



HOUSING COMMISSION AGENDA

Regular Meeting: June 14, 2017

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, June 8, 2017 duly distributed this Agenda to the Clerk of the Board of Supervisors for posting in the office of the Alameda County Administration Building and has posted it on the bulletin board of the Housing Authority of the County of Alameda.

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

	<u>PAGE</u>
1. CALL TO ORDER / ROLL CALL	
2. CLOSED SESSION	
<i>Contract Negotiations with SEIU Local 1021 and the Housing Authority of the County of Alameda Labor Negotiations Pursuant to Government Code 54957.6</i>	
3. APPROVAL OF THE MINUTES OF THE MAY 10, 2017 MEETING	ACTION 2
4. PUBLIC COMMENT - On matters not on the Agenda	
5. NEW BUSINESS	
5-1. Resolution Approving Contribution to the Alameda County Employees’ Retirement Association (ACERA)	ACTION 8
5-2. Resolution Approving Operating Budget for the 2017-2018 Fiscal Year	ACTION 11
5-3. HUD Funding Shortfall – Update on Action Plan and Resolution Authorizing Submittal of Shortfall Funding Application	ACTION 26
5-4. Revisions to HACA’s Section 8 Administrative Plan	ACTION 29
5-5. Approve 2017 HACA Scholarship Awards	ACTION 31
5-6. Appoint a Nominating Committee for the FY 2017-2018 Housing Commission Officers	ACTION 33
5-7. Budget Status Report	INFORMATION 34
5-8. Program Activity Report	INFORMATION 36
6. COMMITTEE REPORTS	
7. COMMISSIONER REPORTS	
8. COMMUNICATIONS	
9. ADJOURNMENT	

MINUTES
May 10, 2017



**HOUSING COMMISSION MINUTES
REGULAR MEETING: MAY 10, 2017
HACA BOARD ROOM, 22941 ATHERTON STREET, HAYWARD, CA 94541**

SUMMARY ACTION MINUTES

1. CALL TO ORDER/ROLL CALL

Call to Order

Chairperson Gacoscos called the meeting to order at 8:01 a.m.

Roll Call

Present: Cmr. Ballew, Biddle, Gacoscos, Gerry, Hannon, Maass, Patz, Peixoto and Steiner

Entered After Roll Call: Cmr. Buckholz

Excused: Cmr. Bacon

Chairperson Gacoscos welcomed the new Housing Commissioners, Pete Ballew from San Leandro and Christian Patz from Emeryville. Each of the Housing Commissioners introduced themselves and stated which city or area they represent.

Christine Gouig, Executive Director, announced that Commissioner Vinnie Bacon from the city of Fremont has submitted his resignation from the Housing Commission and that the city of Fremont has appointed Councilmember Raj Salwan to take his place. She indicated that the city's appointment is in process for final approval by the Alameda County Board of Supervisors.

2. ACTION: APPROVAL OF THE MINUTES OF THE APRIL 12, 2017 HOUSING COMMISSION MEETING

Recommendation: Approve the minutes of the April 12, 2017 Housing Commission meeting as presented.

Motion/Second: Hannon/Peixoto.

9 ayes; 1 not present for the vote: Cmr. Buckholz. Motion passed. **APPROVED AS RECOMMENDED.**

3. PUBLIC COMMENT – ON MATTERS NOT ON THE AGENDA

None.

4. NEW BUSINESS

4-1. ACTION: AUDIT FOR THE FISCAL YEAR ENDED JUNE 30, 2016

Christine Gouig, Executive Director, presented the staff report. Ms. Gouig explained that HACA is required to conduct an audit each year. She described the various components of the audit for the fiscal year that ended June 30, 2016 and summarized the key sections in the audit report. Ms. Gouig reported that no findings, significant deficiencies or any instances of noncompliance with program requirements were identified in the audit and praised Cathy Leoncio, Finance Director, and the HACA staff for their work. She reported that the Housing Commission's Budget/Audit/Negotiations (BAN)

Committee met on May 4 to review the audit and that the BAN Committee recommends that the Housing Commission accept the audited financial statements and reports for the fiscal year ended June 30, 2016.

Recommendation: Accept the audited financial statements and reports for all HACA programs for the fiscal year ended June 30, 2016.

Commission Discussion: Cmr. Biddle and Ms. Gouig discussed the revenue reported in the audit report. Cmr. Hannon praised staff for a clean audit. Cmr. Hannon and Ms. Gouig discussed the history of HACA's inclusion in the Alameda County Employees' Retirement Association (ACERA) and Cmr. Hannon expressed his concerns on pension liabilities and the projected investment return rate.

Motion/Second: Biddle/Buckholz.

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

4-2. RESOLUTION NO. 05-17: CONFIRMING & CERTIFYING COMPLETION OF PUBLIC HOUSING PROGRAM CLOSE-OUT & TERMINATION OF ALL ANNUAL CONTRIBUTIONS CONTRACTS

Christine Gouig introduced this item. She reported that HACA no longer has any units under the Public Housing program as all units have been transferred to Preserving Alameda County Housing, Inc. (PACH), HACA's non-profit instrumentality.

Jennifer Cado, Senior Administrative Analyst, presented the staff report. Ms. Cado reported that HACA has completed all of HUD's Public Housing program close-out requirements, summarized what these requirements are and recommended that the Commission adopt a resolution confirming and certifying the completion of the requirements.

Recommendation: Adopt Resolution No. 05-17 confirming and certifying completion of Public Housing program close-out requirements and termination of all annual contributions contracts and authorize the Executive Director to sign any and all documents necessary to complete the close-out activities.

Commission Discussion: Cmr. Peixoto and Ms. Cado discussed HUD's Rental Assistance Demonstration program. Cmr. Biddle commented that this is a big step for the agency. Ms. Gouig commented that staff has worked many years to complete the transfer of all HACA's units from HUD's inadequately-funded Public Housing program to PACH, which provides a better source of funding for these units.

Motion/Second: Biddle/Peixoto.

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

4-3. INFORMATION: HUD FUNDING SHORTFALL UPDATE

Christine Gouig presented the staff report. Ms. Gouig reported that HUD published a notice indicating that funding has been set aside for housing authorities that will be in shortfall. She described the requirements that HACA must meet in order to be eligible for this shortfall funding and summarized those that HACA has completed so far, including the rescission of 25 Section 8 Housing Choice Vouchers that had been issued.

Ms. Gouig further reported that staff will apply for shortfall funding just as soon as the application is available.

Commission Discussion: Cmr. Patz and Ms. Cado discussed how many adults and children are represented by the 25 vouchers that were rescinded. Cmr. Biddle asked how the wait list applicants are being affected by the shortfall funding requirements and Ms. Gouig indicated that HACA is not issuing any new vouchers to those on the wait list created in August 2015. Cmr. Maass and Ms. Gouig discussed the shortfall requirements regarding portability. They also discussed the tools, processes and resources that HACA uses to investigate participants who are not accurately reporting their income. Cmr. Peixoto and Ms. Gouig discussed the status of the federal budget and the topic of consolidating housing authorities. Cmr. Steiner provided a history of the city of Pleasanton's housing authority. Cmr. Gerry commented that even before shortfall HUD had not sufficiently funded HACA's programs and further commented that it would be ideal if HACA could be a "Moving-To-Work" agency. Cmr. Buckholz and Ms. Cado discussed how assets and savings are calculated when determining eligibility. Cmr. Ballew and Ms. Gouig discussed the Family Self-Sufficiency (FSS) program graduates and what happens to the vouchers when an FSS program participant graduates. Mr. Taylor commented that not all program graduates relinquish their voucher when they graduate from the program. He also described what the FSS staff is doing to grow the FSS program.

4-4. INFORMATION: BUDGET STATUS REPORT

Christine Gouig presented the staff report. Report received with no questions or comments from the Housing Commission.

4-5. INFORMATION: PROGRAM ACTIVITY REPORT

Daniel Taylor, Special Programs Manager, presented the staff report. Mr. Taylor gave an overview of the Family Self-Sufficiency (FSS) program for the new Housing Commissioners in attendance. He reported that the FSS Coordinators recently held workshops on child support and how to fix credit and an employment workshop that included representatives from BART and the Alameda County Social Services agency. Mr. Taylor described the importance of the partnerships between the FSS program and other agencies in Alameda County.

Commission Discussion: Cmr. Steiner and Mr. Taylor discussed the Homeownership Program and how the FSS program escrow account works. Cmr. Steiner talked about the annual FSS "It's Your Time to Shine" event and encouraged the Housing Commissioners to attend.

5. COMMITTEE REPORTS

Cmr. Biddle reported that the Budget/Audit/Negotiations Committee met earlier in the month to discuss the annual audit, budget preparation and upcoming contract labor negotiations.

6. COMMISSIONER REPORTS

Cmr. Maass reported that NPR ran a series on HUD that focused on issues in the Low-Income Housing Tax Credit program. Ms. Gouig shared some details from that series. Cmr. Gerry commented that he attended a session at the National Association of Housing and Redevelopment

Officials (NAHRO) Washington Conference that discussed the LIHTC program and how affordable housing developers rely on this program to get keep their developments affordable.

Comr. Hannon thanked staff for sending a copy of the housing inspection checklist. He stated that he'd like to accompany a housing inspector on a future inspection and Ms. Gouig asked him to contact her to make arrangements.

7. COMMUNICATIONS

Christine Gouig circulated a photo from the March 2017 NAHRO Washington Conference.

8. ADJOURNMENT

There being no further business to discuss, Chairperson Gacoscos adjourned the meeting at 9:10 a.m.

Respectfully Submitted,

Melissa Taesali
Executive Assistant

Christine Gouig
Executive Director/Housing Commission Secretary

Approved:

Pat Gacoscos
Housing Commission Chairperson

NEW BUSINESS

June 14, 2017

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

AGENDA STATEMENT

Meeting: June 14, 2017

- Subject: Contribution to Alameda County Employees’ Retirement Association (ACERA) for Fiscal Year 2017-2018
 - Exhibits Attached: Resolution No. 06-17 Approving 401(h) Account Pursuant to Section 31592 of the County Employee Retirement Law (CERL)
 - Recommendation: Adopt the Resolution
 - Financial Statement: \$227,800.36 to be included in FY 2017-2018 Budget
-

BACKGROUND

The Housing Authority is a participating employer in the Alameda County Employees’ Retirement Association (ACERA). In 1996, ACERA established a health benefits account, called a 401(h) account, to satisfy the requirements of Internal Revenue Code (IRC) Section 401(h) for providing non-vested, tax-free healthcare to the retirees of participating employers.

In 2006, changes to the IRC regulations required that participating employers establish a separate 401(h) sub-account under the overall ACERA account, and make contributions through ACERA designated specifically for healthcare benefits to fund the 401(h) sub-account. To continue providing HACA retirees with non-taxable health benefits, your Commission adopted a resolution in June 2006 (Resolution No. 14-06) that authorized ACERA to establish and manage a 401(h) sub-account on our behalf.

In accordance with Section 31592.4 and Article 5.5 of the CERL, ACERA holds assets in a Supplemental Retirees’ Benefits Reserve (SRBR). Once HACA makes its designated 401(h) contribution to ACERA, ACERA will automatically transfer the same amount from the SRBR to HACA’s Advance Reserve Account. ACERA has consistently paid supplemental retirement and post-employment health care benefits through the SRBR since 1985.

DISCUSSION and ANALYSIS

Your Commission has authorized HACA’s contribution to its 401(h) sub-account every year since 2006. The Segal Company, ACERA’s actuary, has determined that HACA’s contribution for fiscal year July 1, 2017 – June 30, 2018 is \$227,800.36. ACERA requires that your authorization to fund HACA’s 401(h) sub-account be completed by June 30, 2017.

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

RESOLUTION NO. 06-17

RESOLUTION APPROVING 401(h) ACCOUNT PURSUANT TO SECTION 31592

WHEREAS, in 1996, the Alameda County Employee’s Retirement Association (“ACERA”) Board of Retirement informed the Board of Supervisors that, by addition of Resolution 96-111, the Board of Retirement had established a health benefits account intended to satisfy the requirements of the Internal Revenue Code (“IRC”) Section 401(h) and the regulations thereunder (the “401(h) Account”) in order to provide non-vested, tax-free health benefits to eligible County and Participating Employer retirees (collectively, the “Retirees”); and

WHEREAS, in 1996, the Board of Supervisors adopted Resolution No. R-96-634, which provided that ACERA could offer such non-taxable benefits if the County designated a portion of its contribution to ACERA for a fiscal year as a contribution to the 401(h) Account; and

WHEREAS, under Section 31592.4 and Article 5.5 of the County Employees Retirement Law of 1937 (“CERL”), assets in the Supplemental Retiree Benefit Reserves (the “SRBR”) at the end of a fiscal year of ACERA may, in the immediately succeeding fiscal year, be transferred to the Employer Advance Reserve account of the Participating Employers, and treated as a contribution to ACERA by the County and as applicable by other Participating Employers to the extent that in the immediately succeeding fiscal year the County and other Participating Employers make contributions to ACERA’s 401(h) Account in order to pay for retiree health benefits; and

WHEREAS, Section 31592.4 and Article 5.5 of the CERL thus permit the Participating Employers to contribute to a 401(h) Account and pay for retiree health benefits for a fiscal year without increasing the Housing Authority of the County of Alameda’s (“Housing Authority”) total contributions to ACERA for that fiscal year; and

WHEREAS, commencing with the 1996-1997 fiscal year, and for each fiscal year thereafter, the County has directed that a specified portion of its fiscal year contribution to ACERA for that year be contributed to the 401(h) account; and

WHEREAS, in 2007 the Housing Authority authorized ACERA to establish and manage a 401(h) sub-account on its behalf to provide tax free health care benefits for its retirees;

NOW THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. In fiscal year July 1, 2017 – June 30, 2018, Housing Authority shall contribute to ACERA **\$227,800.36** to be used only for the paying of retiree medical health benefits. This contribution shall be made on the terms and conditions set forth in the Agreement between the Housing Authority and ACERA concerning such contributions, executed on July 25, 2007.
2. This contribution shall be designated, in writing, as being only for the Housing Authority’s IRC § 401(h) Account and such designation shall be made at the time of contribution.

Housing Authority of the County of Alameda
Resolution No. 06-17 Approving 401(h) Account Pursuant to Section 31592
June 14, 2017
Page 2

3. Such contribution is contingent on the Board of Retirement immediately transferring, in accordance with Government Code §31592.4, an amount equal to such contribution from ACERA’s SRBR account to the Housing Authority’s Advance Reserve account. Such amount shall be treated as a contribution for pension and therefore shall be applied to reduce the pension contribution otherwise required by the Housing Authority for the fiscal year beginning July 1, 2017.

4. No party, including any existing or future Housing Authority employee, retiree, spouse, or dependent, shall have any vested rights, contractual rights or other rights in or to any retiree health benefits or payment or subsidy for any such benefits nor shall any such person or ACERA have any such rights to have the Housing Authority contribute towards paying or subsidizing the cost of any retiree medical benefits provided by ACERA under the 401(h) Account or otherwise. The Housing Authority may modify or terminate, at any time and without any limitation, its decision to contribute to the Housing Authority’s 401(h) Account. This modification or termination may occur even if it may affect any employee first hired prior to the date of such modification, any person who retired prior to such date, and/or any person who became a spouse or dependent of an employee or retiree prior to such date.

5. All contributions by the Housing Authority to its 401(h) sub-account shall be governed by requirements of the Internal Revenue Code and all administrative and other applicable rules established by ACERA governing such sub-account and ACERA’s 401(h) Account.

PASSED, APPROVED, AND ADOPTED by the Housing Commission of the Housing Authority of the County of Alameda on this 14th day of June 2017, by the following vote:

AYES:

NAYS:

ABSTAIN:

EXCUSED:

ABSENT:

Pat Gacoscos
Housing Commission Chairperson

Attest:

Christine Gouig
Executive Director/Housing Commission Secretary

Adopted: _____

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

AGENDA STATEMENT

Meeting: June 14, 2017

- Subject: Operating Budgets for Fiscal Year Ending June 30, 2018
- Exhibits Attached:
- Resolution No. 07-17
 - Form HUD-52574
 - Statement of Budgeted Revenues, Expenses and Changes in Net Position FYE June 30, 2018; Supporting Schedules of Expenses
- Recommendation: Approve Budgets and Adopt Resolution
- Financial Statement: See below
-

BACKGROUND

HACA’s 2017-2018 fiscal year (FY) starts on July 1, 2017 and will end on June 30, 2018. HUD funding, which is provided on a calendar year (CY) basis, is HACA’s primary source of income. This requires staff to estimate HUD funding for January to June 2018, the second half of our fiscal year.

SEIU Local 1021’s Memorandum of Understanding (MOU) expires on June 15, 2017 and, at this time, there is no successor agreement. Consequently, staff prepared a budget that assumes certain provisions from the expired MOU will continue into the new fiscal year.

A draft budget was presented to your Commission’s Budget/Audit/Negotiations Committee on June 8, 2017, which reviewed the proposed budgets in detail. The Committee recommends that your Commission approve the budgets as presented.

DISCUSSION and ANALYSIS

A summary of four program budgets is presented--one each for the Housing Choice Voucher Program, the Housing Development Fund, Park Terrace and Ocean Avenue. An agency-wide summary of changes to net positions is provided as well. Key assumptions and facts are shown under each program below, in bulleted form.

Housing Choice Voucher (HCV) Program

For CY 2017, the Housing Choice Voucher Program HAP renewal funding is at 97% of renewal needs with an inflation factor of only 2.58%. In CY 2016, it was at 99% proration with an 11% inflation factor. The Administrative Fee funding for CY 2017 is at 75% of fee eligibility, the second lowest it has ever been (the sequestration year was lower). In CY 2016, the proration was approximately 83%. The FY 2017-2018 budget presented today assumes the CY 2017 funding levels for HAP and Administrative Fee for the second half of the fiscal year. We won't know the *actual* funding levels until Congress adopts a budget for federal fiscal year 2018 (October 1, 2017 - September 30, 2018). It is unlikely that Congress will approve a budget before October 1 and will adopt a Continuing Resolution (CR) instead.¹

HACA's HCV budget projects an operating loss of \$760,449. This budgeted loss will be approximately \$134,246 less than what is left of projected HCV Unrestricted Net Position (UNP), exclusive of the net pension liability (NPL) balance of \$7.6 million.

Income

- Currently, HACA's actual Housing Assistance Payment (HAP) per unit cost (PUC) is \$1,427 per month. The proposed budget assumes an average HAP of \$1,469 PUC per month and an annual average 97% lease-up rate. Staff anticipates that PUC will continue to increase due to higher rents and requested rent increases. *Actual* CY 2017 HAP funding from HUD is at approximately \$1,236 per unit per month, \$233 per unit per month less than expenditure.² CY 2017 per unit HAP funding is significantly less than CY 2016, and, as a result, the program will need approximately \$8M in shortfall funding from HUD for 2017. Until the federal FY2018 budget is adopted, the HAP funding formula for 2018 is unknown and staff projects approximately \$9.9M of funding shortfall for the first 6 months of 2018. By law, HAP funds are restricted to rental subsidy payments only and cannot be used for operating or administrative costs.
- HUD compensates housing authorities for the cost of administering the HCV program through Administrative Fees. Administrative Fees are the main source of funding to cover operating costs and are paid on the basis of the number of units leased as of the first day of each month. Every housing authority's eligibility is pro-rated, if needed, to ensure that fees paid do not exceed the funds appropriated by Congress. For more than a decade, Congress has reduced Administrative Fee funding and many housing authorities, including HACA, have implemented cost cutting measures and used their UNP to balance the budget.

Due to proration, income from HCV program Administrative Fees is set at the current 75% of eligibility for the first six months of the fiscal year (July to December 2017) and staff is assuming the same for the balance of the fiscal year (January to June 2018). This 75% assumption may actually be higher or lower, depending on the FFY 2018 budget and HUD's calendar year-end reconciliation.

¹ A CR carries forward the funding levels from the previous year until a budget is adopted. This year, there was a CR for 7 months as the budget wasn't adopted until May 2017.

² This is the primary reason for HACA being in what HUD calls 'shortfall.'

- Other fees earned include: modest fees to administer the CHOICES/FACT, Moderate Rehabilitation and Shelter Plus Care programs and portability fees. The projection for our incoming portability reflects an average of 233 contracts that we will bill to other housing authorities. We earn only 80% of the prorated Administrative Fees for these contracts. The average Admin Fee used in the budget is \$66 per portability unit per month, which is about \$16 less per unit than what we earn for our own voucher contracts. There are fewer voucher holders (average of 99) of our own that move into other housing authorities' jurisdictions.
- Other income includes the HUD grant for the FSS Program, investment income and the fraud recovery income which, per HUD regulations, is split 50/50 between HACA and HUD.
- Total overall income decreased by 5%.

Expenses

- Indirect costs associated with more than one program are allocated using the percentage of total program unit method. Indirect salaries are allocated using the percentage of payroll method. Starting in FY 2012, housing authorities that receive a significant amount of federal funding were prohibited to pay salaries in any given program in excess of an annual cap. For FY 2017, the annual cap is \$161,900. Individual salaries allocated to the HCV program in this budget will not reach the annual cap.
- The budget does not reflect any changes to salaries and benefits associated with the terms of the MOU expiring on June 15, 2017.
- The budget includes staffing cost saving measures:
 - One (1) Administrative Clerk position to be filled in October 2017
 - Two (2) Administrative Clerk positions are on a hiring freeze
 - One (1) Eligibility Technician position removed from budgeted position list
 - One (1) Housing Specialist is on a hiring freeze
 - One (1) IT Manager position budgeted only through December 31, 2017
 - One (1) Deputy Director position is on a hiring freeze
- Total administrative expense increased slightly (2%) due to cost increases.
- Employee benefits are budgeted at 57% of salaries. The budget assumes increases in health care premiums as well as HACA's employer retirement contributions to ACERA. Additional retirement expense will be incurred depending on ACERA's actuarial study and net pension liability balance at the end of the calendar year 2017.
- Total overall expenses decreased by 5%.

Housing Development Fund, Park Terrace, and Ocean Avenue

- Because HACA disposed of its Mission Blvd. office and maintenance buildings to Preserving Alameda County Housing, Inc. (PACH) in late March 2017, the public housing program is removed from the budget.
- HACA maintains a Housing Development (HDF-Local) Fund for low-income housing development and rehabilitation and management improvements.
- As in the previous fiscal year, the HDF-Local Fund now has salaries, benefits and other indirect costs not allocated to the HCV program in its budget. These expenses will be charged to non-HCV projects (PACH, Ocean Avenue, Park Terrace) as property management fees.
- The HDF-Local budget also does not reflect any changes to salaries and benefits associated with the terms of the MOU expiring on June 15, 2017. It reflects the same staff cost saving measures.
- The HDF-Local Fund also carries the net pension liability balance pertaining to employees whose salaries are not directly allocated to the HCV program. While the amount is unknown at this time, additional retirement expense will be incurred depending on ACERA's actuarial study and net pension liability balance at the end of the calendar year 2017.
- The HDF-Local budget projects an income of \$153,522. The projected reserve balance at the beginning of the budget year is \$4.07 million. The scheduled capital expenditure cost for the budget year is approximately \$297,000.
- Park Terrace consists of nine units in the City of Hayward that are non-HUD assisted and rented to low income families. Park Terrace's budget projects an income of \$41,069. The projected reserve balance at the beginning of the budget year is \$1.21 million. There are capital expenditures scheduled in the amount of \$110,000.
- Ocean Avenue consists of six units in the City of Emeryville that are non-HUD assisted and rented to low income families. Ocean Avenue's budget projects an income of \$16,173. The projected reserve balance at the beginning of the budget year is \$203,000. The scheduled capital expenditure cost for the budget year is approximately \$69,000.

Staff recommends that your Commission adopt the Resolution approving the proposed operating budget and budgeted positions for the fiscal year ending June 30, 2018.

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

RESOLUTION NO. 07-17

**RESOLUTION APPROVING THE OPERATING BUDGET AND BUDGETED POSITIONS FOR
JULY 1, 2017 – JUNE 30, 2018 FISCAL YEAR**

WHEREAS, the Housing Authority of the County of Alameda operates on a July 1 – June 30 fiscal year and HUD funding is provided on a calendar year basis; and

WHEREAS, operating budgets for the Housing Authority’s various programs must be adopted prior to the beginning of the fiscal year July 1, 2017 – June 30, 2018; and

WHEREAS, the Commission’s Budget/Audit/Negotiations Committee has reviewed the proposed budgets developed by staff and recommends approval; and

WHEREAS, the fiscal year 2017-2018 has continuing challenges, including reduced funding, rising costs of operations and the uncertainty of future federal funding; and

WHEREAS, the budgets may require a revision once major income and expense uncertainties become known;

NOW, THEREFORE, BE IT RESOLVED, that the Housing Commission does hereby approve the proposed budgets, budgeted positions and supporting schedules for the various programs as presented.

PASSED, APPROVED AND ADOPTED by the Housing Commission of the Housing Authority of the County of Alameda on this _____ day of _____ 2017 by the following vote:

AYES:

NOES:

ABSTAIN:

EXCUSED:

ABSENT:

Attest:

Pat Gacoscos
Housing Commission Chairperson

Christine Gouig
Executive Director/Housing Commission Secretary

Adopted: _____

PHA Board Resolution
 Approving Operating Budget

**U.S. Department of Housing
 and Urban Development**
 Office of Public and Indian Housing -
 Real Estate Assessment Center (PIH-REAC)

OMB No. 2577-0026
 (exp. 07/31/2019)

Public reporting burden for this collection of information is estimated to average **10 minutes 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. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This information is required by Section 6(c)(4) of the U.S. Housing Act of 1937. The information is the operating budget for the low-income public housing program and provides a summary of the proposed/budgeted receipts and expenditures, approval of budgeted receipts and expenditures, and justification of certain specified amounts. HUD reviews the information to determine if the operating plan adopted by the public housing agency (PHA) and the amounts are reasonable, and that the PHA is in compliance with procedures prescribed by HUD. Responses are required to obtain benefits. This information does not lend itself to confidentiality.

PHA Name: Alameda County Housing Authority

PHA Code: CA067

PHA Fiscal Year Beginning: July 1, 2017

Board Resolution Number: 07-17

Acting on behalf of the Board of Commissioners of the above-named PHA as its Chairperson, I make the following certifications and agreement to the Department of Housing and Urban Development (HUD) regarding the Board's approval of (check one or more as applicable):

DATE

- Operating Budget approved by Board resolution on: 06/14/2017
- Operating Budget submitted to HUD, if applicable, on:
- Operating Budget revision approved by Board resolution on:
- Operating Budget revision submitted to HUD, if applicable, on:

I certify on behalf of the above-named PHA that:

1. All statutory and regulatory requirements have been met;
2. The PHA has sufficient operating reserves to meet the working capital needs of its developments;
3. Proposed budget expenditure are necessary in the efficient and economical operation of the housing for the purpose of serving low-income residents;
4. The budget indicates a source of funds adequate to cover all proposed expenditures;
5. The PHA will comply with the wage rate requirement under 24 CFR 968.110(c) and (f); and
6. The PHA will comply with the requirements for access to records and audits under 24 CFR 968.110(i).

I hereby certify that all the information stated within, as well as any information provided in the accompaniment herewith, if applicable, is true and accurate.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012.31, U.S.C. 3729 and 3802)

Print Board Chairperson's Name: Pat Gacoscos	Signature:	Date: 06/14/2017
---	------------	---------------------

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA
BUDGET STATEMENT OF REVENUES, EXPENSES AND CHANGES IN NET ASSETS
FOR THE FISCAL YEAR ENDING JUNE 30, 2018**

	Housing Choice Voucher		Housing Development Fund		Park Terrace		Ocean Avenue		Totals	
	Approved 2017	Proposed 2018	Approved 2017	Proposed 2018	Approved 2017	Proposed 2018	Approved 2017	Proposed 2018	Approved 2017	Proposed 2018
Housing Assistance Payments (HAP)										
Est. HUD PHA grants-HAP	90,439,651	92,390,395							90,439,651	92,390,395
Less: Est. HAP expenses	92,736,198	110,316,024							92,736,198	110,316,024
Est. Addition to/(Use of) Reserves	(2,296,547)	(17,925,629)							(2,296,547)	(17,925,629)
Est. Net Restricted Position (NRP) balance at 7/1/17	-	-							-	-
Est. HUD-held Program Reserve (Shortfall) bal. at 7/1/17	9,500,000	-							9,500,000	-
Est. HUD Shortfall funding for CY 2017 (thru 12/31/17)	-	8,000,000							-	8,000,000
Est. NRP balance at 6/30/18	-	-							-	-
Est. HUD-held Program Reserve (Shortfall) bal. at 6/30/18	7,203,453	(9,925,629)							7,203,453	(9,925,629)
Operating Income										
Rental revenue - tenants	-	-	143,000	143,000	143,095	143,190	76,723	87,175	362,818	373,365
Other revenue -tenants	-	-	-	-	300	300	500	500	800	800
HUD PHA grants	6,976,235	6,634,582	-	-	-	-	-	-	6,976,235	6,634,582
Other revenue	326,000	326,000	42,500	42,500	-	-	500	1,300	369,000	369,800
Other revenue - property management fees	-	-	998,328	1,187,640					998,328	1,187,640
Investment income	500	500	10,000	10,000	638	3,426	103	537	11,241	14,463
Total	7,302,735	6,961,082	1,193,828	1,383,140	144,033	146,916	77,826	89,512	8,718,422	8,580,650
		-5%		14%		2%		13%		-2%
Operating Expenses										
Administrative salaries	(4,110,734)	(3,759,964)	(436,619)	(422,355)	-	-	-	-	(4,547,353)	(4,182,319)
Administrative expenses	(1,563,758)	(1,593,691)	(53,971)	(71,000)	(47,275)	(45,700)	(34,300)	(34,300)	(1,699,304)	(1,744,691)
Utilities	-	-	(56,600)	(54,300)	(500)	(500)	(7,403)	(11,939)	(64,503)	(66,739)
Maintenance salaries	-	-	(203,580)	(203,580)	-	-	-	-	(203,580)	(203,580)
Maintenance services	-	-	(86,648)	(114,000)	(56,513)	(56,947)	(25,600)	(25,600)	(168,761)	(196,547)
General expenses	(226,429)	(224,697)	(5,000)	(7,600)	(2,700)	(2,700)	(1,500)	(1,500)	(235,629)	(236,497)
Employee benefits	(2,240,350)	(2,143,179)	(348,908)	(356,783)	-	-	-	-	(2,589,258)	(2,499,962)
Total	(8,141,271)	(7,721,531)	(1,191,326)	(1,229,618)	(106,988)	(105,847)	(68,803)	(73,339)	(9,508,388)	(9,130,335)
		-5%		3%		-1%		6%		-4%
Budgeted Income (Loss)	(838,536)	(760,449)	2,502	153,522	37,045	41,069	9,023	16,173	(789,966)	(549,685)
Unrestricted Net Position (UNP) - est. balance at 7/1/2017	**	(6,993,690)		4,074,386		1,210,155		202,719		(1,506,430)
Unrestricted Net Position - budgeted bal. at 6/30/18		(8,954,139)		4,227,908		1,251,224		218,892		(3,256,115)
Capital Expenditures per schedule		-		297,116		109,572		69,012		475,700

**

Est. UNP @ 7/1/17	626,203
Est. loss @ 6/30/18	(760,449)
Subtotal @ 6/30/18	(134,246)
UNP @ 6/30/18-NPL	(8,819,893)
Est. UNP @ 6/30/18	(8,954,139)

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA
 Schedule of Administrative Expenses
 FOR THE FISCAL YEAR ENDING JUNE 30, 2018

Administrative Expenses	Housing Choice Voucher		Housing Development Fund		Park Terrace		Ocean Avenue		Totals	
	Approved 2017	Proposed 2018	Approved 2017	Proposed 2018	Approved 2017	Proposed 2018	Approved 2017	Proposed 2018	Approved 2017	Proposed 2018
Legal Fees	90,000	90,000	-	-	-	-	2,000	2,000	92,000	92,000
Staff Training	21,400	21,400	-	-	-	-	-	-	21,400	21,400
Mileage Payments	7,000	7,000	-	300	-	-	-	-	7,000	7,300
Conference Travel	20,002	18,913	-	-	-	-	-	-	20,002	18,913
Auditing Fees	22,400	22,400	-	-	-	-	-	-	22,400	22,400
Office Bldg. Expenses	143,000	143,000	-	-	-	-	-	-	143,000	143,000
Office Supplies	55,000	55,000	-	9,000	-	-	-	-	55,000	64,000
Copier expense	4,000	4,000	-	-	-	-	-	-	4,000	4,000
Non-Cap Furn & Eqpt	3,000	3,000	-	800	-	-	-	-	3,000	3,800
Admin. Vehicles	15,000	15,000	-	6,500	-	-	-	-	15,000	21,500
Publications-	8,500	8,500	-	-	-	-	-	-	8,500	8,500
Recruitment exp	5,000	5,000	-	-	-	-	-	-	5,000	5,000
Membership Dues	22,000	22,000	-	200	-	-	-	-	22,000	22,200
Telephone	40,000	40,000	-	1,000	-	-	-	-	40,000	41,000
Contract/Consultant Svcs	677,440	695,460	9,221	20,800	3,575	2,000	2,000	2,000	692,236	720,260
Computer Software Svcs	188,370	137,573	-	5,000	-	-	-	-	188,370	142,573
Computer svcs-disaster	4,800	-	-	-	-	-	-	-	4,800	-
Non-Cap Furn & Eqpt-MIS	65,646	117,800	-	-	-	-	-	-	65,646	117,800
Leases or Rentals	12,000	29,560	-	2,000	-	-	-	-	12,000	31,560
Equipment Maintenance	13,000	500	-	-	-	-	-	-	13,000	500
Postage	90,000	90,000	-	-	-	-	-	-	90,000	90,000
Printing	40,000	40,000	-	400	-	-	-	-	40,000	40,400
Commission Meetings	6,600	6,600	-	-	-	-	-	-	6,600	6,600
Miscellaneous	7,200	8,700	32,000	10,000	500	500	1,500	1,500	41,200	20,700
Wait List Expense	2,400	12,285	-	-	-	-	-	-	2,400	12,285
Scholarship expense	-	-	12,750	15,000	-	-	-	-	12,750	15,000
Property Management Fee	-	-	-	-	43,200	43,200	28,800	28,800	72,000	72,000
TOTAL	1,563,758	1,593,691	53,971	71,000	47,275	45,700	34,300	34,300	1,699,304	1,744,691
		2%		24%		-3%		0%		3%

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA
 Schedule of Maintenance Expenses
 FOR THE FISCAL YEAR ENDING JUNE 30, 2018

Maintenance Expenses	Housing Choice Voucher		Housing Development Fund		Park Terrace		Ocean Avenue		Totals	
	Approved 2017	Proposed 2018	Approved 2017	Proposed 2018	Approved 2017	Proposed 2018	Approved 2017	Proposed 2018	Approved 2017	Proposed 2018
Materials										
Grounds & Gardening	-	-	-	-	-	-	-	-	-	-
Paint & Supplies	-	-	-	-	-	-	-	-	-	-
Repair Parts	-	-	-	-	1,000	1,000	500	500	1,500	1,500
Appliances & Fixtures	-	-	-	-	2,388	2,388	1,700	1,700	4,088	4,088
Locks and Keys	-	-	-	-	-	-	600	600	600	600
Miscellaneous	-	-	-	-	-	-	-	-	-	-
Maintenance & Contracts										
Vehicles	-	-	-	-	-	-	-	-	-	-
Garbage Service	-	-	8,800	12,000	-	-	1,300	1,300	10,100	13,300
Repair Contractors	-	-	18,688	22,000	15,425	15,500	17,500	17,500	51,613	55,000
Communications	-	-	-	-	-	-	-	-	-	-
Equipment Repair/Rental	-	-	-	-	-	-	-	-	-	-
Window Coverings	-	-	-	-	1,200	1,200	1,000	1,000	2,200	2,200
Condo Fees	-	-	-	-	36,500	36,709	-	-	36,500	36,709
Landscape Services	-	-	6,160	4,500	-	-	2,000	2,000	8,160	6,500
Contract cost- 10th St.	-	-	-	22,000	-	-	-	-	-	22,000
Contract cost-Atherton Bldg.	-	-	-	51,000	-	-	-	-	-	51,000
Miscellaneous	-	-	53,000	2,500	-	150	1,000	1,000	54,000	3,650
TOTAL	-	-	86,648	114,000	56,513	56,947	25,600	25,600	168,761	196,547
				24%		1%		0%		14%

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA
 Schedule of General Expenses
 FOR THE FISCAL YEAR ENDING JUNE 30, 2018

General Expenses	Housing Choice Voucher		Housing Development Fund		Park Terrace		Ocean Avenue		Totals	
	Approved 2017	Proposed 2018	Approved 2017	Proposed 2018	Approved 2017	Proposed 2018	Approved 2017	Proposed 2018	Approved 2017	Proposed 2018
General Liability Insurance	30,000	30,000	-	-	-	-	-	-	30,000	30,000
Auto Insurance	5,000	5,000	-	-	200	200	-	-	5,200	5,200
Worker's Compensation	164,429	162,697	-	-	-	-	-	-	164,429	162,697
Unemployment	27,000	27,000	-	-	-	-	-	-	27,000	27,000
Property Insurance	-	-	3,000	7,600	1,500	1,500	1,500	1,500	6,000	10,600
Payment in Lieu of Taxes	-	-	-	-	-	-	-	-	-	-
Collection Loss	-	-	-	-	-	-	-	-	-	-
Miscellaneous	-	-	2,000	-	1,000	1,000	-	-	3,000	1,000
TOTAL	226,429	224,697	5,000	7,600	2,700	2,700	1,500	1,500	235,629	236,497
		-1%		34%		0%		0%		0%

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA
 Schedule of Capital Expenditures
 FOR THE FISCAL YEAR ENDING JUNE 30, 2018

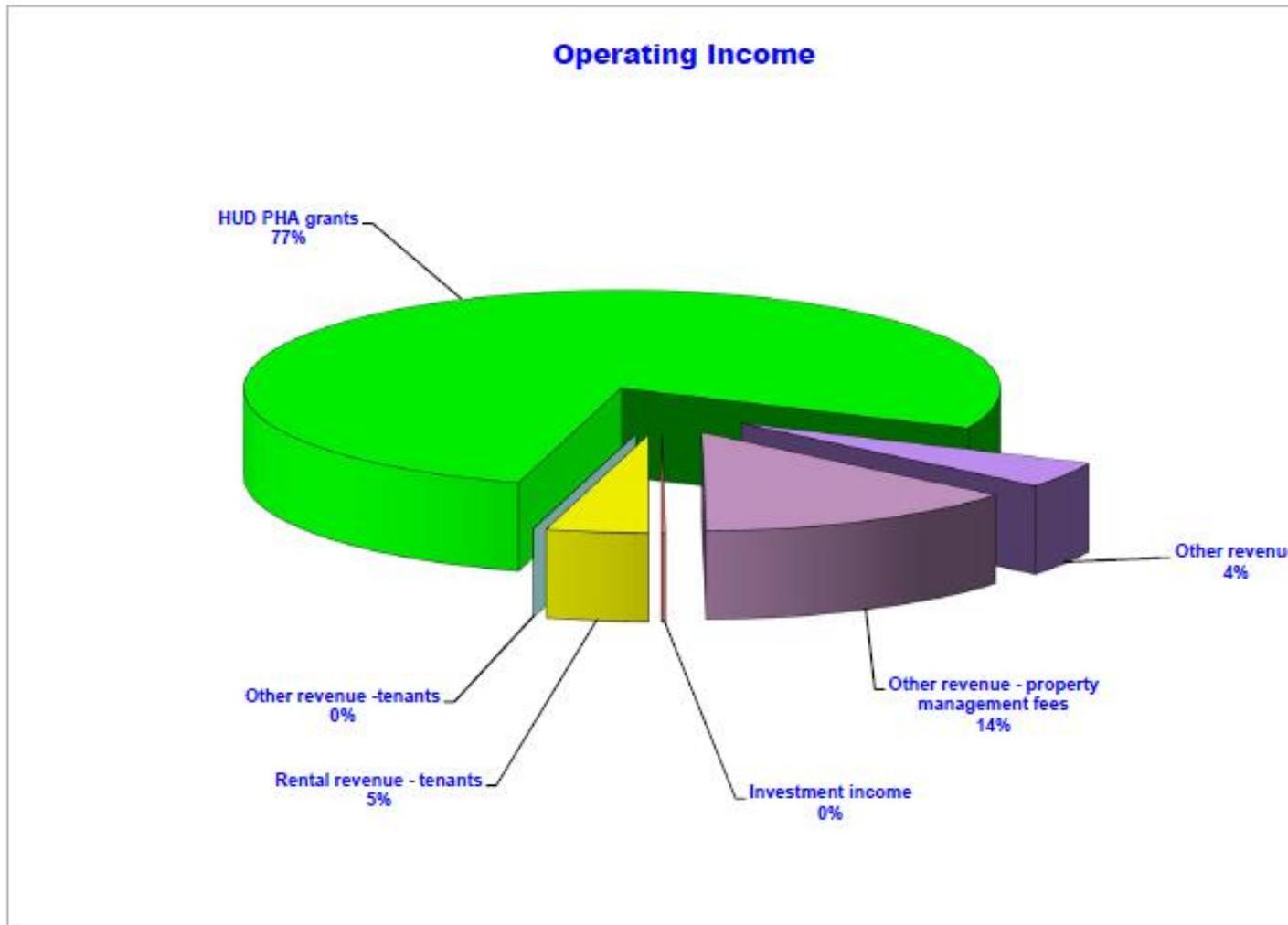
Description	Housing Development Fund	Park Terrace	Ocean Avenue	Totals
Carpet Replacement	-	45,522	49,012	94,534
Replace gas water heaters	-	4,050	-	4,050
Unit Rehab	-	30,000	20,000	50,000
Unit Rehab	-	30,000		30,000
Housing Software (unspent portion of \$475K)	297,116	-	-	297,116
				-
TOTAL	297,116	109,572	69,012	475,700

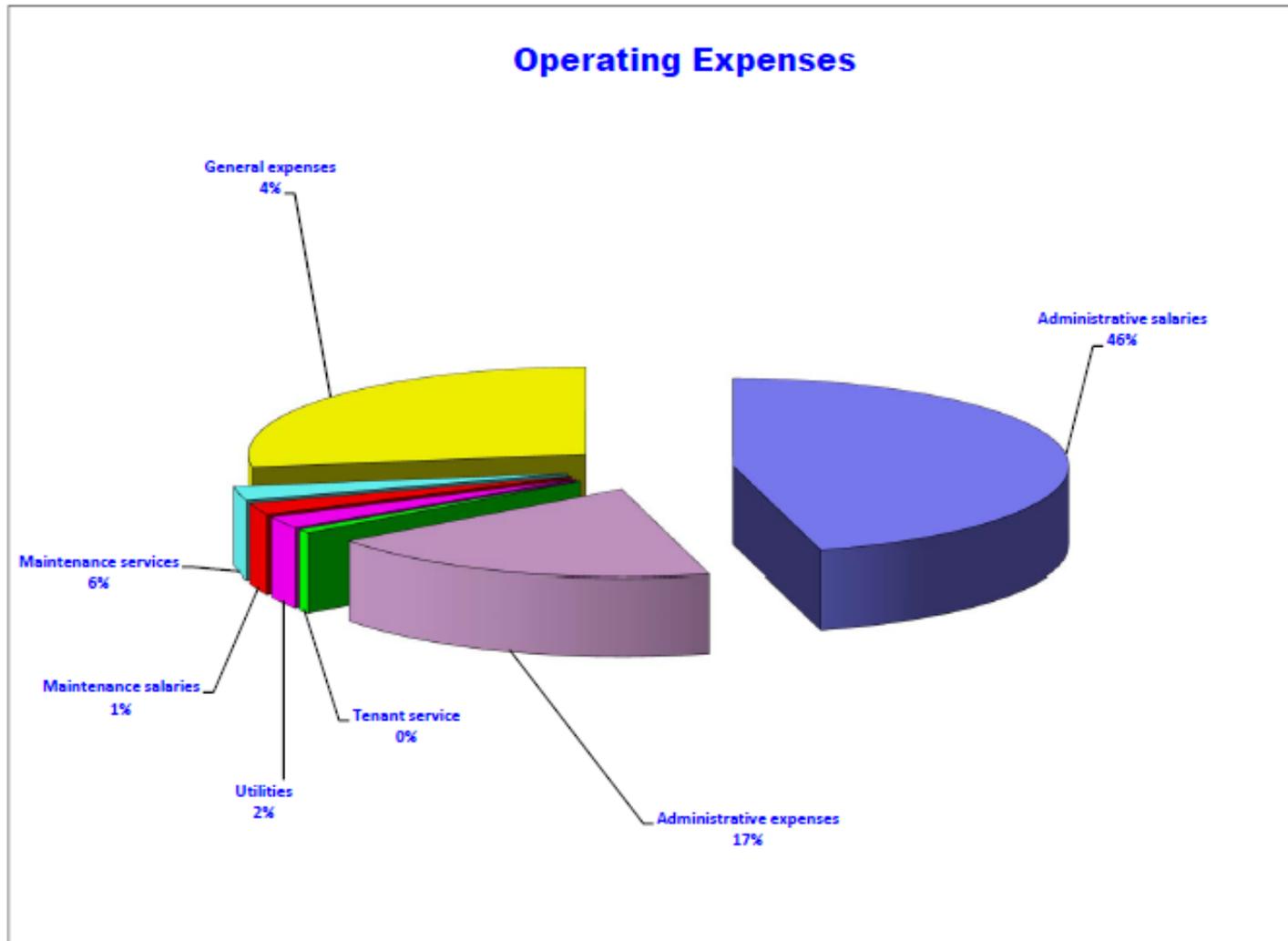
HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA
Budgeted Positions
FOR THE FISCAL YEAR ENDING JUNE 30, 2018

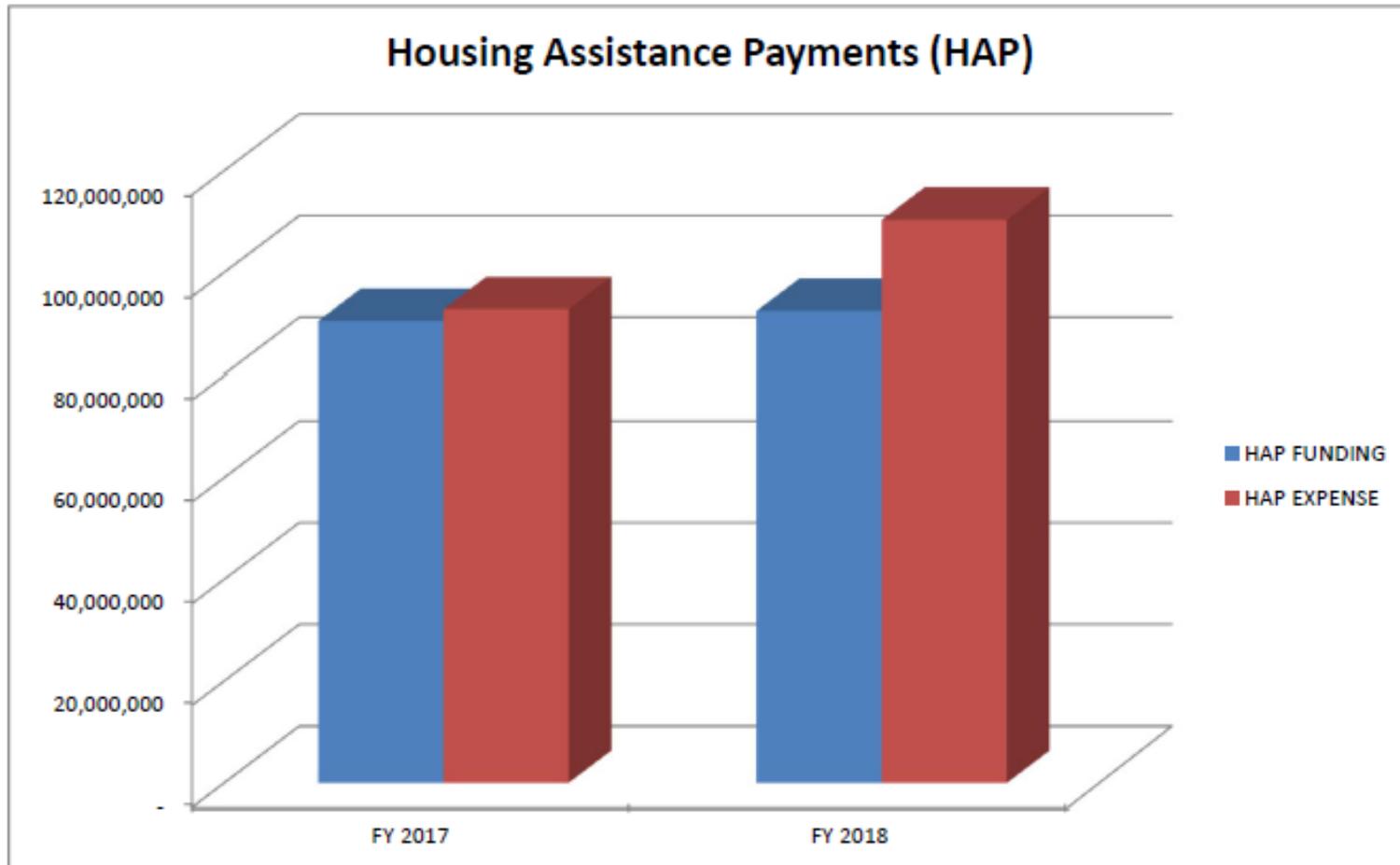
Classification	Full-Time Equivalent (FTE)	Monthly Salary Range		Annual Salary Range	
		Minimum	Maximum/Control	Minimum	Maximum/Control
Account Specialist	5	\$3,886	\$4,618	\$46,632	\$55,416
Accountant	1	\$5,724	\$7,724	\$68,688	\$92,688
Administrative Analyst	1	\$5,446	\$7,353	\$65,352	\$88,236
Administrative Clerk *	11	\$3,716	\$4,401	\$44,592	\$52,812
Deputy Director *** ****	1	\$9,147	\$12,348	\$109,764	\$148,176
Eligibility Leadworker	2	\$4,578	\$5,496	\$54,936	\$65,952
Eligibility Technician	13	\$4,121	\$4,896	\$49,452	\$58,752
Executive Assistant	1	\$4,698	\$6,340	\$56,376	\$76,080
Executive Director	1	\$11,143	\$15,045	\$133,716	\$180,540
Facilities Manager ****	1	\$6,632	\$8,955	\$79,584	\$107,460
Finance Director	1	\$8,706	\$11,753	\$104,472	\$141,036
FSS Coordinator	3	\$4,383	\$5,257	\$52,596	\$63,084
FSS Leadworker (HO/FSS)	1	\$4,822	\$5,782	\$57,864	\$69,384
Housing Inspector	2	\$4,245	\$5,091	\$50,940	\$61,092
Housing Management Assistant	1	\$4,383	\$5,257	\$52,596	\$63,084
Housing Management Leadworker	1	\$5,606	\$6,883	\$67,272	\$82,596
Housing Specialist	9	\$4,869	\$5,842	\$58,428	\$70,104
Human Resources Manager ****	1	\$5,863	\$7,919	\$70,356	\$95,028
Information Technology Manager	1	\$8,287	\$11,186	\$99,444	\$134,232
Leasing Services Leadworker	2	\$5,253	\$6,377	\$63,036	\$76,524
Maintenance Worker II	3	\$5,655	\$5,655	\$67,860	\$67,860
Procurement Manager ****	1	\$5,055	\$6,824	\$60,660	\$81,888
Program Integrity Officer	1		**		**
Programs Manager	1	\$7,885	\$10,646	\$94,620	\$127,752
Property Aide (Part Time)	4				
Secretary	1	\$3,805	\$4,635	\$45,660	\$55,620
Senior Administrative Analyst	1	\$6,471	\$8,741	\$77,652	\$104,892
Special Programs Manager	1	\$6,971	\$9,412	\$83,652	\$112,944
Systems Manager ****	1	\$6,010	\$8,114	\$72,120	\$97,368
Total	73				

Management position

*Two positions are on a hiring freeze and another is less than full-time.
 **Service contract with the Alameda County District Attorney's office.
 *** Vacant positions:
 Administrative Clerk (1) to be filled in October 2017
 Eligibility Technician (1) removed from budgeted position
 Housing Specialist (1) on a hiring freeze
 IT Manager (1) budgeted thru 12/31/17
 Deputy Director (1) on a hiring freeze
 **** Class specification changed. Personnel Committee adopted on 5/10/17







HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

AGENDA STATEMENT

Meeting: June 14, 2017

Subject: HUD Funding Shortfall – Update on Action Plan and Authorization to Submit Shortfall Funding Application

Exhibits: None

Recommendation: Receive Report and Adopt Resolution No. 08-17

BACKGROUND

At your April 2017 meeting staff provided you with an update on HACA’s HUD funding shortfall. The three contributing factors to this shortfall are: 1) the method HUD uses to calculate the amount of funding for housing authorities, 2) the federal FY 2017 budget provides only 97 percent of the HAP amount needed to keep all Section 8 tenants housed, and 3) the exceedingly high rents in our area. As was also explained at your April meeting, HUD’s resolution is to have shortfall housing authorities reduce their HAP costs as much as possible before funding the shortfall and, jointly with the housing authority, develop an Action Plan to accomplish this.

At your May 2017 meeting staff told you that HUD issued Notice PIH 2017-07, providing guidance related to eligibility for shortfall funding in calendar year 2017. Staff also provided you with an update of the required actions outlined in HACA’s initial Action Plan from HUD and the requirements of HUD Notice PIH 2017-07.

DISCUSSION and ANALYSIS

Staff continues to have a conference call with HUD’s Shortfall Prevention Team on a monthly basis and we continue to review HUD-provided reports for cost savings. On each call we jointly complete and agree on certain data to be inserted on HUD’s Two-Year Tool, which projects the amount of the shortfall.

HUD provided a sample letter to shortfall agencies that encourages Section 8 participants to correctly report their income and the number of persons in their household. We sent our version of the letter to 6,592 Section 8 participants. Two-hundred fifty have responded, many

HACA AGENDA ITEM NO.: 5-3.

of whom didn't have anything to report, but nine surrendered their vouchers rather than have us investigate them for noncompliance/fraud.

Additionally, we are awaiting the notice from HUD that allows us to apply for shortfall funding. We are hearing that the application will be due July 25. In the event this is correct and we must submit our funding application prior to your next meeting, staff requests that your Commission adopt a resolution authorizing the Executive Director to submit the application for shortfall funding along with any documentation that HUD may require.

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

RESOLUTION NO. 08-17

RESOLUTION AUTHORIZING SUBMITTAL OF APPLICATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR SHORTFALL FUNDING

WHEREAS, the Housing Authority of the County of Alameda (“HACA”) operates the Housing Choice Voucher (“HCV”) Program funded by the U.S. Department of Housing and Urban Development (“HUD”); and

WHEREAS, despite the significant increase in the rents in HACA’s area of jurisdiction, HUD funding for the HCV Program is insufficient to provide rental subsidy to all of HACA’s current HCV participants; and

WHEREAS, HUD designates housing authorities in such a position as ‘shortfall’ agencies; and

WHEREAS, HUD will issue a notice to shortfall agencies, instructing them in the process to apply for shortfall funding under the calendar year 2017 set-aside for the HCV Program; and

WHEREAS, HACA desires to submit an application for this funding;

NOW, THEREFORE BE IT RESOLVED, that the Housing Commission of the Housing Authority of the County of Alameda hereby authorizes the Executive Director or her designee 1) to sign and submit an application for shortfall funding to HUD; 2) to submit any other documents or information requested by HUD and 3) to execute any and all documents and approvals that may be required to complete the application and funding process.

PASSED, APPROVED AND ADOPTED by the Housing Commission of the Housing Authority of the County of Alameda on this _____ of _____ 2017 by the following votes:

AYES:

NOES:

ABSTAIN:

EXCUSED:

ABSENT:

Attest:

Christine Gouig
Executive Director/Housing Commission Secretary

Pat Gacoscos
Housing Commission Chairperson

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

AGENDA STATEMENT

Meeting: June 14, 2017

Subject:	Section 8 Administrative Plan Policy Revisions
Exhibits:	Attachment A: Redline Summary of Policy Revisions
Recommendation:	Approve Proposed Policy Revisions
Financial Statement:	None

BACKGROUND

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

From time to time it becomes necessary to amend the Admin Plan in order to incorporate new or changed HUD regulations, new or revised HACA practices or program initiatives, or to make clarifications or corrections. Amendments that change HACA policy are brought to your Housing Commission for approval. Today, an updated Code of Conduct and revisions to Chapter 16, Program Administration, particularly in regards to the Violence Against Women’s Act (VAWA), are being submitted for your approval.

DISCUSSION and ANALYSIS

Chapter 1 – 1-I.F. HACA CODE OF CONDUCT (pages 1-4 to 1-6)

Before entering an agreement with HUD, applicants awarded assistance under HUD discretionary program NOFAs (e.g., the Family Self-Sufficiency Coordinator NOFA) are required to submit a copy of their Code of Conduct to HUD. HUD recently requested that we provide them with an updated Code of Conduct and, as HUD provided a sample Code of Conduct, we utilized that sample to update our Code of Conduct. The Code of Conduct covers HACA’s expectations regarding conflicts of interest and the receipt of gifts and outlines the actions to be taken when the Code of Conduct is violated.

CHAPTER 16 – PROGRAM ADMINISTRATION

16-III.C. INFORMAL HEARINGS FOR PARTICIPANTS (pages 16-14 to 16-16, 16-22, and 16-27)

Staff recommends minor changes to this section for clarity and administrative efficiencies, listing the persons who may serve as hearing officers, clarifying that HACA must provide interpretation services for persons with hearing impairments free of charge, and removing certain notice provisions not required by HUD.

16-V.C. SECTION 8 MANAGEMENT ASSESSMENT (SEMAP) INDICATORS – INDICATOR 13: LEASE-UP (page 16-33)

The language here clarifies how HUD currently measures the Lease-Up indicator for SEMAP.

Violence Against Women Act (VAWA) (pages 16-42 to 16-77)

The Violence Against Women Act of 2013 (VAWA) provides special protections for victims of domestic violence, dating violence, sexual assault, and stalking who are receiving assistance through HUD’s rental assistance programs. The VAWA Final Rule and Notice PIH 2017-08 provided guidance and required changes to our current notifications to the public, applicants, participants, and owners about their rights and responsibilities under VAWA and how HACA documents and processes VAWA claims. The VAWA Final Rule and Notice PIH 2017-08 also require that HACA implement an Emergency Transfer Plan for VAWA victims to assist victims with transferring to a safe unit. HACA’s Emergency Transfer Plan allows Housing Choice Voucher participants to move with their Voucher and HACA to make exceptions to program regulations that would normally restrict moves. HACA’s Emergency Transfer Plan allows Project-Based Voucher (PBV) participants to move with a Housing Choice Voucher or to another PBV unit within the same project or another PBV project. For Moderate Rehabilitation projects, the owner is responsible for implementing either their own Emergency Transfer Plan or, in the absence of their own plan, HACA’s Emergency Transfer Plan, which provides for a transfer to one of the owner’s existing inventory of units or the provision of a listing of nearby HUD-subsidized rental properties that may be available. For Shelter Plus Care units, HACA-owned HOME units, and other HACA-owned or controlled units without any HUD assistance, HACA will provide the VAWA victim a list of housing providers in the community and refer the victim to organizations that may be able to further assist them.

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

HOUSING AUTHORITY OF ALAMEDA COUNTY

AGENDA STATEMENT

June 14, 2017

Subject: 2017 HACA Scholarship Program Awards

Exhibits Attached: None

Recommendation: Approve the 2017 HACA Scholarship Awards and the addition of an award category for graduate programs

Financial Statement: \$15,000 included in 2017-2018 budget

DISCUSSION AND ANALYSIS

This year, 18 complete applications, shown below by city of residence, were submitted to your Commission’s Scholarship Committee (Commissioners Buckholz, Gacoscos and Hannon) for their review.

CITY OF RESIDENCE	# OF APPLICATIONS
Dublin	2
Fremont	2
Hayward	3
San Leandro	2
San Lorenzo	1
Union City	8

A meeting with the Scholarship Committee was held on June 7. After discussing their selections, the Scholarship Committee recommended 17 scholarship awards totaling \$15,000, as shown in Exhibit 1 below.

In addition to discussing their selections, the Scholarship Committee discussed the award categories. Currently, there is no award category specifically for graduate programs. Consequently, the Scholarship Committee is limited to setting an award amount based on the type of school that the graduate student is attending. With the high costs of graduate programs and limited amount of financial aid, if any, available to graduate students, the Scholarship Committee recommends adding a category for graduate programs and setting the maximum award amount for that category as \$1,750 as follows:

	Type of School or Program	UP TO:
<i>New Category</i>	Graduate Degree Programs	\$1,750
<i>Current Categories:</i>	University of California (UC Schools); Private Universities (non-profit)	\$1,750
	California State Universities	\$1,250
	For-profit College & Universities	\$750
	Community Colleges Vocational/Trade Schools Certificate Programs Continuing Education Programs Adult Schools	\$750

If your Commission approves the 2017 HACA Scholarship award recommendations of the Scholarship Committee, staff will ask the scholarship recipients to attend your July Commission meeting to receive their awards. If your Commission approves the addition of an award category for graduate programs, the new category will be in place for the 2018 HACA Scholarship program.

**EXHIBIT 1
2017 HACA Scholarship Committee Scholarship Award Recommendations**

NAME	SCHOOL	DEGREE PROGRAM / FIELD OF STUDY	AWARD
Jasleen Abaya	Oholone Community College	Nutrition Science	\$750
John Paul Abaya	University of California San Diego	Undeclared	\$1,750
Chika Achike	Cal State University East Bay	Psychology	\$1,250
Tamana Ahadi	Cal State University East Bay	Psychology	\$1,250
Jazmin Batts-Brooks	Las Positas Community College	Performing Arts	\$500
Carl Brown	Chabot Community College	Business	\$750
Yaél Fisher	Chabot Community College	Human Development	\$750
Razan Hussin	Community College	Dental Hygiene	\$750
Charmaine Jones	Cal State University East Bay	Sociology	\$1,250
Mohamed Musa	Chabot Community College	Civil Engineering	\$750
Jacqueline Rodriguez	College of San Mateo	Forensic Science/Biology	\$750
Sarah Simpson	San Francisco State University	Kinesiology	\$1,000
Stacy Sorrells	San Jose State University	Masters - Library & Information Sciences	\$1,250
Deeetra Stroughter	JFK University	Psychology	\$500
Stacey Troupe	Ohlone Community College	Business	\$750
Kimberly Trujillo	California Nurses Institute	Certified Nursing Assistant	\$500
Jasmine Vilchis	City College of San Francisco	Culinary Arts	\$500
2017 HACA Scholarship Awards Total:			\$15,000

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

AGENDA STATEMENT

Meeting: June 14, 2017

Subject: Nominating Committee for Officers

Exhibits Attached: None

Recommendation: Appoint a Nominating Committee

DISCUSSION AND ANALYSIS

Your Commission must appoint a Nominating Committee to select candidates for the positions of Chairperson and Vice-Chairperson. The terms are for one year. The current Chairperson is Pat Gacoscos and Mark Gerry is the Vice-Chairperson. While the Bylaws stipulate that the Chairperson can serve no more than two successive full terms, they do not specify the number of terms the Vice-Chairperson can serve. Traditionally, the Vice-Chairperson has moved up to become Chairperson (although that is not mandated), so the Nominating Committee's focus is usually on the selection of the Vice-Chairperson candidate.

At the July meeting, the Nominating Committee will present the candidates it has selected and an election will be held. The newly-appointed officers will take office immediately and the new Chairperson will chair the July meeting.

BUDGET STATUS **REPORT**

Housing Authority of Alameda County
HOUSING CHOICE VOUCHER
Administrative Budget Status Report FYE June 30, 2017
April 2017

FY 2017 - HCV OPERATING BUDGET	Budgeted @ 4/30/2017	Actual @ 4/30/2017	OVER (UNDER)	PROJECTED TO 6/30/17	SCH. NO.	2016 BUDGET	2017 BUDGET	DIFFERENCE
INCOME								
Investment Income	417	0	(417)	0	A1	735	500	(235)
Misc. Income	271,667	324,667	53,000	359,177	A1	323,698	326,000	2,302
Administrative Fee Income	5,813,529	5,690,454	(123,074)	6,778,419	A	6,447,189	6,976,234	529,045
TOTAL INCOME	6,085,612	6,015,121	(70,491)	7,137,596		6,771,622	7,302,735	531,113
EXPENSES								
Administration								
Salaries	(3,425,611)	(3,051,106)	374,505	(3,895,994)	B-1&2	(3,794,397)	(4,110,734)	(316,337)
Other Admin.	(1,303,132)	(1,158,919)	144,213	(1,505,911)	C-1&2	(1,538,303)	(1,563,758)	(25,455)
Total	(4,728,743)	(4,210,025)	518,718	(5,401,905)		(5,332,700)	(5,674,492)	(341,791)
General								
Insurance	(188,691)	(176,594)	12,097	(215,487)	E	(203,970)	(226,429)	(22,459)
Employee Benefits	(1,866,958)	(1,764,469)	102,489	(2,290,350)		(2,124,862)	(2,240,350)	(115,488)
Miscellaneous	0	0	0	0		0	0	0
Total	(2,055,649)	(1,941,063)	114,587	(2,505,837)		(2,328,832)	(2,466,779)	(137,947)
Total Routine Expenses	(6,784,392)	(6,151,087)	633,305	(7,907,742)		(7,661,532)	(8,141,271)	(479,739)
Capital Expenditures	0	0	0	0	D2	0	0	0
TOTAL EXPENSES	(6,784,392)	(6,151,087)	633,305	(7,907,742)		(7,661,532)	(8,141,271)	(479,739)
NET INCOME (DEFICIT)	(698,780)	(135,967)	562,814	(770,146)		(889,910)	(838,536)	51,374

Unrestricted Net Position @ 6/30/16 (Unaudited)
 Projected Income (Deficit) @ 6/30/17
 Projected Unrestricted Net Position @ 6/30/17

\$ (5,223,545)
(770,146)
\$ (5,993,691)

PROGRAM ACTIVITY **REPORT**

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

AGENDA STATEMENT

Meeting: June 14, 2017

Subject: Programs Activity Report

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

Recommendation: Receive Report

Financial Statement: None

SECTION 8 HOUSING CHOICE VOUCHERS

- **Lease-Up:** As of June 1, 2017, the Section 8 Housing Choice Voucher program had 6,262 units under contract. The fiscal year-to-date lease-up average is 97.3% units as of June 1, 2017. The budget authority use average through April 2017 is 112%.
- **Program Utilization:** As of June 1, 2017, the average HAP subsidy was \$1,325 and the average tenant-paid rent portion was \$468 for an average Contract Rent of \$1,792. Amounts vary by \$1 due to rounding.
 - ❖ As of June 1, 2017, HACA had 78 outgoing billed portability contracts (i.e., HACA voucher holders who are housed in another housing authority's jurisdiction).
 - ❖ As of June 1, 2017, HACA billed other housing authorities for 159 incoming portability contracts.
 - ❖ 227 of PACH's 230 project-based voucher (PBV) units are leased. 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 Report:** A copy of the Contract Report is attached.
- **Fraud / Debt Recovery:** HACA retained \$16,920.85 for the month of May. A total of \$196,056.17 was retained over this fiscal year.
- **Landlord Rental Listings:** As of June 1, 2017, there were 819 landlords with properties in HACA's jurisdiction utilizing the *GoSection8* rental listing service. There were three new landlords added to the Section 8 program in May. There were 19 active properties listed as of June 1, 2017.

FAMILY SELF SUFFICIENCY (FSS)

In April, the FSS Department presented a HACA Scholarship workshop explaining the process for application submission and answering questions regarding the application process.

The FSS Department also hosted the quarterly Bay Area FSS Coordinators' meeting. The group discusses topics regarding best practices, creating efficiencies, and ways to better serve participants.

In May the FSS Department held an orientation for prospective participants. This orientation included many attendees that were MDRC control group members. MDRC is the evaluation research firm commissioned by HUD to conduct a 5-year national study on the efficacy of the FSS program. The control group did not receive the benefits of the FSS program and now can apply for the program.

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

Section 8 Contract and HAP Report for the Month of May 2017

City	Certificates		Vouchers		APRIL 2017 TOTAL		APRIL 2016	APRIL 2015
	Number	HAP*	Number	HAP**	Number	HAP		
Albany	0	\$0	22	\$31,174	22	\$31,174	26	28
Castro Valley	11	\$13,398	198	\$280,566	209	\$293,964	212	217
Dublin	3	\$3,654	351	\$497,367	354	\$501,021	356	358
Emeryville	5	\$6,090	148	\$209,716	153	\$215,806	128	126
Fremont	21	\$25,578	1,048	\$1,485,016	1,069	\$1,510,594	1,059	1,139
Hayward	86	\$104,748	1,908	\$2,703,636	1,994	\$2,808,384	2,010	2,180
Newark	6	\$7,308	204	\$289,068	210	\$296,376	218	229
Pleasanton	3	\$3,654	169	\$239,473	172	\$243,127	113	117
San Leandro	14	\$17,052	1,384	\$1,961,128	1,398	\$1,978,180	1,451	1,505
San Lorenzo	1	\$1,218	202	\$286,234	203	\$287,452	193	216
Union City	3	\$3,654	731	\$1,035,827	734	\$1,039,481	738	762
TOTALS	153	\$186,354	6,365	\$9,019,205	6,518	\$9,205,559	6,504	6,877

*Based on an average April Housing Assistance Payment (HAP) of \$1218 per voucher contract

**Based on an average April Housing Assistance Payment (HAP) of \$1417 per voucher contract

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

Section 8 Average Contract Rent Report for the Month of May 2017

City	Number of HAP Contracts	Average Contract Rent	Average HAP Paid by HACA	Average Rent Paid by Family	Average Family-Paid Rent as a Percentage of Average Contract Rent
Albany	23	\$1,531	\$1,283	\$248	16%
Castro Valley	181	\$1,835	\$1,418	\$417	23%
Dublin	270	\$1,955	\$1,519	\$436	22%
Emeryville	112	\$1,596	\$1,138	\$458	29%
Fremont	992	\$2,038	\$1,562	\$476	23%
Hayward	1,866	\$1,797	\$1,343	\$454	25%
Newark	207	\$2,294	\$1,713	\$580	25%
Pleasanton	114	\$1,705	\$1,295	\$410	24%
San Leandro	1,396	\$1,806	\$1,334	\$472	26%
San Lorenzo	203	\$2,108	\$1,617	\$491	23%
Union City	516	\$2,179	\$1,649	\$530	24%

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

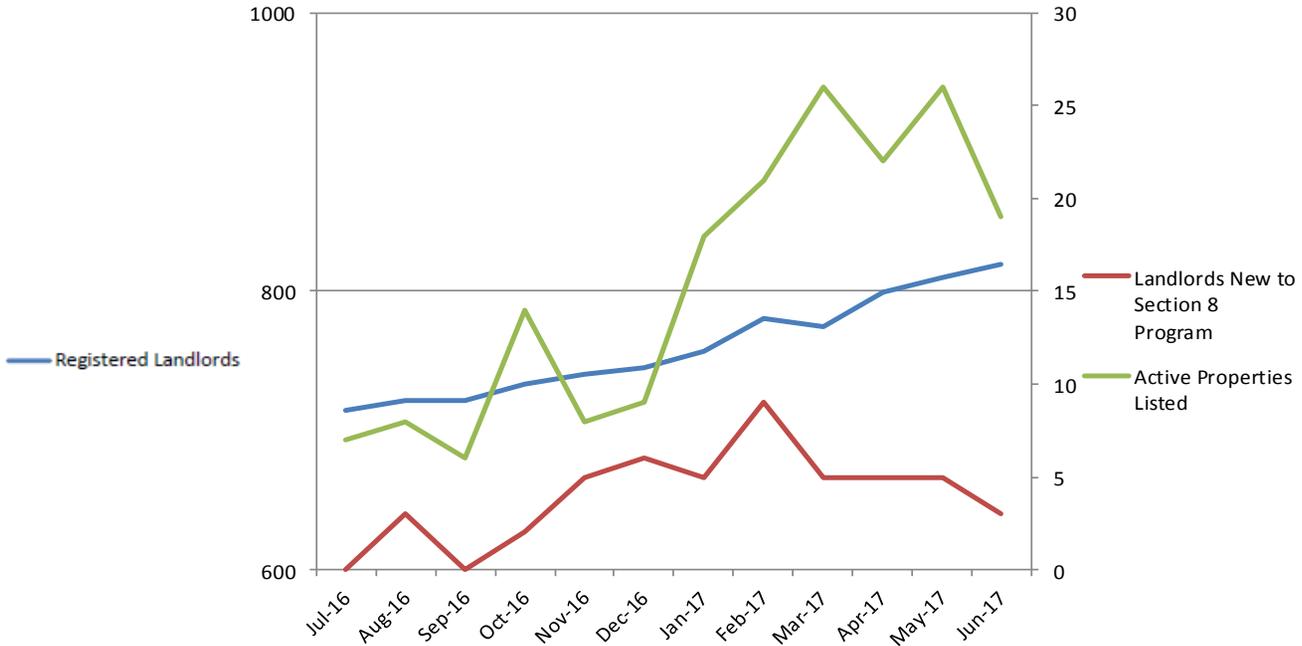
DEBT COLLECTIONS
 2016-2017
 FYE 06/30/17

	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY '17	FEBRUARY	MARCH	APRIL	MAY	JUNE	GRAND TOTALS
<i>DAMAGE CLAIMS</i>	\$0.00	\$408.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$408.00
<i>FRAUD REPAYMENTS</i>	\$3,786.89	\$10,046.44	\$11,177.70	\$15,073.00	\$10,643.05	\$9,952.98	\$11,546.31	\$7,569.73	\$7,589.24	\$91,341.98	\$16,920.85		\$195,648.17
TOTALS	\$3,786.89	\$10,454.44	\$11,177.70	\$15,073.00	\$10,643.05	\$9,952.98	\$11,546.31	\$7,569.73	\$7,589.24	\$91,341.98	\$16,920.85	\$0.00	\$196,056.17

Landlord Rental Listing Report

Monthly

	7/5/2016	8/1/2016	9/1/2016	10/3/2016	11/1/2016	12/1/2016	1/3/2017	2/1/2017	3/1/2017	4/3/2017	5/1/2017	6/1/2017
Registered Landlords	715	722	722	733	740	745	757	780	775	799	810	819
Landlords New to Section 8 Program	0	3	0	2	5	6	5	9	5	5	5	3
Active Properties Listed	7	8	6	14	8	9	18	21	26	22	26	19





To: Christine Gouig, Executive Director
From: Daniel Taylor, Special Programs Manager
Re: **FSS Program Summary**
CC: Linda Evans, Phyllis Harrison, Mary Sturges, Danielle Roundtree
Date: June 1, 2017

Program Summary	May 2017
Total Clients Under Contract:	155
MDRC:	100
Graduates:	2
Escrow Disbursed:	\$75,642.79
Ports In:	0
Ports Out:	0
Terminations:	1
New Contracts:	3

FSS PROGRAM NEWS:

FSS Scholarship Workshop

On Thursday, April 21, 2017, the FSS team presented a HACA Scholarship workshop. Special Programs Manager Daniel Taylor explained the application and the process for submission. Following the presentation, the FSS team answered questions about the application process. The goal of the workshop was to assist participants with submitting a quality scholarship application. Nine participants attended. Many Scholarship applicants are repeat applicants so don't come to the workshop.

FSS Bay Area Coordinators' Meeting

The FSS team hosted the Bay Area FSS Coordinators' quarterly meeting. Each quarter, the meeting is hosted by a different Bay Area Housing Authority. The group discussed the following topics:

- Agency updates
- Recruitment processes
- Individual Training and Service Plans (ITSP) language
- Elderly and persons with disabilities prospects and participants
- Case management

The next meeting will be hosted by the City of Alameda Housing Authority in July 2017.

FSS Orientation

On Wednesday, May 31, 2017, the FSS program held an orientation for prospective participants. Many of the attendees were MDRC control group members. MDRC is the evaluation research firm commissioned by HUD to conduct a 5-year national study on the efficacy of the FSS program. The FSS study includes a 3-year embargo period for the control group members and now that the embargo is over control group members can apply for the FSS program. The next orientation will be held in June.

Case Management Referrals = 19

Job Lead Referrals = 115

HACA AGENDA ITEM NO.: 5-4.

ATTACHMENT A

1-I.D. HACA'S PROGRAMS

The following programs are included under this Administrative Plan:

HACA Policy

HACA's Administrative Plan is applicable to the operation of the Housing Choice Voucher program.

1-I.E. HACA'S COMMITMENT TO ETHICS AND SERVICE

As a public service agency, HACA is committed to providing excellent service to HCV program participants, owners and to the community. HACA's standards include:

- Administer applicable federal and state laws and regulations to achieve high ratings in performance measurement indicators while maintaining efficiency in program operation to ensure fair and consistent treatment of participants served.
- Provide decent, safe, and sanitary housing – in compliance with the HCV program's housing quality standards – for very low income families while ensuring that family rents are fair, reasonable and affordable.
- Encourage self-sufficiency of participant families and assist in the expansion of family opportunities that address educational, socio-economic, recreational and other human services needs.
- Promote fair housing and the equal opportunity for very low-income families of all ethnic backgrounds to experience freedom of housing choice.
- Promote a housing program that maintains quality service and integrity while providing an incentive to private property owners to rent to very low-income families.
- Promote a market-driven housing program that will help qualified low-income families be successful in obtaining affordable housing and increase the supply of housing choices for such families.
- Create positive public awareness and expand the level of family, owner, and community support in accomplishing HACA's mission.
- Attain and maintain a high level of standards and professionalism in day-to-day management of all program components.
- Administer an efficient, high-performing agency through continuous improvement of HACA's support systems and a high level of commitment to our employees and their development.

HACA will make every effort to keep program participants informed of HCV program rules and regulations, and to advise participants of how the program rules affect them.

1-I.F. HACA CODE OF CONDUCT

Conflicts of Interest

1. No employee, officer or agent of HACA shall participate in selection, or in the award or administration of a contract supported by U.S. Federal funds if a conflict of interest would be involved. Such a conflict would arise when (i) the employee, officer, or agent, (ii) any member of his/her immediate family, (iii) his/her partner, or (iv) an organization which employs, or is about to employ, any of the above, has a financial or other interest in the firmst selected for award.
2. An employee, officer or agent of HACA shall be careful to ensure that s/he is involved in no apparent or potential violations of this provision.

Gifts

1. No HACA's officers, employees, contractor, subcontractor or agents shall, directly or indirectly, will neither solicit nor accept from program participants, owners, suppliers, contractors, parties to sub-agreements or other persons or companies doing business, or proposing to do business, with HACA, any employment, retainer, compensation, loan, gift, gratuitygratuities, favors, or any other other thing of monetary value, except for nominal food and/or beverages, and gifts with estimated value under \$20, as set forth in, and in compliance with, HACA's Gift Policy. Doing so constitutes a conflict of interestfrom contractors, potential contractors, or parties to sub-agreements. Depending upon the circumstances, exceptions to this provision may be granted only in situations where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.
2. An employee, officer or agent of HACA shall be careful to ensure that s/he is involved in no apparent or potential violations of this provision.

Administration

1. It is the responsibility of any HACA officer, employee, contractor, subcontractor or agent suspecting a conflict of interest to report this information—HACA employees to their Department Director, the HACA Deputy Director for Programs, or the HACA Executive Director; HACA officers, contractors, subcontractors or agents, to any Department Director, the HACA Deputy Director for Programs, or the HACA Executive Director. Any employee, officer or agent of HACA should report violations of this Code of Conduct to his/her supervisor, or to the Executive Director.
2. There will be no retaliation against any party who makes a good faith complaint concerning violations of this Code of Conduct, regardless of whether or not it is ultimately determined that such violation has in fact occurred. Nor will there be any retaliation against any party who provides information in the course of an investigation into alleged violations of this Code of Conduct.
3. All supervisors have a responsibility to be sensitive to and deal with violations of this Code of Conduct. This responsibility includes monitoring all relevant work activities and contacting a higher level supervisor or the Executive Director, if it is reasonably believed that a violation of the Code of Conduct has occurred. Any such report shall be investigated regardless of whether a formal complaint has been made.

~~Upon receipt of such notification, action shall be taken to resolve the potential conflict of interest, including but not limited to designating within a reasonable time an alternative HACA employee to perform the duty that is involved in the potential conflict. The disposition of the potential conflict shall be stated in writing.~~

Discipline

- ~~1. If the conflict of interest is determined to be purposeful and a violation of the HACA Code of Conduct Policy, HACA may take corrective or~~
Any employee, officer or agent of HACA determined to have committed a violation of this Code of Conduct shall be subject to disciplinary action, up to and including termination of employment or services contract, as outlined in HACA's Personnel Policy, or, as regards a HACA officer, as determined by the HACA Housing Commission.

Dissemination

1. Any employee, officer or agent of HACA shall be informed of this Code of Conduct when this Code is adopted, and/or when s/he is initially retained by HACA and on an annual basis thereafter.

~~If any provision of the HACA Code of Conduct is found to be in conflict with either 24 CFR 982.161 or State of California Conflict of Interest laws, 24 CFR 982.161 or State of California Conflict of Interest laws, as appropriate, shall prevail.~~

Scheduling an Informal Hearing [24 CFR 982.555(d)]

When an informal hearing is required, the PHA must proceed with the hearing in a reasonably expeditious manner upon the request of the family.

HACA Policy

A request for an informal hearing must be made in writing and delivered to HACA either in person or by first class mail, by the close of the business day, no later than 10 business days from the date of HACA's decision or notice to terminate assistance.

HACA must schedule and send written notice of the informal hearing to the family within 10 business days of the family's request.

The family may request to reschedule a hearing for good cause, or if it is needed as a reasonable accommodation for a person with disabilities. Good cause is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family. Requests to reschedule a hearing must be made orally or in writing prior to the hearing date. At its discretion, HACA may request documentation of the "good cause" prior to rescheduling the hearing.

If the family does not appear within 20 minutes of~~at~~ the scheduled time, and was unable to reschedule the hearing in advance due to the nature of the conflict, the family must contact HACA within 24 hours of the scheduled hearing date, excluding weekends and holidays. HACA will reschedule the hearing only if the family can show good cause for the failure to appear, or if it is needed as a reasonable accommodation for a person with disabilities.

Pre-Hearing Right to Discovery [24 CFR 982.555(e)]

Participants and the PHA are permitted pre-hearing discovery rights. The family must be given the opportunity to examine before the hearing any PHA documents that are directly relevant to the hearing. The family must be allowed to copy any such documents at their own expense. If the PHA does not make the document available for examination on request of the family, the PHA may not rely on the document at the hearing.

The PHA hearing procedures may provide that the PHA must be given the opportunity to examine at the PHA offices before the hearing, any family documents that are directly relevant to the hearing. HACA must be allowed to copy any such document at the PHA's expense. If the family does not make the document available for examination on request of HACA, the family may not rely on the document at the hearing.

For the purpose of informal hearings, *documents* include records and regulations.

HACA Policy

The family will be allowed to copy any documents related to the hearing at a cost of \$.25 per page. The family must request discovery of HACA documents no later than 12:00 p.m. on the business day prior to the scheduled hearing date

HACA must be given an opportunity to examine at HACA offices before the hearing any family documents that are directly relevant to the hearing. Whenever a participant requests an informal hearing, HACA will automatically mail a letter to the participant requesting a copy of all documents that the participant intends to present or utilize at the hearing. The participant must make the documents available no later than 12:00 pm on the business day prior to the scheduled hearing date.

Participant's Right to Bring Counsel [24 CFR 982.555(e)(3)]

At its own expense, the family may be represented by a lawyer or other representative at the informal hearing.

Informal Hearing Officer [24 CFR 982.555(e)(4)]

Informal hearings will be conducted by a person or persons approved by the PHA, other than the person who made or approved the decision or a subordinate of the person who made or approved the decision.

HACA Policy

HACA has designated the following to serve as hearing officers:

- Deputy Director ~~for Programs~~
- Senior Administrative Analyst
- Administrative Analyst
- Managerial Staff of other Bay Area Housing Authorities as needed and available
- Other qualified person (as determined by HACA), who has knowledge of HACA's Section 8 Programs.

Attendance at the Informal Hearing

HACA Policy

Hearings may be attended by a hearing officer and the following applicable persons:

A HACA representative(s) and any witnesses for HACA

The participant and any witnesses for the participant

The participant's counsel or other representative

Any other person approved by HACA as a reasonable accommodation for a person with a disability

Recording of the Hearing

HACA Policy

HACA will offer a copy of the hearing audio tape ~~for sale~~ to the family ~~for \$2~~ for a period of 90 days from the date of the hearing. HACA will not provide a transcript of the audio taped hearing.

Conduct at Hearings

The person who conducts the hearing may regulate the conduct of the hearing in accordance with the PHA's hearing procedures [24 CFR 982.555(4)(ii)].

HACA Policy

The hearing officer is responsible to manage the order of business and to ensure that hearings are conducted in a professional and businesslike manner. Attendees are expected to comply with all hearing procedures established by the hearing officer and guidelines for conduct. Any person demonstrating disruptive, abusive or otherwise inappropriate behavior will be excused from the hearing at the discretion of the hearing officer.

Evidence

The family must be provided the opportunity to examine and copy at the family's expense, at a reasonable time in advance of the hearing, any documents in the possession of the PHA pertaining to the family's eligibility status, or in the possession of the USCIS (as permitted by USCIS requirements), including any records and regulations that may be relevant to the hearing.

HACA Policy

The family will be allowed to copy any documents related to the hearing at a cost of \$.25 per page. The family must request discovery of HACA documents no later than 12:00 p.m. on the business day prior to the hearing.

The family must be provided the opportunity to present evidence and arguments in support of eligible status. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

The family must also be provided the opportunity to refute evidence relied upon by the PHA, and to confront and cross-examine all witnesses on whose testimony or information the PHA relies.

Representation and Interpretive Services

The family is entitled to be represented by an attorney or other designee, at the family's expense, and to have such person make statements on the family's behalf.

The family is entitled to request an interpreter. Upon request, HACA will provide competent interpretation services for the hearing, free of charge. ~~arrange for an interpreter to attend the hearing, at the expense of the family, or the PHA, as may be agreed upon by the two parties.~~

Recording of the Hearing

The family is entitled to have the hearing recorded by audiotape. The PHA may, but is not required to provide a transcript of the hearing.

HACA Policy

HACA will not provide a transcript of an audio taped hearing.

Hearing Decision

The PHA must provide the family with a written final decision, based solely on the facts presented at the hearing, within 14 calendar days of the date of the informal hearing. The decision must state the basis for the decision.

All payments are due by the close of business on the 7th day of the month. If the 7th does not fall on a business day, the due date is the close of business on the first business day after the 7th.

Late or Missed Payments

HACA Policy

If a payment is not received by the end of the business day on the due date, ~~a delinquency notice will be sent giving the family 10 calendar days to make the late payment. Upon the third delinquency notice for unexcused late payments in a 12-month period~~ the repayment agreement will be considered in default and HACA will terminate assistance upon written notification to the family.

Approval for excused/late or missed payments will be considered based on the following mitigating circumstances:

- Extenuating circumstances beyond the control of the family that prevent it from complying with the terms of the repayment agreement (for example, a death or medical emergency in the immediate family or a serious accident or natural disaster).
- When the family claims a hardship. A hardship exists in the following circumstances:
 - When the family has lost eligibility for or is awaiting an eligibility determination for a Federal, State or local assistance program.
 - When the income of the family has decreased significantly (at HACA's sole discretion upon the approval of the Unit Manager) because of changed circumstances, including loss of employment; or temporary disability.

The following remedies for default may be employed at the sole discretion of HACA:

- HACA may suspend payments for a specific term thereby extending the repayment agreement term.
- HACA may reduce the amount of monthly payment and extend the repayment agreement term.

A payment received by personal check that is returned for insufficient funds (NSF) will be considered a non-payment and the participant will incur a charge of \$20 for processing costs. The participant will be required to make future payments for the term of the repayment agreement with certified checks or money orders.

No Offer of Repayment Agreement

HACA Policy

HACA will generally not enter into a repayment agreement with a family if there is already a repayment agreement in place with the family, or if the amount owed by the family exceeds the federal or state threshold for criminal prosecution.

Repayment Agreements Involving Improper Payments

Notice PIH 2010-19 requires certain provisions to be included in any repayment agreement involving amounts owed by a family because the family underreported or failed to report income:

16-V.C. SEMAP INDICATORS [24 CFR 985.3 and form HUD-52648]

The table below lists each of the SEMAP indicators, contains a description of each indicator, and explains the basis for points awarded under each indicator.

A PHA that expends less than \$300,000 in Federal awards and whose Section 8 programs are not audited by an independent auditor, is not be rated under SEMAP indicators 1-7.

SEMAP Indicators
<p>Indicator 1: Selection from the waiting list Maximum Score: 15</p> <ul style="list-style-type: none"> • This indicator shows whether the PHA has written policies in its administrative plan for selecting applicants from the waiting list and whether the PHA follows these policies when selecting applicants for admission from the waiting list. • Points are based on the percent of families that are selected from the waiting list in accordance with the PHA’s written policies, according to the PHA’s quality control sample.
<p>Indicator 2: Rent reasonableness Maximum Score: 20</p> <ul style="list-style-type: none"> • This indicator shows whether the PHA has and implements a reasonable written method to determine and document for each unit leased that the rent to owner is reasonable based on current rents for comparable unassisted units • Points are based on the percent of units for which the PHA follows its written method to determine reasonable rent and has documented its determination that the rent to owner is reasonable, according to the PHA’s quality control sample.
<p>Indicator 3: Determination of adjusted income Maximum Score: 20</p> <ul style="list-style-type: none"> • This indicator measures whether the PHA verifies and correctly determines adjusted income for each assisted family, and where applicable, uses the appropriate utility allowances for the unit leased in determining the gross rent. • Points are based on the percent of files that are calculated and verified correctly, according to the PHA’s quality control sample.
<p>Indicator 4: Utility allowance schedule Maximum Score: 5</p> <ul style="list-style-type: none"> • This indicator shows whether the PHA maintains an up-to-date utility allowance schedule. • Points are based on whether the PHA has reviewed the utility allowance schedule and adjusted it when required, according to the PHA’s certification.

<p>Indicator 10: Correct tenant rent calculations Maximum Points: 5</p> <ul style="list-style-type: none"> • This indicator shows whether the PHA correctly calculates the family’s share of the rent to owner. • Points are based on the percent of correct calculations of family share of the rent, according to data from PIC.
<p>Indicator 11: Pre-contract HQS inspections Maximum Points: 5</p> <ul style="list-style-type: none"> • This indicator shows whether newly leased units pass HQS inspection on or before the effective date of the assisted lease and HAP contract. • Points are based on the percent of newly leased units that passed HQS inspection prior to the effective date of the lease and HAP contract, according to data from PIC.
<p>Indicator 12: Annual HQS inspections Maximum Points: 10</p> <ul style="list-style-type: none"> • This indicator shows whether the PHA inspects each unit under contract at least annually. • Points are based on the percent of annual HQS inspections of units under contract that are more than 2 months overdue, according to data from PIC.
<p>Indicator 13: Lease-up Maximum Points: 20 points</p> <ul style="list-style-type: none"> • This indicator shows whether the PHA enters HAP contracts for the number of units or funding reserved under ACC for at least one year <u>at least 98 percent of the number of the PHA’s baseline voucher units in the ACC for the calendar year ending on or before the PHA’s fiscal year; or whether the PHA has expended at least 98 percent of its allocated budget authority for the same calendar year. The PHA can receive 15 points if 95 to 97 percent of vouchers are leased or budget authority is utilized.</u> • Points are based on the percent of units leased during the last completed PHA fiscal year, or the percent of allocated budget authority that has been expended by the PHA, according to data from the PHA’s last year end operating statement that is recorded in HUD’s accounting system <u>utilization of vouchers and HAP expenditures as reported in the voucher management system (VMS) for the most recently completed calendar year.</u>
<p>Indicator 14: Family self-sufficiency (FSS) enrollment and escrow account balances Maximum Points: 10</p> <ul style="list-style-type: none"> • Only applies to PHAs with mandatory FSS programs. • This indicator shows whether the PHA has enrolled families in the FSS program as required, and measures the percent of current FSS participants that have had increases in earned income which resulted in escrow account balances. • Points are based on the percent of mandatory FSS slots that are filled and the percent of families with escrow account balances, according to data from PIC.

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 ~~Web~~ website. It will also make the information readily available to anyone who requests it.

~~A summary of the rights and protections provided by 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 (see sample notices in Exhibits 16-1 and 16-2) Form HUD-5380, see Exhibit 16-1)~~

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

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

A copy of form HUD-~~50066~~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)

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

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

Contact information for local victim advocacy groups or service providers

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

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

HACA Policy

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

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

The VAWA information provided to applicants and participants will consist of the notice in Exhibit 16-1 ~~and 16-2~~ ~~and a copy of form HUD-50066, Certification of Domestic Violence, Dating Violence, Sexual Assault, and Stalking.~~

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

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

~~HACA will provide owners and managers with the link to its website and indicate that~~ ~~The VAWA information provided to owners will consist of the notice in~~ Exhibit 16-~~2~~5 and a copy of form HUD-~~50066~~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-~~500665382~~, 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
- (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. Any extension granted by HACA will be in writing.

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) within 30- calendar days of the date of the request for third-party documentation. The PHA must honor any court orders issued to protect the victim or to address the distribution of property.

HACA Policy

If presented with conflicting certification documents (two or more forms HUD-500665382) 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. The family will have 30 calendar days from the date of request by HACA to provide this documentation.

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

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

HACA Policy

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

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

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

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

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

HACA Policy

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

EXHIBIT 16-1: NOTICE OF OCCUPANCY RIGHTS UNDER THE VIOLENCE AGAINST WOMEN ACT, FORM HUD-5380~~NOTICE TO HOUSING CHOICE VOUCHER APPLICANTS AND PARTICIPANTS REGARDING THE VIOLENCE AGAINST WOMEN ACT (VAWA)~~

Housing Authority of the County of Alameda

Notice of Occupancy Rights under the Violence Against Women Act¹

To ~~A~~ll 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.²

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 HACAP 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~~this 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.

~~T~~For 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](#)

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

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

~~Protections for Victims~~

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

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

~~Reasons You Can Be Evicted~~

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

~~Removing the Abuser from the Household~~

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

~~Moving to Protect Your Safety~~

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

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

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

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

~~Additionally, at its discretion, the housing authority can accept a statement or other evidence provided by the applicant or participant.~~

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

~~Confidentiality~~

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

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

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

~~VAWA and Other Laws~~

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

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

For Additional Information

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

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

Definitions

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

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

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

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

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

VAWA defines *stalking* as engaging 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.

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

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

CERTIFICATION OF U.S. Department of Housing and Urban Development OMB Approval No. 2577-0286
DOMESTIC VIOLENCE, and Urban Development Exp. 06/30/2017
DATING VIOLENCE,
SEXUAL ASSAULT, OR STALKING,
AND ALTERNATE DOCUMENTATION

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): _____

<p>In your own words, briefly describe the incident(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>
--

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~~This plan 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 eEmergency tTransfer pPlan does not apply to HOME units without HCV assistance, Shelter Plus Care units (as the Continuum of Care is responsible for the eEmergency tTransfer pPolicy), 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 voucher 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 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:

- 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.

- Project-based 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:

- PBV assistance in another development

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**Lineas de crisis las 24 hrs. del dia**

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/Consejeria**

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
Shimtruh 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

1

*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)*

Domestic Violence Resource Guide for Alameda County
Guía 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 **U.S. Department of Housing** **OMB Approval No. 2577-0286**
REQUEST FOR CERTAIN **and Urban Development** **Exp. 06/30/2017**
VICTIMS OF DOMESTIC
VIOLENCE, DATING VIOLENCE,
SEXUAL ASSAULT, OR STALKING

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 ~~d~~ action by the public housing agency (PHA), but some situations involve ~~d~~ 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 provides 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.).

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

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

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

~~Protections for Victims~~

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

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

~~Permissible Evictions~~

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

~~Removing the Abuser from the Household~~

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

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

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

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

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

~~Confidentiality~~

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

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

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

~~VAWA and Other Laws~~

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

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

~~Additional Information~~

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

~~Definitions~~

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

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

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

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

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

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

~~VAWA defines *stalking* as engaging 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.~~