16
2	City of Fremont	3.0%	effective 6/26/16
3	City of Hayward	3.0%	effective 7/1/16
4	City of Richmond Housing Auth.	3.0%	effective 1/1/16
5	City of San Leandro	3.0%	effective 1/1/16
6	City of San Mateo	2.0%	effective 7/3/16
7	Contra Costa County Housing Auth.	3.0%	effective 6/1/16
8	County of Alameda	3.0%	effective 1/3/16
9	Marin Housing Authority	5.0%	effective 6/1/16
10	Oakland Housing Authority	-	not available
11	San Mateo County Housing Auth.	3.0%	effective 10/1/16
12	Santa Clara County Housing Auth.	2.5%	effective 7/4/16

Total agencies=11

Average COLA: 3.045%

HACA COLA: 3.0%

(rounded to the nearest tenth)

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

AGENDA STATEMENT

Meeting: September 14, 2016

Subject: Section 8 Administrative Plan Policy Revisions

Exhibits Attached: Attachment A: 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 or program initiatives, or to make clarifications or corrections. Amendments that change HACA policy are brought to your Housing Commission for approval.

DISCUSSION and ANALYSIS

A red-line version of the HACA policy is attached at “Attachment A.” Most of the changes are the result of a recent HUD notice that contained a significant number of new or refined directives.

Chapter 3 – Eligibility

Per revised HUD regulations, limits the use of arrests (independent of additional information [See enclosed pp. 12-13 and 12-14]) as the sole basis of denial of assistance.

Chapter 5 – Briefings

Revised to extend the voucher term from 90 to 180 calendar days in recognition of the impact of the very low vacancy rate (approximately 2%) in HACA’s jurisdiction. Also, deletes the infrequently used “time constraints directly attributable to full-time employment...” ground for voucher extension.

Chapter 6—Income and Subsidy Determinations

Per revised HUD regulations, adds a Streamlining Final Earned Income Disallowance (EID) Rule. A family participating in EID has a portion of its income disallowed when calculating the family's share of the rent, thus resulting in a lower rent share. The purpose of this provision is to encourage employment. Previously, qualifying families had a maximum lifetime disallowance period of up to 48 months, which did not have to be consecutive. The new streamlining rule shortens the lifetime disallowance period to 24 consecutive months.

Chapter 7 – Verification

Per revised HUD regulations, adds a new policy regarding the value of assets and asset income. Previously, for families with net assets totaling \$5,000 or less, the Public Housing Authority (PHA) could accept the family's declaration of asset value and anticipated asset income. The new regulations require the PHA to obtain third-party verification of all assets regardless of the amount during the intake process and at least every three years thereafter. They also add a new policy regarding granting an additional 90-day extension for providing documentation of the Social Security Number of a child under 6 years of age who joined the household within the 6 months prior to the date of voucher issuance if needed for reasons beyond the applicant's control.

Chapter 10 – Moving

Per revised HUD regulations, incorporates changes in the role of the initial and receiving PHAs in portability moves. These include:

- extending the deadline for submission of initial billing from 60 to 90 days following the expiration date of the voucher issued to the family by the initial PHA;
- allowing, at any time, either the initial PHA or the receiving PHA to make a determination to deny or terminate assistance of the family in accordance with 24 CFR 982.552 and 24 CFR 982.553; and
- requiring that the term of the receiving PHA's voucher may not expire before 30 calendar days from the expiration of the term of the initial PHA's voucher.

Chapter 11 – Reexaminations

Per revised HUD regulations, adds a new Section 11-1.B regarding Streamlined Annual Reexaminations. PHAs will now be able to determine income from fixed sources such as Social Security by applying a verified cost of living adjustment (COLA) or rate of interest rather than obtaining third-party verification every year.

Chapter 12 – Termination

Per revised HUD regulations, limits the use of arrests (independent of additional information [See enclosed pp. 12-13 and 12-14]) as the sole basis for termination or proof that the participant engaged in disqualifying criminal activity.

Chapter 13 – Owners

Deletes the entire **Section 13-II.G Foreclosure** (as the tenant protections under the underlying Protecting Tenants at Foreclosure Act sunset on December 31, 2014.)

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

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

AGENDA STATEMENT

Meeting: September 14, 2016

Subject: Change Order # 2 to Contract No. HACA 2013-03A, Emery Glen Exterior Improvements - Correction of Defective Work and Completion of Incomplete Work

Exhibits Attached: None

Recommendation: Approve the Change Order

Financial Impact: \$7,784

BACKGROUND

The Emery Glen (Emeryville, 36 units) housing exterior renovation project was put out to bid in November of 2015 as a result of the contract termination of the previous contractor. The project generally consists of correcting the defective work and completing the incomplete work of the previous contractor at all seven of Emery Glen's buildings. Three bids were received on December 8, 2015 and at your December meeting your Commission awarded the new contract to the lowest bidder, CNW Construction, Inc., for the amount of \$207,600. Building permits were obtained and CNW began work on April 27, 2016, with an expected completion period of 120 working days.

DISCUSSION AND ANALYSIS

At the time of bid award staff indicated it was likely that we would return with a significant change order once the extent of corrective work could be determined through water testing, uncovering the previous contractor's work and inspection by the city of Emeryville's building inspector. As a result of these various inspections staff brought to your June 2016 meeting a change order for \$186,739, which your Commission approved.

In the process of completing the work both CNW and the city's building inspector discovered additional dry rot at the second floor at all four sides of one building ("F"- units 29 thru 36) as well as defective window installations, all of which had been covered over with building wrap by the previous contractor. This required the repair of the dry rot and defective siding, and the removal and re-installation of all

windows at building “F” as well as the five remaining buildings. However, even after using a portion of the approved change order funds (which were also used for other repairs) an additional amount of \$7,784 is needed to fully compensate CNW for the work performed. Staff and the project architect carefully reviewed the change order request and, after discussion with CNW, agree with CNW that the amount is justified. The revised construction budget will, therefore, increase by \$7,784 for a total project budget of \$402,124. Funds are available in the Housing Development Fund and will be reimbursed by PACH.

Project Status

Staff is pleased to report that CNW has performed in accordance with the contract. It completed all the corrections detailed in the plans and specifications at all seven buildings on August 19, 2016 and has had final building inspections and permit sign-offs.

The following additional work is either in progress or being planned. It is not part of the exterior siding project and will be performed by contractors previously procured by us.

- Removal of the chipped rubber playground surface material and replacement with a colorful poured-in-place rubberized material. The purpose of this work is to be in compliance with ADA accessibility standards and to provide an aesthetic appeal to the playground. This project was completed September 1.
- All of the patio wood fences of each unit and the development’s perimeter fences (wood and wrought iron) will be painted beginning September 6. Work is anticipated to be completed by the end of the month. The color of the wood will match that of the buildings and the wrought iron will be painted black.
- Both parking lots will receive new slurry seal surfacing material and will be re-stripped and re-numbered during the month of September.
- Finally, plans are in progress to remove the garbage dumpster and enclosure located within the entry parking lot area at Doyle Street and relocate the dumpster to the garbage enclosure area at 63rd Street. The current Doyle Street location will receive new benches to accommodate a waiting area. The 63rd Street garbage enclosure will be re-built to house both dumpsters. This new dual-dumpster location will be designed in-house and will undergo minor design review by the Emeryville Building Department. The new enclosure’s wall materials will be wood framed and the exposed surfaces will match the same James Hardie materials applied to the buildings in style and color. The new enclosures will also have a raised corrugated roof and both enclosures will have doors where the dumpsters are accessed. Staff is meeting with the residents on Thursday September 15 to discuss this proposal.

RECOMMENDATION

Staff recommends that your Housing Commission authorize approval of Change Order # 2 to Contract No. HACA 2013-03A with CNW Construction, Inc., in an amount not to exceed \$7,784.

HOUSING AUTHORITY OF ALAMEDA COUNTY

AGENDA STATEMENT

September 14, 2016

Subject: Preserving Alameda County Housing, Inc. ("PACH") Board of Directors Appointment

Exhibits Attached: None

Recommendation: Appoint Commissioner Don Biddle to the PACH Board of Directors

BACKGROUND

Preserving Alameda County Housing, Inc. (PACH) is a non-profit instrumentality of HACA organized under the Nonprofit Public Benefit Corporation Law for the purpose of providing affordable housing. HACA transferred ownership of its 230 former public housing units to PACH and the units are now subsidized under the Section 8 project-based voucher program. PACH has no employees; it contracts with HACA for all property management and maintenance services. The PACH bylaws state that PACH's activities and affairs shall be managed by a five-member board of directors.

DISCUSSION AND ANALYSIS

Traditionally, the chair of HACA's Housing Commission serves as the PACH president and the vice-chair of HACA's Commission as the PACH vice-president. This year, therefore, Commissioners Pat Gacoscos and Mark Gerry were elected in July to the PACH offices of president and vice president, respectively, and Commissioner Don Biddle exited the board once the new board president was elected. Commissioner Gerry who served as the PACH board's 2nd vice president became vice president and a vacancy on the board for the 2nd vice president position was created.

Commissioner Don Biddle has served on the PACH board since 2013 and has expressed interest in remaining on the board. He was first elected to the office of PACH vice president in 2013 and then to the office of board president in 2014. To facilitate operations you may want to consider re-appointing Commissioner Biddle to the PACH board of directors so that the PACH board can elect him to the office of 2nd vice president.

FINANCIAL STATUS REPORT

For the Quarter and Year Ended

June 30, 2016

(Unaudited)

HOUSING AUTHORITY OF ALAMEDA COUNTY
Financial Status Report for the Quarter and Year Ending June 30, 2016 (Unaudited)

	Low Rent Public Housing	Housing Choice Vouchers	Housing Development Fund	Park Terrace	Ocean Avenue	TOTAL
Operating revenues						
Rental revenue - tenants	\$ 0	\$ -	\$ 143,000	\$ 144,600	\$ 77,160	\$ 364,760
Other revenue	0	-	0	276	297	573
Total operating revenues	0	-	143,000	144,876	77,457	365,333
Operating expenses						
Administration	0	(8,503,863)	(79,364)	(37,181)	(25,278)	(8645686)
Tenant service	0	-	0	0	0	0
Utilities	(1,818)	-	(59,253)	0	(7,166)	(68,237)
Ordinary maintenance and operations	(33,016)	-	(135,949)	(48,637)	(17,833)	(235,435)
General expenses (*incl HAP exp for LRP)	(79,200)	(51,269)	(5,649)	(725)	(964)	(137,807)
Total operating expenses	(114,034)	(8,555,132)	(280,215)	(86,543)	(51,241)	(9,087,165)
Non-operating revenues						
HUD PHA grants	54,499	6,643,169	-	-	-	6,697,668
Capital Fund Grant	193,914	-	-	-	-	193,914
Other revenue	0	516,663	106,555	-	240	623,458
Investment income	0	611	15,866	1,431	216	18,124
Notes interest income	0	-	330,000	-	-	330,000
Total non-operating revenues	248,413	7,160,443	452,421	1,431	456	7,863,164
Unaudited Change in Net Assets/Position	\$ 134,379	\$ (1,394,689)	\$ 315,206	\$ 59,764	\$ 26,672	\$ (858,668)
Depreciation Expense	(31,881)	(2,269)	(988,014)	(35,028)	(43,384)	(1,100,576)
Adjusted Unaudited Change in Net Position	\$ 102,498	\$ (1,396,958)	\$ (672,808)	\$ 24,736	\$ (16,712)	\$ (1,959,244)

HAP Funding Received		\$ 83,025,810				\$ 83,025,810
Other Income (Fraud Recovery, FSS forfeitures)		105,041				105,041
HAP Expenses		(83,130,851)				(83,130,851)
Interest earned payable to HUD		0				0
Addition to/(Use of) NRP - restricted for HAP		\$ 0				\$ 0

NET POSITION Balance @ FYE 6/30/16

Net Investment in Capital Assets	\$ 211,767	\$ 0	\$ 7,504,117	\$ 359,000	\$ 641,931	\$ 8,716,815
Restricted for HAP (NRP)	N/A	0	N/A	N/A	N/A	0
Restricted (LRPH Eden Loan, security deposits held)	0	0	11,911,116	0	0	11,911,116
Unrestricted	134,379	1,396,348	4,071,884	1,142,216	178,968	6,923,795
Unrestricted (Post-GASB 68)		(6,619,893)				(6,619,893)
TOTAL EQUITY - NET ASSETS/POSITION	\$ 346,146	\$ (5,223,545)	\$ 23,487,117	\$ 1,501,216	\$ 820,899	\$ 20,931,833

Program Reserves (for HAP- held by HUD) bal @ FYE 6/30/16 (est.): \$ 9,876,280

Change in Net Position Summary

(Decrease)-Net Investment in Capital Assets due to depreciation	(31,881)	(2,269)	(988,014)	(35,028)	(43,384)	(1,100,576)
Increase - Net Investment in Capital Assets due to capital expenditure			215,574	0		215,574
Increase/(Decrease)- Restricted NRP		0				0
Increase - Restricted Other due to interest income on Notes Receivable			330,000			330,000
Increase (Decrease) - Unrestricted (operating income/loss) - NPL		(898,061)				(898,061)
Increase (Decrease) - Unrestricted (operating income/loss)	134,379	(496,628)	(230,368)	59,764	26,672	(506,181)
Total Change in Net Position	\$ 102,498	\$ (1,396,958)	\$ (672,808)	\$ 24,736	\$ (16,712)	\$ (1,959,244)

PROGRAM ACTIVITY REPORT

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

AGENDA STATEMENT

Meeting: September 14, 2016

Subject: Programs 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 August 1, 2016, the Section 8 Housing Choice Voucher program had 6,039 units under contract. The fiscal year-to-date lease-up average is 96.77% units as of August 1, 2016. The budget authority use average through July 2016 is 101%.
- **Program Utilization:** As of August 1, 2016, the average HAP subsidy was \$1,228 and the average tenant-paid rent portion was \$472 for an average Contract Rent of \$1,701. Amounts vary by \$1 due to rounding.
 - ❖ As of August 1, 2016, HACA had 71 outgoing billed portability contracts (i.e., HACA voucher holders who are housed in another housing authority's jurisdiction).
 - ❖ As of August 1, 2016, HACA billed other housing authorities, primarily the Oakland Housing Authority, for 273 incoming portability contracts. The number is dropping as HACA absorbs older port-in contracts in order to increase its lease-up, which has been dropping due to skyrocketing rents in the county and the inability of tenants to locate affordable units.
- **Section 8 Contract Report:** A copy of the Contract Report is attached.
- **Fraud / Debt Recovery:** HACA retained \$12,049.92 for the month of June 2016 and \$3,786.89 for the month of July 2016. A total of \$3,786.89 was retained over this fiscal year.
- **Landlord Rental Listings:** As of August 1, 2016 and September 1, 2016 there were 722 landlords with properties in HACA's jurisdiction utilizing the *GoSection8* rental listing service. There were three new landlords added to the Section 8 program in August and none this month. There were only six active properties listed as of September 1, 2016.

FAMILY SELF SUFFICIENCY (FSS)

The FSS Department has had a busy summer. On July 23, FSS held its annual Health and Resource Fair from 10:30 a.m.-1:00 p.m. here at HACA. The event was a great success and featured many community vendors who provided important information and resources to our FSS program participants. It was a fun and exciting day for the children of the FSS families as well. The children created posters for NAHRO's "What Home Means to Me" poster contest and received a free backpack filled with school supplies. They also had the opportunity to talk with members of the Hayward Fire Department and explore a fire truck that was parked in the HACA parking lot. The event would not have been a success without the support of the FSS staff, HACA staff, FSS participants, the students from Arroyo High School in San Lorenzo and the volunteers and generous donation of \$1,000 from Kohl's Department Store. Staff was also delighted to see Commissioner Don Biddle at the event.

In August, the FSS staff had the opportunity to network, share program updates, and communicate information on upcoming events by hosting both the Program Coordinating Committee (PCC) meeting and the Bay Area FSS Coordinators' meeting. The FSS staff also held a Credit 101 workshop presented by Safe America Credit Union. FSS participants who attended this workshop received great information on how credit works and what they can do to improve their credit score.

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

Section 8 and Housing Assistance Payments (HAP) Report for the Month of July 2016

City	Certificates		Vouchers		July 2016 TOTAL		July 2015	July 2014
	Number	HAP*	Number	HAP**	Number	HAP		
Albany	0	\$0	27	\$33,102	27	\$33,102	28	30
Castro Valley	11	\$11,748	198	\$242,748	209	\$254,496	218	228
Dublin	3	\$3,204	354	\$434,004	357	\$437,208	354	360
Emeryville	6	\$6,408	125	\$153,250	131	\$159,658	126	118
Fremont	21	\$22,428	1,024	\$1,255,424	1,045	\$1,277,852	1,125	1,224
Hayward	100	\$106,800	1,887	\$2,313,462	1,987	\$2,420,262	2,153	2,347
Newark	5	\$5,340	206	\$252,556	211	\$257,896	227	245
Pleasanton	3	\$3,204	109	\$133,634	112	\$136,838	115	123
San Leandro	17	\$18,156	1,424	\$1,745,824	1,441	\$1,763,980	1,505	1,519
San Lorenzo	1	\$1,068	191	\$234,166	192	\$235,234	212	225
Union City	4	\$4,272	751	\$920,726	755	\$924,998	755	803
TOTALS	171	\$182,628.00	6,296	\$7,718,896.00	6,467	\$7,901,524.00	6,818	7,222

*Based on an average July Housing Assistance Payment (HAP) of \$1068 per certificate contract

**Based on an average July Housing Assistance Payment (HAP) of \$1226 per voucher contract

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

Section 8 and Housing Assistance Payments (HAP) Report for the Month of August 2016

City	Certificates		Vouchers		August 2016 TOTAL		August 2015	August 2014
	Number	HAP*	Number	HAP**	Number	HAP		
Albany	0	\$0	27	\$32,886	27	\$32,886	29	30
Castro Valley	11	\$11,748	198	\$241,164	209	\$252,912	215	228
Dublin	3	\$3,204	352	\$428,736	355	\$431,940	352	356
Emeryville	6	\$6,408	158	\$192,444	164	\$198,852	125	117
Fremont	21	\$22,428	1,024	\$1,247,232	1,015	\$1,269,660	1,114	1,214
Hayward	100	\$106,800	1,886	\$2,297,148	1,986	\$2,403,948	2,146	2,328
Newark	5	\$5,340	207	\$252,126	212	\$257,466	225	244
Pleasanton	3	\$3,204	110	\$133,980	113	\$137,184	115	123
San Leandro	16	\$17,088	1,424	\$1,734,432	1,422	\$1,751,520	1,498	1,530
San Lorenzo	1	\$1,068	190	\$231,420	191	\$232,488	209	226
Union City	4	\$4,272	749	\$912,282	753	\$916,554	755	798
TOTALS	170	\$181,560.00	6,325	\$7,703,850.00	6,447	\$7,885,410.00	6,783	7,194

*Based on an average July Housing Assistance Payment (HAP) of \$1068 per certificate contract

**Based on an average July Housing Assistance Payment (HAP) of \$1228 per voucher contract

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

Section 8 Average Contract Rent Report for the Month of July 2016

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	26	\$1,425	\$1,122	\$304	21%
Castro Valley	181	\$1,647	\$1,193	\$454	28%
Dublin	272	\$1,756	\$1,312	\$444	25%
Emeryville	119	\$1,421	\$971	\$450	32%
Fremont	974	\$1,854	\$1,342	\$513	28%
Hayward	1833	\$1,603	\$1,162	\$441	28%
Newark	213	\$2,053	\$1,424	\$630	31%
Pleasanton	109	\$1,457	\$1,040	\$418	29%
San Leandro	1425	\$1,589	\$1,122	\$467	29%
San Lorenzo	192	\$1,905	\$1,425	\$480	25%
Union City	525	\$1,955	\$1,397	\$557	28%

*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 August 2016

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	26	\$1,425	\$1,127	\$298	21%
Castro Valley	181	\$1,664	\$1,208	\$456	27%
Dublin	270	\$1,750	\$1,309	\$441	25%
Emeryville	121	\$1,417	\$969	\$448	32%
Fremont	968	\$1,876	\$1,368	\$508	27%
Hayward	1828	\$1,621	\$1,178	\$443	27%
Newark	213	\$2,082	\$1,478	\$604	29%
Pleasanton	110	\$1,496	\$1,071	\$425	28%
San Leandro	1424	\$1,605	\$1,130	\$475	30%
San Lorenzo	191	\$1,925	\$1,440	\$486	25%
Union City	526	\$1,971	\$1,425	\$546	28%

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

DEBT COLLECTIONS
2015-2016
FYE 06/30/16

	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY '16	FEBRUARY	MARCH	APRIL	MAY	JUNE	GRAND TOTALS
<i>DAMAGE CLAIMS</i>	\$200.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$200.00
<i>FRAUD REPAYMENTS</i>	\$5,070.25	\$3,442.19	\$4,293.91	\$4,363.48	\$5,703.87	\$5,308.76	\$4,475.42	\$6,086.91	\$5,360.50	\$5,760.97	\$21,807.68	\$12,049.92	\$83,723.86
TOTALS	\$5,270.25	\$3,442.19	\$4,293.91	\$4,363.48	\$5,703.87	\$5,308.76	\$4,475.42	\$6,086.91	\$5,360.50	\$5,760.97	\$21,807.68	\$12,049.92	\$83,923.86

DEBT COLLECTIONS

2016-2017

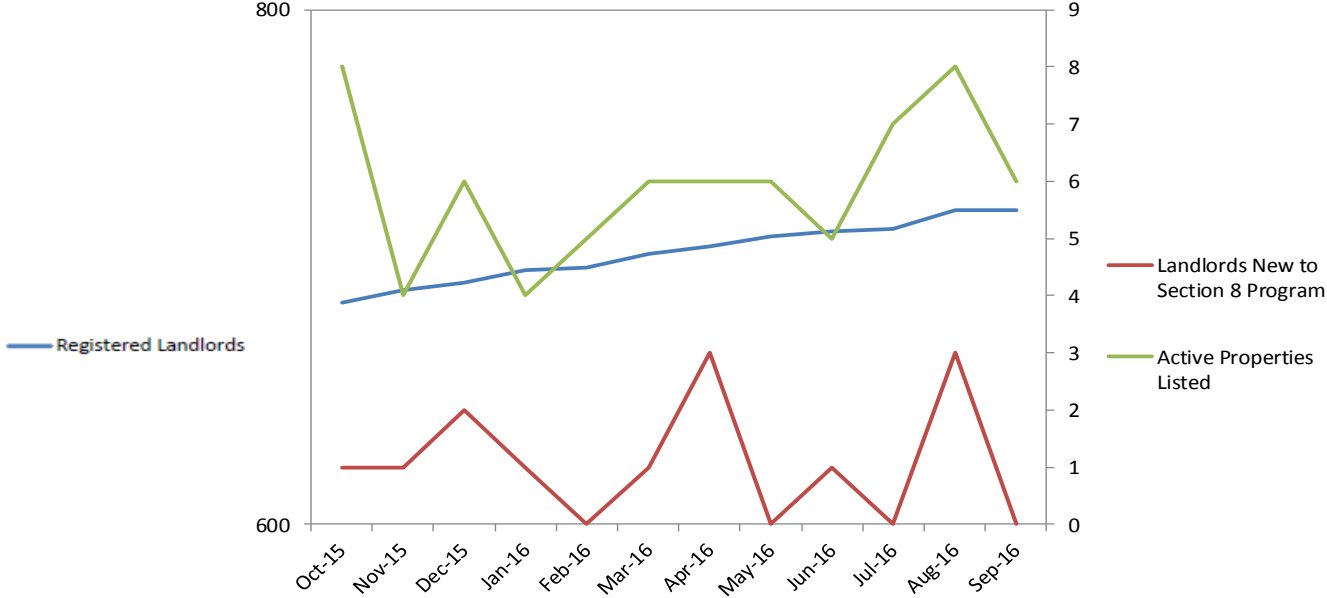
FYE 06/30/17

	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY '17	FEBRUARY	MARCH	APRIL	MAY	JUNE	GRAND TOTALS
<i>DAMAGE CLAIMS</i>	\$0.00												\$0.00
<i>FRAUD REPAYMENTS</i>	\$3,786.89												\$3,786.89
TOTALS	\$3,786.89	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,786.89

Landlord Rental Listing Report

Monthly

	10/1/2015	11/2/2015	12/1/2015	1/4/2016	2/1/2016	3/1/2016	4/1/2016	5/2/2016	6/1/2016	7/5/2016	8/1/2016	9/1/2016
Registered Landlords	686	691	694	699	700	705	708	712	714	715	722	722
Landlords New to Section 8 Program	1	1	2	1	0	1	3	0	1	0	3	0
Active Properties Listed	8	4	6	4	5	6	6	6	5	7	8	6





To: Christine Gouig, Executive Director
From: Daniel Taylor, Special Programs Manager
Re: **FSS Program Summary**
CC: Ron Dion, Linda Evans, Phyllis Harrison, Mary Sturges
Date: September 2, 2016

Program Summary	July 2016
Total Clients Under Contract:	149
MDRC:	100
Graduates:	1
Escrow Disbursed:	\$2,320.88
Ports In:	0
Ports Out:	0
Terminations:	0
New Contracts:	5

FSS PROGRAM NEWS:

Workshops

On Saturday, July 23, 2016, the FSS team held one of its most successful annual Health and Resource Fairs to date. FSS participants and their household members participated in the event from 10:30 a.m. – 1:00 p.m. The kids drew posters for NAHRO’s “What Home Means to Me” poster contest and received a free backpack filled with school supplies. There were light refreshments and door prizes for the FSS participants. The FSS team greatly appreciates the terrific volunteer support it received from HACA staff, FSS participants, Kohl’s Department Store and students from Arroyo High School in San Lorenzo. Kohl’s made a \$1,000 donation because their staff volunteered. The FSS Team would also like to thank Commissioner Don Biddle for attending the event. The evaluations we received from participants and vendors were great. A few of the vendors included:

- Hayward Fire Department (brought a fire truck)
- Castro Valley Adult Education
- Operation Hope
- Eden Area One Stop Career Center
- Head Start
- Alameda County Social Services

Case Management Referrals = 10

Job Lead Referrals = 55



To: Christine Gouig, Executive Director
From: Daniel Taylor, Special Programs Manager
Re: **FSS Program Summary**
CC: Ron Dion, Linda Evans, Phyllis Harrison, Mary Sturges
Date: September 2, 2016

Program Summary	August 2016
Total Clients Under Contract:	152
MDRC:	100
Graduates:	2
Escrow Disbursed:	\$0 (will disburse in Sept 2016)
Ports In:	0
Ports Out:	0
Terminations:	0
New Contracts:	3

FSS PROGRAM NEWS:

Program Coordinating Committee (PCC)

On Tuesday, August 9, 2016, the FSS team held a Program Coordinating Committee (PCC) meeting. The PCC is the oversight committee for the FSS program and is comprised of HACA FSS staff, our community partners, current FSS participants and FSS alumni. The PCC met to discuss updates in each of our various programs as well as to share announcements on upcoming events.

Bay Area FSS Coordinators' Meeting

On Wednesday, August 17, 2016, our FSS Department hosted the quarterly Bay Area FSS Coordinators' meeting. Coordinators attended from eight Bay Area housing authorities. Discussion topics and agenda items included:

- Tips on screening applicants for motivation
- Public and Indian Housing Notice PIH 2016-08
- Program Coordinating Committee (PCC) recruitment and best practices
- Fund development ideas
- Escrow and SSI/SS recipients
- Agency policy for domestic violence / stalking
- Contacting participants via text or social media
- FSS Coordinator training hosted by Contra Costa County Housing Authority

Workshops

On Saturday, August 20, 2016, our FSS team hosted a Credit 101 workshop presented by Safe America Credit Union. The workshop covered the basics of how credit works and how to improve your score. It included:

- The importance of credit reports and credit scores
- Credit bureaus and credit report basics
- How long information stays on your report
- How to obtain a free report
- Common errors and how to correct them
- The process to dispute and fix errors
- What can be negotiated with creditors
- What increases or decreases your score

Case Management Referrals = 10

Job Lead Referrals = 94

ATTACHMENT A

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 and circumstances prior to making its decision:

The seriousness of the case, especially with respect to how it would affect other residents' safety or property.

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

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, , including the age of the individual at the time of the conduct, as well as 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.

While a record of arrest(s) will not be used as the basis for denial, an arrest may, however, trigger an investigation to determine whether the applicant actually engaged in disqualifying criminal activity. As part of its investigation, the PHA

may obtain the police report associated with the arrest and consider the reported circumstances of the arrest. The PHA may also consider:

Any statements made by witnesses or the applicant not included in the police report

Whether criminal charges were filed

Whether, if filed, criminal charges were abandoned, dismissed, not prosecuted, or ultimately resulted in an acquittal

Any other evidence relevant to determining whether or not the applicant engaged in disqualifying activity

Evidence of criminal conduct will be considered if it indicates a demonstrable risk to safety and/or property

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 drug or alcohol rehabilitation program, or evidence of otherwise having been rehabilitated successfully.

5-II.E. VOUCHER TERM, EXTENSIONS, AND SUSPENSIONS

Voucher Term [24 CFR 982.303]

The initial term of a voucher must be at least 60 calendar days. The initial term must be stated on the voucher [24 CFR 982.303(a)].

HACA Policy

~~For HACA applicants, HACA participants and portability participants in HACA's jurisdiction billed by HACA to an originating PHA who have indicated they will remain in HACA's jurisdiction, t~~The initial voucher term will be ~~90~~180 calendar days.

The family must submit a Request for Tenancy Approval and proposed lease within the ~~90~~180-day period unless HACA grants an extension.

~~For participants and applicants that intend to move from HACA's jurisdiction under portability, HACA will follow the policies outlined in 10-II.B.~~

~~For participants and applicants that intend to move to HACA's jurisdiction under portability, HACA will follow the policies outlined in 10-II.C.~~

Extensions of Voucher Term [24 CFR 982.303(b), Notice 2012-42]

The PHA has the authority to grant extensions of search time, to specify the length of an extension, and to determine the circumstances under which extensions will be granted. There is no limit on the number of extensions that the PHA can approve. Discretionary policies related to extension and expiration of search time must be described in the PHA's administrative plan [24 CFR 982.54].

PHAs must approve additional search time if needed as a reasonable accommodation to make the program accessible to and usable by a person with disabilities. The extension period must be reasonable for the purpose.

The family must be notified in writing of the PHA's decision to approve or deny an extension. The PHA's decision to deny a request for an extension of the voucher term is not subject to informal review [24 CFR 982.554(c)(4)].

HACA Policy

~~For HACA applicants, HACA participants and portability participants in HACA's jurisdiction billed by HACA to an originating PHA who have indicated they will remain in HACA's jurisdiction,~~ HACA will approve a voucher extension for a period reasonable for the purpose only in the following circumstances:

As a reasonable accommodation for a person with disabilities.

When warranted by reasons beyond the family's control, as determined by HACA, such as

- Serious illness or death of an immediate family member (as defined in the Glossary); or
- Incapacitation of the head of household (due to an accident or illness requiring hospitalization or restricting mobility);
- ~~• Delay caused by the nonperformance of a potential owner; or~~
- ~~• Time constraints directly attributable to full-time (at least 30 hours per week) employment, when the job start date is during the voucher term and inflexible work hours impede the search for housing.~~

Any request for an extension must be made in writing before the family's voucher expires and include the reason(s) an extension is necessary. HACA may require the family to provide documentation to support the request or obtain verification from a qualified third party.

HACA will provide the family written notice of its decision on~~decide whether to approve or deny~~ an extension request within 10 business days of the date the request is received, ~~and will immediately provide the family written notice of its decision.~~

~~For participants and applicants that intend to move from HACA's jurisdiction under portability, HACA will follow the policies outlined in 10 II.B.~~

~~For participants and applicants that intend to move to HACA's jurisdiction under portability, HACA will follow the policies outlined in 10 II.C.~~

Calculation of the Disallowance

Calculation of the earned income disallowance for an eligible member of a qualified family begins with a comparison of the member's current income with his or her "~~prior baseline~~ income." The family member's baseline income is his or her income immediately prior to qualifying for the EID. The family member's baseline income remains constant throughout the period that he or she is participating in the EID.

HACA Policy

~~HACA defines prior income, or prequalifying income, as the family member's last certified income prior to qualifying for the EID.~~

~~The family member's prior, or prequalifying, income remains constant (as a baseline) throughout the period that he or she is participating in the EID. While qualification for the disallowance is the same for all families, calculation of the disallowance will differ depending on when the family member qualified for the EID. Participants qualifying prior to May 9, 2016, will have the disallowance calculated under the "Original Calculation Method" described below which requires a maximum lifetime disallowance period of up to 48 consecutive months. Participants qualifying on or after May 9, 2016, will be subject to the "Revised Calculation Method." Which shortens the lifetime disallowance period to 24 consecutive months.~~

~~Under both the original and new methods, the EID eligibility criteria, the benefit amount, the single lifetime eligibility requirement and the ability of the applicable family member to stop and restart employment during the eligibility period are the same.~~

Original Calculation Method

Initial 12-Month Exclusion

During the initial 12-month exclusion period, the full amount (100 percent) of any increase in income attributable to new employment or increased earnings is excluded. The 12 months are cumulative and need not be consecutive.

HACA Policy

The initial EID exclusion period will begin on the first of the month following the date an eligible member of a qualified family is first employed or first experiences an increase in earnings.

Second 12-Month Exclusion and Phase-In

During the second 12-month exclusion period, the exclusion is reduced to half (50 percent) of any increase in income attributable to employment or increased earnings. The 12 months are cumulative and need not be consecutive.

Lifetime Limitation

The EID has a four-year (48-month) lifetime maximum. The four-year eligibility period begins at the same time that the initial exclusion period begins and ends 48 months later. The one-time eligibility for the EID applies even if the eligible individual begins to receive assistance from another housing agency, if the individual moves between public housing and Section 8 assistance, or if there are breaks in assistance.

HACA Policy

During the 48-month eligibility period, HACA will schedule and conduct an interim reexamination each time there is a change in the family member's annual income that affects or is affected by the EID (e.g., when the family member's income falls to a level at or below his/her prequalifying income, when one of the exclusion periods ends, and at the end of the lifetime maximum eligibility period).

Revised Calculation Method

Initial 12-Month Exclusion

During the initial exclusion period of 12 consecutive months, the full amount (100 percent) of any increase in income attributable to new employment or increased earnings is excluded.

PHA Policy

The initial EID exclusion period will begin on the first of the month following the date an eligible member of a qualified family is first employed or first experiences an increase in earnings.

Second 12-Month Exclusion

During the second exclusion period of 12 consecutive months, the PHA must exclude at least 50 percent of any increase in income attributable to employment or increased earnings.

PHA Policy

During the second 12-month exclusion period, the PHA will exclude 100 percent of any increase in income attributable to new employment or increased earnings.

Lifetime Limitation

The EID has a two-year (24-month) lifetime maximum. The two-year eligibility period begins at the same time that the initial exclusion period begins and ends 24 months later. During the 24-month period, an individual remains eligible for EID even if they begin to receive assistance from a different housing agency, move between public housing and Section 8 assistance, or have breaks in assistance.

self-certification will be acceptable as the only means of verification. The cost of verification will not be passed on to the family.

The cost of postage and envelopes to obtain third-party verification of income, assets, and expenses is not an unreasonable cost [VG, p. 18].

Primary Documents

Third-party verification is not required when data from HUD's EIV System, or legal documents, such as a birth certificate or other legal documentation of birth, are the primary source.

Imputed Assets

HUD permits HACA to accept a self-certification from a family as verification of assets disposed of for less than fair market value [HCV GB, p. 5-28].

HACA Policy

HACA will accept a self-certification from a family as verification of assets disposed of for less than fair market value.

Value of Assets and Asset Income [24 CFR 982.516(a)]

For families with net assets totaling \$5,000 or less, the PHA may accept the family's declaration of asset value and anticipated asset income. However, the PHA is required to obtain third-party verification of all assets regardless of the amount during the intake process and at least every three years thereafter.

PHA Policy

For families with net assets totaling \$5,000 or less, the PHA will accept the family's self-certification of the value of family assets and anticipated asset income when applicable. The family's declaration must show each asset and the amount of income expected from that asset. All family members 18 years of age and older must sign the family's declaration.

The PHA will use third-party documentation for assets as part of the intake process, whenever a family member is added to verify the individual's assets, and every three years thereafter.

7-II.B. SOCIAL SECURITY NUMBERS [24 CFR 5.216, Notice PIH2012-10]

The family must provide documentation of a valid social security number (SSN) for each member of the household with the exception of individuals who do not contend eligible immigration status. Exemptions also include existing program participants who were at least 62 years of age as of January 31, 2010, and had not previously disclosed an SSN.

Note that an individual who previously declared to have eligible immigration status may not change his or her declaration for the purpose of avoiding compliance with the SSN disclosure and documentation requirements or penalties associated with noncompliance with these requirements. Nor may the head of household opt to remove a household member from the family composition for this purpose.

HACA must accept the following documentation as acceptable evidence of the social security number:

An original SSN card issued by the Social Security Administration (SSA)

An original SSA-issued document, which contains the name and SSN of the individual

An original document issued by a federal, state, or local government agency, which contains the name and SSN of the individual.

The PHA may only reject documentation of an SSN provided by an applicant or participant if the document is not an original document, or if the original document has been altered, mutilated, or is illegible, or appears to be forged.

HACA Policy

HACA will explain to the applicant or participant the reasons the document is not acceptable and request that the individual obtain and submit acceptable documentation of the SSN to the PHA within 90 days.

In the case of Moderate Rehabilitation Single Room Occupancy (SRO) individuals, the required documentation must be provided within 90 calendar days from the date of admission into the program. The PHA must grant one additional 90-day extension if it determines that the applicant's failure to comply was due to circumstances that were beyond the applicant's control and could not have been reasonably foreseen.

HACA Policy

HACA will grant one additional 90-day extension if needed for reasons beyond the participant's control such as delayed processing of the SSN application by the SSA, natural disaster, fire, death in the family, or other emergency. If the individual fails to

comply with SSN disclosure and documentation requirements upon expiration of the provided time period, HACA will terminate the individual's assistance.

If an applicant family includes a child under 6 years of age who joined the household within the 6 months prior to the date of voucher issuance, an otherwise eligible family may be admitted to the program and the family must provide documentation of the child's SSN within 90 days of the effective date of the initial HAP contract. A 90-day extension will be granted if the PHA determines that the participant's failure to comply was due to unforeseen circumstances and was outside of the participant's control.

PHA Policy

The PHA will grant one additional 90-day extension if needed for reasons beyond the applicant's control, such as delayed processing of the SSN application by the SSA, natural disaster, fire, death in the family, or other emergency.

When a participant requests to add a new household member who is at least 6 years of age, or who is under the age of 6 and has an SSN, the participant must provide the complete and accurate SSN assigned to each new member at the time of reexamination or recertification, in addition to the documentation required to verify it. The PHA may not add the new household member until such documentation is provided.

When a participant requests to add a new household member who is under the age of 6 and has not been assigned an SSN, the participant must provide the SSN assigned to each new child and the required documentation within 90 calendar days of the child being added to the household. A 90-day extension will be granted if the PHA determines that the participant's failure to comply was due to unforeseen circumstances and was outside of the participant's control. During the period the PHA is awaiting documentation of the SSN, the child will be counted as part of the assisted household.

HACA Policy

HACA will grant one additional 90-day extension if needed for reasons beyond the participant's control such as delayed processing of the SSN application by the SSA, natural disaster, fire, death in the family, or other emergency.

Social security numbers must be verified only once during continuously-assisted occupancy.

HACA Policy

HACA will verify each disclosed SSN by:

Obtaining documentation from applicants and participants that is acceptable as evidence of social security numbers

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 provides the family with the contact information for the receiving PHAs that serve the area, and the family selects the receiving PHA. The family must inform the initial PHA which PHA it has selected. If the family prefers not to select the receiving PHA, the initial PHA will select the receiving PHA on behalf of the family (24 CFR 982.255(b).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. If a PHA intends to deny a family permission to move under portability due to insufficient funding, the PHA must notify HUD within 10 business days of the determination to deny the move [24 CFR 982.355(e)].

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-I.B of this chapter. If HACA does deny the move due to insufficient funding, HACA will notify HUD in writing within 10 business days of HACA's determination to deny the move.

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 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(e)(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-I.A and 10-I.B of this chapter. HACA will notify the family of its determination in accordance with the approval policy set forth in section 10-I.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)(13)]. The family must specify the area to which the family wishes to move [~~Notice 2012-42~~ 24 CFR 982.355(c)(1)].

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 982.353 ~~5(ed)~~(1), 24 CFR 982.355(9)]. 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 re-determined if the family moves to a new jurisdiction under portability [24 CFR 982.353(d)(2), ~~24 CFR 982.355(e)(4)~~].

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.

Briefing

The regulations and policies on briefings set forth in Chapter 5 of this plan require HACA to provide information on portability to all applicant families that qualify to lease a unit outside HACA's jurisdiction under the portability procedures. Therefore, no special briefing is required for these families.

HACA Policy

No formal briefing will be required for a participant family wishing to move outside of HACA's jurisdiction under portability. However, HACA will provide the family with the same oral and written explanation of portability that it provides to applicant families selected for admission to the program~~will provide the family with a general explanation of portability~~ (see Chapter 5).

HACA will provide the name, address, and phone of the portability contact person for the PHA in the jurisdiction to which the family wishes to move. If there is more than one PHA with jurisdiction over the area to which the family wishes to move, HACA will advise the family that the family must select the receiving PHA and notify the initial PHA of which receiving PHA was selected. HACA will further inform the family that if the family prefers not to select the receiving PHA, HACA will select the receiving PHA on behalf of the family.

HACA will advise the family that it will be under the receiving PHA's policies and procedures, including screening, subsidy standards, voucher extension of the receiving PHA's voucher, and payment standards.~~HACA will advise the family that, until the earliest of the expiration of the voucher issued by HACA, execution of a new HAP contract by the receiving PHA, or the termination of the participant's assistance by either HACA or the receiving PHA, the family will be under HACA's policies and procedures, including its subsidy standards and voucher extension policies.~~

Chapter 11

REEXAMINATIONS

INTRODUCTION

~~HACA~~ The PHA is required to reexamine each family's income and composition at least annually, and to adjust the family's level of assistance accordingly. Interim reexaminations are also needed in certain situations. This chapter discusses both annual and interim reexaminations, and the recalculation of family share and subsidy that occurs as a result. HUD regulations and HACA policies concerning reexaminations are presented in three parts:

Part I: Annual Reexaminations. This part discusses the process for conducting annual reexaminations.

Part II: Interim Reexaminations. This part details the requirements for families to report changes in family income and composition between annual reexaminations.

Part III: Recalculating Family Share and Subsidy Amount. This part discusses the recalculation of family share and subsidy amounts based on the results of annual and interim reexaminations.

Policies governing reasonable accommodation, family privacy, required family cooperation, and program abuse, as described elsewhere in this plan, apply to both annual and interim reexaminations.

PART I: ANNUAL REEXAMINATIONS [24 CFR 982.516, Notices PIH 2013-03 (HA), PIH 2013-04 (HA)]

11-I.A. OVERVIEW

PHAs must conduct a reexamination of family income and composition at least annually. This includes gathering and verifying current information about family composition, income, and expenses. Based on this updated information, the family's income and rent must be recalculated.

PHAs may opt to conduct a streamlined reexamination of income for elderly families and disabled families when 100 percent of the family's income consists of fixed income. In a streamlined reexamination, PHAs will recalculate family incomes by applying any published cost of living adjustments to the previously verified income amount.

This part discusses the schedule for annual reexaminations, the information to be collected and verified, and annual reexamination effective dates.

11-I.B STREAMLINED ANNUAL REEXAMINATIONS [24 CFR 982.516(b)]

HUD permits PHAs to streamline the income determination process for family members with fixed sources of income. While third-party verification of all income sources must be obtained during the intake process and every three years thereafter, in the intervening years the PHA may determine income from fixed sources by applying a verified cost of living adjustment (COLA) or rate of interest. The PHA may, however, obtain third-party verification of all income, regardless

of the source. Further, upon request of the family, the PHA must perform third-party verification of all income sources.

Fixed sources of income include Social Security and SSI benefits, pensions, annuities, disability or death benefits, and other sources of income subject to a COLA or rate of interest. The determination of fixed income may be streamlined even if the family also receives income from other non-fixed sources.

HACA Policy

HACA will streamline the annual reexamination process by applying the verified COLA or interest rate to fixed-income sources. HACA will document in the file how the determination that a source of income was fixed was made.

If a family member with a fixed source of income is added, HACA will use third-party verification of all income amounts for that family member.

If verification of the COLA or rate of interest is not available, HACA will obtain third-party verification of income amounts.

Third-party verification of fixed sources of income will be obtained during the intake process and at least once every three years thereafter.

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.

Failure to Document Citizenship [24 CFR 982.552(b)(4) and [24 CFR 5.514(c)]

HACA must terminate assistance if (1) a family fails to submit required documentation within the required timeframe concerning any family member's citizenship or immigration status; (2) a family submits evidence of citizenship and eligible immigration status in a timely manner, but United States Citizenship and Immigration Services (USCIS) primary and secondary verification does not verify eligible immigration status of the family; or (3) a family member, as determined by HACA, 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. This does not apply to ineligible noncitizens already in the household where the family's assistance has been prorated. See Chapter 7 for a complete discussion of documentation requirements.

Failure to Disclose and Document Social Security Numbers [24 CFR 5.218(c), Notice PIH 2012-10]

HACA must terminate assistance of a participant and the participant's household, if a participant family fails to disclose the complete and accurate social security numbers of each household member and the documentation necessary to verify each social security number.

However, if the family is otherwise eligible for continued program assistance, and HACA determines that the family's failure to meet the SSN disclosure and documentation requirements was due to circumstances that could not have been foreseen and were outside of the family's control, HACA may defer the family's termination and provide the opportunity to comply with the requirement within a period not to exceed 90 calendar days from the date HACA determined the family to be noncompliant.

PHA Policy

HACA will defer the family's termination and provide the family with the opportunity to comply with the requirement for a period of 90 calendar days for circumstances beyond the participant's control such as delayed processing of the SSN application by the SSA, natural disaster, fire, death in the family, or other emergency, if there is a reasonable likelihood that the participant will be able to disclose an SSN by the deadline.

Methamphetamine Manufacture or Production [24 CFR 982.553(b)(1)(ii)]

HACA must terminate assistance if any household member has ever been convicted of the manufacture or production of methamphetamine on the premises of federally-assisted housing.

Lifetime Registered Sex Offenders [Notice PIH 2012-28]

Should a PHA discover that a member of an assisted household was subject to a lifetime registration requirement at admission and was erroneously admitted after June 25, 2001, the PHA must immediately terminate assistance for the household member.

In this situation, the PHA must offer the family the opportunity to remove the ineligible family member from the household. If the family is unwilling to remove that individual from the household, the PHA must terminate assistance for the household.

Failure of Students to Meet Ongoing Eligibility Requirements [24 CFR 982.552(b)(5) and FR 4/10/06]

If a student enrolled at an institution of higher education is under the age of 24, is not a veteran, is not married, does not have dependent children, is not residing with his/her parents in an HCV assisted household, and is not a person with disabilities receiving HCV assistance as of November 30, 2005, HACA must terminate the student's assistance if, at the time of reexamination, either the student's income or the income of the student's parents (if applicable) exceeds the applicable income limit.

If a participant household consists of both eligible and ineligible students, the eligible students shall not be terminated, but must be issued a voucher to move with continued assistance in accordance with program regulations and HACA policies, or must be given the opportunity to lease in place if the terminated ineligible student members elect to move out of the assisted unit.

Death of the Sole Family Member [24 CFR 982.311(d) and Notice PIH 2010-9]

The PHA must immediately terminate program assistance for deceased single member households.

12-I.E. MANDATORY POLICIES AND OTHER AUTHORIZED TERMINATIONS

Mandatory Policies [24 CFR 982.553(b) and 982.551(I)]

HUD requires HACA to establish policies that permit HACA to terminate assistance if HACA determines that:

- Any household member is currently engaged in any illegal use of a drug, or has a pattern of illegal drug use that interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents
- Any household member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents
- Any household member has violated the family's obligation not to engage in any drug-related criminal activity
- Any household member has violated the family's obligation not to engage in violent criminal activity

Use of Illegal Drugs and Alcohol Abuse

HACA Policy

HACA will terminate a family's assistance if any household member is currently engaged in any illegal use of a drug, or has a pattern of illegal drug use that interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

HACA will terminate assistance if any household member's abuse or pattern of abuse of alcohol threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.

Currently engaged in is defined as any use of illegal drugs during the previous twelve months.

HACA will consider all credible evidence, including but not limited to, any record of arrests, convictions, or eviction of household members related to the use of illegal drugs or abuse of alcohol.

A record of arrest(s) will not be used as the basis for termination or proof that the participant engaged in disqualifying criminal activity.

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 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 and circumstances when making its decision to terminate assistance:

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

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, including the age of the individual at the time of the conduct, as well as the family's recent history and the likelihood of favorable conduct in the future

While a record of arrest(s) will not be used as the basis for termination, an arrest may, however, trigger an investigation to determine whether the participant actually engaged in disqualifying criminal activity. As part of its investigation, HACA may obtain the police report associated with the arrest and consider the reported circumstances of the arrest. HACA may also consider:

Any statements made by witnesses or the participant not included in the police report

Whether criminal charges were filed

Whether, if filed, criminal charges were abandoned, dismissed, not prosecuted, or ultimately resulted in an acquittal

Any other evidence relevant to determining whether or not the participant engaged in disqualifying activity

Evidence of criminal conduct will be considered if it indicates a demonstrable risk to safety and/or property

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

13-II.F. CHANGE IN OWNERSHIP / ASSIGNMENT OF THE HAP CONTRACT [HUD-52641]

Except when ownership is transferred through foreclosure, the HAP contract cannot be assigned to a new owner without the prior written consent of HACA. When ownership is transferred through foreclosure, the existing HAP contract remains in force and the new owner is obligated under it even if assignment has not been executed.

An owner under a HAP contract must notify HACA in writing prior to a change in the legal ownership of the unit. The owner must supply all information as requested by HACA.

Prior to HACA's approval of assignment of the HAP contract to a new owner, the new owner must agree to be bound by and comply with the HAP contract. The agreement between the new owner and the former owner must be in writing and in a form that HACA finds acceptable. The new owner must provide HACA with a copy of the executed agreement.

HACA Policy

Assignment of the HAP contract will be approved only if the new owner is qualified to become an owner under the HCV Program according to the policies in Section 13-I.D. of this chapter.

HACA must receive a signed, written request from the existing owner stating the name and address of the new HAP payee and the effective date of the assignment in order to change the HAP payee under an outstanding HAP contract.

Within 10 business days of receiving the owner's request, HACA will inform the current owner in writing whether the assignment may take place.

The new owner must provide a written certification to HACA that includes:

- A copy of the escrow statement or other document showing the transfer of title and recorded deed;
- A copy of the owner's IRS Form W-9, Request for Taxpayer Identification Number and Certification, or the social security number of the new owner;
- The effective date of the HAP contract assignment;
- A written agreement to comply with the terms of the HAP contract; and
- A certification that the new owner is not a prohibited relative.

If the new owner does not agree to an assignment of the HAP contract, or fails to provide the necessary documents, HACA will terminate the HAP contract with the old owner. If the new owner wants to offer the family a new lease, and the family elects to stay with continued assistance, HACA will process the leasing in accordance with the policies in Chapter 9.

~~13-II.G. FORECLOSURE [HUD-52641 and Notice PIH 2010-49]~~

~~Families receiving HCV assistance are entitled to certain protections set forth under the Protecting Tenants at Foreclosure Act (PTFA). Specifically, the HAP contract now contains language stating that in the case of any foreclosure, the immediate successor in interest in the~~

~~property pursuant to the foreclosure will assume such interest subject to the lease between the prior owner and the tenant, and to the HAP contract between the prior owner and the PHA for the occupied unit. This provision of the HAP contract does not affect any state or local law that provides longer time periods or other additional protections for tenants.~~

~~If the PHA learns that a property is in foreclosure, it must take the following actions:~~

- ~~● Make all reasonable efforts to determine the status of the foreclosure and ownership of the property. (Further guidance on how to obtain this information can be found in Notice PIH 2010-49.)~~
- ~~● Continue to make payments to the original owner until ownership legally transfers in accordance with the HAP contract.~~
- ~~● Attempt to obtain a written acknowledgement of the assignment of the HAP contract from the successor in interest. The written agreement should include a request for owner information, such as a tax identification number, and payment instructions from the new owner. Even if the new owner does not acknowledge the assignment of the HAP contract in writing, the assignment is still effective by operation of law.~~
- ~~● Inform the tenant that they must continue to pay rent in accordance with the lease, and if the successor in interest refuses to accept payment or cannot be identified, the tenant should pay rent into escrow. Failure to pay rent may constitute an independent ground for eviction.~~
- ~~● Inform the tenant in the event that the PHA is unable to make HAP payments to the successor in interest due to an action or inaction by the successor that prevents such payments (e.g., rejection of payments or failure to maintain the property according to HQS), or due to an inability to identify the successor. The PHA should also refer the tenant, as needed, to the local legal aid office in order to ensure adequate protection of the tenant's rights and enforcement of the successor in interest's performance under the HAP contract.~~
- ~~● Make reasonable inquiries to determine whether the unit, in addition to having a tenant receiving HCV assistance, will be or has been assisted under the Neighborhood Stabilization Program (NSP). (For further guidance on cases in where the units have been assisted under the NSP, see Notice PIH 2010-49.)~~

~~PHAs are also required to notify HCV applicants who have been issued a voucher, participant heads of household, and current and prospective owners of HCV-assisted housing of the protections afforded to tenants under the PTFA.~~

~~HACA Policy~~

~~HACA will provide all HCV applicants that have been issued a voucher with information regarding the PTFA at admission (see Section 5 I.B) and to participant heads of household at annual reexamination.~~

~~HACA will provide information regarding the PTFA to prospective owners when they begin their participation in the HCV program, and to current HCV owners one time with the monthly HAP.~~

~~Note that the foreclosure provision of the HAP contract and additional tenant protections under the Protecting Tenants at Foreclosure Act will sunset December 31, 2014.~~

~~See Section 12 III.B for a discussion of foreclosure as it pertains to owner termination of tenancy.~~