

PHA Plans

5 Year Plan for Fiscal Years 2000 - 2004
Annual Plan for Fiscal Year 2000

**NOTE: THIS PHA PLANS TEMPLATE (HUD 50075) IS TO BE COMPLETED IN ACCORDANCE
WITH INSTRUCTIONS LOCATED IN APPLICABLE PIH NOTICES**

PHA Plan Agency Identification

PHA Name: Berkeley Housing Authority

PHA Number: CA058

PHA Fiscal Year Beginning: (mm/yyyy) 07/01/2000

Public Access to Information

Information regarding any activities outlined in this plan can be obtained by contacting: (select all that apply)

- ☒ Main administrative office of the PHA
- ☐ PHA development management offices
- ☐ PHA local offices

Display Locations For PHA Plans and Supporting Documents

The PHA Plans (including attachments) are available for public inspection at: (select all that apply)

- ☒ Main administrative office of the PHA
- ☐ PHA development management offices
- ☐ PHA local offices
- ☒ Main administrative office of the local government
- ☐ Main administrative office of the County government
- ☐ Main administrative office of the State government
- ☒ Public library
- ☐ PHA website
- ☐ Other (list below)

PHA Plan Supporting Documents are available for inspection at: (select all that apply)

- ☒ Main business office of the PHA
- ☐ PHA development management offices
- ☐ Other (list below)

5-YEAR PLAN
PHA FISCAL YEARS 2000 - 2004
[24 CFR Part 903.5]

A. Mission

State the PHA's mission for serving the needs of low-income, very low income, and extremely low-income families in the PHA's jurisdiction. (select one of the choices below)

☐ The mission of the PHA is the same as that of the Department of Housing and Urban Development: To promote adequate and affordable housing, economic opportunity and a suitable living environment free from discrimination.

☒ The PHA's mission is: (state mission here)

The mission of the Berkeley Housing Authority is to assist low and moderate-income residents to secure and maintain high quality affordable housing and to promote civic involvement and economic self-sufficiency for low income persons.

B. Goals

The goals and objectives listed below are derived from HUD's strategic Goals and Objectives and those emphasized in recent legislation. PHAs may select any of these goals and objectives as their own, or identify other goals and/or objectives. Whether selecting the HUD-suggested objectives or their own, **PHAS ARE STRONGLY ENCOURAGED TO IDENTIFY QUANTIFIABLE MEASURES OF SUCCESS IN REACHING THEIR OBJECTIVES OVER THE COURSE OF THE 5 YEARS.** (Quantifiable measures would include targets such as: numbers of families served or PHAS scores achieved.) PHAs should identify these measures in the spaces to the right of or below the stated objectives.

HUD Strategic Goal: Increase the availability of decent, safe, and affordable housing.

☒ PHA Goal: Expand the supply of assisted housing

Objectives:

☒ Apply for additional rental vouchers: 100

☐ Reduce public housing vacancies:

☒ Leverage private or other public funds to create additional housing opportunities: \$1,500,000

☐ Acquire or build units or developments

☐ Other (list below)

- ☒ PHA Goal: Improve the quality of assisted housing
Objectives:
- ☐ Improve public housing management: (PHAS score)
 - ☐ Improve voucher management: (SEMAP score)
 - ☒ Increase customer satisfaction:
 - ☐ Concentrate on efforts to improve specific management functions:
(list; e.g., public housing finance; voucher unit inspections)
 - ☒ Renovate or modernize public housing units:
 - ☐ Demolish or dispose of obsolete public housing:
 - ☐ Provide replacement public housing:
 - ☐ Provide replacement vouchers:
 - ☐ Other: (list below)

- ☒ PHA Goal: Increase assisted housing choices
Objectives:
- ☐ Provide voucher mobility counseling:
 - ☒ Conduct outreach efforts to potential voucher landlords
 - ☒ Increase voucher payment standards
 - ☐ Implement voucher homeownership program:
 - ☐ Implement public housing or other homeownership programs:
 - ☐ Implement public housing site-based waiting lists:
 - ☐ Convert public housing to vouchers:
 - ☐ Other: (list below)

HUD Strategic Goal: Improve community quality of life and economic vitality

- ☒ PHA Goal: Provide an improved living environment
Objectives:
- ☐ Implement measures to deconcentrate poverty by bringing higher income public housing households into lower income developments:
 - ☐ Implement measures to promote income mixing in public housing by assuring access for lower income families into higher income developments:
 - ☐ Implement public housing security improvements:
 - ☐ Designate developments or buildings for particular resident groups (elderly, persons with disabilities)
 - ☒ Other: (list below) **Implement Broad Range of Income, work with TANF and others to provide job training and opportunities for**

economic self-sufficiency, continue with modernization in public housing to improve quality of life.

HUD Strategic Goal: Promote self-sufficiency and asset development of families and individuals

☒ PHA Goal: Promote self-sufficiency and asset development of assisted households

Objectives:

- ☒ Increase the number and percentage of employed persons in assisted families: 25
- ☒ Provide or attract supportive services to improve assistance recipients' employability: 5 supportive services
- ☒ Provide or attract supportive services to increase independence for the elderly or families with disabilities.
- ☐ Other: (list below)

HUD Strategic Goal: Ensure Equal Opportunity in Housing for all Americans

☒ PHA Goal: Ensure equal opportunity and affirmatively further fair housing

Objectives:

- ☒ Undertake affirmative measures to ensure access to assisted housing regardless of race, color, religion national origin, sex, familial status, and disability: 5 workshops
- ☒ Undertake affirmative measures to provide a suitable living environment for families living in assisted housing, regardless of race, color, religion national origin, sex, familial status, and disability: Continuing to participate with the Property Owners Associations
- ☒ Undertake affirmative measures to ensure accessible housing to persons with all varieties of disabilities regardless of unit size required:
- ☐ Other: (list below)

Other PHA Goals and Objectives: (list below)

In addition, the Housing Authority has developed the following Strategic Goals:

1. Streamline operations to improve customer service
 - a. Review operations to keep up with needs
 - b. Review hardware and software computer systems to keep up with program requirements and regulation changes.
 - c. Implement regulatory changes as they become effective
2. Maximize affordable housing opportunities
 - a. Develop self-sufficiency opportunities for participants
 - b. Complete conversion to Voucher leases
 - c. Process incremental and special Voucher allocations
 - d. Review Voucher payment standards and assess need for increases to ensure access to units
 - e. Develop resident groups for strong neighborhoods
3. Ensure Program Integrity
4. Improve and maintain internal and external education in order to fulfill the Agency's mission
 - a. Continue to work with agencies to provide services
 - b. Seek to strengthen links between BHA and the County
 - c. Look at opportunities to increase participation between agencies for self-sufficiency activities, including child care and youth activities

Annual PHA Plan
PHA Fiscal Year 2000
[24 CFR Part 903.7]

i. Annual Plan Type:

Select which type of Annual Plan the PHA will submit.

☐ **Standard Plan**

Streamlined Plan:

- ☐ **High Performing PHA**
- ☒ **Small Agency (<250 Public Housing Units)**
- ☐ **Administering Section 8 Only**

☐ **Troubled Agency Plan**

ii. Executive Summary of the Annual PHA Plan

[24 CFR Part 903.7 9 (r)]

Provide a brief overview of the information in the Annual Plan, including highlights of major initiatives and discretionary policies the PHA has included in the Annual Plan.

The Berkeley Housing Authority (BHA) is a small housing authority that operates Section 8 and Public Housing.

As part of the Agency Plan process, the BHA has identified the following goals to meet over the next five (5) years:

1. Streamline operations
2. Maximize affordable housing opportunities
3. Ensure program integrity

4. Improve and maintain internal and external education in order to fulfill the Agency's mission

Because the BHA is a small agency, it is submitting a streamlined plan in accordance with the regulations; however, in areas of local importance, the BHA is addressing those areas, even though they are not required of small agencies.

As part of the Agency Plan process, the BHA appointed a Resident Advisory Board, including recipients of Section 8 and Public Housing assistance. The Resident Advisory Board held three (3) meetings to review and comment on components of the Agency Plan. Comments from the residents at those meetings can be found in the Plan and in the Attachments.

The BHA is committed to working with other agencies, with the community and other partners in looking at the needs of its communities and funding opportunities to make these goals a reality.

BHA is further committed to establishing a Resident Council as quickly as possible following Plan adoption to ensure maximum resident participation in BHA administered programs. Moreover, BHA will be submitting item to the BHA Board in November 2000 to detail proposal for creating the Resident Councils. Unlike the Resident Advisory Board, membership to the Resident Council is elected by Public Housing and Section 8 residents rather than appointed by the BHA Board.

iii. Annual Plan Table of Contents

[24 CFR Part 903.7 9 (r)]

Provide a table of contents for the Annual Plan, including attachments, and a list of supporting documents available for public inspection.

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Attachments

Indicate which attachments are provided by selecting all that apply. Provide the attachment's name (A, B, etc.) in the space to the left of the name of the attachment. Note: If the attachment is provided as a **SEPARATE** file submission from the PHA Plans file, provide the file name in parentheses in the space to the right of the title.

Required Attachments:

- ☒ Admissions Policy for Deconcentration
- ☐ FY 2000 Capital Fund Program Annual Statement (N/A)
- ☐ Most recent board-approved operating budget (Required Attachment for PHAs that are troubled or at risk of being designated troubled ONLY)

Optional Attachments:

- ☐ PHA Management Organizational Chart
- ☐ FY 2000 Capital Fund Program 5 Year Action Plan
- ☐ Public Housing Drug Elimination Program (PHDEP) Plan
- ☒ Comments of Resident Advisory Board or Boards (must be attached if not included in PHA Plan text)
- ☒ Other (List below, providing each attachment name)

Attachments regarding Eligibility and Selection, Rent Determination, Safety and Crime Prevention, Self-Sufficiency and draft Community Service, Home Ownership

Supporting Documents Available for Review

Indicate which documents are available for public review by placing a mark in the "Applicable & On Display" column in the appropriate rows. All listed documents must be on display if applicable to the program activities conducted by the PHA.

List of Supporting Documents Available for Review		
Applicable & On Display	Supporting Document	Applicable Plan Component
X	PHA Plan Certifications of Compliance with the PHA Plans and Related Regulations	5 Year and Annual Plans
X	State/Local Government Certification of Consistency with the Consolidated Plan	5 Year and Annual Plans
X	Fair Housing Documentation: Records reflecting that the PHA has examined its programs or proposed programs, identified any impediments to fair housing choice in those programs, addressed or is addressing those impediments in a reasonable fashion in view of the resources available, and worked or is working with local jurisdictions to implement any of the jurisdictions' initiatives to affirmatively further fair housing that require the PHA's involvement.	5 Year and Annual Plans
X	Consolidated Plan for the jurisdiction/s in which the PHA is located (which includes the Analysis of Impediments to Fair Housing Choice (AI)) and any additional backup data to support statement of housing needs in the jurisdiction	Annual Plan: Housing Needs
X	Most recent board-approved operating budget for the public housing program	Annual Plan: Financial Resources;
X	Public Housing Admissions and (Continued) Occupancy Policy (A&O), which includes the Tenant Selection and Assignment Plan [TSAP]	Annual Plan: Eligibility, Selection, and Admissions Policies
X	Section 8 Administrative Plan	Annual Plan: Eligibility, Selection, and Admissions Policies

List of Supporting Documents Available for Review		
Applicable & On Display	Supporting Document	Applicable Plan Component
X	Public Housing Deconcentration and Income Mixing Documentation: 1. PHA board certifications of compliance with deconcentration requirements (section 16(a) of the US Housing Act of 1937, as implemented in the 2/18/99 <i>Quality Housing and Work Responsibility Act Initial Guidance</i> ; Notice and any further HUD guidance) and 2. Documentation of the required deconcentration and income mixing analysis	Annual Plan: Eligibility, Selection, and Admissions Policies
X	Public housing rent determination policies, including the methodology for setting public housing flat rents <input type="checkbox"/> check here if included in the public housing A & O Policy	Annual Plan: Rent Determination
X	Schedule of flat rents offered at each public housing development <input type="checkbox"/> check here if included in the public housing A & O Policy	Annual Plan: Rent Determination
X	Section 8 rent determination (payment standard) policies <input checked="" type="checkbox"/> check here if included in Section 8 Administrative Plan	Annual Plan: Rent Determination
X	Public housing management and maintenance policy documents, including policies for the prevention or eradication of pest infestation (including cockroach infestation)	Annual Plan: Operations and Maintenance

List of Supporting Documents Available for Review		
Applicable & On Display	Supporting Document	Applicable Plan Component
X	Public housing grievance procedures <input checked="" type="checkbox"/> check here if included in the public housing A & O Policy	Annual Plan: Grievance Procedures
X	Section 8 informal review and hearing procedures <input checked="" type="checkbox"/> check here if included in Section 8 Administrative Plan	Annual Plan: Grievance Procedures
X	The HUD-approved Capital Fund/Comprehensive Grant Program Annual Statement (HUD 52837) for the active grant year	Annual Plan: Capital Needs
N/A	Most recent CIAP Budget/Progress Report (HUD 52825) for any active CIAP grant	Annual Plan: Capital Needs
X	Most recent, approved 5 Year Action Plan for the Capital Fund/Comprehensive Grant Program, if not included as an attachment (provided at PHA option)	Annual Plan: Capital Needs
N/A	Approved HOPE VI applications or, if more recent, approved or submitted HOPE VI Revitalization Plans or any other approved proposal for development of public housing	Annual Plan: Capital Needs
N/A	Approved or submitted applications for demolition and/or disposition of public housing	Annual Plan: Demolition and Disposition
N/A	Approved or submitted applications for designation of public housing (Designated Housing Plans)	Annual Plan: Designation of Public Housing
N/A	Approved or submitted assessments of reasonable revitalization of public housing and approved or submitted conversion plans prepared pursuant to section 202 of the 1996 HUD Appropriations Act	Annual Plan: Conversion of Public Housing

List of Supporting Documents Available for Review		
Applicable & On Display	Supporting Document	Applicable Plan Component
N/A	Approved or submitted public housing homeownership programs/plans	Annual Plan: Homeownership
N/A	Policies governing any Section 8 Homeownership program <input type="checkbox"/> check here if included in the Section 8 Administrative Plan	Annual Plan: Homeownership
N/A	Any cooperative agreement between the PHA and the TANF agency	Annual Plan: Community Service & Self-Sufficiency
X	FSS Action Plan/s for public housing and/or Section 8	Annual Plan: Community Service & Self-Sufficiency
X	Most recent self-sufficiency (ED/SS, TOP or ROSS or other resident services grant) grant program reports	Annual Plan: Community Service & Self-Sufficiency
X	The most recent Public Housing Drug Elimination Program (PHDEP) semi-annual performance report for any open grant and most recently submitted PHDEP application (PHDEP Plan)	Annual Plan: Safety and Crime Prevention
X	The most recent fiscal year audit of the PHA conducted under section 5(h)(2) of the U.S. Housing Act of 1937 (42 U. S.C. 1437c(h)), the results of that audit and the PHA's response to any findings	Annual Plan: Annual Audit
N/A	Troubled PHAs: MOA/Recovery Plan	Troubled PHAs
	Other supporting documents (optional) (list individually; use as many lines as necessary)	(specify as needed)

1. Statement of Housing Needs

[24 CFR Part 903.7 9 (a)]

A. Housing Needs of Families in the Jurisdiction/s Served by the PHA

Based upon the information contained in the Consolidated Plan/s applicable to the jurisdiction, and/or other data available to the PHA, provide a statement of the housing needs in the jurisdiction by completing the following table. In the "Overall" Needs column, provide the estimated number of renter families that have housing needs. For the remaining characteristics, rate the impact of that factor on the housing needs for each family type, from 1 to 5, with 1 being "no impact" and 5 being "severe impact." Use N/A to indicate that no information is available upon which the PHA can make this assessment.

Housing Needs of Families in the Jurisdiction by Family Type							
Family Type	Overall	Afford-ability	Supply	Quality	Acces-s-ibility	Size	Loca-tion
Income <= 30% of AMI	7,529	1,361	5	3	N/A	4	4
Income >30% but <=50% of AMI	4,233	721	5	3	N/A	3	4
Income >50% but <80% of AMI	3,380	346	5	3	N/A	3	4
Elderly	5,422	1,296	4	3	N/A	3	N/A
Families with Disabilities	6,081	1,778	N/A	N/A	N/A	N/A	N/A
White	44,047	1,762	N/A	N/A	N/A	N/A	N/A
Asian/Pac Islander	3,801	735	N/A	N/A	N/A	N/A	N/A
Hispanic	5,420	647	N/A	N/A	N/A	N/A	N/A
Black	18,591	1,678	N/A	N/A	N/A	N/A	N/A

What sources of information did the PHA use to conduct this analysis? (Check all that apply; all materials must be made available for public inspection.)

- ☒ Consolidated Plan of the Jurisdiction/s
Indicate year: 1995, DRAFT 2000
- ☐ U.S. Census data: the Comprehensive Housing Affordability Strategy ("CHAS") dataset
- ☐ American Housing Survey data
Indicate year:
- ☐ Other housing market study
Indicate year:
- ☐ Other sources: (list and indicate year of information)

B. Housing Needs of Families on the Public Housing and Section 8 Tenant- Based Assistance Waiting Lists

State the housing needs of the families on the PHA's waiting list/s. **Complete one table for each type of PHA-wide waiting list administered by the PHA.** PHAs may provide separate tables for site-based or sub-jurisdictional public housing waiting lists at their option.

Housing Needs of Families on the Waiting List			
Waiting list type: (select one)			
<input type="checkbox"/> Section 8 tenant-based assistance			
<input checked="" type="checkbox"/> Public Housing			
<input type="checkbox"/> Combined Section 8 and Public Housing			
<input type="checkbox"/> Public Housing Site-Based or sub-jurisdictional waiting list (optional)			
If used, identify which development/subjurisdiction:			
	# of families	% of total families	Annual Turnover
Waiting list total	4,870		5
Extremely low income <=30% AMI	3,374	69%	
Very low income (>30% but <=50% AMI)	817	17%	
Low income (>50% but <80% AMI)	61	1.3%	
Families with children	2,936	60%	
Elderly families	361	.07%	
Families with Disabilities	1,245	26%	
White	-	-	
Hispanic	-	-	
Black	-	-	
Am. Indian	-	-	
Asian/Pac. Islander	-	-	
Characteristics by Bedroom Size (Public Housing Only)			
1BR	N/A	N/A	N/A

Housing Needs of Families on the Waiting List			
2 BR	N/A	N/A	N/A
3 BR	2,217	46%	4
4 BR	1,133	23%	1
5 BR	N/A	N/A	N/A
5+ BR	N/A	N/A	N/A
Is the waiting list closed (select one)? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If yes: How long has it been closed (# of months)? 9 months Does the PHA expect to reopen the list in the PHA Plan year? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Does the PHA permit specific categories of families onto the waiting list, even if generally closed? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			

Housing Needs of Families on the Waiting List			
Waiting list type: (select one) <input checked="" type="checkbox"/> Section 8 tenant-based assistance <input type="checkbox"/> Public Housing <input type="checkbox"/> Combined Section 8 and Public Housing <input type="checkbox"/> Public Housing Site-Based or sub-jurisdictional waiting list (optional) If used, identify which development/subjurisdiction:			
	# of families	% of total families	Annual Turnover
Waiting list total	4,673		125
Extremely low income <=30% AMI	3,241	69%	
Very low income (>30% but <=50% AMI)	774	18%	
Low income (>50% but <80% AMI)	60	1.3%	
Families with children	2,792	60%	
Elderly families	355	7.6%	
Families with Disabilities	1,207	25.8%	
White	-	-	

Housing Needs of Families on the Waiting List			
Hispanic	-	-	
Black	-	-	
Am. Indian	-	-	
Asian/Pac. Islander	-	-	
Characteristics by Bedroom Size (Public Housing Only)			
1 BR			
2 BR			
3 BR			
4 BR			
5 BR			
5+ BR			
<p>Is the waiting list closed (select one)? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes</p> <p>If yes:</p> <p>How long has it been closed (# of months)? 9 months</p> <p>Does the PHA expect to reopen the list in the PHA Plan year? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes</p> <p>Does the PHA permit specific categories of families onto the waiting list, even if generally closed? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes</p>			

C. Strategy for Addressing Needs

Provide a brief description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list **IN THE UPCOMING YEAR**, and the Agency's reasons for choosing this strategy.

(1) Strategies

Need: Shortage of affordable housing for all eligible populations

Strategy 1. Maximize the number of affordable units available to the PHA within its current resources by:

Select all that apply

- ☒ Employ effective maintenance and management policies to minimize the number of public housing units off-line
- ☐ Reduce turnover time for vacated public housing units

- ☐ Reduce time to renovate public housing units
- ☐ Seek replacement of public housing units lost to the inventory through mixed finance development
- ☐ Seek replacement of public housing units lost to the inventory through section 8 replacement housing resources
- ☒ Maintain or increase section 8 lease-up rates by establishing payment standards that will enable families to rent throughout the jurisdiction
- ☐ Undertake measures to ensure access to affordable housing among families assisted by the PHA, regardless of unit size required
- ☒ Maintain or increase section 8 lease-up rates by marketing the program to owners, particularly those outside of areas of minority and poverty concentration
- ☐ Maintain or increase section 8 lease-up rates by effectively screening Section 8 applicants to increase owner acceptance of program
- ☒ Participate in the Consolidated Plan development process to ensure coordination with broader community strategies
- ☐ Other (list below)

Strategy 2: Increase the number of affordable housing units by:

Select all that apply

- ☒ Apply for additional section 8 units should they become available
- ☒ Leverage affordable housing resources in the community through the creation of mixed - finance housing
- ☒ Pursue housing resources other than public housing or Section 8 tenant-based assistance.
- ☒ Other: (list below) Pursue a program of "Shared Housing" for Section 8 tenants.

Need: Specific Family Types: Families at or below 30% of median

Strategy 1: Target available assistance to families at or below 30 % of AMI

Select all that apply

- ☐ Exceed HUD federal targeting requirements for families at or below 30% of AMI in public housing
- ☐ Exceed HUD federal targeting requirements for families at or below 30% of AMI in tenant-based section 8 assistance
- ☐ Employ admissions preferences aimed at families with economic hardships
- ☒ Adopt rent policies to support and encourage work
- ☐ Other: (list below)

Need: Specific Family Types: Families at or below 50% of median

Strategy 1: Target available assistance to families at or below 50% of AMI

Select all that apply

- ☐ Employ admissions preferences aimed at families who are working
- ☒ Adopt rent policies to support and encourage work
- ☐ Other: (list below)

Need: Specific Family Types: The Elderly

Strategy 1: Target available assistance to the elderly:

Select all that apply

- ☐ Seek designation of public housing for the elderly
- ☒ Apply for special-purpose vouchers targeted to the elderly, should they become available
- ☐ Other: (list below)

Need: Specific Family Types: Families with Disabilities

Strategy 1: Target available assistance to Families with Disabilities:

Select all that apply

- ☐ Seek designation of public housing for families with disabilities
- ☒ Carry out the modifications needed in public housing based on the section 504 Needs Assessment for Public Housing
- ☒ Apply for special-purpose vouchers targeted to families with disabilities, should they become available
- ☒ Affirmatively market to local non-profit agencies that assist families with disabilities
- ☐ Other: (list below)

Need: Specific Family Types: Races or ethnicities with disproportionate housing needs

Strategy 1: Increase awareness of PHA resources among families of races and ethnicities with disproportionate needs:

Select if applicable

- ☐ Affirmatively market to races/ethnicities shown to have disproportionate housing needs
- ☐ Other: (list below)

Strategy 2: Conduct activities to affirmatively further fair housing

Select all that apply

- ☒ Counsel section 8 tenants as to location of units outside of areas of poverty or minority concentration and assist them to locate those units
- ☒ Market the section 8 program to owners outside of areas of poverty /minority concentrations
- ☐ Other: (list below)

Other Housing Needs & Strategies: (list needs and strategies below)

(2) Reasons for Selecting Strategies

Of the factors listed below, select all that influenced the PHA's selection of the strategies it will pursue:

- ☒ Funding constraints
- ☒ Staffing constraints
- ☒ Limited availability of sites for assisted housing
- ☐ Extent to which particular housing needs are met by other organizations in the community
- ☒ Evidence of housing needs as demonstrated in the Consolidated Plan and other information available to the PHA
- ☒ Influence of the housing market on PHA programs
- ☒ Community priorities regarding housing assistance
- ☒ Results of consultation with local or state government
- ☒ Results of consultation with residents and the Resident Advisory Board
- ☒ Results of consultation with advocacy groups
- ☐ Other: (list below)

2. Statement of Financial Resources

[24 CFR Part 903.7 9 (b)]

List the financial resources that are anticipated to be available to the PHA for the support of Federal public housing and tenant-based Section 8 assistance programs administered by the PHA during the Plan year. Note: the table assumes that Federal public housing or tenant based Section 8 assistance grant funds are expended on eligible purposes; therefore, uses of these funds need not be stated. For other funds, indicate the use for those funds as one of the following categories: public housing operations, public housing capital improvements, public housing safety/security, public housing supportive services, Section 8 tenant-based assistance, Section 8 supportive services or other.

Financial Resources: Planned Sources and Uses		
Sources	Planned \$	Planned Uses
1. Federal Grants (FY 2000 grants)		
a) Public Housing Operating Fund	67,931	
b) Public Housing Capital Fund		
c) HOPE VI Revitalization		
d) HOPE VI Demolition		
e) Annual Contributions for Section 8 Tenant-Based Assistance	14,534,754	
f) Public Housing Drug Elimination Program (including any Technical Assistance funds)		
g) Resident Opportunity and Self-Sufficiency Grants	23,175	
h) Community Development Block Grant		

Financial Resources: Planned Sources and Uses		
Sources	Planned \$	Planned Uses
i) HOME		
Other Federal Grants (list below)		
CIAP, 96-99	156,873	Public Housing Capital Improvements
2. Prior Year Federal Grants (unobligated funds only) (list below)		
3. Public Housing Dwelling Rental Income	185,700	Operations
4. Other income (list below)		
Interest Income	30,000	Operations
Misc. Charges	26,714	Operations
4. Non-federal sources (list below)		
RHCP Annuity	49,096	
Total resources	15,099,934	

3. PHA Policies Governing Eligibility, Selection, and Admissions

[24 CFR Part 903.7 9 (c)]

A. Public Housing

Exemptions: PHAs that do not administer public housing are not required to complete subcomponent 3A.

(1) Eligibility

a. When does the PHA verify eligibility for admission to public housing? (select all that apply)

- ☐ When families are within a certain number of being offered a unit: (state number)
☒ When families are within a certain time of being offered a unit: Three months
☐ Other: (describe)

b. Which non-income (screening) factors does the PHA use to establish eligibility for admission to public housing (select all that apply)?

- ☒ Criminal or Drug-related activity
☒ Rental history
☒ Housekeeping
☐ Other (describe)

c. ☒ Yes ☐ No: Does the PHA request criminal records from local law enforcement agencies for screening purposes?

d. ☐ Yes ☒ No: Does the PHA request criminal records from State law enforcement agencies for screening purposes?

e. ☐ Yes ☒ No: Does the PHA access FBI criminal records from the FBI for screening purposes? (either directly or through an NCIC-authorized source)

(2)Waiting List Organization

a. Which methods does the PHA plan to use to organize its public housing waiting list (select all that apply)

- ☒ Community-wide list
☐ Sub-jurisdictional lists
☐ Site-based waiting lists
☐ Other (describe)

b. Where may interested persons apply for admission to public housing?

- ☒ PHA main administrative office
☐ PHA development site management office
☒ Other (list below)

PHA local office

c. If the PHA plans to operate one or more site-based waiting lists in the coming year, answer each of the following questions; if not, skip to subsection **(3) Assignment**

1. How many site-based waiting lists will the PHA operate in the coming year?

2. ☐ Yes ☐ No: Are any or all of the PHA's site-based waiting lists new for the upcoming year (that is, they are not part of a previously-HUD-approved site based waiting list plan)?
If yes, how many lists?
3. ☐ Yes ☐ No: May families be on more than one list simultaneously
If yes, how many lists?
4. Where can interested persons obtain more information about and sign up to be on the site-based waiting lists (select all that apply)?
- ☐ PHA main administrative office
 - ☐ All PHA development management offices
 - ☐ Management offices at developments with site-based waiting lists
 - ☐ At the development to which they would like to apply
 - ☐ Other (list below)

(3) Assignment

- a. How many vacant unit choices are applicants ordinarily given before they fall to the bottom of or are removed from the waiting list? (select one)

- ☒ One
☐ Two
☐ Three or More

- b. ☒ Yes ☐ No: Is this policy consistent across all waiting list types?

1. If answer to b is no, list variations for any other than the primary public housing waiting list/s for the PHA:

(4) Admissions Preferences

- a. Income targeting:

- ☐ Yes ☒ No: Does the PHA plan to exceed the federal targeting requirements by targeting more than 40% of all new admissions to public housing to families at or below 30% of median area income?

b. Transfer policies:

In what circumstances will transfers take precedence over new admissions? (list below)

- ☒ Emergencies
- ☐ Overhoused
- ☐ Underhoused
- ☒ Medical justification
- ☒ Administrative reasons determined by the PHA (e.g., to permit modernization work)
- ☐ Resident choice: (state circumstances below)
- ☐ Other: (list below)

c. Preferences

1. ☒ Yes ☐ No: Has the PHA established preferences for admission to public housing (other than date and time of application)? (If "no" is selected, skip to subsection **(5) Occupancy**)

2. Which of the following admission preferences does the PHA plan to employ in the coming year? (select all that apply from either former Federal preferences or other preferences)

Former Federal preferences:

- ☐ Involuntary Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition)
- ☐ Victims of domestic violence
- ☐ Substandard housing
- ☐ Homelessness
- ☐ High rent burden (rent is > 50 percent of income)

Other preferences: (select below)

- ☒ Working families and those unable to work because of age or disability
- ☒ Veterans and veterans' families
- ☒ Residents who live and/or work in the jurisdiction
- ☐ Those enrolled currently in educational, training, or upward mobility programs
- ☒ Households that contribute to meeting income goals (broad range of incomes)
- ☒ Households that contribute to meeting income requirements (targeting)
- ☐ Those previously enrolled in educational, training, or upward mobility programs
- ☐ Victims of reprisals or hate crimes
- ☐ Other preference(s) (list below)

3. If the PHA will employ admissions preferences, please prioritize by placing a "1" in the space that represents your first priority, a "2" in the box representing your second priority, and so on. If you give equal weight to one or more of these choices (either through an absolute hierarchy or through a point system), place the same number next to each. That means you can use "1" more than once, "2" more than once, etc.

within ranking categories:

Date and Time

Broad Range of Income

Former Federal preferences:

Involuntary Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition) **Given equal weight**

Victims of domestic violence

Substandard housing

Homelessness

High rent burden

Other preferences (select all that apply)

- ☒ Working families and those unable to work because of age or disability **(2)**
- ☒ Veterans and veterans' families **(2)**
- ☒ Residents who live and/or work in the jurisdiction **(1)**
- ☐ Those enrolled currently in educational, training, or upward mobility programs
- ☒ Households that contribute to meeting income goals (broad range of incomes) **(2)**
- ☒ Households that contribute to meeting income requirements (targeting) **(2)**
- ☐ Those previously enrolled in educational, training, or upward mobility programs
- ☐ Victims of reprisals or hate crimes
- ☒ Other preference(s) (list below)

Homeless

4. Relationship of preferences to income targeting requirements:

- ☐ The PHA applies preferences within income tiers
- ☒ Not applicable: the pool of applicant families ensures that the PHA will meet income targeting requirements

(5) Occupancy

a. What reference materials can applicants and residents use to obtain information about the rules of occupancy of public housing (select all that apply)

- ☒ The PHA-resident lease
- ☒ The PHA's Admissions and (Continued) Occupancy policy
- ☒ PHA briefing seminars or written materials
- ☐ Other source (list)

b. How often must residents notify the PHA of changes in family composition? (select all that apply)

- ☒ At an annual reexamination and lease renewal
- ☒ Any time family composition changes
- ☒ At family request for revision
- ☐ Other (list)

(6) Deconcentration and Income Mixing

a. ☐ Yes ☒ No: Did the PHA's analysis of its family (general occupancy) developments to determine concentrations of poverty indicate the need for measures to promote deconcentration of poverty or income mixing?

b. ☐ Yes ☒ No: Did the PHA adopt any changes to its **admissions policies** based on the results of the required analysis of the need to promote deconcentration of poverty or to assure income mixing?

c. If the answer to b was yes, what changes were adopted? (select all that apply)

- ☐ Adoption of site-based waiting lists
If selected, list targeted developments below:
- ☐ Employing waiting list "skipping" to achieve deconcentration of poverty or income mixing goals at targeted developments
If selected, list targeted developments below:
- ☐ Employing new admission preferences at targeted developments
If selected, list targeted developments below:
- ☐ Other (list policies and developments targeted below)

d. ☐ Yes ☒ No: Did the PHA adopt any changes to **other** policies based on the results of the required analysis of the need for deconcentration of poverty and income mixing?

e. If the answer to d was yes, how would you describe these changes? (select all that apply)

- ☐ Additional affirmative marketing
- ☐ Actions to improve the marketability of certain developments
- ☐ Adoption or adjustment of ceiling rents for certain developments
- ☐ Adoption of rent incentives to encourage deconcentration of poverty and income-mixing
- ☐ Other (list below)

f. Based on the results of the required analysis, in which developments will the PHA make special efforts to attract or retain higher-income families? (select all that apply)

- ☒ Not applicable: results of analysis did not indicate a need for such efforts
- ☐ List (any applicable) developments below:

g. Based on the results of the required analysis, in which developments will the PHA make special efforts to assure access for lower-income families? (select all that apply)

- ☒ Not applicable: results of analysis did not indicate a need for such efforts
- ☐ List (any applicable) developments below:

B. Section 8

Exemptions: PHAs that do not administer section 8 are not required to complete sub-component 3B.

Unless otherwise specified, all questions in this section apply only to the tenant-based section 8 assistance program (vouchers, and until completely merged into the voucher program, certificates).

(1) Eligibility

a. What is the extent of screening conducted by the PHA? (select all that apply)

- ☒ Criminal or drug-related activity only to the extent required by law or regulation
- ☐ Criminal and drug-related activity, more extensively than required by law or regulation
- ☐ More general screening than criminal and drug-related activity (list factors below)

☐ Other (list below)

b. ☒ Yes ☐ No: Does the PHA request criminal records from local law enforcement agencies for screening purposes?

c. ☐ Yes ☒ No: Does the PHA request criminal records from State law enforcement agencies for screening purposes?

d. ☐ Yes ☒ No: Does the PHA access FBI criminal records from the FBI for screening purposes? (either directly or through an NCIC-authorized source)

e. Indicate what kinds of information you share with prospective landlords? (select all that apply)

☐ Criminal or drug-related activity

☐ Other (describe below)

(2) Waiting List Organization

a. With which of the following program waiting lists is the section 8 tenant-based assistance waiting list merged? (select all that apply)

☒ None

☐ Federal public housing

☐ Federal moderate rehabilitation

☒ Federal project-based certificate program

☐ Other federal or local program (list below)

b. Where may interested persons apply for admission to section 8 tenant-based assistance? (select all that apply)

☒ PHA main administrative office

☐ Other (list below)

(3) Search Time

a. ☒ Yes ☐ No: Does the PHA give extensions on standard 60-day period to search for a unit?

If yes, state circumstances below:

When a household is actively seeking housing or to accommodate a disabled household

(4) Admissions Preferences

a. Income targeting

- ☐ Yes ☒ No: Does the PHA plan to exceed the federal targeting requirements by targeting more than 75% of all new admissions to the section 8 program to families at or below 30% of median area income?

b. Preferences

1. ☒ Yes ☐ No: Has the PHA established preferences for admission to section 8 tenant-based assistance? (other than date and time of application) (if no, skip to subcomponent **(5) Special purpose section 8 assistance programs**)
2. Which of the following admission preferences does the PHA plan to employ in the coming year? (select all that apply from either former Federal preferences or other preferences)

Former Federal preferences

- ☒ Involuntary Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition)
- ☒ Victims of domestic violence
- ☐ Substandard housing
- ☒ Homelessness
- ☐ High rent burden (rent is > 50 percent of income)

Other preferences (select all that apply)

- ☒ Working families and those unable to work because of age or disability
- ☒ Veterans and veterans' families
- ☒ Residents who live and/or work in your jurisdiction
- ☒ Those enrolled currently in educational, training, or upward mobility programs
- ☐ Households that contribute to meeting income goals (broad range of incomes)
- ☒ Households that contribute to meeting income requirements (targeting)
- ☒ Those previously enrolled in educational, training, or upward mobility programs
- ☒ Victims of reprisals or hate crimes
- ☒ Other preference(s) (list below)

Families where at least one family member is disabled

3. If the PHA will employ admissions preferences, please prioritize by placing a “1” in the space that represents your first priority, a “2” in the box representing your second priority, and so on. If you give equal weight to one or more of these choices (either through an absolute hierarchy or through a point system), place the same number next to each. That means you can use “1” more than once, “2” more than once, etc.

Within ranking categories:

Former Federal preferences

- 2 Involuntary Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition) **given equal weight**
- 2 Victims of domestic violence
- Substandard housing
- 2 Homelessness
- High rent burden

Federal Preferences are given equal ranking

Other preferences (select all that apply)

- ☐ Working families and those unable to work because of age or disability
- ☒ Veterans and veterans' families
- ☒ Residents who live and/or work in your jurisdiction
- ☐ Those enrolled currently in educational, training, or upward mobility programs
- ☐ Households that contribute to meeting income goals (broad range of incomes)
- ☐ Households that contribute to meeting income requirements (targeting)
- ☐ Those previously enrolled in educational, training, or upward mobility programs
- ☐ Victims of reprisals or hate crimes
- ☐ Other preference(s) (list below)

4. Among applicants on the waiting list with equal preference status, how are applicants selected? (select one)

- ☐ Date and time of application
- ☒ Drawing (lottery) or other random choice technique

5. If the PHA plans to employ preferences for “residents who live and/or work in the jurisdiction” (select one)

- ☒ This preference has previously been reviewed and approved by HUD
☐ The PHA requests approval for this preference through this PHA Plan

6. Relationship of preferences to income targeting requirements: (select one)

- ☐ The PHA applies preferences within income tiers
☒ Not applicable: the pool of applicant families ensures that the PHA will meet income targeting requirements

(5) Special Purpose Section 8 Assistance Programs

a. In which documents or other reference materials are the policies governing eligibility, selection, and admissions to any special-purpose section 8 program administered by the PHA contained? (select all that apply)

- ☒ The Section 8 Administrative Plan
☒ Briefing sessions and written materials
☐ Other (list below)

b. How does the PHA announce the availability of any special-purpose section 8 programs to the public?

- ☒ Through published notices
☐ Other (list below)

4. PHA Rent Determination Policies

[24 CFR Part 903.7 9 (d)]

A. Public Housing

Exemptions: PHAs that do not administer public housing are not required to complete sub-component 4A.

(1) Income Based Rent Policies

Describe the PHA's income based rent setting policy/ies for public housing using, including discretionary (that is, not required by statute or regulation) income disregards and exclusions, in the appropriate spaces below.

a. Use of discretionary policies: (select one)

- ☐ The PHA will not employ any discretionary rent-setting policies for income based rent in public housing. Income-based rents are set at the higher of 30% of adjusted monthly income, 10% of unadjusted monthly income, the welfare rent, or minimum rent (less HUD mandatory deductions and exclusions). (If selected, skip to sub-component (2))

---or---

- ☒ The PHA employs discretionary policies for determining income based rent (If selected, continue to question b.)

b. Minimum Rent

1. What amount best reflects the PHA's minimum rent? (select one)

- ☐ \$0
☐ \$1-\$25
☒ \$26-\$50

2. ☒ Yes ☐ No: Has the PHA adopted any discretionary minimum rent hardship exemption policies?

3. If yes to question 2, list these policies below:

Family is required to provide proof of hardship, generally as a result of loss of employment and pending receipt of benefits from sources such as unemployment, TANF, or Worker's Compensation

c. Rents set at less than 30% than adjusted income

1. ☒ Yes ☐ No: Does the PHA plan to charge rents at a fixed amount or percentage less than 30% of adjusted income?

2. If yes to above, list the amounts or percentages charged and the circumstances under which these will be used below:

d. Which of the discretionary (optional) deductions and/or exclusions policies does the PHA plan to employ (select all that apply)

- ☒ For the earned income of a previously unemployed household member
☒ For increases in earned income

- ☐ Fixed amount (other than general rent-setting policy)
If yes, state amount/s and circumstances below:
- ☐ Fixed percentage (other than general rent-setting policy)
If yes, state percentage/s and circumstances below:
- ☒ For household heads
- ☒ For other family members
- ☐ For transportation expenses
- ☐ For the non-reimbursed medical expenses of non-disabled or non-elderly families
- ☐ Other (describe below)

e. Ceiling rents

1. Do you have ceiling rents? (rents set at a level lower than 30% of adjusted income)
(select one)

- ☐ Yes for all developments
- ☐ Yes but only for some developments
- ☒ No

2. For which kinds of developments are ceiling rents in place? (select all that apply)

- ☐ For all developments
- ☐ For all general occupancy developments (not elderly or disabled or elderly only)
- ☐ For specified general occupancy developments
- ☐ For certain parts of developments; e.g., the high-rise portion
- ☐ For certain size units; e.g., larger bedroom sizes
- ☐ Other (list below)

3. Select the space or spaces that best describe how you arrive at ceiling rents (select all that apply)

- ☐ Market comparability study
- ☐ Fair market rents (FMR)
- ☐ 95th percentile rents
- ☐ 75 percent of operating costs
- ☐ 100 percent of operating costs for general occupancy (family) developments
- ☐ Operating costs plus debt service

- ☐ The "rental value" of the unit
☐ Other (list below)

f. Rent re-determinations:

1. Between income reexaminations, how often must tenants report changes in income or family composition to the PHA such that the changes result in an adjustment to rent? (select all that apply)

- ☐ Never
☐ At family option
☒ Any time the family experiences an income increase
☐ Any time a family experiences an income increase above a threshold amount or percentage: (if selected, specify threshold)_____
☐ Other (list below)

- g. ☐ Yes ☒ No: Does the PHA plan to implement individual savings accounts for residents (ISAs) as an alternative to the required 12 month disallowance of earned income and phasing in of rent increases in the next year?

(2) Flat Rents

1. In setting the market-based flat rents, what sources of information did the PHA use to establish comparability? (select all that apply.)

- ☒ The section 8 rent reasonableness study of comparable housing
☐ Survey of rents listed in local newspaper
☒ Survey of similar unassisted units in the neighborhood
☐ Other (list/describe below)

B. Section 8 Tenant-Based Assistance

Exemptions: PHAs that do not administer Section 8 tenant-based assistance are not required to complete sub-component 4B. **Unless otherwise specified, all questions in this section apply only to the tenant-based section 8 assistance program (vouchers, and until completely merged into the voucher program, certificates).**

(1) Payment Standards

Describe the voucher payment standards and policies.

a. What is the PHA's payment standard? (select the category that best describes your standard)

- ☐ At or above 90% but below 100% of FMR
- ☐ 100% of FMR
- ☐ Above 100% but at or below 110% of FMR
- ☒ Above 110% of FMR (if HUD approved; describe circumstances below)

b. If the payment standard is lower than FMR, why has the PHA selected this standard? (select all that apply)

- ☐ FMRs are adequate to ensure success among assisted families in the PHA's segment of the FMR area
- ☐ The PHA has chosen to serve additional families by lowering the payment standard
- ☐ Reflects market or submarket
- ☐ Other (list below)

c. If the payment standard is higher than FMR, why has the PHA chosen this level? (select all that apply)

- ☒ FMRs are not adequate to ensure success among assisted families in the PHA's segment of the FMR area
- ☐ Reflects market or submarket
- ☐ To increase housing options for families
- ☐ Other (list below)

d. How often are payment standards reevaluated for adequacy? (select one)

- ☒ Annually
- ☐ Other (list below)

e. What factors will the PHA consider in its assessment of the adequacy of its payment standard? (select all that apply)

- ☒ Success rates of assisted families
- ☒ Rent burdens of assisted families
- ☐ Other (list below)

(2) Minimum Rent

a. What amount best reflects the PHA's minimum rent? (select one)

- ☐ \$0
- ☐ \$1-\$25

☒ \$26-\$50

b. ☐ Yes ☒ No: Has the PHA adopted any discretionary minimum rent hardship exemption policies? (if yes, list below)

5. Operations and Management

[24 CFR Part 903.7 9 (e)]

Exemptions from Component 5: High performing and small PHAs are not required to complete this section. Section 8 only PHAs must complete parts A, B, and C(2)

N/A High Performing PHA

A. PHA Management Structure

Describe the PHA's management structure and organization.

(select one)

- ☒ An organization chart showing the PHA's management structure and organization is attached.
- ☐ A brief description of the management structure and organization of the PHA follows:

B. HUD Programs Under PHA Management

List Federal programs administered by the PHA, number of families served at the beginning of the upcoming fiscal year, and expected turnover in each. (Use "NA" to indicate that the PHA does not operate any of the programs listed below.)

Program Name	Units or Families Served at Year Beginning	Expected Turnover
Public Housing	56	1
Section 8 Vouchers	318	
Section 8 Certificates	1,068	1,068 (transition to Voucher)
Section 8 Mod Rehab	98	1
Special Purpose Section 8 Certificates/Vouchers (list individually)		

Public Housing Drug Elimination Program (PHDEP)		
Other Federal Programs(list individually)		

C. Management and Maintenance Policies

List the PHA's public housing management and maintenance policy documents, manuals and handbooks that contain the Agency's rules, standards, and policies that govern maintenance and management of public housing, including a description of any measures necessary for the prevention or eradication of pest infestation (which includes cockroach infestation) and the policies governing Section 8 management.

- (1) Public Housing Maintenance and Management: (list below)

Preventative Maintenance Plan and Resident Handbook

- (2) Section 8 Management: (list below)

Administrative Plan

6. PHA Grievance Procedures

[24 CFR Part 903.7 9 (f)]

Exemptions from component 6: High performing PHAs are not required to complete component 6. Section 8-Only PHAs are exempt from sub-component 6A.

N/A High Performing PHA

A. Public Housing

1. ☐ Yes ☒ No: Has the PHA established any written grievance procedures in addition to federal requirements found at 24 CFR Part 966, Subpart B, for residents of public housing?

If yes, list additions to federal requirements below:

2. Which PHA office should residents or applicants to public housing contact to initiate the PHA grievance process? (select all that apply)

- ☒ PHA main administrative office
☐ PHA development management offices
☐ Other (list below)

B. Section 8 Tenant-Based Assistance

1. ☐ Yes ☒ No: Has the PHA established informal review procedures for applicants to the Section 8 tenant-based assistance program and informal hearing procedures for families assisted by the Section 8 tenant-based assistance program in addition to federal requirements found at 24 CFR 982?

If yes, list additions to federal requirements below:

2. Which PHA office should applicants or assisted families contact to initiate the informal review and informal hearing processes? (select all that apply)

- ☒ PHA main administrative office
☐ Other (list below)

7. Capital Improvement Needs

[24 CFR Part 903.7 9 (g)]

Exemptions from Component 7: Section 8 only PHAs are not required to complete this component and may skip to Component 8.

A. Capital Fund Activities

Exemptions from sub-component 7A: PHAs that will not participate in the Capital Fund Program may skip to component 7B. All other PHAs must complete 7A as instructed.

(1) Capital Fund Program Annual Statement

Using parts I, II, and III of the Annual Statement for the Capital Fund Program (CFP), identify capital activities the PHA is proposing for the upcoming year to ensure long-term physical and social viability of its public housing developments. This statement can be completed by using the CFP Annual Statement tables provided in the table library at the end of the PHA Plan template **OR**, at the PHA's option, by completing and attaching a properly updated HUD-52837.

Select one: ***N/A, Small Agency***

☒ The Capital Fund Program Annual Statement is provided as an attachment to the PHA Plan at Attachment (state name) **Capital Fund**

-or-

☐ The Capital Fund Program Annual Statement is provided below: (if selected, copy the CFP Annual Statement from the Table Library and insert here)

(2) Optional 5-Year Action Plan

Agencies are encouraged to include a 5-Year Action Plan covering capital work items. This statement can be completed by using the 5 Year Action Plan table provided in the table library at the end of the PHA Plan template **OR** by completing and attaching a properly updated HUD-52834.

a. ☐ Yes ☒ No: Is the PHA providing an optional 5-Year Action Plan for the Capital Fund? (if no, skip to sub-component 7B)

b. If yes to question a, select one:

☐ The Capital Fund Program 5-Year Action Plan is provided as an attachment to the PHA Plan at Attachment (state name)

-or-

- ☐ The Capital Fund Program 5-Year Action Plan is provided below: (if selected, copy the CFP optional 5 Year Action Plan from the Table Library and insert here)

B. HOPE VI and Public Housing Development and Replacement Activities (Non-Capital Fund)

Applicability of sub-component 7B: All PHAs administering public housing. Identify any approved HOPE VI and/or public housing development or replacement activities not described in the Capital Fund Program Annual Statement.

- ☐ Yes ☒ No: a) Has the PHA received a HOPE VI revitalization grant? (if no, skip to question c; if yes, provide responses to question b for each grant, copying and completing as many times as necessary)
b) Status of HOPE VI revitalization grant (complete one set of questions for each grant)

1. Development name:
2. Development (project) number:
3. Status of grant: (select the statement that best describes the current status)
 - ☐ Revitalization Plan under development
 - ☐ Revitalization Plan submitted, pending approval
 - ☐ Revitalization Plan approved
 - ☐ Activities pursuant to an approved Revitalization Plan underway

- ☐ Yes ☒ No: c) Does the PHA plan to apply for a HOPE VI Revitalization grant in the Plan year?
If yes, list development name/s below:

- ☐ Yes ☒ No: d) Will the PHA be engaging in any mixed-finance development activities for public housing in the Plan year?
If yes, list developments or activities below:

- ☐ Yes ☒ No: e) Will the PHA be conducting any other public housing development or replacement activities not discussed in the Capital Fund Program Annual Statement?
If yes, list developments or activities below:

8. Demolition and Disposition

[24 CFR Part 903.7 9 (h)]

Applicability of component 8: Section 8 only PHAs are not required to complete this section.

1. ☐ Yes ☒ No: Does the PHA plan to conduct any demolition or disposition activities (pursuant to section 18 of the U.S. Housing Act of 1937 (42 U.S.C. 1437p)) in the plan Fiscal Year? (If “No”, skip to component 9; if “yes”, complete one activity description for each development.)

2. Activity Description—**N/A**

- ☐ Yes ☐ No: Has the PHA provided the activities description information in the **optional** Public Housing Asset Management Table? (If “yes”, skip to component 9. If “No”, complete the Activity Description table below.)

Demolition/Disposition Activity Description
1a. Development name: 1b. Development (project) number:
2. Activity type: Demolition <input type="checkbox"/> Disposition <input type="checkbox"/>
3. Application status (select one) Approved <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input type="checkbox"/>
4. Date application approved, submitted, or planned for submission: (DD/MM/YY)
5. Number of units affected: 6. Coverage of action (select one) <input type="checkbox"/> Part of the development <input type="checkbox"/> Total development
7. Timeline for activity: a. Actual or projected start date of activity: b. Projected end date of activity:

9. Designation of Public Housing for Occupancy by Elderly Families or Families with Disabilities or Elderly Families and Families with Disabilities

[24 CFR Part 903.7 9 (i)]

Exemptions from Component 9; Section 8 only PHAs are not required to complete this section.

1. ☐ Yes ☒ No: Has the PHA designated or applied for approval to designate or does the PHA plan to apply to designate any public housing for occupancy only by the elderly families or only by families with disabilities, or by elderly families and families with disabilities or will apply for designation for occupancy by only elderly families or only families with disabilities, or by elderly families and families with disabilities as provided by section 7 of the U.S. Housing Act of 1937 (42 U.S.C. 1437e) in the upcoming fiscal year? (If “No”, skip to component 10. If “yes”, complete one activity description for each development, unless the PHA is eligible to complete a streamlined submission; PHAs completing streamlined submissions may skip to component 10.)

2. Activity Description—**N/A**

- ☐ Yes ☐ No: Has the PHA provided all required activity description information for this component in the **optional** Public Housing Asset Management Table? If “yes”, skip to component 10. If “No”, complete the Activity Description table below.

Designation of Public Housing Activity Description
1a. Development name: Winston Gardens
1b. Development (project) number: 043-010
2. Designation type: Occupancy by only the elderly <input type="checkbox"/> Occupancy by families with disabilities <input type="checkbox"/> Occupancy by only elderly families and families with disabilities <input type="checkbox"/>

3. Application status (select one) Approved; included in the PHA's Designation Plan <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input type="checkbox"/>
4. Date this designation approved, submitted, or planned for submission: <u>8/1/1982</u>
5. If approved, will this designation constitute a (select one) N/A <input type="checkbox"/> New Designation Plan <input type="checkbox"/> Revision of a previously-approved Designation Plan?
6. Number of units affected: 62 7. Coverage of action (select one) <input type="checkbox"/> Part of the development <input type="checkbox"/> Total development

10. Conversion of Public Housing to Tenant-Based Assistance

[24 CFR Part 903.7 9 (j)]

Exemptions from Component 10; Section 8 only PHAs are not required to complete this section.

A. Assessments of Reasonable Revitalization Pursuant to section 202 of the HUD FY 1996 HUD Appropriations Act

1. ☐ Yes ☒ No: Have any of the PHA's developments or portions of developments been identified by HUD or the PHA as covered under section 202 of the HUD FY 1996 HUD Appropriations Act? (If "No", skip to component 11; if "yes", complete one activity description for each identified development, unless eligible to complete a streamlined submission. PHAs completing streamlined submissions may skip to component 11.)

2. Activity Description—N/A

- ☐ Yes ☐ No: Has the PHA provided all required activity description information for this component in the **optional** Public Housing Asset Management Table? If "yes", skip to component 11. If "No", complete the Activity Description table below.

Conversion of Public Housing Activity Description
1a. Development name:
1b. Development (project) number:

<p>2. What is the status of the required assessment?</p> <p><input type="checkbox"/> Assessment underway</p> <p><input type="checkbox"/> Assessment results submitted to HUD</p> <p><input type="checkbox"/> Assessment results approved by HUD (if marked, proceed to next question)</p> <p><input type="checkbox"/> Other (explain below)</p>
<p>3. <input type="checkbox"/> Yes <input type="checkbox"/> No: Is a Conversion Plan required? (If yes, go to block 4; if no, go to block 5.)</p>
<p>4. Status of Conversion Plan (select the statement that best describes the current status)</p> <p><input type="checkbox"/> Conversion Plan in development</p> <p><input type="checkbox"/> Conversion Plan submitted to HUD on: (DD/MM/YYYY)</p> <p><input type="checkbox"/> Conversion Plan approved by HUD on: (DD/MM/YYYY)</p> <p><input type="checkbox"/> Activities pursuant to HUD-approved Conversion Plan underway</p>
<p>5. Description of how requirements of Section 202 are being satisfied by means other than conversion (select one)</p> <p><input type="checkbox"/> Units addressed in a pending or approved demolition application (date submitted or approved:)</p> <p><input type="checkbox"/> Units addressed in a pending or approved HOPE VI demolition application (date submitted or approved:)</p> <p><input type="checkbox"/> Units addressed in a pending or approved HOPE VI Revitalization Plan (date submitted or approved:)</p> <p><input type="checkbox"/> Requirements no longer applicable: vacancy rates are less than 10 percent</p> <p><input type="checkbox"/> Requirements no longer applicable: site now has less than 300 units</p> <p><input type="checkbox"/> Other: (describe below)</p>

<p>B. Reserved for Conversions pursuant to Section 22 of the U.S. Housing Act of 1937</p>
--

<p>C. Reserved for Conversions pursuant to Section 33 of the U.S. Housing Act of 1937</p>
--

11. Homeownership Programs Administered by the PHA

[24 CFR Part 903.7 9 (k)]

A. Public Housing

Exemptions from Component 11A: Section 8 only PHAs are not required to complete 11A.

1. ☐ Yes ☒ No: Does the PHA administer any homeownership programs administered by the PHA under an approved section 5(h) homeownership program (42 U.S.C. 1437c(h)), or an approved HOPE I program (42 U.S.C. 1437aaa) or has the PHA applied or plan to apply to administer any homeownership programs under section 5(h), the HOPE I program, or section 32 of the U.S. Housing Act of 1937 (42 U.S.C. 1437z-4). (If “No”, skip to component 11B; if “yes”, complete one activity description for each applicable program/plan, unless eligible to complete a streamlined submission due to **small PHA** or **high performing PHA** status. PHAs completing streamlined submissions may skip to component 11B.)

2. Activity Description—**N/A**

- ☐ Yes ☐ No: Has the PHA provided all required activity description information for this component in the **optional** Public Housing Asset Management Table? (If “yes”, skip to component 12. If “No”, complete the Activity Description table below.)

Public Housing Homeownership Activity Description (Complete one for each development affected)
1a. Development name: 1b. Development (project) number:
2. Federal Program authority: <input type="checkbox"/> HOPE I <input type="checkbox"/> 5(h) <input type="checkbox"/> Turnkey III <input type="checkbox"/> Section 32 of the USHA of 1937 (effective 10/1/99)
3. Application status: (select one) <input type="checkbox"/> Approved; included in the PHA’s Homeownership Plan/Program <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application
4. Date Homeownership Plan/Program approved, submitted, or planned for submission: (DD/MM/YYYY)

5. Number of units affected:
6. Coverage of action: (select one)
<input type="checkbox"/> Part of the development
<input type="checkbox"/> Total development

B. Section 8 Tenant Based Assistance

1. ☐ Yes ☒ No: Does the PHA plan to administer a Section 8 Homeownership program pursuant to Section 8(y) of the U.S.H.A. of 1937, as implemented by 24 CFR part 982 ? (If "No", skip to component 12; if "yes", describe each program using the table below (copy and complete questions for each program identified), unless the PHA is eligible to complete a streamlined submission due to high performer status. **High performing PHAs** may skip to component 12.)

BHA will undertake a feasibility study of Section 8 homeownership in FY 2000-2001

2. Program Description:

a. Size of Program

- ☐ Yes ☐ No: Will the PHA limit the number of families participating in the section 8 homeownership option?

If the answer to the question above was yes, which statement best describes the number of participants? (select one)

- ☐ 25 or fewer participants
☐ 26 - 50 participants
☐ 51 to 100 participants
☐ more than 100 participants

b. PHA-established eligibility criteria

- ☐ Yes ☐ No: Will the PHA's program have eligibility criteria for participation in its Section 8 Homeownership Option program in addition to HUD criteria?
If yes, list criteria below:

12. PHA Community Service and Self-sufficiency Programs

[24 CFR Part 903.7 9 (l)]

Exemptions from Component 12: High performing and small PHAs are not required to complete this component. Section 8-Only PHAs are not required to complete sub-component C.

A. PHA Coordination with the Welfare (TANF) Agency

1. Cooperative agreements:

- ☒ Yes ☐ No: Has the PHA entered into a cooperative agreement with the TANF Agency, to share information and/or target supportive services (as contemplated by section 12(d)(7) of the Housing Act of 1937)?

If yes, what was the date that agreement was signed? **07/01/99**

2. Other coordination efforts between the PHA and TANF agency (select all that apply)

- ☐ Client referrals
☐ Information sharing regarding mutual clients (for rent determinations and otherwise)
☒ Coordinate the provision of specific social and self-sufficiency services and programs to eligible families
☐ Jointly administer programs
☐ Partner to administer a HUD Welfare-to-Work voucher program
☐ Joint administration of other demonstration program
☐ Other (describe)

B. Services and programs offered to residents and participants

(1) General

a. Self-Sufficiency Policies

Which, if any of the following discretionary policies will the PHA employ to enhance the economic and social self-sufficiency of assisted families in the following areas? (select all that apply)

- ☒ Public housing rent determination policies
☒ Public housing admissions policies
☐ Section 8 admissions policies
☐ Preference in admission to section 8 for certain public housing families
☐ Preferences for families working or engaging in training or education programs for non-housing programs operated or coordinated by the PHA
☐ Preference/eligibility for public housing homeownership option participation
☐ Preference/eligibility for section 8 homeownership option participation
☐ Other policies (list below)

b. Economic and Social self-sufficiency programs

☒ Yes ☐ No: Does the PHA coordinate, promote or provide any programs to enhance the economic and social self-sufficiency of residents? (If “yes”, complete the following table; if “no” skip to sub-component 2, Family Self Sufficiency Programs. The position of the table may be altered to facilitate its use.)

Services and Programs				
Program Name & Description (including location, if appropriate)	Estimated Size	Allocation Method (waiting list/random selection/specific criteria/other)	Access (development office / PHA main office / other provider name)	Eligibility (public housing or section 8 participants or both)
<i>Calworks</i>	<i>60</i>	<i>Specific Criteria</i>	<i>PHA main office</i>	<i>Both</i>

--	--	--	--	--

(2) Family Self Sufficiency program/s

a. Participation Description

Family Self Sufficiency (FSS) Participation		
Program	Required Number of Participants (start of FY 2000 Estimate)	Actual Number of Participants (As of: DD/MM/YY)
Public Housing	0	0
Section 8	66	50

- b. ☐ Yes ☐ No: If the PHA is not maintaining the minimum program size required by HUD, does the most recent FSS Action Plan address the steps the PHA plans to take to achieve at least the minimum program size? If no, list steps the PHA will take below:

C. Welfare Benefit Reductions

1. The PHA is complying with the statutory requirements of section 12(d) of the U.S. Housing Act of 1937 (relating to the treatment of income changes resulting from welfare program requirements) by: (select all that apply)

- ☒ Adopting appropriate changes to the PHA's public housing rent determination policies and train staff to carry out those policies
- ☒ Informing residents of new policy on admission and reexamination
- ☒ Actively notifying residents of new policy at times in addition to admission and reexamination.
- ☐ Establishing or pursuing a cooperative agreement with all appropriate TANF agencies regarding the exchange of information and coordination of services
- ☐ Establishing a protocol for exchange of information with all appropriate TANF agencies
- ☐ Other: (list below)

D. Reserved for Community Service Requirement pursuant to section 12(c) of the U.S. Housing Act of 1937

PHDEP Plan submitted separately and available at BHA

13. PHA Safety and Crime Prevention Measures

[24 CFR Part 903.7 9 (m)]

Exemptions from Component 13: High performing and small PHAs not participating in PHDEP and Section 8 Only PHAs may skip to component 15. High Performing and small PHAs that are participating in PHDEP and are submitting a PHDEP Plan with this PHA Plan may skip to sub-component D.

A. Need for measures to ensure the safety of public housing residents

1. Describe the need for measures to ensure the safety of public housing residents (select all that apply)

- ☐ High incidence of violent and/or drug-related crime in some or all of the PHA's developments
- ☒ High incidence of violent and/or drug-related crime in the areas surrounding or adjacent to the PHA's developments
- ☐ Residents fearful for their safety and/or the safety of their children
- ☒ Observed lower-level crime, vandalism and/or graffiti
- ☐ People on waiting list unwilling to move into one or more developments due to perceived and/or actual levels of violent and/or drug-related crime
- ☐ Other (describe below)

2. What information or data did the PHA used to determine the need for PHA actions to improve safety of residents (select all that apply).

- ☒ Safety and security survey of residents
- ☐ Analysis of crime statistics over time for crimes committed "in and around" public housing authority
- ☐ Analysis of cost trends over time for repair of vandalism and removal of graffiti
- ☒ Resident reports
- ☒ PHA employee reports
- ☒ Police reports
- ☐ Demonstrable, quantifiable success with previous or ongoing anticrime/anti drug programs
- ☒ Other (describe below) **Information from Coordinating City Services**

2. Which developments are most affected? (list below)

Ward Street Development

Sacramento Street Development

Martin Luther King Jr. Way Development

Francisco Development

B. Crime and Drug Prevention activities the PHA has undertaken or plans to undertake in the next PHA fiscal year

1. List the crime prevention activities the PHA has undertaken or plans to undertake:
(select all that apply)

- ☐ Contracting with outside and/or resident organizations for the provision of crime- and/or drug-prevention activities
- ☒ Crime Prevention Through Environmental Design
- ☒ Activities targeted to at-risk youth, adults, or seniors
- ☐ Volunteer Resident Patrol/Block Watchers Program
- ☐ Other (describe below)

3. Which developments are most affected? (list below)

Ward Street

Martin Luther King Jr. Way Development

Francisco Development

Sacramento Street Development

C. Coordination between PHA and the police

1. Describe the coordination between the PHA and the appropriate police precincts for carrying out crime prevention measures and activities: (select all that apply)

- ☒ Police involvement in development, implementation, and/or ongoing evaluation of drug-elimination plan
- ☒ Police provide crime data to housing authority staff for analysis and action
- ☐ Police have established a physical presence on housing authority property (e.g., community policing office, officer in residence)
- ☒ Police regularly testify in and otherwise support eviction cases
- ☐ Police regularly meet with the PHA management and residents
- ☐ Agreement between PHA and local law enforcement agency for provision of above-baseline law enforcement services
- ☐ Other activities (list below)

2. Which developments are most affected? (list below)

Ward Street Development

Sacramento Street Development

Martin Luther King Jr. Way Development

Francisco Development

D. Additional information as required by PHDEP/PHDEP Plan

PHAs eligible for FY 2000 PHDEP funds must provide a PHDEP Plan meeting specified requirements prior to receipt of PHDEP funds.

☒ Yes ☐ No: Is the PHA eligible to participate in the PHDEP in the fiscal year covered by this PHA Plan?

☐ Yes ☒ No: Has the PHA included the PHDEP Plan for FY 2000 in this PHA Plan?
**PHDEP Plan will be submitted separately and will be available
and on display at BHA**

☐ Yes ☒ No: This PHDEP Plan is an Attachment. (Attachment Filename: ____)

14. RESERVED FOR PET POLICY

[24 CFR Part 903.7 9 (n)]

15. Civil Rights Certifications

[24 CFR Part 903.7 9 (o)]

Civil rights certifications are included in the PHA Plan Certifications of Compliance with the PHA Plans and Related Regulations.

16. Fiscal Audit

[24 CFR Part 903.7 9 (p)]

1. ☒ Yes ☐ No: Is the PHA required to have an audit conducted under section 5(h)(2) of the U.S. Housing Act of 1937 (42 U.S.C. 1437c(h))?

(If no, skip to component 17.)

2. ☒ Yes ☐ No: Was the most recent fiscal audit submitted to HUD?

3. ☐ Yes ☒ No: Were there any findings as the result of that audit?

4. ☐ Yes ☐ No: If there were any findings, do any remain unresolved?
If yes, how many unresolved findings remain? _____

5. ☐ Yes ☐ No: Have responses to any unresolved findings been submitted to HUD?
If not, when are they due (state below)?

17. PHA Asset Management

[24 CFR Part 903.7 9 (q)]

Exemptions from component 17: Section 8 Only PHAs are not required to complete this component. High performing and small PHAs are not required to complete this component.

N/A—Small PHA

1. ☐ Yes ☐ No: Is the PHA engaging in any activities that will contribute to the long-term asset management of its public housing stock , including how the Agency will plan for long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs that have **not** been addressed elsewhere in this PHA Plan?
2. What types of asset management activities will the PHA undertake? (select all that apply)
- ☒ Not applicable
 - ☐ Private management
 - ☐ Development-based accounting
 - ☐ Comprehensive stock assessment
 - ☐ Other: (list below)
3. ☐ Yes ☒ No: Has the PHA included descriptions of asset management activities in the **optional** Public Housing Asset Management Table?

18. Other Information

[24 CFR Part 903.7 9 (r)]

A. Resident Advisory Board Recommendations

1. ☒ Yes ☐ No: Did the PHA receive any comments on the PHA Plan from the Resident Advisory Board/s?
2. If yes, the comments are: (if comments were received, the PHA **MUST** select one)

- ☒ Attached at Attachment (File name) **Resident Comments**
☐ Provided below:

3. In what manner did the PHA address those comments? (select all that apply)

- ☐ Considered comments, but determined that no changes to the PHA Plan were necessary.
☒ The PHA changed portions of the PHA Plan in response to comments
List changes below:

The BHA raised its payment standard to 120% of FMR with HUD approval and is gathering information to seek a possible increase to 150% of FMR. The Payment Standards section was also revised to show that FMR's are not adequate to ensure success among assisted families

The BHA added the goal of leveraging resources to create additional housing opportunities

Added the strategic goal of leveraging resources in the community through mixed-finance housing

Additional program comments that are not part of the Agency Plan will be addressed through implementation of the goals in the Agency Plan and through ongoing operations (see Resident Comments)

- ☐ Other: (list below)

B. Description of Election process for Residents on the PHA Board

1. ☐ Yes ☒ No: Does the PHA meet the exemption criteria provided section 2(b)(2) of the U.S. Housing Act of 1937? (If no, continue to question 2; if yes, skip to sub-component C.)
2. ☐ Yes ☒ No: Was the resident who serves on the PHA Board elected by the residents? (If yes, continue to question 3; if no, skip to sub-component C.)

3. Description of Resident Election Process

a. Nomination of candidates for place on the ballot: (select all that apply)

- ☐ Candidates were nominated by resident and assisted family organizations
☐ Candidates could be nominated by any adult recipient of PHA assistance
☐ Self-nomination: Candidates registered with the PHA and requested a place on ballot
☐ Other: (describe)

b. Eligible candidates: (select one)

- ☐ Any recipient of PHA assistance
- ☐ Any head of household receiving PHA assistance
- ☐ Any adult recipient of PHA assistance
- ☐ Any adult member of a resident or assisted family organization
- ☐ Other (list)

c. Eligible voters: (select all that apply)

- ☐ All adult recipients of PHA assistance (public housing and section 8 tenant-based assistance)
- ☐ Representatives of all PHA resident and assisted family organizations
- ☐ Other (list)

C. Statement of Consistency with the Consolidated Plan

For each applicable Consolidated Plan, make the following statement (copy questions as many times as necessary).

1. Consolidated Plan jurisdiction: ***Alameda County***

2. The PHA has taken the following steps to ensure consistency of this PHA Plan with the Consolidated Plan for the jurisdiction: (select all that apply)

- ☒ The PHA has based its statement of needs of families in the jurisdiction on the needs expressed in the Consolidated Plan/s.
- ☒ The PHA has participated in any consultation process organized and offered by the Consolidated Plan agency in the development of the Consolidated Plan.
- ☒ The PHA has consulted with the Consolidated Plan agency during the development of this PHA Plan.
- ☐ Activities to be undertaken by the PHA in the coming year are consistent with the initiatives contained in the Consolidated Plan. (list below)
- ☐ Other: (list below)

3. The Consolidated Plan of the jurisdiction supports the PHA Plan with the following actions and commitments: (describe below)

4.

The BHA assists in meeting the goals of the Consolidated Plan through both its input into the Consolidated Plan process, as well as the following:

- 1. Operating a family self-sufficiency program***
- 2. Working with the City to preserve at-risk affordable housing where possible***
- 3. Working with organizations to further resident groups***

D. Other Information Required by HUD

Use this section to provide any additional information requested by HUD.

Attachments

HOUSING NEEDS

Rental Housing Status

The City of Berkeley is in the middle of a severe affordable housing crisis both in rental and homeownership housing (which is part of the overall housing crisis in the San Francisco Bay area). The 1995 Consolidated Plan and the Draft 2000 Consolidated Plan use 1990 census figures for family type, family income and ethnicity to help determine the housing needs in Berkeley. Those figures indicate that at least 5,500 non-student households have a housing need (i.e. are paying more than 30% of their income for rent). A total of 9,732 other households, including students, also had housing needs. There is no recent data comparable to the 1990 Census, leaving the question of how many low and very low income tenants are still living in Berkeley and how many have moved away because of high rental and housing costs.

However, a 1998 Renter Study undertaken by the Bay Area Economics (BAE) indicates that of the households surveyed, using a scientific sample, a total of 41% of the non-student household respondents paid more than 30% of income for rent and 20% paid over 50%. The survey also indicated that the median income for tenants surveyed was 55% of the Oakland PMSA median (\$35,000 *versus* \$63,300). In addition, more than 25% of tenant households had incomes below \$20,000. The BAE study indicated that the average monthly rent on rent-controlled units had increased to \$742, up from \$548 in 1998. Moreover, rents are increasing at astronomical rates for recently vacated units because of the convergence of a tight housing market with recently enacted vacancy decontrol.

By December 1999, median rents for vacated units were: \$725 for a studio; \$950 for a one-bedroom; \$1,200 for a two-bedroom; \$1,650 for a three-bedroom. None of these rents were affordable to low income households, except to those with income in the 50% - 80% of AMI. Additionally, it is difficult to find housing for low-income families and persons with special needs because of the low vacancy rate and the need to compete with students and higher income households for the same units.

Increased rental prices also have had a major negative impact on the Berkeley Housing Authority's Section 8 tenant-based assistance Program, which is the City's largest affordable housing program for very low-income families with children, the elderly, and the disabled. During the last five years, the City had the goal of increasing the number of Section 8 assisted households from 1900 to approximately 2300. Instead, the number of BHA assisted units was reduced by over 450 units (from approximately 1900 to approximately 1450). The loss was primarily due to the inability of eligible tenant households to find owners willing to place their units on the Section 8 Program because the

owner could get higher rents in the open market. That situation has abated somewhat because the BHA successfully petitioned HUD to pay higher “Fair Market Rents” (FMRs) but is still a problem. Moreover, the higher FMRs have reduced the number of units the BHA can subsidize because the overall allocation from HUD remains the same until full lease up is achieved. Recent state legislation, which does not allow “vacancy decontrol” for Section 8 units for a three year period, had reduced the monetary incentive for owners to “opt-out” of the Section 8 Program.

Narrative for figures in Table A

Please note that the figures in Table A (see page 12) have been adjusted to exclude the student population. Because of the high number of students attending U.C. Berkeley and living in Berkeley (approximately 20,000), the data on housing need would be highly skewed if students were taken into consideration because of their temporary low income.

Given the above, the “supply” of housing for low-income households is virtually non-existent. Staff estimates that a total of 50 units for families are available based on a 3% vacancy rate in the City’s assisted housing developments and 150 units for seniors based on a 5% vacancy in senior housing developments. In general terms, according to our Residential Rental Inspection Program, the condition of the housing stock has improved over the last few years. Accessibility figures are not available. However, according to the Disabled Services Coordinator, the best “guestimate” is that less than 1% of the City’s housing stock is accessible, since the vast majority of buildings in Berkeley were built prior to 1957, and that about 10% could be made accessible. Newer buildings are likely to be more accessible and adaptable, but these are also likely to be the least affordable ones. Berkeley’s household size is generally small, therefore, the need is for one and two-bedroom units. This is also the bedroom size of the vast majority of Berkeley’s multi-unit rental housing stock. Therefore, it is even more difficult to find appropriate housing for large families requiring 3+ bedrooms. The scarcity of three-bedroom apartments would require single-family units with rents of \$2,000 or more. In the location category, outside of the student areas around U.C. Berkeley, the areas with the highest level of poverty and the areas likely to have the lower unit costs are in census tracts 4219, 4220, 4221, 4231, 4232, 4233, 4240 (the City’s NSA).

ELIGIBILITY, SELECTION, AND ADMISSIONS POLICY

The policies that govern eligibility, selection, and admission for the Berkeley Housing Authority (BHA) are found in our Admissions and Continued Occupancy Policy and our Section 8 Administrative Plan. The relevant sections are as follows:

Public Housing

Eligibility, Selection Policy

The BHA will administer its waiting list for housing waiting list as required by 24 CFR Part 5, Subparts B, D & E; Part 960, Subpart B. Each applicant will be assigned an appropriate place on the waiting list.

GENERAL POLICY ON SCREENING FOR SUITABILITY

It is the policy of the BHA to deny admission to applicants whose habits and practices may reasonably be expected to have a detrimental effect on the operations of the development or neighborhood, or on the quality of life, as further described below.

As a part of the final eligibility determination, the BHA will screen each applicant household to assess their suitability as renters.

Factors to be considered in the screening are housekeeping habits, rent paying habits, prior history as a tenant, criminal records and the ability of the applicant to maintain the responsibilities of tenancy.

1. The BHA's examination of relevant information pertaining to past and current habits or practices will include, but is not limited to, an assessment of:
 - a. The applicant's past performance in meeting rental financial obligations, especially rent and tenant supplied utilities;
 - b. A record of disturbance of neighbors, destruction of property, or living or housekeeping habits at present or prior residences which may adversely affect the health, safety, or welfare of other tenants or neighbors;
 - c. Any history of criminal activity on the part of any applicant family member involving crimes of physical violence to persons or property, and other criminal acts, including drug-related criminal activity; and

- d. A record of eviction from housing or involuntary termination from residential programs, taking into account date and circumstances.
 - e. The ability and willingness of an applicant to comply with the essential lease requirements will be verified and documented by the BHA. The information to be considered in the screening process shall be reasonably related to assessing the conduct of the applicant and other family members listed on the application in present and prior housing.
1. The history of applicant conduct and behavior must demonstrate that the applicant family can reasonably be expected not to:
 - (a) Interfere with other residents in such a manner as to diminish their peaceful enjoyment of the premises by adversely affecting their health, safety, or welfare [24 CFR 960.205(b)];
 - (b) Adversely affect the physical environment or financial stability of the project [24 CFR 960.205(b)];
 - (c) Violate the terms and conditions of the lease (24 CFR 8.3); and
 - (d) Require services from BHA staff that would alter the fundamental nature of the BHA's program (24 CFR 8.3).
 2. The BHA will conduct a detailed interview of all applicants. The interview form will contain questions designed to evaluate the qualifications of applicants to meet the essential requirements of tenancy
 3. The BHA will complete a credit check and a rental history check on all applicants.
 4. The BHA may complete a home visit on applicants at their current dwelling unit. Housekeeping inspections are part of the home visit. Other lease compliance criteria will also be checked, such as evidence of destruction of property, unauthorized occupants, evidence of criminal activity, conditions inconsistent with information provided by the applicant.

Applicants shall have at least two- (2) day's advance notice of home visits.

5. An applicant's intentional misrepresentation of any information related to eligibility, award of preference for admission, housing history, allowances, family composition or rent will result in denial of admission.
6. Applicants must be able to demonstrate the ability and willingness to comply with the terms of the lease, either alone or with assistance, which they can demonstrate that they have or will have at the time of admission. (24 CFR 8.2 Definition: Qualified Individual with Handicaps). The availability of assistance is subject to verification by the BHA.
7. The BHA's minimum age for admission as head of household is 18, to avoid entering into leases, which would not be valid or enforceable under applicable law. The BHA will allow admission of an emancipated minor, who is at least 16 years old.

The BHA does not permit a parent or legal guardian to co-sign the lease on the applicant's behalf if the head of household is under 18.

8. Prohibited Criteria for Denial of Admission: Applicants will NOT be rejected because they:
 - a. Have no income;
 - b. Are not employed;
 - c. Do not participate in a job-training program;
 - d. Will not apply for various welfare or benefit programs;
 - e. Have children;
 - f. Have children born out of wedlock;
- a. If unfavorable information is received about an applicant, consideration shall be given to the time, nature, and extent of the applicant's conduct and to factors that might indicate a reasonable probability of favorable future conduct. In order to be factored into the BHA's screening assessment of the applicant, mitigating circumstances must be verifiable.
- b. If the mitigating circumstances claimed by the applicant relate to a change in disability, medical condition or course of treatment, the BHA shall have the

right to refer such information to persons who are qualified and knowledgeable to evaluate the evidence and to verify the mitigating circumstance. The BHA shall also have the right to request further information reasonably needed to verify the mitigating circumstance, even if such information is of a medically confidential nature. Such inquiries will be limited to the information necessary to verify the mitigating circumstances or, in the case of a person with disabilities, to verify a reasonable accommodation.

- c. Examples of mitigating circumstances might include:
 - (1) Evidence of successful rehabilitation;
 - (2) Evidence of the applicant family's participation in social service or other appropriate counseling service;
 - (3) Evidence of successful and sustained modification of previous disqualifying behavior.
- d. Consideration of mitigating circumstances does not guarantee that the applicant will qualify for admission. The BHA will consider such circumstances in light of:
 - (1) The applicant's ability to substantiate through verification the claim of mitigating circumstances and his/her prospects for improved future behavior; and
 - (2) The applicant's overall performance with respect to all the screening requirements; and
 - (3) The nature and seriousness of any criminal activity, especially drug related or violent criminal activity, that appears in the applicant's record.

QUALIFICATIONS FOR ADMISSION

It is the BHA's policy to admit qualified applicants only. An applicant is qualified if he or she meets the following criteria:

- 1. Is a family as defined in this Chapter;

2. Heads a household where all members of the household are either citizens or eligible non-citizen (24CFR 200, and 912.5 through 912.14);
3. Has an annual income at the time for admission that does not exceed the low or very low income limits for occupancy established by HUD and posted separately in the BHA office;
 - a. The low-income limits as defined by HUD are applicable only to new admissions to properties with a date of full Availability prior 10-1-81.
 - b. The very low-income limits as defined by HUD are applicable to new admissions to properties with a date of Full Availability after 10-1-81
4. Provides a Social Security number for all family members, age 6 or older, or will provide written certification that they do not have Social Security numbers;
5. Meets or exceeds the Tenant Selection and Suitability Criteria set forth in this policy; and
6. Is not currently adequately housed in a BHA or other HA dwelling unit. Applicants who are listed on a current BHA or other HA dwelling lease (or are part of the household as verified by BHA or HA records) and reside in a unit meeting the occupancy standards for the family size are not qualified for admission and will not be placed on the waiting list for new applicants.

The BHA may make exception to this policy due to emergency conditions including but not limited to severe harassment, hate crimes, and witness protection, as authorized by the BHA's Manager.

Verification Of Tenant Selection And Suitability

The tenant selection and suitability criteria will not be verified until the family is in a position on the waiting list to be offered a housing unit.

FAMILY COMPOSITION [24 CFR 982.54(d)(4)(i)]

The applicant must qualify as a Family. Family is defined as an elderly or disabled single person household, or a two or more persons who (a) have established a stable documentable family relationship, (b) who has resided together for a minimum of 90-consecutive days, and (c) whose income and assets are available to meet the family's living needs. Discrimination on the basis of familial status is prohibited, and a group of persons may not be denied solely on the basis that they are not related by blood, marriage or operation of law.

A family may be:

- a. Two or more persons who intend to share residency whose income and resources are available to meet the family's needs and who have a history as a family unit or show evidence of a stable family relationship;
- b. Two or more elderly or disabled persons living together, or one or more elderly or disabled persons living with one or more live-in aides is a family; and
- c. A guardian/parent and a child who is temporarily away from home but expected to return as a permanent household member within six months. This provision is subject to approval by the Housing Authority Manager, and is not intended to artificially enlarge the space available for other family members.

A single person may be:

- a. An elderly person;
- b. A displaced person;
- c. A person with a disability; and
- d. Any "other single" person. If all other single persons have been served.

Head of Household

The head of household is the adult member of the household who is designated by the family at the time of admission as head, is wholly or partly responsible for paying the rent, and has the legal capacity to enter into a lease under State/local law. Emancipated minors who qualify under State law will be recognized as head of household.

A family may designate an elderly or disabled family member as head of household to qualify the family as an Elderly Household, provided that the person is at least partially responsible for paying the rent and has the capacity to enter into a lease under State/local laws.

Live-In Attendants

A Family may include a live-in aide provided that such live-in aide:

- a. Is determined by the BHA to be essential to the care and well being of an elderly person, a near-elderly person, or a person with disabilities;
- b. Is not obligated for the support of the person(s), and
- c. Would not be living in the unit except to provide care for the person(s).

A live-in aide is treated differently than family members:

- 1. Income of the live-in aide will not be counted for purposes of determining eligibility or level of benefits.
- 2. Live-in aides are not subject to Non-Citizen Rule requirements; and.
- 3. Live-in aides may not be considered as a remaining member of the tenant family.

Relatives are not automatically excluded from being live-in aides, but they must meet all of the elements in the live-in aide definition described above.

Family members of a live-in attendant may also reside in the unit provided that doing so does not increase the subsidy by the cost of an additional bedroom and that the presence of the live-in's family members does not overcrowd the unit.

A live in aide may only reside in the unit with the approval of the BHA. Written verification will be required from a reliable, knowledgeable professional, such as a doctor, social worker, or caseworker which certifies that a live-in aide is needed for the care of the family member who is elderly (62 older), near-elderly (50-61) or disabled.

Verification must include the hours the care will be provided.

The BHA has the right to disapprove a request for a live-in aide based on the "Applicant Section Criteria" described in this Chapter (Section H).

Split Households Prior to Unit Offer

When a family on the waiting list splits into two otherwise eligible families due to divorce or legal separation, and the new families both claim the same placement on the waiting list, and there is no court determination, the BHA will make the decision taking into consideration the following factors with respect to the particular circumstances, not the order in which they appear:

1. Which family member applied as head of household;
2. Which family unit retains the children or any disabled or elderly members;
3. Restrictions that were in place at the time the family applied;
4. Role of domestic violence in the split; and
5. Recommendations of social service agencies or qualified professionals such as children's protective services.

Documentation of these factors is the responsibility of the applicant families. If either or both of the families do not provide the documentation, they may be denied placement on the waiting list for failure to supply information requested by the BHA.

In cases where domestic violence played a role, an applicant will be required to provide documentation. Acceptable forms of verification include, but are not limited to (a) Police Reports taken within the prior 90-days; (b) Police reports showing an ongoing problem of domestic violence; (c) restraining orders; or (d) written statements from a domestic violence shelter.

Multiple Families in the Same Household

When families apply which consist of two families living together, (such as a mother and father, and a daughter with her own husband or children), if they apply as a family unit, they will be treated as a family unit.

Joint Custody of Children

Children who are subject to a joint custody agreement but live with one parent at least 51% of the time (183 days per year) will be considered members of the household. If the child is of age to be subject to mandatory school attendance, enrollment records must reflect the address of the assisted household.

APPLICANT SELECTION PROCESS

All applicants will be processed in accordance with HUD's regulations (24 CFR, Part 960) and sound management practices. Applicants will be required to demonstrate ability to comply with essential provisions of the lease as summarized below:

1. Ability to Comply with Essential Lease Provisions

All applicants must demonstrate through an assessment of current and past behavior the ability:

- a. To pay rent and other charges as required by the lease in a timely manner;
- b. To care for and avoid damaging the unit and common areas;
- c. To use facilities, appliances and equipment in a reasonable way;
- d. To create no health or safety hazards, and to report maintenance needs in a timely manner;
- e. Not to interfere with the rights and peaceful enjoyment of others and to avoid damaging the property of others;
- f. Not to engage in criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents or staff; and not to engage in drug-related criminal activity on or near BHA premises;
- g. To comply with necessary and reasonable rules and program requirements of HUD and the BHA; and,
- h. To comply with local health and safety codes.
- i. To uphold all other aspects of the current lease.

2. **Denial of Admission for Previous Debts**

Previous outstanding debts to the BHA or any PHA resulting from a previous tenancy in the Public Housing or Section 8 program must be paid in full prior to admission.

Applicants with previous debts will be permitted to execute a Repayment Agreement at the time of application, but any balance must be paid in full prior to final determination of eligibility, and admittance as a resident.

3. **Denial of Admission for Drug-Related and/or Other Criminal Activity**

To be determined eligible, the family must not engage in drug-related or other criminal activity including violent criminal activity by any family member. No member of the applicant's family may have engaged in drug related or violent criminal activity within the past three years.

The BHA will not be obligated to seek out information concerning a family's criminal activities as part of the processing of an application for assistance. Initial screening will be limited to routine inquiries of the family and any other information provided to the BHA regarding this matter. The inquiries will be standardized and directed to all applicants by inclusion in the Personal Declaration form.

If either as a result of the standardized inquiry or the receipt of a verifiable referral, there is indication that the family or any family member is engaged in drug-related criminal activity or violent criminal activity, the BHA will conduct closer inquiry to determine whether the family should be denied admission.

a. **Ineligibility if Evicted for Drug-related Activity**

Drug-related criminal activity is the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use a controlled substance.

Drug-related criminal activity may be considered to means on or off the premises not just on or near the premises.

Persons evicted or terminated from Public Housing, Indian Housing, Section 23, or any Section 8 program because of drug-related criminal activity are ineligible for admission to Public Housing for a three (3) year period beginning on the date of such eviction/termination. The BHA will not waive this requirement

b. Screening Out Illegal Drug Users and Alcohol Abusers

The BHA will prohibit admitting any person to Public Housing in cases where the BHA determines that there is reasonable cause to believe that the person is illegally using a controlled substance, or abuses alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. This includes cases where the BHA determines that there is a pattern of illegal use of a controlled substance or pattern of alcohol abuse.

The BHA will consider the use of a controlled substance or alcohol to be a pattern if there are more than two documented incidents during the previous two- (2) years.

However, this section shall be considered in accordance with the requirements of the ADA.

c. Other Criminal Activity

Other criminal activity means a history of criminal activity involving crimes of actual or threatened violence to persons or property, or history of other criminal acts, conduct or behavior which would adversely affect the health, safety, or welfare of other residents including but not limited to burglary, graffiti, forgery, or counterfeiting.

For the purposes of this policy, this is construed to mean that a member of the current family has been arrested or convicted as set forth alone within the past 36 months.

No family member may have engaged in, or threatened, abusive or violent behavior toward BHA or other HA personnel at any time.

No family member may have committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program in the last three- (3) years.

d. Confidentiality of Criminal Records

The BHA will ensure that any criminal record received is maintained confidentially, especially if a court has authorized the BHA to have access to any juvenile records, and not misused or improperly disseminated.

e. Disclosure of Criminal Records to Family

Before the BHA takes any adverse action based on a criminal conviction record, the applicant or tenant will be provided an opportunity to dispute the record at an Informal Hearing.

OPENING AND CLOSING THE WAITING LISTS

BHA, at its discretion, may restrict application intake, suspend application intake and close waiting lists in whole or in part. If the initial notice indicates that the list will be “open continuously,” the BHA must provide subsequent notice advising potential applicants of the exact date the list will close at least five (5) working days prior to the actual closing.

The decision to close the waiting list will be based on the number of applications available for a particular size and type of unit, the number of applicants who qualify for a local preference and the ability of BHA to house an applicant in an appropriate unit within a reasonable time.

When the BHA opens the waiting list, the BHA will advertise through public notice in major newspapers, minority publications and media entities, which may include the Oakland Tribune, the Daily Californian, Berkeley Voice, Berkeley Post, KMEL Radio, KBLX Radio and KDIA Radio.

The BHA will also send notice to community service agencies, which may include the Center for Independent Living, East Bay Community Law Center, Legal Aid of Alameda County, Alameda County Welfare Department, Berkeley-Oakland Support Services, Berkeley Emergency Food Project, Berkeley Drop-In Center, Adelante and Asians for Job Opportunities

This list is not exclusive, nor necessarily exhaustive. The BHA reserves the right to amend the list as appropriate in its effort to provide notice to the community at large.

The notice will contain:

- the dates, times and locations where families may apply

- the programs for which applications will be taken
- a brief description of the program
- a statement that Section 8 participants must submit a separate application if they wish to apply for public housing
- limitations, if any, on who may apply

Notices will be made in an accessible format for the disabled if requested. Notices will provide potential applicants with information that includes BHA's address and telephone number, information on how to submit an application.

On request from a person with a disability, additional time of up to ten (10) business days will be given as a reasonable accommodation for submission of an application after the closing deadline.

When Pre-application taking is suspended

BHA may suspend the acceptance of pre-applications if there are enough local Preference holders to fill anticipated openings for the next twelve (12) months.

The waiting list may not be closed if it would have a discriminatory effect inconsistent with applicable civil rights laws.

During the period when the waiting list is closed, BHA will not maintain a list of individuals who wish to be notified when the waiting list is open.

Suspension of pre-application taking is announced in the same way as opening the waiting list.

The open period shall be long enough to achieve a waiting list adequate to cover projected turnover over the next twelve (12) months. When the period for accepting pre-applications is over, BHA will add the new applicants to the list by:

- separating new applicants into groups based on preferences and unit size and
- ranking applicants within each group by date and time of pre-application

Reopening the list

If the waiting list is closed and BHA decides to open the waiting list, BHA will publicly announce the opening. Any reopening of the list is done in accordance with HUD requirements.

Limits on Who may Apply

When the waiting list is open, any family asking to be placed on the waiting list for Public Housing rental assistance will be given the opportunity to complete a pre-application. Because the BHA only has three (3) and four (4) bedroom units, applications will be accepted only from appropriately sized families.

Depending on the composition of the waiting list with regard to family types and preferences and to better serve the needs of the community, at times the BHA may only accept pre-applications from any family claiming a local preference.

Changes Prior to Unit Offer

Changes that occur during the period between placement on the waiting list and an offer of a suitable unit may affect the family's eligibility or Total Tenant Payment. The family is responsible for notifying BHA of such changes.

- a. Multiple Families in the Same Household. When families apply that consist of two families living together, (such as a mother and father, and a daughter with her own husband or children), if they apply as a family unit, they will be treated as a family unit and will not receive separate units.
- b. Joint Custody of Children. Children who are subject to a joint custody agreement but live with one parent at least 51% of the time will be considered members of that household. 51% of the time is defined as 183 days of the year, which do not have to run consecutively.

Every reasonable effort will be made by BHA to assure that applicants are able to make informed choices regarding the projects in which they wish to reside, such as location of available sites, occupancy number and size of accessible units, available amenities, security, transportation, and estimate of waiting time for a unit.

BHA will carefully monitor the site-based waiting lists to assure that civil rights and fair housing aims are affirmatively furthered.

WAITING LIST PREFERENCES

An applicant will not be granted any preference if any member of the family has been evicted from any federally assisted housing during the past three years because of drug-related and/or violent criminal activities.

The BHA will grant an exception to such a family if the responsible member has successfully completed a rehabilitation program or is no longer a member of the household, and will be barred from residing in the assisted household.

If an applicant makes a false statement in order to qualify for a preference, the BHA will deny the family eligibility for the preference.

LOCAL PREFERENCES

Local preferences will be used to select among applicants **on the waiting list** without regard to Federal preferences. A public hearing must be held before the BHA adopts any local preference.

The hearing will be publicized using the same guidelines as those for opening and closing the waiting list.

The BHA uses the following Local Preferences:

1. Residency Preference for families who live, work, or have been hired to work or who are attending school in the jurisdiction of the City of Berkeley. Unpaid employment is excluded. Employment must be for a minimum of 10 hours a week or 500 hours per year.
2. Veteran Preference: State law definition (veterans or surviving spouses of veterans).
3. Disability Preference: This preference is extended to disabled persons or families with a disabled member as defined in BHA's policies. Proof of disability will be required at time of selection. HUD regulations prohibit admission preferences for specific types of disabilities.

INITIAL DETERMINATION OF PREFERENCE QUALIFICATION

[24 CFR 982.210 (c)(3)]

At the time of application, an applicant's entitlement to a Local Preference may be made on the basis of:

An applicant's certification that they qualify for a preference will be accepted without verification. When the family is selected from the waiting list for the final determination of eligibility, the preference will be verified.

If the preference verification indicates that an applicant does not qualify for the preference, the applicant will be returned to the waiting list and ranked without the Ranking or Local Preference and given an opportunity for a meeting.

RANKING PREFERENCES

Ranking preferences are used to prioritize applicants on the Local preference list.

The BHA will use the following ranking preference(s):

1. Residency Preference. Person who have established a permanent residence in the City of Berkeley or persons who are employed (unpaid employment is excluded) in the City of Berkeley (must be employed for a minimum of 10 hours per week or 500 hours per year).
2. Families with one or more persons with disabilities.

Types of Applicants with Preference Over “Other Singles”

Applicants who are elderly, disabled, or displaced households of no more than two persons will be given a selection priority over all “Other Single”.

“Other Singles” denotes a one-person household in which the individual member is neither elderly, disabled, nor displaced. Such applicants will be placed on the waiting list in accordance with the date and time of their application, and only Residency preference, if applicable.

Initial Determination of Local Preference Qualification

If the preference verification indicates that an applicant does not qualify for the preference or priority, the applicant will be placed on the waiting list with the correct preference or priority.

Preference Eligibility [24 CFR 5.415]

1. Change in Circumstances

Changes in an applicant's circumstances while on the waiting list may affect the family's entitlement to a preference. Applicants are required to notify BHA in writing when their circumstances change. When an applicant claims an additional preference, s/he will be placed on the waiting list in the proper order of their newly-claimed preference.

2. Cross-Listing of Public Housing and Section 8

BHA will not merge the waiting lists for public housing and Section 8. However, if the Section 8 waiting list is open when the applicant is placed on the public housing list, BHA must offer to place the family on both lists. If the public housing waiting list is open at the time an applicant applies for Section 8, BHA must offer to place the family on the public housing waiting list.

Order of Selection

The order of selection is based on BHA's system for weighing preferences and the requirement that one or two person elderly, disabled, or displaced families will always be selected before other singles.

1. Local Preferences will be awarded on a cumulative basis (a family having four (4) local preferences will be housed prior to one with only three (3) local preferences).
2. Families who are residents will be assisted prior to disabled families. All other preferences will be housed after this ranking.
3. Among Applicants with Equal Preference Status

Among applicants with equal preference status, the waiting list will be organized by date and time of receipt of the pre-application.

Under the singles rule, elderly and disabled families and displaced singles will always be selected before other singles without regard to preference status.

Factors other than Preferences that affect Selection of Applicants

Available Units

Before applying its preference system, BHA will first match the characteristics of the available unit to the applicants available on the waiting lists. Factors such as unit size, accessible features, or units in housing designated for the elderly or disabled, limit the admission of families to those characteristics match the characteristics and features of the vacant unit available.

By matching unit and family characteristics, it is possible that families who are lower on the waiting list may receive an offer of housing ahead of families with an earlier date and time of application.

Any admission mandated by court order related to desegregation or Fair Housing and Equal Opportunity will take precedence over the Preference System. Other admissions required by court order will also take precedence over the Preference System. If permitted by the court order, BHA may offer the family a housing certificate or voucher.

BHA's preference system will work in combination with requirements to match the characteristics for the family to the type of unit available, including units with targeted populations. When such matching is required or permitted by current law, BHA will give preference to the families described below.

Deconcentration of Poverty and Income Mixing

Gross annual income is used for income limits at admission and for income-mixing purposes.

BHA will gather data and analyze, at least annually, the tenant characteristics of its public housing stock, including information regarding tenant incomes, to review any need to revise deconcentration policy.

This policy is designed to provide maximum flexibility to assisted families in making their housing choices regardless of race or income within qualifying income ranges. BHA will:

1. Conduct outreach to potential applicants who are underrepresented households

2. Inform applicants of the advantages available for working families

Income Targeting

BHA will monitor its admissions to ensure that at least 40% of families admitted to public housing projects by BHA each year shall have incomes that do not exceed 30% of area median.

Families whose incomes do not exceed 30% of area median income will be referred to as “extremely low income families”.

Final Verification of Preference [24 CFR 5.415]

Preference information on pre-applications will be updated as applicants are selected from the waiting list. At that time, BHA will conduct an interview with the applicant and will obtain third party verifications of preferences and priorities.

Preference Denial [24 CFR 5.415]

If BHA denies a preference, BHA will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for an informal review. If the preference denial is upheld as a result of the review, or the applicant does not request a review, the applicant will be placed on the waiting list without benefit of the preference. Applicants may exercise other rights if they believe they have been discriminated against.

If the applicant falsifies documents or makes false statements in order to qualify for any preference or priority, they will be removed from the Waiting List.

Removal from Waiting List and Purging [24 CFR 982.204(c)]

If an applicant fails to respond to a mailing from BHA, the applicant will be sent written notification and given thirty (30) calendar days to contact the BHA. If they fail to respond within thirty (30) calendar days they will be removed from the waiting list. An extension of up to an additional thirty (30) calendar days will be considered an accommodation if requested by a person with a disability. If a letter is returned by the Post Office without a forwarding address, the applicant will be removed without further notice and the envelope and letter will be maintained in the file.

If an applicant is removed from the waiting list for failure to respond, they will not be entitled to reinstatement unless failure to respond was due to disability.

If an applicant is removed from the waiting list for failure to respond, they will not be entitled to reinstatement unless they can demonstrate:

1. That there was a situation beyond their control that prevented them from responding;
2. The BHA failed to process a change of address submitted in writing by the applicant; or
3. That the BHA erred in its effort to contact the family.

The waiting list will be purged annually by a mailing to all applicants to ensure that the waiting list is current and accurate. The mailing will ask for current information and confirmation of continued interest. The same guidelines will be used for failure to respond to this mailing. Notices will be made available in accessible format upon the request of a person with a disability.

The waiting list will be purged not less than once every 12 months by a mailing to all applicants to ensure that the waiting list is current and accurate. The mailing will ask for current information and confirmation of continued interest.

Notices will be made available in accessible format upon the request of a person with a disability.

Section 8

Eligibility and Selection Policy

It is the BHA's objective to ensure that families are placed in the proper order on the waiting list so that an offer of assistance is not delayed to any family, or made to any family prematurely.

By maintaining an accurate waiting list, the BHA will be able to perform the activities, which will ensure that an adequate pool of qualified applicants will be available, so that program funds are used in a timely manner.

Pre-application Pool

The waiting list will be maintained in accordance with the following guidelines:

1. The pre-application will be maintained in a permanent file.
2. Pre-applications equal in preference will be maintained by date and time sequence. The date of pre-application is determined by the actual date the pre-application is submitted.
3. All applicants must meet all eligibility requirements as established by HUD. Any exceptions to these requirements, other than those outlined in the Chapter, "Eligibility for Admission", must have been approved previously by the HUD Field Office.

Cross-Listing of Public Housing and Section 8

The BHA will not merge the waiting lists for public housing and Section 8. However, if the Section 8 waiting list is open when the applicant is placed on the public housing list, the BHA must offer to place the family on both lists. If the public housing waiting list is open at the time an applicant applies for Section 8, the BHA must offer to place the family on the public housing waiting list.

Application

The application process will involve two phases. The first will be the "initial" application for assistance (referred to as the pre-application). Families who wish to apply for any of BHA's programs must complete a written pre-application form when the waiting list is open. An interpreter or referral to an agency will be made available upon request for assistance in making our application process accessible. Pre-applications will be mailed

to interested families upon request, or may be picked up at the main BHA office. This first phase will result in the family's placement on the waiting list.

The second phase will be the "final determination of eligibility" (referred to as the full application). The full application will take place when the family reaches the top of the waiting list. At this time BHA will ensure that verification of all HUD and BHA eligibility factors is current in order to determine the family's eligibility for the Voucher Program.

Management of the Waiting List

BHA will administer its Section 8 waiting list as required by 24 CFR 982.54(d)(1). It is the BHA's policy that each applicant shall be assigned an appropriate place on the waiting list.

Applicants will be listed in sequence assigned through the local preference system and where the preferences are equal, by date and time of application.

1. Opening and Closing the Waiting Lists. [24 CFR 982.207]

BHA, at its discretion, may restrict application intake, suspend application intake, and close waiting lists in whole or in part. BHA may open or close the list by local preference category.

The decision to close the waiting list will be based on the number of applications available for the funding available, the number of applicants who qualify for a local preference, and the ability of BHA to provide vouchers within a reasonable period of time.

When BHA opens the waiting list, BHA will advertise through public notice in newspapers, minority publications, media entities and local human service agencies, and with the same organizations that are used for the public housing program. The notice will contain:

The dates, times, and the locations where families may apply.

The programs for which applications will be taken.

A brief description of the program.

A statement that Public Housing residents must submit a separate application if they want to apply for the Section 8 Program.

Limitations, if any, on who may apply.

The notices will be made in an accessible format if requested. They will provide potential applicants with information that includes BHA's address and telephone number, how to submit an application, information on eligibility requirements, and the availability of local preferences.

Upon request from a person with a disability, additional time up to ten (10) business days will be given as a reasonable accommodation for submission of an application after the closing deadline. This accommodation is to allow persons with disabilities the opportunity to submit an application in cases when a social service organization provides inaccurate or untimely information about the closing date.

2. When Pre-Application Taking is Suspended

BHA may suspend the acceptance of pre-applications if there are enough local Preference holders to fill anticipated openings for the next 12 months.

The waiting list may not be closed if it would have a discriminatory effect inconsistent with applicable civil rights laws.

During the period when the waiting list is closed, BHA will not maintain a list of individuals who wish to be notified when the waiting list is open.

Suspension of pre-application taking is announced in the same way as opening the waiting list.

The open period shall be long enough to achieve a waiting list adequate to cover projected turnover over the next 12 months. BHA will give at least 10 days' notice prior to closing the list, if the opening and closing dates are not announced in the same notice. When the period for accepting pre-applications is over, BHA will add the new applicants to the list by:

Separating the new applicants into groups based on preferences and ranking applicants within each group by date and time of pre-application.

3. Reopening the List

If the waiting list is closed and BHA decides to open the waiting list, BHA will publicly announce the opening. Any reopening of the list is done in accordance with HUD requirements.

Even though there are enough applicants on the waiting list to fill the turnover within the next 12 months, if there are not enough applicants who claim a local preference, BHA may elect to accept pre-applications from applicants who claim a local preference only.

4. Limits on Who May Apply

When the waiting list is open, any family asking to be placed on the waiting list for Section 8 rental assistance will be given the opportunity to complete a pre-application.

Depending upon the composition of the waiting list with regard to preferences and to better serve the needs of the community, at times BHA may only accept pre-applications from family's claiming a local preference.

5. Special Admissions

Applicants, who are admitted under Special Admissions, rather than from the waiting list, are identified by codes in the automated system and are not maintained on separate lists.

6. Time of Selection

When the pre-application is submitted to BHA, it establishes the family's date and time of application for placement order on the waiting list.

When vouchers are available, families will be selected from the waiting list in their preference-determined sequence.

Based on BHA's turnover and the availability of vouchers, groups of families will be selected from the waiting list to form a final eligibility "pool." Selection from the pool will be based on waiting list sequence/completion of verification.

7. Changes Prior to Voucher Offer

Changes that occur during the period between placement on the waiting list and an offer of a voucher may affect the family's eligibility or Total Tenant Payment. The family is responsible for notifying BHA of such changes.

Multiple Families in the Same Household. When families apply that consist of two families living together, (such as a mother and father, and a daughter with her own husband or children), if they apply as a family, they will be treated as a family and will not receive separate vouchers.

Joint Custody of Children. Children who are subject to a joint custody agreement but live with one parent at least 51% of the time will be considered members of that household. 51% of the time is defined as 183 days of the year, which do not have to run consecutively.

WAITING LIST PREFERENCES [24 CFR 982.207]

An applicant will not be granted any Local preference if any member of the family has been evicted from housing assisted under a 1937 Housing Act program during the past three years because of drug-related criminal activity.

The BHA will grant an exception to such a family if:

1. The responsible member has successfully completed a rehabilitation program.
2. The evicted person clearly did not participate in or know about the drug related activity.
3. The evicted person no longer participates in any drug related criminal activity.

If an applicant makes a false statement in order to qualify for a Local preference, the BHA will deny the Local preference.

LOCAL PREFERENCES [24 CFR 5.410]

The BHA uses the following Local Preference system:

1. Residency Preference for families who live, work, or have been hired to work or who are attending school in the jurisdiction.
2. Veteran Preference: State law definition (veterans or surviving spouses of veterans).
3. Disability Preference: This preference is extended to disabled persons or families with a disabled member as defined in this Plan. Proof of disability will be required at time of selection. HUD regulations prohibit admission preferences for specific types of disabilities.

4. Working Preference/Job Training: Families with at least one adult who is employed at least 20 hours per week or 1,040 hours per year; or who are active participants in accredited educational and training programs designed to prepare the individual for the job market. This preference is automatically extended to elderly families or families whose head or spouse is receiving income based on their inability to work.

Families who are graduates of or active participants in educational and training programs designed to prepare the individual for the job market.

5. Victims of Domestic Violence: The BHA will offer a local preference to families that have been subjected to or victimized by a member of the family or household within the past 6 months. The BHA will require evidence that the family has been displaced as a result of fleeing violence in the home. Families are also eligible for this preference if there is proof that the family is currently living in a situation where they are being subjected to or victimized by violence in the home. The following criteria are used to establish a family's eligibility for this preference:

- a. Actual or threatened physical violence directed against the applicant or the applicant's family by a spouse or other household member who lives in the unit with the family.
- b. The actual or threatened violence must have occurred within the past 7 days or be of a continuing nature.
- c. An applicant who lives in a violent neighborhood or is fearful of other violence outside the household is not considered involuntarily displaced.
- d. To qualify for this preference, the abuser must still reside in the unit from which the victim was displaced. The applicant must certify that the abuser will not reside with the applicant unless the BHA gives prior written approval.
- e. The BHA will approve the return of the abuser to the household under the following conditions:
 - (1) The BHA verifies that the abuser has received therapy or counseling that appears to minimize the likelihood of recurrence of violent behavior.
 - (2) A counselor, therapist or other appropriate professional recommends in writing that the individual be allowed to reside with the family.

If the abuser returns to the family without approval of the BHA, the BHA will deny or terminate assistance for breach of the certification.

At the family's request, the BHA will take precautions to ensure that the new location of the family is concealed in cases of domestic abuse.

6. Involuntary Displacement: Involuntarily displaced applicants are applicants who have been involuntarily displaced and are not living in standard, permanent replacement housing, or will be involuntarily displaced within no more than six months from the date of preference status certification by the family/verification by the BHA.

Families are considered to be involuntarily displaced if they are required to vacate housing as a result of:

- a. A disaster (fire, flood, earthquake, etc.) that has caused the unit to be uninhabitable.
- b. Federal, state or local government action related to code enforcement, public improvement or development.
- c. Action by a housing owner which is beyond an applicant's ability to control, and which occurs despite the applicant's having met all previous conditions of occupancy, and is other than a rent increase.

If the owner is an immediate family relative and there has been no previous rental agreement and the applicant has been part of the owner's family immediately prior to application, the applicant will not be considered involuntarily displaced.

For purposes of this definitional element, reasons for an applicant's having to vacate a housing unit include, but are not limited to:

1. Conversion of an applicant's housing unit to non-rental or non-residential use;
2. Closure of an applicant's housing unit for rehabilitation or non-residential use;
3. Notice to an applicant that s/he must vacate a unit because the owner wants the unit for the owner's personal or family use or occupancy;

4. Sale of a housing unit in which an applicant resides under an agreement that the unit must be vacant when possession is transferred; or
5. Any other legally authorized act that results, or will result, in the withdrawal by the owner of the unit or structure from the rental market.
6. To avoid reprisals because the family provided information on criminal activities to a law enforcement agency and, after a threat assessment, the law enforcement agency recommends rehousing the family to avoid or reduce risk of violence against the family.

The family must be part of a Witness Protection Program, or HUD Office or law enforcement agency must have informed the BHA that the family is part of a similar program. The BHA will take precautions to ensure that the new location of the family is concealed in cases of witness protection.

7. By hate crimes if a member of the family has been the victim of one or more hate crimes, and the applicant has vacated the unit because of the crime or the fear of such a crime has destroyed the applicant's peaceful enjoyment of the unit.

A hate crime is actual or threatened physical violence or intimidation that is directed against a person or his property and is based on the person's race, color, religion, sex, national origin, disability or familial status including sexual orientation and occurred within the last 30 days or is of a continuing nature.

8. Displacement by non-suitability of the unit when a member of the family has a mobility or other impairment that makes the person unable to use critical elements of the unit and the owner is not legally obligated to make changes to the unit.

Critical elements are:
entry and egress of unit and building

a sleeping area,

a full bathroom,

a kitchen if the person with a disability must do their own food preparation/other.

9. Due to HUD disposition of a multifamily project under Section 203 of the Housing and community Development Amendments of 1978.

7. Homeless: An applicant who is a "Homeless Family" is considered to be living in substandard housing. "Homeless Families":

- a. Homeless families may maintain their place on the waiting list while completing a transitional housing program.
- b. Families who are residing with friends or relatives on a temporary basis will be included in the homeless definition.

Treatment of Single Applicants

Single applicants will be treated as any other eligible family on the waiting list.

Applicants who are elderly, disabled, or displaced families of no more than two person families will be given a selection priority over all ~~Other Single~~ applicants regardless of preference status.

"Other Singles" denotes a one-person household in which the individual member is not elderly, disabled, or displaced by government action. Such applicants will be placed on the waiting list in accordance with any other preferences to which they are entitled, but they cannot be selected for assistance before any one or two person elderly, disabled or displaced family regardless of local preferences.

All families with children and families who include an elderly person or a person with a disability (see 24 CFR 100.80) shall be given a selection priority over all other applicants.

INCOME TARGETING

In accordance with the Quality Housing and Work Responsibility Act of 1998, each fiscal year the BHA will reserve a minimum of seventy-five percent of its Section 8 new admissions for families whose income does not exceed 30 percent of the area median income. HUD refers to these families as ~~extremely low-income families~~. The PHA will admit families who qualify under the Extremely Low Income limit to meet the income targeting requirement, regardless of preference.

The BHA's income targeting requirement does not apply to low income families continuously assisted as provided for under the 1937 Housing Act.

The BHA is also exempted from this requirement where the BHA is providing assistance to low income or moderate income families entitled to preservation assistance under the tenant-based program as a result of a mortgage prepayment or opt-out.

The BHA shall have the discretion, at least annually, to exercise the ~~fungibility~~ provision of the QHWRA. This provision allows the BHA to admit less than the minimum 40% of its extremely low-income families in a fiscal year to its public housing program to the extent that the BHA's admission of extremely low income families in the tenant-based assistance program exceeds 75% of all admissions during the fiscal year. If exercising this option the BHA will follow the fungibility threshold limitations as set forth in QHWRA legislation.

INITIAL DETERMINATION OF LOCAL PREFERENCE QUALIFICATION

At the time of application, an applicant's entitlement to a Local Preference may be made on the following basis. An applicant's certification that they qualify for a preference will be accepted without verification at the initial application. When the family is selected from the waiting list for the final determination of eligibility, the preference will be verified.

If the preference verification indicates that an applicant does not qualify for the preference, the applicant will be returned to the waiting list without the Local Preference and given an opportunity for a meeting.

If, at the time the family applied, the preference claim was the only reason for placement of the family on the list and the family cannot verify their eligibility for the preference as of the date of application, the family will be removed from the list.

EXCEPTIONS FOR SPECIAL ADMISSIONS [24 CFR 982.203, 982.54(d)(3)]

If HUD awards a BHA program funding that is targeted for specifically named families, the BHA will admit these families under a Special Admission procedure.

Special admissions families will be admitted outside of the regular waiting list process. They do not have to qualify for any preferences, nor are they required to be on the program waiting list. The BHA maintains separate records of these admissions.

The following are examples of types of program funding that may be designated by HUD for families living in a specified unit:

1. A family displaced because of demolition or disposition of a public or Indian housing project;
2. A family residing in a multifamily rental housing project when HUD sells, forecloses or demolishes the project;
3. For housing covered by the Low Income Housing Preservation and Resident Home-ownership Act of 1990;
4. A family residing in a project covered by a project-based Section 8 HAP contract at or near the end of the HAP contract term; an
5. A non-purchasing family residing in a HOPE 1 or HOPE 2 project.

An applicant will not be granted any preference if any member of the family has been evicted from any federally assisted housing during the past three years because of drug-related criminal activity.

TARGETED FUNDING

When HUD awards special funding for certain family types, families who qualify are placed on the regular waiting list. When a specific type of funding becomes available, the waiting list is searched for the first available family meeting the targeted funding criteria.

Applicants who are admitted under targeted funding that are not identified as a Special Admission are identified by codes in the automated system and are not maintained on separate waiting lists.

The HA has the following "Targeted" Programs:

Shelter Plus Care

Initial Determination of Local Preference Qualification

An applicant's certification that they qualify for a preference or priority will be accepted without verification at the time of pre-application. When the family is selected from the waiting list for the final determination of eligibility, the preference or priority will be verified.

If the preference verification indicates that an applicant does not qualify for the preference, the applicant will be returned to the waiting list with the correct preference, and if the family contests the change they will be given an opportunity for an informal review.

If at the time the family applied, the preference claim was the only reason for placement of the family on the list and the family cannot verify their eligibility for the preference as of the date of application, the family will be placed back on the waiting list with the appropriate preference.

Applicants who claim veteran status must furnish verification at the time of application in the form of a copy of their DD214.

Preference Eligibility

Change in Circumstances

Changes in an applicant's circumstances while on the waiting list may affect the family's entitlement to a preference. Applicants are required to notify BHA in writing when their circumstances change. When an applicant claims an additional preference, s/he will be placed on the waiting list in the proper order of their newly claimed preference.

Order of Selection

The order of selection is based on BHA's system for ranking local preferences.

Preferences will be ordered in the following manner:

The BHA has selected the following system to apply local preferences:

1. Berkeley residents have first priority
2. All local other preferences will be treated equally.

DECONCENTRATION OF POVERTY

BHA will gather data and analyze, at least annually, the tenant characteristics of its Section 8 participants, including information regarding participant incomes, to assist in BHA's deconcentration efforts.

REMOVAL FROM WAITING LIST AND PURGING {24 CFR 982.204(C)}

If an applicant fails to respond to a mailing from BHA, the applicant will be sent written notification and given thirty (30) days to contact BHA. If they fail to respond within thirty (30) days they will be removed from the waiting list. An extension will be considered for an additional thirty (30) days as an accommodation if requested by a person with a disability.

If a letter is returned by the Post Office without a forwarding address, the applicant will be removed without further notice and the envelope and letter will be maintained in the file.

If an applicant is removed from the waiting list for failure to respond, they will not be entitled to reinstatement unless it is determined that there were circumstances beyond the person's control. The following exceptions, if determined to exist, will be acceptable to warrant reinstatement: hospitalization, death in family, family medical emergency.

The waiting list will be purged at least annually, by mailing a request to respond to all applicants to ensure that the waiting list is current and accurate. The mailing will ask for current information and confirmation of continued interest.

Notices will be made available in accessible format upon the request of a person with a disability.

RENTAL DETERMINATION AND ASSISTANCE PROGRAM POLICIES

The BHA operates both public housing and Section 8 assistance. Included in this section are policies that govern the following:

- Lease and occupancy standards
- Any exclusions to income
- The Agency's minimum rent policies
- The Agency's flat rent policies
- Policies governing rent reductions, hardship, rent switching and rent phase-ins
- The Fair Housing Policy of the Agency

Public Housing

Determination of Total Tenant Payment

Introduction

The accurate calculation of Annual Income and Adjusted Income will ensure that families are not paying more or less money for rent than their obligation under HUD regulations.

This section defines the allowable deductions from Annual Income and how the presence or absence of household members may affect the Total Tenant Payment (TTP). Income and TTP are calculated in accordance with 24 CFR Part 5, Subpart F and further instructions set forth in HUD Notices, Memoranda and Addenda. The formula for the calculation of TTP is specific and not subject to interpretation. BHA's policies in this section address those areas that allow BHA discretion to define terms and to develop standards in order to assure consistent application of the various factors that relate to the determination of TTP.

Income and Allowances

Income: The types of money that are to be used as income for purposes of calculating the TTP are defined by HUD in federal regulations. In accordance with this definition, income from all sources of each member of the household is counted.

Annual Income is defined as the gross amount of income anticipated to be received by the family during the 12 months after certification or recertification.

Gross income is the amount of income prior to any HUD allowable expenses or deductions, and does not include income that has been excluded by HUD. Annual income is used to determine whether or not applicants are within the applicable income limits. (24 CFR 5.607)

Adjusted Income is defined as the Annual income minus any HUD allowable deductions.

HUD has five allowable deductions from Annual Income:

1. Dependent allowance: \$480 each for family members (other than the head of household or spouse), who are minors, and for family members who are 18 and older who are full-time students or who are disabled.
2. "Elderly" allowance: \$400 per household for families whose head or spouse is 62 or over or disabled.
3. Allowable medical expenses for all family members are deducted for "elderly" (includes disabled) families.
4. Childcare expenses for children under 13 are deducted when childcare is necessary to allow an adult member to work or attend school.
5. Expenses for attendant care or auxiliary apparatus for persons with disabilities if needed to enable the individual or an adult family member to work.

DISALLOWANCE OF EARNED INCOME

BHA's policy is to encourage self-sufficiency for the residents of Public Housing. In an effort to encourage non-working adult family members to secure permanent employment BHA will disallow earned income in the following manner and in the following cases:

- § BHA will not increase the family's rent for a period of 12 months if the increase in earned income results from:
- § earnings of a previously consistently unemployed family member (family member unemployed for at least 9 months of the previous 12 months, or has had sporadic income from earnings of less than \$200 per month), or

- § Earnings of a family member during participation in a self-sufficiency or job training program, or
- § Earnings of a family member that had been receiving welfare in the previous six (6) months.

- § If the family member leaves the job without good cause after 6 months and before 12 months, the rent will be calculated retroactively to include the employment income.

After the 12-month disallowance, a family's rent increase will be phased in. Only 50% of the earned income will be used to compute the resident's rent for an additional period of 12 months.

The source of income must be reported and recorded in the tenant's file. Failure to report the income within 30 days will result in the family being disqualified for the disallowance and the full income will be used to calculate the rent.

DEFINITION OF TEMPORARILY/PERMANENTLY ABSENT

BHA must compute all applicable income of every adult family member who is on the lease, including those who are temporarily absent. In addition, BHA must count the income of the spouse or the head of the household if that person is temporarily absent, even if that person is not on the lease.

Income of persons permanently absent will not be counted. If the spouse is temporarily absent and in the military, all military pay and allowances (except hazardous duty pay when exposed to hostile fire and any other exceptions to military pay HUD may define) is counted as income.

It is the responsibility of the head of household to report changes in family composition to the BHA in writing within 14 calendar days of the change. BHA will evaluate absences from the unit using this policy.

Absence of Entire Family

"Absence of entire" means that no family member or no family member 18 years of age or older is residing in the unit.

These policy guidelines address situations when the family is absent from the unit, but has not moved out of the unit.

Families are required to notify the BHA before the family vacates the unit; and to give the BHA information about the absence of the family or any individual

member of the family if they are going to be absent from the unit for more than 30 (thirty) days.

A family will be considered to have vacated or abandoned the unit if they are absent for 90 or more consecutive days without written notice to the BHA. In order to determine if the family is absent from the unit, BHA may:

- Write letters to the family at the unit
- Telephone the family at the unit
- Interview neighbors
- Verify if utilities are in service
- Verify if the tenant's rent has been paid
- Request that the Police Department attempt to make contact with a member of the household at various times.

If the absence which resulted in termination of assistance (eviction) was due to a person's disability, and the person can document that they were unable to notify the BHA in accordance with the family's responsibilities, the BHA may reinstate the family as an accommodation if requested by the family as soon as an appropriate unit is available.

Absence of Any Family Member

Any member of the household will be considered to have moved out of the unit if he/she is away from the unit for 120 days or four consecutive months within a twelve (12) month period except as otherwise provided in this Chapter.

Absence due to Medical Reasons

If any family member leaves the household to enter a facility such as hospital, nursing home, or rehabilitation center, the BHA will verify the likelihood and timing of their return. If the verification indicates that the family member will be permanently confined to a nursing home, the family member will be considered permanently absent. If the verification indicates that the family member will return in less than 180 consecutive days, the family member will be considered a continuing member of the household.

If the person who is determined to be permanently absent is the sole member of the household, assistance will be terminated in accordance with the BHA's "Absence of Entire Family" policy.

Absence due to Incarceration

If the head of household is incarcerated for more than 60 consecutive days, he/she will be considered permanently absent. Any adult member of the household, other than the head of household, will be considered permanently absent if he/she is incarcerated for six consecutive months or 180 consecutive days in a 12-month period. Any minor household member incarcerated and absent from the household for 13 or more months, will be considered permanently absent.

The BHA will determine if the reason for incarceration is for drug-related or violent criminal activity. If confirmed, the BHA may move immediately to terminate assistance to the family or to permanently remove the individual from the authorized household.

Foster Care and Absences of Children

If the family includes a child or children temporarily absent from the home due to placement in foster care, BHA will determine from the appropriate agency when the child/children will be returned to the home.

If the time period is to be greater than 13 months from the date of removal of the child(ren), the BHA will reevaluate the family composition, and make a determination as to the size of unit required to properly house the family.

Absence of Adult

- a. The family will be required to notify the BHA in writing within 14 calendar days when an adult family member moves out. The notice must contain a certification by the family as to whether the adult is temporarily or permanently absent. The family member will be determined permanently absent if inadequate verification is provided. Time extension will be granted as an accommodation upon request by a person with a disability.

If a member of the household is subject to a court order that restricts him/her from the home for more than six months, the family must provide the BHA a copy of said order within 14 calendar days.

- b. If neither parent or guardian remains in the household and an appropriate agency has determined that another adult is to be brought into the assisted unit to care for any minor children for an indefinite period, the BHA will treat that adult as a visitor for the first 60 days. However, the caretaker is subject to the tenant screening

criteria. In this situation only the income received for the children will be counted pending a final disposition of the matter by the appropriate agencies.

The BHA may declare the caretaker a member of the household, in the absence of a court order, if the caretaker has been in the unit for more than 60 days/2 months and it is reasonable to expect that custody will be granted.

- c. If an adult household member goes into the military (excluding the reserves) and leaves the household, they will be considered permanently absent.
- d. Full-time students who attend school away from the home will be treated in the following manner:

A student (other than head of household or spouse) who attends school away from home but lives with the family during school recesses may, at the family's choice, be considered either temporarily or permanently absent for a maximum of two years. If the family decides that the member is permanently absent, income of that member will not be included in total household income, the member will not be included on the lease, and the member will not be included for determination of bedroom size eligibility.

Visitors

Any adult not included on the HUD 50058 who has been in the unit more than 14 days (fourteen consecutive days), or a total of 60 (sixty) in a 12-month period, will be considered to be living in the unit as an unauthorized household member.

The BHA will consider the following when making this determination:

- a. Absence of evidence of any other address will be considered verification that the visitor is a family member.
- b. Statements from neighbors and/or the BHA staff will be considered in making the determination.
- c. Use of the unit address as the visitor's current residence for any purpose that is not explicitly temporary shall be construed as permanent residence.
- d. School registration records for minor students.

- e. Statements of residency made to any Public Safety entity, or State, Federal or local government agency.

The burden of proof that the individual is a visitor rests on the family. In the absence of such proof, the individual will be considered an unauthorized member of the family and BHA will terminate and evict the family since prior approval was not requested for the addition.

If the BHA has evidence of any of the above or any other proof of residency, the individual will be considered an unauthorized member of the family and the BHA will terminate assistance since prior approval was not requested for the addition.

Minors and college students who were part of the family but who now live away from home during the school year and are not considered members of the household, may visit for up to 90 (ninety) days per year without being considered a member of the household.

In a joint custody arrangement, if the minor is in the household less than 183 days per year, the minor will be considered to be an eligible visitor and not a family member.

Reporting Additions to BHA

- a. Reporting changes in household composition to the BHA is both a HUD and BHA requirement.
- b. The family obligations require the family to request BHA approval to add any other family member as an occupant of the unit and to inform the BHA of the birth, adoption or court-awarded custody of a child. The family must request prior approval of additional household members in writing.
 - 1. If the family does not obtain prior written approval from the BHA, any person the family has permitted to move in will be considered an unauthorized household member;
 - 2. In the event that a visitor continues to reside in the unit after the maximum allowable time, the family must report it to the BHA in writing within 14 calendar days of the maximum allowable time;

3. Families are required to report any additions to the household in writing to the BHA within (14) calendar days of the move-in date.
- c. An interim reexamination will be conducted for any additions to the household.

AVERAGING INCOME

1. When Annual Income cannot be anticipated for a full twelve months, BHA may:

Average known sources of income that vary to compute an annual income.

Annualize current income and conduct an interim reexamination if income changes.

Average known income and schedule quarterly interim reexaminations.

2. If there are bonuses or overtime that the employer cannot anticipate for the next twelve months, bonuses and overtime received the previous year will be used.

Income from the previous year may be analyzed to determine the amount to anticipate when third-party or check-stub verification is not available.

3. If by averaging, an estimate can be made for those families whose income fluctuates from month to month, this estimate will be used so that the housing payment will not change from month to month.

Minimum Income

There is no minimum requirement. Families who report zero income are required to complete a written certification every 90 calendar days.

Income of Person Permanently Confined to Nursing Home

If a family member is permanently confined to a hospital or nursing home and there is a family member left in the household, the BHA will calculate the Total Tenant Payment, excluding the income of the person permanently confined to the nursing home, and give the family no deductions for medical expenses of the confined family member.

REGULAR CONTRIBUTIONS AND GIFTS

Regular contributions and gifts received from persons outside the household are counted as income for calculation of the Total Tenant Payment.

Any contribution or gift received every three months or more frequently will be considered a "regular" contribution or gift, unless the amount is less than \$600.00 per year. This includes rent and utility payments made on behalf of the family and other cash or non-cash contributions provided on a regular basis. It does not include casual contributions or sporadic gifts.

If the family's expenses exceed its known income, BHA will require the family to complete a written Declaration of Support, identifying all regular contributions and gifts.

WELFARE PAYMENTS OR GENERAL ASSISTANCE

If a family's welfare or public assistance benefits are reduced because of any failure to comply with the conditions under the assistance program requiring participation in an economic self-sufficiency program or imposing a work activities requirement, the family's monthly rent contribution may not be decreased during the period of reduction. The expiration of a time limit for receiving benefits will not be considered a failure to comply.

In addition, if a family's welfare or public assistance benefits are reduced because of an act of fraud by a member of the family under the law or program, the family's monthly rent contribution may not be decreased during the period of reduction as a result of any decrease in the family's income (to the extent that such decrease in income is a result of the reduction in benefits).

ALIMONY AND CHILD SUPPORT

1. Regular alimony and child support payments are counted as income for calculation of Total Tenant Payment.

2. If the amount of child support or alimony received is less than the amount awarded by the court, BHA must use the amount awarded by the court unless the family can verify that they are not receiving the full amount.
3. BHA will accept as verification that the family is receiving an amount less than the award if:
 - a. BHA receives verification from the agency responsible for enforcement or collection.
 - b. The family furnishes documentation of child support or alimony collection action filed through a child support enforcement/collection agency, or has filed an enforcement or collection action through an attorney.
4. It is the family's responsibility to supply a certified copy of the divorce decree.

LUMP SUM RECEIPTS

1. Lump-sum additions to Family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses, are not included in income but may be included in assets.
2. Lump-sum payments caused by delays in processing periodic payments (unemployment or welfare assistance) are counted as income. Lump sum payments from Social Security or SSI are excluded from income, but any amount remaining will be considered an asset. Deferred periodic payments which have accumulated due to a dispute will be treated the same as periodic payments which are deferred due to delays in processing.
3. In order to determine amount of retroactive tenant rent that the family owes as a result of the lump sum receipt:

BHA will calculate prospectively if the family reported the payment within 10 days and retroactively to date of receipt if the receipt was not reported within that time frame.

Prospective Calculation Methodology

If the payment is reported on a timely basis, the calculation will be done prospectively and will result in an interim adjustment calculated as follows:

1. The entire lump-sum payment will be added to the annual income at the time of the interim.
2. BHA will determine the percent of the year remaining until the next annual recertification as of the date of the interim (three months would be 25% of the year).
3. At the next annual recertification, BHA will apply the percentage balance (75% in this example) to the lump sum and add it to the rest of the annual income, or
4. The lump sum will be added in the same way for any interims that occur prior to the next annual recertification.

If amortizing the payment over one year will cause the family to pay more than 40% of the family's adjusted income (before the lump sum was added) for Total Tenant Payment, the BHA and family may enter into a Repayment Agreement, with the approval of the BHA Executive Director, for the balance of the amount over the 40% calculation. The beginning date for this Repayment Agreement will start as soon as the one year is over.

Retroactive Calculation Methodology

1. BHA will go back to the date the lump-sum payment was received, or to the date of admission, whichever is closer.
2. BHA will determine the amount of income for each certification period, including the lump sum, and recalculate the tenant rent for each certification period to determine the amount due BHA.

At the BHA's option, BHA may enter into a Repayment Agreement with the family. The amount owed by the family is a collectible debt even if the family becomes unassisted.

Attorney Fees

The family's attorney fees may be deducted from lump-sum payments when computing annual income if the attorney's efforts have recovered a lump-sum

compensation, and the recovery paid to the family does not include an additional amount in full satisfaction of the attorney fees.

CONTRIBUTIONS TO RETIREMENT FUNDS--ASSETS

Contributions to company retirement/pension funds are handled as follows:

1. While an individual is employed, count as assets only amounts the family can withdraw without retiring or terminating employment.
2. After retirement or termination of employment, count any amount the employee elects to receive as a lump sum.

ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE

1. The BHA must count assets disposed of for less than fair market value during the two years preceding certification or reexamination. The BHA will count the difference between the market value and the actual payment received in calculating total assets.
2. Assets disposed of as a result of foreclosure or bankruptcy are not considered to be assets disposed of for less than fair market value. Assets disposed of as a result of a divorce or separation are not considered to be assets disposed of for less than fair market value.
3. The BHA's minimum threshold for counting assets disposed of for less than Fair Market value is \$1,000. If the total value of assets disposed of within the two-year period is less than \$1,000, they will not be considered an asset.

CHILD CARE EXPENSES

1. Childcare expenses for children under 13 may be deducted from annual income if they enable an adult to work or attend school full time.
2. In the case of a child attending private school, only before/after-hours care can be counted as childcare expenses.
3. Childcare expenses cannot be allowed as a deduction if there is an adult household member capable of caring for the child who can provide the

childcare. Examples of those adult members who would be considered *unable* to care for the child include:

The abuser in a documented child abuse situation, or

A person with disabilities or older person unable to take care of a small child, as verified by a reliable knowledgeable source.

4. Allowability of deductions for child care expenses is based on the following guidelines:
 - a. Childcare to work: The maximum childcare expense allowed must the person enabled to work earn less than the amount. The "person enabled to work" will be the adult member of the household who earns the least amount of income from working.
 - b. Childcare for school: The number of hours claimed for childcare may not exceed the number of hours the family member is attending school (including one hour travel time to and from school).
 - c. Amount of Expense: The BHA will survey the local care providers in the community to determine what is reasonable. The BHA will use the collected data as a guideline. If the hourly rate materially exceeds the guideline, the BHA may calculate the allowance using the guideline.
 - d. Documented Costs: Firm evidence of costs must be available for review.

MEDICAL EXPENSES

When it is unclear in the HUD rules as to whether or not to allow an item as a medical expense, IRS Publication 502 will be used as a guide.

- a. Nonprescription medicines must be doctor-recommended in order to be considered a medical expense.
- b. Nonprescription medicines will be counted toward medical expenses for families who qualify if the family furnishes legible receipts.

- c. Accupressure, acupuncture and related herbal medicines, and chiropractic services will not be considered allowable medical expenses unless prescribed by a physician; annual certification by the physician shall be required.
- d. Families with special dietary needs will be allowed a standard deduction for the predetermined, excess food costs. The deduction will be established in January of each year. The deduction will equal 15% of the Alameda County Social Service Department annual food stamp allowance for a family of one.

DISABLED EXPENSES

Reasonable expenses for attendant care and auxiliary apparatus necessary to enable a handicapped or disabled family member to be employed may be deducted from annual income provided the expenses are neither paid to a member of the household or reimbursed by an outside source.

PRORATION OF ASSISTANCE FOR "BLENDED" FAMILIES

1. Applicability

Proration of assistance must be offered to any "blended" applicant or participant family. A "blended" family is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible members.

"Blended" families that were participants on June 19, 1995, and that do not qualify for continued assistance must be offered prorated assistance. (See Chapter 12, entitled "Recertifications.") Applicant blended families are entitled to prorated assistance. Families that become blended after June 19, 1995, by addition of an ineligible member are entitled to prorated assistance.

2. Prorated Assistance Calculation

Prorated assistance is calculated by determining the amount of assistance payable if all family members were eligible and multiplying by the percent of the Total Tenant Payment is the gross rent minus the prorated assistance.

MINIMUM RENT AND MINIMUM FAMILY CONTRIBUTION

“Minimum Rent “ in the conventional program is \$50.00. Minimum rent includes the combined amount (TTP) a family pays towards rent and/or utilities.

REDUCTION IN BENEFITS

If the family's benefits, such as social security, SSI or AFDC, are reduced through no fault of the family, the BHA will use the net amount of the benefit.

If the family's benefits were reduced due to family error, omission, or misrepresentations, the BHA will use the gross amount of the benefit.

If the family's benefits were reduced due to the family's failure to comply with the welfare program's requirements for work activities or participation in an economic self-sufficiency program, the BHA will use the gross amount of the benefit.

UTILITY ALLOWANCE AND UTILITY REIMBURSEMENT PAYMENTS

1. If the cost of utilities (excluding telephone, cable and other luxuries) is not included in the Tenant Rent, a utility allowance will be deducted from the total tenant payment. The utility allowance is intended to help defray the cost of utilities not included in the rent. The allowances are based on actual studies of rates and average consumption, not on a family's actual consumption. The BHA will review the Utility Allowance Schedule on an annual basis and revise if needed.

When the Utility Allowance exceeds the family's Total Tenant Payment, BHA will provide a Utility Reimbursement Payment for the family each month. The check will be made out directly to the family, unless the family has agreed, in writing, to a payment to the utility company.

2. Resident-Paid Utilities

The following requirements apply to residents living in developments with resident-paid utilities or applicants being admitted to such developments:

- a. When a resident makes application for utility service in his/her name, he or she must sign a third party notification agreement

so that the BHA will be notified if the resident fails to pay the utility bill.

- b. If a resident or applicant is unable to get utilities connected because of a previous balance owed to the utility company, the resident/applicant will not be permitted to move into a unit without resident paid utilities. This may mean that a current resident cannot transfer to another unit or that an applicant cannot be admitted to a unit without resident-paid utilities.
- c. Paying the utility bill is the resident's obligation under the lease. Failure to pay utilities is grounds for eviction.

EXCESS UTILITY PAYMENTS

Residents in units where BHA pays the utilities may be charged for excess utilities in accordance with the lease.

FAMILY CHOICE RENTAL PAYMENT METHOD

At the time of the annual reexamination and recertification process the family can elect to pay one of the following:

Flat Rate rent
Income Based rent

BHA will provide the family with enough information for the family to make an informed choice. This information shall include:

- 1. the amounts of both the flat rate and income-based rent
- 2. The method by which income based rent is calculated so the family can determine the rental amount

Switching Rent Methods to Lower Rent Because of Financial Hardship

BHA will switch a family from a flat rent to an income-based rent if BHA determines that the family has a financial hardship.

BHA will conduct an examination of the family's income in order to switch the rent method as quickly as possible, but the rent will be lowered no later than the 1st of the month following the month in which the family reported the hardship.

Income-Based Rent

A family's level of income determines the family's income-based rent. The basic calculation is the higher of 10% of income, or 30% of adjusted income, or minimum rent, whichever is greater.

Minimum Rent

The minimum rent for BHA is \$50.

The Total Tenant Payment is the greater of:

- 30% of the adjusted monthly income
- 10% of the monthly income
- The Minimum rent as established by BHA

The Total Tenant Payment does not include charges for excess utility consumption or other charges.

Hardship Exemptions

BHA will grant an exemption to this requirement if a family is unable to pay such amount because of financial hardship due to the following circumstances:

1. The family has lost eligibility for, or is awaiting eligibility determination for, a federal, state, or local government assistance program;
2. The family would be evicted as a result of the imposition of the minimum rent requirement (if the family has requested such an exemption, and the HA finds a hardship exists);
3. The income of the family has decreased because of changed circumstance, including loss of employment, through no fault of the family;
4. A death in the family has occurred, where such death resulted in the loss of the sole source of the family's income; and
5. The BHA may determine other situations as.

The BHA will require reasonable documentation of the hardship. If the family requests a hardship exemption, the minimum rent requirement is immediately suspended beginning the month following the family's hardship request.

The suspension will continue until a determination is made regarding whether:

- (a) There is a hardship covered by the policy, and
- (b) The hardship is temporary or long-term.

If BHA determines that there is a qualifying hardship, but that the hardship is of a temporary nature, BHA will reinstate the minimum rent for the entire time of the suspension. BHA will not evict the family for nonpayment of rent for a period of 90 days following the reinstatement of the minimum rent, and will offer the family a reasonable repayment agreement.

BHA Procedures for Notification to Families of Hardship Exceptions

BHA will notify all participant families subject to a minimum rent of their right to request a minimum rent hardship exception under the law.

The BHA notification will advise the family that hardship exception determinations are subject to BHA grievance procedures.

BHA will review all tenant requests for exception from the minimum rent due to financial hardships.

Section 8

DETERMINATION OF TOTAL TENANT PAYMENT

Introduction

As in the public housing program, the accurate calculation of Annual Income and Adjusted Income will ensure that families are not paying more or less money for rent than their obligation under the regulations.

This section defines the allowable deductions Annual Income and how the presence or absence of household members may affect the Total Tenant Payment (TTP). Income and TTP are calculated in accordance with 24 CFR Part 5, Subparts E and F and further instructions as set forth in HUD Notices, Memoranda and Addenda. The formula for the calculation of TTP is specific and not subject to interpretation. The BHA's policies in this section address those areas that allow the BHA discretion to define terms and to develop standards in order to assure consistent application of the various factors that relate to the determination of TTP.

Income And Allowances: The types of money that are to be used as income for purposes of calculating the TTP are defined by HUD in federal regulations. In accordance with this definition, income from all sources of each member of the household is documented.

Annual Income is defined as the gross amount of income anticipated to be received by the family during the 12 months after certification or recertification. Gross income is the amount of income prior to any HUD allowable expenses or deductions, and does not include income that has been excluded by HUD. Annual income is used to determine whether or not applicants are within the applicable income limits. (24 CFR 5.607)

HUD has five allowable deductions from Annual Income:

1. Dependent allowance: \$480 each for family members (other than the head or spouse), who are minors, and for family members who are 18 and older who are full-time students or who are disabled.
2. "Elderly" allowance: \$400 per household for families whose head or spouse is 62 or over or disabled.

3. Allowable medical expenses for all family members are deducted for elderly and disabled families.
4. Childcare expenses for children under 13 are deducted when childcare is necessary to allow an adult member to work, attend school, or actively seek employment.
5. Expenses for attendant care or auxiliary apparatus for persons with disabilities if needed to enable the individual or an adult family member to work.

MINIMUM RENT

“Minimum Rent” is \$50. Minimum Rent refers to Total Tenant Payment and includes the combined amount (TTP) a family pays towards rent and/or utilities when it is applied.

Hardship Requests for an Exception to Minimum Rent

The BHA recognizes that in some circumstances even the minimum rent may create a financial hardship for families. The BHA will review all relevant circumstances brought to the BHA’s attention regarding financial hardship as it applies to the minimum rent. The following section states the BHA’s procedures and policies in regard to minimum rent financial hardship as set forth by the Quality Housing and Work Responsibility Act of 1998. HUD has defined circumstances under which a hardship could be claimed.

Criteria for Hardship Exception

In order for a family to qualify for a hardship exception the family’s circumstances must fall under one of the following HUD hardship criteria:

The family has lost eligibility or is awaiting an eligibility determination for Federal, State, or local assistance;

The family would be evicted as a result of the imposition of the minimum rent requirement;

The income of the family has decreased because of changed circumstances, including:

1. Loss of employment
2. Death in the family

3. Other circumstances as determined by the BHA or HUD

BHA Notification to Families of Right to Hardship Exception

The BHA will notify all families subject to minimum rents of their right to request a minimum rent hardship exception. Subject to minimum rent means the minimum rent was the greatest figure in the calculation of the greatest of 30% of monthly adjusted income, 10% of monthly income, minimum rent or welfare rent.

If the minimum rent is the greatest figure in the calculation of Total Tenant Payment, BHA staff will include a copy of the notice regarding hardship request provided to the family in the family's file.

The BHA notification will advise families that hardship exception determinations are subject to BHA review and hearing procedures.

The BHA will review all family requests for exception from the minimum rent due to financial hardships.

All requests for minimum rent hardship exceptions are required to be in writing.

Requests for minimum rent exception will be accepted by the BHA from the family in writing.

- a. The BHA will request documentation as proof of financial hardship.
- b. The BHA will use its standard verification procedures to verify circumstances which have resulted in financial hardship.

Requests for minimum rent exception must include a statement of the family hardship that qualify the family for an exception.

Suspension of Minimum Rent

The BHA will grant the minimum rent exception to all families who request it, effective the first of the following month.

The minimum rent will be suspended until the BHA determines whether the hardship is:

- a. Covered by statute
- b. Temporary or long term

"Suspension" means that the BHA must not use the minimum rent calculation until the BHA has made this decision.

During the minimum rent suspension period, the family will not be required to pay a minimum rent and the housing assistance payment will be increased accordingly.

If the BHA determines that the minimum rent is not covered by statute, the BHA will impose a minimum rent including payment for minimum rent from the time of suspension.

Temporary Hardship

If the BHA determines that the hardship is temporary, a minimum rent will not be imposed for a period of up to 90 days from the date of the family's request. At the end of the temporary suspension period, a minimum rent will be imposed retroactively to the time of suspension.

The BHA will offer a repayment agreement to the family for any such rent not paid during the temporary hardship period. (See "Owner and Family Debts to the BHA" chapter for Repayment agreement policy).

Long-Term Duration Hardships

If the BHA determines that there is a qualifying long-term financial hardship, the BHA must exempt the family from the minimum rent requirements.

Retroactive Determination

The BHA will reimburse the family for any minimum rent charges, which took effect after October 21, 1998 that qualified for one of the mandatory exceptions.

If the family is owed a retroactive payment, the BHA will offset the family's future rent contribution payments by the amount in which the BHA owes the family.

Definition Of Temporarily/Permanently Absent

The BHA must compute all applicable income of every family member who is on the lease, including those who are temporarily absent. In addition, the BHA must count the income of the spouse or the head of the household if that person is temporarily absent, even if that person is not on the lease.

Income of persons permanently absent will not be counted. If the spouse is temporarily absent and in the military, all military pay and allowances (except

hazardous duty pay when exposed to hostile fire and any other exceptions to military pay HUD may define) is counted as income.

It is the responsibility of the head of household to report changes in family composition. The BHA will evaluate absences from the unit using this policy.

Absence of Any Member

Any member of the household will be considered permanently absent if s/he is away from the unit for four consecutive months in any 12 month period except as otherwise provided in this Chapter.

Absence due to Medical Reasons

If any family member leaves the household to enter a facility such as hospital, nursing home, or rehabilitation center, the BHA will seek advice from a reliable qualified source as to the likelihood and timing of their return. If the verification indicates that the family member will be permanently confined to a nursing home, the family member will be considered permanently absent. If the verification indicates that the family member will return in less than not to exceed 180 consecutive days, the family member will not be considered permanently absent.

If the person who is determined to be permanently absent is the sole member of the household, assistance will be terminated in accordance with the BHA's "Absence of Entire Family" policy.

Absence Due to Full-time Student Status

Full time students who attend school away from the home will be treated in the following manner:

A student (other than head of household or spouse) who attends school away from home but lives with the family during school recesses may, at the family's choice, be considered either temporarily or permanently absent. If the family decides that the member is permanently absent, income of that member will not be included in total household income, the member will not be included on the lease, and the member will not be included for determination of Voucher size.

Absence due to Incarceration

If the sole member is incarcerated for more than 60 consecutive days, s/he will be considered permanently absent. Any member of the household, other than the sole member, will be considered permanently absent if s/he is incarcerated for six consecutive months or 180 consecutive days in a twelve month period.

The BHA will determine if the reason for incarceration is for drug-related or violent criminal activity.

Absence of Children due to Placement in Foster Care

If the family includes a child or children temporarily absent from the home due to placement in foster care, the BHA will determine from the appropriate agency when the child/children will be returned to the home.

If the time period is to be greater than four of months from the date of removal of the child/ren, the Voucher size will be reduced. If all children are removed from the home permanently, the voucher size will be reduced in accordance with the BHA's subsidy standards.

Absence of Entire Family

These policy guidelines address situations when the family is absent from the unit, but has not moved out of the unit. In cases where the family has moved out of the unit, the BHA will terminate assistance in accordance with appropriate termination procedures contained in this Plan.

Families are required both to notify the BHA before they move out of a unit and to give the BHA information about any family member absence from the unit.

Families must notify the BHA in writing at least five days before leaving the unit or no less than five days after leaving the unit if they are going to be absent from the unit for more than 30 consecutive days.

If the entire family is absent from the assisted unit for more than 90 consecutive days, the unit will be considered to be vacated and the assistance will be terminated.

If it is determined that the family is absent from the unit, the BHA will not continue assistance payments.

HUD regulations require the BHA to terminate assistance if the entire family is absent from the unit for a period of more than 180 consecutive calendar days.

"Absence" means that no family member is residing in the unit.

In order to determine if the family is absent from the unit, the BHA may:

- a. Write letters to the family at the unit
- b. Telephone the family at the unit
- c. Interview neighbors
- d. Verify if utilities are in service
- e. Check with the post office

A person with a disability may request an extension of time as an accommodation, provided that the extension does not go beyond the HUD-allowed 180 consecutive calendar days limit.

If the absence which resulted in termination of assistance was due to a person's disability, and the BHA can verify that the person was unable to notify the BHA in accordance with the family's responsibilities, and if funding is available, the BHA may reinstate the family as an accommodation if requested by the family, as long as the period was within 180 days.

Caretaker for Children

If neither parent remains in the household and the appropriate agency has determined that another adult is to be brought into the assisted unit to care for the children for an indefinite period, the BHA will treat that adult as a visitor for the first 60 days.

If by the end of that period, court-awarded custody or legal guardianship has been awarded to the caretaker, the Voucher will be transferred to the caretaker.

If the appropriate agency cannot confirm the guardianship status of the caretaker, the BHA will review the status at 60 day intervals.

If custody or legal guardianship has not been awarded by the court, but the action is in process, the PHA will secure verification from social services staff or the attorney as to the status.

* If custody is awarded for a limited time in excess of stated period, the PHA will state in writing that the transfer of the Voucher is for that limited time or as long as they have custody of the children. The PHA will use discretion as deemed appropriate in determining any further assignment of the Voucher on behalf of the children.

* The caretaker will be allowed to remain in the unit, as a visitor, until a determination of custody is made.

* The PHA will transfer the voucher to the caretaker, in the absence of a court order, if the caretaker has been in the unit for more than 180 days and it is reasonable to expect that custody will be granted.

When the PHA approves a person to reside in the unit as caretaker for the child/ren, the income should be counted pending a final disposition. The PHA will work with the appropriate service agencies and the landlord to provide a smooth transition in these cases.

If a member of the household is subject to a court order that restricts him/her from the home for more than 180 days, the person will be considered permanently absent.

Visitors

Any adult not included on the HUD 50058 who has been in the unit more than 14 consecutive days without BHA approval, or a total of 60 days in a 12-month period, will be considered to be living in the unit as an unauthorized household member.

- a. Absence of evidence of any other address will be considered verification that the visitor is a member of the household.
- b. Statements from neighbors and/or the landlord will be considered in making the determination.
- c. Use of the unit address as the visitor's current residence for any purpose that is not explicitly temporary shall be construed as permanent residence.

The burden of proof that the individual is a visitor rests on the family. In the absence of such proof, the individual will be considered an unauthorized member of the household and the BHA will terminate assistance since prior approval was not requested for the addition.

Minors and college students who were part of the family but who now live away from home during the school year and are no longer on the lease may visit for up to 90 days per year without being considered a member of the household.

In a joint custody arrangement, if the minor is in the household less than 180 days per year, the minor will be considered to be an eligible visitor and not a family member.

Reporting Additions to Owner and BHA

Reporting changes in household composition to the BHA is both a HUD and a BHA requirement.

The family obligations require the family to request BHA approval to add any other family member as an occupant of the unit and to inform the BHA of the birth, adoption or court-awarded custody of a child. The family must request prior approval of additional household members in writing.

- a. If the family does not obtain prior written approval from the BHA, any person the family has permitted to move in will be considered an unauthorized household member.
- b. In the event that a visitor continues to reside in the unit after the maximum allowable time, the family must report it to the BHA in writing within ten days of the maximum allowable time.
- c. Families are required to report any additions to the household in writing to the BHA within ten days of the move-in date.

An interim reexamination will be conducted for any additions to the household.

In addition, the lease may require the family to obtain prior written approval from the owner when there are changes in family composition other than birth, adoption or court awarded custody.

Reporting Absences to the BHA

Reporting changes in household composition is both a HUD and a BHA requirement.

If a family member leaves the household, the family must report this change to the BHA, in writing, within ten days of the change and certify as to whether the member is temporarily absent or permanently absent.

The BHA will conduct an interim evaluation for changes that affect the Total Tenant Payment in accordance with the interim policy.

AVERAGING INCOME

When Annual Income cannot be anticipated for a full twelve months, the BHA may:

1. Average known sources of income that vary to compute an annual income, or
2. Annualize current income and conduct an interim reexamination if income changes.

If there are bonuses or overtime that the employer cannot anticipate for the next twelve months, bonuses and overtime received the previous year will be used.

If, by averaging, an estimate can be made for those families whose income fluctuates from month to month, this estimate will be used so as to reduce the number of interim adjustments.

The method used depends on the regularity, source and type of income.

MINIMUM INCOME

There is no minimum income requirement. Families who report zero income are required to complete a written certification every 90 days. Families that report zero income will be required to provide information regarding their means of basic subsistence, such as food, utilities, transportation, etc.

INCOME OF PERSON PERMANENTLY CONFINED TO NURSING HOME

If a family member is permanently confined to a hospital or nursing home and there is a family member left in the household, the BHA will calculate the income by using the following methodology and use the income figure which would result in a lower payment by the family:

1. Exclude the income of the person permanently confined to the nursing home and give the family no deductions for medical expenses of the confined family member.

OR

2. Exclude the income and deductions of the member if his/her income goes directly to the facility.

REGULAR CONTRIBUTIONS AND GIFTS

Regular contributions and gifts received from persons outside the household are counted as income for calculation of the Total Tenant Payment.

Any contribution or gift received every three months or more frequently will be considered a "regular" contribution or gift, unless the amount is less than \$400 per year. This includes rent and utility payments made on behalf of the family and other cash or non-cash contributions provided on a regular basis. It does not include casual contributions or sporadic gifts. (See "Verification Procedures" chapter for further definition.)

If the family's expenses exceed its known income, the BHA will inquire of the family regarding contributions and gifts.

ALIMONY AND CHILD SUPPORT

Regular alimony and child support payments are counted as income for calculation of Total Tenant Payment.

If the amount of child support or alimony received is less than the amount awarded by the court, the BHA will use the amount awarded by the court unless the family can verify that they are not receiving the full amount and verification of item(s) below are provided.

The BHA will accept verification that the family is receiving an amount less than the award if:

- a. The BHA receives verification from the agency responsible for enforcement or collection.
- b. The family furnishes documentation of child support or alimony collection action filed through a child support enforcement/collection agency, or has filed an enforcement or collection action through an attorney.

It is the family's responsibility to supply a certified copy of the divorce and/or child support decrees.

LUMP-SUM RECEIPTS

Lump-sum additions to Family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses, are not included in income but may be included in assets.

Lump-sum payments caused by delays in processing periodic payments such as unemployment or welfare assistance are counted as income. Lump sum payments from Social Security or SSI are excluded from income, but any amount remaining will be considered an asset. Deferred periodic payments which have accumulated due to a dispute will be treated the same as periodic payments that are deferred due to delays in processing.

In order to determine amount of retroactive tenant rent that the family owes as a result of the lump sum receipt:

The BHA will calculate prospectively if the family reported the payment within 60 days and retroactively to date of receipt if the receipt was not reported within that time frame.

Prospective Calculation Methodology

If the payment is reported on a timely basis, the calculation will be done prospectively and will result in an interim adjustment calculated as follows:

1. The entire lump-sum payment will be added to the annual income at the time of the interim.
2. The BHA will determine the percent of the year remaining until the next annual recertification as of the date of the interim (three months would be 25% of the year).
3. At the next annual recertification, the BHA will apply the percentage balance (75% in this example) to the lump sum and add it to the rest of the annual income.
4. The lump sum will be added in the same way for any interims which occur prior to the next annual recertification.

If amortizing the payment over one year will cause the family to pay more than 40% of the family's adjusted income (before the lump sum was added) for Total Tenant Payment, the BHA and family may enter into a Payment Agreement, with the approval of the BHA Manager, for the balance of the amount over the 40% calculation. The beginning date for this Payment Agreement will start as soon as the one year is over.

Retroactive Calculation Methodology

The BHA will go back to the date the lump-sum payment was received, or to the date of admission, whichever is closer.

The BHA will determine the amount of income for each certification period, including the lump sum, and recalculate the tenant rent for each certification period to determine the amount due the BHA.

The family has the choice of paying this "retroactive" amount to the BHA in a lump sum. At the BHA's option, the BHA may enter into a Payment Agreement with the family. The amount owed by the family is a collectible debt even if the family becomes unassisted.

Attorney Fees

The family's attorney fees may be deducted from lump-sum payments when computing annual income if the attorney's efforts have recovered a lump-sum compensation, and the recovery paid to the family does not include an additional amount in full satisfaction of the attorney fees.

CONTRIBUTIONS TO RETIREMENT FUNDS - ASSETS

Contributions to company retirement/pension funds are handled as follows:

1. While an individual is employed, count as assets only amounts the family can withdraw without retiring or terminating employment.
2. After retirement or termination of employment, count any amount the employee elects to receive as a lump sum.

ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE

The BHA must count assets disposed of for less than fair market value during the two years preceding certification or reexamination. The BHA will count the difference between the market value and the actual payment received in calculating total assets.

Assets disposed of as a result of foreclosure or bankruptcy are not considered to be assets disposed of for less than fair market value. Assets disposed of as a result of a divorce or separation are not considered to be assets disposed of for less than fair market value.

The BHA's minimum threshold for counting assets disposed of for less than Fair Market value is \$1,000. If the total value of assets disposed of within a one-year period is less than \$1,000, they will not be considered an asset.

CHILD CARE EXPENSES

Child care expenses for children under 13 may be deducted from annual income if they enable an adult to work or attend school full time, or to actively seek employment.

In the case of a child attending private school, only before/after-hours care can be counted as childcare expenses.

Childcare expenses cannot be allowed as a deduction if there is an adult household member capable of caring for the child who can provide the childcare. Examples of those adult members who would be considered *unable* to care for the child include:

- a. The abuser in a documented child abuse situation, or
- b. A person with disabilities or older person unable to take care of a small child, as verified by a reliable knowledgeable source.

Allowability of deductions for childcare expenses is based on the following guidelines:

Childcare to work: The maximum childcare expense allowed must be less than the amount earned by the person enabled to work. * The "person enabled to work" will be the adult member of the household who earns the least amount of income from working.

Childcare for school: The number of hours claimed for childcare may not exceed the number of hours the family member is attending school, (including one hour travel time to and from school).

Amount of Expense: The BHA will survey the local care providers in the community/collect data] as a guideline. If the hourly rate materially exceeds the guideline, the BHA may calculate the allowance using the guideline.

MEDICAL EXPENSES

When it is unclear in the HUD rules as to whether or not to allow an item as a medical expense, IRS Publication 502 will be used as a guide.

Nonprescription medicines must be doctor-recommended in order to be considered a medical expense.

Nonprescription medicines will be counted toward medical expenses for families who qualify if the family furnishes legible receipts.

Accupressure, acupuncture and related herbal medicines, and chiropractic services will not be considered allowable medical expenses unless prescribed by a physician; annual certification by the physician shall be required.

PRORATION OF ASSISTANCE FOR "MIXED" FAMILIES

Applicability

Proration of assistance must be offered to any "mixed" applicant or participant family. A "mixed" family is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible members.

Prorated Assistance Calculation

Prorated assistance is calculated by determining the amount of assistance payable if all family members were eligible and multiplying by the percent of the family members who actually are eligible. Calculations for each housing program are performed on the HUD 50058 form.

REDUCTION IN BENEFITS

See Chapter on recertifications on how to handle income changes resulting from welfare program requirements.

UTILITY ALLOWANCE AND UTILITY REIMBURSEMENT PAYMENTS

The same Utility Allowance Schedule is used for all tenant-based programs.

The utility allowance is intended to cover the cost of utilities not included in the rent. The allowance is based on the typical cost of utilities and services paid by energy-conservative households that occupy housing of similar size and type in the same locality. Allowances are not based on an individual family's actual energy consumption.

The BHA's utility allowance schedule, and the utility allowance for an individual family, must include the utilities and services that are necessary in the locality to provide housing that complies with the housing quality standards.

The BHA may not provide any allowance for non-essential utility costs, such as costs of cable or satellite television.

The BHA must classify utilities in the utility allowance schedule according to the following general categories: space heating, air conditioning, cooking, water heating, water, sewer, trash collection; refrigerator (for tenant supplied refrigerator), range (cost of tenant-supplied range); and other specified services.

An allowance for tenant-paid air conditioning will be provided in those cases where the majority of housing units in the market have central air conditioning or are wired for tenant installed air conditioners.

The BHA will review the utility allowance schedule annually. If the review finds a utility rate has changed by 10 percent or more since the last revision of the utility allowance schedule, the schedule will be revised to reflect the new rate. Revised utility allowances will be applied in a participant family's rent calculation at their next reexamination.

The approved utility allowance schedule is given to families along with their Voucher. The utility allowance is based on the actual unit size selected.

Where families provide their own range and refrigerator, the BHA will establish an allowance adequate for the family to purchase or rent a range or refrigerator, even if the family already owns either appliance. Allowances for ranges and refrigerators will be based on the lesser of the cost of leasing or purchasing the appropriate appliance over a 24-month period.

Where the calculation on the HUD 50058 results in a utility reimbursement payment due the family, the BHA will provide a Utility Reimbursement Payment for the family each month. The check will be made out directly to the tenant.

HOUSING QUALITY STANDARDS AND INSPECTIONS

Housing Quality Standards (HQS) are the HUD minimum standards for tenant-based programs. HQS standards are required both at initial occupancy and during the term of the lease. HQS standards apply to the building and premises, as well as to the unit.

These minimum standards have been enhanced by the BHA. The use of the term HQS here refers to the combination of both HUD and BHA requirements.

Guidelines/Types of Inspections

All units must meet the minimum standards set forth in the HQS. Efforts will be made at all times to encourage owners to provide housing above HQS standards.

All utilities must be in service when the unit is inspected regardless of who is supplying the appliance.

There are five types of inspections that the BHA will perform:

- § Initial/Move In after receipt for Request for Lease Approval and in accordance with federally-required time frames.
- § Annual: must be conducted within 12 months of the anniversary date.
- § Special/Complaint: at request of owner, family, agency or third party
- § Move-Out/Vacate for Contracts effective before October 1, 1995: a move-out will be conducted on request by owner or resident.

§ Quality Control: a quality control inspection will be conducted for five percent of all units that have been inspected. These inspections will be conducted in conformance with SEMAP requirements.

Acceptability Criteria and Exceptions to HQS

The BHA adheres to the acceptability criteria in the regulations and HUD Inspection Booklet, with the additions described below:

Additions to HQS

1. Walls in area where plaster or drywall is sagging, severely cracked or otherwise damaged, it must be repaired or replaced.
2. Any exterior or interior surfaces with peeling or chipping paint must be scraped and painted with two coats of unleaded paint or other suitable material.
3. All walls in a tub or shower area must be covered with ceramic tile or other material that is impervious to water to prevent water damage and eventual deterioration.
4. All window sashes must be in good condition, solid and intact, and fit properly in the window frame. Damaged or deteriorated sashes must be replaced.
5. Windows must be weather stripped as needed to ensure a watertight seal.
6. All operable windows must have a properly fitting screen in good condition, if type of window allows for a screen.
7. Any room for sleeping must have a window
8. All exterior doors must be weather-tight to avoid any air or water infiltration, be lockable, have no holes, have all trim intact and have a threshold.
9. All interior doors must have no holes, must have all trim intact, and be openable without the use of key.
10. All exterior doors must have deadbolt locks installed in accordance with State law requirements.

11. All wood floors must be sanded to a smooth finish and sealed. Any loose or warped boards must be resecured and made level. If they cannot be leveled, they must be replaced.
12. All floors must be in a finished state—no plywood.
13. All floors should have some type of baseshoe, trim or sealing for a “finished look.” Vinyl baseshoe may be used for kitchens and bathrooms.
14. All sinks and commode water lines must have shut-off valves unless faucets are wall mounted.
15. All worn or cracked toilet seats and tank lids must be replaced and toilet tank lid must fit properly.
16. All sinks must have functioning stoppers.
17. If window security bars or security screens are present on emergency exit window, they must be equipped with quick release system that meets local code. The owner is responsible for ensuring that the family is instructed in the use of the quick release system.
18. Owners are responsible for providing and replacing old batteries for battery-powered smoke detector units. Tenants will be instructed not to tamper with smoke detectors or remove batteries.
19. No locking door, gate, etc., reasonably relied upon for emergency exit from the property can have a locking device that requires a key or special knowledge to release the lock from the interior.
20. Bedrooms in basements or attics are not allowed unless they meet local code requirements and must have adequate ventilation and emergency exit capabilities.
21. Minimum bedroom ceiling height is 7'6" or local code, whichever is greater. Sloping ceilings may not slope to lower than five feet in 70 sq. foot area.
22. A bedroom must be a room designed for sleeping and must have a door for privacy and a clothes closet.

Modifications:

Modifications or adaptations to a unit due to a disability must meet all applicable HQS and building codes.

Extension for repair items not required by HQS will be granted for modifications/adaptations to the unit if agreed to by the tenant and landlord. BHA will allow execution of HAP contract if the unit meets all requirements and the modifications do not affect the livability of the unit.

Inspections

The BHA conducts an inspection in accordance with HQS at least annually, 90 days before the anniversary month of the contract, or 90 days prior to the anniversary of the last annual inspection (depending on which date complies with SEMAP requirements.) Special inspections may be scheduled between anniversary dates. HQS deficiencies that cause a unit to fail must be corrected by the landlord unless it is the tenant's responsibility. The family is only responsible for breaches of HQS that are caused by:

- Non-payment of utilities by family
- Not providing or not maintaining appliances not provided by the owner
- Damages to the unit or premises caused by a household member or guest beyond normal wear and tear
- Waste (excessive damage) caused to the unit by the family's failure to report a condition needing repair within a timely manner (e.g. leaks, etc.)

Inspections will be conducted on business days only, unless with prior arrangement between the family and BHA. Inspections are conducted between the hours of 8:00 a.m. and 5:00 p.m. The BHA will notify the family in writing at least 60 days prior to the annual inspection. Reasonable notice will be provided in all other cases.

If the family is unable to be present at the inspection, they must reschedule the appointment so that the inspection is completed within thirty (30) days. A household member (over the age of 18) or the landlord (with written permission from the tenant) may allow the inspector access to the unit.

If the family does not contact the BHA to reschedule the appointment, or if the family misses two appointments, the BHA will consider the family to have violated a Family Obligation and their assistance will be terminated in accordance with termination procedures.

Reinspections

The family is mailed a notice of the inspection appointment by mail. If the family is not at home for the reinspection appointment, a card will be left at the unit and another appointment is automatically scheduled.

Reinspections will be conducted within 24 hours following the lapse of time prescribed by the time standards for repairs.

Time Standards for Repairs

Life threatening deficiencies must be corrected within 24 hours of notification.

Non-emergency items must be corrected within 30 days

For major repairs, the BHA Manager or designee may approve an extension beyond 30 days.

Emergency Repair Items

The following items are considered of an emergency nature and must be corrected by the owner/tenant (whoever is responsible) within 24 hours of notice by the Inspector:

Lack of security to unit

Waterlogged ceiling in imminent danger of collapse

Major plumbing leaks or flooding

Natural gas leak or fumes

Electrical problem that could result in shock or fire

No heat when outside temperature is below 50 degrees Fahrenheit

Utilities not in service (unless family has not paid utility bill)

No running water or hot water

Broken glass where someone could be injured

Obstacle that prevents tenant's entrance or exit

Lack of functioning toilet

The BHA may give a short extension of time (not more than 48 additional hours) whenever the responsible party cannot be notified or if it is impossible to effect the repair within the 24 hour period.

In those cases where there is leaking gas or fire potential or another threat to public health and safety and the responsible party cannot be notified, the BHA will notify the proper authorities.

Consequences if Owner is Responsible

When it has been determined that a unit on the program fails to meet HQS, and the owner responsible for completing the necessary repairs in the time period specified by the BHA fails to make corrections, the assistance payment to the owner will be abated. If the owner fails to make repairs during the abatement period, the contract will be terminated.

Reduction of Payments

The BHA can grant an extension in lieu of abatement in the following cases:

- There is an unavoidable delay in completing repairs due to difficulties in obtaining parts or contracting for services
- The owner makes a good faith effort to make repairs
- The repairs are expensive (such as exterior painting or roof repair) and the owner needs time to obtain the funds
- The repairs must be delayed due to climate condition

The extension or reduction will be made for a period of time not to exceed 30 days. At the end of that time, at the BHA's discretion, the BHA will begin abatement or termination of assistance.

Consequences if Family is Responsible

If non-emergency violations of HQS are determined to be the responsibility of the family, the BHA will require the family to make any repairs within 30 days. If the repairs are not made in this time period, the BHA will terminate the assistance to the family. Extensions in these cases must be approved by the BHA Manager or designee. The owner's rent will not be abated for items that are the family's responsibility. If the family is responsible and corrections are not made, the HAP contract will terminate when the assistance is terminated.

Fair Housing Policy

It is the policy of the Housing Authority to comply fully with all Federal, State and local nondiscrimination laws and with the rules and regulations governing Fair Housing and Equal Opportunity in housing and employment.

The BHA shall not deny any family or individual the opportunity to apply for or receive assistance under its programs on the basis of race, color, sex, religion, creed, national or ethnic origin, age, family or marital status, handicap or disability or sexual orientation.

To further its commitment to full compliance with applicable Civil Rights laws, the BHA will provide Federal/State/Local information to Voucher holders regarding “discrimination” and any recourse available to them if they believe they are victims of discrimination.

Except as otherwise noted in the federal regulations, no individual with disabilities will be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination because the BHA facilities are inaccessible to or unusable by persons with disabilities.

Posters and housing information are displayed in locations throughout the BHA office in such manner as to be easily read from a wheelchair.

The office of the Housing Authority main office is located at 1901 Fairview Street, Berkeley, CA 94703 and is accessible to persons with disabilities. Accessibility for the hearing impaired is provided by the TDD/TDY relay services and/or via the BHA’s TDD line.

COMMUNITY SERVICE AND SELF-SUFFICIENCY

COMMUNITY SERVICE REQUIREMENTS

INTRODUCTION:

In order to participate in BHA's housing programs, each adult family member must either (1) contribute eight hours per month of community service (not including political activities) within the community in which the public housing development is located, or (2) participate in an economic self-sufficiency program unless they are exempt from this requirement.

The BHA will notify all such family members of the community service requirement and of the categories of individuals who are exempt from the requirement. The notification will provide the opportunity for family members to claim and explain an exempt status. The BHA will verify such claims.

The notification will advise families that their community service obligation will begin upon the effective date of their first annual reexamination on or after 10/1/99. For families paying a flat rent, the obligation begins on the date their annual reexamination would have been effective had an annual reexamination taken place. It will also advise them that failure to comply with the community service requirement will result in ineligibility for continued assistance at the time of any subsequent annual reexamination.

Exemptions to the community service requirement:

The following adult family members of *tenant* families are exempt from this requirement.

1. Family members who are 62 or older
 2. Family members who are blind or disabled
 3. Family members who are the primary care giver for someone who is blind or disabled
 4. Family members engaged in work activity
- A. Family members who are exempt from work activity under part A title

IV of the Social Security Act or under any other State welfare program, including the welfare-to-work program

- B. Family members receiving assistance under a State program funded under part A title IV of the Social Security Act or under any other State welfare program, including welfare-to-work and who are in compliance with that program

Volunteer Opportunities:

Community service includes performing work or duties in the public benefit that serve to improve the quality of life and/or enhance resident self-sufficiency, and/or increase the self-responsibility of the resident within the community.

An economic self-sufficiency program is one that is designed to encourage, assist, train or facilitate the economic independence of participants and their families or to provide work for participants. These programs may include programs for job training, work placement, basic skills training, education, English proficiency, work fare, financial or household management, apprenticeship, and any program necessary to ready a participant to work (such as substance abuse or mental health treatment).

The BHA will create partnerships with public and private agencies to make opportunities available to residents. Together with the resident advisory council, the BHA may create volunteer position for volunteers.

The Process:

At the first annual reexamination on or after implementation of the community service regulation, and each annual reexamination thereafter, the BHA will do the following:

- A. Provide a list of volunteer opportunities to the family members.
- B. Provide information about obtaining suitable volunteer positions.

- C. Provide a volunteer time sheet to the family member. Instructions for the time sheet require the individual to complete the form and have a supervisor date and sign for each period of work.
- D. Thirty (30) days before the family's next lease anniversary date, BHA staff or the contractor volunteer coordinator will advise the BHA whether each applicable adult family member is in compliance with the community service requirement.

Non-compliance with Community Service Requirement:

The BHA will notify any family found to be in noncompliance of the following:

- A. The family member(s) has been determined to be in non-compliance;
- B. That the determination is subject to the grievance procedure; and
- C. That, unless the family member(s) enter into an agreement to comply, the lease will not be renewed or will be terminated;

The BHA will offer the family member(s) the opportunity to enter into an agreement prior to the anniversary of the lease. The agreement shall state that the family member(s) agrees to enter into an economic self-sufficiency program or agrees to contribute to community service for as many hours as needed to comply with the requirement over the past 12-month period. Both the head of the household and the family member shall sign the agreement. The cure shall occur over the 12-month period beginning with the date of the agreement and the resident shall at the same time stay current with that year's community service requirement. The first hours a resident earns goes toward the current commitment until the current year's commitment is made.

Family members will be assisted in identifying volunteer opportunities and compliance will be tracked on a monthly basis.

If any applicable family member does not accept the terms of the agreement, does not fulfill their obligation to participate in an economic self-sufficiency program, or falls behind in their obligation under the agreement to perform community service by more than three (3) hours after three (3) months, the BHA shall take action to terminate the lease.

HOMEOWNERSHIP

IMPLEMENTING a New Homeownership Program

As would be expected with any successful homeownership program, the implementation of a program must be undertaken with care and consideration. The Berkeley Housing Authority (BHA) must maintain a balance between sustaining a healthy stock of affordable rental housing in an environment that is financially difficult for low-income families while making homeownership opportunities available.

The BHA realizes the importance of maintaining a viable homeownership program. The BHA will undertake a feasibility program regarding the possibility of such a program in FY 2000-2001.

Program Criteria

Fundamental to a successful program are the following elements:

1. Comprehensive and clear written policies for any proposed homeownership program.
2. Defining minimum cash down payment and equity requirements, financing requirements, lender qualification and participation, restrictions against seller financing, terms of financing, prohibitions against balloon payments and unrealistic financing arrangements, reporting and monitoring mechanisms, and affordability issues to be imposed on participants in the program and resale restrictions.
3. Establishing a list of qualified participating lenders. Lenders must meet minimum FHA requirements in order to be considered for participation in the program.
4. Researching financing methods to be used for homeownership assistance payments.
5. The maximum time to be imposed for a family to locate and purchase a home.
6. Publication of the final federal rule or additional rulemaking on the use of Section 8 for homeownership assistance.

7. Penalties, if any, for households who fall out of Section 8 homeownership agreements.

SELF-SUFFICIENCY

INTRODUCTION

The BHA, in its Section 8 Program, operates a Family Self-Sufficiency Program (FSS). The primary objective of the FSS program is to promote jobs and economic opportunity and to guide participants on a journey that moves through a continuum from reliance on public assistance to attaining a self-sufficient living wage.

PROGRAM OPPORTUNITIES

The FSS program is a voluntary program for Section 8 participants interested in transitioning from public assistance programs. Participants work in partnership with FSS staff to develop a self-sufficiency plan to achieve specific goals and objectives, identify and secure resources and services necessary for success, begin an escrow account when family employment income increases. Each participant signs a Five-Year Contract of Participation that outlines the family's rights and responsibilities while enrolled in the program.

SAFETY AND CRIME PREVENTION

INTRODUCTION:

All federally assisted housing is intended to provide a place to live and raise families, not a place to commit crime, to use or sell drugs or terrorize neighbors. It is the intention of the BHA to fully endorse and implement a policy that is designed to:

- Help create and maintain a safe and drug-free community
- Keep our program participants free from threats to their personal and family safety
- Help maintain an environment where children can live safely, learn and grow up to be productive citizens
- Assist families in their vocational/educational goals in the pursuit of self-sufficiency

The BHA will continue to work in collaboration with other agencies, law enforcement and participants to achieve these goals.

All screening procedures shall be administered fairly and in such a way as not to violate rights to privacy or to discriminate on the basis of sexual orientation, race, color, nationality or ancestry, religion, familial or marital status, disability, age, sex or other legally protected groups.

Policies regarding enforcement and promotion of the Crime Prevention policy will be made available to applicants and participants upon request.

The BHA's policy is to conduct criminal record checks on applicants of both the Section 8 and Public Housing Programs. The BHA intends to vigorously enforce the "One Strike" provisions to the fullest extent of the law. The prohibits participants from receiving housing who have:

- Committed a violent criminal act
- Committed a drug-related criminal act
- Is a convicted sexual offender
- Has been evicted for manufacture or distribution of crystal methamphetamine in federally-assisted housing

In addition, the BHA, works to eliminate the root cause of violence and drug-related criminal activity in the Section 8 program through implementation of its FSS program and its partnership with social service agencies. In its public housing program, BHA works with community-based organizations and with residents to create resident councils and to create opportunities that involve social service agencies.

RESIDENT COMMENTS

Resident Advisory Board

The Resident Advisory Board members made the following comments:

Have the same hardship criteria for minimum rent as for public housing.

BHA response: Except for HUD required differences, the same criteria applies

Grant extensions of over 120 days due to current market conditions in the Bay Area. **BHA response:** The BHA will be proposing to amend the Administrative Plan to allow extension beyond 120 days (180) to accommodate the needs of disabled person/households and those who are actively seeking housing

Have the BHA seek approval from HUD for 150% of median for payment standard. **BHA response:** BHA is gathering information regarding HUD exception rent at 150% of median

Broaden relationship with other City entities, such as code enforcement, to improve unit conditions. **BHA response:** The BHA, as part of its goals, has adopted the goal of working with other agencies to provide services

Screen landlords and/or explain to participants the family's right to screen the landlord. **BHA response:** The BHA can give information to participants regarding landlords. BHA will restrict participation by landlords who repeatedly do not comply with program requirements.

Improve landlord, staff and tenant accountability. **BHA response:** The BHA, as part of its goals, has adopted the goal to improve customer service and streamline operations, including a review of operations, as well as the goal to ensure program integrity. BHA will begin to implement these five year goals in the next fiscal year

Improve customer service. **BHA response:** BHA has adopted a strategy to improve customer service, as well as the five year goals of ensuring program integrity and streamlining operations to improve customer service

Create worksheet to give to families who claim medical deductions to explain what was allowed and why. **BHA response:** BHA will investigate creating such a worksheet

Have staff explain rent calculations to tenant when asked for an explanation. **BHA response:** The BHA staff will explain the rent calculations on request to the participant

Train members of future Advisory Boards in understanding rent calculations. **BHA response:** The BHA can conduct an in-service training for members in understanding rent calculations

BHA should restrict landlord participation if the landlord is repeatedly being cited for deficiencies and not making repairs. **BHA response:** The BHA understands the tight rental market in Berkeley. Without jeopardizing landlord participation, the BHA, as part of its streamlining process, will investigate creating a series of benchmarks that would restrict landlord participation for landlords who repeatedly fail to comply with program regulations

Give confirmation of receipt of information when changes are requested. **BHA response:** The BHA will investigate options for providing confirmation.

All Berkeley residents should receive preference first before other applicants. **BHA response:** The BHA retains its residency preference for Berkeley residents

BHA should research feasibility of home ownership. **BHA response:** The BHA is committed to undertaking a feasibility study of home ownership opportunities as part of its five year plan

BHA should establish FSS for public housing. **BHA response:** The BHA will investigate the feasibility of undertaking this. There is no FSS program in public housing and FSS itself is now voluntary. BHA would need to investigate the costs and potential funding to assist in establishing FSS in public housing. However, the BHA will undertake the income disregard in accordance with the regulations for public housing residents whose income increases due to employment

BHA should continue Section 8 resident participation on a regular basis. **BHA response:** The City contracted with local non-profits responsible for organizing tenants and developing a permanent resident council. The

contracts include developing a council for Section 8 participants. Also, the Agency Plan process requires ongoing Section 8 participation, as well as that of public housing residents

In addition to comments from the Resident Advisory Board, the City held a series of Town Hall Meetings, where the following comments were given:

Town Hall Meetings

Include information regarding the conversion of Certificates to Vouchers in the BHA newsletter

Gear newsletter towards information important to participants, not BHA staff

Review policies regarding unit size to not unnecessarily penalize families

Provide support for FSS non-profit

Post information regarding the appeal/problem resolution process

Make written policies readily available to the public

Allow maximum time for search for unit. Develop landlord retention plan

Review standard letters to ensure they are well written and readable

Maintain regular meeting schedule for Board of Commissioners

Improve information dissemination and make it easier for clients to talk to a "live person" regarding questions

There were comments that BHA staff do not seem well prepared, that there were staffing issues. It was suggested that the organization, management and standards be reviewed

There were questions relating to homeless issues in Berkeley, as well as to the need for affordable housing. It was suggested that BHA should be prepared to respond to RFP's and to opportunities for additional resources, as well as consider building housing and supporting the

building of additional housing and to work as part of the City structure in creative planning to increase the supply of affordable housing

There was a question regarding whether other community services were available to persons seeking housing, especially to those who must turn back Vouchers because they were unable to locate qualifying housing

Aside from home ownership, there was a comment that the City of Berkeley should consider co-housing and investigate the feasibility of setting up a program to help move individuals from Section 8 to co-housing

There was a comment that the City of Berkeley should have a “think tank” where all the good ideas regarding developing and providing affordable housing to lower income households could be shared and/or investigated for their potential

BHA response: The BHA has adopted a number of goals and strategies over the next five (5) years to answer many of these issues, including the following:

1. Streamlining operations, including a review of operations and management
3. Maximizing affordable housing opportunities, including developing self-sufficiency opportunities for residents, developing resident groups for strong neighborhoods, project-based units and investigating the potential to develop housing, as well as undertake a feasibility study for home ownership in the Section 8 program
4. Undertake activities to ensure program integrity in housing programs
5. Improve and maintain internal and external education, including working with other agencies, increasing participation between agencies for self-sufficiency activities and overcoming the perceptions of assisted housing

Response to August 29, 2000 AHAP letter (Letter attached to Plan):

1. The AHAP made suggestions regarding the composition of a permanent Resident Advisory Board (RAB). **BHA response:** the BHA intends to establish a Resident Council consisting of duly elected officers. Criteria for participation and timeline for implementation will be worked out in consultation with AHAP.

2. The AHAP made comments regarding the proposed functions and work program of the RAB. **BHA response:** Aside from required input into the Agency's Five Year Plan, subsequent modifications and the annual Plan, the Resident Council will develop its work program in accordance with its by-laws.
3. The AHAP made a suggestion that RAB members be comprised of Public Housing Residents and Section 8 recipients. It also suggested that the committees be elected. **BHA response:** The BHA intends to establish a Resident Council comprised of both public housing residents and Section 8 recipients. Additionally, the selection of officers will be made by election of public housing and Section 8 peers.
4. The AHAP made a suggestion that training, as well as other incentives be provided to the RAB. **BHA response:** BHA agrees that training is an important component of the Resident Council. Regarding other incentives, the BHA will investigate the possibility and/or legality of incentives. Final adoption of any incentive rests with the Board of Commissioners as the appointing authority.
5. In its letter of August 29, 2000, the AHAP stated that it was resubmitting the Town Hall comments and stated that the response did not "frankly...make much sense to us and provides little or no detail or accountability (timeline, method for reporting progress, etc.)". **BHA response:** the resubmittal will be attached to the hard copy of the Agency Plan. In addition, in accordance with the Agency Plan regulations, the BHA did respond to resident comments, as well as to the comments of the AHAP and the Town Hall meetings. The BHA, in its responses, supported the comments of the Town Hall meetings and of the residents and incorporated changes into its Agency Plan. Additional items that were outside the scope of the Agency Plan, BHA stated would be investigated and or undertaken. However, the Agency Plan is a policy document meant to serve the Housing Authority for a five-year period. As such, it is not the venue for a detailed work plan, but provides the framework within such work plans will be developed and implemented. The BHA will work with AHAP, as well as with the residents and staff towards creation of work plans and implementation of the goals and objectives as outlined in the Agency 5 Year Plan.

PHA Plan Table Library

Component 7 Capital Fund Program Annual Statement Parts I, II, and III

Annual Statement Capital Fund Program (CFP) Part I: Summary

Capital Fund Grant Number CA39P05850100 FFY of Grant Approval: (06/01/00)

☒ Original Annual Statement

Line No.	Summary by Development Account	Total Estimated Cost
1	Total Non-CGP Funds	
2	1406 Operations	145,333
3	1408 Management Improvements	
4	1410 Administration	
5	1411 Audit	
6	1415 Liquidated Damages	
7	1430 Fees and Costs	
8	1440 Site Acquisition	
9	1450 Site Improvement	
10	1460 Dwelling Structures	
11	1465.1 Dwelling Equipment-Nonexpendable	
12	1470 Nondwelling Structures	
13	1475 Nondwelling Equipment	
14	1485 Demolition	
15	1490 Replacement Reserve	
16	1492 Moving to Work Demonstration	
17	1495.1 Relocation Costs	
18	1498 Mod Used for Development	
19	1502 Contingency	
20	Amount of Annual Grant (Sum of lines 2-19)	145,333
21	Amount of line 20 Related to LBP Activities	
22	Amount of line 20 Related to Section 504 Compliance	
23	Amount of line 20 Related to Security	

Annual Statement
Capital Fund Program (CFP) Part III: Implementation Schedule

Development Number/Name HA-Wide Activities	All Funds Obligated (Quarter Ending Date)	All Funds Expended (Quarter Ending Date)
H/A Wide	03/00	03/00