



**HOUSING COMMISSION AGENDA**  
**Special Meeting Date: January 18, 2023**  
**Time: 8:00 a.m.**

Due to the COVID-19 public health emergency and in accordance with guidance from state and local public health officials the Housing Commission has made several changes to its meetings to prevent COVID-19 and its variants from spreading in our communities. Here is how to participate in the meetings:

**REMOTE/TELECONFERENCE PARTICIPATION:**

**JOIN MEETING USING ZOOM:**

<https://us02web.zoom.us/j/88460095724>

Meeting ID: 884 6009 5724

**JOIN MEETING BY PHONE:**

Dial: 1+888-788-0099 (US Toll-free)

Meeting ID: 884 6009 5724

**IN-PERSON PARTICIPATION**

**HACA Board Room**

22941 Atherton Street  
Hayward, CA 94541

*Note: Seating and occupancy in the HACA Board Room is reduced to allow for social distancing.*

**MEETING AGENDA**

**PAGE**

**1. CALL TO ORDER / ROLL CALL**

**2. RESOLUTION NO. 01-23 APPROVING THE IMPLEMENTATION OF  
TELECONFERENCING REQUIREMENTS UNDER GOVERNMENT CODE SECTION  
54953(e) (AB361)**

**ACTION**

**3**

**3. PUBLIC COMMENT**

*All in-person and remote meeting attendees who wish to speak on a matter **not** on the meeting agenda must wait until the Chairperson calls for PUBLIC COMMENT. To comment on a specific item on the meeting agenda, please wait for the Chairperson to call for public comments on that agenda item.*

*All persons submitting a public comment must state their full name for the record. There is a time limit of 3 minutes for each public speaker. The Chairperson has the discretion to further limit this time if warranted by the number of public speakers. The Brown Act limits the Housing Commission's ability to take action on and/or discuss items that are not on the meeting agenda. Therefore, such items are normally referred to staff for or to a future agenda. We want to ensure everyone feels comfortable participating in Housing Commission meetings and is not intimidated by any public comments.*

*Members of the public who are attending the meeting in-person should obtain a speaker slip from the Housing Commission Clerk, fill it out and turn it in to her/him as soon as possible before the start of the meeting. Members of the public participating remotely should submit written comment(s) to: [melissat@haca.net](mailto:melissat@haca.net).*

**HOUSING COMMISSION AGENDA CONTINUED ON NEXT PAGE**



Housing Authority of the  
County of Alameda

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**HOUSING COMMISSION AGENDA**  
**Special Meeting Date: January 18, 2023**  
**Time: 8:00 a.m.**

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# **TELECONFERENCING REQUIREMENTS**

## **RESOLUTION NO. 01-23**

**APPROVING THE IMPLEMENTATION OF TELECONFERENCING  
REQUIREMENTS UNDER GOVERNMENT CODE 54953(e) (AB361)**

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**

**AGENDA STATEMENT**

Meeting: January 18, 2023

Subject: Consideration to Approve Resolution to Implement  
Teleconferencing Requirements Pursuant to Government Code  
section 54953 (e) (AB 361)

Exhibits Attached: Resolution No. 01-23

Recommendation: Adopt Resolution

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**BACKGROUND**

On March 17, 2020, to address the need for public meetings during the present public health emergency caused by the COVID-19 virus, Governor Newsom issued Executive Order No. N-29-20, suspending the existing requirements and criteria under the Brown Act, enabling public agencies to conduct their public agenda meetings by teleconference.

On June 11, 2021, Governor Newsom issued Executive Order No. N-8-21, continuing the suspension of the Brown Act's teleconferencing requirements through September 30, 2021. Both these Executive Orders allowed public agencies to meet virtually without providing members of the public the right to access the locations from which members of the public agency's elected officials participated in meetings, thereby eliminating the access requirements under the standard Brown Act teleconference requirements.

On September 16, 2021, Governor Newsom signed into law, Assembly Bill ("AB") 361, amending Government Code section 54953 to provide authority and specific requirements for public agencies to continue to hold virtual meetings after September 30, 2021, during a proclaimed state of emergency and remain in compliance with the Brown Act (Gov. Code §§ 54950, *et seq.*).

**DISCUSSION**

The new law enacted by AB 361 requires a notice requirement which provides members of the public instructions on how to access the public agency's virtual meetings enabling members of the public to communicate directly with the agency's elected body during

the allotted public comment time. In contrast, the prior Executive Orders issued by Governor Newsom limited public comments to only comments submitted in advance of the meeting.

AB 361 also adds a procedural requirement requiring public agencies to adopt a resolution in advance of conducting any further virtual public meetings. Government Code section 54953(e) permits legislative bodies and public agencies to make decisions whether to hold virtual meetings at the time of the meeting and does not restrict it to one-time use.

At the December 7, 2022 Housing Commission meeting, your Commission adopted Resolution No. 14-22 to approve the implementation of teleconferencing requirements pursuant to AB361. AB 361 requires public agencies to adopt subsequent resolutions every 30 days to continue the use of virtual meetings. Staff is recommending that your Commission adopt Resolution No. 01-23 to implement the teleconferencing requirements pursuant to Government Code section 54953(e) as amended by AB 361.

Upon approval of the resolution your Commission may proceed with the rest of the regular agenda.

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**

**RESOLUTION NO. 01-23**

**APPROVING THE IMPLEMENTATION OF TELECONFERENCING REQUIREMENTS UNDER  
GOVERNMENT CODE SECTION 54953 (e) (AB 361)**

**WHEREAS**, on March 17, 2020, Governor Newsom issued Executive Order N-29-20 that suspended the teleconference rules set forth in the California Open Meeting law, Government Code section 54950, *et seq.* (the “Brown Act”), which provided certain requirements were met and followed; and

**WHEREAS**, on June 11, 2021, Governor Newsom issued Executive Order N-08-21 that clarified the suspension of the teleconferencing rules set forth in the Brown Act, and further provided that those provisions would remain suspended through September 30, 2021; and

**WHEREAS**, a further required condition of Government Code section 54953(e) is that state or local officials have imposed or recommended measures to promote social distancing, and;

**WHEREAS**, due to the seriousness of the current pandemic situation, the Housing Authority of the County of Alameda has implemented several safety measures including a requirement that all employees to wear facial coverings when not alone in a private office or meeting room and remain socially distanced; and

**WHEREAS**, Government Code section 54953(e) requires that the public agency make additional findings every thirty (30) days to continue virtual meetings.

**NOW, THEREFORE, BE IT RESOLVED:**

1. All the above recitals are true and correct and are incorporated into this Resolution by this reference.
2. The Commission finds that state and local officials have imposed or recommended measures to promote social distancing.
3. The Commission therefore determines that it and its legislative body shall conduct their meetings virtually by teleconferencing in accordance with Government Code section 54953(e)
4. This Resolution expires thirty (30) days after the date of its adoption only to the extent required by law. Otherwise, this Resolution shall remain in effect until repealed by the Commission or pursuant to action by the Commission.

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

RESOLUTION NO.: 01-23: APPROVING THE IMPLEMENTATION OF TELECONFERENCING REQUIREMENTS UNDER GOVERNMENT  
CODE SECTION 54953 (e) (AB 361)

JANUARY 18, 2023

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**PASSED, APPROVED AND ADOPTED** by the Housing Commission of the Housing Authority  
of the County of Alameda on this 18<sup>th</sup> day of January 2023 by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**EXCUSED:**

**ABSENT:**

**Attest:**

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Kurt Wiest  
Executive Director/Housing Commission Secretary

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Peggy McQuaid  
Housing Commission Chairperson

**Adopted:** January 18, 2023

**HOUSING COMMISSION**  
**MEETING MINUTES**  
**November 8, 2022**





## SUMMARY ACTION MINUTES

### HOUSING COMMISSION

Regular Meeting Date: November 9, 2022

Meeting Time: 8:00 a.m.

*Due to the COVID-19 public health emergency and in accordance with guidance from state and local public health officers, this meeting was conducted on-site in the HACA Board Room with reduced capacity to promote social distancing and was also available via the Zoom video conference platform, and by phone.*

#### 1. CALL TO ORDER / ROLL CALL

##### CALL TO ORDER:

Chairperson McQuaid called the meeting to order at 8:07 a.m.

##### ROLL CALL:

##### Present in the HACA Board Room:

Commissioner Pete Ballew  
Commissioner Mark Gerry  
Commissioner Sara Lamnin  
Chairperson Peggy McQuaid

##### Present on Zoom:

Commissioner Pat Gacoscos  
Commissioner Michael Hannon  
Commissioner Shawn Kumagai  
Vice Chairperson Yang Shao

##### Entered after Roll Call on Zoom:

Commissioner Courtney Welch

#### 2. RESOLUTION NO. 12-22: APPROVING THE IMPLEMENTATION OF TELECONFERENCING REQUIREMENTS UNDER GOVERNMENT CODE SECTION 54953(e) (AB361)

Melissa Taesali, Executive Assistant, presented the staff report. Report received with no questions or comments from the Housing Commission.

Recommendation: Adopt Resolution No. 12-22 approving the implementation of teleconferencing requirements under Government Code Section 54953(e) (AB361).

Motion/Second: Shao/Finley.

Upon a roll call of the votes being taken the votes were:

Ayes: Cmr. Ballew, Finley, Gacoscos, Gerry, Hannon, Kumagai, Lamnin, McQuaid, and Shao.

Not present for the vote: Cmr. Welch.

Motion passed. **APPROVED AS RECOMMENDED.**

**3. CLOSED SESSION: EXECUTIVE DIRECTOR'S EVALUATION**

**Pursuant to Government Code §54957(a)**

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Chairperson McQuaid announced that the Housing Commission will not be adjourning to a Closed Session at this time and moved on the next item of business on the agenda.

**4. ACTION: APPROVE THE MEETING MINUTES OF THE HOUSING COMMISSION'S REGULAR MEETING ON OCTOBER 12, 2022**

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Recommendation: Approve the meeting minutes of the Housing Commission's regular meeting on October 12, 2022 as presented.

Motion/Second: Gerry/Finley.

Upon a roll call of the votes being taken the votes were:

Ayes: Cmr. Ballew, Finley, Gacoscos, Gerry, Hannon, Kumagai, Lamnin, McQuaid, and Shao.

Not present for the vote: Cmr. Welch.

Motion passed. **APPROVED AS RECOMMENDED.**

**5. PUBLIC COMMENT – *On matters not on the agenda***

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None.

**6. INFORMATION: EXECUTIVE DIRECTOR'S REPORT**

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Kurt Wiest, Executive Director, presented his report. Mr. Wiest gave a report on COVID-19 relative to HACA's operations and announced that HACA's lobby will re-open to the public on January 3, 2023. Mr. Wiest also indicated that HACA will return to in-person Housing Commission meetings beginning in January 2023. Mr. Wiest provided an update on the status of the ongoing recruitment for the HR Manager positions and reported that a Temporary Human Resources (HR) Manager is in place to assist with HACA's HR functions while the HR Manager recruitment is in process.

Mr. Wiest reported that U.S. Department of Housing and Urban Development (HUD) conducted an audit on HACA's use of funding provided through the Coronavirus Aid, Relief, and Economic Security (CARES) Act and that there were no findings.

Mr. Wiest provided the Housing Commission with additional data, information, and insight on Housing Quality Standards (HQS) inspections as requested by the Housing Commission at the October meeting. Mr. Wiest described the trends that staff looked at and the findings of their review. Jennifer Cado, Senior Administrative Analyst, commented that there is always room for improvement in this area of the program and staff will be looking at ways to educate participants, property owners, and landlords on maintaining decent and safe housing.

Commission Discussion: Cmr. Finley commented that she missed a part of this report due to technical difficulties. Cmr. Lamnin and Cmr. Finley recommended that HACA continue with the

hybrid meeting format while the state law exemptions are still in place so that those who are ill or are not able to attend in person can still have access to the meetings. Cmr. Hannon thanked staff for the HQS inspections report.

## 7. **NEW BUSINESS**

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### 7-1. **RESOLUTION NO. 13-22: APPROVING THE PROPOSED PAYMENT STANDARDS FOR THE SECTION 8 HOUSING CHOICE VOUCHER PROGRAM**

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Jennifer Cado presented the staff report. Ms. Cado described what the Section 8 Housing Choice Voucher (Section 8) Benefit Payment Standards (BPS) are and explained that the BPS for each city is set on the Fair Market Rents (FMR) that are issued by HUD each year. She described the analysis of the FMRs, summarized the findings, and recommended that the Housing Commission adopt Resolution No. 13-22 approving the proposed Section 8 BPS.

Recommendation: Adopt Resolution No. 13-22 approving the proposed Benefit Payment Standards for the Section 8 Housing Choice Voucher program.

Commission Discussion: None.

Motion/Second: Gacoscas/Gerry.

Upon a roll call of the votes being taken the votes were:

Ayes: Cmr. Ballew, Finley, Gacoscas, Gerry, Hannon, Kumagai, Lamnin, McQuaid, and Welch.

Not present for the vote: Cmr. Shao.

Motion passed. **APPROVED AS RECOMMENDED.**

### 7-2. **INFORMATION: PROGRAM ACTIVITY REPORT**

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Daniel Taylor, Special Programs Manager, presented the staff report. Mr. Taylor invited the commissioners to the annual *It's Your Time to Shine* virtual event scheduled for November 10, 2022 at 6:00 p.m. Mr. Taylor reported that Leah Fuller, Leasing Services Leadworker partnered with the Family Self-Sufficiency (FSS) Program to present workshop on the Housing Choice Voucher Homeownership and that the workshop was well attended. Mr. Taylor announced that the Albany Rotary Foundation recently awarded a grant to the FSS program that will be used to increase the award amounts for various FSS awards. He thanked Chairperson McQuaid for her assisting the FSS team with obtaining the grant. Lastly, Mr. Taylor announced that the FSS Program will be starting their annual *FSS Giving Connection* and that donations are being accepted through the month of December.

**8. COMMISSIONER REPORTS**

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Chairperson McQuaid commented that the Commission typically cancels the December regular meeting but will have to meet in December to conduct a closed session on the Executive Director's performance evaluation. She polled the Housing Commission on their availability and after brief discussion, the commissioners agreed to a special meeting date of December 7, 2022.

**9. ADJOURNMENT**

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There being no further business to discuss Chairperson McQuaid adjourned the meeting at 8:44 a.m.

Respectfully submitted,

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Melissa Taesali  
Executive Assistant/Housing Commission Clerk

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Kurt Wiest  
Executive Director/Housing Commission Secretary

**Approved:**

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Peggy McQuaid  
Housing Commission Chairperson

**HOUSING COMMISSION**  
**MEETING MINUTES**  
**December 7, 2022**



## SUMMARY ACTION MINUTES

### HOUSING COMMISSION

Special Meeting Date: December 7, 2022

Meeting Time: 8:00 a.m.

*Due to the COVID-19 public health emergency and in accordance with guidance from state and local public health officers, this meeting was conducted on-site in the HACA Board Room with reduced capacity to promote social distancing and was also available via the Zoom video conference platform, and by phone.*

#### 1. CALL TO ORDER / ROLL CALL

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##### CALL TO ORDER:

Chairperson McQuaid called the meeting to order at 8:04 a.m.

##### ROLL CALL:

##### Present in the HACA Board Room:

Commissioner Mark Gerry  
Commissioner Sara Lamnin  
Chairperson Peggy McQuaid

##### Present on Zoom:

Commissioner Pete Ballew  
Commissioner Pat Gacoscos  
Commissioner Michael Hannon  
Commissioner Shawn Kumagai  
Vice Chairperson Yang Shao

##### Excused:

Commissioner Angela Finley  
Commissioner Courtney Welch

#### 2. RESOLUTION NO. 14-22: APPROVING THE IMPLEMENTATION OF TELECONFERENCING REQUIREMENTS UNDER GOVERNMENT CODE SECTION 54953(e) (AB361)

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Melissa Taesali, Executive Assistant, presented the staff report. Report received with no questions or comments from the Housing Commission.

Recommendation: Adopt Resolution No. 14-22 approving the implementation of teleconferencing requirements under Government Code Section 54953(e) (AB361).

Motion/Second: Shao/Gacoscos.

Upon a roll call of the votes being taken the votes were:

Ayes: Cmr. Ballew, Gacoscos, Gerry, Hannon, Kumagai, Lamnin, McQuaid, and Shao.

Motion passed. **APPROVED AS RECOMMENDED.**

**3. PUBLIC COMMENT:** *On matters not on the agenda.*

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Michelle Aragon, a HACA Housing Technician and a Hayward resident, commented on the ongoing labor contract negotiations between HACA and employee union SEIU Local 1021.

Kesha Simmons, a HACA Housing Specialist and a Tracy resident, commented on the ongoing labor contract negotiations between HACA and employee union SEIU Local 1021.

Jahon Casey, commented on the ongoing labor contract negotiations between HACA and employee union SEIU Local 1021.

Teresa Hernandez, a HACA Eligibility Technician and a resident of the City of Hayward, who has worked at HACA for over 12 years, commented on the ongoing labor contract negotiations between HACA and employee union SEIU Local 1021.

Kari Ngo, a HACA Eligibility Technician and a Vallejo resident, commented on the ongoing labor contract negotiations between HACA and employee union SEIU Local 1021.

Somi Kim submitted public comment but was not present in the meeting. Michelle Aragon read Ms. Kim's comments regarding the ongoing labor contract negotiations between HACA and employee union SEIU Local 1021.

Laura Moreno, a HACA Eligibility Technician and a resident of San Lorenzo, commented on the ongoing labor contract negotiations between HACA and employee union SEIU Local 1021.

Julio Corral, Labor Representative, commented on the ongoing labor contract negotiations between HACA and employee union SEIU Local 1021.

Commissioner Gerry thanked these members of the public for their comments.

**4. INFORMATION: EXECUTIVE DIRECTOR'S REPORT**

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Kurt Wiest, Executive Director, presented his report. Mr. Wiest gave a report on COVID-19 relative to HACA's operations and announced that HACA's lobby will re-open to the public on January 3, 2023. He also reported that beginning in January 2023, HACA will offer a hybrid format for the Housing Commission meetings that will allow meeting attendees the option to participate in person or attend remotely.

Mr. Wiest informed the Housing Commission that staff has received the full audit report from the U.S. Department of Housing and Urban Development (HUD) on the use of The Coronavirus Aid, Relief, and Economic Security (CARES) Act funding and confirmed that there were no findings. He also reported that HUD conducted a review of HACA's implementation of the Emergency Housing Vouchers (EHV) Program and that there were no findings in this review.

Commission Discussion: Cmr. Hannon congratulated staff on the results of HUD's audits and requested that staff email a copy of the reports to the commissioners. Cmr. Lamnin congratulated staff on the audits and asked about utilization of the 252 vouchers allocated to HACA for the EHV Program. Mr. Wiest discussed HACA's current utilization and described some of the challenges that have made it difficult for HACA to reach 100% utilization of these vouchers. Cmr. Shao recommended that staff post the audit reports to the agency website and Mr. Wiest agreed that this is a good idea and that staff will post the reports.

## 5. **NEW BUSINESS**

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### 5-1. **RESOLUTION NO. 15-22: RESOLUTION RECOGNIZING PAT GACOSCOS FOR HER OUSTANDING SERVICE ON THE HOUSING COMMISSION.**

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Kurt Wiest presented the staff report. Mr. Wiest reported that Cmr. Gacoscoss' s term on the City of Union City city council is ending and that she will be leaving the Housing Commission. He talked about Pat's 12-year service on the Housing Commission, expressed his gratitude for her work, and recommended that the Housing Commission adopt Resolution No. 15-22 and authorize a donation the Union City Friends of Sister Cities organization in Cmr. Gacoscoss name in recognition of her outstanding service. Mr. Wiest stated, "Maraming salamat for all that you have done for HACA," which means "thank you" in Tagalog.

Recommendation: Adopt Resolution No. 15-22 recognizing Pat Gacoscoss for her outstanding service on the Housing Commission.

Commission Discussion: Cmr. Hannon commented that he has served 8 years on the Housing Commission with Cmr. Gacoscoss and that he appreciates her tenacity for wanting to ensure that residents live in safe and decent housing. Cmr. Gerry commented that Cmr. Gacoscoss has been an incredible Housing Commissioner. He presented a gavel as a gift to Cmr. Gacoscoss. Cmr. Lamnin expressed her appreciation for Cmr. Gacoscoss' s dedication and thanked her for her years of service. Chairperson McQuaid thanked Cmr. Gacoscoss for her service and commented that she has been an instrumental member of the Housing Commission. She also commented that Cmr. Gacoscoss' s service to the community is impressive. Cmr. Gacoscoss stated that she while she will not miss the early 8AM meeting time, she will miss being on the Housing Commission as representative of Union City and the donuts! She thanked staff and stated that they have been wonderful and outstanding. Cmr. Gacoscoss also thanked the Housing Commission for the gavel and commented that she will miss working with the Housing Commissioners.

Motion/Second: Gerry/Lamnin.

Upon a roll call of the votes being taken the votes were:

Ayes: Cmr. Ballew, Gacoscoss, Gerry, Hannon, Kumagai, Lamnin, McQuaid, and Shao.

Motion passed. **APPROVED AS RECOMMENDED.**

### 5-2. **RESOLUTION NO. 16-22: RESOLUTION RECOGNIZING SARA LAMNIN FOR HER OUSTANDING SERVICE ON THE HOUSING COMMISSION.**

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Kurt Wiest presented the staff report. Mr. Wiest reported that Cmr. Lamnin was first appointed to the Housing Commission in January 2019 and was integral in his appointment to the HACA Executive Director position. He stated that Cmr. Lamnin determination and willingness to ask the tough questions were instrumental in driving process improvements and she provided invaluable guidance during the pandemic. Mr. Wiest described Cmr. Lamnin's support of the agency and her important and the meaningful work that she did as a member of the Housing Commission's Budget/Audit/Negotiations committee. He congratulated her on her recent appointment to Hayward Area Recreation and Park District (HARD) and wished her the best of luck in her new role at HARD.



Mr. Wiest recommended that the Housing Commission adopt Resolution No. 16-22 and authorize a donation to HARD in Cmr. Lamnin's name in recognition of her outstanding service on the Housing Commission.

Recommendation: Adopt Resolution No. 16-22 recognizing Sara Lamnin for her outstanding service on the Housing Commission.

Commission Discussion: Cmr. Gerry also presented Cmr. Lamnin with a gavel. He thanked her for her service on the Housing Commission. Cmr. Ballew congratulated Cmr. Gacoscos and Cmr. Lamnin on their service on the Housing Commission. He thanked Cmr. Gacoscos and Cmr. Lamnin for asking thought-provoking and important questions that have required the Housing Commission and staff to give pause and consider what needs to be done to best serve HACA's clients. Vice Chairperson Shao congratulated Cmr. Gacoscos and Cmr. Lamnin. He commented that Cmr. Gacoscos long history and knowledge of the commission is impressive and commended her for her work. Vice Chairperson Shao expressed his admiration of Cmr. Lamnin's persistence, insightfulness, and understanding of the needs of agency and the community that HACA serves. Cmr. Hannon thanked Cmr. Lamnin for her service on the Housing Commission. He commented that her thoughtful and insightful questions really demonstrated her desire to be a good public servant and to understand the needs of the clients that HACA serve. Cmr. Gacoscos congratulated Cmr. Lamnin on her new role at HARD. She commented that she wants to echo all the comments shared by the other commissioners and thanked her for bringing a fresh perspective to the Housing Commission. Chairperson McQuaid commented thanked Cmr. Lamnin for her service and commented that she hopes that Cmr. Lamnin will continue to stay connected to HACA. Cmr. Lamnin thanked the Housing Commission and staff for the kind words and contribution to HARD. She commented that it has been a privilege to serve on the board of an agency with outstanding staff who are doing important work.

Motion/Second: Gerry/Lamnin.

Upon a roll call of the votes being taken the votes were:

Ayes: Cmr. Ballew, Gacoscos, Gerry, Hannon, Kumagai, Lamnin, McQuaid, and Shao.

Motion passed. **APPROVED AS RECOMMENDED.**

### **5-3. RESOLUTION NO. 17-22: RESOLUTION APPROVING THE HACA EXECUTIVE DIRECTOR'S PERFORMANCE EVALUATION PROCESS**

---

Kurt Wiest presented the staff report. Mr. Wiest reported that a formalized process to evaluate the Executive Director's performance currently does not exist. He further reported that he has been working with the Housing Commission's Personnel Committee to develop a process and that staff is proposing that the Housing Commission adopt Resolution No. 17-22 approving this process. Resolution No. 17-22 was shared on screen and distributed to those who were meeting in person in HACA's Board Room.

Cmr. Hannon, who serves as the Chairperson of the Personnel Committee, reported that their intent was to establish a formalized process so that evaluations are done consistently and timely.

Recommendation: Adopt Resolution No. 17-22 approving the proposed process for evaluating the Executive Director's performance.

Commission Discussion: Cmr. Hannon recommended a revision to item no. 3 in the process to read:

*3. The self-evaluation provides an overview of previous year goals; accomplishments; challenges; relationships with staff, community, and agency partners; goals for the upcoming fiscal year; and an overall summary of the Executive Director's evaluation of his or her performance during the evaluation period.*

Cmr. Lamnin recommended a change to the process in item no. 4 to:

*4. After receiving the self-evaluation, members of the PC meet in closed session to discuss elements of the self-evaluation and interview the Executive Director. During the closed session recommendations related to performance are ~~shared with the Executive Director~~ established and a recommendation for any adjustment in salary is made.*

Chairperson McQuaid commented that she does not fully agree with Cmr. Lamnin's suggested change and commented that it may be necessary to get clarification from the Executive Director at this point in the process so it would be important to include him or her in this discussion. Cmr. Hannon and Cmr. Lamnin talked through the process and exchanged ideas on how the Housing Commission could have a discussion first before including the Executive Director and providing the Executive Director with feedback on performance.

Cmr. Gerry thanked the Commissioners for the work they are putting in to develop this process.

Chairperson McQuaid asked that the steps outlined in the resolution match steps listed in the evaluation process document. Cmr. Lamnin and Mr. Wiest discussed the best way to do this. He stated that the steps outlined in the resolution should be the actual process since it would be formalized by resolution and Cmr. Hannon and Chairperson McQuaid agreed. Cmr. Lamnin commented that this could work if there are changes to the language, as she previously recommended, so that within in this evaluation process there is a step that allows the full Housing Commission to meet first, without the Executive Director. Cmr. Lamnin commented that not including such a step could preempt any recommendations that the Housing Commission may have regarding performance and/or adjustment to salary. Chairperson McQuaid and Cmr. Hannon discussed the importance of providing feedback to the Executive Director. Cmr. Hannon made a motion to adopt Resolution No. 17-22 and use the steps outlined in the resolution as the actual Executive Director performance evaluation process, with the following recommended changes:

*NOW, THEREFORE, IT IS RESOLVED...*

*4. A closed session, generally within 4 months of the conclusion of HACA's fiscal year, the full Housing Commission will meet in a closed session to receive the findings and recommendations related to the Executive Director's performance evaluation, provide feedback to the Executive Director, and recommendations related to performance and adjustments to the Executive Director's compensation will be brought before the Housing Commission for action.*

Motion/Second: Hannon/Shao.

Upon a roll call of the votes being taken the votes were:

Ayes: Cmr. Ballew, Gacoscos, Gerry, Hannon, Kumagai, McQuaid, and Shao.

Noes: Cmr. Lamnin.

Motion passed. **APPROVED AS RECOMMENDED.**

**6. CLOSED SESSION : EXECUTIVE DIRECTOR'S EVALUATION**

*Pursuant to Government Code §54957(a)*

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The Housing Commission entered a Closed Session at 9:09 a.m. and returned to open session at 9:47 a.m.

Chairperson McQuaid reported that the Housing Commission considered and completed the Executive Director's evaluation. She further reported that the Housing Commission would like to thank him for his service.

**7. COMMISSIONER REPORTS**

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None.

**8. ADJOURNMENT**

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There being no further business to discuss Chairperson McQuaid adjourned the meeting at 9:49 a.m.

Respectfully submitted,

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Melissa Taesali  
Executive Assistant/Housing Commission Clerk

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Kurt Wiest  
Executive Director/Housing Commission Secretary

**Approved:**

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Peggy McQuaid  
Housing Commission Chairperson

# **EXECUTIVE DIRECTOR'S REPORT**

## **January 18, 2023**

## HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

### EXECUTIVE DIRECTOR'S REPORT

Meeting Date: January 18, 2023

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1. **Re-opening of HACA Lobby:** On January 3, 2023, the first workday of the New Year, HACA re-opened the lobby to the public after being closed for nearly 3 years. The long-awaited re-opening involved several months of planning and coordination, including thorough consideration of COVID-19 related health and safety protocols. While the wearing of face masks is not mandated, at this time, they are encouraged and required in cases when a staff and/or visitor requests that parties wear a face mask during individual interactions and meetings. So far, the reopening has been smooth, with a steady flow of visitors, and we anticipate that to continue.
2. **In-Person Housing Commission Meetings:** Beginning with the special meeting on Wednesday, January 18<sup>th</sup>, the expectation and plan are for Commissioners and HACA management to participate in the Commission meetings in person. However, we will continue to offer a hybrid option to be consistent with best practices of local government entities in our area and to ensure the public has full access to Commission proceedings.

Protocols for public health and safety will be followed by those in attendance at Commission meetings. Face masks are optional and is a personal choice based on individual health needs and circumstances.

3. **Weather-Related Impacts to HACA Properties:** The ongoing rainstorms have had little impact on HACA operations or properties. PACH inventory of residential units in Emeryville, Hayward, and Union City are in areas with good drainage and historically aren't impacted by weather events. HACA maintenance staff, under the leadership of our Facilities Manager, Robert Viernes, proactively follow a preventive maintenance plan to ensure that roofs, gutters, and drains are inspected and cleaned regularly at residential units and our commercial buildings on Atherton Street and Mission Boulevard.
4. **Housing Commission Appointments:** We are excited to report that Chairperson Peggy McQuaid (Albany) and Commissioner Pete Ballew (San Leandro) were re-appointed to the Housing Commission. Their reappointments were approved by the Alameda County Board of Supervisors on January 10, 2023. We will also have 2 new commissioners coming on-board. Vice Mayor Michael McCorriston was appointed to our Housing Commission by the City of Dublin to replace former commissioner Shawn Kumagai. The City of Union City has appointed council member Scott Sakakihara to replace former commissioner Pat Gacoscos. The appointments are on the Alameda County Board of Supervisor's January 24<sup>th</sup> agenda. It is our goal to orient our new commissioners and have them participate starting with the February regular meeting. Lastly, we will be reaching out to the City of Fremont to request that the city re-appoint Vice Chairperson Yang Shao to the Housing Commission. Vice Chairperson Shao's term will be ending at the end of February and we are thrilled that he has expressed an interest in serving another term on our Housing Commission.

**NEW BUSINESS**  
**January 18, 2023**

**HOUSING AUTHORITY OF ALAMEDA COUNTY**

**AGENDA STATEMENT**

Meeting Date: January 18, 2023

Subject: Recognize Melanie Narain-Morrison as HACA's Shining Star

Exhibits Attached: None

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**BACKGROUND**

In 2006 the Housing Authority created a Communications Committee composed of staff from all departments. The Committee created an "Employee of the Quarter" recognition program to acknowledge exceptional individual contributions of HACA employees.

At the end of 2011 the Committee decided to revamp the program to allow more time for chosen employees to enjoy their recognition. The Committee re-named the award the "HACA's Shining Star" and extended the recognition period to six months, so there will be two Shining Stars per year.

**DISCUSSION**

The Housing Authority is privileged to have on its staff Melanie Narain-Morrison, a Housing Technician in HACA's Special Programs department. Melanie's selection was announced at the HACA Tailgate event held on September 15<sup>th</sup>. The comments below describe Melanie's outstanding work in the areas of: Team Effort & Flexibility in Working with Others; Customer Service; Problem Solving, and Acknowledgement from the Public, Co-Workers and Clients

*Melanie has always pleasantly agreed to assist coworkers whenever we are in need. While we worked from home, Mel was the person we called if we needed our desktops rebooted and she did the task immediately so as to not slow down our work.*

*For me specifically, I called on Mel if (while working from home) because I had a tenant at the front door in need of a form or in crisis, she was always willing to "run to the front door" for me.*

*Melanie has the capability to quickly adjust to any task assigned to her by HACA. From scheduling inspections to processing Reasonable Accommodations (and any other task requested). Mel has the ability to jump right in, complete the task while not losing focus of providing excellent customer service.*

*Melanie is an asset to HACA and well deserving of the Shining Star honor.*

Staff recommends that your Housing Commission recognize Melanie as "HACA's Shining Star" for October 2022 – March 2023.

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**

**AGENDA STATEMENT**

Meeting Date: January 18, 2023

Subject: Resolution Recognizing Shawn Kumagai for his Outstanding Service on the Housing Commission

Exhibits Attached: Resolution No. 02-23

Recommendation: Adopt Resolution No. 02-23

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**DISCUSSION**

Shawn began his service on the Housing Commission in 2019, and he has served for the last 3 years as the Housing Commissioner representing the City of Dublin.

As a Housing Commissioner, Shawn was enthusiastically engaged in the matters that have been brought forward to the Housing Commission. He encouraged a collaborative approach to educating other government agencies on the current housing crisis and demonstrated a keen interest in working with HACA and our partner agencies to support affordable housing initiatives in the City of Dublin. Shawn also provided meaningful insight on developing and/or amending HACA's practices and policies to ensure people, who otherwise might be excluded or marginalized, have equal access to housing opportunities and resources. In addition to supporting the agency and HACA's staff, Shawn dedicated some of his time to helping our program participants through his work on the HACA Scholarship Committee where he was instrumental in introducing some new process improvements to the program which included increases to scholarship award amounts.

Shawn's term on the Dublin City Council has ended and the December 7, 2022 meeting was his last meeting. Shawn's heartfelt concern and willingness to respond to the needs of HACA's clients and staff are truly appreciated and he will be greatly missed.

Staff recommends that your Commission adopt a resolution to recognize Shawn for his outstanding service on the Housing Commission and authorize HACA to make a donation in Shawn's name to California YIMBY.



**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**

**RESOLUTION NO. 02-23**

**RECOGNIZING SHAWN KUMAGAI FOR HIS OUTSTANDING SERVICE  
ON THE HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA HOUSING COMMISSION**

**WHEREAS**, the Housing Authority of the County of Alameda (“HACA”) administers a number of programs that provide rental housing assistance and other related services to very low-income households including families, seniors, persons with disabilities and veterans; and

**WHEREAS**, in March 2019, the Alameda County Board of Supervisors approved the City of Dublin’s appointment of Shawn Kumagai to the HACA Housing Commission; and

**WHEREAS**, Shawn has enthusiastically engaged in the matters that have been brought forward to the HACA Housing Commission; and

**WHEREAS**, Shawn’s insight and valuable guidance on matters related to HACA’s policies, programs, operating budget, have demonstrated his genuine interest in and support of HACA’s programs, goals, operations, and staff; and

**WHEREAS**, Shawn’s willingness and ability to understand and respond to the needs of the public and staff will be greatly missed.

**NOW, THEREFORE, BE IT RESOLVED**, that the Housing Commissioners and staff of the Housing Authority of the County of Alameda honor and recognize Shawn Kumagai for his years of outstanding and dedicated service on the Housing Commission.

**PASSED, APPROVED, AND ADOPTED**, by the Housing Commissioners of the Housing Authority of the County of Alameda on this 18<sup>th</sup> day of January 2023 by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**EXCUSED:**

**ABSENT:**

**ATTEST:**

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Peggy McQuaid  
Housing Commission Chairperson

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Kurt Wiest  
Executive Director/Housing Commission Secretary

**ADOPTED:** January 18, 2023

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**

**AGENDA STATEMENT**

Meeting: January 18, 2023

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

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**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. From time to time it becomes necessary to amend the Admin Plan in order to incorporate new or changed HUD regulations or guidance, new or revised HACA policies or program initiatives, or to make clarifications or corrections. Only changes to HACA policy require Housing Commission approval, therefore, only policy changes are redlined for your review. HACA's Admin Plan is available for public review.

**DISCUSSION and ANALYSIS**

HACA recently revised Chapters 5 and 16 to incorporate new or changed HUD guidance and to make clarifications or corrections. Additionally, HACA made revisions to HACA policy as outlined below.

**CHAPTER 5 – BRIEFINGS AND VOUCHER ISSUANCE**

**5-1.B. BRIEFING (pages 5-2 through 5-5)**

HACA is required to brief applicant families who qualify for a voucher. The briefing provides a broad description of owner and family responsibilities, explains HACA's procedures, and includes instructions on how to lease a unit. As a result of the pandemic HUD temporarily allowed housing authorities to conduct remote briefings but is now allowing this as a permanent option.

Updated policies for briefings including clarifying language for in-person briefings and adding the option for remote briefings based on HUD guidance. Added language to ensure that briefings are accessible to all applicants. Reorganized section layout to accommodate changes in both HUD guidance and HACA policy.

## **CHAPTER 16 – PROGRAM ADMINISTRATION**

### **16-II.B. PAYMENT STANDARDS (pages 16-4 through 16-5)**

HACA reviews its payment standards annually to adapt to local conditions and HCV funding. Payment standards dictate the maximum subsidy an assisted family can receive monthly.

Made clarification to some of the factors HACA considers when updating its payment standards. Updated policy to add the option to request HUD approval to establish exception payment standards by zip code if needed.

### **16-III.B. INFORMAL REVIEWS (pages 16-9 through 16-11)**

Informal reviews are provided for program applicants for certain determinations made by HACA. The purpose of informal reviews is to consider whether HACA's decision is in accordance with HUD requirements and HACA policies. Informal reviews are intended to provide a minimum hearing requirement and need not be as elaborate as the informal hearing requirements. As a result of the pandemic HUD temporarily allowed housing authorities to conduct remote informal reviews but is now allowing this as a permanent option.

Updated policies for informal reviews including clarifying language for in-person informal reviews and adding the option for remote informal reviews based on HUD guidance. Added language to ensure that informal reviews are accessible to all applicants. Reorganized section layout to accommodate changes in both HUD guidance and HACA policy.

### **16-III.C. INFORMAL HEARINGS FOR PARTICIPANTS (pages 16-14 through 16-16, pages 16-18 through 16-20, page 16-22 through page 16-25, and page 16-28)**

Informal hearings are provided for program participants for certain determinations made by HACA. The purpose of informal hearings is to consider whether HACA's decision is in accordance with HUD requirements and HACA policies. As a result of the pandemic HUD temporarily allowed housing authorities to conduct remote informal hearings but is now allowing this as a permanent option.

Updated policies for informal hearings including clarifying language for in-person informal hearings and adding the option for remote informal hearings based on HUD guidance. Added language to ensure that informal hearings are accessible to all applicants. Reorganized section layout to accommodate changes in both HUD guidance and HACA policy. Made clarifications to policy language regarding pre-hearing right to discovery and evidence presented at an informal hearing. Further, housing authorities are not required to list what positions will serve as hearing officers so this language has been removed to allow HACA more flexibility (page 16-21).

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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.

# **PROGRAM ACTIVITY**

## **REPORT**

## HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

### AGENDA STATEMENT

Meeting: January 18, 2023

Subject: Programs Activity Report

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

Recommendation: Receive Report

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### **SECTION 8 HOUSING CHOICE VOUCHERS (HCV)**

- **Lease-Up:** The below chart provides the number of Section 8 HCV program units under contract. This number includes HACA vouchers and portability clients for which we are being billed by the receiving housing authority but excludes portability clients for which we are billing the initial housing authority.

1/1/2023	12/1/2021	1/1/2021
6,743	6,562	6,185

- **HCV Program Utilization:** The below chart provides the average HAP subsidy, average tenant-paid portion, and average contract rent. These amounts include HACA vouchers, but do not include incoming and outgoing portability clients.

	1/1/2023	12/1/2021	1/1/2021
Average HAP Subsidy	\$1,760	\$1,736	\$1,731
Average Tenant-Paid Rent	\$599	\$536	\$543
Average Contract Rent	\$2,359	\$2,272	\$2,274

- ❖ The below chart provides the outgoing billed portability contracts (i.e., HACA voucher holders who are housed in another housing authority's jurisdiction) and incoming portability contracts where HACA billed other housing authorities.

	1/1/2023	12/1/2021	1/1/2021
Outgoing Billed Portability Contracts	98	78	167
Incoming Portability Contracts	80	79	431

- ❖ PACH has 230 project-based voucher (PBV) units. The chart below provides the number of these units that are leased.

1/1/2023	12/1/2021	1/1/2021
223	224	227

- **Section 8 Contract Reports:** Copies of the Contract Reports are attached. The Section 8 Contract and HAP Report includes HACA certificates, HACA vouchers and portability clients for which we are billing the initial housing authority. The Section 8 Average Contract Rent Report includes HACA vouchers and portability clients for which we are billing the initial housing authority.
- **Landlord Rental Listings:** As of January 3, 2023, there were 44 active properties listed.

	2/7/22	3/1/22	4/4/22	5/2/22	6/1/22	7/5/22	7/29/22	9/1/22	10/3/22	11/1/22	12/5/22	1/3/23
Units	49	42	37	47	40	49	41	44	42	44	56	54

- **HCV Housing Quality Standards (HQS) Inspections and Abatements:** The below chart provides quarterly information on HQS inspections and HQS abatements.

	Q4 2022		Q3 2022		Q2 2022	
Scheduled Annual Inspections	919		906		940	
Passed the Day Inspected	544	59%	532	59%	616	66%
Failed Inspection	187	20%	184	20%	95	10%
No Shows or Deferred Due to COVID-19	180	20%	182	20%	218	23%
Moved Out Prior to Inspection	8	1%	8	1%	97	1%
HAP Abatements for Non-Compliance with HQS	4		8		8	

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**  
**Section 8 Contract and HAP Report for the month of December 2022**

	Certificates		Vouchers		DECEMBER 2022 TOTAL			
City	Number	HAP*	Number	HAP**	Number	HAP	DECEMBER 2021	DECEMBER 2020
		based on avg \$2,042		based on avg \$ 1,763				
Albany	0	\$0	11	\$19,393	11	\$19,393	12	12
Castro Valley	3	\$6,126	237	\$417,831	240	\$423,957	232	229
Dublin	3	\$6,126	421	\$742,223	424	\$748,349	417	408
Emeryville	6	\$12,252	157	\$276,791	163	\$289,043	155	158
Fremont	19	\$38,798	1,249	\$2,201,987	1,268	\$2,240,785	1,188	1,129
Hayward	40	\$81,680	1,885	\$3,323,255	1,925	\$3,404,935	1,845	1,881
Newark	6	\$12,252	222	\$391,386	228	\$403,638	228	233
Pleasanton	3	\$6,126	297	\$523,611	300	\$529,737	290	266
San Leandro	17	\$34,714	1,378	\$2,429,414	1,395	\$2,464,128	1,313	1,315
San Lorenzo	2	\$4,084	178	\$313,814	180	\$317,898	176	178
Union City	12	\$24,504	702	\$1,237,626	714	\$1,262,130	706	708
<b>TOTALS</b>	<b>111</b>	<b>226,662</b>	<b>6,737</b>	<b>11,877,331</b>	<b>6,848</b>	<b>12,103,993</b>	<b>6,562</b>	<b>6,517</b>

\* Based on an average December Housing Assistance Payment (HAP) of \$2,042 per certificate contract

\*\*Based on an average December Housing Assistance Payment (HAP) of \$1,763 per voucher contract

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**  
**Section 8 Average Contract Rent Report for the Month of December 2022**

<b>City</b>	<b>Number of HAP Contracts (HCV Only)</b>	<b>Average Contract Rent</b>	<b>Average HAP Paid by HACA</b>	<b>Average Rent Paid by Family</b>	<b>Average Family-Paid Rent as a Percentage of Average Contract Rent</b>
Albany	11	\$1,709	\$1,358	\$351	21%
Castro Valley	237	\$2,361	\$1,770	\$591	25%
Dublin	421	\$2,359	\$1,807	\$555	24%
Emeryville	157	\$1,935	\$1,434	\$501	26%
Fremont	1,249	\$2,482	\$1,902	\$581	23%
Hayward	1,885	\$2,271	\$1,682	\$589	26%
Newark	222	\$2,667	\$1,915	\$752	28%
Pleasanton	297	\$2,182	\$1,689	\$493	23%
San Leandro	1,378	\$2,268	\$1,687	\$580	26%
San Lorenzo	178	\$2,557	\$1,873	\$685	27%
Union City	702	\$2,533	\$1,886	\$647	26%

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

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



**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**

**AGENDA STATEMENT**

Meeting Date: January 18, 2023

Subject: Family Self-Sufficiency Program Summary

Exhibits Attached: None

Recommendation: Receive Report

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**FSS PROGRAM NEWS**

**FSS Program Activities**

**It's Your Time to Shine**

The 13th annual *It's Your Time to Shine* celebration was held over Zoom on Thursday, November 10, 2022, from 6:00-7:30 pm. We celebrated the accomplishments of our FSS families. FSS program participants and their family members were acknowledged for achievements, including obtaining a GED or high school diploma, graduating college, getting a new job, or receiving a promotion. Additionally, we honored recent graduates of the FSS program. Forty-nine (49) FSS families were in attendance. The FSS team would like to thank Commissioners McQuaid, Gacoscas, Shao, Ballew, Finley, Lamnin and staff for attending the event.

**FSS Action Plan**

The Department of Housing and Urban Development (HUD) approved HACA's updated Family Self-Sufficiency (FSS) Action Plan, which was previously approved by the commission at the September meeting. The FSS team is working to implement the programmatic changes, meeting with participants to sign the new Contract of Participation (COP) and planning orientations to bring new participants into the program.

### **2022 Giving Connection Program**

During the holiday season, the FSS staff operationalizes the Giving Connection to provide a food gift card to every one of the families in the FSS program. This year, friends and supporters of the Giving Connection included: HACA's Housing Commissioners, HACA staff, and other individual and business sponsors. One hundred and forty-six (146) FSS families received toys and grocery gift cards. The families were extremely grateful. Additionally, some of our FSS participants attended the BART Police Departments' *Shop with a Cop* event.



### **FSS Program Summary**

#### **Program Summary**

Total Clients Under Contract:	183
Graduates:	0
Escrow Disbursed:	\$0
Ports In:	0
Ports Out:	0
Terminations:	3
New Contracts:	0
Case Management Referrals:	8
Job Referrals:	48

#### **December 2022**

# **ATTACHMENT A**

## 5-I.B. BRIEFING [24 CFR 982.301]

### Notification of Briefing

Prior to issuance of a voucher, the PHA must give the family an oral briefing and provide the family with a briefing packet containing written information about the program. Families may be briefed in individual face-to-face meetings, through group briefing sessions, or via remote briefing sessions.

#### HACA Policy

~~Briefings will be conducted in individual or group meetings.~~

~~Generally, the head of household is required to attend the briefing. If the head of household is unable to attend, HACA may approve another adult family member to attend the briefing.~~

~~Families that attend group briefings and still need individual assistance will be referred to an appropriate HACA staff person.~~

~~Briefings will be conducted in English. For limited English proficient (LEP) applicants, HACA will provide translation services in accordance with HACA's LAP plan (See Chapter 2).~~

Families will be notified of their eligibility for assistance at the time they are invited to an in-person or remote briefing. The notice will be sent by first class mail and/or by email if the family has provided a valid email address to HACA.

The notice will advise the family of the type of briefing, who is required to be present at the briefing, and the date and time of the briefing. The notice will also inform the family of any additional requirements for in-person or remote briefings as addressed elsewhere in this section.

If the notice is returned by the post office or the email is rejected with no forwarding address, the applicant will be denied, and their name will not be placed back on the waiting list. If the notice is returned by the post office or the email is rejected with a forwarding address, the notice will be resent to the address indicated.

### Attendance

#### HACA Policy

Generally, the head of household is required to attend the briefing. If the head of household is unable to attend, HACA may approve another adult family member to attend the briefing.

Applicants who fail to attend a scheduled in-person or remote briefing will automatically be scheduled for another briefing. HACA will notify the family of the date and time of the second scheduled briefing. Applicants who fail to attend two scheduled briefings, without prior HACA approval, will be denied assistance (see Chapter 3).

### In-Person Briefings

At the briefing, the PHA must ensure effective communication in accordance with Section 504 requirements (Section 504 of the Rehabilitation Act of 1973) and ensure that the briefing site is

accessible to individuals with disabilities. For a more thorough discussion of accessibility requirements, refer to Chapter 2.

#### HACA Policy

In-person briefings will generally be conducted in group meetings. At the family's written request, HACA may provide an individual in-person or remote briefing on a case-by-case basis.

Families that attend group briefings and still need individual assistance will be referred to an appropriate HACA staff person.

Briefings will be conducted in English. For limited English proficient (LEP) applicants, HACA will provide interpretation services in accordance with HACA's LEP plan (See Chapter 2).

#### **Remote Briefings [Notice PIH 2020-32]**

Remote briefings may be conducted over the phone, via video conferencing, or through other virtual platforms.

#### HACA Policy

HACA has the sole discretion to require that briefings be conducted remotely. Remote briefings will generally be conducted in group meetings. At the family's written request, HACA may provide an in-person or an individual remote briefing on a case-by-case basis.

In addition, HACA will conduct a briefing remotely upon request of the applicant as a reasonable accommodation for a person with a disability, if an applicant does not have childcare or transportation that would enable them to attend the briefing, or if the applicant believes an in-person briefing would create an undue health risk. HACA will consider other reasonable requests for a remote or in-person briefing on a case-by-case basis.

## **Accessibility Requirements for Remote Briefings for Persons with Disabilities and LEP Individuals**

As with in-person briefings, the platform for conducting remote briefings must be accessible and the briefing conducted in accordance with Section 504 and accessibility requirements. This includes ensuring any information, websites, emails, digital notifications, and other virtual platforms are accessible for persons with vision, hearing, and other disabilities. Further, providing effective communication in a digital context may require the use of individualized auxiliary aids or services, such as audio description, captioning, sign language and other types of interpreters, keyboard accessibility, accessible documents, screen reader support, and transcripts. Auxiliary aids or services must be provided in accessible formats, in a timely manner, and in such a way to protect the privacy and independence of the individual.

If no method of conducting a remote briefing is available that appropriately accommodates an individual's disability, the PHA may not hold against the individual their inability to participate in the remote briefing, and the PHA should consider whether postponing the remote briefing to a later date is appropriate or whether there is a suitable alternative.

Due to the individualized nature of disability, the appropriate auxiliary aid or service necessary, or reasonable accommodation, will depend on the specific circumstances.

Limited English Proficiency (LEP) requirements also apply to remote briefings, including the use of interpretation services and document translation. See Chapter 2 for a more thorough discussion of accessibility and LEP requirements, all of which apply in the context of remote briefings.

## Conducting Remote Briefings

The PHA must ensure that the lack of technology or inability to use technology for remote briefings does not pose a disadvantage to families that may not be apparent to the PHA. The PHA must ensure that the family has appropriate technological access in order to fully participate in the remote briefing.

### HACA Policy

As part of the notification of briefing correspondence, HACA will provide written notification to families participating in the remote briefing to advise of technological requirements and to request the family notify HACA of any known barriers. HACA will resolve any barriers using the guidance in Section 6 of Notice PIH 2020-32, including offering the family the opportunity to attend an in-person briefing or have an individual briefing over the phone, as appropriate.

HACA will conduct remote briefings via a video conferencing platform when available. If applicants are unable to adequately access the video conferencing platform, the briefing will be conducted by telephone conferencing call-in. If the family is unable to adequately access the telephone conferencing call-in, the remote briefing will be postponed, and an in-person alternative or individual briefing over the phone will be provided.

HACA will provide login information and/or conferencing call-in information and an electronic copy of the briefing packet via email before the briefing. HACA will also provide a paper copy of the briefing packet and may reschedule the briefing to allow adequate time for the family to receive the physical briefing packet.

HACA will ensure that all electronic information stored or transmitted as part of the briefing meets the requirements for accessibility for persons with disabilities and persons with LEP, and is secure, including ensuring personally identifiable information (PII) is protected.

HACA will ensure that families who participate in remote briefings have the opportunity to ask questions as part of the briefing.

If families lose connectivity during any remote briefing or otherwise feel they were unable to access information presented during the briefing, the family may request an individual briefing over the phone or in person with HACA.

Additionally, families that attend group briefings and still need individual assistance will be referred to an appropriate HACA staff person.

## Updating Payment Standards

When HUD updates its FMRs, the PHA must update its payment standards if the standards are no longer within the basic range [24 CFR 982.503(b) and PIH 2018-01]. HUD may require the PHA to make further adjustments if it determines that rent burdens for assisted families in the PHA's jurisdiction are unacceptably high [24 CFR 982.503(g)].

### HACA Policy

HACA will review the appropriateness of the payment standards on at least an annual basis when the new FMR is published. In addition to ensuring the payment standards are always within the "basic range" HACA will consider one or more of the following factors when determining whether an adjustment should be made to the payment standard schedule:

**Funding Availability:** HACA will review the budget to determine the impact projected subsidy adjustments will have on funding available for the program and the number of families served. HACA will compare the number of families who could be served under revised payment standard amounts with the number assisted under current payment standard amounts.

**Rent Burden of Participating Families:** Rent burden will be determined by identifying the percentage of families, for each unit size, that are paying more than 30 percent of their monthly adjusted income as the family share. When 40 percent or more of families, for any given unit size, are paying more than 30 percent of adjusted monthly income as the family share, HACA will consider increasing the payment standard. In evaluating rent burdens, HACA will not include families renting a larger unit than their family unit size.

**Size and Quality of Units Selected:** HACA ~~may~~will review the size and quality of units selected by participant families when making the determination of the percent of income families are paying for housing, to ensure that payment standard increases are only made when needed to reach the mid-range of the market.

**Changes in Rent to Owner:** HACA may review a sample of the units to determine how often owners are increasing or decreasing rents and the average percent of increases/decreases by bedroom size.

**Unit Availability:** HACA ~~will~~may review the availability of units for each unit size, particularly in areas with low concentrations of poor and minority families.

**Lease-up Time and Success Rate:** HACA ~~will~~may consider the percentage of families that are unable to locate suitable housing before the voucher expires and whether families are leaving the jurisdiction to find affordable housing.

**Rents in the Market Area:** HACA will review the rents of units for each unit size in the market area.



### HACA Policy (continued)

At HACA's discretion, and depending on market conditions, changes to payment standard amounts will be effective no later than three months following the effective date of the change in the FMR.

If HACA has already processed reexaminations that will be effective on or after the effective date of the payment standards, HACA will make retroactive adjustments to any such reexaminations if the new payment standard amount is higher than the one used by HACA at the time the reexamination was originally processed.

### **Exception Payment Standards [24 CFR 982.503(c)(5), Notice PIH 2018-01, FR Notice 9/27/21]**

A non-SAFMR PHA may establish an exception payment standard for a zip code area of up to and including 110 percent of the SAFMR determined by HUD for that zip code area. Regardless of the level of the exception payment standard compared to the metropolitan area FMRs (MAFMRs), the PHA must send an email to [SAFMRs@hud.gov](mailto:SAFMRs@hud.gov) to notify HUD that it has adopted an exception payment standard based on the SAFMR. A PHA that adopts an exception payment standard pursuant to this authority must apply it to the entire ZIP code area, for both its HCV, and if applicable, its PBV program. For the PBV program, this means that the rent to owner may not exceed the new exception payment standard amount, provided the rent is still reasonable. A PHA that adopts an exception payment standard area must revise its briefing materials to make families aware of the exception payment standard and the area that it covers.

In addition, HUD allows PHAs to establish a HUD-Veterans Affairs Supportive Housing (HUD-VASH) exception payment standard. PHAs may go up to but no higher than 120 percent of the FMR or SAFMR specifically for VASH families. PHAs who want to establish a VASH exception payment standard over 120 percent must still request a waiver from HUD (See Section 19-III.E.).

### **Voluntary Use of Small Area FMRs [24 CFR 982.503, Notice PIH 2018-01]**

PHAs that administer vouchers in a metropolitan area where the adoption of small area FMRs (SAFMRs) is not required may request approval from HUD to voluntarily adopt SAFMRs. SAFMRs may be voluntarily adopted for one or more zip code areas.

### HACA Policy

HACA will not voluntarily adopt the use of SAFMRs except to establish exception payment standards in certain zip code areas if needed.

### **Unit-by-Unit Exceptions [24 CFR 982.503(b) , 24 CFR 982.505(d), Notice PIH 2010-26, Notice PIH 2013-03 (HA)]**

Unit-by-unit exceptions to the PHA's payment standards generally are not permitted. However, an exception may be made as a reasonable accommodation for a family that includes a person with disabilities. (See Chapter 2 for a discussion of reasonable accommodations.) This type of exception does not affect the PHA's payment standard schedule.

When needed as a reasonable accommodation, the PHA may make an exception to the payment standard without HUD approval if the exception amount does not exceed 120 percent of the

### HACA Policy

HACA will only offer an informal review to applicants for whom assistance is being denied. Denial of assistance includes: denying listing on HACA waiting list; denying or withdrawing a voucher except for denial or termination of assistance due to insufficient funds as set forth in Section VIII of this chapter; refusing to enter into a HAP contract or approve a lease; refusing to process or provide assistance under portability procedures.

### **Notice to the Applicant [24 CFR 982.554(a)]**

The PHA must give an applicant prompt notice of a decision denying assistance. The notice must contain a brief statement of the reasons for the PHA's decision, and must also state that the applicant may request an informal review of the decision. The notice must describe how to obtain the informal review.

### **Scheduling an Informal Review**

#### HACA Policy

A request for an informal review 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 denial of assistance.

Except as provided in Section 3-III.G, HACA must schedule and send written notice of the informal review within 10 business days of the family's request.

If the informal review will be conducted remotely, at the time HACA notifies the family of the informal review, the family will be informed:

Regarding the processes to conduct a remote informal review;

That, if needed, HACA will provide technical assistance prior to and during the informal review; and

That if the family or any individual witness has any technological, resource, or accessibility barriers preventing them from fully accessing the remote informal review, the family may inform HACA and HACA will assist the family in either resolving the issues or will provide an in-person or other alternative format promptly within a reasonable time.

If the family fails to appear for their informal review, the denial of admission will stand and the family will be so notified.

### **Informal Review Procedures [24 CFR 982.554(b)]**

The informal review must be conducted by a person other than the one who made or approved the decision under review, or a subordinate of this person.

The applicant must be provided an opportunity to present written or oral objections to the decision of the PHA.

## Remote Informal Reviews [Notice PIH 2020-32]

There is no requirement that informal reviews be conducted in-person and, as such, HUD allows PHAs to conduct all or a portion of their informal review remotely either over the phone, via video conferencing, or through other virtual platforms. If the PHA chooses to conduct remote informal reviews, applicants may still request an in-person informal review, as applicable.

### HACA Policy

HACA has the sole discretion to require that informal reviews be conducted remotely. If HACA schedules a remote informal review, HACA will conduct an alternative format informal review upon request of the applicant as a reasonable accommodation for a person with a disability.

In addition, HACA will conduct an informal review remotely upon request of the applicant as a reasonable accommodation for a person with a disability, if an applicant does not have child care or transportation that would enable them to attend the informal review, or if the applicant believes an in-person informal review would create an undue health risk. HACA will consider other reasonable requests for a remote or alternative format informal review on a case-by-case basis.

## Ensuring Accessibility for Persons with Disabilities and LEP Individuals

As with in-person informal reviews, the platform for conducting remote informal reviews must be accessible to persons with disabilities and the informal review must be conducted in accordance with Section 504 and accessibility requirements. This includes ensuring any information, websites, emails, digital notifications, and other virtual platforms are accessible for persons with vision, hearing, and other disabilities. Further, providing effective communication in a digital context may require the use of individualized auxiliary aids or services, such as audio description, captioning, sign language and other types of interpreters, keyboard accessibility, accessible documents, screen reader support, and transcripts. Auxiliary aids or services must be provided in accessible formats, in a timely manner, and in such a way to protect the privacy and independence of the individual. PHAs may never request or require that individuals with disabilities provide their own auxiliary aids or services, including for remote informal hearings.

PHAs are required to make reasonable accommodations in policies, practices, and procedures to ensure persons with disabilities have a full and equal opportunity to participate in and benefit from all aspects of the informal review process. See Chapter 2 for a more detailed discussion of reasonable accommodation requirements.

If no method of conducting a remote informal review is available that appropriately accommodates an individual's disability, the PHA may not hold against the individual their inability to participate in the remote informal review, and the PHA should consider whether postponing the remote informal review to a later date is appropriate or whether there is a suitable alternative.

Due to the individualized nature of disability, the appropriate auxiliary aid or service necessary, or reasonable accommodation, will depend on the specific circumstances and requirements.

As with in-person reviews, Limited English Proficiency (LEP) requirements also apply to remote informal reviews, including the use of interpretation services and document translation. See

Chapter 2 for a more thorough discussion of accessibility and LEP requirements, all of which apply in the context of remote informal reviews.

## **Conducting Remote Informal Reviews**

The PHA must ensure that the lack of technology or inability to use technology for remote informal reviews does not pose a disadvantage to families that may not be apparent to the PHA. The PHA should determine through a survey or other means if these barriers exist prior to conducting the remote informal review and, if the family does not have the proper technology to fully participate, either postpone the informal review or provide an alternative means of access.

As with in-person informal reviews, the PHA must provide all materials presented, whether paper or electronic, to the family prior to the remote informal review. The family must also be provided with an accessible means by which to transmit their own evidence.

The PHA must ensure that the applicant has the right to hear and be heard. All PHA policies and processes for remote informal reviews must be conducted in accordance with due process requirements and be in compliance with HUD regulations at 24 CFR 982.554 and guidance specified in Notice PIH 2020-32.

### HACA Policy

HACA will conduct remote informal reviews via a video conferencing platform, when available. If, after attempting to resolve any barriers, applicants are unable to adequately access the video conferencing platform at any point, or upon applicant request, the informal review will be conducted by telephone. If the family is unable to adequately access the telephone at any point, the remote informal review will either be postponed, and an in-person or other alternative will be provided promptly within a reasonable time.

When scheduling an informal review-, HACA will provide the family with login information and/or conferencing call-in information and an electronic and/or physical copy of all materials being presented via first class mail and/or email. The notice will advise the family of technological requirements for the hearing and request the family notify HACA of any known barriers. HACA will resolve any barriers using the guidance in Section 6 of Notice PIH 2020-32, including offering the family the opportunity to attend an in-person hearing.

If the informal review is to be conducted remotely, HACA will require the family to provide any documents directly relevant to the informal review at least 24 hours before the scheduled review through the mail, via email, or text. HACA will scan and email copies of these documents to the HACA representative the same day.

Documents will be shared electronically whenever possible.

HACA will ensure that all electronic information stored or transmitted with respect to the informal review is secure, including protecting personally identifiable information (PII), and meets the requirements for accessibility for persons with disabilities and persons with LEP.

### **16-III.C. INFORMAL HEARINGS FOR PARTICIPANTS [24 CFR 982.555, Pub.L. 109-162]**

PHAs must offer an informal hearing for certain PHA determinations relating to the individual circumstances of a participant family. A participant is defined as a family that has been admitted to the PHA's HCV program and is currently assisted in the program. The purpose of the informal hearing is to consider whether the PHA's decisions related to the family's circumstances are in accordance with the law, HUD regulations and PHA policies.

The PHA is not permitted to terminate a family's assistance until the time allowed for the family to request an informal hearing has elapsed, and any requested hearing has been completed. Termination of assistance for a participant may include any or all of the following:

- Refusing to enter into a HAP contract or approve a lease
- Terminating housing assistance payments under an outstanding HAP contract
- Refusing to process or provide assistance under portability procedures

#### **Decisions Subject to Informal Hearing**

Circumstances for which the PHA must give a participant family an opportunity for an informal hearing are as follows:

- A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment
- A determination of the appropriate utility allowance (if any) for tenant-paid utilities from PHA utility allowance schedule
- A determination of the family unit size under the PHA's subsidy standards
- A determination to terminate assistance for a participant family because of the family's actions or failure to act
- A determination to terminate assistance because the participant has been absent from the assisted unit for longer than the maximum period permitted under PHA policy and HUD rules
- A determination to terminate a family's Family Self Sufficiency contract, withhold supportive services, or propose forfeiture of the family's escrow account [24 CFR 984.303(i)]

Circumstances for which an informal hearing is not required are as follows:

- Discretionary administrative determinations by the PHA, including denial or termination of assistance due to insufficient funds as set forth in Section VIII of this chapter.
- General policy issues or class grievances
- Establishment of the PHA schedule of utility allowances for families in the program
- A PHA determination not to approve an extension or suspension of a voucher term
- A PHA determination not to approve a unit or tenancy
- A PHA determination that a unit selected by the applicant is not in compliance with the HQS
- A PHA determination that the unit is not in accordance with HQS because of family size
- A determination by the PHA to exercise or not to exercise any right or remedy against an owner under a HAP contract

#### HACA Policy

HACA will only offer participants the opportunity for an informal hearing when required to by the regulations, [and if HACA denies a request for a reasonable accommodation \(see Chapter 2\).](#)

#### **Remote Informal Hearings [Notice PIH 2020-32]**

There is no requirement that informal hearings be conducted in-person, and as such, HUD allows PHAs to conduct all or a portion of their informal hearings remotely either over the phone, via video conferencing, or through other virtual platforms. If the PHA chooses to conduct remote informal hearings, participants may still request an in-person informal hearing, as applicable.

#### HACA Policy

[HACA has the sole discretion to require that informal hearings be conducted remotely. If HACA schedules a remote informal hearing, HACA will conduct an alternative format informal hearing upon request of the participant as a reasonable accommodation for a person with a disability.](#)

[In addition, HACA will conduct an informal hearing remotely upon request as a reasonable accommodation for a person with a disability, if a participant does not have child care or transportation that would enable them to attend the informal hearing, or if the participant believes an in-person hearing would create an undue health risk. HACA will consider other reasonable requests for a remote informal hearing on a case-by-case basis.](#)

## **Ensuring Accessibility for Persons with Disabilities and LEP Individuals**

As with in-person informal hearings, the platform for conducting remote informal hearings must be accessible to persons with disabilities and the informal hearings must be conducted in accordance with Section 504 and accessibility requirements. This includes ensuring any information, websites, emails, digital notifications, and other virtual platforms are accessible for persons with vision, hearing, and other disabilities. Further, providing effective communication in a digital context may require the use of individualized auxiliary aids or services, such as audio description, captioning, sign language and other types of interpreters, keyboard accessibility, accessible documents, screen reader support, and transcripts. Auxiliary aids or services must be provided in accessible formats, in a timely manner, and in such a way to protect the privacy and independence of the individual. PHAs may never request or require that individuals with disabilities provide their own auxiliary aids or services, including for remote informal hearings.

PHAs are required to make reasonable accommodations in policies, practices, and procedures to ensure persons with disabilities have a full and equal opportunity to participate in and benefit from all aspects of the informal hearing process. See Chapter 2 for a more detailed discussion of reasonable accommodation requirements.

If no method of conducting a remote informal hearing is available that appropriately accommodates an individual's disability, the PHA may not hold against the individual their inability to participate in the remote informal hearing, and the PHA should consider whether postponing the remote hearing to a later date is appropriate or whether there is a suitable alternative.

Due to the individualized nature of disability, the appropriate auxiliary aid or service necessary, or reasonable accommodation will depend on the specific circumstances and requirements.

As with in-person reviews, Limited English Proficiency (LEP) requirements also apply to remote informal hearings, including the use of interpretation services and document translation. See Chapter 2 for a more thorough discussion of accessibility and LEP requirements, all of which apply in the context of remote informal hearings.

### **Conducting Informal Hearings Remotely**

The PHA must ensure that the lack of technology or inability to use technology for remote informal hearings does not pose a disadvantage to families that may not be apparent to the PHA. The PHA should determine through a survey or other means if these barriers exist prior to conducting the remote informal hearing and, if the family does not have the proper technology to fully participate, either postpone the informal hearing or provide an alternative means of access.

As with in-person informal hearings, the PHA must provide all materials presented, whether paper or electronic, to the family prior to the remote informal hearing. The family must also be provided with an accessible means by which to transmit their own evidence.

The PHA's essential responsibility is to ensure informal hearings meet the requirements of due process and comply with HUD regulations. Therefore, all PHA policies and processes for remote informal hearings will be conducted in accordance with due process requirements, and will be in compliance with HUD regulations at 24 CFR 982.555 and the guidance for conducting remote hearings specified in Notice PIH 2020-32.



## HACA Policy

HACA will conduct remote informal hearings via a video conferencing platform, when available. If, after attempting to resolve any barriers, participants are unable to adequately access the video conferencing platform at any point, or upon request, the informal hearing will be conducted by telephone. If the family is unable to adequately access the telephone at any point, the remote informal hearing will be postponed, and an in-person alternative will be provided promptly within a reasonable time.

As part of the notice of the informal hearing, HACA will provide the family with login information and/or conferencing call-in information and an electronic and/or physical copy of all materials being presented via first class mail and/or email. The notice will advise the family of technological requirements for the hearing and request the family notify HACA of any known barriers. HACA will resolve any barriers using the guidance in Section 6 of Notice PIH 2020-32, including offering the family the opportunity to attend an in-person hearing.

Documents will be shared electronically whenever possible.

HACA will ensure that all electronic information stored or transmitted with respect to the informal hearing is secure, including protecting personally identifiable information (PII), and meets the requirements for accessibility for persons with disabilities and persons with LEP.



### ***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, email or fax, 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.

If the informal hearing will be conducted remotely, at the time the notice is sent to the family, the family will be notified:

Regarding the processes involved in a remote informal hearing:

That, if needed, HACA will provide technical assistance prior to and during the informal hearing; and

That if the family or any individual witness has any technological, resource, or accessibility barriers preventing them from fully accessing the remote informal hearing, the family may inform HACA and HACA will assist the family in either resolving the issue or allow the family to participate in an in-person hearing, as appropriate.

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 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. If the family cannot show good cause for the failure to appear, or a rescheduling is not needed as a reasonable accommodation, HACA's decision will stand.

### ***Pre-Hearing Right to Discovery [24 CFR 982.555(e)(2)]***

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.

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

#### HACA Policy

HACA will provide all documents HACA intends to use at the hearing to the family at the time of the notice of the informal hearing. HACA will mail copies of the hearing documents to the family, the family's representative, if any, and the hearing officer at least three days before the scheduled remote informal hearing. The original hearing packet will be in the possession of the HACA representative and retained by HACA. The family will be allowed to ~~copy-request and receive~~ any additional documents the family believes are directly related to the hearing at - no cost to the family ~~a cost of \$.25 per page~~. The family must request ~~discovery of HACA~~ any additional 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.

Documents will be shared electronically whenever possible.

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. The PHA 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 the PHA, the family may not rely on the document at the hearing.

#### HACA Policy

HACA will require the family to provide any documents directly relevant to the informal hearing no later than 12:00 pm on the business day prior to the scheduled hearing. HACA will provide copies of these documents to the hearing officer and the HACA representative the same day.

Documents will be shared electronically whenever possible.

### ***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~~
- ~~• 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.~~

## ***Evidence [24 CFR 982.555(e)(5)]***

The PHA and the family each must be given the opportunity to present evidence and question any witnesses. In general, all evidence is admissible at an informal hearing. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

### **HACA Policy**

Any evidence to be considered by the hearing officer must be presented at the time of the hearing. There are four categories of evidence.

**Oral evidence:** the testimony of witnesses, the participant, HACA staff, other involved parties, etc.

**Documentary evidence:** a writing which is relevant to the case, for example, a letter written to HACA, an investigative report written by HACA's Program Integrity Officer or staff, information or documentation from other government or enforcement agencies, etc. Writings include all forms of recorded communication or representation, including but not limited to letters, words, social media, pictures, sounds, videotapes or symbols or combinations thereof, etc.

**Demonstrative evidence:** Evidence created specifically for the hearing and presented as an illustrative aid to assist the hearing officer, such as a model, a chart or other diagram.

**Real evidence:** A tangible item relating directly to the case.

Hearsay Evidence is evidence based not on a witness' personal knowledge. In and of itself, hearsay evidence carries no weight when making a finding of fact. The hearing officer may include hearsay evidence when considering their decision if it is corroborated by other evidence. Even though hearsay evidence is generally admissible in a hearing, the hearing officer will not base a hearing decision on hearsay alone unless there is clear probative value and credibility of the evidence, and the party seeking the change has met the burden of proof.

~~Hearsay Evidence is evidence of a statement that was made other than by a witness while testifying at the hearing and that is offered to prove the truth of the matter. Even though evidence, including hearsay, is generally admissible, hearsay evidence alone cannot be used as the sole basis for the hearing officer's decision.~~

If either HACA or the family fail to comply with the discovery requirements contained in this chapter, the hearing officer may refuse choose to admit such evidence.

Other than failure of a party to comply with discovery, the hearing officer has the authority to overrule any objections to evidence.

## ***Procedures for Rehearing or Further Hearing***

### **HACA Policy**

The hearing officer may ask the family for additional information and/or might adjourn the hearing in order to reconvene at a later date, before reaching a decision. If the family

misses an appointment or deadline ordered by the hearing officer, the action of HACA will take effect and another hearing will not be granted.

### ***Issuance of Decision [24 CFR 982.555(e)(6)]***

The person who conducts the hearing must issue a written decision, stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the family must be based on a preponderance of evidence presented at the hearing.

#### **HACA Policy**

In rendering a decision, the hearing officer will consider the following matters:

**HACA Notice to the Family:** The hearing officer will determine if the reasons for HACA's decision are factually stated in the notice of termination of Section 8 Assistance.

**Discovery:** The hearing officer will determine if HACA and the family were given the opportunity to examine any relevant documents in accordance with HACA policy.

**HACA Evidence to Support HACA Decision:** The evidence consists of the facts presented. Evidence is not conclusion and it is not argument. The hearing officer will evaluate the facts to determine if they support HACA's decision.

**Validity of Grounds for Termination of Assistance (when applicable):** The hearing officer will determine if the termination of assistance is for one of the grounds specified in the HUD regulations and HACA policies. If the grounds for termination are not specified in the regulations or are not in compliance with HACA policies, then the decision of HACA will be overturned.

The hearing officer will issue a written decision to HACA no later than ~~30~~10 business days after the hearing unless extended by the hearing officer. The Hearing Officer's Decision will contain the following information:

#### **Hearing information:**

Name, address, and voucher number of the participant;

Date of the hearing;

Name of the hearing officer;

Name of participant attendee(s);

Name of HACA representative(s); and

Name of family representative(s) (if any).

**Background:** A brief, impartial statement of the reason for the hearing.

**Documents and Other Physical Evidence:** The hearing officer will determine if HACA and the participant were given the timely opportunity to review any relevant documents and other physical evidence.

The hearing officer will list all of the documents and other physical evidence used in the Informal Hearing.

**Ground(s) for Termination Cited in HACA's Notice of Termination:** The hearing officer will list the ground(s) for termination cited in HACA's notice of termination of assistance and will summarize: validity as a cause for termination, specific HACA allegation(s) and evidence supporting the ground(s), participant's evidence and rebuttal(s), HACA's rebuttal(s) of participant's evidence and rebuttal(s), and evaluation of the proof of HACA's ground(s). The hearing officer will determine whether to uphold or overturn the ground(s).

**Findings of Fact:** The hearing officer will include an evaluation of the proof of HACA's ground(s), based on a preponderance of the evidence. *Preponderance of the evidence* is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

**Decision:** The hearing officer will render a decision derived from the facts that were found to be true by a preponderance of the evidence. The decision will result in a determination of whether these facts uphold HACA's decision.

The hearing decision will include a statement of whether HACA's decision is upheld or overturned. The hearing officer will submit the hearing decision to HACA's Executive Director for acceptance or rejection.

HACA's Executive Director has the final authority on whether to accept or reject the hearing officer's decision.

If the hearing officer's decision is upheld, HACA may proceed with termination. If the hearing officer's decision is overturned, the Executive Director will specify the next course of action.

**Notice of Final Decision:** HACA will mail a "Notice of Final Decision" including the Hearing Officer's Decision and an audio [or video](#) recording of the hearing to the participant. This Notice will be sent by first-class mail, postage pre-paid with an affidavit of mailing enclosed. The participant will be mailed the original "Notice of Final Decision" and a copy of the proof of mailing. A copy of the "Notice of Final Decision" along with the original proof mailing will be maintained in HACA's file.

### ***Effect of Decision [24 CFR 982.555(e)(6)(f)]***

The PHA is not bound by the decision of the hearing officer for matters in which the PHA is not required to provide an opportunity for a hearing, decisions that exceed the authority of the hearing officer, decisions that conflict with or contradict HUD regulations, requirements, or are otherwise contrary to federal, state or local laws.

If the PHA determines it is not bound by the hearing officer's decision in accordance with HUD regulations, the PHA must promptly notify the family of the determination and the reason for the determination.

#### PHA Policy

The Executive Director has the authority to determine that ~~the PHA~~HACA is not bound by the decision of the hearing officer because ~~the PHA~~HACA was not required to provide a hearing, the decision exceeded the authority of the hearing officer, the decision conflicted with or contradicted HUD regulations, requirements, or the decision was otherwise contrary to federal, state, or local laws.

In such a case, HACA will provide ~~mail~~ a "Notice of Final Decision" to ~~the PHA~~ the relevant HACA staff and will mail the notice to the participant on the same day. The "Notice of Final Decision" will be sent by first-class mail. A copy of this notice will be maintained in HACA's file.

### ***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 request and receive~~ any documents related to the hearing at ~~a no~~ cost ~~of \$.25 per page to the family~~. 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.

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, the PHA will provide competent interpretation services for the hearing, free of charge.

### ***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 provide an audio or video recording of the hearing to the participant.

Generally, HACA will not provide a transcript of an ~~audio taped~~ recorded 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.