



HOUSING COMMISSION AGENDA

Regular Meeting: March 11, 2020

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, March 5, 2020 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

PAGE

2. CLOSED SESSION

Pursuant to Government Code §54957(a)

Executive Director's Evaluation

Executive Director Recruitment

Pursuant to Government Code §54956.9

Potential Litigation - 1 Case

3. APPROVAL OF THE MINUTES OF THE FEBRUARY 19, 2020 MEETING

ACTION

3

4. PUBLIC COMMENT - On matters not on the Agenda

5. NEW BUSINESS

- 5-1. Approve Amendment to Contract with Nan McKay & Associates for Annual Recertifications

ACTION

12

- 5-2. Draft of HACA's 5-Year and Annual Public Housing Agency Plans

PUBLIC HEARING

14

- 5-3. Resolution Approving Amendments to HACA's Personnel Rules

ACTION

37

(CONTINUED ON NEXT PAGE)



Housing Authority of the
County of Alameda

22941 Atherton Street, Hayward, CA 94541

Tel. 510.538.8876 TDD 510.727.8551 Fax 510.537.8236 www.haca.net

HOUSING COMMISSION AGENDA

Regular Meeting: March 11, 2020

Time: 8:00 a.m.

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

PAGE 2

		PAGE
5-4.	Resolution Approving Revisions to Budgeted Positions	ACTION 40
5-5.	Executive Director's Evaluation and Compensation	ACTION 49
5-6.	Budget Status Report	INFORMATION
5-7.	Program Activity Report	INFORMATION
6.	COMMISSIONER REPORTS	
7.	COMMITTEE REPORTS	
8.	COMMUNICATIONS	
9.	ADJOURNMENT	

MINUTES

February 19, 2020

HOUSING COMMISSION MINUTES
Special Meeting: February 19, 2020
Time: 8:00 a.m.

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

SUMMARY ACTION MINUTES

1. CALL TO ORDER/ROLL CALL

Call to Order

Chairperson Hannon called the meeting to order at 8:08 a.m.

Roll Call

Present: Cmr. Ballew, Gacoscas, Gerry, Hannon, Kumagai, Lamnin, McQuaid, Olson, Patz and Shao.

Entered after Roll Call: Cmr. Finley

2. ACTION: APPROVAL OF THE MINUTES OF THE JANUARY 8, 2020 REGULAR MEETING

Recommendation: Approve the minutes of the January 8, 2020 regular meeting as presented.

Motion/Second: Shao/Gerry.

10 ayes; 1 not present for the vote: Cmr. Finley.

Motion passed. **APPROVED AS RECOMMENDED.**

3. PUBLIC COMMENT – *On matters not on the Agenda*

None.

4. NEW BUSINESS

4-1. NEW BUSINESS

Christine Gouig, Executive Director, introduced this item. Ms. Gouig stated that Robert Ratner, the Housing Services Director at Alameda County Behavioral Health

Care Services (BHCS), has been a tremendous partner to HACA and that she wanted to recognize Robert and express appreciation for his partnership before she retires next month. Daniel Taylor, Special Programs Manager, presented the staff report. Daniel described the partnership formed many years ago between HACA and BHCS to provide housing opportunities for people with mental health issues. He stated that Robert has been instrumental in getting these programs started, described Robert's commitment to connecting people to these programs, and talked about Robert's passion for ending homelessness in Alameda County. Mr. Taylor recommended that the Housing Commission adopt Resolution No. 04-20 recognizing Robert Ratner for his outstanding partnership with HACA.

Recommendation: Adopt Resolution No. 04-20 recognizing Robert Ratner for his extraordinary commitment and dedication to providing housing opportunities for Alameda County's most vulnerable populations.

Commission Discussion: Chairperson Hannon thanked staff for recommending adoption of this resolution. He commented that it is too often that outstanding work in government is taken for granted and that it is important to recognize people like Robert who go above and beyond. Cmr. McQuaid commented that she serves with Robert on the EveryOne Home leadership board and indicated that Robert demonstrates all of the qualities described in the resolution on that board as well. Cmr. Lamnin commented that Robert is outstanding and asked that staff share the date of the presentation with the Commission.

Motion/ Second: Lamnin/McQuaid.

10 ayes; 1 not present for the vote: Cmr. Finley.

Motion passed. **APPROVED AS RECOMMENDED.**

4-2. ACTION: PERSONNEL COMMITTEE APPOINTMENT

Christine Gouig presented the staff report. Ms. Gouig reported that there is a vacancy on the Personnel Committee as a result of the departure of former Senior Tenant Commissioner Helen Buckholz. She indicated that at the January meeting, the Commission briefly discussed this vacancy and that Commissioner Arne Olson volunteered to serve on the Personnel Committee.

Recommendation: Appoint Commissioner Arne Olson to the Personnel Committee.

Commission Discussion: Chairperson Hannon and Ms. Gouig talked about the terms of the members for the various committees. Chairperson Hannon asked how many

members are allowed on the Personnel Committee and Ms. Gouig explained that the bylaws of the Personnel Committee state that the committee shall be comprised of 4 members.

Motion/Second: Shao/Gacoscas.

8 ayes; 1 abstention: Cmr. Olson; 1 not present for the vote: Cmr. Finley.

Motion passed. **APPROVED AS RECOMMENDED.**

4-3. ACTION: SCHOLARSHIP COMMITTEE APPOINTMENT

Christine Gouig presented the staff report. Ms. Gouig described HACA's annual scholarship program and the Donald C. Biddle Memorial Scholarship. She also explained how much money is budgeted for these scholarships. Ms. Gouig recommended that the Housing Commission appoint members to serve on the 2020 HACA Scholarship Committee to select scholarship applicants and recommend scholarship awards. After a brief discussion, Commissioners Gacoscas, Kumagai, McQuaid and Patz volunteered to serve on the 2020 HACA Scholarship Committee.

Recommendation: Appoint Cmr. Gacoscas, Kumagai, McQuaid and Patz to the HACA Scholarship Committee.

Commission Discussion: Chairperson Hannon commented that former Housing Commissioner Don Biddle was a kind person. Chairperson Hannon shared his memories of first meeting Don Biddle on the Housing Commission and Don's willingness to help. Cmr. Gerry also shared his fond memories of Don and commented that he misses Don very much.

Motion/Second: Gerry/Olson.

10 ayes; 1 not present for the vote: Cmr. Finley.

Motion passed. **APPROVED AS RECOMMENDED.**

4-4. ACTION: FOSTER YOUTH TO INDEPENDENCE INITIATIVE AND SECTION 8 ADMINISTRATIVE PLAN POLICY REVISION

Christine Gouig introduced this item. Ms. Gouig described the Foster Youth to Independence (FYI) Program and the U.S. Department of Housing and Urban Development's (HUD) objective in establishing the FYI Program. Ms. Gouig reported that FYI participants receive housing assistance for up to 36 months and that HACA wants to be able to issue these participants a Section 8 Housing Choice Voucher at the end of that time period should the participant request one. Jennifer Cado, Senior Administrative Analyst, presented the staff report. Ms. Cado reported that HACA has partnered with several local agencies to obtain referrals for the

FYI program, provided an update on the number of referrals that have been received and summarized the FYI program allocations and funding constraints. She reported that on February 13, HACA was visited by HUD Assistant Secretary Hunter Kurtz who was accompanied by one of HUD's top non-appointed staff and other HUD staff from the San Francisco office. Ms. Cado reported that the meeting was held in HACA's Board Room and attended by HACA staff and staff from the Oakland Housing Authority. She stated that 3 youth who had just been processed for the FYI program were also present at the meeting and that they were able to share their stories with the HUD Assistant Secretary and express their gratitude for the housing opportunity made available to them through the FYI program. Ms. Cado indicated that this meeting was a tremendous opportunity to promote the FYI program and ask for more funding.

Following her FYI program status report, Ms. Cado discussed the need to amend HACA's Section 8 Administrative Plan in order to incorporate a preference for the participants in the FYI Program that would enable HACA to issue a Section 8 voucher to FYI participants should they request one after the 36 month FYI program period. She described the proposed revisions to the Admin Plan and highlighted the Admin Plan sections that would be amended. Ms. Cado recommended that the Housing Commission approve the proposed revisions.

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

Commission Discussion: Cmr. Ballew asked if the FYI Program participants have access to the resources offered through the Family Self-Sufficiency (FSS) program. Ms. Cado indicated that an FYI Program participant could enroll in the FSS program if they receive a Section 8 Voucher. She also indicated that staff would provide the FYI Program participants with information on the resources that are provided to the FSS Program participants. Cmr. Ballew asked if other housing authorities who have the FYI Program are implementing similar preferences and Ms. Gouig indicated that staff isn't sure and that it would be up to each agency to implement a preference like this. Cmr. Ballew asked if the Section 8 voucher would allow for portability and Ms. Gouig indicated that portability is an available option with the Section 8 voucher.

Motion/Second: Ballew/Gerry.

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

4-5. INFORMATION & PRESENTATION : PROCUREMENT AWARD INFORMATION AND SECTION 8 POLICIES AND PROCEDURES UPDATE PROJECT

Christine Gouig introduced this item. Ms. Gouig reported that HACA entered into a contract with Nan McKay and Associates (NMA) and summarized the services that NMA is providing. She indicated that the procurement was conducted in accordance with HACA's Procurement Policy and explained that there was a slight delay in the reporting of this procurement action due to staff being on leave.

Laura Broussard Rosen, Programs Manager, presented the staff report. Ms. Broussard Rosen gave a Powerpoint presentation on the Section 8 policies and procedures update project. In her presentation she described the project's goals, which programs are included this project, the services that are included in the contract with NMA and the project's progress to date.

Commission Discussion: Cmr. Olson and Ms. Gouig discussed how this project differs from the annual audit. Cmr. Olson asked if staff is undertaking this project because the HUD rules and regulations are complex and constantly changing. Ms. Gouig described the various tools that staff utilizes to keep up with changes in the rules and regulations. She described HACA's Section 8 Administrative Plan and explained that while there are a few sections throughout the Admin Plan that may allow for flexibility, most of the Admin Plan is heavily regulated by HUD. Ms. Gouig commented that staff decided it was an opportune time to undertake this project since there have been many changes in program staff, management and processes in the last few years. Cmr. Finley asked how these updates will impact program participants. Ms. Broussard Rosen explained that most of the changes deal with the internal operations to ensure that all processes are consistent and that clients are receiving consistent information from HACA. Chairperson Hannon commented that it is critical that staff review its internal controls from time to time. He asked that staff update the Housing Commission at a later date on those items that have been phased in.

4-6. INFORMATION: BUDGET STATUS REPORT

Mansoorali Hudda, Finance Director, presented the staff report.

Commission Discussion: Cmr. Olson and Mr. Hudda discussed the actual and projected net income reported in the budget. Mr. Hudda described the factors that were considered in determining the projected deficit and indicated that staff monitors the numbers on a monthly basis to see how they are trending.

4-7. INFORMATION: PROGRAM ACTIVITY REPORT

Daniel Taylor presented the staff report. Mr. Taylor summarized the outcomes for the Family Self-Sufficiency (FSS) Program. In his summary he described such achievements as the number of participants that enrolled in FSS, how many participants graduated from the program, how many participants were able to secure employment and/or employment promotions, and how many participants bought a home.

Commission Discussion: Cmr. McQuaid asked about the time period for the FSS outcomes and Mr. Taylor indicated that the data is based on the calendar year. Cmr. Gerry asked about the date for the 2020 FSS Health and Resource Fair and Mr. Taylor indicated that he will share the date with the Housing Commission once the date is available. Cmr. Gerry volunteered to assist with this year's fair, praised staff for providing a variety of resources at the event and encouraged the Commissioners to attend.

5. COMMITTEE REPORTS

CLOSED SESSION – *Pursuant to Government Code §54957(a)*

Executive Director Recruitment

Executive Director Performance Evaluation

The Commission entered into a closed session at 8:55 a.m. and reconvened in open session at 9:40 a.m. Chairperson Hannon reported that no reportable actions were taken in the closed session.

6. COMMISSIONER REPORTS

Cmr. Lamnin expressed her appreciation for the work that the Personnel Committee has done to assist with the recruitment of HACA's next executive director. Cmr. Gacoscos reported that the City of Union City is pleased with the exterior improvements at HACA's projects in Union City. Cmr. Gerry reported that he will share contact information with staff for a person who is interested in learning about becoming a Section 8 landlord.

7. COMMUNICATIONS

Ms. Gouig announced that the National Association of Housing and Redevelopment Officials (NAHRO) will be holding its annual Washington Conference on March 27-31 and that she will be attending the conference with Cmr. Finley.

8. ADJOURNMENT

There being no further business to discuss, Chairperson Hannon adjourned the meeting at 9:48 a.m.

Respectfully submitted,

Melissa Taesali
Executive Assistant/Housing Commission Clerk

Approved:

Christine Gouig
Executive Director/Housing Commission Secretary

Michael Hannon
Housing Commission Chairperson

NEW BUSINESS

March 11, 2020

HOUSING AUTHORITY OF ALAMEDA COUNTY

AGENDA STATEMENT

Meeting: March 11, 2020

Subject: Amendment to Contract with Nan McKay & Associates for Annual Recertifications

Exhibits Attached: None

Recommendation: Approve Contract Amendment and Authorize the Executive Director to Execute It

Financial Statement: \$170,000 from Section 8 Administrative Budget

BACKGROUND

In March 2019, HACA entered into an Intergovernmental Services Agreement (ISA) with the Marin Housing Authority to use its procurement of Nan McKay & Associates (NMA) to process annual recertifications for Section 8 participants. HUD regulations permit the use of ISA's as an efficiency measure to avoid the time and expense of individual procurements. At your March 2019 meeting your Commission approved a contract with NMA for \$209,000 to process 1,900 annual recertifications, and the contract was executed on April 5, 2019.

At your August 2019 meeting your Commission approved a contract amendment with NMA to increase the contract amount by \$91,000 (\$110 per recertification) for a total of \$300,000 and to increase the annual recertifications by approximately 830 (2,730 total).

The current contract with NMA expires on April 4, 2020.

DISCUSSION AND ANALYSIS

Overall, NMA has done a very good job (with a few exceptions) and was instrumental in HACA's achieving High Performer status last year under HUD's SEMAP scoring system. They helped out during a critical period of absent staff when our HUD reporting rate was under par and we could have lost our High Performer score. Staff would like to continue using NMA when needed to assist in processing recertifications when the workload is excessive, to fill in for staff due to

HACA AGENDA ITEM NO.: 5-1.

vacancies and unexpected absences and to pick up part of the workload for new hires until they are fully trained and performing satisfactorily.

It is proposed that the contract be extended one year to April 4, 2021, at a cost of \$170,000 for 1,500 recertifications (\$113 per recertification). This is a lower cost than if we added staff to process this same number of recertifications (minimum cost of \$202,750). The expenses for the remainder of the fiscal year can be absorbed in this year's budget and next year's expenses will be included in the FY 2020-2021 budget.

Staff recommends your Commission authorize the Executive Director to execute an amendment to the current agreement with Nan McKay & Associates, reflecting the changes above.

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

AGENDA STATEMENT

Meeting: March 11, 2020

Subject: 5-Year Plan and Annual PHA Plan for Fiscal Year 2020 (Public Hearing Required)

Exhibits:

- HACA's 5-Year Plan and Annual Plan for Fiscal Year 2020
- Attachment A: Index of HACA's Violence Against Women Act (VAWA) policies and other policies that govern Eligibility, Selection, and Admission

Recommendation: Conduct Public Hearing to Accept Comments; Provide Comments to Staff

Financial Statement: None

BACKGROUND

HUD requires that every housing authority prepare and submit an Annual PHA Plan. Every 5 years, housing authorities are also required to submit a 5-Year Plan. The Annual Plan is a guide to the housing authority's policies, programs, operations, and strategies for meeting local housing needs and goals for the upcoming fiscal year (in our case July 2020-June 2021). The 5-Year Plan provides similar guidance for FY 2020-2025.

The Plans are due at HUD by April 17. Your Commission's practice has been to hold the required public hearing in March and provide staff with comments. Staff returns with the final Plans at your April meeting. HUD has 75 days to approve the Plans, after which HACA will make them available to the public.

DISCUSSION and ANALYSIS

Staff has prepared HACA's Plans using HUD's streamlined *HCV Only Annual Plan* and *5-Year PHA Plan* templates as HACA is classified by HUD as an HCV-only, High Performing PHA. This year's Plans largely describe new activities and updates to HACA's Project-Based Voucher Program

accomplishments, changes to its criteria for selection from the waitlist, HACA's progress in meeting its goals since the last 5-Year Plan submission, and a set of new goals for the next 5 years.

Staff has attached excerpts from the Section 8 Housing Choice Voucher (HCV) Administrative Plan dealing with eligibility, selection and admission to the HCV program. HUD requires that these be attached to the Plans, regardless of whether or not they have changed. Revisions to these, if any, have already been approved by your Commission at previous meetings and staff is not proposing any new changes as part of the submission of the Plans.

HUD requires that we include comments on the Plans made by the Resident Advisory Board (RAB). By your April 8 meeting, staff will have met with the RAB and will present any comments the RAB has along with staff's responses.

Should your Commission receive public comments at the public hearing that require research or analysis before submitting the Plans to HUD, staff will undertake those tasks prior to your April 8 meeting, and will present the final Plans for your action then.

5-Year PHA Plan (for All PHAs)

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

OMB No. 2577-0226
Expires: 02/29/2016

Purpose. The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families

Applicability. Form HUD-50075-5Y is to be completed once every 5 PHA fiscal years by all PHAs.

A.	PHA Information.																																					
A.1	<p>PHA Name: <u>Housing Authority of the County of Alameda</u> PHA Code: <u>CA067</u></p> <p>PHA Plan for Fiscal Year Beginning: (MM/YYYY): <u>07/2020</u> PHA Plan Submission Type: <input checked="" type="checkbox"/> 5-Year Plan Submission <input type="checkbox"/> Revised 5-Year Plan Submission</p> <p>Availability of Information. In addition to the items listed in this form, PHAs must have the elements listed below readily available to the public. A PHA must identify the specific location(s) where the proposed PHA Plan, PHA Plan Elements, and all information relevant to the public hearing and proposed PHA Plan are available for inspection by the public. Additionally, the PHA must provide information on how the public may reasonably obtain additional information on the PHA policies contained in the standard Annual Plan, but excluded from their streamlined submissions. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on their official websites. PHAs are also encouraged to provide each resident council a copy of their PHA Plans.</p> <p>The Plan is readily available to the public at our office located at: 22941 Atherton Street Hayward, CA 94541-6633</p> <p>This Plan can also be found on HACA's website at: www.haca.net</p> <p><input type="checkbox"/> PHA Consortia: (Check box if submitting a Joint PHA Plan and complete table below)</p> <table border="1"> <thead> <tr> <th rowspan="2">Participating PHAs</th> <th rowspan="2">PHA Code</th> <th rowspan="2">Program(s) in the Consortia</th> <th rowspan="2">Program(s) not in the Consortia</th> <th colspan="2">No. of Units in Each Program</th> </tr> <tr> <th>PH</th> <th>HCV</th> </tr> </thead> <tbody> <tr> <td>Lead PHA:</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>						Participating PHAs	PHA Code	Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program		PH	HCV	Lead PHA:																							
Participating PHAs	PHA Code	Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program																																		
				PH	HCV																																	
Lead PHA:																																						

B.	5-Year Plan. Required for all PHAs completing this form.
B.1	<p>Mission. State the PHA's mission for serving the needs of low- income, very low- income, and extremely low- income families in the PHA's jurisdiction for the next five years.</p> <p>Through the delivery of housing assistance and other related services, our mission is to enable our clients to become self-sufficient and economically independent.</p> <p>For elderly and disabled persons, economic independence and self-sufficiency means the ability to live independently within their economic resources. For able-bodied family members, economic independence and self-sufficiency means short term reliance on housing assistance; participation in education, training or job development activities designed to lead self-sufficiency in return for the housing assistance; and personal responsibility for the economic consequences of the family's decisions.</p>
B.2	<p>Goals and Objectives. Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low- income, very low- income, and extremely low- income families for the next five years.</p> <p>See Attachment B.2</p>
B.3	<p>Progress Report. Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan.</p> <p>See Attachment B.3</p>
B.4	<p>Violence Against Women Act (VAWA) Goals. Provide a statement of the PHA's goals, activities objectives, policies, or programs that will enable the PHA to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking.</p> <p>See Attachment B.4</p>
B.5	<p>Significant Amendment or Modification. Provide a statement on the criteria used for determining a significant amendment or modification to the 5-Year Plan.</p> <p>HACA defines a "Significant Amendment/Modification" to its 5-year and Annual Plan as a change:</p> <p>a) to HACA's criteria for eligibility for admission; or</p> <p>b) any change with regard to homeownership programs.</p>
B.6	<p>Resident Advisory Board (RAB) Comments.</p> <p>(a) Did the RAB(s) provide comments to the 5-Year PHA Plan?</p> <p>Y N</p> <p><input type="checkbox"/> <input type="checkbox"/></p> <p>(b) If yes, comments must be submitted by the PHA as an attachment to the 5-Year PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations.</p>
B.7	<p>Certification by State or Local Officials.</p> <p>Form HUD 50077-SL, <i>Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>

Instructions for Preparation of Form HUD-50075-5Y 5-Year PHA Plan for All PHAs

A. PHA Information [24 CFR §903.23\(4\)\(e\)](#)

- A.1** Include the full **PHA Name**, **PHA Code**, **PHA Fiscal Year Beginning** (MM/YYYY), **PHA Plan Submission Type**, and the **Availability of Information**, specific location(s) of all information relevant to the hearing and proposed PHA Plan.

PHA Consortia: Check box if submitting a Joint PHA Plan and complete the table.

B. 5-Year Plan.

- B.1 Mission.** State the PHA's mission for serving the needs of low- income, very low- income, and extremely low- income families in the PHA's jurisdiction for the next five years. ([24 CFR §903.6\(a\)\(1\)](#))
- B.2 Goals and Objectives.** Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low- income, very low- income, and extremely low- income families for the next five years. ([24 CFR §903.6\(b\)\(1\)](#)) For Qualified PHAs only, if at any time a PHA proposes to take units offline for modernization, then that action requires a significant amendment to the PHA's 5-Year Plan.
- B.3 Progress Report.** Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan. ([24 CFR §903.6\(b\)\(2\)](#))
- B.4 Violence Against Women Act (VAWA) Goals.** Provide a statement of the PHA's goals, activities objectives, policies, or programs that will enable the PHA to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking. ([24 CFR §903.6\(a\)\(3\)](#))
- B.5 Significant Amendment or Modification.** Provide a statement on the criteria used for determining a significant amendment or modification to the 5-Year Plan.
- B.6 Resident Advisory Board (RAB) comments.**
- (a) Did the public or RAB provide comments?
 - (b) If yes, submit comments as an attachment to the Plan and describe the analysis of the comments and the PHA's decision made on these recommendations. ([24 CFR §903.17\(a\)](#), [24 CFR §903.19](#))

This information collection is authorized by Section 511 of the Quality Housing and Work Responsibility Act, which added a new section 5A to the U.S. Housing Act of 1937, as amended, which introduced the 5-Year PHA Plan. The 5-Year PHA Plan provides the PHA's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families and the progress made in meeting the goals and objectives described in the previous 5-Year Plan.

Public reporting burden for this information collection is estimated to average .76 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

Privacy Act Notice. The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality.

Attachment B.2

Goals and Objectives

Below describes HACA's quantifiable goals and objectives that will enable it to serve the needs of low-income, very low-income, and extremely low-income families for the next five years.

1. **Goal:** Maintain, improve, and implement HACA policy that supports affordable housing and fair housing.
 - a) **Objective:** Promote fair housing enforcement and outreach by providing fair housing materials to program participants through the distribution of flyers, pamphlets, website postings, and other marketing activities. Work with fair housing organizations as applicable.
 - b) **Objective:** Strive to meet HACA's nine regional fair housing goals under Alameda County's *Regional Analysis of Impediments to Fair Housing Choice (2020-2025)*. These goals include:
 - **Regional Policy 1:** Promote fair housing enforcement and outreach.
 - Provide fair housing marketing materials to program participants through the distribution of flyers, pamphlets, website postings, and other marketing activities. Work with fair housing organizations as applicable.
 - **Regional Policy 2:** Maintain, improve, and implement local policy that supports affordable housing and fair housing.
 - Incorporate these regional goals into HACA's Annual Plan and 5-Year Plan.
 - 1) Work with the other housing authorities in the Oakland-Fremont HUD FMR area to evaluate the need to conduct a fair market rent study when new annual FMRs are issued.
 - 2) Work with the other housing authorities in the Oakland-Fremont HUD FMR area to commission a fair market rent study if such a study is warranted based on its evaluation.
 - 3) Continue to work with HUD and the other local housing authorities to evaluate and suggest refinements to the FMR methodology.
 - **Regional Policy 3:** Promote and implement new fair housing laws that protect recipients of rental subsidies from discrimination by landlords.
 - Implement SB 329 by raising awareness to landlords and program participants through landlord workshops, HACA's website, and self-service portals.
 - **Regional Policy 4:** Preserve and rehabilitate existing affordable housing stock.
 - Commit approximately \$2 million for the complete interior rehabilitation of up to 50 of HACA's/PACH's senior housing units
 - **Regional Policy 5:** Increase the number of affordable housing units.
 - Continue to support Project-Based Voucher (PBV) developments and, depending on available HCV funding, issue up to 350 new PBVs targeted to seniors, persons with disabilities, the homeless, veterans, and families, including large families, within the next 5 years. The cities of Albany, Emeryville, Dublin, Fremont, Hayward, Newark, Pleasanton, San

Leandro, and Union City as well as the unincorporated communities of Castro Valley and San Lorenzo and unincorporated Alameda County are currently identified locations.

- **Regional Policy 6:** Increase homeownership among low- and moderate-income households.
 - Continue to provide 50 Family Self-Sufficiency (FSS) program participants with two financial literacy and homebuyer education classes.
- **Regional Policy 7:** Maintain and expand supportive services for lower-income households.
 - Continue to provide 50 Family-Self Sufficiency (FSS) program participants with job training referrals and career networking.
 - Provide rental subsidies to persons experiencing homelessness through the following programs: Section 8 Project Based Vouchers (PBV) where units are designated for homeless persons, Mainstream Vouchers either made available directly to persons experiencing homeless or to serve “move-up” participants in Permanent Supportive Housing, Veterans Affairs Supportive Housing (VASH) vouchers, and Foster Youth Initiative (FYI) vouchers, as funding is available.
- **Regional Policy 8:** Maintain and expand awareness of affordable housing opportunities and services through marketing efforts.
 - Continue to advertise available rental units through HACA’s website and GoSection8 for Section 8 program participants.
 - Continue to provide program materials in multiple languages upon request. HACA has Spanish, Chinese, Vietnamese, Farsi and Tagalog speakers on staff and contracts with Language Line for other languages and for backup services.
- **Regional Goal 9:** Continue to find ways to finance affordable housing, community development, and economic development activities.
 - Evaluate any new funding HUD makes available to housing authorities and apply for such funding if applicable. Continue to pursue funding for the Mainstream Voucher, Non-Elderly Disabled (NED), Project Based Voucher (PBV), Veterans Affairs Supportive Housing (VASH), and Foster Youth Initiative (FYI) programs as HUD makes funding available.

2. **Goal:** Expand the supply of assisted housing.

- a) **Objective:** Continue to support Project-Based Voucher (PBV) developments and, depending on available HCV funding, issue up to 350 new PBVs targeted to seniors, persons with disabilities, the homeless, veterans, and families, including large families, within the next 5 years. The cities of Albany, Emeryville, Dublin, Fremont, Hayward, Newark, Pleasanton, San Leandro, and Union City as well as the unincorporated communities of Castro Valley and San Lorenzo and unincorporated Alameda County are currently identified locations.
- b) **Objective:** Provide rental subsidies to persons experiencing homelessness through the following programs: Section 8 Project Based Vouchers (PBV) where units are designated for homeless persons, Mainstream Vouchers either made available directly to persons experiencing homeless or to serve “move-up” participants in

- Permanent Supportive Housing, Veterans Affairs Supportive Housing (VASH) vouchers, and Foster Youth Initiative (FYI) vouchers, as funding is available.
- c) **Objective:** Evaluate opportunities to partner with affordable housing developers to help ensure availability of units to the HCV Program and an increase in affordable units in general. Enter into partnerships where feasible.
3. **Goal:** Increase operational efficiency and effectiveness.
 - a) **Objective:** Evaluate and update policies and procedures, including HCV policies and procedures, to ensure compliance, consistency, and efficiency in operations.
 - b) **Objective:** Maintain HACA's SEMAP High Performer ranking.
 - c) **Objective:** Ensure the ongoing financial viability of HACA as a functioning entity by regularly updating and analyzing HUD's Two Year Tool.
 - d) **Objective:** Explore and evaluate opportunities to convert to a more powerful enterprise housing software platform, if feasible.
 - e) **Objective:** as part of a new housing software, establish the ability for tenants and applicants to update their information on line directly, including annual recertifications.
 4. **Goal:** Preserve and rehabilitate HACA's/PACH's existing affordable housing stock.
 - a) **Objective:** Commit approximately \$2 million for the complete interior rehabilitation of up to 50 of HACA's/PACH's senior housing units.
 - b) **Objective:** Undertake renovation of units upon turnover.
 - c) **Objective:** Implement the repairs and rehabilitation reflected in the Physical Condition Assessment for HACA's/PACH's units.
 5. **Goal:** Validate the cost-effectiveness of the HACA Family Self-Sufficiency (FSS) Program. (The FSS Program is designed to increase employment and earnings and reduce reliance on government subsidies).
 - a) **Objective:** As part of HUD's ongoing national assessment of the FSS Program, MDRC (the former Manpower Demonstration Research Corporation), in partnership with HACA, is conducting a cost/benefit analysis of the HACA FSS Program.
 6. **Goal:** Assist as many qualified families as possible within available staff and financial resources.
 - a) **Objective:** Achieve and maintain over 98% utilization of either HACA's HCV Annual Contributions Contract (ACC) units or HCV funding.
 - b) **Objective:** Continue to support and expand HACA's FSS Home Ownership Program.
 - c) **Objective:** Continue to voluntarily administer the FSS program upon conclusion of HACA's mandatory requirement.
 7. **Goal:** Enhance business continuity capabilities in order to ensure that HACA's operations and core business functions are not severely impacted in the event of an emergency or disaster
 - a) **Objective:** Replace existing hardware-based systems with cloud-based solutions as deemed necessary to ensure the preservation of essential operating systems.

- b) **Objective:** Update HACA's Continuity of Operations Plan as deemed necessary.

Attachment B.3

Progress Report

Below states the progress HACA has made in meeting its goals and objectives described in the previous 5-Year Plan, FY 2015-2020.

1. **Goal 5.2.1:** Preserve the long-term financial viability of HACA's remaining 72 PH units.
 - a) **Goal met:** HACA accomplished this in April 2016 by converting the units to project-based vouchers under HUD's RAD program.
2. **Goal 5.2.2:** Expand the supply of assisted housing.
 - a) **Goal met:** HACA accomplished this through the commitment and issuance of project-based vouchers and by applying for HUD funding such as HUD-VASH, Foster Youth Initiative and Mainstream, when available. Last fiscal year HACA was awarded 83 Mainstream vouchers for the non-elderly disabled who are homeless, at risk of homelessness, at risk of institutionalization or coming out of an institution and another 62 vouchers this fiscal year. In addition, HACA was awarded 25 Foster Youth Initiative (FYI) vouchers for young adults under the age of 25 who are, or have recently left, the foster care system and are homeless or at risk of becoming homeless.

HACA currently has 643 project-based units in addition to the RAD units. For the Fiscal Year 2016-2017, HACA project-based 25 units in the City of Fremont for Veterans, 25 units in the City of Dublin for Veterans and 50 units in the City of Pleasanton for the elderly.

For the Fiscal Year 2018-2019, HACA project-based 30 units in the city of Fremont for the elderly, 20 units in the City of Fremont for families, 62 units in the City of San Leandro for the elderly, and 4 units in the City of Hayward for persons with disabilities. Additionally, HACA committed to project-basing up to 10 units in the City of Fremont for Veterans and 25 units in the City of San Leandro for Veterans. These projects are projected to complete construction and lease up in 2021.

For the Fiscal Year 2019-2020, HACA project-based 12 units in the City of Fremont for families and for persons with disabilities.

HACA did not project-base any units during Fiscal Years 2015-2016 and 2017-2018.

3. **Goal 5.2.3:** Increase access to available housing assistance and increase the likelihood that applicants reflect current, rather than past, need.
 - a) **Goal met through different objective:** HACA is not currently pursuing the implementation of a regional housing assistance waitlist due to the extremely high cost of development that exceeds HACA's resources and capacity. However, HACA has continued to revise its preferences to better increase access to available assistance based on local needs.

4. **Goal 5.2.4:** Validate the cost-effectiveness of the HACA Family Self-Sufficiency (FSS) Program.
 - a) **Goal continuing through FY 2020-2021:** As part of a multi-year national assessment undertaken by HUD's contracted consultant, MDRC, the study has been extended through FY 2020-2021.
5. **Goal 5.2.5:** Assist as many qualified families as possible.
 - a) **Goal met:** HACA transitioned into a new enterprise housing software platform in September 2017. Although conversion issues with the new software are continuing, HACA has been able to increase operational efficiency and effectiveness of its HCV program by improving its reporting capabilities, utilizing online portal applications, increasing data accessibility, and streamlining housing and subsidy management operations. HACA uses 98-100% of its budget authority to assist Housing Choice Voucher participants.
6. **Goal 5.2.6:** Fully implement the Violence Against Women Act.
 - a) **Goal met:** HACA has updated its Administrative Plan to reflect HUD's latest guidance; notified landlords and participants of their rights, responsibilities, and obligations; developed implementation procedures; and trained staff on procedures and requirements.

Attachment B.4

Violence Against Women Act (VAWA) Goals

In order to better serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking, HACA has established the following goals and objectives:

Goal: Support the right of program participants to enjoy the benefits of the assistance programs administered by HACA free of domestic violence, dating violence, sexual assault, and stalking.

Objective: Fully implement all relevant provisions of the Violence Against Women Act.

See attachment **B.4.A** for an index of HACA's VAWA policies.

Streamlined Annual PHA Plan (HCV Only PHAs)	U.S. Department of Housing and Urban Development Office of Public and Indian Housing	OMB No. 2577-0226 Expires 02/29/2016
--	---	---

Purpose. The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families

Applicability. Form HUD-50075-HCV is to be completed annually by **HCV-Only PHAs**. PHAs that meet the definition of a Standard PHA, Troubled PHA, High Performer PHA, Small PHA, or Qualified PHA do not need to submit this form. Where applicable, separate Annual PHA Plan forms are available for each of these types of PHAs.

Definitions.

- (1) **High-Performer PHA** – A PHA that owns or manages more than 550 combined public housing units and housing choice vouchers, and was designated as a high performer on both of the most recent Public Housing Assessment System (PHAS) and Section Eight Management Assessment Program (SEMAP) assessments if administering both programs, or PHAS if only administering public housing.
- (2) **Small PHA** - A PHA that is not designated as PHAS or SEMAP troubled, or at risk of being designated as troubled, that owns or manages less than 250 public housing units and any number of vouchers where the total combined units exceeds 550.
- (3) **Housing Choice Voucher (HCV) Only PHA** - A PHA that administers more than 550 HCVs, was not designated as troubled in its most recent SEMAP assessment, and does not own or manage public housing.
- (4) **Standard PHA** - A PHA that owns or manages 250 or more public housing units and any number of vouchers where the total combined units exceeds 550, and that was designated as a standard performer in the most recent PHAS and SEMAP assessments.
- (5) **Troubled PHA** - A PHA that achieves an overall PHAS or SEMAP score of less than 60 percent.
- (6) **Qualified PHA** - A PHA with 550 or fewer public housing dwelling units and/or housing choice vouchers combined, and is not PHAS or SEMAP troubled.

A.	PHA Information.																																			
A.1	<p>PHA Name: Housing Authority of the County of Alameda PHA Code: CA067</p> <p>PHA Plan for Fiscal Year Beginning: (MM/YYYY): 07/2020</p> <p>PHA Inventory (Based on Annual Contributions Contract (ACC) units at time of FY beginning, above)</p> <p>Number of Housing Choice Vouchers (HCVs) 6,669</p> <p>PHA Plan Submission Type: <input checked="" type="checkbox"/> Annual Submission <input type="checkbox"/> Revised Annual Submission</p> <p>Availability of Information. In addition to the items listed in this form, PHAs must have the elements listed below readily available to the public. A PHA must identify the specific location(s) where the proposed PHA Plan, PHA Plan Elements, and all information relevant to the public hearing and proposed PHA Plan are available for inspection by the public. Additionally, the PHA must provide information on how the public may reasonably obtain additional information of the PHA policies contained in the standard Annual Plan, but excluded from their streamlined submissions. At a minimum, PHAs must post PHA Plans, including updates, at the main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on their official website.</p> <p style="text-align: center;">See Attachment A.1</p> <p><input type="checkbox"/> PHA Consortia: (Check box if submitting a joint Plan and complete table below)</p> <table border="1"> <thead> <tr> <th>Participating PHAs</th><th>PHA Code</th><th>Program(s) in the Consortia</th><th>Program(s) not in the Consortia</th><th>No. of Units in Each Program</th></tr> </thead> <tbody> <tr> <td>Lead HA:</td><td></td><td></td><td></td><td></td></tr> <tr> <td></td><td></td><td></td><td></td><td></td></tr> <tr> <td></td><td></td><td></td><td></td><td></td></tr> <tr> <td></td><td></td><td></td><td></td><td></td></tr> <tr> <td></td><td></td><td></td><td></td><td></td></tr> <tr> <td></td><td></td><td></td><td></td><td></td></tr> </tbody> </table>	Participating PHAs	PHA Code	Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program	Lead HA:																													
Participating PHAs	PHA Code	Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program																																
Lead HA:																																				

B. Annual Plan.	
B.1	<p>Revision of PHA Plan Elements.</p> <p>(a) Have the following PHA Plan elements been revised by the PHA since its last Annual Plan submission? Y N</p> <p> <input checked="" type="checkbox"/> <input type="checkbox"/> Housing Needs and Strategy for Addressing Housing Needs. <input checked="" type="checkbox"/> <input type="checkbox"/> Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions. <input checked="" type="checkbox"/> <input type="checkbox"/> Financial Resources. <input type="checkbox"/> <input checked="" type="checkbox"/> Rent Determination. <input type="checkbox"/> <input checked="" type="checkbox"/> Operation and Management. <input type="checkbox"/> <input checked="" type="checkbox"/> Informal Review and Hearing Procedures. <input type="checkbox"/> <input checked="" type="checkbox"/> Homeownership Programs. <input type="checkbox"/> <input checked="" type="checkbox"/> Self Sufficiency Programs and Treatment of Income Changes Resulting from Welfare Program Requirements. <input type="checkbox"/> <input checked="" type="checkbox"/> Substantial Deviation. <input type="checkbox"/> <input checked="" type="checkbox"/> Significant Amendment/Modification. </p> <p>(b) If the PHA answered yes for any element, describe the revisions for each element(s):</p> <p>See Attachment B.1</p>
B.2	<p>New Activities</p> <p>(a) Does the PHA intend to undertake any new activities related to the following in the PHA's current Fiscal Year? Y N Project Based Vouchers.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/></p> <p>(b) If this activity is planned for the current Fiscal Year, describe the activities. Provide the projected number of project-based units and general locations, and describe how project-basing would be consistent with the PHA Plan.</p> <p>See Attachment B.2</p>
B.3	<p>Most Recent Fiscal Year Audit.</p> <p>(a) Were there any findings in the most recent FY Audit? Y N N/A</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/></p> <p>(b) If yes, please describe:</p>
B.4	<p>Civil Rights Certification</p> <p><u>Form HUD-50077</u> <i>PHA Certifications of Compliance with the PHA Plans and Related Regulations</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>
B.5	<p>Certification by State or Local Officials.</p> <p><u>Form HUD 50077-SL</u> <i>Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>
B.6	<p>Progress Report.</p> <p>Provide a description of the PHA's progress in meeting its Mission and Goals described in its 5-Year PHA Plan.</p> <p>Not applicable, as this is the first year Annual Plan in the new 5-Year PHA Plan 2020-2025 cycle in which new goals have been established.</p>
B.7	<p>Resident Advisory Board (RAB) Comments.</p> <p>(a) Did the RAB(s) provide comments to the PHA Plan? Y N</p> <p><input type="checkbox"/> <input type="checkbox"/></p> <p>(a) If yes, comments must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations.</p>

Instructions for Preparation of Form HUD-50075-HCV

Annual PHA Plan for HCV Only PHAs

A. PHA Information. All PHAs must complete this section. (24 CFR §903.23(4)(e))

- A.1** Include the full **PHA Name, PHA Code, PHA Type, PHA Fiscal Year Beginning (MM/YYYY), Number of Housing Choice Vouchers (HCVs), PHA Plan Submission Type, and the Availability of Information**, specific location(s) of all information relevant to the public hearing and proposed PHA Plan.

PHA Consortia: Check box if submitting a Joint PHA Plan and complete the table. (24 CFR §943.128(a))

B. Annual Plan. All PHAs must complete this section. (24 CFR §903.11(c)(3))

B.1 Revision of PHA Plan Elements. PHAs must:

Identify specifically which plan elements listed below that have been revised by the PHA. To specify which elements have been revised, mark the “yes” box. If an element has not been revised, mark “no.”

☐ **Housing Needs and Strategy for Addressing Housing Needs.** Provide a statement addressing the housing needs of low-income, very low-income families who reside in the PHA’s jurisdiction and other families who are on the Section 8 tenant-based waiting list. The statement must identify the housing needs of (i) families with incomes below 30 percent of area median income (extremely low-income), (ii) elderly families and families with disabilities, and (iii) households of various races and ethnic groups residing in the jurisdiction or on the waiting list based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location. (24 CFR §903.7(a)(1) and 24 CFR §903.7(a)(2)(i)). Provide a description of the PHA’s strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. (24 CFR §903.7(a)(2)(ii))

☐ **Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions.** A statement of the PHA’s policies that govern resident or tenant eligibility, selection and admission including admission preferences for HCV. (24 CFR §903.7(b))

☐ **Financial Resources.** A statement of financial resources, including a listing by general categories, of the PHA’s anticipated resources, such as PHA HCV funding and other anticipated Federal resources available to the PHA, as well as tenant rents and other income available to support tenant-based assistance. The statement also should include the non-Federal sources of funds supporting each Federal program, and state the planned use for the resources. (24 CFR §903.7(c))

☐ **Rent Determination.** A statement of the policies of the PHA governing rental contributions of families receiving tenant-based assistance, discretionary minimum tenant rents, and payment standard policies. (24 CFR §903.7(d))

☐ **Operation and Management.** A statement that includes a description of PHA management organization, and a listing of the programs administered by the PHA. (24 CFR §903.7(e)(3)(4)).

☐ **Informal Review and Hearing Procedures.** A description of the informal hearing and review procedures that the PHA makes available to its applicants. (24 CFR §903.7(f))

☐ **Homeownership Programs.** A statement describing any homeownership programs (including project number and unit count) administered by the agency under section 8y of the 1937 Act, or for which the PHA has applied or will apply for approval. (24 CFR §903.7(k))

☐ **Self Sufficiency Programs and Treatment of Income Changes Resulting from Welfare Program Requirements.** A description of any PHA programs relating to services and amenities coordinated, promoted, or provided by the PHA for assisted families, including those resulting from the PHA’s partnership with other entities, for the enhancement of the economic and social self-sufficiency of assisted families, including programs provided or offered as a result of the PHA’s partnerships with other entities, and activities under section 3 of the Housing and Community Development Act of 1968 and under requirements for the Family Self-Sufficiency Program and others. Include the program’s size (including required and actual size of the FSS program) and means of allocating assistance to households. (24 CFR §903.7(l)(i)) Describe how the PHA will comply with the requirements of section 12(c) and (d) of the 1937 Act that relate to treatment of income changes resulting from welfare program requirements. (24 CFR §903.7(l)(iii)).

☐ **Substantial Deviation.** PHA must provide its criteria for determining a “substantial deviation” to its 5-Year Plan. (24 CFR §903.7(r)(2)(i))

☐ **Significant Amendment/Modification.** PHA must provide its criteria for determining a “Significant Amendment or Modification” to its 5-Year and Annual Plan. Should the PHA fail to define ‘significant amendment/modification’, HUD will consider the following to be ‘significant amendments or modifications’: a) changes to rent or admissions policies or organization of the waiting list; or b) any change with regard to homeownership programs. See guidance on HUD’s website at: [Notice PIH 1999-51](#). (24 CFR §903.7(r)(2)(ii))

If any boxes are marked “yes”, describe the revision(s) to those element(s) in the space provided.

- B.2 New Activity.** If the PHA intends to undertake new activity using Housing Choice Vouchers (HCVs) for new Project-Based Vouchers (PBVs) in the current Fiscal Year, mark “yes” for this element, and describe the activities to be undertaken in the space provided. If the PHA does not plan to undertake this activity, mark “no.” (24 CFR §983.57(b)(1) and Section 8(13)(C) of the United States Housing Act of 1937.

☐ **Project-Based Vouchers (PBV).** Describe any plans to use HCVs for new project-based vouchers. If using PBVs, provide the projected number of project-based units and general locations, and describe how project-basing would be consistent with the PHA Plan.

- B.3 Most Recent Fiscal Year Audit.** If the results of the most recent fiscal year audit for the PHA included any findings, mark “yes” and describe those findings in the space provided. (24 CFR §903.11(c)(3), 24 CFR §903.7(p))
- B.4 Civil Rights Certification.** Form HUD-50077, *PHA Certifications of Compliance with the PHA Plans and Related Regulation*, must be submitted by the PHA as an electronic attachment to the PHA Plan. This includes all certifications relating to Civil Rights and related regulations. A PHA will be considered in compliance with the AFFH Certification if: it can document that it examines its programs and proposed programs to identify any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with the local jurisdiction to implement any of the jurisdiction’s initiatives to affirmatively further fair housing; and assures that the annual plan is consistent with any applicable Consolidated Plan for its jurisdiction. (24 CFR §903.7(o))
- B.5 Certification by State or Local Officials.** Form HUD-50077-SL, *Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan*, including the manner in which the applicable plan contents are consistent with the Consolidated Plans, must be submitted by the PHA as an electronic attachment to the PHA Plan. (24 CFR §903.15)
- B.6 Progress Report.** For all Annual Plans following submission of the first Annual Plan, a PHA must include a brief statement of the PHA’s progress in meeting the mission and goals described in the 5-Year PHA Plan. (24 CFR §903.11(c)(3), 24 CFR §903.7(r)(1))
- B.7 Resident Advisory Board (RAB) comments.** If the RAB provided comments to the annual plan, mark “yes,” submit the comments as an attachment to the Plan and describe the analysis of the comments and the PHA’s decision made on these recommendations. (24 CFR §903.13(c), 24 CFR §903.19)

This information collection is authorized by Section 511 of the Quality Housing and Work Responsibility Act, which added a new section 5A to the U.S. Housing Act of 1937, as amended, which introduced the Annual PHA Plan. The Annual PHA Plan provides a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA’s operations, programs, and services, and informs HUD, families served by the PHA, and members of the public for serving the needs of low- income, very low- income, and extremely low- income families.

Public reporting burden for this information collection is estimated to average 4.5 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

Privacy Act Notice. The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality

Attachment A.1

PHA Information

PHA Name: Housing Authority of the County of Alameda

PHA Code: CA067

PHA Plan for Fiscal Year Beginning: 07/2020

Number of Housing Choice Vouchers (HCVs): 6,669

PHA Plan Submission Type: Annual Submission

Availability of Information

The Plan is readily available to the public at our office located at:

22941 Atherton Street

Hayward, CA 94541-6633

The Plan can also be found on HACA's website at:

www.haca.net

Attachment B.1

Revision of PHA Plan Elements

1) Housing Needs and Strategy for Addressing Housing Needs

Housing Needs

Housing needs for renters in HACA's jurisdiction are set forth in Section NA-10 Housing Needs Assessment of the Alameda County HOME Consortium's FY 2015-2020 Consolidated Plan as follows:

i. Families with incomes below 30 percent of the area median income (extremely low income)

In 2014, there were approximately 362,604 housing units in the Alameda County HOME Consortium. Of the total number of units, 143,229 (39.5%) are renters and 219,375 (60.5%) are owners. In 2014, median income in the OAKLAND PMSA was \$88,500 for a household of four; down 4% from the 2011 ACS data. 111,820 households (33%) are low income households (both rental and ownership); of these 48,594 renters had a cost burden of more than 30%; 27,309 had a severe cost burden of between 30% and 50%; and 9,238 had overcrowding issues.

ii. Elderly families and families with disabilities

8,187 elderly households (renters) were identified to have cost burdens above 30%. An additional 5,141 have a severe cost burden between 30% and 50%. According to the 2012 ACS estimates, 84,673 residents of the HOME Consortium (or 8.5% of the total population) were of a disabled status. The data also reflected that 2.4% of the HOME Consortium's population had self-care limitations.

iii. Households of various races and ethnic groups residing in the jurisdiction or on the waiting lists based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data

When housing needs are looked at as a percentage of the overall Consortium population broken out by race, the breakdown of races which make up these housing needs are as follows: White (11%), Black/African American (8%), Asian (7%), American Indian/Alaska Native (16%), Pacific Islander (9%) and Hispanic (9%). People of all races and income levels are experiencing housing problems.

In addition, Everyone Home, a collective impact initiative, facilitates the implementation of Alameda County's plan to end homelessness. It also administers HUD's Continuum of Care programs in Alameda County. On January 30th, 2019, Everyone Home conducted the biennial Point-In-Time Count (PIT) for Alameda County and drafted the *EveryOne Counts/2019 Homeless Count and Survey*. The data gathered is used in its strategic plan, which recommends strategies and actions to reduce homelessness so that in five years no person without a permanent home would need to sleep outside.

The *Survey* identified a total of 8,022 individuals experiencing homelessness in Alameda County, an increase of 2,393 individuals (+43%) from 2017. Of those individuals, 79% were unsheltered. The remaining 21% were residing in either emergency shelters or transitional housing. The *Survey* identified the following Subpopulations experiencing homelessness:

i. Persons in Families with Children

There were 170 families consisting of 524 individuals counted in 2019. The number of people in families with children represented 7% of the county's overall homeless population. Children under 18 represented 57% of those in families.

The most frequently reported cause of homelessness among individuals in families with children was family or domestic violence (26%). Eleven percent (11%) reported eviction or foreclosure, 9% reported friends or family could not afford to let them stay with them, 9% reported aging out of foster care, and 8% reported a rent increase as the primary cause of their homelessness.

ii. Unaccompanied Youth and Young Adults (ages 18-24)

Transition-age youth, young people between the ages of 18 and 24 years old, represented 9% of the overall population experiencing homelessness in Alameda County (702 individuals). Unaccompanied children, under age 18, represented less than 1% of the population (29 individuals).

An argument with a family, friend, or roommate was the most frequently cited cause of homelessness among unsheltered unaccompanied youth (14%), compared to aging out of foster care among sheltered youth (29%). Unsheltered youth also more frequently attributed their homelessness to a family member or friend who could not afford to let them stay with them (12% compared to 2%). Eighteen percent (18%) of youth under age 25 reported that aging out of the foster care system was the primary cause of their current homelessness.

iii. Chronically Homeless

In total, 2,236 individuals were experiencing chronic homelessness in Alameda County in 2019. Of those, 2,103 were single individuals and 61 were heads of households with children under 18 years of age in Alameda County.

Nearly half of both unsheltered and sheltered survey respondents experiencing chronic homelessness identified money issues as the primary cause of their homelessness (49% and 47% respectively). Sheltered respondents experiencing chronic homelessness were more likely to report a physical health issue as the primary cause of their homelessness than unsheltered respondents experiencing chronic homelessness; unsheltered

respondents experiencing chronic homelessness were slightly more likely to report substance use or mental health.

iv. Veterans

In total, 692 veterans were experiencing homelessness in 2019. Of those, 690 were single individuals and the remaining two were in families with children. Seventy-nine percent (79%) of veterans were unsheltered in 2019. In 2019, veterans represented 9% of the adult population, similar to 2017 (10%).

Unsheltered veterans most frequently cited mental health issues as the primary cause of their homelessness (18%), while sheltered veterans most frequently cited a rent increase (13%). Unsheltered veterans attributed their homelessness to job loss at nearly twice the rate as sheltered veterans (15% and 8% respectively). Ten percent (10%) of unsheltered veterans and 8% of sheltered veterans reported their homelessness was the result of eviction or foreclosure.

The *Survey* also found that 32% of those counted were adults with a serious mental illness, an increase from 29% in 2017 and 3% of those counted were adults with HIV/AIDS, which has stayed consistent with prior years.

Additionally, the *Everyone Home Plan to end homelessness, 2018 Strategic Update* identified the following as contributing factors to homelessness in Alameda County:

i. California and Alameda County face serve shortages of rental housing, exacerbated by the high cost of development

California now faces a shortage of 3.4 million homes, including 1 million homes for extremely low-income households, the group most at-risk of experiencing homelessness. Alameda County has only 28,000 units affordable to the 71,000 extremely low-income renters— a 44,000-unit gap.

The UC Berkeley Turner Center for Housing Innovations estimated that a 100-unit affordable housing project in California costs almost \$425,000 per unit in 2016. Those costs continue to rise.

ii. High development and operating costs, inadequate housing stock, and increasing demand contribute to out of reach rents for the lowest income renters

Oakland is now the 5th most expensive rental market in the nation and the market with the 2nd steepest increase in median rent over the last five years, up 51% since 2012.

iii. Longstanding discriminatory housing policies, such as exclusionary zoning and federal underwriting standards that favored whites, continue to reverberate today,

contributing to displacement, housing instability, and higher rates of homelessness among African Americans

The Race Counts initiative of the Advancement Project California ranks Alameda County as the 4th most racially disparate of California's 58 counties. Here, a white household that rents typically keeps \$56,500 after housing costs as compared with \$19,000 kept by African American households. Additionally, 49% of Alameda County's homeless population identified as Black or African American during the 2017 point in time census, as compared with 11% of the general population.

iv. Other populations subjected to stigmatization are also at greater risk of homelessness

Rates of homelessness among those that self-identify as having mental health or substance use problems in Alameda County are 3-5 times higher than their prevalence in the general population. Changes to statewide community care licensing regulations and increased fees have resulted in substantial reductions in the number of licensed care facility beds available for extremely low income disabled individuals that need daily living supports. These declines increase the number of disabled individuals, including those with serious mental health issues, at-risk of homelessness. Moreover, persons with serious mental illness and other disabilities often live with family members and are highly vulnerable to becoming homeless when those care givers experience illness or pass away.

Strategy for Addressing Housing Needs

HACA will address those of the Housing Needs identified above that are within its Mission as identified in its 5-Year Plan in Section B.1. In doing so, it will use all resources available to it through HUD housing assistance programs, and otherwise, to accomplish the Goals and Objectives identified in its 5-Year Plan in Section B.2 to efficiently and effectively administer ongoing program operations.

2) Deconcentration and Other Policies that Govern Eligibility, Selection, and Admission

The following revisions were made to Chapter 4 of HACA's Administrative Plan since its last Annual Plan submission:

- HUD is providing targeted funding for its Foster Youth to Independence (FYI) initiative. FYI serves persons between the ages of 18 and 24 who have left foster care or will leave foster care within 90 days at age 16 or older, and who are homeless or at risk of becoming homeless. Recipients of this housing may keep their voucher for 36 months at which time the voucher sunsets. HACA has included language in Chapter 4-III.B. SELECTION AND HCV FUNDING SOURCES, Targeted Funding so that HACA can apply for this funding. Additionally, HACA added a preference to provide Housing Choice Vouchers to participants in HACA's FYI Program who are nearing the end of their participation in the FYI program in order to avoid homelessness or excessive rent burden.

- In order to respond to instances where a participant or household in a Project-Based Voucher unit is receiving verifiable or documented threats of real and/or imminent criminal violence and is not eligible for protections under the Violence Against Women Act (VAWA), the order of selection for HCV assistance was updated to prioritize VAWA and Non-VAWA Emergency Transfers.

For a list of policies that govern resident or tenant eligibility, selection and admission including admission preferences for HCV, see applicable chapters from HACA's Administrative Plan in **Attachment B.1.(a)**.

3) Financial Resources

In addition to the HCV funding it receives each year, HACA will evaluate any new funding HUD makes available to housing authorities and apply for such funding if applicable. HACA will continue to pursue funding for the Family Self-Sufficiency (FSS), Mainstream Voucher, Non-Elderly Disabled (NED), Project Based Voucher (PBV), Veterans Affairs Supportive Housing (VASH), and Foster Youth Initiative (FYI) programs as HUD makes funding available.

Attachment B.2

New Activities

HACA currently has 72 project-based vouchers under RAD and 643 project-based units in addition to the RAD units. HACA anticipates project-basing additional vouchers for a total, *including* current project-based vouchers, of up to 1,100 units over the next five years. The cities of Albany, Emeryville, Dublin, Fremont, Hayward, Newark, Pleasanton, San Leandro, and Union City as well as the unincorporated communities of Castro Valley and San Lorenzo and unincorporated Alameda County are currently-identified locations.

For the Fiscal Year 2019-2020, HACA project-based 12 units in the city of Emeryville for families and for persons with disabilities. During Fiscal Year 2018-2019, HACA committed to project-basing up to 10 units in the city of Fremont for Veterans and 25 units in the city of San Leandro for Veterans. These projects are projected to complete construction and lease up in 2021.

To create housing opportunity and promote mobility, HACA may project-base up to approximately 350 additional units in the next five years. These would be targeted to non-impacted census tracts, higher-cost opportunity areas and neighborhoods undergoing revitalization. Projects would be for families, persons with disabilities, the elderly, and Veterans, depending on funding, including but not limited to up to 100 units in Fremont, Hayward and San Leandro to serve Veterans.

HACA will evaluate additional opportunities to project-base vouchers by: partnering with developers in the development and ownership of new and rehabilitated projects; by applying for set-aside VASH Vouchers; by applying for Mainstream vouchers; by project-basing Mainstream vouchers; and by acquiring existing rental properties for which low-income housing tax credits and/or tax exempt housing bonds can be obtained.

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

AGENDA STATEMENT

Meeting: March 11, 2020

Subject: Personnel Rule Revisions

Exhibits Attached: Resolution 05-20

Recommendation: Adopt Resolution 05-20 Approving Amendments to the
Personnel Rules

Financial Statement: None

BACKGROUND

On February 19, 2020, your Commission's Personnel Committee approved recommended changes to the Personnel Rules. Personnel Rule 1.2 states that the Personnel Rules may be amended by a resolution adopted by the Housing Commission on the recommendation of the Personnel Committee.

DISCUSSION and ANALYSIS

At its January meeting, the Personnel Committee directed staff to review the rules and procedures contained in the Personnel Rules relating to the requirement that staff seek advance authorization for the recruitment of vacant or soon-to-be-vacant positions. Based on longstanding practice and interpretation of Personnel Rule sub-section 6.16, staff's procedure has been to first seek authorization from the Personnel Committee prior to commencing an open recruitment. The Personnel Committee felt that this function was an administrative one, particularly since the positions being filled were already approved by the Housing Commission as part of the budget and staff was simply carrying out what the Commission had already authorized.

In addition, sub-section 6.10 requires that the Executive Director advise the Personnel Committee when the number of candidates who are invited to an interview will be limited. This advice, set out as an information item, accompanies every authorization to recruit.

HACA AGENDA ITEM NO.: 5-3.

Revisions to these sub-sections were approved by the Personnel Committee at its February meeting to vest the Executive Director or their designee with the authority to initiate recruitments and to limit the number of candidates who are invited to an interview when appropriate. The Personnel Committee recommends that your Commission adopt the attached resolution revising the Personnel Rules as described.

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

RESOLUTION NO. 05-20

**RESOLUTION APPROVING REVISIONS TO THE
HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA'S PERSONNEL RULES**

WHEREAS, the Housing Authority of the County of Alameda ("HACA") has implemented Personnel Rules governing certain terms and conditions of employment for both management and non-management employees; and

WHEREAS, Section 1.2 of said Personnel Rules allows for amendment of these rules by resolution adopted by the Housing Commission on the recommendation of the Personnel Committee; and

WHEREAS, at its meeting of February 19, 2020 your Personnel Committee approved recommended revisions to Personnel Rule 6.16 to reflect the intent to not require advance Personnel Committee authorization for conducting a recruitment nor to require the provision of information to the Committee as to limiting the number of candidates to be interviewed;

NOW, THEREFORE, BE IT RESOLVED, that the Housing Commission of the Housing Authority of the County of Alameda does hereby approve the recommended revisions to Personnel Rule 6.16 as presented at this meeting.

PASSED, APPROVED AND ADOPTED by the Housing Commission of the Housing Authority of the County of Alameda on this 11th day of March 2020 by the following vote:

AYES:

NOES:

ABSTAIN:

EXCUSED:

ABSENT:

ATTEST:

Christine Gouig
Executive Director/Housing Commission Secretary

Michael Hannon
Housing Commission Chairperson

ADOPTED: _____

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

AGENDA STATEMENT

Meeting: March 11, 2020

Subject: Resolution Approving Revisions to the Housing Authority's Budgeted Positions

Exhibits Attached: Resolution 06-20

Recommendation: Adopt the Resolution

Financial Statement: See below

BACKGROUND

On June 19, 2019, the Operating Budget for the July 1, 2019 – June 30, 2020 fiscal year was approved, which included the number of budgeted positions. On February 19, 2020, your Commission's Personnel Committee approved two new classifications and the deleted one. The Personnel Committee recommends that your Commission approve the proposed revisions.

DISCUSSION AND ANALYSIS

At its February meeting, your Commission's Personnel Committee approved a minor organizational restructuring involving the creation of a Property Management and Maintenance Department for the purpose of streamlining operations and efficiency of the functions required for managing and maintaining the 230 former public housing units owned by PACH and the 15 units owned by HACA directly.

Currently, three HACA departments are involved in some aspect of managing the 245 units, which is highly inefficient: 1) leasing, rent collection, handling tenant issues, terminations and general property oversight is performed by two non-management single incumbent classifications in the Section 8 Housing Programs Department; 2) initial eligibility and annual income recertifications of the tenants is handled by the Special Programs Department; and 3) maintenance is performed by the Maintenance and Modernization Department. (This department consists of a manager, clerk and three maintenance workers.)

The two property management staff also process Reasonable Accommodation (RA) requests for all HACA programs. These are requests from program participants or applicants for a change to our processes or procedures required as a result of a disability. A common example is a request for an extra bedroom due to the disability of a household member.

After the reorganization, RAs will be processed by the Administration Department, which during the budget approval added a Housing Technician position for this purpose. This frees up the two new classifications described below to process the initial eligibility and annual income re-examinations for the 245 units in addition to their current leasing duties and expanded duties for the Property Management Administrator.

1. Property Management Administrator

This is a new single incumbent management classification designed to combine all of the property management responsibilities and eligibility functions into one classification with managerial responsibilities, including leasing of units, documenting rent collection, tenant relations, working with legal counsel on evictions, annual re-examinations, inspections, development of the property budgets, the supervision of a Property Management Assistant, coordination with the Maintenance staff and other related work as required.

Because the existing bargaining unit classification of Housing Management Leadworker is not being eliminated and will still exist in the Housing Authority's Classification Plan, no meet and confer obligation is required.

The management salary range assigned to the new classification of Property Management Administrator is range 25. The minimum monthly salary is \$6,115 and the maximum is \$9,081. The salary range for range 25 overlaps the salary step schedule for the Housing Management Leadworker position (\$5,788 to \$7,107), which is currently budgeted. Therefore, the financial impact this fiscal year is for the remaining 4 months of the fiscal year only. It approximates \$4,000 due to the salary savings from the Housing Management Leadworker position when it becomes vacant. This can be funded from the existing budgeted salaries.

2. Property Management Assistant

This new classification is based on the current Housing Management Assistant classification, which will be deleted from the Budgeted Positions. The new classification will remain in the bargaining unit and will have the same salary step schedule. The position description remains essentially the same with the exception of a title change. The current incumbent will remain in the position.

RECOMMENDATION

Adding the new classifications requires your Commission to amend the approved Budgeted Positions. The effective date for the new classifications will be the beginning of pay period 20-08, which is March 20, 2020. Staff recommends your Commission adopt the attached Resolution amending the budgeted positions for 2019-2020.

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

RESOLUTION NO. 06-20

RESOLUTION APPROVING REVISIONS TO THE HOUSING AUTHORITY'S BUDGETED POSITIONS

WHEREAS, the Personnel Committee has approved a new management classification of Property Management Administrator and has allocated it to the Housing Authority's Classification Plan; and

WHEREAS, the Personnel Committee has approved a new non-management classification of Property Management Assistant and has allocated it to the Housing Authority's Classification Plan; and

WHEREAS, on June 19, 2019, the Housing Commission adopted Resolution No. 10-19 approving HACA's Operating Budget and Budgeted Positions for the July 1, 2019 – June 30, 2020 fiscal year; and

WHEREAS, an amendment to the Budgeted Positions is required in order to add the new classifications of Property Management Administrator and Property Management Assistant, establish the salary range for the Property Management Administrator and delete the classification of Housing Management Assistant;

NOW, THEREFORE, BE IT RESOLVED, that the Housing Commission of the Housing Authority of the County of Alameda does hereby approve an amendment to HACA's Budgeted Positions to reflect the changes described above.

PASSED, APPROVED AND ADOPTED by the Housing Commission of the Housing Authority of the County of Alameda on this _____ day of _____ 2020 by the following vote:

AYES:

NOES:

ABSTAIN:

EXCUSED:

ABSENT:

ATTEST:

Christine Gouig
Executive Director/Housing Commission Secretary

Michael Hannon
Housing Commission Chairperson

ADOPTED: _____



Property Management Administrator

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

Job Code
----M

Department:	Property Management and Maintenance
Unit:	n/a
Reports to:	Executive Director
FLSA Status:	Exempt

Required Licenses:	Possession of a California Driver's License
Required Certifications:	Training certifications as required by supervisor

DEFINITION/PURPOSE:

Under general direction, this position is responsible for the effective property management and operations of Housing Authority-owned and/or managed housing residences. This includes, but is not limited to: leasing of units, documenting rent collection, tenant relations, working with legal counsel on evictions (including testimony in court), annual re-examinations, inspections, development of property budgets, the supervision of the Property Management Assistant, coordination with Maintenance staff and other related work as required.

DISTINGUISHING FEATURES:

This single management classification functions in the Property Management and Maintenance Department. This position has responsibility for property management as well as work related to initial and continued occupancy in the various housing programs. This classification is distinguished from the Housing Management Leadworker classification by the assignment and review of work of the Property Management Assistant, budget preparation, and coordination with legal counsel. The position is distinguished from the Leasing Services Leadworker classification by the performance of property management and tenant liaison duties.

SUPERVISION RECEIVED AND EXERCISED:

The Property Management Administrator receives general direction from the Executive Director and supervises the Property Management Assistant.

ESSENTIAL AND MARGINAL JOB FUNCTIONS:

Primary (essential) and less essential (marginal) responsibilities may include, but are not limited to, the following:

Essential Functions:

1. Assigns work and reviews the performance of the Property Management Assistant and other staff providing assistance to property management functions.
2. Provides guidance to the Property Management Assistant with the more complex or unusual cases.
3. Acts as liaison and responds to inquiries from other agencies, community members, neighbors, and the public and resolves problems as needed; coordinates with homeowners' associations at relevant properties.
4. Responds to the more sensitive issues.
5. Solicits, screens, and selects tenants for housing units, working with the Property Management Assistant.
6. Enforces leases, attachments and various documents, including explaining lease requirements, maintenance charges, payments and housekeeping responsibilities of tenants.
7. Monitors and collects delinquent rents and maintenance charges.
8. Investigates and attempts to resolve conflicts between tenants, between tenants and HACA's part-time Property Aides, and between tenants and Housing Authority representatives.



Property Management Administrator

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

Job Code
----M

9. Prepares and serves eviction and other legal notices, in coordination with legal counsel, and follows through on the eviction process where necessary.
10. Provides social services referrals to tenants and counsels tenants when necessary.
11. Plans, coordinates and supervises social service programs.
12. Conducts initial and annual re-examinations for owned and/or managed properties.
13. Coordinates with maintenance and relevant staff for inspections for all managed properties.
14. Coordinates with appropriate management staff on major capital projects and routine maintenance issues.
15. Screens and assists in selection of and oversees HACA's Part-Time Property Aides.
16. Enters rents and subsidies; issues monetary adjustments, security deposits, and any necessary payments to tenants in accordance with legal and program requirements.
17. Monitors accuracy of accounts and coordinates with accounting and relevant staff for any necessary adjustments.
18. Prepares and monitors the approved budget for the properties.
19. Maintains a working knowledge of applicable property laws and ensures compliance.

Marginal Functions:

1. Responds to tenant phone calls and emails and, if necessary, meets with hostile or upset tenants to resolve problems.
2. Coordinates with Maintenance staff to resolve issues as needed.
3. Prepares procedures for property management operations as required.
4. Prepares and submits required fiscal and statistical reports.
5. Assists with preparing reports and monitors compliance with HOME program requirements for relevant properties.
6. Performs other duties as required.

KNOWLEDGE AND ABILITIES:

The Property Management Administrator requires the:

Knowledge of:

- Applicable local, state and federal laws, rules and regulations pertaining to public and private housing
- Methods and practices related to assisted housing
- Rent collection techniques
- Principles of individual and group behavior and counseling techniques
- Property management procedures and techniques
- Principles of supervision, training and performance evaluation
- Methods and techniques of technical, administrative and financial report preparation and presentation
- Community needs and resources

Ability to:

- Understand and apply applicable federal, state and local laws as they apply to assisted residential properties
- Function well as a team member
- Interact tactfully and effectively with people
- Read, interpret and apply rules and regulations



Property Management Administrator

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

Job Code
----M

- Understand industry software and electronic content management software
- Communicate effectively orally and in writing
- Exercise discretion and use good judgment in relationships with co-workers, tenants, landlords and the community at large
- Work effectively under pressure, meet deadlines and adjust to changing priorities
- Use initiative and exercise independent judgement within established procedural guidelines

MINIMUM QUALIFICATIONS:

Any combination of education and experience that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

1. Housing Authority internal candidates only: Three (3) years of experience in the class of Housing Specialist (or higher level class) in the Housing Authority of Alameda County and two (2) years of property management experience. (Possession of a Certified Housing Manager certificate or Certified Public Housing Manager certificate from an approved organization may be substituted for one year of the property management experience.)
2. Five (5) years full-time paid residential housing management experience in a private, public or non-profit entity providing housing to low income families, elderly or disabled tenants, preferably where federal and/or state rental assistance is provided. A Bachelor's Degree in a related field from an accredited college or university may be substituted for two years of the required experience or an Associate's Degree may be substituted for one year of the required experience.

QUALIFICATION REQUIREMENTS:

To perform the duties of this classification successfully, an individual must be able to perform each essential job function satisfactorily. The requirements listed above are representative of the knowledge, skill, and/or ability required for the Property Management Administrator. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential job functions. In addition, a driving record acceptable to the Housing Authority's insurance carrier must be maintained.

PHYSICAL DEMANDS:

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job.

While performing the duties of this job, mobility within and outside the workplace is required, including the ability to drive an automobile. Manual dexterity is required to operate a computer. Good eyesight is required to read and write. Good hearing and speech is necessary in order to communicate with the general public, co-workers, agency clients, the general public and officials contacted in the normal course of work. Regular attendance is required. Must be able to handle stressful situations. Ability to maneuver in the field to conduct physical inspections of properties is required.



Property Management Assistant

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

Job Code

Department(s):	Property Management and Maintenance
Unit(s):	n/a
Reports to:	Property Management Administrator
FLSA Status:	Non-exempt
Represented:	SEIU Local 1021

Required Licenses:	Possession of a California Driver's License
Required Certifications:	Training certifications as required by supervisor.

DEFINITION/PURPOSE:

Under supervision, personally performs para-professional, administrative and other duties related to tenant relations and property management; assists in conducting eligibility and re-examinations, and other related work as required or directed.

DISTINGUISHING FEATURES:

This single position functions in the Property Management and Maintenance Department and has responsibility for providing support to the Property Management Administrator as well as work related to initial and continued occupancy in Housing Authority-owned and managed housing units, including PACH units. This classification is distinguished from the Administrative Clerk and Housing Technician classifications in that most essential functions are para-professional in nature as compared to solely administrative tasks and by the performance of property management and tenant liaison duties.

SUPERVISION RECEIVED AND EXERCISED:

The Property Management Assistant receives direct supervision from the Property Management Administrator.

ESSENTIAL AND MARGINAL JOB FUNCTIONS:

Primary (essential) and less essential (marginal) responsibilities may include, but are not limited to, the following:

Essential Functions:

1. Assists in soliciting, screening and selecting tenants for Housing Authority-owned and managed units, including preparing and sending applications, assisting applicants in the completion of all required documents, and preparing leasing reports for the Property Management Administrator.
2. Prepares leases, attachments and various documents for Housing Authority-owned and managed properties.
3. Coordinates with Maintenance staff to conduct inspections of units after vacancies and for initial lease-up.
4. Shows vacant units to prospective tenants and coordinates the move-in process.
5. Assists in the monitoring and collection of delinquent rents and maintenance charges.
6. Conducts initial and annual re-examinations for Housing Authority owned and managed properties.
7. Assists with entering rents and subsidies.

Marginal Functions:

1. Assists with preparing correspondence to tenants for general notices and inspections.



Property Management Assistant

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

Job Code

2. Responds to tenant phone calls and emails; addresses general concerns and initiates work orders as necessary; refers complicated cases to the Property Management Administrator.
3. Provides social services referrals to tenants when necessary.
4. Assists in the oversight of HACA's Part-Time Property Aides.
5. Maintains client records including scanning all relevant documents.
6. Coordinates community room reservations and the related tenant deposits and payment to the Part-Time Property Aides.
7. Performs other duties as assigned.

KNOWLEDGE AND ABILITIES:

The Property Management Assistant classification requires the:

Knowledge of:

- Basic understanding of local, state and federal laws, rules and regulations pertaining to public, leased and private housing
- Methods and practices related to assisted housing
- Public and private agencies providing social services to low income groups
- Housing inspection techniques
- Rent collection techniques
- Property management procedures and techniques

Ability to:

- Understand and apply applicable federal, state and local laws and regulations as they pertain to assisted residential properties
- Function well as a team member
- Interact tactfully and effectively with people
- Read, interpret and apply rules and regulations
- Communicate effectively orally and in writing
- Learn industry software and electronic content management software
- Exercise discretion and use good judgment in relationships with co-workers, tenants, landlords and the community at large

MINIMUM QUALIFICATIONS:

Any combination of education and experience that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

1. Housing Authority internal candidates only: Two (2) years of experience in the class of Eligibility Technician, Account Specialist, Housing Technician or Administrative Clerk (or higher level position) at the Housing Authority of Alameda County and one (1) year of property management experience. Possession of a Certified Housing Manager certificate or Certified Public Housing Manager certificate from an approved organization may be substituted for one year of the required experience.
2. Three (3) years of full-time residential property management experience, preferably where federal and/or state rental assistance is provided.



Property Management Assistant

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

Job Code

QUALIFICATION REQUIREMENTS:

To perform the duties of this classification successfully, an individual must be able to perform each essential job function satisfactorily. The requirements listed above are representative of the knowledge, skill, and/or ability required for the Property Management Assistant. Reasonable accommodation may be made to enable individuals with disabilities to perform the essential job functions. In addition, a driving record acceptable to the Housing Authority's insurance carrier must be maintained.

PHYSICAL DEMANDS:

The physical demands described herein are representative of those that must be met by an employee to successfully perform the essential functions of the Property Management Assistant classification.

While performing the duties of this classification, mobility within the workplace is required. Manual dexterity is required to operate a computer. Good eyesight is required to read and write. Good hearing and speech are necessary in order to communicate with the general public, co-workers, agency clients, the general public and officials contacted in the normal course of work. Regular attendance is required. Employees in this classification must be able to handle stressful situations.

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

AGENDA STATEMENT

Meeting: March 11, 2020

Subject: Executive Director Evaluation and Compensation

Exhibits Attached: None

Personnel Committee Provide Merit Increase to Executive Director
Recommendation:

BACKGROUND

The executive director has had three performance evaluations and merit-based salary/benefit adjustments in her 14-year tenure at the Housing Authority.

The executive director began work at the Housing Authority on March 27, 2006. In January 2009, after a review of her performance by the Personnel Committee, the Housing Commission approved the first increase in salary and certain benefits.

In February 2011, the Personnel Committee again reviewed the executive director's performance and the Housing Commission approved an adjustment to certain benefits. The executive director did not request a salary increase at that time due to fiscal constraints and sequestration at the federal government level that affected HACA's funding.

In April 2015 the Housing Commission approved a third adjustment, authorizing a 5% salary increase and the addition of two weeks to the executive director's vacation balance.

DISCUSSION AND ANALYSIS

The Personnel Committee reviewed the executive director's performance and achievements since 2015 and found them to be excellent. The Committee recommends a five percent (5%) merit increase, effective the beginning of the current fiscal year.

BUDGET STATUS REPORT

Housing Authority of the County of Alameda
HOUSING CHOICE VOUCHER
Administrative Budget Status Report FYE June 30, 2020
January 2020

FY 2020 - HCV OPERATING BUDGET	Budgeted @ 1/31/2020	Actual @ 1/31/2020	OVER (UNDER)	PROJECTED 6/30/2020	SCH. NO.	2019 BUDGET	2020 BUDGET	DIFFERENCE
INCOME								
Investment Income	24	0	(24)	0	A1	500	42	(459)
Misc. Income	191,052	169,254	(21,798)	290,150	A1	327,518	327,518	0
Grant Income	0	0	0	0				0
Administrative Fee Income	4,320,568	4,173,711	(146,857)	7,156,536	A	6,946,058	7,406,688	460,630
TOTAL INCOME	4,511,644	4,342,965	(168,679)	7,446,685		7,274,076	7,734,248	460,172
EXPENSES								
Administration					B-1& 2	(3,969,090)	(3,995,132)	(26,042)
Salaries	(2,330,494)	(2,243,440)	87,054	(3,995,132)	C-1&2	(1,695,551)	(1,784,194)	(88,643)
Other Admin.	(1,040,780)	(895,510)	145,270	(1,729,566)		(5,664,641)	(5,779,327)	(114,685)
Total	(3,371,274)	(3,138,950)	232,324	(5,724,698)				
General					E	(224,511)	(184,369)	40,142
Insurance	(107,549)	(68,518)	39,031	(117,460)		(2,262,381)	(2,317,177)	(54,795)
Employee Benefits	(1,351,686)	(1,274,878)	76,809	(2,317,177)		0	0	0
Miscellaneous	0	0	0	0		(2,486,893)	(2,501,546)	(14,653)
Total	(1,459,235)	(1,343,396)	115,839	(2,434,636)		(8,151,534)	(8,280,873)	(129,339)
Total Routine Expenses	(4,830,509)	(4,482,346)	348,164	(8,159,335)				
Capital Expenditures	0	0	0	0	D2	0	0	0
TOTAL EXPENSES	(4,830,509)	(4,482,346)	348,164	(8,159,335)		(8,151,534)	(8,280,873)	(129,339)
Income (Deficit)						(877,458)	(546,625)	
NET INCOME (DEFICIT)	(318,865)	(139,380)	179,484	(712,649)		(877,458)	(546,625)	330,833

Unrestricted Net Position @ 6/30/18
Projected Income (Deficit) @ 6/30/19
Budgeted Income (Deficit) FYE 6/30/20
Projected Unrestricted Net Position @ 6/30/20

856,404
(647,168)
(546,625)
(337,389)

PROGRAM ACTIVITY REPORT

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

AGENDA STATEMENT

Meeting: March 11, 2020

Subject: Programs Activity Report

Exhibits Attached: Section 8 Contract and Housing Assistance Payments (HAP) Report;
Section 8 Average Contract Rent Report; Landlord Rental Listing
Report; FSS Program Monthly Report

Recommendation: Receive Report

SECTION 8 HOUSING CHOICE VOUCHERS (HCV)

- **Lease-Up:** As of March 1, 2020, the Section 8 HCV program had 6,015 units under contract. This number includes HACA vouchers and portability clients for which we are being billed by the receiving housing authority, but excludes portability clients for which we are billing the initial housing authority.
- **HCV Program Utilization:** As of March 1, 2020, the average HAP subsidy was \$1,674 and the average tenant-paid rent portion was \$574 for an average Contract Rent of \$2,248. These amounts include HACA vouchers, but do not include incoming and outgoing portability clients.
 - ❖ As of March 1, 2020, HACA had 156 outgoing billed portability contracts (i.e., HACA voucher holders who are housed in another housing authority's jurisdiction).
 - ❖ As of March 1, 2020, HACA billed other housing authorities for 473 incoming portability contracts.
 - ❖ As of March 1, 2020, 224 of PACH's 230 project-based voucher (PBV) units are leased. Two units at Nidus Court are being held vacant to be used as temporary living units for tenants while we remodel their units at the property (a total of 28 units will be remodeled). These are HACA's former public housing units converted under HUD's Section 18 or Rental Assistance Demonstration programs and transferred to PACH, HACA's instrumentality.
- **Section 8 Contract Reports:** Copies of the Contract Reports are attached. The Section 8 Contract and HAP Report includes HACA certificates, HACA vouchers and portability clients for which we are billing the initial housing authority. The Section 8 Average Contract Rent Report includes HACA vouchers and portability clients for which we are billing the initial housing authority.
- **Landlord Rental Listings:** As of March 2, 2020, there were 64 active properties listed.

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA
Section 8 Contract and HAP Report for the Month of February 2020

	Certificates		Vouchers		FEBRUARY 2020 TOTAL			
City	Number	HAP*	Number	HAP**	Number	HAP	FEBRUARY 2019	FEBRUARY 2018
		based on avg		based on avg				
		\$1,888		\$1,701				
Albany	0	\$0	12	\$20,412	12	\$20,412	15	20
Castro Valley	4	\$7,552	210	\$357,210	214	\$364,762	224	211
Dublin	3	\$5,664	395	\$671,895	398	\$677,559	406	398
Emeryville	6	\$11,328	142	\$241,542	148	\$252,870	148	154
Fremont	21	\$39,648	1,082	\$1,840,482	1,103	\$1,880,130	1,058	1,066
Hayward	47	\$88,736	1,861	\$3,165,561	1,908	\$3,254,297	1,954	1,966
Newark	5	\$9,440	226	\$384,426	231	\$393,866	214	211
Pleasanton	4	\$7,552	217	\$369,117	221	\$376,669	217	205
San Leandro	13	\$24,544	1,321	\$2,247,021	1,334	\$2,271,565	1,317	1,348
San Lorenzo	3	\$5,664	182	\$309,582	185	\$315,246	192	203
Union City	5	\$9,440	687	\$1,168,587	692	\$1,178,027	707	730
TOTALS	111	209,568	6,335	10,775,835	6,446	10,985,403	6,452	6,512

* Based on an average February Housing Assistance Payment (HAP) of \$1,888 per certificate contract

**Based on an average February Housing Assistance Payment (HAP) of \$1,701 per voucher contract

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

Section 8 Average Contract Rent Report for the Month of February 2020

City	Number of HAP Contracts (HCV Only)	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	12	\$1,696	\$1,355	\$411	24%
Castro Valley	210	\$2,289	\$1,747	\$541	24%
Dublin	395	\$2,201	\$1,700	\$500	23%
Emeryville	142	\$1,798	\$1,254	\$544	30%
Fremont	1,082	\$2,420	\$1,852	\$566	23%
Hayward	1,861	\$2,175	\$1,626	\$549	25%
Newark	226	\$2,597	\$1,901	\$696	27%
Pleasanton	217	\$1,978	\$1,547	\$431	22%
San Leandro	1,321	\$2,188	\$1,642	\$545	25%
San Lorenzo	182	\$2,473	\$1,775	\$697	28%
Union City	687	\$2,445	\$1,828	\$614	25%

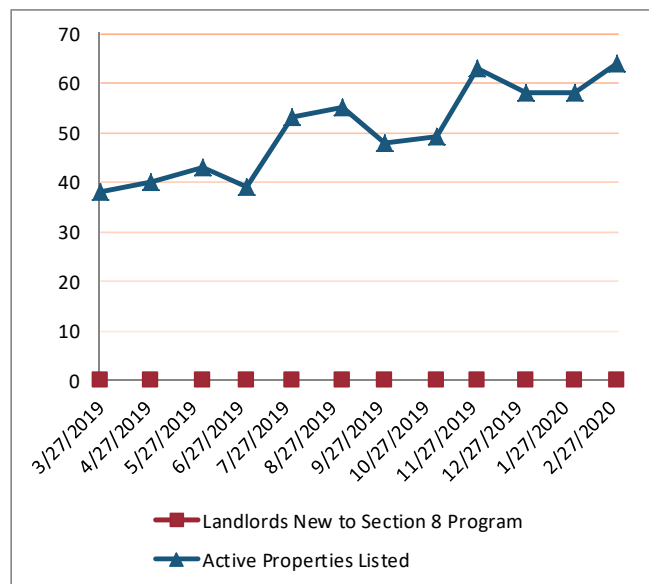
*Some rents may vary by \$1 due to rounding

This report includes HACA vouchers and portability clients for which we are billing the initial housing authority.

Landlord Rental Listing Report

Monthly

	3/27/2019	4/29/2019	6/3/2019	7/1/2019	8/1/2019	9/3/2019	10/1/2019	11/4/2019	12/1/2019	1/2/2020	2/3/2020	3/2/2020
Landlords New to Section 8 Program	0	0	0	0	0	0	0	0	0	0	0	0
Active Properties Listed	38	40	43	39	53	55	48	49	63	58	58	64



Landlords New to Section 8 Program data is currently unavailable.
We hope to be able to report on this again in the future.



To: Christine Gouig, Executive Director
From: Daniel Taylor, Special Programs Manager
Re: **FSS Program Summary**
CC: Linda Evans, Phyllis Harrison, Mary Sturges, Vannessa Kamerschen
Date: February 26, 2020

Program Summary	February 2020
Total Clients Under Contract:	199
MDRC:	100
Graduates:	0
Escrow Disbursed:	\$0
Ports In:	0
Ports Out:	0
Terminations:	0
New Contracts:	2

FSS PROGRAM NEWS:

Program Coordinating Committee (PCC)

On Wednesday, February 19, 2020, the FSS team held its quarterly PCC meeting. The PCC consists of Alameda County agencies, non-profit organizations and FSS participants. Its purpose is to offer guidance and strengthen our FSS program. The PCC members provided program updates regarding their respective agencies and shared helpful information. Our next PCC meeting is scheduled for Wednesday, May 20, 2020, from 3:00 p.m. – 4:30 p.m.

FSS Orientations

The FSS team held two orientations in September. The program goal is to schedule FSS orientations every quarter—in an effort to increase the size of the program. Forty-eight (48) participants in total attended the orientations.

Case Management Referrals = 15
Job Referrals = 79

ATTACHMENT A

Attachment B.4.A

**Housing Authority of the County of Alameda (HACA) Housing Choice Voucher Program, Administrative
Plan**

Chapter 16 — Program Administration

**PART IX: Violence Against Women ACT (VAWA): Notification, Documentation, Confidentiality
Page(s) 16-42 to 16-75**

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

16-IX.A. OVERVIEW

The Violence against Women Act of 2013 (VAWA) provides special protections for victims of domestic violence, dating violence, sexual assault, and stalking who are applying for or receiving assistance under the housing choice voucher (HCV) program. If state or local laws provide greater protection for such victims, those laws apply in conjunction with VAWA.

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

16-IX.B. DEFINITIONS [24 CFR 5.2003, 42 USC 13925]

As used in VAWA:

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

- The term *affiliated individual* means, with respect to a person:
 - A spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in the position or place of a parent; or
 - Any other person, tenant, or lawful occupant living in the household of the victim of domestic violence, dating violence, sexual assault, or stalking.
- The term *sexual assault* means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks the capacity to consent
- The term *stalking* means:
 - To engage in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.

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

Notification to Public

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

HACA Policy

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

A copy of the notice of occupancy rights under VAWA to Housing Choice Voucher Program applicants and participants who are or have been victims of domestic violence, dating violence, sexual assault, or stalking (Form HUD-5380, see Exhibit 16-1)

A copy of form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation (see Exhibit 16-2)

A copy of the PHA's Emergency Transfer Plan (Exhibit 16-3)

A copy of HUD's Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, Form HUD-5383 (Exhibit 16-4)

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

Contact information for local victim advocacy groups or service providers

Notification to Program Applicants and Participants [24 CFR 5.2005(a)(1), Notice PIH 2017-08]

PHAs are required to inform applicants and program participants of their rights under VAWA, including their right to confidentiality and the limits thereof, when they are denied assistance, when they are admitted to the program, and when they are notified of an eviction or termination of housing benefits.

HACA Policy

HACA will provide applicants with information about VAWA no later than at the time they are provided assistance or admitted (see section 5-I.B). HACA will also include information about VAWA in all notices of denial of assistance (see section 3-III.G).

HACA will also include information about VAWA in notices of termination of assistance, as provided in section 12-II.F.

The VAWA information provided to applicants and participants will consist of the notice in Exhibit 16-1 and 16-2.

The PHA is not limited to providing VAWA information at the times specified in the above policy. If the PHA decides to provide VAWA information to a participant following an incident of domestic violence, Notice PIH 2017-08 cautions against sending the information by mail, since the abuser may be monitoring the mail. The notice recommends that in such cases the PHA make alternative delivery arrangements that will not put the victim at risk.

HACA Policy

Whenever an individual staff member has reason to suspect that providing information about VAWA to a participant might place a victim of domestic violence at risk, it will attempt to deliver the information by hand directly to the victim by having the victim come to HACA's office, making reasonable accommodations as necessary. For example, HACA may decide not to send mail regarding VAWA protections to the victim's unit if HACA believes the perpetrator may have access to the victim's mail, unless requested by the victim.

When discussing VAWA with the victim, HACA will take reasonable precautions to ensure that no one can overhear the conversation, such as having conversations in a private room.

The victim may, but is not required to, designate an attorney, advocate, or other secure contact for communications regarding VAWA protections.

Notification to Owners and Managers

While PHAs are no longer required by regulation to notify owners and managers participating in the HCV program of their rights and obligations under VAWA, the PHA may still choose to inform them.

HACA Policy

HACA will notify owners and managers about their rights and obligations under VAWA when they begin their participation in the program.

HACA will provide owners and managers with the link to its website and indicate that Exhibit 16-5 and a copy of form HUD-5382, Certification of Domestic Violence, Dating Violence, and Stalking and Alternate Documentation, are available on the website.

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

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

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

- (1) A completed and signed HUD-approved certification form (HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), which must include the name of the perpetrator only if the name of the perpetrator is safe to provide and is known to the victim. The form may be filled out and submitted on behalf of the victim.
- (2) A federal, state, tribal, territorial, or local police report or court record, or an administrative record
- (3) Documentation signed by a person who has assisted the victim in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of such abuse. This person may be an employee, agent, or volunteer of a victim service provider; an attorney; a mental health professional; or a medical professional. The person signing the documentation must attest under penalty of perjury to the person's belief that the incidents in question are bona fide incidents of abuse. The victim must also sign the documentation.

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

HACA Policy

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

HACA may, in its discretion, extend the deadline for 10 business days. In determining whether to extend the deadline, HACA will consider factors that may contribute to the victim's inability to provide documentation in a timely manner, including cognitive limitations, disabilities, limited English proficiency, absence from the unit, administrative delays, the danger of further violence, and the victim's need to address health or safety issues. Any extension granted by HACA will be in writing.

Once the victim provides documentation, HACA will acknowledge receipt of the documentation in a timely manner.

In cases where HACA does not request documentation (e.g. HACA was aware of the abuse and encouraged the victim to request VAWA protections), HACA will document,

in a confidential manner, the individual's verbal statement or other corroborating evidence.

Conflicting Documentation [24 CFR 5.2007(e)]

In cases where the PHA receives conflicting certification documents from two or more members of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, the PHA may determine which is the true victim by requiring each to provide acceptable third-party documentation, as described above (forms 2 and 3). The PHA may also request third-party documentation when submitted documentation contains information that conflicts with existing information already available to the PHA. Individuals have 30 calendar days to return third-party verification to the PHA. If the PHA does not receive third-party documentation, and the PHA will deny or terminate assistance as a result, the PHA must hold separate hearings for the tenants [Notice PIH 2017-08].

The PHA must honor any court orders issued to protect the victim or to address the distribution of property.

HACA Policy

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

When requesting third-party documents, HACA will provide contact information for local domestic violence resources. In such cases, applicants or tenants will be given 30 calendar days from the date of the request to provide such documentation.

If HACA does not receive third-party documentation within the required timeframe (and any extensions) HACA will deny VAWA protections and will notify the applicant or tenant in writing of the denial. If, as a result, the applicant or tenant is denied or terminated from the program, HACA will hold separate hearings for the applicants or tenants.

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

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

HACA Policy

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

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

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

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

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

HACA Policy

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

EXHIBIT 16-1: NOTICE OF OCCUPANCY RIGHTS UNDER THE VIOLENCE AGAINST WOMEN ACT, FORM HUD-5380

Housing Authority of the County of Alameda
Notice of Occupancy Rights under the Violence Against Women Act¹

To All Tenants and Applicants

The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, or stalking. VAWA protections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation.² The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees that the Housing Authority of the County of Alameda (HACA) is in compliance with VAWA. This notice explains your rights under VAWA. A HUD-approved certification form is attached to this notice. You can fill out this form to show that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, and that you wish to use your rights under VAWA.

Protections for Applicants

If you otherwise qualify for assistance under the Section 8 Housing Choice Voucher, Project-Based Voucher, Rental Assistance Demonstration, or Moderate Rehabilitation programs, you cannot be denied admission or denied assistance because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

¹ Despite the name of this law, VAWA protection is available regardless of sex, gender identity, or sexual orientation.

² Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

Protections for Tenants

If you are receiving assistance under the Section 8 Housing Choice Voucher, Project-Based Voucher, Rental Assistance Demonstration, or Moderate Rehabilitation programs, you may not be denied assistance, terminated from participation, or be evicted from your rental housing because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Also, if you or an affiliated individual of yours is or has been the victim of domestic violence, dating violence, sexual assault, or stalking by a member of your household or any guest, you may not be denied rental assistance or occupancy rights under the Section 8 Housing Choice Voucher, Project-Based Voucher, Rental Assistance Demonstration, or Moderate Rehabilitation programs solely on the basis of criminal activity directly relating to that domestic violence, dating violence, sexual assault, or stalking.

Affiliated individual means your spouse, parent, brother, sister, or child, or a person to whom you stand in the place of a parent or guardian (for example, the affiliated individual is in your care, custody, or control); or any individual, tenant, or lawful occupant living in your household.

Removing the Abuser or Perpetrator from the Household

Your landlord may divide (bifurcate) your lease in order to evict the individual or terminate the assistance of the individual who has engaged in criminal activity (the abuser or perpetrator) directly relating to domestic violence, dating violence, sexual assault, or stalking.

If your landlord chooses to remove the abuser or perpetrator, the landlord may not take away the rights of eligible tenants to the unit or otherwise punish the remaining tenants. If the evicted abuser or perpetrator was the sole tenant to have established eligibility for assistance under the rental assistance program, the landlord must allow the tenant who is or has been a victim and other household members to remain in the unit for a period of time, in order to establish eligibility under the program or under another HUD housing program covered by VAWA, or, find alternative housing.

In removing the abuser or perpetrator from the household, the landlord must follow Federal, State, and local eviction procedures. In order to divide a lease, the landlord may, but is not

required, to ask you for documentation or certification of the incidences of domestic violence, dating violence, sexual assault, or stalking.

Moving to Another Unit

Upon your request, HACA may permit you to move to another unit, subject to the availability of other units, and still keep your assistance. In order to approve a request, HACA may ask you to provide documentation that you are requesting to move because of an incidence of domestic violence, dating violence, sexual assault, or stalking. If the request is a request for emergency transfer, HACA may ask you to submit a written request or fill out a form where you certify that you meet the criteria for an emergency transfer under VAWA. The criteria are:

1. You are a victim of domestic violence, dating violence, sexual assault, or stalking.

If HACA does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, HACA may ask you for such documentation, as described in the documentation section below.

2. You expressly request the emergency transfer. HACA may choose to require that you submit a form, or may accept another written or oral request.

3. You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit. This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

OR

You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer. If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you expressly request the transfer.

HACA will keep confidential requests for emergency transfers by victims of domestic violence, dating violence, sexual assault, or stalking, and the location of any move by such victims and their families.

HACA's emergency transfer plan provides further information on emergency transfers, and HACA must make a copy of its emergency transfer plan available to you if you ask to see it.

Documenting You Are or Have Been a Victim of Domestic Violence, Dating Violence, Sexual Assault or Stalking

HACA can, but is not required, to ask you to provide documentation to "certify" that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking. Such request from HACA must be in writing, and HACA must give you at least 14 business days (Saturdays, Sundays, and Federal holidays do not count) from the day you receive the request to provide the documentation. HACA may, but does not have to, extend the deadline for the submission of documentation upon your request.

You can provide one of the following to HACA as documentation. It is your choice which of the following to submit if HACA asks you to provide documentation that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

- A complete HUD-approved certification form given to you by HACA with this notice, that documents an incident of domestic violence, dating violence, sexual assault, or stalking. The form will ask for your name, the date, time, and location of the incident of domestic violence, dating violence, sexual assault, or stalking, and a description of the incident. The certification form provides for including the name of the abuser or perpetrator if the name of the abuser or perpetrator is known and is safe to provide.
- A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking. Examples of such records include police reports, protective orders, and restraining orders, among others.
- A statement, which you must sign, along with the signature of an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional or a mental health professional (collectively, "professional") from whom you sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, and with the professional selected by you attesting under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for protection.

- Any other statement or evidence that HACA has agreed to accept.

If you fail or refuse to provide one of these documents within the 14 business days, HACA does not have to provide you with the protections contained in this notice.

If HACA receives conflicting evidence that an incident of domestic violence, dating violence, sexual assault, or stalking has been committed (such as certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the abuser or perpetrator), HACA has the right to request that you provide third-party documentation within thirty 30 calendar days in order to resolve the conflict. If you fail or refuse to provide third-party documentation where there is conflicting evidence, HACA does not have to provide you with the protections contained in this notice.

Confidentiality

HACA must keep confidential any information you provide related to the exercise of your rights under VAWA, including the fact that you are exercising your rights under VAWA.

HACA must not allow any individual administering assistance or other services on behalf of HACA (for example, employees and contractors) to have access to confidential information unless for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law.

HACA must not enter your information into any shared database or disclose your information to any other entity or individual. HACA, however, may disclose the information provided if:

- You give written permission to HACA to release the information on a time limited basis.
- HACA needs to use the information in an eviction or termination proceeding, such as to evict your abuser or perpetrator or terminate your abuser or perpetrator from assistance under its programs.
- A law requires HACA or your landlord to release the information.

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

Reasons a Tenant Eligible for Occupancy Rights under VAWA May Be Evicted or Assistance May Be Terminated

You can be evicted and your assistance can be terminated for serious or repeated lease violations that are not related to domestic violence, dating violence, sexual assault, or stalking committed against you. However, HACA cannot hold tenants who have been victims of domestic violence, dating violence, sexual assault, or stalking to a more demanding set of rules than it applies to tenants who have not been victims of domestic violence, dating violence, sexual assault, or stalking.

The protections described in this notice might not apply, and you could be evicted and your assistance terminated, if HACA can demonstrate that not evicting you or terminating your assistance would present a real physical danger that:

1. Would occur within an immediate time frame, and
2. Could result in death or serious bodily harm to other tenants or those who work on the property.

If HACA can demonstrate the above, HACA should only terminate your assistance or evict you if there are no other actions that could be taken to reduce or eliminate the threat.

Other Laws

VAWA does not replace any Federal, State, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking. You may be entitled to additional housing protections for victims of domestic violence, dating violence, sexual assault, or stalking under other Federal laws, as well as under State and local laws.

Non-Compliance with the Requirements of This Notice

You may report a covered housing provider's (HACA's or your landlord's) violations of these rights and seek additional assistance, if needed, by contacting or filing a complaint with the Department of Housing and Urban Development, One Sansome Street, Suite 1200, San Francisco, CA 94104. Phone (415) 489-6400. Fax: (415) 489-6419. TTY: (800) 877-8339.

For Additional Information

You may view a copy of HUD's final VAWA rule at <https://www.gpo.gov/fdsys/pkg/FR-2016-11-16/pdf/2016-25888.pdf>.

Additionally, HACA must make a copy of HUD's VAWA regulations available to you if you ask to see them.

For questions regarding VAWA, please contact HACA's Tenant Team at 1-510-538-8876, option 3 or at tenantteam@haca.net.

For help regarding an abusive relationship, you may call the National Domestic Violence Hotline at 1-800-799-7233 or, for persons with hearing impairments, 1-800-787-3224 (TTY). You may also contact Alameda County Family Justice Center at 1-510-267-8800.

Tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

For help regarding sexual assault and stalking seeking help, you may contact Alameda County Family Justice Center at 1-510-267-8800.

Attachment: Certification form HUD-5382

EXHIBIT 16-2: CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING AND ALTERNATE DOCUMENTATION, FORM HUD-5382
--

**CERTIFICATION OF
DOMESTIC VIOLENCE,
DATING VIOLENCE,
SEXUAL ASSAULT, OR STALKING,
AND ALTERNATE DOCUMENTATION**

**U.S. Department of Housing
and Urban Development**

OMB Approval No. 2577-0286
Exp. 06/30/2017

Purpose of Form: The Violence Against Women Act (“VAWA”) protects applicants, tenants, and program participants in certain HUD programs from being evicted, denied housing assistance, or terminated from housing assistance based on acts of domestic violence, dating violence, sexual assault, or stalking against them. Despite the name of this law, VAWA protection is available to victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

Use of This Optional Form: If you are seeking VAWA protections from your housing provider, your housing provider may give you a written request that asks you to submit documentation about the incident or incidents of domestic violence, dating violence, sexual assault, or stalking.

In response to this request, you or someone on your behalf may complete this optional form and submit it to your housing provider, or you may submit one of the following types of third-party documentation:

- (1) A document signed by you and an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, “professional”) from whom you have sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse. The document must specify, under penalty of perjury, that the professional believes the incident or incidents of domestic violence, dating violence, sexual assault, or stalking occurred and meet the definition of “domestic violence,” “dating violence,” “sexual assault,” or “stalking” in HUD’s regulations at 24 CFR 5.2003.
- (2) A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
- (3) At the discretion of the housing provider, a statement or other evidence provided by the applicant or tenant.

Submission of Documentation: The time period to submit documentation is 14 business days from the date that you receive a written request from your housing provider asking that you provide documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking. Your housing provider may, but is not required to, extend the time period to submit the documentation, if you request an extension of the time period. If the requested information is not received within 14 business days of when you received the request for the documentation, or any extension of the date provided by your housing provider, your housing provider does not need to grant you any of the VAWA protections. Distribution or issuance of this form does not serve as a written request for certification.

Confidentiality: All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking shall be kept confidential and such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections to you, and such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

**TO BE COMPLETED BY OR ON BEHALF OF THE VICTIM OF DOMESTIC VIOLENCE,
DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING**

1. Date the written request is received by victim: _____

2. Name of victim: _____

3. Your name (if different from victim's): _____

4. Name(s) of other family member(s) listed on the lease: _____

5. Residence of victim: _____

6. Name of the accused perpetrator (if known and can be safely disclosed): _____

7. Relationship of the accused perpetrator to the victim: _____

8. Date(s) and times(s) of incident(s) (if known): _____

10. Location of incident(s): _____

In your own words, briefly describe the incident(s):

This is to certify that the information provided on this form is true and correct to the best of my knowledge and recollection, and that the individual named above in Item 2 is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature _____ Signed on (Date) _____

Public Reporting Burden: The public reporting burden for this collection of information is estimated to average 1 hour per response. This includes the time for collecting, reviewing, and reporting the data. The information provided is to be used by the housing provider to request certification that the applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking. The information is subject to the confidentiality requirements of VAWA. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget control number.

**EXHIBIT 16-3: HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA
EMERGENCY TRANSFER PLAN FOR VICTIMS OF DOMESTIC VIOLENCE,
DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING
HOUSING CHOICE VOUCHER (HCV), PROJECT-BASED VOUCHER (PBV), AND
MODERATE REHABILITATION (MR) PROGRAMS**

Attachment: Emergency Transfer Request form HUD-5383

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

**Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual
Assault, or Stalking
Housing Choice Voucher (HCV), Project-Based Voucher (PBV), and Moderate
Rehabilitation (MR) Programs**

Emergency Transfers

The Housing Authority of the County of Alameda (HACA) is concerned about the safety of its tenants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA),¹ HACA allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.² The ability of HACA to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether HACA has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

This plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants on safety and security. It is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the federal agency that oversees that HACA is in compliance with VAWA.

For the HCV and PBV programs, HACA is responsible for implementing the emergency transfer plan. For the MR program, the owner is responsible for implementing the emergency transfer plan. If the MR owner already has an emergency transfer plan in place, that emergency transfer plan will supersede this emergency transfer plan.

¹Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

²Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

HACA and MR owners are required to keep a record of all emergency transfer requests and the outcome of such requests, retain this information for a minimum of three years, and report this information to HUD.

This emergency transfer plan does not apply to HOME units without HCV assistance, Shelter Plus Care units (as the Continuum of Care is responsible for the emergency transfer policy), or other HACA-owned or controlled units without HCV assistance or other HUD assistance (e.g. UC Managed Unit and Park Terrace).

Eligibility for Emergency Transfers

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L, is eligible for an emergency transfer if the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. If the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

Emergency Transfer Request Documentation

Emergency Transfers: Housing for the HCV or PBV programs, the tenant shall notify HACA and submit a written request for a transfer to HACA, Attn: Emergency Transfer Request, 22941 Atherton Street, Hayward, CA, 94541 or tenantteam@haca.net. To request an emergency transfer for the MR program, the tenant shall notify the MR owner and submit a written request for a transfer to the owner. HACA will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request for an emergency transfer should include either:

1. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under HACA's program; OR
2. A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant's request for an emergency transfer.

HACA encourages tenants to utilize Form HUD-5383 (Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking) to make emergency transfer requests.

Confidentiality

For this section, housing provider is: 1) HACA for the HCV and PBV programs, and 2) both HACA and the owner for the MR program.

The housing provider will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives the housing provider written permission to release the information on a time-limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the tenant, if one is provided, from the person or persons that committed an act of domestic violence, dating violence, sexual assault, or stalking against the tenant. See the Notice of Occupancy Rights under the Violence against Women Act for All Tenants for more information about the housing provider's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

Emergency Transfer Timing and Availability

For this section, housing provider is: 1) HACA for the HCV and PBV programs, and 2) both HACA and the owner for the MR program.

The housing provider cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. The housing provider will, however, act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. A unit is considered to be available if the unit is vacant and ready for move-in within 30 days. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. The housing provider may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If the housing provider has no safe and available units for which a tenant who needs an emergency transfer is eligible, the housing provider will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant's request, the housing provider will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

Emergency Transfers: Housing Choice Voucher (HCV) Program

Tenant-based assistance: If you are a participant in the tenant-based HCV program and request an emergency transfer as described in this plan, HACA will assist you to move to a safe unit quickly using your existing HCV assistance. HACA will make exceptions to program regulations restricting moves as required.

At your request, HACA will refer you to organizations that may be able to further assist you.

Project-Based Voucher (PBV) assistance: If you are assisted under the PBV program, you may request an emergency transfer under the following programs for which you are not required to apply:

If you have lived in your PBV unit for less than one year:

- PBV assistance in the same project (if a vacant unit is available and you determine that the vacant unit is safe).

If you have lived in your PBV unit for one year or more:

- Tenant-based voucher if you have lived in your PBV unit for one year or more, if a tenant-based voucher is available. Prior to assisting other currently housed PBV holders who have priority to receive the next available opportunity for continued tenant-based assistance, HACA will issue you an HCV under this provision.
- PBV assistance in the same project (if a vacant unit is available and you determine that the vacant unit is safe).

You may also request an emergency transfer under the following programs for which you are required to apply:

If you have lived in your PBV unit for less than one year:

- PBV assistance in another development.

If you have lived in your PBV unit for one year or more:

- PBV assistance in another development.

HACA will assist you in identifying other housing providers who may have safe and available units to which you could move and local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking (attached to this plan) in the following circumstances:

- If you seek to move sooner than a tenant-based voucher will be available;
- If HACA cannot offer you other assistance (because you have not lived in your PBV unit for one year or more); or
- Another safe PBV unit is not immediately available.

Shelter Plus Care, HACA-Owned HOME Units, and Other HACA-Owned or Controlled Units without HCV Assistance or Other HUD Assistance

Emergency transfers will not take priority over waiting list admissions for these programs.

In all cases above, at your request, HACA will refer you to organizations that may be able to further assist you and provide you a list of housing providers in the community.

Emergency Transfers: Moderate Rehabilitation (MR) Program

If you are a participant in the MR program and request an emergency transfer from the owner as described in this plan, the owner will assist you to move to an available and safe unit as quickly as possible. If a safe unit is not available for a tenant who qualifies for an emergency transfer, the owner must, at a minimum:

1. Review the owner's existing inventory of units and determine when the next vacant unit may be available; and
2. Provide a listing of nearby HUD subsidized rental properties, with or without preference for persons of domestic violence, dating violence, sexual assault, or stalking, and contact information for the local HUD field office.

Safety and Security of Tenants

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe.

Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Tenants who have been victims of sexual assault may call the Rape, Abuse, and Incest National Network's National Sexual Assault Hotline at 1-800-656-HOPE, or visit the online hotline at <https://ohl.rainn.org/online/>.

Tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

Attachment: Local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.

In addition to the attached you may visit the following websites for links to other local resources:

- California Victim Compensation
Board: <http://vcgcb.ca.gov/victims/counties/alameda.aspx>
- Alameda Commission on the Status of
Women: http://www.alamedacsw.org/?page_id=152
- Alameda County Family Justice Center: http://www.acfjc.org/get_help
- Safe Alternatives to Violent Environments: <http://save-dv.org>

Domestic Violence Resource Guide for Alameda County **Guía de Recursos de Violencia Domestica para el Condado de Alameda**

24-HOUR CRISIS LINES

Líneas de crisis las 24 hrs. del día

ACCESS Mental Health	1-800-309-2131
A Safe Place	510-536-7233
Building Futures with Women and Children	1-866-292-9688
Ruby's Place	510- 786-1246
Tri-Valley Haven	1-800-884-8119
Center for Domestic Peace	415-924-6616
WOMAN, Inc. – referrals (SF)	415-864-4722
Next Door	408-279-2962
Family Violence Law Center... Mobile Response Team	1-800-947-8301
National Domestic Violence Hotline	1-800-799-7233

BATTERER'S TREATMENT

Tratamiento para agresores/golpeadores

Associated Counseling (SL)	510-357-0550
Davis Street Family Resource Ctr. (SL)	510-347-4620
John Hamel & Associates (B)	510-644-8190
Men Creating Peace (O/SF)	510-730-0184
Peace Creations (CV)	925-833-9505
Second Chance (H)	510-886-8696
(N)	510-792-4357
TAG Program (P)	925-830-3911
Terra Firma Diversion (H)	510-675-9362
Triumph (O)	510-636-4111
West Oakland Health Council (O)	510-729-8800

CHILD ABUSE SERVICES

Servicios de abuso infantil

Child and Family Services (Alameda Co.)	510-259-1800
(SF)	415-558-2650
CALICO (SL/Oakland)	510-895-0702

COUNSELING SERVICES

Servicios de asesoramiento/Consejería

Alameda Family Services (O)	510-629-6209
Asian Health Services (O)	510-986-6800
CARE Program (children) (O)	510-428-3407
Center for Non-abusive Relationships (O)	
(Men)	510-208-5006
(Women)	510-524-8284
Community Health for ... Asian Americans (O)	510-835-2777
Earth Circles Counseling Center (O)	510-601-1929
Family Paths (O)	510-893-5444
HEAL Program (O)	510-267-8840
	510-267-8847
Highland Hospital (O)	510-534-9290
Mujeres con Esperanza (O)	510-536-4764
Mujeres Unidas y Activas (O)	510-261-3398
Rainbow Psychotherapy Assoc. (O)	510-420-8083
Progressive Transition(s) (O)	510-917-0666
Shimruh Korean Center (O)	510-547-2360
The D.O.V.E.S Project (O)	510-428-3135
Triumph (O)	510-636-4111
Berkeley Therapy Institute (B)	510-841-8484
Blue Oak Therapy Center (B)	510-649-9818
Jewish Family & Children Services (B)	510-704-7475
Oak Creek Counseling Center (B)	1-888-637-7404
08/08/2016 NT, Alameda County Family Justice Center, 510-267-8800	

COUNSELING continued

Servicios de asesoramiento, continua

UC Psychology Clinic (Sept.-May) (B)	510-642-2055
Women's Daytime Drop-In Center (B)	510-548-2884
Hume Center (F)	510-745-9151
Simi Markar, LMFT (F)	510-273-9126
La Familia (H)	510-881-5921
Davis Street Family Resource Ctr (SL)	510-347-4620
Family Services Counseling Ctr (SL)	510-483-6715
Pathways Counseling Center/Girls Inc. (SL)	510-357-5515
Tri-Valley Haven (L)	925-449-5845
Cameron House (Chinese) (SF)	415-781-0401

CULTURALLY SPECIFIC RESOURCES

Recursos culturalmente específicos

Arab Cultural and Community Center (SF)	415-664-2200
Asian Health Services (O)	510-986-6830
Korean Community Center East Bay (O)	510-547-2662
La Clinica de la Raza (O)	510-535-4000
Maitri-Indian (San Jose)	1-888-862-4874
Narika-South Asian (B)	1-800-215-7308
Shalom Bayit-Jewish (O)	510-451-7233
Terra Firma Diversion-Spanish (H)	510-674-9362

DEAF RESOURCES

Recursos para sordos

DCARA (SL)	510-343-6670
DeafHope (O)	deafhope@deaf-hope.org

ELDER ABUSE SERVICES

Servicios para personas mayores victimas de abusos

Adult Protective Services (Alameda County)	510-577-3500
(SF)	415-557-5230
API Legal Outreach (O)	510-251-2846
Area Agency on Aging (Alameda County)	510-577-1900
Institute on Aging (SF)	415-750-4111
Legal Assistance for Seniors (O)	510-832-3040
Victim Witness (O)	510-777-2248

HEALTHCARE RESOURCES

Recursos para el cuidado de la salud

Axis Community Health (P)	925-462-1755
Berkeley Free Clinic (B)	510-548-2570
Davis Street Family Resource Ctr. (SL)	510-347-4620
Healthy Communities (O)	510-444-9655
Highland Hospital (O)	510-437-4800
La Clinica de la Raza (O)	510-535-4000
La Familia (H)	510-881-5921
Native American Health Center (O)	510-535-4400
Public Health Dept. Immunizations (O)	510-267-8823
Purple Ribbon (O)	510-517-1994
Tiburcio Vasquez (H/U)	510-471-5880
Tri-City Health Center (O)	510-873-6500
(Fremont)	510-770-8133
Urban Indian Health Board (O)	510-434-5300
West Oakland Health Center (O)	510-835-9610

Domestic Violence Resource Guide for Alameda County **Guia de Recursos de Violencia Domestica para el Condado de Alameda**

LAW ENFORCEMENT

Aplicacion y ejecucion de la ley

For life-threatening emergencies call 911

Alameda Police Department	510-337-8340
Albany Police Department	510-525-7300
Berkeley Police Department	510-981-5900
Dublin Police Department	925-833-6670
Emeryville Police Department	510-596-3700
Fremont Police Department	510-790-6800
Hayward Police Department	510-293-7272
Livermore Police Department	925-371-4900
Newark Police Department	510-578-4000
Oakland Police Department	510-777-3333
Pleasanton Police Department	925-931-5100
San Leandro Police Department	510-577-2740
Union City Police Department	510-471-1365
Alameda Co. Sheriff's Department	510-670-5048

LEGAL SERVICES

Servicios legales

Alameda County BAR Association (O)	510-302-2222
API Legal Outreach (O)	510-251-2846
(SF)	415-567-6255
ACFJC Legal Advice Clinic (O)	510-267-8800
Bay Area Legal Aid (O)	1-800-551-5554
Centro legal de la Raza (O)	510-437-1554
Family Violence Law Center (O)	1-800-947-8301
Self-Help Center (O)	510-272-1393
Family & Children Law Center (SF)	415-492-9230
Employment Law Center (SF)	415-864-8848
Tri-Valley Haven (L)	925-449-5843

LGBT RESOURCES

Recursos para lesbianas, homosexuales, bi-sexuales y transexuales

CUAV (SF)	415-333-4357
Hayward Lighthouse Center (referrals)	510-881-8167
Pacific Center (B)	510-548-8283
Project Eden (H)	510-247-8200
Queer Asian Women Services (SF) (Shelter)	415-751-0880
San Francisco LGBT Center	415-865-5555
Tri-Valley Haven (L)	1-800-884-8119

SEXUAL ASSAULT

Ayuda para victimas de as altos sexuales

Bay Area Women Against Rape (O)	510-430-1298
CALCASA (Sacramento)	916-446-2520
Contra Costa Rape Crisis	1-800-670-7273
Highland Hospital (O)	510-534-9290
MISSEY (O)	510-290-6450
Sage Project (SF)	415-905-5050
San Francisco Women Against Rape	415-861-2024
Tri-Valley Haven (L)	1-800-884-8119

SHELTERS

Albergues/Refugios

A Safe Place	510-536-7233
Asian Women's Shelter	1-877-751-0880
Building Futures with Women and Children	1-866-292-9688

08/08/2016 NT, Alameda County Family Justice Center, 510-267-8800

SHELTERS, continued

Albergues/Refugios, continua

Eden I&R	2-1-1
Ruby's Place	510-786-1246
La Casa de Las Madres	1-877-503-1850
Next Door	408-279-2962
Riley Center	415-255-0165
SAVE	510-794-6055
Second Chance	510-792-4357
Shepherd's Gate	925-443-4283
Tri-Valley Haven	1-800-884-8119
WOMAN, Inc. - referrals (SF)	415-864-4722

TRANSITIONAL HOUSING

Alojamiento de transicion

Alameda Point Collaborative (O)	510-898-7800
Bonita House (B)	510-923-1099
BOSS (B)	510-843-3700
Henry Robinson (O)	510-419-1010

IMMIGRATION ASSISTANCE

Asistencia de inmigracion

Bay Area Legal Aid (O)	1-800-551-5554
Centro legal de la Raza (O)	510-437-1554
East Bay Sanctuary (B)	510-540-5296
Immigration Center for Women & Children (SF)	415-861-1449
International Institute of the Bay Area (O)	510-451-2846

MISCELLANEOUS

Miscelaneo

Alameda County Community Food Bank	1-800-870-3663
Alameda County Social Services	510-263-2420
Department of Child Support Services (P)	1-866-901-3212
District Attorney's Office (O)	510-272-6222
Family and Children's Bureau (O)	510-690-2500
Victim Witness Assistance Division (O)	510-272-6180
Victim Compensation Program (O)	510-272-5044

SERVICES FOR MALE VICTIMS

Servicios para las victimas masculinas

Except for shelter, most of the agencies listed make their services available to male victims of domestic violence. Please call agency for more information.

**For a wide range of domestic violence related services call
 Alameda County Family Justice Center
 (510) 267-8800**

Location Key: Oakland (O), Berkeley (B), Fremont (F), Hayward (H), Livermore (L), Newark (N), Pleasanton (P), San Leandro (SL), San Ramon (SR), Santa Clara County (SC), Castro Valley (CV)

EXHIBIT 16-4: EMERGENCY TRANSFER REQUEST FOR CERTAIN VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING, FORM HUD-5383

**EMERGENCY TRANSFER
REQUEST FOR CERTAIN
VICTIMS OF DOMESTIC
VIOLENCE, DATING VIOLENCE,
SEXUAL ASSAULT, OR STALKING**

**U.S. Department of Housing
and Urban Development**

OMB Approval No. 2577-0286
Exp. 06/30/2017

Purpose of Form: If you are a victim of domestic violence, dating violence, sexual assault, or stalking, and you are seeking an emergency transfer, you may use this form to request an emergency transfer and certify that you meet the requirements of eligibility for an emergency transfer under the Violence Against Women Act (VAWA). Although the statutory name references women, VAWA rights and protections apply to all victims of domestic violence, dating violence, sexual assault or stalking. Using this form does not necessarily mean that you will receive an emergency transfer. See your housing provider's emergency transfer plan for more information about the availability of emergency transfers.

The requirements you must meet are:

(1) You are a victim of domestic violence, dating violence, sexual assault, or stalking.

If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation. In response, you may submit Form HUD-5382, or any one of the other types of documentation listed on that Form.

(2) You expressly request the emergency transfer. Submission of this form confirms that you have expressly requested a transfer. Your housing provider may choose to require that you submit this form, or may accept another written or oral request. Please see your housing provider's emergency transfer plan for more details.

(3) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit. This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

OR

You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer. If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you submit this form or otherwise expressly request the transfer.

Submission of Documentation: If you have third-party documentation that demonstrates why you are eligible for an emergency transfer, you should submit that documentation to your housing provider if it is safe for you to do so. Examples of third party documentation include, but are not limited to: a letter or other documentation from a victim service provider, social worker, legal assistance provider, pastoral counselor, mental health provider, or other professional from whom you have sought assistance; a current restraining order; a recent court order or other court records; a law enforcement report or records; communication records from the perpetrator of the violence or family members or friends of the perpetrator of the violence, including emails, voicemails, text messages, and social media posts.

Confidentiality: All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking, and concerning your request for an emergency transfer shall be kept confidential. Such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections or an emergency transfer to you. Such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

TO BE COMPLETED BY OR ON BEHALF OF THE PERSON REQUESTING A TRANSFER

1. Name of victim requesting an emergency transfer: _____

2. Your name (if different from victim's) _____

3. Name(s) of other family member(s) listed on the lease: _____

4. Name(s) of other family member(s) who would transfer with the victim: _____

5. Address of location from which the victim seeks to transfer: _____

6. Address or phone number for contacting the victim: _____

7. Name of the accused perpetrator (if known and can be safely disclosed): _____

8. Relationship of the accused perpetrator to the victim: _____

9. Date(s), Time(s) and location(s) of incident(s): _____

10. Is the person requesting the transfer a victim of a sexual assault that occurred in the past 90 days on the premises of the property from which the victim is seeking a transfer? If yes, skip question 11. If no, fill out question 11. _____

11. Describe why the victim believes they are threatened with imminent harm from further violence if they remain in their current unit.

12. If voluntarily provided, list any third-party documentation you are providing along with this notice: _____

This is to certify that the information provided on this form is true and correct to the best of my knowledge, and that the individual named above in Item 1 meets the requirement laid out on this form for an emergency transfer. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature _____ Signed on (Date) _____

EXHIBIT 16-5: OWNER NOTIFICATION OF RIGHTS AND OBLIGATIONS UNDER THE VIOLENCE AGAINST WOMEN ACT (VAWA)

VAWA provides protections for Section 8 Housing Choice Voucher (HCV), Project-Based Voucher (PBV) and Moderate Rehabilitation (MR) applicants, tenants, and participants from being denied assistance on the basis or as a direct result of being a victim of domestic violence, dating violence, sexual assault and stalking.

Purpose

Many of VAWA's protections for victims of domestic violence, dating violence, sexual assault and stalking involve action by the public housing agency (PHA), but some situations involve action by owners of assisted housing. The purpose of this notice (herein called "Notice") is to explain your rights and obligations under VAWA, as an owner of housing assisted through HACA's programs. Each component of this Notice also provides citations to HUD's applicable regulations for the HCV program. For additional citations to HUD's applicable regulations for the PBV or MR programs, please contact HACA.

Denial of Tenancy

Protections for applicants: Owners cannot deny tenancy based on the applicant having been or currently being a victim of domestic violence, dating violence, sexual assault, or stalking. However, the applicant must be otherwise eligible for tenancy. (See 24 Code of Federal Regulations (CFR) 982.452(b)(1).)

Eviction

Protections for program participants: Incidents or threats of domestic violence, dating violence, sexual assault, or stalking will not be considered a serious or repeated lease violation by the victim, or good cause to terminate the tenancy of the victim (24 CFR 5.2005(c)). Protection also applies to criminal activity related directly to domestic violence, dating violence, sexual assault, or stalking, conducted by a member of a tenant's household or any guest or other person under the tenant's control, if the tenant or an affiliated individual of the tenant is the victim or threatened victim of such domestic violence, dating violence, sexual assault, or stalking (24 CFR 5.2005(b)(2)).

Limitations of VAWA protections:

- a. Nothing in VAWA Final Rule limits the authority of an owner, when notified of a court order, to comply with a court order with respect to (24 CFR 5.2005(d)(1)):
 - 1) The rights of access or control of property, including civil protection orders issued to protect a victim of domestic violence, dating violence, sexual assault, or stalking; or
 - 2) The distribution or possession of property among members of a household in a case.
- b. Nothing in the VAWA Final Rule limits an owner from evicting a victim of domestic violence, dating violence, sexual assault, or stalking for a lease violation that is not premised on an act of domestic violence, dating violence, sexual assault, or stalking, as long as the owner does not subject the victim to more demanding standards than other tenants when deciding whether to evict. (See 24 CFR 5.2005(d)(2).)

- c. Nothing in the VAWA Final Rule limits an owner from evicting a tenant (including the victim of domestic violence, dating violence, sexual assault, or stalking) if the owner can demonstrate an actual and imminent threat to other tenants or those employed at or providing services to the property would be present if the tenant or lawful occupant is not evicted. (See 24 CFR 5.2005(d)(3).)
 - 1) In this context, words, gestures, actions, or other indicators will be considered an “actual and imminent threat” if they meet the following standards: An actual and imminent threat consists of a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur. (See 24 CFR 5.2003.)
 - 2) Any eviction due to “actual and imminent threat” should be utilized by an owner only when there are no other actions that could be taken to reduce or eliminate the threat, including, but not limited to, transferring the victim to a different unit, barring the perpetrator from the property, contacting law enforcement to increase police presence or develop other plans to keep the property safe, or seeking other legal remedies to prevent the perpetrator from acting on a threat. Restrictions predicated on public safety cannot be based on stereotypes, but must be tailored to particularized concerns about individual residents. (See 24 CFR 5.2005(d)(4).)

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

If an applicant or tenant requests VAWA protection based on status as a victim of domestic violence, dating violence, sexual assault, or stalking, the owner has the option to request that the victim document or provide written evidence to demonstrate that the violence occurred. However, nothing in HUD’s regulation requires a covered housing provider to request this documentation. (See 24 CFR 5.2007(b)(3).)

If the owner chooses to request this documentation, the owner must make such request in writing. The individual may satisfy this request by providing any one document type listed under 24 CFR 5.2007(b)(1):

- a. Form HUD-55383 (Self-Certification Form); or
- b. A document:
 - 1) Signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional or a mental health professional (collectively, “professional”) from whom the victim has sought assistance related to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse;
 - 2) Signed by the applicant or tenant; and
 - 3) That specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under 24 CFR part 5, subpart L, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking under 24 CFR 5.2003; or

- c. A record of a Federal, State, tribal, territorial or Local law enforcement agency, court, or administrative agency; or
- d. At the discretion of a covered housing provider, a statement or other evidence provided by the applicant or tenant.

The owner must accept any of the above items (a – c). The owner has discretion to accept a statement or other evidence (d).

The owner is prohibited from requiring third-party documentation of the domestic violence, dating violence, sexual assault, or stalking, unless the submitted documentation contains conflicting information.

If the owner makes a written request for documentation, the owner may require submission of that documentation within 14 business days after the date that the individual received the written request for documentation. (24 CFR 5.207(a)(2).) The owner may extend this time period at its discretion. During the 14 business day period and any granted extensions of that time, no adverse actions, such as evictions or terminations, can be taken against the individual requesting VAWA protection.

Once a victim provides documentation of domestic violence, dating violence, sexual assault, or stalking, the owner is encouraged to acknowledge receipt of the documentation in a timely manner.

If the applicant or tenant fails to provide documentation that meets the criteria in 24 CFR 5.2007 within 14 business days after receiving the written request for that documentation or within the designated extension period, nothing in VAWA Final Rule may be construed to limit the authority of the covered housing provider to:

- a. Deny admission by the applicant or tenant to the housing or program;
- b. Deny assistance under the covered housing program to the applicant or tenant;
- c. Terminate the participation of the tenant in the covered housing program; or
- d. Evict the tenant, or a lawful occupant that commits a violation of a lease.

An individual's failure to timely provide documentation of domestic violence, dating violence, sexual assault, or stalking does not result in a waiver of the individual's right to challenge the denial of assistance or termination, nor does it preclude the individual's ability to raise an incident of domestic violence, dating violence, sexual assault, or stalking at eviction or termination proceedings.

Moves

A victim of domestic violence, dating violence, sexual assault, or stalking may move in violation of their lease if the move is required to protect their safety. If a move results in the termination of the Housing Assistance Payment Contract, the lease is automatically terminated.

Lease Bifurcation

Owners may choose to bifurcate a lease, or remove a household member from a lease in order to evict, remove, terminate occupancy rights, or terminate assistance to such member who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual. (See 24 CFR 5.2099(a).) If an owner chooses to bifurcate the lease, the owner must

comply with the reasonable time to establish eligibility under the covered housing program or find alternative housing following lease bifurcation provision in 24 CFR 5.209(b). VAWA protections, including bifurcation, do not apply to guests or unreported members of a household or anyone else residing in a household who is not a tenant.

Eviction, removal, termination of occupancy rights, or termination of assistance must be effected in accordance with the procedures prescribed by Federal, State or local law for termination of leases.

To avoid unnecessary delay in the bifurcation process, HUD recommends that owners seek court-ordered eviction of the perpetrator pursuant to applicable laws. This process results in the underlying lease becoming null and void once the owner regains possession of the unit. The owner would then execute a new lease with the victim.

Evictions Due to “Actual and Imminent Threat” or Violations Not Premised on Abuse

The VAWA Final Rule generally prohibits eviction on the basis or as a direct result of the fact that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for assistance, participation or occupancy. (See 24 CFR 5.2005.)

However, the VAWA Final Rule does not prohibit an owner from evicting a tenant for any violation not premised on an act of domestic violence, dating violence, sexual assault, or stalking that is in question against the tenant or an affiliated individual of the tenant. Nor does the VAWA Final Rule prohibit an owner from evicting a tenant if the owner can demonstrate an actual and imminent threat to other tenants or those employed at or providing services to property of the owner would be present if that tenant or lawful occupant is not evicted or terminated from assistance. (See 5.2005(d)(2) and (3).)

In order to demonstrate an actual imminent threat to other tenants or employees at the property, the covered housing provider must have objective evidence of words, gestures, actions, or other indicators that meet the standards in the following definition:

Actual and imminent threat refers to the physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include:

- a. The duration of the risk;
- b. The nature and severity of the potential harm;
- c. The likelihood that the potential harm will occur; and
- d. The length of time before the potential harm would occur.

(See 24 CFR 5.2003 and 5.2005(d)(2).)

Confidentiality

Any information submitted to a covered housing provider under 24 CFR 5.2007, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, must be maintained in strict confidence by the covered housing providers. (See 24 CFR 5.207(c).)

Employees of the owner (or those within their employ, e.g., contractors) must not have access to the information unless explicitly authorized by the owner for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law (e.g., the information is needed by an employee to provide the VAWA protections to the victim).

The owner must not enter this information into any shared database, or disclose this information to any other entity or individual, except to the extent that disclosure is:

- a. Requested or consented to in writing by the individual (victim) in a time-limited release;
- b. Required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program; or
- c. Otherwise required by applicable law

When communicating with the victim, owners must take precautions to ensure compliance with these confidentiality requirements.

Service Providers

Referrals to shelters, counselors, and advocates can be obtained through 2-1-1 Alameda County by dialing 2-1-1 from your telephone or visiting <http://www.edenir.org/>. A list of local service providers is also included in HACA's Emergency Transfer Plan.

Definitions

Actual and imminent threat refers to a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur.

Affiliated individual, with respect to an individual, means:

- (1) A spouse, parent, brother, sister, or child of that individual, or a person to whom that individual stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of that individual); or
- (2) Any individual, tenant, or lawful occupant living in the household of that individual.

Bifurcate means to divide a lease as a matter of law, subject to the permissibility of such process under the requirements of the applicable HUD-covered program and State or Local law, such that certain tenants or lawful occupants can be evicted or removed and the remaining tenants or lawful occupants can continue to reside in the unit under the same lease requirements or as may be revised depending upon the eligibility for continued occupancy of the remaining tenants and lawful occupants.

Dating violence means violence committed by a person:

- (1) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

- (2) Where the existence of such a relationship shall be determined based on a consideration of the following factors:
- i. The length of the relationship;
 - ii. The type of relationship; and
 - iii. The frequency of interaction between the persons involved in the relationship.

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. The term "spouse or intimate partner of the victim" includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

Sexual assault means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (1) Fear for the person's individual safety or the safety of others; or
- (2) Suffer substantial emotional distress.

VAWA means the Violence Against Women Act of 1994, as amended (42 U.S.C. 13925 and 42 U.S.C. 14043e et seq.).

Attachment B.1.(a)

**Housing Authority of the County of Alameda (HACA) Housing Choice Voucher Program, Administrative
Plan**

Chapter 3 — Eligibility

Page(s) 3-1 to 3-42

Chapter 3

ELIGIBILITY

INTRODUCTION

HACA is responsible for ensuring that every individual and family admitted to the HCV program meets all program eligibility requirements. This includes any individual approved to join the family after the family has been admitted to the program. The family must provide any information needed by HACA to confirm eligibility and determine the level of the family's assistance.

To be eligible for the HCV program:

- The applicant family must:
 - Qualify as a family as defined by HUD and HACA.
 - Have income at or below HUD-specified income limits.
 - Qualify on the basis of citizenship or the eligible immigrant status of family members.
 - Provide social security number information for household members as required.
 - Consent to HACA's collection and use of family information as provided for in HACA-provided consent forms.
- HACA must determine that the current or past behavior of household members does not include activities that are prohibited by HUD or HACA.

This chapter contains three parts:

Part I: Definitions of Family and Household Members. This part contains HUD and HACA definitions of family and household members and explains initial and ongoing eligibility issues related to these members.

Part II: Basic Eligibility Criteria. This part discusses income eligibility, and rules regarding citizenship, social security numbers, and family consent.

Part III: Denial of Assistance. This part covers factors related to an applicant's past or current conduct (e.g. criminal activity) that can cause HACA to deny assistance.

PART I: DEFINITIONS OF FAMILY AND HOUSEHOLD MEMBERS

3-I.A. OVERVIEW

Some eligibility criteria and program rules vary depending upon the composition of the family requesting assistance. In addition, some requirements apply to the family as a whole and others apply to individual persons who will live in the assisted unit. This part provides information that is needed to correctly identify family and household members, and to apply HUD's eligibility rules.

3-I.B. FAMILY AND HOUSEHOLD [24 CFR 982.201(c); FR Notice 02/03/12; Notice PIH 2014-20]

The terms *family* and *household* have different meanings in the HCV program.

Family

To be eligible for assistance, an applicant must qualify as a family. *Family* as defined by HUD includes, but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status, a single person, who may be an elderly person, disabled person, near-elderly person, or any other single person; or a group of persons residing together. Such group includes, but is not limited to a family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family), an elderly family, a near-elderly family, a disabled family, a displaced family, or the remaining member of a tenant family. HACA has the discretion to determine if any other group of persons qualifies as a family.

Gender Identity means actual or perceived gender characteristics.

Sexual orientation means homosexuality, heterosexuality, or bisexuality.

HACA Policy

A family also includes two or more individuals who are not related by blood, marriage, adoption, or other operation of law but who either can demonstrate that they have lived together previously or certify that each individual's income and other resources will be available to meet the needs of the family.

Each family must identify the individuals to be included in the family at the time of application, and must notify HACA if the family's composition changes.

Household

Household is a broader term that includes additional people who, with HACA's permission, live in an assisted unit, such as live-in aides, foster children, and foster adults.

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

Family Break-up [24 CFR 982.315]

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

- If the family breakup results from an occurrence of domestic violence, dating violence, sexual assault, or stalking, the PHA must ensure that the victim retains assistance. (For documentation requirements and policies related to domestic violence, dating violence, sexual assault, and stalking, see section 16-IX.D of this plan.)
- In accordance with Notice PIH 2017-08, for HUD–Veterans Affairs Supportive Housing (HUD–VASH) vouchers, when the veteran is the perpetrator of domestic violence, dating violence, sexual assault, or stalking, the victim must continue to be assisted. Upon termination of the perpetrator’s HUD–VASH voucher, the victim should be given a regular HCV if one is available, and the perpetrator’s HUD–VASH voucher should be used to serve another eligible family. If a regular HCV is not available, the victim will continue to use the HUD–VASH voucher, which must be issued to another eligible family upon the voucher’s turnover.
- If a court determines the disposition of property between members of the assisted family, HACA is bound by the court's determination of which family members continue to receive assistance.

HACA Policy

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

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

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

Remaining Member of a Tenant Family [24 CFR 5.403]

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

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

3-I.D. HEAD OF HOUSEHOLD [24 CFR 5.504(b)]

Head of household means the adult member of the family who is considered the head for purposes of determining income eligibility and rent. The head of household is responsible for ensuring that the family fulfills all of its responsibilities under the program, alone or in conjunction with a co-head or spouse.

HACA Policy

The family may designate any qualified family member as the head of household.

The head of household must have the legal capacity to enter into a lease under state and local law. A minor who is emancipated under state law may be designated as head of household.

3-I.E. SPOUSE, COHEAD, AND OTHER ADULT

A family may have a spouse or co-head, but not both [HUD-50058 IB, p. 13].

Spouse and *Co-head* are defined in the *Glossary*.

HACA Policy

A minor who is emancipated under state law may be designated as a spouse.

A *co-head* is an individual in the household who is equally responsible with the head of household for ensuring that the family fulfills all of its responsibilities under the program, but who is not a spouse. A family can have only one co-head.

HACA Policy

Minors who are emancipated under state law may be designated as a co-head.

Other adult means a family member, other than the head, spouse, or co-head, who is 18 years of age or older. Foster adults and live-in aides are not considered other adults.

3-I.F. DEPENDENT [24 CFR 5.603]

A *dependent* is a family member who is under 18 years of age or a person of any age who is a person with a disability or a full-time student, except that the following persons can never be dependents: the head of household, spouse, co-head, foster children/adults and live-in aides. Identifying each dependent in the family is important because each dependent qualifies the family for a dependent allowance as described in Chapter 6.

Joint Custody of Dependents

HACA Policy

Dependents that are subject to a joint custody arrangement will be considered a member of the family, if they live with the applicant or participant family 183 or more days per year, not necessarily consecutively (51%).

When more than one applicant or participant family is claiming the same dependents as family members, the family with primary custody at the time of the initial examination or reexamination will be able to claim the dependents. If there is a dispute about which family should claim them, HACA will make the determination based on available documents such as court orders, or an IRS return showing which family has claimed the child for income tax purposes.

3-I.G. FULL-TIME STUDENT [24 CFR 5.603; HCV GB, p. 5-29]

A *full-time student* (FTS) is a person who is attending school or vocational training on a full-time basis. The time commitment or subject load that is needed to be full-time is defined by the educational institution.

Identifying each FTS is important because: (1) each family member that is an FTS, other than the head, spouse, or co-head, qualifies the family for a dependent allowance, and (2) the earned income of such an FTS is treated differently from the income of other family members.

3-I.H. ELDERLY AND NEAR-ELDERLY PERSONS, AND ELDERLY FAMILY [24 CFR 5.100 and 5.403, FR Notice 02/03/12]

Elderly Persons

An *elderly person* is a person who is at least 62 years of age.

Near-Elderly Persons

A *near-elderly person* is a person who is 50-61 years of age.

Elderly Family

An *elderly family* is one in which the head, spouse, co-head, or sole member is an elderly person. Identifying elderly families is important because elderly families qualify for the elderly family allowance as described in Chapter 6.

3-I.I. PERSONS WITH DISABILITIES AND DISABLED FAMILY [24 CFR 5.403, FR Notice 02/03/12]

Persons with Disabilities

Under the HCV program, special rules apply to persons with disabilities and to any family whose head, spouse, or co-head is a person with disabilities. The technical definitions of individual with handicaps and persons with disabilities are provided in Exhibit 3-1 at the end of this chapter. These definitions are used for a number of purposes including ensuring that persons with disabilities are not discriminated against based upon disability.

As discussed in Chapter 2, HACA must make all aspects of the HCV program accessible to persons with disabilities and consider reasonable accommodations requested based upon a person's disability.

Disabled Family

A *disabled family* is one in which the head, spouse, or co-head is a person with disabilities. Identifying disabled families is important because these families qualify for the disabled family allowance as described in Chapter 6.

Even though persons with drug or alcohol dependencies are considered persons with disabilities, this does not prevent HACA from denying assistance for reasons related to alcohol and drug abuse in accordance with the policies found in Part III of this chapter, or from terminating assistance in accordance with the policies in Chapter 12.

3-I.J. GUESTS [24 CFR 5.100]

A *guest* is a person temporarily staying in the unit with the consent of a member of the household who has expressed or implied authority to so consent. A *guest-day* is one calendar day per guest. For example, 3 separate guests who have each stayed with a family two days each at different times, have stayed 6 *guest-days*. ($3 \times 2 = 6$)

HACA Policy

A family may incur no more than 30 guest-days during any 12-month period.

Children who are subject to a joint custody arrangement or for whom a family has visitation privileges, that are not included as a family member because they live outside of the assisted household 183 or more days per year, not necessarily consecutively, are not subject to the time limitations of guests or guest-days as described above.

A family may request an exception to this policy for valid reasons (e.g., care of a relative recovering from a medical procedure is expected to last 40 consecutive days). An exception will not be made unless the family can identify and provide documentation of the residence to which the guest will return.

3-I.K. FOSTER CHILDREN AND FOSTER ADULTS

Foster adults are usually persons with disabilities, unrelated to the tenant family, who are unable to live alone [24 CFR 5.609].

The term *foster child* is not specifically defined by the regulations.

Foster children and foster adults who are living with an applicant or who have been approved by the PHA to live with a participant family are considered household members but not family members. The income of foster children/adults, including California Kinship Guardian Assistant Payments (Kin-GAP)_per PIH 2008-40, is not counted in family annual income, and foster children/adults do not qualify for a dependent deduction [24 CFR 5.603; HUD-50058 IB, p. 13].

HACA Policy

A *foster child* is a child that is in the legal guardianship or custody of a state, county, or private adoption or foster care agency, yet is cared for by foster parents in their own homes, under some kind of short-term or long-term foster care arrangement with the custodial agency.

A foster child or foster adult may be allowed to reside in the unit if their presence would not result in a violation of HACA subsidy standards.

Children that are temporarily absent from the home as a result of placement in foster care are discussed in Section 3-I.L.

3-I.L. ABSENT FAMILY MEMBERS

Individuals may be absent from the family, either temporarily or permanently, for a variety of reasons including educational activities, placement in foster care, employment, illness, incarceration, and court order.

Definitions of Temporarily and Permanently Absent

HACA Policy

Generally an individual who is or is expected to be absent from the assisted unit for 180 consecutive days or less is considered temporarily absent and continues to be considered a family member. Generally an individual who is or is expected to be absent from the assisted unit for more than 180 consecutive days is considered permanently absent and no longer a family member. Exceptions to this general policy are discussed below.

Absent Students

HACA Policy

When someone who has been considered a family member attends school away from home, the person will continue to be considered a family member unless information becomes available to HACA indicating that the student has established a separate household or the family declares that the student has established a separate household.

Absences Due to Placement in Foster Care [24 CFR 5.403]

Children temporarily absent from the home as a result of placement in foster care are considered members of the family.

HACA Policy

If a child has been placed in foster care, HACA will verify with the appropriate agency whether and when the child is expected to be returned to the home. Unless the agency confirms that the child has been permanently removed from the home, the child will be counted as a family member. If the child is receiving other federal rent subsidy, the child will be removed from the HACA-assisted household until s/he is no longer receiving the other federal rent subsidy.

Absent Head, Spouse, or Co-head

HACA Policy

An employed head, spouse, or co-head absent from the unit more than 180 consecutive days due to employment will continue to be considered a family member unless s/he is receiving other federal rent subsidy.

Family Members Permanently Confined for Medical Reasons [HCV GB, p. 5-22]

If a family member is confined to a nursing home or hospital on a permanent basis, that person is no longer considered a family member and the income of that person is not counted [HCV GB, p. 5-22].

HACA Policy

HACA will request verification of the family member's permanent absence from a responsible medical professional. If the responsible medical professional cannot provide a determination, the person will be considered temporarily absent. If the family certifies that the family member is confined on a permanent basis, it may present, and HACA will consider, any additional documentation or evidence.

Return of Permanently Absent Family Members

HACA Policy

The family must request HACA approval for the return to the assisted unit of any adult family member that HACA previously determined to be permanently absent. The family must notify HACA in writing within 10 days of the return of any minor that HACA has determined to be permanently absent. The individual is subject to the eligibility and screening requirements discussed elsewhere in this chapter.

3-I.M. LIVE-IN AIDE

A *live-in aide* is a person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who: (1) is determined to be essential to the care and well-being of the persons, (2) is not obligated for the support of the persons, and (3) would not be living in the unit except to provide the necessary supportive services [24 CFR 5.403]. This definition applies to a specific person [PIH 2008-20].

The PHA must approve a live-in aide if needed as a reasonable accommodation in accordance with 24 CFR 8, to make the program accessible to and usable by the family member with disabilities.

The PHA may not approve an unidentified live-in aide, nor a larger unit than the family qualifies for under the PHA's subsidy standards for an unidentified live-in aide.

Occasional, intermittent, multiple or rotating care givers do not meet the definition of a live-in aide since 24 CFR Section 982.402(b)(7) implies live-in aides must reside with a family permanently for the family unit size to be adjusted in accordance with the subsidy standards established by the PHA. Therefore, an additional bedroom should not be approved.

Regardless, a family may always request a reasonable accommodation to permit program participation by individuals with disabilities. A family's composition or circumstances may warrant the provision of an additional bedroom to permit disability-related overnight care and allow the family equal use and enjoyment of the unit. Such limited exceptions to the established subsidy standards are permitted under 24 CFR Section 982.402(b)(8).

The PHA must consider requests for an exception to the established subsidy standards on a case-by-case basis and provide an exception, where necessary, as a reasonable accommodation. The PHA shall document the justification for all granted exceptions.

HACA must approve a live-in aide if needed as a reasonable accommodation in accordance with 24 CFR 8, to make the program accessible to and usable by the family member with disabilities.

The income of a live-in aide is not counted in the calculation of annual income for the family [24 CFR 5.609(b)]. Relatives may be approved as live-in aides if they meet all of the criteria defining a live-in aide. Because live-in aides are not *family* members, a relative who serves as a live-in aide would not be considered a remaining member of a tenant family.

HACA Policy

The live-in aide, and any family members of the live-in aide, must be identified by the family and approved by HACA.

A family's request for a live-in aide must be made in accordance with HACA's Request for Reasonable Accommodation policies (2.II.C). Written verification will be required from a reliable, knowledgeable professional, such as a doctor, social worker, or case worker, that the live-in aide is essential for the care and well-being of the elderly, near-elderly, or disabled family member. For continued approval, the family must submit a new request-subject to HACA verification every two years.

In addition, the family and live-in aide will be required to submit a certification stating that the live-in aide is (1) not obligated for the support of the person(s) needing the care,

and (2) would not be living in the unit except to provide the necessary supportive services.

HACA will not approve a particular person as a live-in aide, and may withdraw such approval if [24 CFR 982.316(b)]:

The person commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;

The person commits drug-related criminal activity or violent criminal activity; or

The person currently owes rent or other amounts to HACA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.

HACA will notify the family of its decision in writing within 10 business days of receiving a request for a live-in aide, including all required documentation related to the request.

PART II: BASIC ELIGIBILITY CRITERIA

3-II.A. INCOME ELIGIBILITY AND TARGETING

Income Limits

HUD establishes income limits for all areas of the country and publishes them annually in the *Federal Register*. They are based upon estimates of median family income with adjustments for family size. The income limits are used to determine eligibility for the program and for income targeting purposes as discussed in this section.

Definitions of the Income Limits [24 CFR 5.603(b)]

Low-income family. A family whose annual income does not exceed 80 percent of the median income for the area, adjusted for family size.

Very low-income family. A family whose annual income does not exceed 50 percent of the median income for the area, adjusted for family size.

Extremely low-income family. A very low-income family whose annual income does not exceed the higher of the Federal poverty level or 30 percent of the median income for the area.

Area median income is determined by HUD, with adjustments for smaller and larger families. HUD may establish income ceilings higher or lower than 30, 50, or 80 percent of the median income for an area if HUD finds that such variations are necessary because of unusually high or low family incomes.

Using Income Limits for Eligibility [24 CFR 982.201]

Income limits are used for eligibility only at admission. Income eligibility is determined by comparing the annual income of an applicant to the applicable income limit for the applicant's family size. In order to be income eligible, an applicant family must be one of the following:

- A *very low-income* family
- A *low-income* family that has been "continuously assisted" under the 1937 Housing Act. A family is considered to be continuously assisted if the family is already receiving assistance under any 1937 Housing Act program at the time the family is admitted to the HCV program [24 CFR 982.4]

HACA Policy

HACA will consider a family to be continuously assisted if the family was leasing a unit under any 1937 Housing Act program at the time it was selected from HACA's waiting list.

- A low-income family that qualifies for voucher assistance as a non-purchasing household living in HOPE 1 (public housing homeownership), HOPE 2 (multifamily housing homeownership) developments, or other HUD-assisted multifamily homeownership programs covered by 24 CFR 248.173

- A low-income or moderate-income family that is displaced as a result of the prepayment of a mortgage or voluntary termination of a mortgage insurance contract on eligible low-income housing as defined in 24 CFR 248.101

HUD permits the PHA to establish additional categories of low-income families that may be determined eligible. The additional categories must be consistent with the PHA plan and the consolidated plans for local governments within the PHA's jurisdiction.

HACA Policy

HACA has not established any additional categories of eligible low-income families.

Using Income Limits for Targeting [24 CFR 982.201]

At least 75 percent of the families admitted to HACA's program during a HACA fiscal year must be extremely low-income families. HUD may approve exceptions to this requirement if HACA demonstrates that it has made all required efforts, but has been unable to attract an adequate number of qualified extremely low-income families.

Families continuously assisted under the 1937 Housing Act and families living in eligible low-income housing that are displaced as a result of prepayment of a mortgage or voluntary termination of a mortgage insurance contract are not counted for income targeting purposes.

3-II.B. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS [24 CFR 5, Subpart E]

Housing assistance is available only to individuals who are U.S. citizens, U.S. nationals (herein referred to as citizens and nationals), noncitizens that have eligible immigration status, or VAWA self-petitioners. At least one family member must be a citizen, national, noncitizen with eligible immigration status, or a VAWA self-petitioner in order for the family to qualify for any level of assistance.

All applicant families must be notified of the requirement to submit evidence of their citizenship status when they apply. Where feasible, and in accordance with HACA's Limited English Proficiency Plan, the notice must be in a language that is understood by the individual if the individual is not proficient in English.

Declaration [24 CFR 5.508]

HUD requires each family member to declare whether the individual is a citizen, a national, an eligible noncitizen, or a VAWA self-petitioner, except those members who elect not to contend that they have eligible immigration status. Those who elect not to contend their status are considered to be ineligible noncitizens. For citizens, nationals, eligible noncitizens, and VAWA self-petitioners, the declaration must be signed personally by the head, spouse (except for VAWA self-petitioners), co-head, and any other family member 18 or older, and by a parent or guardian for minors. The family must identify in writing any family members who elect not to contend their immigration status (see Ineligible Noncitizens below). No declaration is required for live-in aides, foster children, or foster adults.

U.S. Citizens and Nationals

Citizens and nationals are required to submit a signed declaration as verification of their status. HUD regulations also require PHAs to obtain verification of the declaration by requiring documentation of their status as set forth in Chapter 7.

HACA Policy

Family members who declare citizenship or national status will be required to provide documentation of their status as set forth in Chapter 7.

Eligible Noncitizens and VAWA Self-Petitioners

In addition to providing a signed declaration, those declaring status as an eligible noncitizen or VAWA self-petitioner, must sign a verification consent form. The PHA must obtain verification of the declaration by requiring documentation of their status as described in Chapter 7. The documentation required for establishing eligible noncitizen or VAWA self-petitioner status varies depending upon factors such as the conditions under which eligible immigration status has been granted, the person's age, and the date on which the family began receiving HUD-funded assistance.

Lawful residents of the Marshall Islands, the Federated States of Micronesia, and Palau, together known as the Freely Associated States, or FAS, are eligible for housing assistance under section 141 of the Compacts of Free Association between the U.S. Government and the Governments of the FAS [Public Law 106-504].

Ineligible Noncitizens

Those noncitizens who do not wish to contend their immigration status are required to have their names listed on a non-contending family members listing, signed by the head, spouse, or co-head (regardless of citizenship status), indicating their ineligible immigration status. HACA is not required to verify a family member's ineligible status and is not required to report an individual's unlawful presence in the U.S. to the United States Citizenship and Immigration Services (USCIS).

Providing housing assistance to noncitizen students is prohibited [24 CFR 5.522]. This prohibition extends to the noncitizen spouse of a noncitizen student as well as to minor children who accompany or follow to join the noncitizen student. Such prohibition does not extend to the citizen spouse of a noncitizen student or to the children of the citizen spouse and noncitizen student. Such a family is eligible for prorated assistance as a mixed family.

Mixed Families

A family is eligible for assistance as long as at least one member is a citizen, national, or eligible noncitizen. Families that include eligible and ineligible individuals are considered *mixed families*. Such families will be given notice that their assistance will be prorated, and that they may request a hearing if they contest this determination. See Chapter 6 for a discussion of how rents are prorated, and Chapter 16 for a discussion of informal hearing procedures.

Ineligible Families [24 CFR 5.514(d), (e), and (f)]

HACA may elect to provide assistance to a family before the verification of the eligibility of the individual or one family member [24 CFR 5.512(b)]. Otherwise, no individual or family may be assisted prior to the affirmative establishment by HACA that the individual or at least one family member is eligible. Verification of eligibility for this purpose occurs when the individual or family members have submitted documentation to HACA in accordance with program requirements [24 CFR 5.512(a)].

HACA Policy

HACA will not provide assistance to a family before the verification of at least one family member.

When HACA determines that an applicant family does not include any citizens, nationals, or eligible noncitizens, following the verification process, the family will be sent a written notice within 10 business days of the determination.

The notice will explain the reasons for the denial of assistance, that the family may be eligible for proration of assistance, and will advise the family of its right to request an appeal to the United States Citizenship and Immigration Services (USCIS), or to request an informal hearing with HACA. The informal hearing with HACA may be requested in lieu of the USCIS appeal, or at the conclusion of the USCIS appeal process. The notice must also inform the applicant family that assistance may not be delayed until the conclusion of the USCIS appeal process, but that it may be delayed pending the completion of the informal hearing process.

Informal hearing procedures are contained in Chapter 16.

Timeframe for Determination of Citizenship Status [24 CFR 5.508(g)]

For new occupants joining the assisted family, HACA must verify status at the first interim or regular reexamination following the person's occupancy, whichever comes first.

If an individual qualifies for a time extension for the submission of required documents, HACA must grant such an extension for no more than 30 days [24 CFR 5.508(h)].

Each family member is required to submit evidence of eligible status only one time during continuous occupancy.

HACA Policy

HACA will verify the citizenship status of applicants at the time other eligibility factors are determined.

3-II.C. SOCIAL SECURITY NUMBERS [24 CFR 5.216 and 5.218, Notice PIH 2018-24]

The applicant and all members of the applicant's household (including Live-In Aides and foster children/adults) must disclose the complete and accurate social security number (SSN) assigned to each household member, and the documentation necessary to verify each SSN. If a child under age 6 has been added to an applicant family within 6 months prior to voucher issuance, an otherwise eligible family may be admitted to the program and must disclose and document the child's SSN within 90 days of the effective date of the initial HAP contract. A detailed discussion of acceptable documentation is provided in Chapter 7-II.B.

Note: These requirements do not apply to noncitizens who do not contend eligible immigration status.

In addition, each participant who has not previously disclosed an SSN, has previously disclosed an SSN that HUD or the SSA determined was invalid, or has been issued a new SSN must submit their complete and accurate SSN and the documentation required to verify the SSN at the time of the next interim or annual reexamination or recertification. Participants age 62 or older as of January 31, 2010, whose determination of eligibility was begun before January 31, 2010, are exempt from this requirement and remain exempt even if they move to a new assisted unit.

HACA must deny assistance to an applicant family if it does not meet the SSN disclosure, and documentation requirements contained in 24 CFR 5.216 (see Chapter 12-I.D).

3-II.D. FAMILY CONSENT TO RELEASE OF INFORMATION [24 CFR 5.230, HCV GB, p. 5-13]

HUD requires each adult family member, and the head of household, spouse, or co-head, regardless of age, to sign form HUD-9886, Authorization for the Release of Information/Privacy Act Notice, and other consent forms as needed to collect information relevant to the family's eligibility and level of assistance. Chapter 7 provides detailed information concerning the consent forms and verification requirements.

HACA must deny admission to the program if any member of the applicant family fails to sign and submit the consent forms for obtaining information in accordance with 24 CFR 5, Subparts B and F [24 CFR 982.552(b)(3)].

3-II.E. STUDENTS ENROLLED IN INSTITUTIONS OF HIGHER EDUCATION [24 CFR 5.612 and FR Notice 4/10/06, FR Notice 9/21/16]

Section 327 of Public Law 109-115 and the implementing regulation at 24 CFR 5.612 established new restrictions on the eligibility of certain students (both part- and full-time) who are enrolled in institutions of higher education.

If a student enrolled at an institution of higher education is under the age of 24, is not a veteran, is not married, and does not have a dependent child, and is not a person with disabilities receiving HCV assistance as of November 30, 2005, the student's eligibility must be examined along with the income eligibility of the student's parents. In these cases, both the student and the student's parents must be income eligible for the student to receive HCV assistance. If, however, a student in these circumstances is determined independent from his/her parents in accordance with HACA policy, the income of the student's parents will not be considered in determining the student's eligibility.

The new law does not apply to students who reside with parents who are applying to receive HCV assistance. It is limited to students who are seeking assistance on their own, separately from their parents.

Definitions

In determining whether and how the new eligibility restrictions apply to a student, HACA will rely on the following definitions [FR Notice 4/10/06, FR Notice 9/21/16].

Dependent Child

In the context of the student eligibility restrictions, *dependent child* means a dependent child of a student enrolled in an institution of higher education. The dependent child must also meet the definition of *dependent* in 24 CFR 5.603, which states that the dependent must be a member of the assisted family, other than the head of household or spouse, who is under 18 years of age, or is a person with a disability, or is a full-time student. Foster children and foster adults are not considered dependents.

Independent Student

HACA Policy

HACA will consider a student “independent” from his or her parents and the parents’ income will not be considered when determining the student’s eligibility if the following four criteria are all met:

The individual is of legal contract age under state law.

The individual has established a household separate from his/her parents for at least one year prior to application for occupancy or the individual meets the U.S. Department of Education’s definition of independent student.

To be considered an *independent student* according to the Department of Education, a student must meet one or more of the following criteria:

The individual is at least 24 years old by December 31 of the award year for which aid is sought

The individual is an orphan, in foster care, or a ward of the court, or was an orphan, in foster care, or ward of the court at any time when the individual was 13 years of age or older

The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual’s state of legal residence

The individual is a veteran of the U.S. Armed Forces or is currently serving on active duty in the Armed Forces for other than training purposes

The individual is a graduate or professional student

The individual is married

The individual has one or more legal dependents other than a spouse (for example, dependent children or an elderly dependent parent)

The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth, or as unaccompanied, at risk of homelessness, and self-supporting by:

A local educational agency homeless liaison

The director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act or a designee of the director

A financial aid administrator

The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances

The individual was not claimed as a dependent by his/her parents pursuant to IRS regulations, as demonstrated on the parents' most recent tax forms.

The individual provides a certification of the amount of financial assistance that will be provided by his/her parents. This certification must be signed by the individual providing the support and must be submitted even if no assistance is being provided.

If the PHA determines that an individual meets the definition of a *vulnerable youth*, such a determination is all that is necessary to determine that the person is an *independent student* for the purposes of using only the student's income for determining eligibility for assistance.

HACA will verify that a student meets the above criteria in accordance with the policies in Section 7-II.E.

Institution of Higher Education

HACA will use the statutory definition under section 102 of the Higher Education Act of 1965 to determine whether a student is attending an *institution of higher education* (see Exhibit 3-2).

Parents

HACA Policy

For purposes of student eligibility restrictions, the definition of *parents* includes biological or adoptive parents, stepparents (as long as they are currently married to the biological or adoptive parent), and guardians (e.g., grandparents, aunt/uncle, godparents, etc).

Person with Disabilities

The PHA will use the statutory definition under section 3(b)(3)(E) of the 1937 Act to determine whether a student is a *person with disabilities* (see Exhibit 3-1).

Veteran

HACA Policy

A *veteran* is a person who served in the active military, naval, or air service and who was discharged or released from such service under conditions other than dishonorable.

Vulnerable Youth

HACA Policy

A *vulnerable youth* is an individual who meets the U.S. Department of Education's definition of *independent student* in paragraphs (b), (c), or (h), as adopted in Section II of FR Notice 9/21/16:

The individual is an orphan, in foster care, or a ward of the court, or was an orphan, in foster care, or ward of the court at any time when the individual was 13 years of age or older

The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's state of legal residence

The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth, or as unaccompanied, at risk of homelessness, and self-supporting by:

A local educational agency homeless liaison

The director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act or a designee of the director

A financial aid administrator

Determining Student Eligibility

If a student is applying for assistance on his/her own, apart from his/her parents, HACA must determine whether the student is subject to the eligibility restrictions contained in 24 CFR 5.612.

If the student is subject to those restrictions, HACA must ensure that: (1) the student is individually eligible for the program, (2) either the student is independent from his/her parents or the student's parents are income eligible for the program, and (3) the "family" with which the student is applying is collectively eligible for the program.

HACA Policy

For any student who is subject to the 5.612 restrictions, HACA will:

Follow its usual policies in determining whether the student individually and the student's "family" collectively are eligible for the program

Determine whether the student is independent from his/her parents in accordance with the definition of *independent student* in this section

Follow the policies below, if applicable, in determining whether the student's parents are income eligible for the program

If HACA determines that the student, the student's parents (if applicable), or the student's "family" is not eligible, HACA will send a notice of denial in accordance with the policies in Section 3-III.F, and the applicant family will have the right to request an informal review in accordance with the policies in Section 16-III.B.

Determining Parental Income Eligibility

HACA Policy

For any student who is subject to the 5.612 restrictions and who does not satisfy the definition of *independent student* in this section, HACA will determine the income eligibility of the student's parents as follows:

If the student's parents are married and living together, HACA will obtain a joint income declaration and certification of joint income from the parents.

If the student's parent is widowed or single, HACA will obtain an income declaration and certification of income from that parent.

If the student's parents are divorced or separated, HACA will obtain an income declaration and certification of income from each parent.

If the student has been living with one of his/her parents and has not had contact with or does not know where to contact his/her other parent, HACA will require the student to submit a certification under penalty of perjury describing the circumstances and stating that the student does not receive financial assistance from the other parent. HACA will then obtain an income declaration and certification of income from the parent with whom the student has been living or had contact.

In determining the income eligibility of the student's parents, HACA will use the income limits for the jurisdiction in which the parents live.

PART III: DENIAL OF ASSISTANCE

3-III.A. OVERVIEW

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

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

Denial of assistance includes any of the following:

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

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

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

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

3-III.B. REQUIRED DENIAL OF ASSISTANCE [24 CFR 982.553(a)]

HUD requires PHAs to deny assistance in the following cases:

- Any member of the household has been evicted from federally-assisted housing in the last 3 years for drug-related criminal activity.

HUD permits, but does not require, PHAs to admit an otherwise-eligible family if the household member has completed a PHA-approved drug rehabilitation program or the circumstances which led to eviction no longer exist (e.g., the person involved in the criminal activity no longer lives in the household).

HACA Policy

HACA will not admit an otherwise-eligible family who was evicted from federally-assisted housing within the past 3 years for drug-related criminal activity. However, HACA may admit the household if HACA determines:

- That the evicted household member who engaged in the criminal activity has successfully completed a supervised drug rehabilitation program approved by HACA; or
- That the circumstances leading to eviction no longer exist (for example, the criminal household member has died or is imprisoned).
- The PHA determines that any household member is currently engaged in the use of illegal drugs.

HACA Policy

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

- The PHA has reasonable cause to believe that any household member's current use or pattern of use of illegal drugs, or current abuse or pattern of abuse of alcohol, may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

HACA Policy

In determining reasonable cause, HACA will consider all credible evidence, including but not limited to, any record of convictions, arrests, or evictions of household members related to the use of illegal drugs or the abuse of alcohol. A conviction will be given more weight than an arrest. HACA will also consider evidence from treatment providers or community-based organizations providing services to household members.

- Any household member has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine on the premises of federally assisted housing.
- Any household member is subject to a lifetime registration requirement under a state sex offender registration program.
- The applicant does not meet the applicable SSN disclosure, documentation, and verification requirements as specified in 24 CFR 5.216 outlined in Chapter 7II-B.

3-III.C. OTHER PERMITTED REASONS FOR DENIAL OF ASSISTANCE

HUD permits, but does not require, PHAs to deny assistance for the reasons discussed in this section.

Criminal Activity [24 CFR 982.553]

HUD permits, but does not require, PHAs to deny assistance if the PHA determines that any household member is currently engaged in, or has engaged in during a reasonable time before the family would receive assistance, certain types of criminal activity.

HACA Policy

If any household member is currently engaged in, or has engaged in any of the following criminal activities, within the past five years, the family will be denied assistance.

Drug-related criminal activity, defined by HUD as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug [24 CFR 5.100].

Violent criminal activity, defined by HUD as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage [24 CFR 5.100].

Criminal activity that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or

Criminal activity that may threaten the health or safety of property owners management staff, and persons performing contract administration functions or other responsibilities on behalf of HACA (including a HACA employee or a HACA contractor, subcontractor, or agent).

Evidence of such criminal activity includes, but is not limited to:

Any conviction not expunged for drug-related or violent criminal activity within the past 5 years.

Records of arrests for drug-related or violent criminal activity within the past 5 years, although a record of arrest(s) will not be used as the basis for the denial or proof that the applicant engaged in disqualifying criminal activity.

Any record of eviction from public or privately-owned housing as a result of criminal activity within the past 5 years.

A conviction for drug-related or violent criminal activity will be given more weight than an arrest for such activity.

In making its decision to deny assistance, HACA will consider the factors discussed in Section 3-III.E. Upon consideration of such factors, HACA may, on a case-by-case basis, decide not to deny assistance.

Previous Behavior in Assisted Housing [24 CFR 982.552(c)]

HUD authorizes HACA to deny assistance based on the family's previous behavior in assisted housing.

Per the alternative requirements listed in the *Federal Register* notice dated December 29, 2014, PHAs are no longer permitted to deny assistance to a family because the family previously failed to meet its obligations under the Family Self-Sufficiency (FSS) program [FR Notice 12/29/14].

HACA Policy

HACA **will** deny assistance to an applicant family if:

The family does not provide information that HACA or HUD determines is necessary in the administration of the program.

The family does not provide complete and true information to HACA.

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

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

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

The family owes rent or other amounts to any PHA in connection with Section 8 or other public housing assistance under the 1937 Act,, unless the family repays the full amount of the debt prior to being assisted.

If the family has not reimbursed any PHA for amounts the PHA paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease, unless the family repays the full amount of the debt prior to being assisted.

The family has breached the terms of a repayment agreement entered into with HACA, unless the family repays the full amount of the debt covered in the repayment agreement prior to being assisted.

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

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

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

In making its decision to deny assistance, HACA will consider the factors discussed in Section 3-III.E. Upon consideration of such factors, HACA may, on a case-by-case basis, decide not to deny assistance.

3-III.D. SCREENING

Screening for Eligibility

PHAs are authorized to obtain criminal conviction records from law enforcement agencies to screen applicants for admission to the HCV program. This authority assists PHAs in complying with HUD requirements and HACA policies to deny assistance to applicants who are engaging in or have engaged in certain criminal activities. In order to obtain access to the records PHAs must require every applicant family to submit a consent form signed by each adult household member [24 CFR 5.903].

HACA Policy

HACA will perform a criminal background check for every adult household member.

PHAs are required to perform criminal background checks necessary to determine whether any household member is subject to a lifetime registration requirement under a state sex offender program in the state where the housing is located, as well as in any other state where a household member is known to have resided [24 CFR 982.553(a)(2)(i)].

HACA Policy

HACA will use the Dru Sjodin National Sex Offender database to screen applicants for admission.

Additionally, PHAs must ask whether the applicant, or any member of the applicant's household, is subject to a lifetime registered sex offender registration requirement in any state [Notice PIH 2012-28].

If a PHA proposes to deny assistance based on a criminal record or on lifetime sex offender registration information, it must notify the household of the proposed action and must provide the subject of the record and the applicant a copy of the record and an opportunity to dispute the accuracy and relevance of the information prior to a denial of admission. [24 CFR 5.903(f) and 5.905(d)].

Screening for Suitability as a Tenant [24 CFR 982.307]

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

HACA Policy

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

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

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

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

HACA Policy

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

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 facts 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.

Removal of a Family Member's Name from the Application

Should the PHA's screening process reveal that an applicant's household includes an individual subject to state lifetime registered sex offender registration, 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 deny admission to the family [Notice PIH 2012-28].

For other criminal activity, the PHA may permit the family to exclude the culpable family members as a condition of eligibility. [24 CFR 982.552(c)(2)(ii)].

HACA Policy

As a condition of receiving assistance, a family may agree to remove the culpable family member from the application. In such instances, the head of household must certify that the family member will not be permitted to visit, stay as a guest, or reside in the assisted unit other than as required or permitted by a court visitation order.

After admission to the program, the family must present evidence of the former family member's current address upon HACA request.

Reasonable Accommodation [24 CFR 982.552(c)(2)(iv)]

If the family includes a person with disabilities, HACA's decision concerning denial of admission is subject to consideration of reasonable accommodation in accordance with 24 CFR Part 8.

HACA Policy

If the family indicates that the behavior of a family member with a disability is the reason for the proposed denial of assistance, HACA will determine whether the behavior is related to the stated disability. If so, upon the family's request, HACA will determine whether admitting the family as a reasonable accommodation is appropriate. HACA will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed denial of assistance. (See Chapter 2 for a discussion of reasonable accommodation.)

3-III.F. NOTICE OF ELIGIBILITY OR DENIAL

If the family is eligible for assistance, HACA will so notify the family when it extends the invitation to attend the voucher briefing appointment, as discussed in Chapter 5.

If HACA determines that a family is not eligible for the program for any reason, the family must be notified promptly. The notice must describe: (1) the reasons for which assistance has been denied, (2) the family's right to an informal review, and (3) the process for obtaining the informal review [24 CFR 982.554 (a)]. See Chapter 16, for informal review policies and procedures.

HACA Policy

The family will be notified of a decision to deny assistance in writing within 10 business days of the determination. The notice will include contact information for Bay Area Legal Aid.

If HACA uses a criminal record or sex offender registration information obtained under 24 CFR 5, Subpart J, as the basis of a denial, a copy of the record must precede the notice to deny, with an opportunity for the applicant to dispute the accuracy and relevance of the information before HACA can move to deny the application. In addition, a copy of the record must be provided to the subject of the record [24 CFR 5.903(f) and 5.905(d)]. HACA must give the family an opportunity to dispute the accuracy and relevance of that record, in the informal review process in accordance with program requirements [24 CFR 982.553(d)].

HACA Policy

If, based on a criminal record or sex offender registration information, an applicant family appears to be ineligible, HACA will notify the family in writing of the proposed denial and provide a copy of the record to the subject of the record and, with signed authorization from the subject, a copy to the applicant. The family will be given 10 business days to dispute the accuracy and relevance of the information. If the family does not contact HACA to dispute the information within that 10-day period, HACA will proceed with issuing the notice of denial of admission. A family that does not exercise its right to dispute the accuracy of the information prior to issuance of the official denial letter will still be given the opportunity to do so as part of the informal review process.

Notice requirements related to denying assistance to noncitizens are contained in Section 3-II.B.

Notice policies related to denying admission to applicants who may be victims of domestic violence, dating violence, sexual assault, or stalking are contained in Section 3-III.G.

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

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

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

Notification

VAWA 2013 expanded notification requirements to include the obligation for PHAs to provide applicants who are denied assistance with a VAWA Notice of Occupancy Rights (form HUD-5380) and a domestic violence certification form (HUD-5382) at the time the applicant is denied.

HACA Policy

HACA acknowledges that a victim of domestic violence, dating violence, sexual assault, or stalking may have an unfavorable history (e.g., a poor credit history, poor rental history, a record of previous damage to an apartment, a prior arrest record) due to adverse factors that would warrant denial under HACA’s policies.

While HACA is not required to identify whether adverse factors that resulted in the applicant’s denial are a result of domestic violence, dating violence, sexual assault, or stalking, the applicant may inform HACA that their status as a victim is directly related to the grounds for the denial. If so informed, HACA will request that the applicant provide enough information to HACA to allow HACA to make an objectively reasonable determination, based on all circumstances, whether the adverse factor is a direct result of their status as a victim.

HACA will include in its notice of denial the VAWA information described in section 16-IX.C of this plan as well as including a copy of the form HUD-5382. HACA will request in writing that an applicant wishing to claim protection under VAWA notify HACA within 14 business days.

Documentation

Victim Documentation [24 CFR 5.2007]

HACA Policy

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

Perpetrator Documentation

HACA Policy

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

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

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

EXHIBIT 3-1: DETAILED DEFINITIONS RELATED TO DISABILITIES

Person with Disabilities [24 CFR 5.403]

The term *person with disabilities* means a person who has any of the following types of conditions:

- Has a disability, as defined in 42 U.S.C. Section 423(d)(1)(A), which reads:

Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months; *or*

In the case of an individual who has attained the age of 55 and is blind (within the meaning of “blindness” as defined in section 416(i)(1) of this title), inability by reason of such blindness to engage in substantial gainful activity, requiring skills or ability comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time.
- Has a developmental disability as defined in the Developmental Disabilities Assistance and Bill of Rights Act of 2000 [42 U.S.C.15002(8)], which defines developmental disability in functional terms as follows:

(A) In General

The term “developmental disability” means a severe, chronic disability of an individual that:

- (i) is attributable to a mental or physical impairment or combination of mental and physical impairments;
- (ii) is manifested before the individual attains age 22;
- (iii) is likely to continue indefinitely;
- (iv) results in functional limitations in 3 or more of the following areas of major life activity: (I) Self-care, (II) Receptive and expressive language, (III) Learning, (IV) Mobility, (V) Self-direction, (VI) Capacity for independent living, (VII) Economic self-sufficiency; and
- (v) reflects the individual’s need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

(B) Infants and Young Children

An individual from birth to age 9, inclusive, who has a substantial developmental delay or specific congenital or acquired condition, may be considered to have a developmental disability without meeting 3 or more of the criteria described in clauses (i) through (v) of subparagraph (A) if the individual, without services and supports, has a high probability of meeting those criteria later in life.

- Has a physical, mental, or emotional impairment that is expected to be of long-continued and indefinite duration; substantially impedes his or her ability to live independently, and is of such a nature that the ability to live independently could be improved by more suitable housing conditions.

People with the acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agent for AIDS are not excluded from this definition.

A person whose disability is based solely on any drug or alcohol dependence does not qualify as a person with disabilities for the purposes of this program.

For purposes of reasonable accommodation and program accessibility for persons with disabilities, the term person with disabilities refers to an individual with handicaps.

Individual with Handicaps [24 CFR 8.3]

Individual with handicaps means any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment. The term does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents the individual from participating in the program or activity in question, or whose participation, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others. As used in this definition, the phrase:

(1) Physical or mental impairment includes:

- (a) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
- (b) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.

(2) *Major life activities* means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

(3) Has a record of such an impairment means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(4) *Is regarded as having an impairment* means:

- (a) Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by a recipient as constituting such a limitation;
- (b) Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or
- (c) Has none of the impairments defined in paragraph (1) of this section but is treated by a recipient as having such an impairment.

<p style="text-align: center;">EXHIBIT 3-2: DEFINITION OF INSTITUTION OF HIGHER EDUCATION [20 U.S.C. 1001 and 1002]</p>

Eligibility of Students for Assisted Housing Under Section 8 of the U.S. Housing Act of 1937; Supplementary Guidance; Notice [Federal Register, April 10, 2006]

Institution of Higher Education shall have the meaning given this term in the Higher Education Act of 1965 in 20 U.S.C. 1001 and 1002.

Definition of “Institution of Higher Education” From 20 U.S.C. 1001

- (a) Institution of higher education. For purposes of this chapter, other than subchapter IV and part C of subchapter I of chapter 34 of Title 42, the term “institution of higher education” means an educational institution in any State that
 - (1) Admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate;
 - (2) Is legally authorized within such State to provide a program of education beyond secondary education;
 - (3) Provides an educational program for which the institution awards a bachelor’s degree or provides not less than a 2-year program that is acceptable for full credit toward such a degree;
 - (4) Is a public or other nonprofit institution; and
 - (5) Is accredited by a nationally recognized accrediting agency or association, or if not so accredited, is an institution that has been granted pre-accreditation status by such an agency or association that has been recognized by the Secretary for the granting of pre-accreditation status, and the Secretary has determined that there is satisfactory assurance that the institution will meet the accreditation standards of such an agency or association within a reasonable time.
- (b) Additional institutions included. For purposes of this chapter, other than subchapter IV and part C of subchapter I of chapter 34 of Title 42, the term “institution of higher education” also includes—
 - (1) Any school that provides not less than a 1-year program of training to prepare students for gainful employment in a recognized occupation and that meets the provision of paragraphs (1), (2), (4), and (5) of subsection (a) of this section; and
 - (2) A public or nonprofit private educational institution in any State that, in lieu of the requirement in subsection (a)(1) of this section, admits as regular students persons who are beyond the age of compulsory school attendance in the State in which the institution is located.
- (c) List of accrediting agencies. For purposes of this section and section 1002 of this title, the Secretary shall publish a list of nationally recognized accrediting agencies or associations that the Secretary determines, pursuant to subpart 2 of part G of subchapter IV of this chapter, to be reliable authority as to the quality of the education or training offered.

Definition of “Institution of Higher Education” From 20 U.S.C. 1002

- (a) Definition of institution of higher education for purposes of student assistance programs
- (1) Inclusion of additional institutions. Subject to paragraphs (2) through (4) of this subsection, the term “institution of higher education” for purposes of subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42 includes, in addition to the institutions covered by the definition in section 1001 of this title—
- (A) A proprietary institution of higher education (as defined in subsection (b) of this section);
- (B) A postsecondary vocational institution (as defined in subsection (c) of this section); and
- (C) Only for the purposes of part B of subchapter IV of this chapter, an institution outside the United States that is comparable to an institution of higher education as defined in section 1001 of this title and that has been approved by the Secretary for the purpose of part B of subchapter IV of this chapter.
- (2) Institutions outside the United States
- (A) In general. For the purpose of qualifying as an institution under paragraph (1)(C), the Secretary shall establish criteria by regulation for the approval of institutions outside the United States and for the determination that such institutions are comparable to an institution of higher education as defined in section 1001 of this title (except that a graduate medical school, or a veterinary school, located outside the United States shall not be required to meet the requirements of section 1001 (a)(4) of this title). Such criteria shall include a requirement that a student attending such school outside the United States is ineligible for loans made, insured, or guaranteed under part B of subchapter IV of this chapter unless—
- (i) In the case of a graduate medical school located outside the United States—
- (I)(aa) At least 60 percent of those enrolled in, and at least 60 percent of the graduates of, the graduate medical school outside the United States were not persons described in section 1091(a)(5) of this title in the year preceding the year for which a student is seeking a loan under part B of subchapter IV of this chapter; and
- (bb) At least 60 percent of the individuals who were students or graduates of the graduate medical school outside the United States or Canada (both nationals of the United States and others) taking the examinations administered by the Educational Commission for Foreign Medical Graduates received a passing score in the year preceding the year for which a student is seeking a loan under part B of subchapter IV of this chapter; or
- (II) The institution has a clinical training program that was approved by a State as of January 1, 1992; or

- (ii) In the case of a veterinary school located outside the United States that does not meet the requirements of section 1001(a)(4) of this title, the institution's students complete their clinical training at an approved veterinary school located in the United States.
- (B) Advisory panel
 - (i) In general. For the purpose of qualifying as an institution under paragraph (1)(C) of this subsection, the Secretary shall establish an advisory panel of medical experts that shall—
 - (I) Evaluate the standards of accreditation applied to applicant foreign medical schools; and
 - (II) Determine the comparability of those standards to standards for accreditation applied to United States medical schools.
 - (ii) Special rule if the accreditation standards described in clause (i) are determined not to be comparable, the foreign medical school shall be required to meet the requirements of section 1001 of this title.
- (C) Failure to release information. The failure of an institution outside the United States to provide, release, or authorize release to the Secretary of such information as may be required by subparagraph (A) shall render such institution ineligible for the purpose of part B of subchapter IV of this chapter.
- (D) Special rule. If, pursuant to this paragraph, an institution loses eligibility to participate in the programs under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42, then a student enrolled at such institution may, notwithstanding such loss of eligibility, continue to be eligible to receive a loan under part B while attending such institution for the academic year succeeding the academic year in which such loss of eligibility occurred.
- (3) Limitations based on course of study or enrollment. An institution shall not be considered to meet the definition of an institution of higher education in paragraph (1) if such institution—
 - (A) Offers more than 50 percent of such institution's courses by correspondence, unless the institution is an institution that meets the definition in section 2471 (4)(C) of this title;
 - (B) Enrolls 50 percent or more of the institution's students in correspondence courses, unless the institution is an institution that meets the definition in such section, except that the Secretary, at the request of such institution, may waive the applicability of this subparagraph to such institution for good cause, as determined by the Secretary in the case of an institution of higher education that provides a 2-or 4-year program of instruction (or both) for which the institution awards an associate or baccalaureate degree, respectively;

- (C) Has a student enrollment in which more than 25 percent of the students are incarcerated, except that the Secretary may waive the limitation contained in this subparagraph for a nonprofit institution that provides a 2-or 4-year program of instruction (or both) for which the institution awards a bachelor's degree, or an associate's degree or a postsecondary diploma, respectively; or
 - (D) Has a student enrollment in which more than 50 percent of the students do not have a secondary school diploma or its recognized equivalent, and does not provide a 2-or 4-year program of instruction (or both) for which the institution awards a bachelor's degree or an associate's degree, respectively, except that the Secretary may waive the limitation contained in this subparagraph if a nonprofit institution demonstrates to the satisfaction of the Secretary that the institution exceeds such limitation because the institution serves, through contracts with Federal, State, or local government agencies, significant numbers of students who do not have a secondary school diploma or its recognized equivalent.
- (4) Limitations based on management. An institution shall not be considered to meet the definition of an institution of higher education in paragraph (1) if—
- (A) The institution, or an affiliate of the institution that has the power, by contract or ownership interest, to direct or cause the direction of the management or policies of the institution, has filed for bankruptcy, except that this paragraph shall not apply to a nonprofit institution, the primary function of which is to provide health care educational services (or an affiliate of such an institution that has the power, by contract or ownership interest, to direct or cause the direction of the institution's management or policies) that files for bankruptcy under chapter 11 of title 11 between July 1, 1998, and December 1, 1998; or
 - (B) The institution, the institution's owner, or the institution's chief executive officer has been convicted of, or has pled nolo contendere or guilty to, a crime involving the acquisition, use, or expenditure of funds under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42, or has been judicially determined to have committed fraud involving funds under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42.
- (5) Certification. The Secretary shall certify an institution's qualification as an institution of higher education in accordance with the requirements of subpart 3 of part G of subchapter IV of this chapter.
- (6) Loss of eligibility. An institution of higher education shall not be considered to meet the definition of an institution of higher education in paragraph (1) if such institution is removed from eligibility for funds under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42 as a result of an action pursuant to part G of subchapter IV of this chapter.

(b) Proprietary institution of higher education

- (1) Principal criteria. For the purpose of this section, the term “proprietary institution of higher education” means a school that—
 - (A) Provides an eligible program of training to prepare students for gainful employment in a recognized occupation;
 - (B) Meets the requirements of paragraphs (1) and (2) of section 1001 (a) of this title;
 - (C) Does not meet the requirement of paragraph (4) of section 1001 (a) of this title;
 - (D) Is accredited by a nationally recognized accrediting agency or association recognized by the Secretary pursuant to part G of subchapter IV of this chapter;
 - (E) Has been in existence for at least 2 years; and
 - (F) Has at least 10 percent of the school’s revenues from sources that are not derived from funds provided under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42, as determined in accordance with regulations prescribed by the Secretary.
- (2) Additional institutions. The term “proprietary institution of higher education” also includes a proprietary educational institution in any State that, in lieu of the requirement in paragraph (1) of section 1001 (a) of this title, admits as regular students persons who are beyond the age of compulsory school attendance in the State in which the institution is located.

(c) Postsecondary vocational institution.

- (1) Principal criteria. For the purpose of this section, the term “postsecondary vocational institution” means a school that—
 - (A) Provides an eligible program of training to prepare students for gainful employment in a recognized occupation;
 - (B) Meets the requirements of paragraphs (1), (2), (4), and (5) of section 1001 (a) of this title; and
 - (C) Has been in existence for at least 2 years.
- (2) Additional institutions. The term “postsecondary vocational institution” also includes an educational institution in any State that, in lieu of the requirement in paragraph (1) of section 1001 (a) of this title, admits as regular students persons who are beyond the age of compulsory school attendance in the State in which the institution is located.

**Housing Authority of the County of Alameda (HACA) Housing Choice Voucher Program, Administrative
Plan**

Chapter 4 — Applications, Waiting List and Tenant Selection

Page(s) 4-1 to 4-33

Chapter 4

APPLICATIONS, WAITING LIST AND TENANT SELECTION

INTRODUCTION

When a family wishes to receive assistance under the HCV program, the family must submit an application that provides the PHA with the information needed to determine the family's eligibility. HUD requires the PHA to place all families that apply for assistance on a waiting list. When HCV assistance becomes available, the PHA must select families from the waiting list in accordance with HUD requirements and PHA policies as stated in the administrative plan and the annual plan.

The PHA is required to adopt clear policies and procedures for accepting applications, placing families on the waiting list, and selecting families from the waiting list, and must follow these policies and procedures consistently. The actual order in which families are selected from the waiting list can be affected if a family has certain characteristics designated by HUD or the PHA that justify their selection. Examples of this are the selection of families for income targeting and the selection of families that qualify for targeted funding.

HUD regulations require that all families have an equal opportunity to apply for and receive housing assistance, and that the PHA affirmatively further fair housing goals in the administration of the program [24 CFR 982.53, HCV GB p. 4-1]. Adherence to the selection policies described in this chapter ensures that the PHA will be in compliance with all relevant fair housing requirements, as described in Chapter 2.

This chapter describes HUD and PHA policies for taking applications, managing the waiting list and selecting families for HCV assistance. The policies outlined in this chapter are organized into three sections, as follows:

Part I: The Application Process. This part provides an overview of the application process, and discusses how applicants can obtain and submit applications. It also specifies how the PHA will handle the applications it receives.

Part II: Managing the Waiting List. This part presents the policies that govern how the PHA's waiting list is structured, when it is opened and closed, and how the public is notified of the opportunity to apply for assistance. It also discusses the process the PHA will use to keep the waiting list current.

Part III: Selection for HCV Assistance. This part describes the policies that guide the PHA in selecting families for HCV assistance as such assistance becomes available. It also specifies how in-person interviews will be used to ensure that the PHA has the information needed to make a final eligibility determination.

PART I: THE APPLICATION PROCESS

4-I.A. OVERVIEW

This part describes the PHA policies for making applications available, accepting applications making preliminary determinations of eligibility, and the placement of applicants on the waiting list. This part also describes the PHA's obligation to ensure the accessibility of the application process to elderly persons, people with disabilities, and people with limited English proficiency (LEP).

4-I.B. APPLYING FOR ASSISTANCE [HCV GB, pp. 4-11 – 4-16, Notice PIH 2009-36]

Any family that wishes to receive HCV assistance must apply for admission to the program. HUD permits the PHA to determine the format and content of HCV applications, as well how such applications will be made available to interested families and how applications will be accepted by the PHA. The PHA must include Form HUD-92006, Supplement to Application for Federally Assisted Housing, as part of the PHA's application.

HACA Policy

HACA may use a one- or two-step application process. In a one-step process, the family must provide all of the information necessary to establish family eligibility and level of assistance at application. A one-step process may be used when it is expected that a family will be selected from the waiting list within 120 days of the date of application.

HACA will, typically, use a two-step application process. Under the two-step application process, HACA, initially, will require families to provide only the information needed by HACA to make an initial assessment of the family's eligibility for assistance and its self-certified preference category eligibility (as applicable). Depending on its self-certified preference category eligibility, a family initially determined to be eligible will be placed on the waiting list or in an applicant lottery pool. Those families placed in an applicant lottery pool will be selected by lottery from the applicant lottery pool for placement on the waiting list. Because of limited assistance, not all families in the applicant lottery pool will be selected for placement on the waiting list. The family will be required to provide all of the information necessary to establish family eligibility and level of assistance when the family is selected from the waiting list.

When HACA provides public notice that it is accepting applications for housing assistance, the application will be available on-line, at any time of day or night. The applicant may complete the application from any computer with internet access (e.g. home, public library, community-based organization, mobile telephone, etc.). If the applicant requires assistance with completing the application, resources for assistance will be listed in waiting list opening announcements.

Completed applications must be submitted to HACA in the method explained in waiting list opening announcements. Applications must be complete in order to be accepted by HACA for processing. If an application is incomplete, HACA will attempt to notify the family of the additional information required.

For Project-Based Voucher (PBV) projects where the owner of the project is accepting applications for units at the project, HACA may utilize the owner's waiting list as

HACA's PBV waiting list for the project so long as the owner's wait list was opened in accordance with this section with the possible exception of applications being available on-line, or by using a process acceptable to HACA. HACA may choose to conduct a lottery of the owner's waiting list because of limited housing assistance.

4-I.C. ACCESSIBILITY OF THE APPLICATION PROCESS

Elderly and Disabled Populations [24 CFR 8 and HCV GB, pp. 4-11 – 4-13]

The PHA must take a variety of steps to ensure that the application process is accessible to those people who might have difficulty complying with the normal, standard PHA application process. This could include people with disabilities, certain elderly individuals, as well as persons with limited English proficiency (LEP). The PHA must provide reasonable accommodation to the needs of individuals with disabilities. The application-taking facility and the application process must be fully accessible, or the PHA must provide an alternate approach that provides full access to the application process. Chapter 2 provides a full discussion of the PHA's policies related to providing reasonable accommodations for people with disabilities.

Limited English Proficiency

PHAs are required to take reasonable steps to ensure equal access to their programs and activities by persons with limited English proficiency [24 CFR 1]. Chapter 2 provides a full discussion on the PHA's policies related to ensuring access to people with limited English proficiency (LEP).

4-I.D. PLACEMENT ON THE WAITING LIST

The PHA must review each complete application received and make a preliminary assessment of the family's eligibility. The PHA must accept applications from families for whom the list is open unless there is good cause for not accepting the application (such as denial of assistance) for the grounds stated in the regulations [24 CFR 982.206(b)(2)]. Where the family is determined to be ineligible, the PHA must notify the family in writing [24 CFR 982.201(f)]. Where the family is not determined to be ineligible, the family will be placed on a waiting list of applicants.

No applicant has a right or entitlement to be listed on the waiting list, or to any particular position on the waiting list [24 CFR 982.202(c)].

Ineligible for Placement on the Waiting List

HACA Policy

If HACA can determine from the information provided that a family is ineligible, the family will not be placed on the waiting list. Where a family is determined to be ineligible, HACA will send written notification of the ineligibility determination within 10 business days of making the determination. The notice will specify the reasons for ineligibility, and will inform the family of its right to request an informal review and explain the process for doing so (see Chapter 16).

Eligible for Placement on the Waiting List

HACA Policy

HACA will inform the applicant of the preliminary eligibility determination within 10 business days of making the determination.

Placement on the waiting list does not indicate that the family is, in fact, eligible for assistance. A final determination of eligibility will be made when the family is selected from the waiting list.

Applicants will be placed on the waiting list according to any preference(s) for which they self-certify (if applicable), and, as applicable, either a randomly assigned applicant lottery pool tiebreaker date, or the date and time their complete application is received by HACA.

PART II: MANAGING THE WAITING LIST

4-II.A. OVERVIEW

The PHA must have policies regarding various aspects of organizing and managing the waiting list of applicant families. This includes opening the list to new applicants, closing the list to new applicants, notifying the public of waiting list openings and closings, updating waiting list information, purging the list of families that are no longer interested in or eligible for assistance, as well as conducting outreach to ensure a sufficient number of applicants.

In addition, HUD imposes requirements on how a PHA may structure its waiting list and how families must be treated if they apply for assistance from a PHA that administers more than one assisted housing program.

4-II.B. ORGANIZATION OF THE WAITING LIST [24 CFR 982.204 and 205]

The PHA's HCV waiting list must be organized in such a manner to allow the PHA to accurately identify and select families for assistance in the proper order, according to the admissions policies described in this plan.

The waiting list must contain the following information for each applicant listed:

- Applicant name;
- Family unit size;
- Date and time of application;
- Qualification for any local preference;
- Racial or ethnic designation of the head of household.

HUD requires the PHA to maintain a single waiting list for the HCV program unless it serves more than one county or municipality. Such PHAs are permitted, but not required, to maintain a separate waiting list for each county or municipality served.

HACA Policy

HACA will maintain a single waiting list for the Section 8 HCV program because it does not serve more than one county.

HUD directs that a family that applies for assistance from the HCV program must be offered the opportunity to be placed on the waiting list for any public housing, project-based voucher or moderate rehabilitation program the PHA operates if 1) the other programs' waiting lists are open, and 2) the family is qualified for the other programs.

HUD permits, but does not require, that PHAs maintain a single merged waiting list for their public housing, Section 8, and other subsidized housing programs.

A family's decision to apply for, receive, or refuse other housing assistance must not affect the family's placement on the HCV waiting list, or any preferences for which the family may qualify.

HACA Policy

HACA will not merge the Section 8 HCV waiting list with the waiting list for any other program HACA operates. Selection for each program is subject to federal regulations

and the requirements for each individual program. HACA maintains the following waiting lists in addition to the Section 8 HCV waiting list:

<u>Project</u>	<u>City</u>	<u>Program</u>
21165 Garden	Hayward	Moderate Rehabilitation (MR)
Estrella Vista	Emeryville	Project-Based Voucher (PBV)
432 Berry	Hayward	Moderate Rehabilitation
502 Berry	Hayward	Moderate Rehabilitation
Atherton Units	Hayward	Moderate Rehabilitation
Carlow Court	Dublin	Project-Based Voucher
CCT East Bay	Hayward	Project-Based Voucher
Dyer St	Union City	Project-Based Voucher
Eden Commons	San Leandro	Project-Based Voucher
Emery Glen	Emeryville	Project-Based Voucher
Flanders House	San Leandro	Project-Based Voucher
Grove Way	Castro Valley	Moderate Rehabilitation
Howard Collins Bridgeway	Fremont	Project-Based Voucher
Kottinger Gardens	Pleasanton	Project-Based Voucher
Lorenzo Creek	Castro Valley	Project-Based Voucher
Magnolia Terrace	Emeryville	Project-Based Voucher
Main Street Village	Fremont	Project-Based Voucher
Maple Square Apartments	Fremont	Project-Based Voucher
Mayten Manor	Hayward	Project-Based Voucher
Mission Court	Fremont	Project-Based Voucher
Mission View	Union City	Project-Based Voucher
MR Owner Referral	All	Moderate Rehabilitation
Nidus Court	Union City	Project-Based Voucher
Peppertree Village	Hayward	Project-Based Voucher
PBV Owner Referral	All	Project-Based Voucher
Rotary Bridgeway East	Fremont	Project-Based Voucher
La Vereda	San Leandro	Project-Based Voucher
Station Center	Union City	Project-Based Voucher
Stevenson Terrace	Fremont	Project-Based Voucher
Third Street Apartments	Hayward	Project-Based Voucher
Triangle Court	Emeryville	Moderate Rehabilitation
Union City Units (58 Scattered)	Union City	Project-Based Voucher
Wexford Way	Dublin	Project-Based Voucher
NED	All	Non-Elderly Disabled Vouchers

4-II.C. OPENING AND CLOSING THE WAITING LIST [24 CFR 982.206]

Closing the Waiting List

A PHA is permitted to close the waiting list if it has an adequate pool of families to use its available HCV assistance. Alternatively, the PHA may elect to continue to accept applications only from certain categories of families that meet particular preferences or funding criteria.

HACA Policy

The waiting list is open to the extent necessary to assist an otherwise eligible category of applicants that is eligible as set forth by a HUD award of funding to HACA, and/or a HUD designation of assistance, for a targeted category of Section 8 eligible families.

Except as set forth in the following paragraphs, HACA may close the waiting list at its discretion if it has enough eligible applicants to use the housing assistance resources it has been allotted. Where HACA has particular preferences or funding criteria that require a specific category of family, HACA may elect to continue to accept applications from these applicants while closing the waiting list to others.

The HCV waiting list is always open to an otherwise eligible applicant who:

- is a *Shortfall Terminated Family*;
- is a *Shortfall Recalled Family*;
- is a *Displaced family*, or *Displaced family—HACA-owned or HACA-managed housing* as set forth in the *Glossary*;
- is eligible as set forth by a HUD award of funding to HACA for a targeted category of Section 8 eligible families (see Section 4-III.B. Targeted Funding);
- is a participant of the CHOICES, FACT or MHSA programs sponsored by Alameda County Behavioral Health Care Services (BHCS) who, as determined by BHCS, is in good standing; is nearing the end of his or her participation; and will soon graduate from the program;
- is a *PBV In-Place Family* living in a Project-Based Voucher contract unit as set forth in Section 17-VI.B;
- is a family that includes at least one household member who is a person with a disability and is a MediCal recipient who has resided in an institution for at least 90 days and is transitioning into the community as confirmed by HUD's Non-Elderly Disabled (NED) Lead Organization;
- is a waiting list applicant for Project-Based Voucher projects where the owner has accepted applications for units at the project, as described in 4-I.B above and as announced by HACA during the project's waiting list opening;
- is referred by an owner of a particular Project-Based Voucher development in instances when HACA has failed to provide sufficient eligible families from its waiting list to fill a vacancy in the development within 30 days of the owner's notification to HACA of the vacancy; or

- is referred by an owner of a particular Moderate Rehabilitation development in instances when HACA has failed to provide sufficient eligible families from its waiting list to fill a vacancy in the development within 30 days of the owner's notification to HACA of the vacancy.

The NED, CCT CalTrans, Eden Commons and Flanders House waiting lists are always open to an otherwise eligible applicant who qualifies for the CCT Participant preference.

For new Project-Based Voucher (PBV) projects, the waiting list is always open to an otherwise eligible applicant who is a *PBV In-Place Family* living in a Project-Based Voucher contract unit as set forth in Section 17-VI.B.

Reopening the Waiting List

If the waiting list has been closed, it cannot be reopened until the PHA publishes a notice in local newspapers of general circulation, minority media, and other suitable media outlets. The notice must comply with HUD fair housing requirements and must specify who may apply, and where and when applications will be received.

HACA Policy

HACA will announce the reopening of the waiting list at least 10 business days prior to the date applications will first be accepted. If the list is only being reopened for certain categories of families, this information will be contained in the notice.

HACA will give public notice by publishing the relevant information:

- on the HACA website, www.haca.net;
- through public notices and advertisements in the Local or Public Notice Sections of newspapers that serve its jurisdiction;
- in appropriate foreign language publications;
- by sending notices to:
 - community service providers in HACA's service area;
 - City housing departments;
 - housing authorities in the Bay Area;
 - the Alameda County Board of Supervisors and County Administrator; and
 - federal elected officials from HACA's service area;
- on a recorded voice mailbox; and
- in HACA's office.

HACA will attempt to coordinate with a representative selection of social service agencies that serve persons with disabilities, elderly and Limited English Proficiency populations in order to ensure equal access for these populations. Through these agencies, applicants will be able to access translation services, assistance with completion of their application and other specialized services.

4-II.D. FAMILY OUTREACH [HCV GB, pp. 4-2 to 4-4]

The PHA must conduct outreach as necessary to ensure that the PHA has a sufficient number of applicants on the waiting list to use the HCV resources it has been allotted.

Because HUD requires the PHA to admit a specified percentage of extremely low-income families to the program (see Chapter 4, Part III), the PHA may need to conduct special outreach to ensure that an adequate number of such families apply for assistance [HCV GB, p. 4-20 to 4-21].

PHA outreach efforts must comply with fair housing requirements. These include:

- Analyzing the housing market area and the populations currently being served to identify underserved populations
- Ensuring that outreach efforts are targeted to media outlets that reach eligible populations that are underrepresented in the program
- Avoiding outreach efforts that prefer or exclude people who are members of a protected class

PHA outreach efforts must be designed to inform qualified families about the availability of assistance under the program. These efforts may include, as needed, any of the following activities:

- Submitting press releases to local newspapers, including minority newspapers
- Developing informational materials and flyers to distribute to other agencies
- Providing application forms to other public and private agencies that serve the low income population
- Developing partnerships with other organizations that serve similar populations, including agencies that provide services for persons with disabilities

HACA Policy

HACA will monitor the characteristics of the population being served and the characteristics of the population as a whole in HACA's jurisdiction. Targeted outreach efforts will be undertaken if a comparison suggests that certain populations are being under/over served.

4-II.E. REPORTING CHANGES IN FAMILY CIRCUMSTANCES

HACA Policy

While the family is on the waiting list, it is its responsibility to update its application with changes in preferences and contact information, including current residence, mailing address, and phone number.

4-II.F. UPDATING THE WAITING LIST [24 CFR 982.204]

HUD requires the PHA to establish policies to use when removing applicant names from the waiting list.

Purging the Waiting List

The decision to withdraw an applicant family that includes a person with disabilities from the waiting list is subject to reasonable accommodation. If the applicant did not respond to a PHA request for information or updates, and the PHA determines that the family did not respond because of the family member's disability, the PHA must reinstate the applicant family to their former position on the waiting list [24 CFR 982.204(c)(2)].

HACA Policy

The waiting list will be updated as often as is necessary, generally every other year, to ensure that all applicants and applicant information is current and timely.

To update the waiting list, HACA will send an update request via first class mail or email to families on the waiting list to determine whether the family continues to be interested in, and to qualify for, the program and preferences. Update requests may be sent to each family on the waiting list or in smaller batches, as is needed or is manageable. This update request will be sent to the last address or email address that HACA has on record for the family. The update request will provide a deadline by which the family must respond and will state that failure to respond will result in the applicant's name being removed from the waiting list. If the applicant has submitted an update to his/her application within the previous six months HACA may, or may not, send an update request as the applicant's information is current.

The family's response to the update request must be submitted on-line (if available), or by mail, fax or hand delivered if on-line submission is not available. Responses must be postmarked or received by HACA on or before the due date indicated in the update request.

If the family fails to respond by the due date and does not require a reasonable accommodation, the family will be removed from the waiting list without further notice.

If the update request is returned by the post office with no forwarding address, the applicant will be removed from the waiting list without further notice.

If the update request is returned by the post office with a forwarding address, the update request will be re-sent to the address indicated. The family will have 10 business days to respond from the date the letter was re-sent.

If a family is removed from the waiting list for failure to respond, HACA may approve reinstatement of the family if it determines the lack of response was due to HACA error, or to circumstances beyond the family's control.

Removal from the Waiting List

HACA Policy

If at any time an applicant family is on the waiting list HACA determines that the family is not eligible for assistance (see Chapter 3), the family will be removed from the waiting list.

If an applicant family is removed from the waiting list because HACA has determined the family is not eligible for assistance or requests in writing to be removed from the waiting list, a notice will be sent to the family's address of record. The notice will state the reasons the family was removed from the waiting list and will inform the family how to request an informal review regarding HACA's decision (see Chapter 16) [24 CFR 982.201(f)].

PART III: SELECTION FOR HCV ASSISTANCE

4-III.A. OVERVIEW

As vouchers become available, families on the waiting list must be selected for assistance in accordance with the policies described in this part.

The order in which families are selected from the waiting list depends on the selection method chosen by the PHA and is impacted in part by any selection preferences for which the family qualifies. The availability of targeted funding also may affect the order in which families are selected from the waiting list.

The PHA must maintain a clear record of all information required to verify that the family is selected from the waiting list according to the PHA's selection policies [24 CFR 982.204(b) and 982.207(e)].

4-III.B. SELECTION AND HCV FUNDING SOURCES

Special Admissions [24 CFR 982.203]

HUD may award funding for specifically-designated families living in specified types of units (e.g., a family that is displaced by demolition or disposition of public housing; a non-purchasing family residing in a HOPE 1 or 2 project). In these cases, the PHA may admit such families whether or not they are on the waiting list, and, if they are on the waiting list, without considering the family's position on the waiting list. These families are considered non-waiting list selections. The PHA must maintain records showing that such families were admitted with special program funding.

Targeted Funding [24 CFR 982.204(e)]

HUD may award a PHA funding, and/or designate assistance, for a specified category of families on the waiting list. The PHA must use this funding only to assist the families within the specified category. In order to assist families within a targeted funding category, the PHA may skip families that do not qualify within the targeted funding category.

HACA Policy

For any specified category of families for which HUD may award funding to HACA, and/or designate assistance for, HACA will select the applicant for assistance in the following order:

- If set forth by the HUD funding award, in that order;
- If not set forth by the HUD funding award, as specified in this Administrative Plan, or in the order of first come, first served if not specified in this Administrative Plan.

Categories of Families for which HUD Has Designated Assistance or Awarded Funding to HACA, or for which HUD May Award Funding to HACA in Response to an Application From HACA, include, but are not limited to:

- **HUD Office of Policy Development and Research, Impact of Housing and Services Interventions on Homeless Families Study**

For up to a maximum of 10 permanent vouchers that HACA has agreed to dedicate to the study, the waiting list is always open to an otherwise eligible homeless applicant referred to HACA by the research project.

- **Rental Assistance for Non-Elderly Disabled (NED) Families Transitioning from MediCal Funded Facilities**

HACA has executed an MOU dated June 17, 2010, with East Bay Innovations, the applicable Lead Organization (LO). HACA, upon receipt of the LO's list of families or individuals eligible for NED, will compare the names with those of families already on HACA's HCV waiting list. Any family on HACA's HCV waiting list that matches with the LO's list will be assisted in order of their position on the HCV waiting list in accordance with HACA admission policies. Any family certified by the LO as eligible and not on the HCV waiting list will be placed on the HCV waiting list when it is open. If HACA has closed the HCV waiting list, it will reopen the waiting list to accept a NED applicant family who is not currently on the HCV waiting list when the estimated waiting period for housing assistance for applicants on the list is less than 24 months for the most current applicants.

- **Veterans Affairs Supportive Housing (VASH)**

HACA does not maintain a waiting list or apply preferences/priority for this program in accordance with Federal Register Vol. 73, No. 88, May 6, 2008 (Docket No. FR-5213-N-01), as participants are referred for assistance directly from the Veterans Administration.

- **Mainstream Voucher Program**

HACA will utilize its HCV waiting list for this program. If HACA has closed its HCV waiting list, it will reopen the waiting list to accept Mainstream applicant families when the estimated waiting period for housing assistance for applicants on the list is less than 24 months for the most current applicants.

- **Foster Youth Initiative (FYI)**

HACA does not maintain a waiting list or apply preferences/priority for this program in accordance with Notice PIH 2019-20. HACA will accept referrals of youth certified by the Alameda County Welfare Agency as eligible for assistance as required by PIH notice 2019-20.

Regular HCV Funding

Regular HCV funding may be used to assist any eligible family on the waiting list. Families are selected from the waiting list according to the policies provided in Section 4-III.C.

4-III.C. SELECTION METHOD

PHAs must describe the method for selecting applicant families from the waiting list, including the system of admission preferences that the PHA will use [24 CFR 982.202(d)].

Local Preferences [24 CFR 982.207; HCV p. 4-16; CA Health & Safety Code Section 34322.2(a) and (b)]

PHAs are permitted to establish local preferences, and to give priority to serving families that meet those criteria. HUD specifically authorizes and places restrictions on certain types of local preferences. HUD also permits the PHA to establish other local preferences, at its discretion. Any local preferences established must be consistent with the PHA plan and the consolidated plan, and must be based on local housing needs and priorities that can be documented by generally accepted data sources.

HACA Policy

Section 8 Housing Choice Voucher Program (HCV)

HACA applies the following preferences and priority:

- Shortfall Terminated (250 points): Participants of HACA's HCV program that were terminated due to insufficient funding.
- Shortfall Recalled (130 points): Applicants on HACA's HCV waiting list who received a voucher but had not yet utilized the voucher when it was recalled and were returned to the waiting list due to insufficient funding.
- CHOICES or FACT Graduates (40 points): Participants of the CHOICES or FACT programs sponsored by the Alameda County Behavioral Health Care Services Agency (BHCS), who, as determined by BHCS, are in good standing; are nearing the end of their participation; will soon graduate from the program; and, have been referred to HACA by BHCS. Applicants may not receive both the CHOICES or FACT Graduates preference and the MHSA Graduates preference.
- Displaced-HACA (50 points): *Displaced family—HACA-owned or HACA-managed housing* as set forth in the *Glossary*.
- Displaced-Other (10 points): *Displaced family* as set forth in the *Glossary*.
- MHSA Graduates(40 points): Participants of the State of California Mental Health Services Act (MHSA) shelter and services program sponsored by the Alameda County Behavioral Health Care Services Agency (BHCS), who, as determined by BHCS, are in good standing; are nearing the end of their participation; will soon graduate from the program; and, have been referred to HACA by BHCS.
- Homeless (20 points): Individual applicants or applicant families that verifiably lack housing, including one whose primary residence during the night is a supervised public or private facility that provides temporary living accommodations; an individual who is a resident in transitional housing; or an individual who has as a primary residence a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings as

confirmed by the applicant's local homeless service organization or consortia of organizations.

- Limited Preference for Non-Elderly Disabled Homeless Individuals and/or Families (25 points): HACA has set aside Mainstream vouchers targeted for this population. Individuals and/or families that meet the Mainstream definition of Homeless as defined in the glossary under *Homeless-Mainstream* as confirmed by the applicant's local homeless service organization or consortia of organizations or HACA's Mainstream program partners. In addition, the household must be composed of one or more persons with disabilities who are between the ages of 18 and 61 (non-elderly). The household may include additional household members who are not non-elderly persons with disabilities. A household where the sole member is an emancipated minor is not an eligible household. Persons receiving this preference who upon verification are found not to qualify for the preference as set forth above will lose the preference points and if they were admitted to the waiting list when only applications for this preference were being taken they will be removed from the waiting list.
- Limited Preference for Non-Elderly Disabled Homeless Individuals and/or Families Referred by Homeless Service Organization (25 points): HACA has set aside Mainstream vouchers targeted for this population. Individuals and/or families referred by the applicant's local homeless service organization or consortia of organizations that meet the mainstream definition of Homeless as defined in the glossary under *Homeless-Mainstream*. In addition, the household must be composed of one or more persons with disabilities who are between the ages of 18 and 61 (non-elderly). The household may include additional household members who are not non-elderly persons with disabilities. A household where the sole member is an emancipated minor is not an eligible household. Persons receiving this preference who upon verification are found not to qualify for the preference as set forth above will lose the preference points and if they were admitted to the waiting list when only applications for this preference were being taken they will be removed from the waiting list.
- Limited Preference for Non-Elderly Disabled Individuals and/or Families At Risk of Becoming Homeless (25 points): HACA has set aside Mainstream vouchers targeted for this population. Individuals and/or families that meet the Mainstream definition of At Risk of Becoming Homeless as defined in the glossary under *At Risk of Becoming Homeless-Mainstream* as confirmed by the applicant's local homeless service organization or consortia of organizations or HACA's Mainstream program partners. In addition, the household must be composed of one or more persons with disabilities who are between the ages of 18 and 61 (non-elderly). The household may include additional household members who are not non-elderly persons with disabilities. A household where the sole member is an emancipated minor is not an eligible household. Persons receiving this preference who upon verification are found not to qualify for the preference as set forth above will lose the preference points and if they were admitted to the waiting list when only applications for this preference were being taken they will be removed from the waiting list.

- Limited Preference for Non-Elderly Disabled Individuals and/or Families At Risk of Becoming Homeless Referred by Homeless Service Organization (25 points): HACA has set aside Mainstream vouchers targeted for this population. Individuals and/or families referred by the applicant's local homeless service organization or consortia of organizations that meet the mainstream definition of At Risk of Becoming Homeless as defined in the glossary under *At Risk of Becoming Homeless-Mainstream*. In addition, the household must be composed of one or more persons with disabilities who are between the ages of 18 and 61 (non-elderly). The household may include additional household members who are not non-elderly persons with disabilities. A household where the sole member is an emancipated minor is not an eligible household. Persons receiving this preference who upon verification are found not to qualify for the preference as set forth above will lose the preference points and if they were admitted to the waiting list when only applications for this preference were being taken they will be removed from the waiting list.
- Limited Preference for Non-Elderly Disabled Individuals and/or Families who are CCT Participants (25 points): HACA has set aside Mainstream vouchers targeted for this population. Individuals and/or families that include at least one household member who is a person with a disability and a MediCal recipient who has resided in an institution for at least 90 days and is transitioning into the community as confirmed by the Non-Elderly Disabled (NED) program Lead Organization. In addition, the household must be composed of one or more persons with disabilities who are between the ages of 18 and 61 (non-elderly). The household may include additional household members who are not non-elderly persons with disabilities. A household where the sole member is an emancipated minor is not an eligible household. Persons receiving this preference who upon verification are found not to qualify for the preference as set forth above will lose the preference points and if they were admitted to the waiting list when only applications for this preference were being taken they will be removed from the waiting list.
- Limited Preference for Non-Elderly Disabled Individuals and/or Families who are at Serious Risk of Institutionalization (25 points): HACA has set aside Mainstream vouchers targeted for this population. Individuals and/or families that include an individual with a disability who as a result of a public entity's failure to provide community services or its cut to such services will likely cause a decline in health, safety, or welfare that would lead to the individual's eventual placement in an institution as confirmed by the NED program Lead Organization. This includes individuals experiencing lack of access to supportive services for independent living, long waiting lists for or lack of access to housing combined with community based services, individuals currently living under poor housing conditions (including a rent burden of 60% or more) or homeless with barriers to geographic mobility, and/or currently living alone but requiring supportive services for independent living. In addition, the household must be composed of one or more persons with disabilities who are between the ages of 18 and 61 (non-elderly). The household may include additional household members who are not

non-elderly persons with disabilities. A household where the sole member is an emancipated minor is not an eligible household. Persons receiving this preference who upon verification are found not to qualify for the preference as set forth above will lose the preference points and if they were admitted to the waiting list when only applications for this preference were being taken they will be removed from the waiting list.

- Limited Preference for Non-Elderly Disabled Individuals and/or Families who are at Serious Risk of Institutionalization Referred by the NED program Lead Organization or Alameda County Care Connect or its equivalent in other jurisdictions (25 points): HACA has set aside Mainstream vouchers targeted for this population. Individuals and/or families referred by the NED program Lead Organization that include an individual with a disability who as a result of a public entity's failure to provide community services or its cut to such services will likely cause a decline in health, safety, or welfare that would lead to the individual's eventual placement in an institution. This includes individuals experiencing lack of access to supportive services for independent living, long waiting lists for or lack of access to housing combined with community based services, individuals currently living under poor housing conditions (including a rent burden of 60% or more) or homeless with barriers to geographic mobility, and/or currently living alone but requiring supportive services for independent living. In addition, the household must be composed of one or more persons with disabilities who are between the ages of 18 and 61 (non-elderly). The household may include additional household members who are not non-elderly persons with disabilities. A household where the sole member is an emancipated minor is not an eligible household. Persons receiving this preference who upon verification are found not to qualify for the preference as set forth above will lose the preference points and if they were admitted to the waiting list when only applications for this preference were being taken they will be removed from the waiting list.
- Limited Preference for Individuals and/or Families Who Have Successfully Participated in or are a Current Participant in a Supportive Housing Program for Disabled Homeless Persons (25 points): HACA has set aside five Housing Choice Vouchers annually for this limited preference.

This preference is only available to individuals or families with disabilities who have successfully participated in or are a current participant in good standing in a supportive housing program for disabled homeless person(s). Persons receiving this preference who upon verification are found not to qualify for the preference as set forth below will lose the preference points and if they were admitted to the waiting list when only applications for this preference were being taken they will be removed from the waiting list. If the applicant was placed on the waiting list while applications for all preferences were being accepted the applicant's points will be adjusted and the application will remain on the waiting list.

In order to qualify for this preference the applicant must be able to supply the

name and address of the supportive housing program. The applicant must attach the following documents to the application in order to qualify for this preference:

- A verification of homeless status and supportive housing participation.

Once the applicant is pulled from the waiting list for processing of eligibility, HACA will contact the supportive housing provider to verify that the program provides the following type of housing services. If the supportive housing program does not meet the criteria listed below the applicant is not eligible for the preference and the application will be withdrawn from the waiting list.

The supportive housing program must be one that is safe and provide well-designed housing that is:

- Affordable to people coming out of homelessness, and
- Independent, with each tenant in their own apartment, holding their own lease, and responsible for paying their own rent, and
- Permanent, a tenant can stay as long as they pay their rent and comply with the terms of their lease.

HACA will contact the supportive housing provider to verify that the program provides the following supportive services. If the program does not meet the criteria listed below the applicant is not eligible for the preference.

Supportive services are provided by staff trained in working with people who are homeless and people with disabilities. The supportive services must be:

- Designed to maximize independence, and
- Flexible and responsive to tenant needs, and
- Available as and when needed, and
- Accessible where the tenant lives.

HACA will contact the supportive housing provider to verify that the applicant was homeless prior to entering the supportive housing program and that the person has a disability, as defined by HUD. If the program does not provide verification of homeless status and disability prior to entering the supportive housing program the applicant is not eligible for the preference and the application will be withdrawn from the waiting list.

To be classified as homeless, the applicant must meet HUD's definition of homeless.

HACA will contact the supportive housing provider to verify that the applicant is no longer in need of case management services in order to maintain an independent housing situation. If the program does not provide this verification the applicant is not eligible for the preference and the application will be withdrawn from the waiting list.

- Veteran (1 point): Priority will be given to veterans or servicepersons as set forth in the *Glossary* within each preference category.

HACA will select applicants from its waiting list for HCV assistance in the following order:

Prior to assisting applicants on the waiting list, HACA will assist VAWA Emergency Transfers (see Exhibit 16-3), followed by *Non-VAWA Emergency Transfers* (as set forth in the *Glossary*).

1. Applicants for Targeted Funding as set forth in Section 4-III.B above
2. Shortfall Terminated families
3. Shortfall Recalled families
4. CHOICES, FACT or MHSA Program Graduates

Prior to assisting further applicants on the waiting list, HACA will assist the remaining Project-Based Voucher holders who have priority to receive the next available opportunity for continued tenant-based assistance as outlined in Section 17VII.C.

5. Applicants for the Limited Preference for Individuals and/or Families “Moving Up” from Permanent Supportive Housing
6. HACA will select remaining applicants on the waiting list.

Note #1: HACA will limit the number of applicants that may qualify for the Displaced-Other and Homeless preferences such that no more than five applicants from these preferences will be selected in any calendar month.

Note #2: For CHOICES, FACT, or MHSA Program Graduates:

- a. HACA will conduct a lottery of MHSA, CHOICES and FACT Program graduates referred by BHCS and assist applicants in order of ascending lottery “tiebreaker” number (that is, applicants with a lower lottery “tiebreaker” number are selected before applicants with a higher one) except that veterans or servicepersons as set forth in the *Glossary* will be assisted before applicants who are not veterans or servicepersons.
- b. HACA will limit the number of applicants that may qualify for this preference such that no more than 75 applicants of the combined MHSA, CHOICES and FACT graduates from this preference will be selected annually.

Preference points are aggregated to produce the total preference points for each applicant. Applicants with the same total preference points will then be sorted by the method in which they were selected to be placed on the waiting list (i.e., date and time of application or order of random selection).

Section 8 Project-Based Voucher Program (PBV)

HACA selectively applies the following preferences and priorities as set forth in the individual waiting lists listed below:

- In-Place Family (400 points): A PBV In-Place Family living in a PBV contract unit as set forth in Section 17-VI.B.

- Displaced-Emeryville (2 points): Qualified households who have been displaced as a result of the City of Emeryville's or City of Emeryville Redevelopment Agency's public projects or the City's code enforcement activities.
- Displaced-HACA (50 points): *Displaced family—HACA-owned or HACA-managed housing* as set forth in the *Glossary*.
- Displaced-Other (10 points): *Displaced family* as set forth in the *Glossary*.
- Homeless (20 points): Individual applicants or applicant families that verifiably lack housing, including one whose primary residence during the night is a supervised public or private facility that provides temporary living accommodations; an individual who is a resident in transitional housing; or an individual who has as a primary residence a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings as confirmed by the applicant's local homeless service organization or consortia of organizations.
- CCT Participant (20 points): Families that include at least one household member who is a person with a disability and a MediCal recipient who has resided in an institution for at least 90 days and is transitioning into the community as confirmed by the Non-Elderly Disabled (NED) program Lead Organization.
- Voluntary Supportive Services (8 points): *Voluntary Supportive Services* families as set forth in the *Glossary*.
- Extremely Low-Income (30 points): Families whose annual income does not exceed the higher of, by family size, 1) the federal poverty level applicable to the family; or 2) 30% of area median income (AMI), as determined by HUD.
- Veteran (1 point): Priority will be given to veterans or servicepersons as set forth in the *Glossary* within each preference category.

Preference points are aggregated to produce the total preference points for each applicant. Applicants with the same total preference points will then be sorted by the method in which they were selected to be placed on the waiting list (i.e., date and time of application or order of random selection).

Except for applicants referred by an owner participating in HACA's PBV Program in instances when HACA failed to provide sufficient eligible families from the waiting list to fill a vacancy within 30 days of the owner's notification to HACA of the vacancy, HACA will select as follows:

WAITING LISTS

Carlow Court

At least one household member must be age 62 or older to qualify.

50% AMI Units

Displaced-Other

Veteran

30% AMI Units

Displaced-Other

Extremely Low-Income

Veteran

Wexford Way

50% AMI Units

Displaced-Other

Veteran

30% AMI Units

Displaced-Other

Extremely Low-Income

Veteran

Rotary Bridgeway East

At least one household member must be eligible for Voluntary Supportive Services offered by the project.

Displaced-Other

Voluntary Supportive Services

Homeless

Veteran

Lorenzo Creek

At least one household member must be eligible for Voluntary Supportive Services offered by the project.

Displaced-Other

Voluntary Supportive Services

Homeless

Veteran

Magnolia Terrace

At least one household member must be a person with a disability in order to qualify.

Note: This project's funding for supportive services is targeted to serve persons with developmental disabilities.

Displaced-Emeryville

Displaced-Other

Voluntary Supportive Services

Veteran

Main Street Village

At least one household member must be eligible for Voluntary Supportive Services offered by the project and at least one household member must be homeless as defined in Preferences (above) for the Section 8 PBV program in order to qualify.

Homeless Units

Displaced-Other
Homeless
Voluntary Supportive Services
Veteran

Homeless and Disabled Units

In addition to the other requirements above for this project, at least one household member must be a person with a disability.

Displaced-Other
Homeless
Voluntary Supportive Services
Veteran

Maple Square

Displaced-Other
Veteran

Mayten Manor

At least one household member must be age 62 or older or a person with a disability in order to qualify.

Displaced-Other
Veteran

Peppertree Village

Displaced-Other
Veteran

Station Center

Displaced-Other
Veteran

Third Street Apartments

At least one household member must be homeless as defined in Preferences (above) for the Section 8 PBV program in order to qualify.

Displaced-Other

Homeless

Veteran

Union City Units (58 Scattered)

Displaced-HACA

Displaced-Other

Veteran

Nidus Court

At least one household member must be age 62 or older to qualify.

Displaced-HACA

Displaced-Other

Veteran

Dyer Street

At least one household member must be age 62 or older to qualify.

Displaced-HACA

Displaced-Other

Veteran

Howard Collins Bridgeway

Displaced-Other

Veteran

Eden Commons

At least one household member must be a person with a disability, as well as, a MediCal recipient who has resided in an institution for at least 90 days and is transitioning into the community.

Displaced-Other

CCT Participant

Veteran

Flanders House

At least one household member must be a person with a disability, as well as, a MediCal recipient who has resided in an institution for at least 90 days and is transitioning into the community.

Displaced-Other

CCT Participant

Veteran

Emery Glen

At least one household member must be eligible for Voluntary Supportive Services offered by the project.

Displaced-HACA

Displaced-Other

Voluntary Supportive Services

Veteran

Mission View

At least one household member must be eligible for Voluntary Supportive Services offered by the project.

Displaced-HACA

Displaced-Other

Voluntary Supportive Services

Veteran

Kottinger Gardens

At least one household member must be age 62 or older to qualify.

Displaced-Other

Veteran

CCT East Bay

At least one household member must be a person with a disability, as well as, a MediCal recipient who has resided in an institution for at least 90 days and is transitioning into the community.

Displaced-Other

CCT Participant

Veteran

Estrella Vista

Units for Persons with Disabilities

At least one household member must be a person with a disability to qualify.

Displaced-Other

Veteran

Remaining Units

Displaced-Other

Veteran

Mission Court

At least one household member must be age 62 or older to qualify.

50% AMI Units

Displaced-Other

Veteran

30% AMI Units

Displaced-Other

Extremely Low-Income

Veteran

Stevenson Terrace

At least one household member must be age 62 or older to qualify.

Displaced-Other

Veteran

La Vereda

At least one household member must be age 62 or older to qualify. All other household members must be age 45 or older (unless they are a spouse, cohabitant, person providing primary physical or economic support to the senior citizen, or are a person with a disability who is a child or grandchild of the senior citizen, and who must live with the senior citizen because of the disability or illness).

50% AMI Units

Displaced-Other

Veteran

30% AMI Units

Displaced-Other

Extremely Low-Income

Veteran

PBV Owner Referral

HACA will select applicants referred by an owner participating in HACA's PBV Program in instances when HACA fails to provide sufficient eligible families from the waiting list to fill a vacancy within 30 days of the owner's notification to HACA of the vacancy in the order of first come, first served, except that veterans or servicepersons as set forth in the *Glossary* will be selected in the order of first come, first served before applicants who are not veterans or servicepersons.

Section 8 Moderate Rehabilitation Program (Mod Rehab)

HACA applies the following preferences and priorities as set forth in the individual waiting lists listed below:

- Displaced-HACA (50 points): *Displaced family—HACA-owned or HACA-managed housing* as set forth in the *Glossary*.
- Displaced-Other (10 points): *Displaced family* as set forth in the *Glossary*. HACA will select no more than 5 applicants per calendar month from this category (a.k.a. Displaced-Other).
- Veteran (1 point): Priority will be given to veterans or servicepersons as set forth in the *Glossary* within each preference category.

Preference points are aggregated to produce the total preference points for each applicant. Applicants with the same total preference points will then be sorted by the method in which they were selected to be placed on the waiting list (i.e., date and time of application or order of random selection).

Except for applicants referred by an owner participating in HACA's Moderate Rehabilitation Program in instances when HACA failed to provide sufficient eligible families from the waiting list to fill a vacancy within 30 days of the owner's notification to HACA of the vacancy, HACA will select applicants as follows:

WAITING LISTS

Moderate Rehabilitation-Atherton Units

At least one household member must be a person with disabilities to qualify.

Displaced-HACA

Displaced-Other

Veteran

Moderate Rehabilitation-Other

Displaced-HACA

Displaced-Other

Veteran

Moderate Rehabilitation Owner Referral

HACA will select applicants referred by an owner participating in HACA's Moderate Rehabilitation Program in instances when HACA fails to provide sufficient eligible families from the waiting list to fill a vacancy within 30 days of the owner's notification to HACA of the vacancy in the order of first come, first served, except that veterans or servicepersons as set forth in the *Glossary* will be selected in the order of first come, first served before applicants who are not veterans or servicepersons.

Income Targeting Requirement [24 CFR 982.201(b)(2)]

HUD requires that extremely low-income (ELI) families make up at least 75 percent of the families admitted to the HCV program during HACA's fiscal year. ELI families are those with annual incomes at or below the higher of the federal poverty level or 30 percent of the area

median income. To ensure this requirement is met, a PHA may skip non-ELI families on the waiting list in order to select an ELI family.

Low income families admitted to the program that are “continuously assisted” under the 1937 Housing Act [24 CFR 982.4(b)], as well as low-income or moderate-income families admitted to the program that are displaced as a result of the prepayment of a mortgage or voluntary termination of an insurance contract on eligible low-income housing, are not counted for income targeting purposes [24 CFR 982.201(b)(2)(v)].

HACA Policy

HACA will monitor progress in meeting the income targeting requirement throughout the fiscal year. Extremely low-income families will be selected ahead of other eligible families on an as-needed basis to ensure the income targeting requirement is met.

Order of Selection

The PHA system of preferences may select families based on local preferences according to the date and time of application, or by a random selection process (lottery) [24 CFR 982.207(c)]. If a PHA does not have enough funding to assist the family at the top of the waiting list, it is not permitted to skip down the waiting list to a family that it can afford to subsidize when there are not sufficient funds to subsidize the family at the top of the waiting list [24 CFR 982.204(d) and (e)].

HACA Policy

For families placed on a waiting list, under HACA's system of preferences, HACA will select families with the highest number of preference points and then by the date and time of application or order of random selection as specified in the notice of waiting list opening. Families will be selected from the waiting list based on the targeted funding or selection preference(s) for which they qualify, and in accordance with HACA's hierarchy of preferences, if applicable. Based on the pre-determined methodology at the time of application, within each targeted funding or aggregate preference total, families will either be selected from the waiting list on a first-come, first served basis according to the date and time their complete application is received by HACA or by their randomly selected order at the time of application.

Documentation will be maintained by HACA as to whether families on the list qualify for and are interested in targeted funding. If a higher placed family on the waiting list is not qualified or not interested in targeted funding, there will be a notation maintained so that HACA does not have to ask higher placed families each time targeted selections are made.

4-III.D. NOTIFICATION OF SELECTION

When a family has been selected from the waiting list, the PHA must notify the family [24 CFR 982.554(a)].

HACA Policy

HACA will notify the family by first class mail when it is selected from the waiting list. For the Section 8 HCV program the notice will inform the family of the following:

Date, time, and location of the scheduled application interview (in-person, by telephone, or by mail), including any procedures for rescheduling the interview

Who is required to attend the interview if the interview is to be conducted in-person or by telephone

All documents that must be provided at, or before, the interview, including information about what constitutes acceptable documentation

For the PBV or Mod Rehab programs the notice will inform the family of the following:

Where the upcoming vacancy is located

How to contact the property manager in order to determine if the family is interested in renting the unit

The date by which the family's completed application must be received by the property manager

If a notification letter is returned to HACA with no forwarding address, the family will be removed from all of the waiting lists the family is on. A notice of denial (see Chapter 3) will be sent to the family's address of record.

For site-based waiting lists (i.e. PBV or Mod Rehab), applicants will be removed from the waiting list if they are non-responsive to or refuse two offers of a unit for sites housed under the waiting list. Exceptions will be considered on a case by case basis by the Executive Director or their designee for various reasons to include: lease commitment issues, sequestered jurors, medical emergencies that prevent moving at that time, or death of a family member. All requests for exceptions must be made in writing.

4-III.E. THE APPLICATION INTERVIEW

HUD recommends that the PHA obtain the information and documentation needed to make an eligibility determination through a face-to-face interview with a PHA representative [HCV GB, pg. 4-16]. Being invited to attend an interview does not constitute admission to the program.

Assistance cannot be provided to the family until all SSN documentation requirements are met. However, if the PHA determines that an applicant family is otherwise eligible to participate in the program, the family may retain its place on the waiting list for a period of time determined by the PHA [Notice PIH2018-24].

Reasonable accommodation must be made for persons with disabilities who are unable to attend an interview due to their disability.

HACA Policy

Families selected from the waiting list are required to participate in an eligibility interview (in-person, by telephone, or by mail).

If an in-person or telephone interview is required, the head of household and the spouse/co-head will be strongly encouraged to attend the interview together. However, either the head of household or the spouse/co-head may attend the interview on behalf of the family. Verification of information pertaining to adult members of the household not present at the interview will not begin until signed release forms are returned to HACA.

The head of household or spouse/co-head must provide acceptable documentation of legal identity. (Chapter 7 provides a discussion of proper documentation of legal identity.) If the family representative does not provide the required documentation at the time of the interview, he or she will be required to provide it within 10 business days.

Pending disclosure and documentation of SSNs, HACA will allow the family to retain its place on the waiting list for a period of 90 calendar days. If the family is unable to disclose and provide evidence of the SSN within 90 calendar days, HACA will grant the family an additional 90-day period to comply with the SSN disclosure and documentation requirement if HACA determines the family was unable to comply with the requirements due to circumstances that could not have reasonably been foreseen and were outside the control of the family.

HACA must deny the eligibility of an applicant if s/he (including each member of the household required to disclose his/her SSN) does not disclose a SSN and provide documentation of such SSN within the above time period. If not all household members have disclosed their SSNs at the next time HACA is issuing vouchers, HACA will issue a voucher to the next eligible applicant family on the waiting list.

The family must provide the information necessary to establish the family's eligibility and determine the appropriate level of assistance, as well as complete required forms, provide required signatures, and submit required documentation. If any materials are missing, HACA will provide the family with a written list of items that must be submitted.

Any required documents or information that the family is unable to provide at the interview must be provided within 10 business days of the interview (Chapter 7 provides details about longer submission deadlines for particular items, including documentation of eligible noncitizen status). If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. If the required documents and information are not provided within the required time frame (plus any extensions), the family will be sent a notice of denial (See Chapter 3).

An advocate, interpreter, or other assistant may assist the family with the application and the interview process.

Interviews will be conducted in English. For limited English proficient (LEP) applicants, HACA will provide translation services in accordance with HACA's LEP plan.

If the family is unable to attend a scheduled interview, the family must contact HACA in advance of the interview to schedule a new appointment in accordance with HACA's appointment policy. A family who fails to comply with HACA's reasonable attempts to determine their eligibility will be denied assistance. A notice of denial will be issued in accordance with policies contained in Chapter 3.

4-III.F. COMPLETING THE APPLICATION PROCESS

The PHA must verify all information provided by the family (see Chapter 7). Based on verified information, the PHA must make a final determination of eligibility (see Chapter 3) and must confirm that the family qualified for any special admission, targeted funding admission, or selection preference that affected the order in which the family was selected from the waiting list.

HACA Policy

If HACA determines that the family is ineligible, HACA will send written notification of the ineligibility determination within 10 business days of the determination. The notice will specify the reasons for ineligibility, and will inform the family of its right to request an informal review (Chapter 16).

If a family fails to qualify for any criteria that affected the order in which it was selected from the waiting list (e.g. targeted funding, extremely low-income), the family will be returned to the waiting list. HACA will notify the family in writing that it has been returned to the waiting list, and will specify the reasons for it.

If HACA determines that the family is eligible to receive assistance, HACA will invite the family to attend a briefing in accordance with the policies in Chapter 5.

**Housing Authority of the County of Alameda (HACA) Housing Choice Voucher Program, Administrative
Plan**

Chapter 10 — Moving With Continued Assistance and Portability

**Part II: Portability
Page(s) 10-8 to 10-10**

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)].

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 was selected from the waiting list for determination of eligibility for the program, 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.

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)(1)]. The family must specify the area to which the family wishes to move [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 (d)(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 2016-09].

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)].

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 (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 selects the receiving PHA and notify the initial PHA of which receiving PHA was selected. HACA will provide the family with contact information for all of the receiving PHAs that serve the area. HACA will not provide any additional information about receiving PHAs in the area. 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. In this case, HACA will not provide the family with information for all receiving PHAs in the area.

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.

**Housing Authority of the County of Alameda (HACA) Housing Choice Voucher Program, Administrative
Plan**

Chapter 11 — Reexaminations

Part II: Interim Reexamination

Page(s) 11-8 to 11-10

PART II: INTERIM REEXAMINATIONS [24 CFR 982.516]

11-II.A. OVERVIEW

Family circumstances may change between annual reexaminations. HUD and the PHA policies dictate what kinds of information about changes in family circumstances must be reported, and under what circumstances. The PHA must process interim reexaminations to reflect those changes. HUD regulations also permit HACA to conduct interim reexaminations of income or family composition at any time. When an interim reexamination is conducted, only those factors that have changed are verified and adjusted [HCV GB, p. 12-10].

In addition to specifying what information the family must report, HUD regulations permit the family to request an interim determination if other aspects of the family's income or composition changes. The PHA must complete the interim reexamination within a reasonable time after the family's request.

This part includes HUD and PHA policies describing what changes families are required to report, what changes families may choose to report, and how the PHA will process both PHA- and family-initiated interim reexaminations.

11-II.B. CHANGES IN FAMILY AND HOUSEHOLD COMPOSITION

The family is required to report all changes in family composition. The PHA must adopt policies prescribing when and under what conditions the family must report changes in income and family composition. However, due to family obligations under the program, The PHA has limited discretion in this area.

HACA Policy

HACA will conduct interim reexaminations to account for any changes in household composition that occur between annual reexaminations.

New Family Members Not Requiring HACA Approval

The addition of a family member as a result of birth, adoption, or court-awarded custody does not require PHA approval. However, the family is required to promptly notify the PHA of the addition [24 CFR 982.551(h)(2)].

HACA Policy

The family must inform HACA of the birth, adoption or court-awarded custody of a child within 10 business days. Upon HACA's receipt of the required documentation, children who join the family as a result of birth, adoption, or court-awarded custody will be added to the family.

New Family and Household Members Requiring HACA Approval

With the exception of children who join the family as a result of birth, adoption, or court-awarded custody, a family must request PHA approval to add a new family member [24 CFR 982.551(h)(2)] or other household member (live-in aide or foster child) [24 CFR 982.551(h)(4)].

When any new family member is added, the PHA must make appropriate adjustments in the family share of the rent and the HAP payment at the effective date of either the annual or interim reexamination [24 CFR 982.516(e)(2)].

If a change in family size causes a violation of the PHA subsidy standards (see Chapter 5), the PHA must issue the family a new voucher, and the family and PHA must try to find an acceptable unit as soon as possible. If an acceptable unit is available for rental by the family, the PHA must terminate the family's HAP contract in accordance with its terms [24 CFR 982.403].

HACA Policy

Except for the addition of a family member as a result of birth, adoption, or court-awarded custody, families must request HACA approval to add any other new family or household member. Requests must be made in writing and approved by HACA prior to the individual moving into the unit.

Additions to the family or household are at HACA's discretion and will not be unreasonably denied.

HACA will not approve the addition of a new family or household member unless the individual meets HACA's eligibility criteria (see Chapter 3) and documentation requirements (see Chapter 7, Part II), and will not receive duplicate assistance.

Except for elderly persons or persons with a disability, HACA will not approve the addition of a family member if it will cause a violation of HACA subsidy standards (see Chapter 5).

If, as set forth in Part VIII of Chapter 16, HACA determines that it lacks adequate funds to continue subsidizing all current participants, in accordance with HUD requirements, HACA will not approve the addition of a new family member if it will cause a violation of HACA subsidy standards.

When HACA's approval of a new family or household member does not cause a violation of HACA's subsidy standards, and the family intends to remain in place, HACA will require the landlord's written approval of the added family or household member. If the landlord fails to provide that written approval, the family will be issued a new voucher and required to move before adding the family or household member.

When HACA's approval of a new family or household member will cause overcrowding according to HACA subsidy standards, the family will be issued a new voucher with an additional bedroom and will be required to move.

If HACA determines that an individual does not meet HACA's eligibility criteria or documentation requirements, HACA will notify the family in writing of its decision to deny approval of the new family or household member and the reasons for the denial.

HACA will make its determination within 10 business days of receiving all information required to verify the individual's eligibility.

Departure of a Family or Household Member

Families must promptly notify the PHA if any family member no longer lives in the unit [24 CFR 982.551(h)(3)]. Because household members are considered when determining the family unit (voucher) size [24 CFR 982.402], the PHA also needs to know when any live-in aide, foster child, or foster adult ceases to reside in the unit.

HACA Policy

If a household member ceases to reside in the unit, the family must inform HACA within 10 business days. This requirement also applies to a family member who has been considered temporarily absent at the point that the family concludes the individual is permanently absent.

If a live-in aide, foster child, or foster adult ceases to reside in the unit, the family must inform HACA within 10 business days.

**Housing Authority of the County of Alameda (HACA) Housing Choice Voucher Program, Administrative
Plan**

Chapter 17 — Project-Based Vouchers

Part VI: Selection of PBV Program Participants

Page(s) 17-29 to 17-33

PART VI: SELECTION OF PBV PROGRAM PARTICIPANTS

17-VI.A. OVERVIEW

Many of the provisions of the tenant-based voucher regulations [24 CFR 982] also apply to the PBV program. This includes requirements related to determining eligibility and selecting applicants from the waiting list. Even with these similarities, there are requirements that are unique to the PBV program. This part describes the requirements and policies related to eligibility and admission to the PBV program.

17-VI.B. ELIGIBILITY FOR PBV ASSISTANCE [24 CFR 983.251(a) and (b)]

The PHA may select families for the PBV program from those who are participants in the PHA's tenant-based voucher program and from those who have applied for admission to the voucher program. For voucher participants, eligibility was determined at original admission to the voucher program and does not need to be redetermined at the commencement of PBV assistance. For all others, eligibility for admission must be determined at the commencement of PBV assistance.

Applicants for PBV assistance must meet the same eligibility requirements as applicants for the tenant-based voucher program. Applicants must qualify as a family as defined by HUD and the PHA, have income at or below HUD-specified income limits, and qualify on the basis of citizenship or the eligible immigration status of family members [24 CFR 982.201(a) and 24 CFR 983.2(a)]. In addition, an applicant family must provide social security information for family members [24 CFR 5.216 and 5.218] and consent to the PHA's collection and use of family information regarding income, expenses, and family composition [24 CFR 5.230]. The PHA may also not approve a tenancy if the owner (including a principal or other interested party) of the unit is the parent, child, grandparent, grandchild, sister, or brother of any member of the family, unless needed as a reasonable accommodation. An applicant family must also meet HUD requirements related to current or past criminal activity.

HACA Policy

HACA will determine an applicant family's eligibility for the PBV program in accordance with the policies in Chapter 3.

In-Place Families [24 CFR 983.251(b)]

An eligible family residing in a proposed PBV contract unit on the date the proposal is selected by the PHA is considered an "in-place family." These families are afforded protection from displacement under the PBV rule. If a unit to be placed under contract (either an existing unit or a unit requiring rehabilitation) is occupied by an eligible family on the date the proposal is selected, the in-place family must be placed on the PHA's waiting list. Once the family's continued eligibility is determined (the PHA may deny assistance to an in-place family for the grounds specified in 24 CFR 982.552 and 982.553), the family must be given an absolute selection preference and the PHA must refer these families to the project owner for an appropriately sized PBV unit in the project. Admission of eligible in-place families is not subject to income targeting requirements.

This regulatory protection from displacement does not apply to families that are not eligible to participate in the program on the proposal selection date.

17-VLC. ORGANIZATION OF THE WAITING LIST [24 CFR 983.251(c)]

The PHA may establish a separate waiting list for PBV units or it may use the same waiting list for both tenant-based and PBV assistance. The PHA may also merge the PBV waiting list with a waiting list for other assisted housing programs offered by the PHA. If the PHA chooses to offer a separate waiting list for PBV assistance, the PHA must offer to place applicants who are listed on the tenant-based waiting list on the waiting list for PBV assistance.

If the PHA decides to establish a separate PBV waiting list, the PHA may use a single waiting list for the PHA's whole PBV program, or it may establish separate waiting lists for PBV units in particular projects or for sets of such units.

HACA Policy

HACA will establish and manage separate waiting lists for individual projects or buildings that are receiving PBV assistance. HACA currently has waiting lists for the following PBV projects:

Carlow Court
CCT East Bay
Dyer St
Eden Commons
Emery Glen
Estrella Vista
Flanders House
Howard Collins Bridgeway
Kottinger Gardens
Lorenzo Creek
Magnolia Terrace
Main Street Village
Maple Square Apartments
Mayten Manor
Mission Court
Mission View
Nidus Court
Peppertree Village
Rotary Bridgeway East
La Vereda
Station Center
Stevenson Terrace
Third Street Apartments
Union City Units (58 Scattered)
Wexford Way

17-VLD. SELECTION FROM THE WAITING LIST [24 CFR 983.251(c)]

Applicants who will occupy units with PBV assistance must be selected from the PHA's waiting list. The PHA may establish selection criteria or preferences for occupancy of particular PBV units. The PHA may place families referred by the PBV owner on its HCV waiting list, if it is open to such families.

Income Targeting [24 CFR 983.251(c)(6)]

At least 75 percent of the families admitted to the PHA's tenant-based and project-based voucher programs from the waiting list during the PHAA fiscal year must be extremely-low income families. The income targeting requirement applies to the total of admissions to both programs.

Units with Accessibility Features [24 CFR 983.251(c)(7)]

When selecting families to occupy PBV units that have special accessibility features for persons with disabilities, the PHA must first refer families who require such features to the owner.

Preferences [24 CFR 983.251(d), FR Notice 11/24/08]

The PHA may use the same selection preferences that are used for the tenant-based voucher program, establish selection criteria or preferences for the PBV program as a whole, or for occupancy of particular PBV developments or units. The PHA must provide an absolute selection preference for eligible in-place families as described in Section 17-VI.B. above.

The PHA may establish a selection preference for families who qualify for voluntary services, including disability-specific services, offered in conjunction with assisted units, provided that preference is consistent with the PHA plan. The PHA may not, however, grant a preference to a person with a specific disability [FR Notice 1/18/17].

In advertising such a project, the owner may advertise the project as offering services for a particular type of disability; however, the project must be open to all otherwise eligible disabled persons who may benefit from services provided in the project. In these projects, disabled residents may not be required to accept the particular services offered as a condition of occupancy.

If the PHA has projects with "excepted units" for elderly families or Supportive Services Households, the PHA must give preference to such families when referring families to these units [24 CFR 983.251(d); FR Notice 1/18/17].

HACA Policy

HACA will provide a selection preference when required by the regulations (e.g., eligible in-place families, elderly families or Supportive Services Households, or mobility impaired persons for accessible units). Additional preferences have been established for the projects, buildings, or sets of units listed in section 4-III.C-Local Preferences-Section 8 Project-Based Voucher Program (PBV).

17-VI.E. OFFER OF PBV ASSISTANCE

Refusal of Offer [24 CFR 983.251(e)(3)]

The PHA is prohibited from taking any of the following actions against a family who has applied for, received, or refused an offer of PBV assistance:

- Refuse to list the applicant on the waiting list for tenant-based voucher assistance;
- Deny any admission preference for which the applicant qualifies;
- Change the applicant's place on the waiting list based on preference, date, and time of application, or other factors affecting selection under the PHA's selection policy;
- Remove the applicant from the tenant-based voucher waiting list.

Disapproval by Landlord [24 CFR 983.251(e)(2)]

If a PBV owner rejects a family for admission to the owner's units, such rejection may not affect the family's position on the tenant-based voucher waiting list.

Acceptance of Offer [24 CFR 983.252]

Family Briefing

When a family accepts an offer for PBV assistance, the PHA must give the family an oral briefing. The briefing must include information on how the program works and the responsibilities of the family and owner. In addition to the oral briefing, the PHA must provide a briefing packet that explains how the PHA determines the total tenant payment for a family, the family obligations under the program, and applicable fair housing information.

Persons with Disabilities

If an applicant family's head or spouse is disabled, the PHA must assure effective communication, in accordance with 24 CFR 8.6, in conducting the oral briefing and in providing the written information packet. This may include making alternative formats available (see Chapter 2). In addition, the PHA must have a mechanism for referring a family that includes a member with a mobility impairment to an appropriate accessible PBV unit.

Persons with Limited English Proficiency

The PHA should take reasonable steps to assure meaningful access by persons with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964 and Executive Order 13166 (see Chapter 2).

17-VLF. OWNER SELECTION OF TENANTS

The owner is responsible for developing written tenant selection procedures that are consistent with the purpose of improving housing opportunities for very low-income families and reasonably related to program eligibility and an applicant's ability to fulfill their obligations under the lease. An owner must promptly notify in writing any rejected applicant of the grounds for any rejection [24 CFR 983.253(a)(2) and (a)(3)].

Leasing [24 CFR 983.253(a)]

During the term of the HAP contract, the owner must lease contract units to eligible families that are selected and referred by the PHA from the PHA's waiting list. The contract unit leased to the family must be the appropriate size unit for the size of the family, based on the PHA's occupancy standards.

Filling Vacancies [24 CFR 983.254(a)]

The owner must promptly notify the PHA of any vacancy or expected vacancy in a contract unit. After receiving such notice, the PHA must make every reasonable effort to promptly refer a sufficient number of families for the owner to fill such vacancies. The PHA and the owner must make reasonable efforts to minimize the likelihood and length of any vacancy.

HACA Policy

The owner must notify HACA in writing (mail, fax, or e-mail) within five business days of learning about any vacancy or expected vacancy.

**Housing Authority of the County of Alameda (HACA) Housing Choice Voucher Program, Administrative
Plan**

**Chapter 18 — Project Based Vouchers (PBV) Under the Rental Assistance Demonstration (RAD)
Program**

**Part V: Selection of PBV RAD Program Participants
Page(s) 18-19 to 18-23**

PART V: SELECTION OF PBV PROGRAM PARTICIPANTS

18-V.A. OVERVIEW

Many of the provisions of the tenant-based voucher regulations [24 CFR 982] also apply to the PBV program. This includes requirements related to determining eligibility and selecting applicants from the waiting list. Even with these similarities, there are requirements that are unique to the PBV program. This part describes the requirements and policies related to eligibility and admission to the PBV program.

18-V.B. PROHIBITED RESCREENING OF EXISTING TENANTS UPON CONVERSION [Notice PIH 2012-32, REV-2]

Current households are not subject to rescreening, income eligibility, or income targeting provisions. Consequently, current households will be grandfathered for conditions that occurred prior to conversion but will be subject to any ongoing eligibility requirements for actions that occur after conversion. For example, a unit with a household that was over-income at time of conversion would continue to be treated as an assisted unit. Thus, 24 CFR 982.201, concerning eligibility and targeting, will not apply for current households. Once that remaining household moves out, the unit must be leased to an eligible family.

Existing residents at the time of conversion may not be rescreened for citizenship status or have their social security numbers reverified.

For the RAD PBV program, *in-place family* means a family who lived in a pre-conversion property at the time assistance was converted from public housing to PBV under RAD.

18-V.C. ELIGIBILITY FOR PBV ASSISTANCE [24 CFR 983.251(a) and (b)]

Applicants for PBV assistance must meet the same eligibility requirements as applicants for the tenant-based voucher program. Applicants must qualify as a family as defined by HUD and HACA, have income at or below HUD-specified income limits, and qualify on the basis of citizenship or the eligible immigration status of family members [24 CFR 982.201(a) and 24 CFR 983.2(a)]. In addition, an applicant family must provide social security information for family members [24 CFR 5.216 and 5.218] and consent to HACA's collection and use of family information regarding income, expenses, and family composition [24 CFR 5.230]. HACA may also not approve a tenancy if the owner (including a principal or other interested party) of the unit is the parent, child, grandparent, grandchild, sister, or brother of any member of the family, unless needed as a reasonable accommodation. An applicant family must also meet HUD requirements related to current or past criminal activity.

HACA Policy

HACA will determine an applicant family's eligibility for the RAD PBV program in accordance with the policies in Chapter 3.

18-V.D. ORGANIZATION OF THE WAITING LIST [24 CFR 983.251(c) and Notice PIH 2012-32, REV-2]

The standard PBV regulations at 24 CFR 983.251 set out program requirements related to establishing and maintaining a voucher-wide, PBV program-wide, or site-based waiting list from which residents will be admitted. These provisions will apply unless the project is covered by a remedial order or agreement that specifies the type of waiting list and other waiting list policies.

HACA Policy.

HACA will establish and manage separate waiting lists for individual projects that are receiving RAD PBV assistance. HACA currently has waiting lists for the following RAD PBV projects.

Emery Glen

Mission View

HACA will maintain the project-specific waiting list in accordance with all applicable civil rights and fair housing regulations found at 24 CFR 903.7(b)(2)(ii)-(iv). The system for selection will be consistent with all applicable civil rights and fair housing laws and regulations and may not be in conflict with any imposed or pending court order, settlement agreement, or complaint brought by HUD.

18-V.E. SELECTION FROM THE WAITING LIST [24 CFR 983.251(c)]

After conversion to RAD PBV, applicants who will occupy units with RAD PBV assistance must be selected from HACA's waiting list. HACA may establish selection criteria or preferences for occupancy of particular PBV units.

Income Targeting [24 CFR 983.251(c)(6) and Notice PIH 2012-32, REV-2]

At least 75 percent of the families admitted to HACA's tenant-based and project-based voucher programs during HACA's fiscal year from the waiting list must be extremely-low income families. The income targeting requirement applies to the total of admissions to both programs.

Families in place at the time of the conversion are exempt from income targeting requirements. New admissions follow standard PBV requirements.

Units with Accessibility Features [24 CFR 983.251(c)(7)]

When selecting families to occupy PBV units that have special accessibility features for persons with disabilities, HACA must first refer families who require such features to the owner.

Preferences [24 CFR 983.251(d), FR Notice 11/24/08, and Notice PIH 2012-32, REV-2]

HACA may use the same selection preferences that are used for the tenant-based voucher program, establish selection criteria or preferences for the PBV program as a whole, or for occupancy of particular PBV developments or units.

- The PHA may establish a selection preference for families who qualify for voluntary services, including disability-specific services, offered in conjunction with assisted units, provided that preference is consistent with the PHA plan. The PHA may not, however, grant a preference to a person with a specific disability [FR Notice 1/18/17].

In advertising such a project, the owner may advertise the project as offering services for a particular type of disability; however, the project must be open to all otherwise eligible persons with disabilities who may benefit from services provided in the project. In these projects, residents with disabilities may not be required to accept the particular services offered as a condition of occupancy.

If HACA has projects with more than 50 percent of the units receiving project-based assistance because those projects include "excepted units" (i.e., units specifically made available for elderly, or families receiving supportive services), HACA must give preference to such families when referring families to these units [24 CFR 983.261(b)].

HACA Policy

HACA will provide a selection preference when required by the regulation (e.g., eligible in-place families, qualifying families for "excepted units," persons with mobility impairments for accessible units). The following additional preferences/priority will apply:

- Voluntary Supportive Services (8 points): A family that qualifies for at least one of the Voluntary services offered in conjunction with assisted units at the project as set forth in the *Glossary*.

- Displaced-HACA (50 points): *Displaced family—HACA-owned or HACA-managed housing* as set forth in the *Glossary*.
- Displaced-Other (10 points): *Displaced family* as set forth in the *Glossary*.
- Veteran (1 point): Priority will be given to veterans or servicepersons as set forth in the *Glossary* within each preference category.

Preference points are aggregated to produce the total preference points for each applicant. Ties among applicants who have the same preferences/priorities are resolved, as applicable, by either;

- **order of ascending** lottery “tiebreaker” number (that is, applicants with a lower lottery “tiebreaker” number are selected before applicants with a higher one); or
- The date and time their complete application is received by HACA.

18-V.F. OFFER OF PBV ASSISTANCE

Refusal of Offer [24 CFR 983.251(e)(3)]

HACA is prohibited from taking any of the following actions against a family who has applied for, received, or refused an offer of PBV assistance:

- Refusing to list the applicant on the waiting list for tenant-based voucher assistance
- Denying any admission preference for which the applicant qualifies
- Changing the applicant's place on the waiting list based on preference, date, and time of application, or other factors affecting selection under the HACA's selection policy
- Removing the applicant from the tenant-based voucher waiting list

Disapproval by Landlord [24 CFR 983.251(e)(2)]

If a PBV owner rejects a family for admission to the owner's units, such rejection may not affect the family's position on the tenant-based voucher waiting list.

Acceptance of Offer [24 CFR 983.252]

Family Briefing

When a family accepts an offer for PBV assistance, HACA must give the family an oral briefing. The briefing must include information on how the program works and the responsibilities of the family and owner. In addition to the oral briefing, HACA must provide a briefing packet that explains how HACA determines the total tenant payment for a family, the family obligations under the program, and applicable fair housing information.

Persons with Disabilities

If an applicant family's head or spouse is disabled, HACA must assure effective communication, in accordance with 24 CFR 8.6, in conducting the oral briefing and in providing the written information packet. This may include making alternative formats available (see Chapter 2). In addition, HACA must have a mechanism for referring a family that includes a member with a mobility impairment to an appropriate accessible PBV unit.

Persons with Limited English Proficiency

HACA should take reasonable steps to assure meaningful access by persons with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964 and Executive Order 13166 (see Chapter 2).