

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

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# PHA Plans

5 Year Plan for Fiscal Years 2005 - 2009

Annual Plan for Fiscal Year 2008

**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: Housing Authority Of the County of Contra Costa  
PHA Number: CA011**

**PHA Fiscal Year Beginning: 04/2008**

**PHA Programs Administered:**

**Public Housing and Section 8**    **Section 8 Only**    **Public Housing Only**  
Number of public housing units: 1187                      Number of S8 units: 6526

**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 2005 - 2009**  
[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 Housing Authority of Contra Costa County is to provide high quality, affordable housing solutions and promote self-sufficiency for low-income people of Contra Costa County." (Adopted 9/16/99)

**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:
  - Reduce public housing vacancies:
  - Leverage private or other public funds to create additional housing opportunities:
  - Acquire or build units or developments
  - Other (list below)
- PHA Goal: Improve the quality of assisted housing  
Objectives:
- Improve public housing management: (PHAS score) 76
  - Improve voucher management: (SEMAP score) 48
  - Increase customer satisfaction:
  - Concentrate on efforts to improve specific management functions: (list; asset and project base management; HCV recertification process)
  - Renovate or modernize public housing units:

- Demolish or dispose of obsolete public housing:
- Provide replacement public housing:
- Provide replacement vouchers:
- Other: To increase viability of existing stock through development or significant physical changes.

- 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:

**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)

**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:
- Provide or attract supportive services to improve assistance recipients' employability:
- 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: To 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:
  - 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:
  - 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:**

**The PHA will continue to provide Fair Housing training and Section 504 training for staff involved in the management of federally funded housing programs.**

**The PHA will complete the Corrective Action Plan for SEMAP**

**Annual PHA Plan**  
**PHA Fiscal Year 2008**  
[24 CFR Part 903.7]

**i. Annual Plan Type:**

Select which type of Annual Plan the PHA will submit.

- Standard Plan**
- 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.

Adoption of the Agency Plan follows a public review process that included input from our Resident Advisory Board (RAB) which represents program participants for the public housing and Housing Choice Voucher programs. The Housing Authority will meet with the RAB on December 20, 2007, to allow RAB members to provide input to the plan prior to public hearing. A public notice was placed in a local newspaper of general circulation stating that a public hearing was scheduled for December 20, 2007.

**A Summary of Changes From the Fiscal year 2006-2007 Annual Plan Follows:**

There is constant change in the Housing Authority's financial resources and program operations as a result of HUD's change in funding strategies. Operating subsidy was only funded at 82.5% of the Authority's entitlement for the calendar year 2007. Effective 2008, HUD has established a new formula for determining operating subsidy and introduces a business model called Asset Management. This plan will lead to a more business oriented management and oversight of each Public Housing Development. The Housing Authority anticipates increased rental income revenue with implementation of the new model.

Funding for the Section 8 program has also had some changes, i.e., funding has a flat administrative fee that is not tied to each HUD contracted voucher. In addition, the funding has switched from a fiscal year to a calendar year, which could have an impact, depending on the 2008 funding levels. We have been advised to anticipate budget levels to be consistent with 2007 funding.

**Change in Program Operations- Section 8 Housing Choice Voucher:**

The Housing Authority has completely revised the format of its Section 8 Administrative Plan and has also added or updated its policies in the following areas:

**Fair Housing and Equal Opportunity:** This section has been expanded to ensure compliance with federal requirements concerning clients with limited English proficiency (LEP).

**Restrictions on the Eligibility of Students for Section 8:** In accord with new federal laws and regulations, policy has been added concerning eligibility requirements for post-secondary students.

**Violence Against Women Act (VAWA):** In order to ensure compliance with VAWA, policy concerning denials and terminations was updated to state that applicants and clients who are the victims of domestic violence will not have their assistance denied or terminated if they are otherwise qualified.

**New Wait List Procedures and Preferences:** The wait list will utilize a lottery system that will limit the number of applicants on the list to a number the Authority believes it will be able to serve over the next two years. Additionally the existing preferences for veterans and residents living or working in Contra Costa County have been expanded to include applicants displaced by government or private action (as required by state law) as well as those displaced by natural disasters, a preference for families removed from the Section 8 program due to insufficient funding and a preference for graduates of transitional housing programs that have partnered with the Housing Authority such as Shelter Plus Care.

**Changing Subsidy (bedroom) Standards:** Currently, families are allocated one bedroom for each two people in the household. The changes incorporate a separate bedroom for opposite sex siblings and for any two people with more than ten (10) years age difference.

**Using Owners' Lease:** All participating landlords and property managers must now use their own lease, not a model lease provided by HACCC.

**Criminal Background Checks for Portable Incoming Vouchers:** Incoming ports will be subject to HACCC initial eligibility screening, which includes criminal background checks. Per HUD regulations, the issuance of their voucher will not be delayed.

**Special Housing Types:** All special housing types allowed by HUD will be permitted by HACCC.

**Repayment Policy:** The dollar amount allowed for repayment plans has been increased.

### **Change in Program Operations - Public Housing**

The El Pueblo development in the City of Pittsburg, the Las Deltas public housing development in the unincorporated North Richmond area and the Bayo Vista development located in the community of Rodeo are planned for demolition/disposition. Demo/Dispo applications should be submitted to the U.S. Department of Housing and Urban Development (HUD), Special Application Center (SAC) by the end of calendar year 2008

Effective April 1, 2008, the Housing Authority will adopt new utility allowances that are higher. These higher allowances will prove to be a benefit to residents.

## 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 2008 Capital Fund Program Annual Statement
- Most recent board-approved operating budget (Required Attachment for PHAs that are troubled or at risk of being designated troubled ONLY)
- List of Resident Advisory Board Members
- List of Resident Board Member
- Community Service Description of Implementation
- Information on Pet Policy
- Section 8 Homeownership Capacity Statement, if applicable
- Description of Homeownership Programs, if applicable



Optional Attachments:

- PHA Management Organizational Chart
- FY 2008 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)

- Attachment A. List of Members of Governing Board of Commissioners**
- Attachment B. List of Members of Advisory Housing Commission**
- Attachment C. Contra Costa Consolidated Plan, April 2005 cover sheet**
- Attachment D. HUD 50075; Annual Statement/Performance & Evaluation Report, Capital Fund**
  
- Attachment E. List of Members of Resident Advisory Board (RAB) 2007**
- Attachment F. Public Hearing Notice: December 20, 2007**
- Attachment G. Minutes of RAB Meeting/Agenda, December 20, 2007**
- Attachment H. Public Notice, Public Hearing Minutes**
- Attachment I. Certification by State or Local Official of PHA Plans**
- Attachment J. Law Enforcement Letters of Support**
- Attachment K. Certifications of Compliance with the PHA Plans & related regulations**
  
- Attachment L. Housing Choice Voucher Project Based Assistance**
- Attachment M. Pet Policy, Elderly/Disabled Developments**
- Attachment N. Pet Policy, General Occupancy (Family) Developments**
- Attachment O. Complaints, Grievances and Appeals Public Housing**
- Attachment P. Complaints and Appeals, Section 8 Program**
- Attachment Q. Community Service**
- Attachment R. Section 8 Home Ownership Option Program**
- Attachment S. Public Housing Home Ownership Program**
- Attachment T. Organization Chart**
- Attachment U. Allowable deductions from Annual Income**
- Attachment V. Deconcentration of Poverty and Income Mixing**
- Attachment W. Violence Against Women Act (VAWA)**

### 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
	PHA Plan Certifications of Compliance with the PHA Plans and Related Regulations	5 Year and Annual Plans
	State/Local Government Certification of Consistency with the Consolidated Plan	5 Year and Annual Plans
	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
	Consolidated Plan for the jurisdiction 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
	Most recent board-approved operating budget for the public housing program	Annual Plan: Financial Resources;
	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
	Section 8 Administrative Plan	Annual Plan: Eligibility, Selection, and Admissions Policies
	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; Notice</i> and any further HUD guidance) and 2. Documentation of the required deconcentration and income mixing analysis	Annual Plan: Eligibility, Selection, and Admissions Policies
	Public housing rent determination policies, including the methodology for setting public housing flat rents <input checked="" type="checkbox"/> check here if included in the public housing A & O Policy	Annual Plan: Rent Determination

	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
	Section 8 rent determination (payment standard) policies <input type="checkbox"/> check here if included in Section 8 Administrative Plan	Annual Plan: Rent Determination
	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
	Public housing grievance procedures <input checked="" type="checkbox"/> check here if included in the public housing A & O Policy	Annual Plan: Grievance Procedures
	Section 8 informal review and hearing procedures <input checked="" type="checkbox"/> check here if included in Section 8 Administrative Plan	Annual Plan: Grievance Procedures
	The HUD-approved Capital Fund/Comprehensive Grant Program Annual Statement (HUD 52837) for the active grant year	Annual Plan: Capital Needs
	Most recent CIAP Budget/Progress Report (HUD 52825) for any active CIAP grant	N/A
	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
	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
	Approved or submitted applications for demolition and/or disposition of public housing	Annual Plan: Demolition and Disposition
	Approved or submitted applications for designation of public housing (Designated Housing Plans)	Annual Plan: Designation of Public Housing
	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
	Approved or submitted public housing homeownership programs/plans	Annual Plan: Homeownership
	Policies governing any Section 8 Homeownership program <input checked="" type="checkbox"/> check here if included in the Section 8 Administrative Plan	Annual Plan: Homeownership
	Any cooperative agreement between the PHA and the TANF agency	Annual Plan: Community Service & Self-Sufficiency
	FSS Action Plan/s for public housing and/or Section 8	Annual Plan: Community Service & Self-Sufficiency
N/A	Most recent self-sufficiency (ED/SS, TOP or ROSS or other resident services grant) grant program reports	Annual Plan: Community Service & Self-Sufficiency
N/A	The most recent Public Housing Drug Elimination Program (PHEDEP) semi-annual performance report for any open grant and most recently submitted PHDEP application (PHDEP Plan)	Annual Plan: Safety and Crime Prevention
	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.	Annual Plan: Annual Audit

	S.C. 1437c(h)), the results of that audit and the PHA's response to any findings	
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	Access- ibility	Size	Loca- tion
Income <= 30% of AMI	17,295	5	5	3	2	5	5
Income >30% but <=50% of AMI	13,610	5	5	3	2	4	5
Income >50% but <80% of AMI	10,116	5	5	3	2	3	4
Elderly	3,780	5	5	4	4	2	3
Families with Disabilities	7,056	5	4	4	4	3	3
Race/Ethnicity White	23,476	4	3	3	2	2	2
Race/Ethnicity Hispanic	11,523	5	5	4	3	5	4
Race/Ethnicity Asian/Pacific Isl.	5,308	2	2	2	2	2	2
Race/Ethnicity African-American	7,990	5	5	4	3	4	4

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:
- 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)

## 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.

<b>Housing Needs of Families on the Waiting List</b>			
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/sub-jurisdiction:			
	# of families	% of total families	Annual Turnover
Waiting list total	-0-		
Extremely low income <=30% AMI			
Very low income (>30% but <=50% AMI)			
Low income (>50% but <80% AMI)			
Families with children			
Elderly families			
Families with Disabilities			
Race/ethnicity			
Race/ethnicity			
Race/ethnicity			
Race/ethnicity			
Characteristics by Bedroom Size (Public Housing Only)			
1BR			
2 BR			
3 BR			
4 BR			
5 BR			
5+ BR			

**Housing Needs of Families on the Waiting List**

Is the waiting list closed (select one)?  No  Yes

If yes:

How long has it been closed (# of months)? 72

Does the PHA expect to reopen the list in the PHA Plan year?  No  Yes

Does the PHA permit specific categories of families onto the waiting list, even if generally closed?  No  Yes

<b>Housing Needs of Families on the Waiting List</b>			
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	3595		
Extremely low income <=30% AMI	2684	74.65%	
Very low income (>30% but <=50% AMI)	736	20.47%	
Low income (>50% but <80% AMI)	175	4.86%	
Families with children	1417	39.41%	
Elderly families	517	14.38	
Families with Disabilities	704	19.58%	
Race/ethnicity Asian	65	1.80%	
Race/ethnicity Native American	125	3.47%	
Race/ethnicity Black	2554	71.04%	
Race/ethnicity White	665	18.49%	
Race/ethnicity Hispanic	186	5.17%	
Characteristics by Bedroom Size (Public Housing Only)			
1BR	2003		
2 BR	588		
3 BR	849		
4 BR	141		
5 BR	14		
5+ BR	0		
Is the waiting list closed (select one)? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (except for elderly/disabled)			



### 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

- Employing 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: **Evaluate mixed income development opportunities**

#### **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)

**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: **Consider new elderly outreach in the future**

**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: **Federal funding practices, Housing Authority's experience and knowledge**

## **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.

<b>Financial Resources: Planned Sources and Uses</b>		
<b>Sources</b>	<b>Planned \$</b>	<b>Planned Uses</b>
<b>1. Federal Grants (FY 2008 grants)</b>		
a) Public Housing Operating Fund	\$448,744.00	
b) Public Housing Capital Fund	\$2,158,693.00	
c) HOPE VI Revitalization		
d) HOPE VI Demolition		
e) Annual Contributions for Section 8 Tenant-Based Assistance	\$75,461,462.00	
f) Public Housing Drug Elimination Program (including any Technical Assistance funds)		
g) Resident Opportunity and Self-Sufficiency Grants		
h) Community Development Block Grant	\$220,000.00	Rental Rehabilitation
i) HOME		
Other Federal Grants (list below)		
<b>2. Prior Year Federal Grants (unobligated funds only) (list below)</b>		
Capital Fund 2006	\$840,834.00	Modernization of LIPH Developments
<b>3. Public Housing Dwelling Rental Income</b>	\$2,463,179.00	Operations and maintenance of LIPH developments
<b>4. Other income (list below)</b>		
Charges & Other income	\$144,274.00	Maintenance of LIPH
Management Funds	\$61,460.00	Maint. Srv. charges
<b>5. Non-federal sources (list below)</b>		
County Midnight Basketball	\$15,000.00	Community Svcs.

Financial Resources: Planned Sources and Uses		
Sources	Planned \$	Planned Uses
Young Adult Empowerment Center	\$22,741.00	Facility rehabilitation
<b>Total resources</b>	\$81,386,387.00	

### **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: (state time)
- Other:** Pre-application to apply for waiting list, income verification by a third party; credit history if fraud is suspected; sex offender history, criminal convictions within 5 years back from the date of initial eligibility determination.

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: Sex Offender

c.  Yes  No: Does the PHA request criminal records from local law enforcement agencies or through an authorized source 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:

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?

c. If answer to b. above 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: **Resident(s) in a Victim/Witness Protection Program.**

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)

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.

Former Federal preferences:

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

Other preferences (select all that apply)

- 1 Working families and those unable to work because of age or disability
- 1 Veterans and veterans’ families
- 1 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): Elderly/disabled. Date and time of application is used as a tiebreaker. Per state law, veteran’s preference is also used as a tiebreaker among applicants with equal preference points.

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) **Family Obligations Document; "One Strike" document**

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: **CA045b, CA001, CA010, CA005, CA008, CA003, CA006, CA09a and 9b.**
- 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: **CA045b, CA001, CA010, CA005, CA008, CA003, CA006, CA09a and 9b.**

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): **Income verification through a third party; credit history if fraud is suspected; sex offender history, criminal convictions within 1 year back from the date of initial eligibility determination.**
- b.  Yes  No: Does the PHA request criminal records from local law enforcement agencies and through an authorized source 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)
    - ◆ Rental History

### (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: Housing Authority website, at [www.contracostahousing.org](http://www.contracostahousing.org); Vendors as advertised; Social Service Agencies

**(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: **Family could not find suitable unit, hospitalization, market conditions; disability**

**(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) Graduates of Transitional Housing Programs, Families Terminated from HACCC's HCV program due to funding cuts.

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.

Former Federal preferences

- 1  Involuntary Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition)
- 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
- 3  Veterans and veterans' families
- 2  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)
  - 1 Graduates of Transitional Housing Programs
  - 1 Families Terminated from HACCC's HCV program due to funding cuts

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) **Through direct service providers**

**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? (if yes, list below) **Unexpected financial hardship, medical and life changing events.**

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

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 below the amounts or percentages charged and the circumstances under which these will be used:

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)
- 95<sup>th</sup> 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) **Family income decrease and when there is a change in the family composition.**

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) **Age of housing stock, amenities, rental market conditions of area and PUM formula**

## **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) **At least on an annual basis or as deemed appropriate to address any rapidly changing market conditions.**

d. 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) **Mix of market comparables, landlord participation, lease-up rate, the greatest number of households served.**

**(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) **Unexpected financial hardship, medical and life changing events.**

**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)

**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.)

<b>Program Name</b>	<b>Units or Families Served at Year Beginning</b>	<b>Expected Turnover</b>
Public Housing	1008	140
Section 8 Vouchers	6504	350
Section 8 Certificates		
Section 8 Mod Rehab	24	2
Special Purpose Section 8 Certificates/Vouchers (list individually) Shelter+Care	291 (S+C)	100

Public Hsing Drug Elimination Program (PHDEP)	N/A	
Other Federal Programs(list individually) Under HUD contract; - Coggins Square	5	

### 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)  
**ACOP; Procurement Policy; Personnel Policy; Investment Policy  
Maintenance Manual**
- (2) Section 8 Management: (list below)  
**Section 8 Admin Plan; Procurement Policy; Personnel Policy  
Investment Policy**

### 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.

#### 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) **Housing Choice Voucher Office**

## **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:

- The Capital Fund Program Annual Statement is provided in the PHA Plan at **ATTACHMENT E**

-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 **E**

-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: **Target sites are CA011-009A, CA011 – 009B, CA011- 006,CA011-005 and CA011-010**

- 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:

## **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

- 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.)

<b>Demolition/Disposition Activity Description</b>	
1a. Development name:	Las Deltas
1b. Development (project) number:	<b>CA011-009A, -009B, -006</b>
2. Activity type:	Demolition <input checked="" type="checkbox"/> Disposition <input type="checkbox"/>
3. Application status (select one)	Approved <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input checked="" type="checkbox"/>
4. Date application approved, submitted, or planned for submission:	<b><u>(12/01/08)</u></b>
5. Number of units affected:	224
6. Coverage of action (select one)	<input type="checkbox"/> Part of the development <input checked="" type="checkbox"/> Total development
7. Timeline for activity:	a. Actual or projected start date of activity: b. Projected end date of activity:

<b>Demolition/Disposition Activity Description</b>	
1a. Development name:	El Pueblo
1b. Development (project) number:	<b>CA011-005</b>
2. Activity type:	Demolition <input checked="" type="checkbox"/> Disposition <input type="checkbox"/>
3. Application status (select one)	Approved <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input checked="" type="checkbox"/>
4. Date application approved, submitted, or planned for submission:	<b><u>(10/01/08)</u></b>

5. Number of units affected: <b>176</b>
6. Coverage of action (select one) <input type="checkbox"/> Part of the development <input checked="" type="checkbox"/> Total development
7. Timeline for activity: a. Actual or projected start date of activity: see 3. b. Projected end date of activity:

<b>Demolition/Disposition Activity Description</b>
1a. Development name: <b>Bayo Vista</b>
1b. Development (project) number: <b>CA011-010</b>
2. Activity type: Demolition Disposition <input checked="" type="checkbox"/>
3. Application status (select one) Approved <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input checked="" type="checkbox"/>
3. Date application approved, submitted, or planned for submission: <b><u>(12/31/08)</u></b>
5. Number of units affected: 246
6. Coverage of action (select one) <input type="checkbox"/> Part of the development <input checked="" type="checkbox"/> Total development
7. Timeline for activity: a. Actual or projected start date of activity: 04/01/2008 b. Projected end date of activity: 12/31/2011

**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

- 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.

<b>Designation of Public Housing Activity Description</b>
1a. Development name: 1b. Development (project) number:
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>(DD/MM/YY)</u>
5. If approved, will this designation constitute a (select one) <input type="checkbox"/> New Designation Plan <input type="checkbox"/> Revision of a previously-approved Designation Plan?
6. Number of units affected: 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

- 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.

<b>Conversion of Public Housing Activity Description</b>	
1a. Development name: <b>Los Arboles</b>	
1b. Development (project) number: <b>CA011-008</b>	
2. What is the status of the required assessment?	<input checked="" type="checkbox"/> Assessment underway <input type="checkbox"/> Assessment results submitted to HUD <input type="checkbox"/> Assessment results approved by HUD (if marked, proceed to next question) <input type="checkbox"/> Other (explain below)
3. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No: Is a Conversion Plan required? (If yes, go to block 4; if no, go to block 5.)	
4. Status of Conversion Plan (select the statement that best describes the current status)	<input checked="" type="checkbox"/> Conversion Plan is in development <input type="checkbox"/> Conversion Plan submitted to HUD on: (DD/MM/YYYY) <input type="checkbox"/> Conversion Plan approved by HUD on: (DD/MM/YYYY) <input type="checkbox"/> Activities pursuant to HUD-approved Conversion Plan underway
5. Description of how requirements of Section 202 are being satisfied by means other than conversion (select one)	<input type="checkbox"/> Units addressed in a pending or approved demolition application (date submitted or approved: ) <input type="checkbox"/> Units addressed in a pending or approved HOPE VI demolition application (date submitted or approved: ) <input type="checkbox"/> Units addressed in a pending or approved HOPE VI Revitalization Plan (date submitted or approved: ) <input type="checkbox"/> Requirements no longer applicable: vacancy rates are less than 10 percent <input checked="" type="checkbox"/> Requirements no longer applicable: site now has less than 300 units <input type="checkbox"/> Other: (describe below)

<b>Conversion of Public Housing Activity Description</b>
<p>1a. Development name: <b>Los Nogales</b></p> <p>1b. Development (project) number: <b>CA011-004</b></p>
<p>2. What is the status of the required assessment?</p> <p><input checked="" 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 checked="" 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 checked="" type="checkbox"/> Conversion Plan is 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 checked="" type="checkbox"/> Requirements no longer applicable: site now has less than 300 units</p> <p><input type="checkbox"/> Other: (describe below)</p>

<b>Conversion of Public Housing Activity Description</b>	
1a. Development name: <b>Elder Winds</b>	
1b. Development (project) number: <b>CA011-015</b>	
2. What is the status of the required assessment?	
<input checked="" type="checkbox"/> Assessment underway <input type="checkbox"/> Assessment results submitted to HUD <input type="checkbox"/> Assessment results approved by HUD (if marked, proceed to next question) <input type="checkbox"/> Other (explain below)	
3. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No: Is a Conversion Plan required? (If yes, go to block 4; if no, go to block 5.)	
4. Status of Conversion Plan (select the statement that best describes the current status)	
<input checked="" type="checkbox"/> Conversion Plan is in development <input type="checkbox"/> Conversion Plan submitted to HUD on: (DD/MM/YYYY) <input type="checkbox"/> Conversion Plan approved by HUD on: (DD/MM/YYYY) <input type="checkbox"/> Activities pursuant to HUD-approved Conversion Plan underway	
5. Description of how requirements of Section 202 are being satisfied by means other than conversion (select one)	
<input type="checkbox"/> Units addressed in a pending or approved demolition application (date submitted or approved: ) <input type="checkbox"/> Units addressed in a pending or approved HOPE VI demolition application (date submitted or approved: ) <input type="checkbox"/> Units addressed in a pending or approved HOPE VI Revitalization Plan (date submitted or approved: ) <input type="checkbox"/> Requirements no longer applicable: vacancy rates are less than 10 percent <input checked="" type="checkbox"/> Requirements no longer applicable: site now has less than 300 units <input type="checkbox"/> Other: (describe below)	

<b>Conversion of Public Housing Activity Description</b>
<p>1a. Development name: <b>Casa De Mañana</b></p> <p>1b. Development (project) number: <b>CA011-012</b></p>
<p>2. What is the status of the required assessment?</p> <p><input checked="" 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 checked="" 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 checked="" type="checkbox"/> Conversion Plan is 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 checked="" type="checkbox"/> Requirements no longer applicable: site now has less than 300 units</p> <p><input type="checkbox"/> Other: (describe below)</p>

<b>Conversion of Public Housing Activity Description</b>	
1a. Development name: <b>Vista Del Camino</b>	
1b. Development (project) number: <b>CA011-017</b>	
2. What is the status of the required assessment?	
<input checked="" type="checkbox"/> Assessment underway <input type="checkbox"/> Assessment results submitted to HUD <input type="checkbox"/> Assessment results approved by HUD (if marked, proceed to next question) <input type="checkbox"/> Other (explain below)	
3. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No: Is a Conversion Plan required? (If yes, go to block 4; if no, go to block 5.)	
4. Status of Conversion Plan (select the statement that best describes the current status)	
<input checked="" type="checkbox"/> Conversion Plan is in development <input type="checkbox"/> Conversion Plan submitted to HUD on: (DD/MM/YYYY) <input type="checkbox"/> Conversion Plan approved by HUD on: (DD/MM/YYYY) <input type="checkbox"/> Activities pursuant to HUD-approved Conversion Plan underway	
5. Description of how requirements of Section 202 are being satisfied by means other than conversion (select one)	
<input type="checkbox"/> Units addressed in a pending or approved demolition application (date submitted or approved: ) <input type="checkbox"/> Units addressed in a pending or approved HOPE VI demolition application (date submitted or approved: ) <input type="checkbox"/> Units addressed in a pending or approved HOPE VI Revitalization Plan (date submitted or approved: ) <input type="checkbox"/> Requirements no longer applicable: vacancy rates are less than 10 percent <input checked="" type="checkbox"/> Requirements no longer applicable: site now has less than 300 units <input type="checkbox"/> Other: (describe below)	

**B. Reserved for Conversions pursuant to Section 22 of the U.S. Housing Act of 1937**

**C. Reserved for Conversions pursuant to Section 33 of the U.S. Housing Act of 1937**

## **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

- 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.)

<b>Public Housing Homeownership Activity Description (Complete one for each development affected)</b>
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

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.)

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: Must be a participant in the Family Self Sufficiency Program.

## **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 has 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? 03/20/01

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>Young Adult Empowerment Center</i>	<i>25-50 bi/weekly</i>	<i>Random</i>	<i>Las Deltas CA006</i>	<i>Public Housing</i>

**(2) Family Self Sufficiency program/s**

a. Participation Description

Family Self Sufficiency (FSS) Participation		
Program	Required Number of Participants (start of FY 2008 Estimate)	Actual Number of Participants (As of: 11/27/07)
Public Housing		
Section 8	<b>318</b>	<b>139</b>

- 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**

**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)

2. Which developments are most affected? **CA011-005, CA011-010, CA011-009A, CA011-009B and CA011-006**

**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) Contracting with local law enforcement agencies

2. Which developments are most affected? **CA011-005, CA011-010, CA011-009A, CA011-009B and CA011-006**

**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) **CA011-005, CA011-010, CA011-009A, CA011-009B and CA011-006**

**D. Additional information as required by PHDEP/PHDEP Plan**

PHAs eligible for FY 2005 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 2005 in this PHA Plan?
- Yes  No: This PHDEP Plan is an Attachment:

**14. RESERVED FOR PET POLICY - (See Attachments M and N)**

[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.

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. X 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)  
X Attached at Attachment (Attachment) G  
 Provided below:
  
3. In what manner did the PHA address those comments? (select all that apply)  
X 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:  
  
 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: Contra Costa County (excluding the City of Pittsburg and Richmond)
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)
  - Coordination and consultation with planning process
  - Partnership in housing activities

### **D. Other Information Required by HUD**

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

In accordance with 24 CFR903.21 and PIH Notice 99-51, the Housing Authority shall consider significant changes or substantial deviation/modifications to the Annual Plan to be defined as follows:

- Changes to rent or admissions policies, or organization of the waiting list;
- Substantial additions of non-emergency work items not included in the current annual statement or changes in the use of Replacement Reserve Fund under the Capital Fund;

- Any change with regard to demolition or disposition designation, homeownership program or conversion activities

The Housing Authority shall exercise due diligence and the “reasonable or prudent person” concept when determining the materiality of significant or substantial deviations or modifications.



**HOUSING AUTHORITY  
of the  
COUNTY OF CONTRA COSTA**

3133 Estudillo Street • P.O. Box 2759 • Martinez, California 94553  
PHONE: (925) 957-8000 FAX (925) 372-0236

**MEMBERS OF THE  
GOVERNING BOARD OF COMMISSIONERS**

**District 1**

John Gioia  
11780 San Pablo Avenue, Suite D  
El Cerrito, CA 94530

**District 2**

Gayle B. Uilkema  
651 Pine Street, Room 108A  
Martinez, CA 94553

**District 3**

Mary Piepho, Chair  
309 Diablo Road  
Danville, CA 94526

**District 4**

Susan Bonilla  
2425 Bisso Lane, Suite 110  
Concord, CA 94520

**District 5**

Federal D. Glover  
315 East Leland Road  
Pittsburg, CA 94565

Diana Tenes  
205 Muir Road, Apt. C  
Martinez, CA 94553



Attachment B

**HOUSING AUTHORITY  
of the  
COUNTY OF CONTRA COSTA**

3133 Estudillo Street • P.O. Box 2759 • Martinez, California 94553  
PHONE: (925) 957-8000 FAX (925) 372-0236



**ADVISORY HOUSING COMMISSION**

Alfred W. Fleck, Jr.,  
174 Marcus Avenue  
Richmond, CA 94801-1704

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Julie Medina, Vice Chair  
4888 Clayton Rd. #43  
Concord, CA 94521

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Richard Lujan  
3810 Crestview Drive  
Pittsburg, CA 94565

---

Nancy Dotson, Chair  
312-1 Atlas  
Hercules, CA 94547

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Diana Tenes  
205 Muir Rd. #C  
Martinez, CA 94553

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VACANT

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Rev. 02/07

# Contra Costa Consortium 2005-2009 Consolidated Plan Executive Summary



Public Review Draft (April 2005)



**Annual Statement/Performance and Evaluation Report**

**ATTACH**

**Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFR)**

<b>PHA Name:</b> Housing Authority of the County of Contra Costa	<b>Grant Type and Number</b> Capital Fund Program Grant No: CA39P01150108 Replacement Housing Factor Grant No:
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Original Annual Statement  
  Reserve for Disasters/ Emergencies  
  Revised Annual Statement (revision no:    )  
  Performance and Evaluation Report for Period Ending:  
  Final Performance and Evaluation Report

Line No.	Summary by Development Account	Total Estimated Cost		Ob
		Original	Revised	
1	Total non-CFP Funds			
2	1406 Operations	215,000		
3	1408 Management Improvements Soft Costs	391,000		
	Management Improvements Hard Costs	40,000		
4	1410 Administration	215,000		
5	1411 Audit	2,000		
6	1415 Liquidated Damages			
7	1430 Fees and Costs	70,693		
8	1440 Site Acquisition			
9	1450 Site Improvement	30,000		
10	1460 Dwelling Structures	988,000		
11	1465.1 Dwelling Equipment—Nonexpendable			
12	1470 Nondwelling Structures	20,000		
13	1475 Nondwelling Equipment	80,000		
14	1485 Demolition			
15	1490 Replacement Reserve			
16	1492 Moving to Work Demonstration			
17	1495.1 Relocation Costs	5,000		
18	1499 Development Activities			
19	1502 Contingency	102,000		
20	<b>Amount of Annual Grant:</b> (sum of lines 2-19)	<b>2,158,693</b>		
	Amount of line 20 Related to LBP Activities	-0-		
	Amount of line 20 Related to Section 504 compliance	20,000		
	Amount of line 20 Related to Security –Soft Costs	259,000		
	Amount of Line 20 Related to Security-- Hard Costs	10,000		
	Amount of line 20 Related to Energy Conservation Measures	63,000		
	Collateralization Expenses or Debt Service	-0-		

**Annual Statement/Performance and Evaluation Report**  
**Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CF**  
**Part II: Supporting Pages**

PHA Name: Housing Authority of the County of Contra Costa		Grant Type and Number Capital Fund Program Grant No: CA39P01150108 Replacement Housing Factor Grant No:			
Development Number Name/HA-Wide Activities	General Description of Major Work Categories		Dev. Acct No.	Quantity	Total Estimated Cost
HA- Wide	Operations		1406		215,000
	Resident Services		1408		100,000
	Asst. Dir. Facilities Management		1408		32,000
	Agency-wide Security		1408		259,000
	Computer Hardware/Communications		1408		40,000
	Administration		1410		215,000
	Audit		1411		2,000
	Project Management, Planning Costs		1430		70,693
CA011008/ Los Arboles	Landscape Improvements		1450		30,000
	Select Unit Modernization		1460		653,000
CA011015/ Elder Winds	Exterior Modernization		1460		80,000
CA011010/ Bayo Vista	Unit Interior Modernization		1460		255,000
HA - Wide	Accessibility Improvements		1470		20,000
	(4) Amp-Based Management Vehicles		1475		80,000
	Relocation Costs		1495.1		5,000
	Contingency		1502		102,000
	<b>Grant Total</b>				<b>2,158,693</b>

**Annual Statement/Performance and Evaluation Report  
 Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFR)  
 Part III: Implementation Schedule**

PHA Name: Housing Authority of the County of Contra Costa		Grant Type and Number Capital Fund Program No: CA39P01150108 Replacement Housing Factor No:					Federal FY o
Development Number Name/HA-Wide Activities	All Fund Obligated (Quarter Ending Date)			All Funds Expended (Quarter Ending Date)			R
	Original	Revised	Actual	Original	Revised	Actual	
HA – Wide	12/31/10			12/3/12			
CA011001/ Alhambra Terrace	12/31/10			12/31/12			
CA011008/ Los Arboles	12/31/10			12/31/12			
CA011010/ Bayo Vista	12/31/10			12/31/12			
CA011015/ Elder Winds	12/31/10			12/31/12			

**Capital Fund Program Five-Year Action Plan**

**Part I: Summary**

PHA Name: Housing Authority of the County of Contra Costa

Original 5-  
 Revision No

Development Number/Name/HA-Wide	Year 1	Work Statement for Year 2 FFY Grant: 2008 PHA FY: 2008	Work Statement for Year 3 FFY Grant: 2009 PHA FY: 2009	Work Statement for Year 4 FFY Grant: 2010 PHA FY: 2010
	Annual Statement			
CA011001/Alhambra Terrace				
CA011003/Bridgemont			80,000	
CA011004/Los Nogales				275,000
CA011005/El Pueblo				
CA011006/Las Deltas				
CA011008/Los Arboles		200,000		
CA011009A/Las Deltas Annex 1				
CA011009B/Las Deltas Annex 2				
CA0110010/Bayo Vista		400,000		
CA0110011/Hacienda			200,000	
CA0110012/Casa de Manana		100,000		265,000
CA0110013/Casa Serena			400,000	535,000
CA0110015/Elder Winds				
CA0110017/Vista del Camino		275,000	295,000	
CA0110018/Kidd Manor		100,000		
Relocation		100,000	100,000	100,000
Contingency		52,000	52,000	52,000
<b>Total Work Items</b>		<b>1,227,000</b>	<b>1,227,000</b>	<b>1,227,000</b>
Operations		175,000	175,000	175,000
Mgmt. Improvements		417,000	417,000	417,000
Administration		208,000	208,000	208,000
Audit		2,000	2,000	2,000
Fees & Costs		60,610	60,610	60,610
<b>Total CFP Funds (Est.)</b>		<b>2,089,610</b>	<b>2,089,610</b>	<b>2,089,610</b>

## Capital Fund Program Five-Year Action Plan

### Part II: Supporting Pages—Work Activities

Development Number/Name/HA-Wide	Activities for Year 1 FFY 2008	Activities for Year 2 FFY 2009	Activities for Year 3 FFY 2010	Activities for Year 4 FFY 2011
CA011001/ Alhambra Terrace	(SEE			Remodel Select
CA011002/ Los Medanos	ANNUAL			
CA011003/ Bridgemont	PLAN)		Exterior Modernization	
CA011004/ Los Nogales				Exterior Modern
CA011005/ El Pueblo				
CA011006/ Las Deltas				
CA011008/ Los Arboles		Unit Modernization		
CA011009A/ Las Deltas Annex 1				
CA011009B/ Las Deltas Annex 2				
CA0110010/ Bayo Vista		Remodel Select Units		
CA0110011/ Hacienda			Exterior Modernization	
CA0110012/ Casa de Manana		Exterior Modernization		Exterior Modern
CA0110013/ Casa Serena			Remodel Select Units	Remodel Select
CA0110015/ Elder Winds				
CA0110017/ Vista del Camino		Remodel Select Units	Remodel Select Units	
CA0110018/ Kidd Manor		Exterior Modernization		
<b>Total Physical Improvements</b>		1,075,000	1,075,000	1,075,000



**HOUSING AUTHORITY  
of the  
COUNTY OF CONTRA COSTA**

3133 Estudillo Street P. O. Box 2759 Martinez, CA 94553  
Telephone (925) 957-8000 Fax (925) 372-3206

**RESIDENT ADVISORY BOARD MEMBERS**

**2007 / 2008**

**Dianne Angle**

Elder Winds Resident Council  
2100 Buchanan Rd., #A 216  
Pittsburg, CA 94565

**Deborah Drake**

Bayo Vista Resident Council  
23 California Street  
Rodeo, CA 94572

**Wendell Booth**

Elder Winds Resident Council  
2100 Buchanan Rd., #A206  
Antioch, CA 94509

**Mary Dempsey**

Elder Winds Resident Council  
2100 Buchanan Road, #B 314  
Antioch, CA 94509

**Lynn Jasven**

Elder Winds Resident Council  
2100 Buchanan Road, #C504  
Antioch, CA 94509

**Geneva Green**

Elder Winds Resident Council  
2100 Buchanan Road, #C504  
Antioch, CA 94509

**Ben Laskari**

Casa Serena Resident Council  
1045 Clearland Drive  
Bay Point, CA 94565

**Lillie Bairos**

Bayo Vista Resident Council  
107 California Street  
Rodeo, CA 94572

**Tena Sloan, S.8 Representative**

608 W. 11<sup>th</sup> Street  
Antioch, CA 94509

**Kay Smith**

Bayo Vista Resident Council  
23 California Street  
Rodeo, CA 94572

**PUBLIC NOTICE  
HOUSING AUTHORITY  
OF THE  
COUNTY OF  
CONTRA COSTA**

The Housing Authority of the  
County of Contra Costa  
is conducting a  
Public Hearing for its  
FY 2008 Annual Plan.

Public Hearing Location:  
3133 Estudillo Street  
Martinez, CA 94553  
Date: Thurs., Dec. 20, 2007  
Time: 6:00 pm  
Copies of plan available  
at following locations:

**WEST COUNTY**  
No. Richmond Housing  
Authority Office  
1601 N. Jade Street  
No. Richmond, CA 94801

Rodeo Housing  
Authority Office  
2 California Street  
Rodeo, CA 94572

**CENTRAL COUNTY**  
Martinez Housing  
Authority Office  
3133 Estudillo Street  
Martinez, CA 94553

Section 8 Housing  
Choice Voucher Office  
2870 Howe Road  
Martinez, CA 94553

**EAST COUNTY**  
El Pueblo Housing  
Authority Office  
875 El Pueblo Ave.  
Pittsburg, CA 94565

Oakley Housing  
Authority Office  
990 A Rosemary Lane  
Oakley, CA 94561

**HOUSING AUTHORITY  
OF THE  
COUNTY OF CONTRA COSTA**

3133 Estudillo Street P. O. Box 2759 Martinez, CA 94553  
Telephone (925) 957-8000 Fax (925) 372-3206



**RESIDENT ADVISORY BOARD**

Thursday, December 20, 2007  
5:00 P.M.

**A G E N D A**

1. Welcome
2. Approval of the Minutes of the last meeting
3. Approval of the 2008 Annual Plan draft
4. Update from Robert Moore, Director of Development
5. Other business



**HOUSING AUTHORITY  
OF THE  
COUNTY OF CONTRA COSTA**

3133 Estudillo Street P. O. Box 2759 Martinez, CA 94553  
Telephone (925) 957-8000 Fax (925) 372-3206

**Minutes  
Resident Advisory Board  
Thursday, December 20, 2007  
5:00 p.m.**

Attendees: **Dianne Angle**, RAB President and Elder Winds Resident Council; **Mary Dempsey**, Elder Winds Resident Council; **Wendell Booth**, Elder Winds Resident Council; **Lillie Bairos**, Bayo Vista Resident Council; **Kay Smith**, Bayo Vista Resident Council; **Deborah Drake**, Bayo Vista Resident Council; **Geneva Green**, Elder Winds; **Ben Laskari**, Casa DeSerena; **Tena Sloan**, Section 8 Representative; **Elizabeth Campbell**, Director of Managed Housing Programs; **Bruce Smargiasso**, Director of Assisted Programs, **Judy Darab**, Housing Manager; **Linda Givins**, Housing Manager, **Angela Buford**, Housing Manager; **Dizella Carter**, Housing Manager; **Lori Sanders**, Housing Specialist.

Beth Campbell, Director of Managed Programs opened the meeting at 5:05 p.m. She explained the purpose of the Annual Plan and how it's designed. Everyone then introduced themselves.

Ms. Campbell explained that most of the significant changes will be found in the Section 8 Program. Robert Moore, Director of Development who usually attends to explain Capital Fund Improvement projects, was not in attendance, however he has given Ms. Campbell information to share with the group.

Bruce Smargiasso, Director of Assisted Housing Programs, informed the group that a recent audit has resulted in his department correcting errors as found, and reviewing and updating their Administrative Plan. A draft form will be submitted to Commissioners and HUD before it's finalized. Some updated items will be policy regarding VAWA (Violence Against Women Act) and opening of waiting list procedures including assignment of preference points. The next opening of the Section 8 waiting list will be electronic or via phone so the process is convenient and avoids the long lines. Mr. Smargiasso told the group to look for an announcement sometime between February and March 2008 as to when the waiting list will be opening.

Ms. Campbell explained that the waiting list will take only enough applicants to create a list that will allow people to be housed within two years.

Mr. Laskari asked what preference points would be given. Mr. Smargiasso explained that HUD is still reviewing and they would be announced upon the opening of the waiting list.

Mr. Laskari then asked whether a voucher holder couldn't be offered a Public Housing unit upon the voucher expiring so as not to lose the opportunity to be housed. The voucher holders are having difficulty finding housing within the voucher timeframe.

Ms. Campbell explained that Public Housing funds and Section 8 funds cannot be mingled. It is understood that the voucher holders are having difficulty finding housing, (due mostly to credit background), however, there are landlords in the county who are willing to work with such individuals.

Ms. Campbell moved on to the Public Housing Program and informed the group that the ACOP (Admissions and Continued Occupancy Policy) will be re-written and a draft ready in February. Updates will be written for the screening policy for the purpose of getting more viable tenants in our communities. It is a 600-page document that will be available on the website for review. In June or July 2008, the RAB will meet to begin the process for 2009 Annual Plan.

Mr. Laskari asked what Ms. Campbell meant by “viable tenants”. Ms. Campbell’s reply was that we need a tighter screening policy so that applicants with questionable backgrounds won’t be allowed to be part of our program. She then informed the group that the Housing Authority has a new attorney and that she has new ideas, and some changes can be expected.

It was then explained that two major items included in the Annual Plan are the demolition of two of our developments; El Pueblo in Pittsburg and Las Deltas in N. Richmond. The Demolition Disposition Application for El Pueblo will be submitted in January 2008 and the process for Las Deltas will begin in the Fall of 2008. Tenants being displaced will either be offered vouchers or other public housing units.

Mr. Laskari asked wouldn’t the demolition result in less housing when there already wasn’t enough low-income units available? Ms. Campbell’s reply was that even low-income people deserve to live in newer housing, and that some of our units are over 50 years old. Some areas need to be revitalized. It’s a HUD goal to redesign public housing by 2011 and to have Housing Authorities run as a business.

Ms. Campbell then spoke about the 2008 Physical Needs Assessment where each site will be inspected and assessed as to what’s needed to make each development a viable asset. This assessment will allow the agency to identify potential problems and then to determine whether to improve, revitalize or demolish a site.

The Capital Funds Improvement monies have been assigned to Los Arboles in Oakley as well as Bayo Vista in Rodeo. Las Deltas and El Pueblo will be maintained as is but will not be receiving any new modernization funds.

It was noted that there was a concern about the closet doors not working properly in the units at Bayo Vista, Rodeo. Also there were concerns of vibration noises and plumbing issues at Casa de Serena.

Mr. Laskari asked about seniors being charged for maintenance repairs. Ms. Campbell explained the difference between normal wear and tear and damages, and why some are indeed chargeable. She advised the group to speak with their housing managers individually.

Ms. Angle then encouraged the group to speak with Ms. Campbell on their own regarding any more concerns and questions. She then moved to approve the drafted Annual Plan. Mary Dempsey seconded the motion and was then approved unanimously.

This meeting was adjourned by Ms. Angle at 6:01 p.m.

**HOUSING AUTHORITY**  
**of the**  
**COUNTY OF CONTRA COSTA**

3133 Estudillo Street P. O. Box 2759 Martinez, CA 94553  
Telephone (925) 957-8000 Fax (925) 372-3206

**Minutes**  
**Public Hearing**  
**Thursday, December 20, 2007**  
**6:00 p.m.**

Attendees: **Dianne Angle**, RAB President and Elder Winds Resident Council; **Mary Dempsey**, Elder Winds Resident Council; **Wendell Booth**, Elder Winds Resident Council; **Lillie Bairos**, Bayo Vista Resident Council; **Kay Smith**, Bayo Vista Resident Council; **Deborah Drake**, Bayo Vista Resident Council; **Geneva Green**, Elder Winds; **Ben Laskari**, Casa De Serena; **Tena Sloan**, Section 8 Representative; **Elizabeth Campbell**, Director of Managed Housing Programs; **Bruce Smargiasso**, Director of Assisted Programs, **Judy Darab**, Housing Manager; **Linda Givens**, Housing Manager, **Angela Buford**, Housing Manager; **Dizella Carter**, Housing Manager; **Lori Sanders**, Housing Specialist

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Ms. Beth Campbell opened the meeting at 6:05 p.m. by asking if anyone had any questions regarding the PHA Annual Plan.

No comments were received.

A ten-minute grace period was provided, to allow a member of the public to arrive and comment on the Annual Plan.

At 6:15 p.m. the Public Hearing was closed, with no comments regarding the PHA Annual Plan.

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

**Certification by State or Local Official of PHA Plans Consistency with  
The Consolidated Plan**

I, James Kennedy, the Deputy Director of the Contra Costa County Community Development  
Department, certify that the Five Year and Annual PHA Plan for the Housing Authority of the  
County of Contra Costa is consistent with the Consolidated Plan of the Contra Costa  
Consortium prepared pursuant to 24 CFR Part 91.

  
Signed / Dated by Appropriate State or Local Official

Date: 1/7/08

Certification by State and Local Official of PHA Plans Consistency with the Consolidated Plan to Accompany the HUD 50075  
OND Approval No. 2577-0266  
Expires 03/01/2007  
(7/99)  
Page 1 of 1

**HOUSING AUTHORITY**  
**of the**  
**COUNTY OF CONTRA COSTA**  
3133 Estudillo Street P. O. Box 2759 Martinez, CA 94553  
Telephone (925) 957-8000 Fax (925) 372-3206



**Law Enforcement Letters of Support**

- J.1. Office of the Sheriff of the County of Contra Costa
- J.2. City of Martinez Police Department
- J.3. City of Brentwood Police Department
- J.4. City of Pittsburg Police Department



Attachment K. . .



October 11, 2007

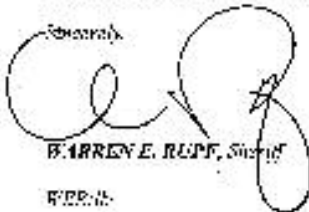
Mr. Joseph Villarreal  
 Executive Director  
 Housing Authority of the County of Contra Costa  
 1700 Main Street  
 Martinez, California 94553

Dear Mr. Villarreal:

Enclosed in this envelope, this letter is in recognition our continuing partnership with the Housing Authority of Contra Costa County. Historically, our successful collaboration has demonstrated significant progress in public safety.

The exchange of crime related information between our deputies and the housing managers at the Housing Authority developments has enhanced the capabilities of both departments to reduce crime and increase residential security. The cooperative system of tracking and reporting illegal criminal activity enabled us to find the public housing developments near areas the Housing Authority is identifying those families that are involved in illegal criminal activity. With this process in place, the Housing Authority has been able to successfully inform and ensure protection in the public housing developments and continue to provide safe, decent, and sanitary housing conditions.

I continue to believe that the partnership between our agencies will continue to ensure the highest quality of service and safety for all public housing residents in Contra Costa County.

  
 BARRENE RUFF, Sheriff  
 Sheriff

One Sheriff's Office • Martinez, CA 94553-0030  
 (925) 865-1661  
 "Communities Policing Since 1850...."



Attachment J. 2.  
City of Martinez POLICE DEPARTMENT  
7351 COLIMA AVENUE, MARTINEZ, CA 94553-4999

November 28, 2007

Joseph Villarreal, Executive Director  
Manager Housing Programs  
Housing Authority of Contra Costa County  
5117 Laguna Drive  
Martinez, CA 94553

Dear Mr. Villarreal:

The purpose of this letter is to reaffirm the successful partnership which has existed for many years between the Martinez Police Department and the Housing Authority of Contra Costa County.

Crime-related problems at Housing Authority developments are tracked and reported daily by our officers to the housing manager. The housing manager, in turn, reports any suspected illegal criminal activity to our officers. This cooperative system for tracking and reporting illegal criminal activity was designed to minimize and deter crime on public housing developments and to use at the Housing Authority in identifying those families that are involved in illegal criminal activity. This process has enabled the Housing Authority to successfully initiate and carry out evictions on the public housing developments in an effort to continue to provide safe, decent, and sanitary housing conditions.

It is my belief that this successful partnership will continue to provide the quality of life for all public housing residents in Contra Costa County.

Sincerely,  
  
David J. Capin  
Chief of Police

ENCLOSURE



December 7, 2007

Mr. Joseph Villarreal  
Executive Director  
Housing Authority of Contra Costa  
PO Box 2759  
Martinez, CA 94553

Dear Mr. Villarreal:

I have received your request to supply an annual Letter of Partnership to include in your annual report to HUD. It is certainly my desire to provide all available resources from not only the Brentwood Police Department, but the City of Brentwood as a whole, to aid the Contra Costa County Housing Authority in supplying our community with safe, sanitary and decent housing conditions which serve to benefit both your clients and our community in totality.

On August 29, 2007, my staff and I met with Ms. McNabb and Ms. Campbell from your office to discuss the prevalent issues impacting our respective agencies. By the conclusion of that meeting, I was extremely encouraged that both of our departments, as well as our community, would benefit from the commitment of cooperative information sharing presented at that meeting. It is with disappointment, however, that I share with you that we have not received the level of information-sharing and general cooperation that was presented by your staff at that meeting of August 29<sup>th</sup>. I would like to schedule a time in which we can discuss the specific issues of immediate concern to our agency, and provide information and assistance in re-establishing the cooperative relationship we have enjoyed in past years.

I apologize for the delay in responding to your request; however, we have only just received the informational request forwarded to my office through the Antioch Police Department. If you would have your staff send future correspondence to my office directly, that will assist both of us in responding to our mutual needs in a timely manner. Our Administration fax number is (925) 809-7803.

Sincerely,

A handwritten signature in black ink that reads "Mark Evenson".

Mark Evenson  
Chief of Police  
City of Brentwood

Brentwood Police Department: 9100 Brentwood Blvd., Brentwood, CA 94513  
Phone: (925) 634-6911 Fax: (925) 809-7799



**Pittsburg Police Department**  
**Aaron L. Baker**  
**Chief of Police**

October 11, 2007

Joseph Villarreal  
Executive Director  
Contra Costa Housing Authority  
P.O. Box 2759  
Martinez, CA 94553

Dear Mr. Villarreal:

Please accept this letter as a confirmation of our successful partnership with the Housing Authority of Contra Costa County.

Crime related problems at the El Pueblo Housing Authority development are tracked and reported daily by police officers to the housing manager. Or, when an incident is suspected or occurs involving illegal criminal activity, the housing manager will report this information to the police officer.

This tracking system and reporting of illegal criminal activity was designed to minimize and rid crime from the public housing development and to assist the Housing Authority in identifying those families that are involved in illegal criminal activity. This process has enabled the Housing Authority to successfully initiate and carry-out evictions in the public housing development and continue to provide safe, decent, and sanitary housing conditions.

It is my belief that this partnership will continue to enhance the quality of life for all public housing residents in the City of Pittsburg.

Sincerely,

Aaron L. Baker  
Chief of Police

ALB:eld

65 Civic Avenue • Pittsburg, California 94565 • (925) 252-4980 • www.ci.pittsburg.ca.us

**Certification for a Drug-Free Workplace**

U.S. Department of Housing and Urban Development

Applicant Name

Attachment L.1

Program/Activity Receiving Federal Grant Funding

**Housing Authority of the County of Contra Costa**

Acting on behalf of the above named Applicant, as its Authorized Official, I make the following certifications and agreements to the Department of Housing and Urban Development (HUD) regarding the sites listed below:

I certify that the above named Applicant will or will continue to provide a drug-free workplace by:

a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Applicant's workplace and specifying the actions that will be taken against employees for violation of such prohibition.

b. Establishing an on-going drug-free awareness program to inform employees —

(1) The dangers of drug abuse in the workplace;

(2) The Applicant's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph a.;

d. Notifying the employee in the statement required by paragraph a. that, as a condition of employment under the grant, the employee will —

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

e. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph d.(2) from an employee or otherwise receiving actual notice of such conviction. Employees of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph d.(2), with respect to any employee who is so convicted: —

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs a. thru f.

2. Sites for Work Performance. The Applicant shall list (on separate pages) the site(s) for the performance of work done in connection with the HUD funding of the program/activity shown above. Place of Performance shall include the street address, city, county, State, and zip code. Identify each sheet with the Applicant name and address and the program/activity receiving grant funding.)

Check here  if there are workplaces on file that are not identified on the attached sheets.

I hereby certify that all the information stated herein, as well as any information provided in the accompanying herewith, is true and accurate. Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official: Joseph Villarreal

Title: Executive Director

Signature

Date: December 10, 2007

X

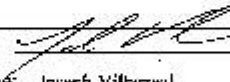


DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB  
U348-

Attachment 1.2

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352  
(See reverse for public burden disclosure.)

<b>1. Type of Federal Action:</b> <input checked="" type="checkbox"/> A a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance		<b>2. Status of Federal Action:</b> <input checked="" type="checkbox"/> C a. bid/offer/application b. initial award c. post-award		<b>3. Report Type:</b> <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change For Material Change Only: year _____ quarter _____ date of last report _____	
<b>4. Name and Address of Reporting Entity:</b> <input checked="" type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known:  Housing Authority of the County of Contra Costa P.O. Box 2759, 3133 Estudillo Street Martinez, CA 94553  Congressional District, if known: 2, 10, 11			<b>5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:</b>   Congressional District, if known:		
<b>6. Federal Department/Agency:</b>   8. Federal Action Number, if known:			<b>7. Federal Program Name/Description:</b> Housing Choice Voucher Program 14.871 Low Rent Aided Housing (Public Housing) 14.850 CHDA Number, if applicable: _____  <b>9. Award Amount, if known:</b> \$		
<b>10. a. Name and Address of Lobbying Registrant</b> (if individual, last name, first name, MI):			<b>b. Individuals Performing Services (including address if different from No. 10a)</b> (last name, first name, MI):		
<small>Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the Fed above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each violation.</small>			Signature:  Print Name: Joseph Villarreal Title: Executive Director Telephone No.: (525) 957-8011      Date: 12/10/2007		
<b>Federal Use Only:</b>					Authorized for Large Reproduction Standard Form LLL (Rev. 7-67)



**Certification of Payments  
to Influence Federal Transactions**

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

Attachment I.3

Applicant Name

Housing Authority of the County of Contra Costa

Program/Activity Receiving Federal Grant Funding

The undersigned certifies, to the best of his or her knowledge and belief, that:

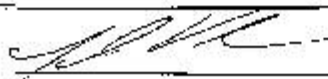
(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.  
Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties.  
(18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Executive Official Joseph Villarreal	Title Executive Director
Signature 	Date (m/d/yyyy) 12/10/2007



**PHA Certifications of Compliance with the PHA Plans  
and Related  
Regulations Board Resolution to Accompany the PHA Plans  
Resolution No. 5096**

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the 5- Year Plan and Annual Plan for PHA fiscal year beginning 2008, hereinafter referred to as the Plan of which this document is a part and make the following certifications and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan and implementation thereof:

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any Plan incorporating such strategy) for the jurisdiction in which the PHA is located.
2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments to Fair Housing Choice, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan.
3. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Board or Boards in developing the Plan, and considered the recommendations of the Board or Boards (24 CFR 903.15). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
4. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.
5. The PHA will carry out the Plan in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990.
6. The PHA will affirmatively further fair housing by examining their programs or proposed programs, identify any impediments to fair housing choice within those programs, address those impediments in a reasonable fashion in view of the resources available and work with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and maintain records reflecting these analyses and actions.
7. The PHA Plan includes a policy for site-based waiting lists:
  - The PHA regularly submits required data to HUD's MICS in an accurate, complete and timely manner (as specified in PHA Notice 99-2);
  - The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites; and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site;
  - Adoption of site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD;
  - The PHA shall take reasonable measures to assure that such waiting list is consistent with affirmatively furthering fair housing;
  - The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR part 903.7(c)(1).
8. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
9. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
10. The PHA will comply with the requirements of section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low- or Very-Low Income Persons, and with its

11. The PHA has submitted with the Plan a certification with regard to a drug free workplace required by 24 CFR Part 24, Subpart F.
12. The PHA has submitted with the Plan a certification with regard to compliance with restrictions on lobbying required by 24 CFR Part 87, together with disclosure forms if required by this Part, and with restrictions on payments to influence Federal transactions, in accordance with the Byrd Amendment and implementing regulations at 49 CFR Part 24.
13. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.
14. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
15. The PHA will provide HUD or the responsible entity any documentation that the Department needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58.
16. With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
17. The PHA will keep records in accordance with 24 CFR 85.20 and facilitate an effective audit to determine compliance with program requirements.
18. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act and 24 CFR Part 35.
19. The PHA will comply with the policies, guidelines, and requirements of OMB Circular No. A-87 (Cost Principles for State, Local and Indian Tribal Governments) and 24 CFR Part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments.).
20. The PHA will undertake only activities and programs covered by the Plan in a manner consistent with its Plan and will utilize covered grant funds only for activities that are approvable under the regulations and included in its Plan.
21. All attachments to the Plan have been and will continue to be available at all times and all locations that the PHA Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the Plan and attachments at the primary business office of the PHA and at all other times and locations identified by the PHA in its PHA Plan and will continue to be made available at least at the primary business office of the PHA.



Standard PHA Plan for Fiscal Year: 2008

Date: 1-17-2008

Signed/Dated by PHA Board Chair or other authorized PHA official  
PHA Certifications of Compliance with the PHA Plans and Related Regulations

PASSED AND ADOPTED ON 01/15/08  
by the following vote of the Commissioners.

AYRS: GLOVER, GROIA, WILKEMA, PIEPHO, BONILLA, TENES

NOES: -

ABSENT: -

ABSTAIN: -

I HEREBY CERTIFY THAT THIS IS A  
TRUE AND CORRECT COPY OF AN  
ACTION TAKEN AND ENTERED ON THE  
MINUTES OF THE BOARD OF  
COMMISSIONERS ON THE DATE SHOWN.

ATTESTED:   
JOSEPH VILLARREAL, SECRETARY OF  
THE BOARD OF COMMISSIONERS  
AND EXECUTIVE DIRECTOR

BY





## **Housing Choice Voucher Program Project-Based Assistance Agency Plan Attachment**

### **Background**

As a result of the fiscal year 2001 HUD Appropriations Act, new regulations were issued incorporating the Project-Based Assistance requirements into the merged voucher program. These new regulations were published in the Federal Register on January 16, 2001, and allow the Housing Authority of the County of Contra Costa (HACCC) to enter into a housing assistance payments (HAP) contract to provide project-based assistance only if the HAP contract is consistent with the Public Housing Authority (PHA) Plan (42 U.S.C. 1437c-1, implemented at 24 CFR part 903). HUD defines "consistency with the PHA Plan" as a demonstration by the PHA that circumstances exist that indicate that project basing of the units, rather than tenant-basing of the same subsidy assistance, is an appropriate option.

### **PHA Plan**

HUD's initial guidance published 1-16-01 specifies that PHAs that wish to use the project-based voucher options must attach a statement to the PHA Plan template. 66 Fed. Reg. 3608.

- The statement must include the projected number of project-based units and general locations, and,
- How project-basing would be consistent with the PHA plan

The PHA has determined, on the basis of established criteria, that this attachment does not indicate a "significant amendment or modification" to the Agency Plan.

### **The Projected Number of Project-Based Units**

Under the new regulations, the HACCC has the option to convert up to 20% of our tenant-based voucher allocation to project-based assistance. With the HACCC's present portfolio size of 6,781 tenant-based units, 20% would equate to 1,356 units. However, given the funding reductions for CY 2005, the HACCC does not intend to set aside Project-Based Vouchers for fiscal year 2005/06.

**PET POLICY – ELDERLY/DISABLED PROJECTS**  
**[24 CFR Part 5, Subpart C]**  
**INTRODUCTION**

PHAs have discretion to decide whether or not to develop policies pertaining to the keeping of pets in public housing units. This Chapter explains the PHA's policies on the keeping of pets and any criteria or standards pertaining to the policy for elderly/disabled projects. The rules adopted are reasonably related to the legitimate interest of this PHA to provide a decent, safe and sanitary living environment for all tenants, to protecting and preserving the physical condition of the property, and the financial interest of the PHA.

The purpose of this policy is to establish the PHA's policy and procedures for ownership of pets in elderly and disabled units and to ensure that no applicant or resident is discriminated against regarding admission or continued occupancy because of ownership of pets. It also establishes reasonable rules governing the keeping of common household pets.

The PHA chooses not to publish rules governing the keeping of common household pets. Residents will comply with the dwelling lease, which requires that no animals or pets of any kind are permitted on the premises without prior written approval of the PHA. This does not apply to animals that are used to assist persons with disabilities.

- Nothing in this policy or the dwelling lease limits or impairs the right of persons with disabilities to own animals that are used to assist them.

**A. ANIMALS THAT ASSIST PERSONS WITH DISABILITIES**

Pet rules will not be applied to animals that assist persons with disabilities. To be excluded from the pet policy, the resident/pet owner must certify:

- That there is a person with disabilities in the household;
- That the animal has been trained to assist with the specified disability.

**MANAGEMENT APPROVAL OF PETS**

All pets must be approved in advance by the PHA management. The pet owner must submit and enter into a Pet Agreement with the PHA.

**REGISTRATION OF PETS**

Pets must be registered with the PHA before they are brought onto the premises. Registration includes certificate signed by a licensed veterinarian or State/local authority that the pet has received all inoculations required by State or local law, and that the pet has no communicable disease(s) and is pest-free.

- Residents must submit a fully completed Authorization (or Pet Ownership form before the PHA will review and approve or disapprove the request to have a pet.
- Registration must be renewed and will be coordinated with the annual recertification date and proof of license and inoculation will be submitted at least 30 days prior to annual reexamination.
- Dogs and cats must be spayed or neutered.
- Execution of a Pet Agreement with the PHA stating that the tenant acknowledges complete responsibility for the care and cleaning of the pet will be required.
- Registration must be renewed and will be coordinated with the annual recertification date.
- Approval for the keeping of a pet shall not be extended pending the completion of these requirements.

### **REFUSAL TO REGISTER PETS**

The PHA may not refuse to register a pet based on the determination that the pet owner is financially unable to care for the pet. If the PHA refuses to register a pet, a written notification will be sent to the pet owner stating the reason for denial and shall be served in accordance with HUD Notice requirements.

The PHA will refuse to register a pet if:

- The pet is not a *common household pet* as defined in this policy;
- Keeping the pet would violate any House Pet Rules;
- The pet owner fails to provide complete pet registration information, or fails to update the **registration annually**;
- The PHA reasonably determines that the pet owner is unable to keep the pet in compliance with the pet rules and other lease obligations. The pet's temperament and behavior may be considered as a factor in determining the pet owner's ability to comply with provisions of the lease.

The notice of refusal may be combined with a notice of a pet violation. A resident who cares for another resident's pet must notify the PHA and agree to abide by all of the pet rules in writing.

### **B. STANDARDS FOR PETS**

Pet rules will not be applied to animals that assist persons with disabilities.

### **PERSONS WITH DISABILITIES**

The resident/pet owner will be required to qualify animals (for exclusion from the pet policy) that assist persons with disabilities. To be excluded from the pet policy, the resident/pet owner must certify:

- That there is a person with disabilities in the household;
- That the animal has been trained to assist with the specified disability; and
- That the animal actually assists the person with the disability.



## **TYPES OF PETS ALLOWED**

No types of pets other than the following may be kept by a resident. Tenants are not permitted to have more than one *type* of pet.

1. **Dogs**

- Maximum number: 1
- Maximum adult weight: 25 pounds
- Must be housebroken
- Must be spayed or neutered
- Must have all required inoculations
- Must be licensed as specified now or in the future by State law and local ordinance

2. **Cats**

- Maximum number: 2
- Must be spayed or neutered
- Must have all required inoculations
- Must be trained to use a litter box or other waste receptacle
- Must be licensed as specified now or in the future by State law or local ordinance

3. **Birds**

- Maximum number: 2
- Must be enclosed in a cage at all times

4. **Fish**

Maximum aquarium size: 25 gallons, must be maintained on an approved stand

### **C. PETS TEMPORARILY ON THE PREMISES**

- Pets that are not owned by a tenant will not be allowed.
- Residents are prohibited from feeding or harboring stray animals.
- This rule excludes visiting pet programs sponsored by a humane society or other non-profit organization and approved by the PHA.
- State or local laws governing pets temporarily in dwelling accommodations shall prevail.

### **D. DESIGNATION OF PET/NO-PET AREAS**

The following areas are designated no-pet areas: With the exception of assistive animals, no pets shall be allowed in the community room, community room kitchen, laundry rooms, public bathrooms, lobby, hallways, or offices of any of the Housing Authority properties.

### **E. ADDITIONAL FEES AND DEPOSITS FOR PETS**

Tenants with animals must pay a pet deposit. The resident/pet owner shall be required to pay a refundable deposit for the purpose of defraying all reasonable costs directly attributable to the presence of a dog or cat. An initial payment of \$50 on or prior to the date the pet is properly registered and brought into the apartment, and;

- The PHA reserves the right to change or increase the required deposit by amendment to these rules. The PHA will refund the Pet Deposit to the tenant, less any damage caused by the pet to the dwelling unit, upon removal of the pet or the owner from the unit.
- The PHA will return the Pet Deposit to the former tenant or to the person designated by the former tenant in the event of the former tenant's incapacitation or death.
- The PHA will provide the tenant or designee identified above with a written list of any charges against the pet deposit. If the tenant disagrees with the amount charged to the pet deposit, the PHA will provide a meeting to discuss the charges.

All reasonable expenses incurred by the PHA as a result of damages directly attributable to the presence of the pet in the project will be the responsibility of the resident, including:

- The cost of repairs and replacements to the resident's dwelling unit;
- Fumigation of the dwelling unit;
- Common areas of the project.

Pet Deposits are not a part of rent payable by the resident.

**F. ALTERATIONS TO UNIT**

Residents/pet owners shall not alter their unit, patio, premises or common areas to create an enclosure for any animal. Installation of pet doors is prohibited.

**G. PET WASTE REMOVAL CHARGE**

A separate pet waste removal charge per occurrence will be assessed against the resident for violations of the pet policy. Pet deposit and pet waste removal charges are not part of rent payable by the resident.

All reasonable expenses incurred by the PHA as the result of damages directly attributable to the presence of the pet will be the responsibility of the resident, including:

- The cost of repairs and replacements to the dwelling unit;
- Fumigation of the dwelling unit.

If the tenant is in occupancy when such costs occur, the tenant shall be billed for such costs as a current charge. If such expenses occur as the result of a move-out inspection, they will be deducted from the pet deposit. The resident will be billed for any amount that exceeds the pet deposit. The pet deposit will be refunded when the resident moves out or no longer has a pet on the premises, whichever occurs first. The expense of flea de-infestation shall be the responsibility of the resident.

**H. PET AREA RESTRICTIONS**

Pets must be maintained within the resident's unit. When outside of the unit (within the building or on the grounds) dogs and cats must be kept on a leash no more than 6 feet in length or carried and under the control of the resident or other responsible individual at all times. Residents/Pet Owners are not permitted to exercise pets or permit pets to deposit waste on project premises.

## **I. NOISE**

Pet owners must agree to control the noise of pets so that such noise does not constitute a nuisance to other residents or interrupt their peaceful enjoyment of their housing unit or premises. This includes, but is not limited to loud or continuous barking, howling, whining, biting, scratching, chirping, or other such activities.

## **J. CLEANLINESS REQUIREMENTS**

Litter Box Requirements. All animal waste or the litter from litter boxes shall be picked up immediately by the pet owner, disposed of in sealed plastic trash bags, and placed in a trash bin.

- Litter shall not be disposed of by being flushed through a toilet.
- Litter boxes shall be stored inside the resident's dwelling unit.
- Removal of Waste from Other Locations.
- The Resident/Pet Owner shall be responsible for the removal of waste by placing it in a sealed plastic bag and disposing of it in an outside trash bin.

Any unit occupied by a dog or cat, will be fumigated at the time the unit is vacated. The resident/pet owner shall take adequate precautions to eliminate any pet odors within or around the unit and to maintain the unit in a sanitary condition at all times.

## **K. PET CARE**

No pet (excluding fish) shall be left unattended in any apartment for a period in excess of 24 hours. All residents/pet owners shall be responsible for adequate care, nutrition, exercise and medical attention for his/her pet. Residents/pet owners must recognize that other residents may have chemical sensitivities or allergies related to pets, or may be easily frightened or disoriented by animals. Pet owners must agree to exercise courtesy with respect to other residents.

## **L. RESPONSIBLE PARTIES**

The resident/pet owner will be required to designate two responsible parties for the care of the pet if the health or safety of the pet is threatened by the death or incapacity of the pet owner, or by other factors that render the pet owner unable to care for the pet.

## **M. INSPECTIONS**

The PHA may, after reasonable notice to the tenant during reasonable hours, enter and inspect the premises, in addition to other inspections allowed. The PHA may enter and inspect the unit only if a written complaint is received alleging that the conduct or condition of the pet in the unit constitutes a nuisance or threat to the health or safety of the other occupants or other persons in the community under applicable State or local law.

## **N. PET POLICY VIOLATION NOTICE**

If a determination is made on objective facts supported by written statements, that a resident/pet owner has violated the Pet Policy, written notice will be served. The Notice will contain a brief statement of the factual basis for the determination and the section of the Pet Policy that were violated. The notice will also state:

That the resident/pet owner has 10 days from the effective date of the service of notice to correct the violation or make written request for a meeting to discuss the violation;

- That the resident pet owner is entitled to be accompanied by another person of his or her choice at the meeting; and
- That the resident/pet owner's failure to correct the violation, request a meeting, or appear at a requested meeting may result in initiation of procedures to terminate the pet owner's tenancy.

If the pet owner requests a meeting within the 10 day period, the meeting will be scheduled no later than 5 calendar days before the effective date of service of the notice, unless the pet owner agrees to a later date in writing.

#### **O. NOTICE FOR PET REMOVAL**

If the resident/pet owner and the PHA are unable to resolve the violation at the meeting or the pet owner fails to correct the violation in the time period allotted by the PHA, the PHA may serve notice to remove the pet. The Notice shall contain:

- A brief statement of the factual basis for the PHA's determination of the section of the Pet Policy that has been violated;
- The requirement that the resident /pet owner must remove the pet within 30 days of the notice; and
- A statement that failure to remove the pet may result in the initiation of termination of tenancy procedures.

#### **P. TERMINATION OF TENANCY**

The PHA may initiate procedures for termination of tenancy based on a violation of the Pet Policy if:

- The pet owner has failed to remove the pet or correct the violation of the Pet Policy within the time period specified; and
- The Pet Policy violation is sufficient to begin procedures to terminate tenancy under terms of the lease.

#### **Q. PET REMOVAL**

If the death or incapacity of the pet owner threatens the health or safety of the pet, or other factors occur that render the owner unable to care for the pet, the situation will be reported to the Responsible Party designated by the resident/pet owner. Includes pets that are poorly cared for or have been left unattended for over 24 hours.

If the responsible party is unwilling or unable to care for the pet, or if the PHA, after reasonable efforts, cannot contact the responsible party, the PHA may contact the appropriate State or local agency and request the removal of the pet. If the pet is removed as a result of any aggressive act on the part of the pet, the pet will not be allowed back on the premises.

**R. EMERGENCIES**

The PHA will take all necessary steps to insure that pets that become vicious, display symptoms of severe illness, or demonstrate behavior that constitutes an immediate threat to the health or safety of others, are referred to the appropriate State or local entity authorized to remove such animals. If it is necessary for the PHA to place the pet in a shelter facility, the cost will be the responsibility of the tenant/pet owner.

## **PET POLICY – GENERAL OCCUPANCY (FAMILY) PROJECTS**

[24 CFR Part 960, Subpart G]

### **INTRODUCTION**

This Chapter explains the PHA's policies on the keeping of pets in general occupancy projects and any criteria or standards pertaining to the policy. The rules adopted are reasonably related to the legitimate interest of this PHA to provide a decent, safe and sanitary living environment for all tenants, to protecting and preserving the physical condition of the property, and the financial interest of the PHA.

The purpose of this policy is to establish the PHA's policy and procedures for ownership of pets in general occupancy (family) projects and to ensure that no applicant or resident is discriminated against regarding admission or continued occupancy because of ownership of pets. It also establishes reasonable rules governing the keeping of common household pets. This policy does not apply to animals that are used to assist, support or provide service to persons with disabilities, or to service animals that visit public housing developments.

#### **A. ANIMALS THAT ASSIST, SUPPORT OR PROVIDE SERVICE TO PERSONS WITH DISABILITIES**

The resident/pet owner will be required to qualify animals (for exclusion from the pet policy) that assist, support or provide service to persons with disabilities.

Pet rules will not be applied to animals that assist, support or provide service to persons with disabilities. This exclusion applies to both service animals and companion animals as reasonable accommodation for persons with disabilities. This exclusion applies to such animals that reside in public housing and that visit these developments.

#### **B. STANDARDS FOR PETS – TYPES OF PETS ALLOWED**

No types of pets other than the following may be kept by a resident. The following types and qualifications are consistent with applicable State and local law.

##### **Dogs**

- Maximum number: 1
- Maximum adult weight: 25 pounds
- Must be spayed or neutered
- Must have all required inoculations
- Must be licensed as specified now or in the future by State law and local ordinance
- Any litter resulting from the pet must be removed immediately from the unit

##### **Cats**

- Maximum number: 2
- Must be spayed or neutered
- Must have all required inoculations
- Must be trained to use a litter box or other waste receptacle
- Must be licensed as specified now or in the future by State law or local ordinance
- Any litter resulting from the pet must be removed from the unit immediately

##### **3. Birds**

- Maximum number 2
- Must be enclosed in a cage at all times

##### **4. Fish**

Maximum aquarium size is 25 gallons, and it must be maintained on an approved stand.

The following are NOT considered "common household pets":

- Domesticated dogs that exceed 25 pounds. (Animals certified to assist persons with disabilities are exempt from this weight limitation).

- Vicious or intimidating pets. Dog breeds including Pit Bull/Rottweiler/Chow/Boxer/Doberman/Dalmatian/German Shepherd and any attack dogs are considered vicious or intimidating breeds are not allowed.
- Animals that would be allowed to produce offspring for sale.
- Wild, feral, or any other animals that are not amenable to routine human handling.
- Any poisonous animals of any kind.
- Fish in aquariums exceeding 25 gallons in capacity.
- Non-human primates.

Animals whose climatological needs cannot be met in the unaltered environment of the Individual dwelling unit.

- Pot-bellied pigs.
- Ferrets or other animals whose natural protective mechanisms pose a risk of serious bites and/or lacerations to small children.
- Hedgehogs or other animals whose protective instincts and natural body armor produce a risk of serious puncture injuries to children.
- Chicks, turtles, or other animals that pose a significant risk of salmonella infection to those who handle them.
- Pigeons, doves, mynahs, psittacines, and birds of other species that are hosts to the organisms that cause psittacosis in humans.
- Snakes or other kinds of reptiles.

### **C. REGISTRATION OF PETS**

Pets must be registered with the PHA before they are brought onto the premises. Residents must submit a fully completed Authorization for Pet Ownership form before the Housing Authority will review and approve or disapprove the request to have a pet. Registration includes certificate signed by a licensed veterinarian or State/local authority that the pet:

- Has received all inoculations required by State or local law
- has no communicable disease(s) (and) is pest-free.

Registration must be renewed and will be coordinated with the annual reexamination date. Proof of license and inoculation will be submitted at least 30 days prior to annual re-examination. Each pet owner must provide two color photographs of their pet(s).

*Approval for the keeping of a pet shall not be extended pending the completion of these requirements.*

#### **REFUSAL TO REGISTER PETS**

If the PHA refuses to register a pet, a written notification will be sent to the pet owner stating the reason for denial. The notification will be served in accordance with HUD notice requirements.

The PHA will refuse to register a pet if:

- The pet is not a “common household pet” as defined in this policy;
- The pet owner fails to provide complete pet registration information;
- The pet owner fails to update the registration annually;
- The PHA reasonably determines that the pet owner is unable to keep the pet in compliance with the Pet Policy and other lease obligations. The pet’s temperament and behavior may be considered as a factor in determining the pet owner’s ability to comply with the provisions of the lease.
- The notice of refusal may be combined with a notice of pet violation.

#### **D. AUTHORIZATION FOR PET OWNERSHIP FORM**

**The Resident will certify, by signing the Authorization Pet Ownership form that the Resident will adhere to the following rules:**

- Agree that the resident is responsible and liable for all damages caused by their pet(s).
- All complaints of cruelty and all dog bites will be referred to animal control or applicable agency for investigation and enforcement.
- All common household pets are to be fed inside the apartment. Feeding is not allowed on porches, sidewalks, patios or other outside areas.
- No animals may be tethered or chained outside or inside the dwelling unit.
- When outside the dwelling unit, all pets must be on a leash no more than 6 feet in length or in an animal transport enclosure and under the control of a responsible individual.
- All fecal matter deposited by the pet(s) must be promptly and completely removed from any common area. Failure to do so will result in a Pet Waste Removal charge. All animal waste or the litter from litter boxes shall be picked up immediately by the pet owner, disposed of in sealed plastic trash bags, and placed in a trash bin. Litter shall not be disposed of by being flushed through a toilet.
- Litter boxes shall be stored inside the resident’s dwelling unit or in animal enclosures maintained within dwelling units AND must be removed and/or replaced regularly. Failure to do so will result in a Pet Waste Removal charge.



**The Resident/Pet Owner shall be responsible for the removal of waste from any area by placing it in a sealed plastic bag and disposing of it in an outside trash bin immediately.**

Pet owners must take precautions to eliminate pet odors:

- Mandatory implementation of effective flea control by measures that produce no toxic hazard to children who may come into contact with treated animals.
- Management has the right to enter dwelling unit when there is evidence that an animal left alone is in danger or distress, or is creating a nuisance.
- The right of management to seek impoundment and sheltering of any animal found to be maintained in violation of housing rules, pending resolution of any dispute regarding such violation, at owner's expense.
- The resident shall be responsible for any impoundment fees, and the PHA accepts no responsibility for pets so removed.
- Failure to abide by any animal-related requirement or restriction constitutes a violation of the "Resident Obligations" in the resident's Lease Agreement.
- Residents will prevent disturbances by their pets that interfere with the quiet enjoyment of the premises of other residents in their units or in common areas. This includes, but is not limited to, loud or continuous barking, howling, whining, biting, scratching, chirping, or other such activities.
- Residents/pet owners shall not alter their unit, patio, premises or common areas to create an enclosure for any animal. Installation of pet doors is prohibited.

#### **E. DESIGNATION OF PET-FREE AREAS**

The following areas are designated as no-pet areas:

- PHA management offices
- PHA community centers
- PHA recreation center areas

#### **F. PETS TEMPORARILY ON THE PREMISES**

- All animals and/or pets not owned by residents, except for service animals, are excluded from the premises.
- Residents are prohibited from feeding or harboring stray animals.
- This rule excludes visiting pet programs sponsored by a humane society or other non-profit organization and approved by the PHA.
- State or local laws governing pets temporarily in dwelling accommodations shall prevail.

#### **G. DEPOSITS FOR PETS**

Tenants with animals must pay a pet deposit of \$150 for the purpose of defraying all reasonable costs directly attributable to the presence of a particular pet. The resident will be responsible for all reasonable expenses directly related to the presence of the animal or pet on the premises, including the cost of repairs and replacement in the apartment, and the cost of animal care facilities if needed.

These charges are due and payable within 30 days of written notification. An initial payment of \$50 on or prior to the date the PHA and Resident enter into a Pet Agreement, and; two monthly payments will be paid in an amount not less than \$50 per month until the specified deposit has been paid.

The PHA reserves the right to change or increase the required deposit by amendment to these rules. The PHA will refund the Pet Deposit to the tenant, less any damage caused by the pet to the dwelling unit, within a reasonable time after the tenant moves or upon removal of the pet from the unit. The PHA will return the Pet Deposit to the former tenant or to the person designated by the former tenant in the event of the former tenant's incapacitation or death.

The PHA will provide the tenant or designee identified above with a written list of any charges against the pet deposit. If the tenant disagrees with the amount charged to the pet deposit, the PHA will provide a meeting to discuss the charges. All reasonable expenses incurred by the PHA as a result of damages directly attributable to the presence of the pet in the project will be the responsibility of the resident, including, but not limited to:

- The cost of repairs and replacements to the resident's dwelling unit;
- Fumigation of the dwelling unit;
- Common areas of the project if applicable.

The expense of flea de-infestation shall be the responsibility of the resident. If the tenant is in occupancy when such costs occur, the tenant shall be billed for such costs as a current charge. If such expenses occur as the result of a move-out inspection, they will be deducted from the pet deposit. The resident will be billed for any amount that exceeds the pet deposit. Pet Deposits are not a part of rent payable by the resident.

#### **H. ADDITIONAL PET FEES**

*The PHA will charge a non-refundable nominal fee of \$100 for each household with a pet. This fee will be used at the time of move-out to cover the cost of spraying the vacated unit for any pet related insect infestation. The PHA reserves the right to change or increase the required deposit by amendment to these rules.*

#### **I. PET WASTE REMOVAL CHARGE**

A separate pet waste removal charge per occurrence will be assessed against the resident for violations of the pet policy. Pet waste removal charges are not part of rent payable by the resident.

#### **J. PET AREA RESTRICTIONS**

Pets must be maintained within the resident's unit. When outside of the unit (within the building or on the grounds) dogs and cats must be kept on a leash no more than 6 feet in length or carried and under the control of the resident or other responsible individual at all times. A common household pet must be effectively restrained and under the control of a responsible person when passing through a common area, from the street to the apartment, etc.

Pets are not permitted in common areas including lobbies, community rooms and laundry areas except for those common areas which are entrances to and exits from the building. Residents/Pet Owners are not permitted to exercise pets or permit pets to deposit waste on project premises.

**K. CLEANLINESS REQUIREMENTS – LITTER BOX REQUIREMENTS**

All animal waste or the litter from litter boxes shall be picked up/emptied daily by the pet owner, disposed of in heavy, sealed plastic trash bags, and placed in a trash container immediately. Litter shall not be disposed of by being flushed through a toilet. \* Litter boxes shall be stored inside the resident's dwelling unit.

**L. PET CARE**

No pet (excluding fish) shall be left unattended in any apartment for a period in excess of 24 hours. All residents/pet owners shall be responsible for adequate care, nutrition, exercise and medical attention for their pet(s).

Residents/pet owners must recognize that other residents may have chemical sensitivities or allergies related to pets, or may be easily frightened or disoriented by animals. Pet owners must agree to exercise courtesy with respect to other residents.

**M. RESPONSIBLE PARTIES (EMERGENCY CAREGIVER)**

The resident/pet owner will be required to designate one responsible party for the care of the pet if the health or safety of the pet is threatened by the death or incapacity of the pet owner, or by other factors that render the pet owner unable to care for the pet.

**N. INSPECTIONS**

The PHA may, after reasonable notice to the tenant during reasonable hours, enter and inspect the premises, in addition to other inspections allowed. The PHA may enter and inspect the unit only if a written complaint is received alleging that the conduct or condition of the pet(s) in the unit is a violation, or constitutes a nuisance or threat to the health or safety of the other occupants or other persons in the community under applicable State or local law.

**O. PET POLICY VIOLATION NOTICE**

The authorization for a common household pet may be revoked at any time subject to the Housing Authority's grievance procedure if the pet becomes destructive or a nuisance to others, or if the tenant fails to comply with this policy.

Residents who violate these rules are subject to:

- Mandatory removal of the pet from the premises within 30 days of notice by the Housing Authority; or if for a threat to health and safety, removal within 24 hours of notice.
- Lease termination proceedings.

If a determination is made on objective facts supported by written statements, that a resident/pet owner has violated the Pet Policy, written notice will be served. The Notice will contain a brief statement of the factual basis for the determination and the pet rule(s) that were violated. The notice will also state:

- That the resident/pet owner has 10 days from the effective date of the service of notice to correct the violation or make written request for a meeting to discuss the violation;
- That the resident pet owner is entitled to be accompanied by another person of his or her choice at the meeting; and
- That the resident/pet owner's failure to correct the violation, request a meeting, or appear at a requested meeting may result in initiation of procedures to terminate the pet owner's tenancy.

If the pet owner requests a meeting within the 10 day period, the meeting will be scheduled no later than 5 calendar days before the effective date of service of the notice, unless the pet owner agrees in writing to a later date.

**P. NOTICE FOR PET REMOVAL**

If the resident/pet owner and the PHA are unable to resolve the violation at the meeting or the pet owner fails to correct the violation in the time period allotted by the PHA, the PHA may serve notice to remove the pet.

The Notice shall contain:

- A brief statement of the factual basis for the PHA's determination of the Pet Rule that has been violated;
- The requirement that the resident/ pet owner must remove the pet within 30 days of the notice; and
- A statement that failure to remove the pet may result in the initiation of termination of tenancy procedures.

**Q. TERMINATION OF TENANCY**

The PHA may initiate procedures for termination of tenancy based on a pet rule violation if:

- The pet owner has failed to remove the pet or correct a pet rule violation within the time period specified; and
- The pet rule violation is sufficient to begin procedures to terminate tenancy under terms of the lease.

**R. PET REMOVAL**

If the death or incapacity of the pet owner threatens the health or safety of the pet, or other factors occur that render the owner unable to care for the pet, the situation will be reported to the Responsible Party designated by the resident/pet owner. This includes pets that are poorly cared for or have been left unattended for over 24 hours. If the responsible party is unwilling or unable to care for the pet, or if the PHA, after reasonable efforts cannot contact the responsible party, the PHA may contact the appropriate State or local agency and request the removal of the pet. If the pet is removed as a result of any aggressive act on the part of the pet, the pet will not be allowed back on the premises.

**S. EMERGENCIES**

The PHA will take all necessary steps to ensure that pets that become vicious, display symptoms of severe illness, or demonstrate behavior that constitutes an immediate threat to the health or safety of others, are referred to the appropriate State or local entity authorized to remove such animals. If it is necessary for the PHA to place the pet in a shelter facility, the cost will be the responsibility of the tenant/pet owner.

This Pet Policy will be incorporated by reference into the Dwelling Lease signed by the resident, and therefore, violation of the above Policy will be grounds for termination of the lease.

## COMPLAINTS, GRIEVANCES AND APPEALS

[24 CFR Part 966 Subpart B]

### INTRODUCTION

The informal hearing requirements defined in HUD regulations are applicable to participating families who disagree with an action, decision, or inaction of the PHA. This Chapter describes the policies to be used when families disagree with a PHA decision. It is the policy of the PHA to ensure that all families have the benefit of all protections due to them under the law.

Grievances shall be handled in accordance with the PHA's approved Grievance Procedures. The written grievance procedure is incorporated into this document by reference and is the guideline to be used for grievances and appeals.

### A. COMPLAINTS

The PHA will respond promptly to all complaints. Each complaint regarding physical condition of the units may be reported by phone to the Housing Manager or his/her office. Anonymous complaints are checked whenever possible. The PHA does not require that complaints be put in writing.

**Complaints from families:** If a family disagrees with an action or inaction of the PHA, complaints will be referred to the Housing Manager. Complaints regarding physical condition of the units may be reported by phone to the Housing Manager on his/her office.

**Complaints from staff:** If a staff person reports a family is violating or has violated a lease provision, or is not complying with program rules, the complaints will be referred to the Housing Manager.

**Complaints from the general public:** Complaints or referrals from persons in the community in regard to the PHA or a family will be referred to the Housing Manager.

### A. APPEALS BY APPLICANTS

Applicants who are determined ineligible, who do not meet the PHA's admission standards, or where the PHA does not have an appropriate size and type of unit in its inventory, will be given written notification promptly, including the reason for the determination. Ineligible applicants will be promptly provided with a letter detailing their individual status, stating the reason for their ineligibility, and offering them an opportunity for an informal hearing.

Applicants must submit their request for an informal hearing in writing to the PHA within 10 working days from the date of the notification of their ineligibility. If the applicant requests an informal hearing, the PHA will provide an informal hearing within 10 working days of receiving the request. The PHA will notify the applicant of the place, date, and time. Informal hearings will be conducted by an impartial Hearing Officer. The person who is designated as the hearing officer **cannot** be the person who made the determination of ineligibility or a subordinate of that person. The applicant may bring to the hearing any documentation or evidence s/he wishes and the evidence along with the data compiled by the PHA will be considered by the hearing officer. The hearing officer will make a determination based upon the merits of the evidence presented by both sides. Within 10 working days of the date of the hearing, the hearing officer will mail a written decision to the applicant and place a copy of the decision in the applicant's file. The grievance procedures for Public Housing tenants do not apply to PHA determinations that affect applicants.

### B. APPEALS BY TENANTS

Grievances or appeals concerning the obligations of the tenant or the PHA under the provisions of the lease shall be processed and resolved in accordance with the Grievance Procedure of the PHA, which is in effect at the time such grievance or appeal arises. (See the PHA's Grievance Procedure contained in this chapter.)

### E. HEARING AND APPEAL PROVISIONS FOR "RESTRICTIONS ON ASSISTANCE TO NON-CITIZENS"

Assistance to the family may not be delayed, denied or terminated on the basis of immigration status at any time prior to the receipt of the decision on the INS appeal. Assistance to a family may not be terminated or denied while the PHA hearing is pending, but assistance to an applicant may be delayed pending the PHA hearing.

### **INS Determination of Ineligibility**

If a family member claims to be an eligible immigrant and the INS SAVE system and manual search do not verify the claim, the PHA notifies the applicant or tenant within ten days of their right to appeal to the INS within thirty days or to request an informal hearing with the PHA either in lieu of or subsequent to the INS appeal.

If the family appeals to the INS, they must give the PHA a copy of the appeal and proof of mailing, or the PHA may proceed to deny or terminate. The time period to request an appeal may be extended by the PHA for good cause. The request for a PHA hearing must be made within fourteen days of receipt of the notice offering the hearing or, if an appeal was made to the INS, within fourteen days of receipt of that notice.

After receipt of a request for an informal hearing, the hearing is conducted as described in the "Grievance Procedures" section of this chapter for both applicants and participants. If the hearing officer decides that the individual is not eligible, and there are no other eligible family members the PHA will:

- Deny the applicant family.
- Terminate the participant.

If there are eligible members in the family, the PHA will offer to prorate assistance or give the family the option to remove the ineligible members. All other complaints related to eligible citizen/immigrant status:

- If any family member fails to provide documentation or certification as required by the regulation, that member is treated as ineligible.
- If all family members fail to provide, the family will be denied or terminated for failure to provide.

Participants whose assistance is pro-rated (either based on their statement that some members are ineligible or due to failure to verify eligible immigration status for some members after exercising their appeal and hearing rights described above) are entitled to a hearing based on the right to a hearing regarding determinations of Tenant Rent and Total Tenant Payment.

- Families denied or terminated for fraud in connection with the non-citizens rule are entitled to a review or hearing in the same way as terminations for any other type of fraud.

## **F. GRIEVANCE PROCEDURES**

### **Definitions**

**Grievance:** Any dispute which a tenant may have with respect to a Housing Authority action or failure to act in accordance with the individual tenant's lease or PHA regulations that adversely affect the individual tenant's rights, duties, welfare, or status.

**Complainant:** Any tenant whose grievance is presented to the PHA or at the site/management office informally or as part of the informal hearing process.

**Hearing Officer/Hearing Panel:** A person or persons selected in accordance with this grievance procedure to hear grievances and render a decision with respect thereto.

**Tenant:** A lessee or the remaining head of household of any tenant family residing in housing accommodations owned or leased by the PHA.

**Elements of Due Process:** An eviction action or a termination of tenancy in a State or local court in which the following procedural safeguards are required:

- Adequate notice to the tenant of the grounds for terminating the tenancy and for eviction;
- Opportunity for the tenant to examine all relevant documents, records, and regulations of the PHA prior to the trial for the purpose of preparing a defense;
- Right of the tenant to be represented by counsel;
- Opportunity for the tenant to refute the evidence presented by the PHA including the right to confront and cross-examine witnesses and to present any affirmative legal or equitable defense which the tenant may have;
- A decision on the merits of the case.

**Applicability:** This Grievance Procedure applies to all individual grievances, except any grievance concerning a termination of tenancy or eviction that involves:

- Any activity, not just criminal activity, that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or PHA employees, or
- Any drug-related criminal activity *on or off* such premises.

**Pre-Hearing Procedures - Informal Conference Procedures**

Any grievance shall be presented orally or in writing to the PHA office or to the housing management office that sent the notice on which the grievance is based. Written grievances must be signed by the complainant. The grievance must be presented within 10 working days. It may be simply stated, but shall specify:

- The particular grounds upon which it is based,
- The action requested; and
- The name, address, and telephone number of the complainant, and similar information about the complainant's representative, if any.
- The purpose of the initial discussion is to discuss and to resolve the grievance without the necessity of a formal hearing.

Within five working days, a summary of this discussion will be given to the complainant by a PHA representative. One copy will be filed in the tenant's file. The summary will include: names of participants, the date of the meeting, the nature of the proposed disposition, and the specific reasons for the disposition. The summary will also specify the steps by which a formal hearing can be obtained.

#### **Dissatisfaction with Informal Conference**

If the complainant is dissatisfied with the proposed disposition of the grievance, s/he shall submit a written request for a hearing within 10 working days of the date of the summary of the informal meeting. The request for a hearing must be presented to the PHA's central office. The request must specify the reason for the grievance request and the relief sought.

#### **Failure to Request a Formal Hearing**

If the complainant does not request a formal hearing within 10 working days, s/he waives his/her right to a hearing, and the PHA's proposed disposition of the grievance will become final. This section in no way constitutes a waiver of the complainant's right to contest the PHA's disposition in an appropriate judicial proceeding.

#### **Right to a Hearing**

After exhausting the informal conference procedures outlined above, a complainant shall be entitled to a hearing before a hearing officer. The Tenant must attend the hearing. If rescheduling of the hearing is necessary, the hearing must be rescheduled at least 72 hours in advance of the scheduled hearing time. If the complainant fails to appear within 15 minutes of the scheduled time, the complainant waives their right to a hearing.

The PHA will provide reasonable accommodation for persons with disabilities to participate in the hearing. The PHA must be notified within 5 days of the scheduled time if special accommodations are required.

#### **Selection of Hearing Officer**

A grievance hearing shall be conducted by an impartial person or persons appointed by the PHA other than the person who made or approved the PHA action under review, or a subordinate of such person.

#### **Procedures to Obtain a Hearing -Informal Prerequisite**

All grievances must be informally presented as a prerequisite to a formal hearing. The hearing officer may waive the prerequisite informal conference if, and only if, the complainant can show good cause why s/he failed to proceed informally.

#### **Hearing Procedures**

The hearing shall be held before a hearing officer. The complainant shall be afforded a fair hearing and be provided the basic safeguards of due process to include:

- The opportunity to examine and to copy before the hearing, at the expense of the complainant, all documents, records and regulations of the PHA that are relevant to the hearing with at least a 24 hour notice to the Housing Manager prior to the hearing. Any document not so made available after a request by the complainant may not be relied upon by the PHA at the hearing.
- The PHA shall also have the opportunity to examine and to copy at the expense of the PHA all documents, records and statements that the family plans to submit during the hearing to refute the PHA's inaction or proposed action. Any documents not so made available to the PHA may not be relied upon at the hearing.
- The right to a private hearing unless otherwise requested by the complainant.
- The right to be represented by counsel or other person chosen as a representative.
- The right to present evidence and arguments in support of the complaint, to controvert evidence presented by the PHA, and to confront and cross-examine all witnesses upon whose testimony or information the PHA relies, limited to the issues for which the complainant has received the opportunity for a formal hearing; and
- The right to a decision based solely and exclusively upon the facts presented at the hearing.
- If the hearing officer determines that the issue has been previously decided in another proceeding, a decision may be rendered without proceeding with the hearing.
- If the complainant or PHA fails to appear at the scheduled hearing, the hearing officer may:
  - a. postpone the hearing for a period not to exceed 5 days, or
  - b. make a determination that the party has waived his/her right to a hearing.



Such a determination in no way waives the complainant's right to appropriate judicial proceedings in another forum. At the hearing, the complainant must first make a showing of an entitlement to the relief sought and thereafter the PHA must sustain the burden of justifying the PHA action or failure to act against which the complaint is directed.

## **F. HEARINGS**

**Informal:** Oral and documentary evidence pertinent to the facts and issues raised by the complaint may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings;

The hearing shall be conducted by a hearing officer.

**Formal:** The hearing officer shall require the PHA, complainant, counsel, and other participants and spectators to conduct themselves in an orderly manner. The failure to comply with the directions of the hearing official/panel to maintain order will result in the exclusion from the proceedings, or a decision adverse to the interests of the disorderly party and granting or denial of the relief sought, as appropriate. The PHA arranges, in advance, in writing, for a transcript or audiotape of the hearing. Any interested party may purchase a copy of such transcript.

**Decisions of the Hearing Officer/Panel:** The hearing officer shall give the PHA and the complainant a written decision, including the reasons for the decision, within 10 working days following the hearing. The PHA will place one copy in the tenant files. The written decision will be sent to the address provided at the hearing. The decision of the Hearing Officer shall be binding on the PHA which shall take all actions necessary to carry out the decision, unless the complainant requests Board action within 10 working days prior to the next Board meeting. The PHA Commissioners' decision will be mailed to the complainant within 10 days following the Board meeting, and so notifies the complainant that:

- The grievance does not concern the PHA action or failure to act in accordance with or involving the complainant's lease or PHA regulations which adversely affect the complainant's rights, duties, welfare or status;
- The decision of the Hearing Officer is contrary to applicable Federal, State, or local law, HUD regulations or requirements of the Annual Contributions Contract between HUD and the PHA.

A decision by the hearing officer or PHA Commissioners in favor of the PHA or which denies the relief requested by the complainant in whole or part shall not constitute a waiver of, nor affect in any manner whatever, the rights of the complainant to a trial or judicial review in any proceedings which may thereafter be brought in the matter.

**Housing Authority Eviction Actions:** If a tenant has requested a hearing in accordance with these duly adopted Grievance Procedures on a complaint involving a PHA notice of termination of tenancy, and the hearing officer upholds the PHA action, the PHA shall not commence an eviction action until it has served a notice to vacate on the tenant. In no event shall the notice to vacate be issued prior to the decision of the hearing office. Such notice to vacate must be in writing and specify that if the tenant fails to quit the premises within the applicable statutory period, or on the termination date as stated in the notice of termination, whichever is later, appropriate action will be brought against the complainant.

## COMPLAINTS AND APPEALS

### INTRODUCTION

The informal hearing requirements defined in HUD regulations are applicable to participating families who disagree with an action, decision, or inaction of the HA. This Chapter describes the policies, procedures and standards to be used when families disagree with an HA decision. The procedures and requirements are explained for preference denial meetings, informal reviews and hearings. It is the policy of the HA to ensure that all families have the benefit of all protections due to them under the law.

It should be noted that participants have more extensive hearing rights than do applicants. **"Participant"** is defined by the regulations to mean: "A family that has been admitted to the HA program and is currently assisted in the program. The family becomes a participant on the effective date of the first HAP contract executed by the HA for the family (first day of initial lease term)."

Whereas an **Applicant** need only be given an **informal review**, a participant is entitled to a **hearing** upon termination of assistance. The regulations governing a participant's hearing rights are set forth in 24 CFR982.555.

### A. COMPLAINTS TO THE HA

The HA will respond promptly to complaints from families, owners, employees, and members of the public. All complaints will be reviewed and responded to in a timely fashion. Generally, the Housing manager will follow up with most of the complaints. Upon resolution of the complaint, it will then be forwarded to the department director. Depending on the nature of the complaint, follow up will be conducted by the Development Department, Fiscal Department or Housing Operations Department.

### Categories of Complaints

1. Complaints from families: if a family disagrees with an action or inaction of the HA or owner. Complaints from families will be referred to the Housing Manager for each area site.
2. Complaints from Owners: if an owner disagrees with an action or inaction of the HA or a family. Complaints from owners will be referred to the Housing Manager for each area site.

3. Complaints from staff: if a staff person reports an owner or family either violating or not complying with program rules. Complaints will be referred to the Housing Manager for each area office.
4. Complaints from the general public: Complaints or referrals from persons in the community in regard to the HA, a family or an owner. Complaints from families will be referred to the Housing Manager for each area site.

## **B. GROUNDS FOR DENIAL**

**Preference Denials:** When the HA denies a preference to an applicant, the family will be notified in writing of the specific reason for the denial and offered the opportunity for a meeting with HA staff to discuss the reasons for the denial and to dispute the HA's decision. The person who conducts the meeting must be any officer or employee of the HA, including the person who made the decision. (See Federal Register Vol. 60, No. 127, 7/3/96, p. 34,690).

**Grounds for Denial of Assistance:** The grounds for denial of assistance are set forth at 24 CFR 982.552 (b). "Denial for drug-related or violent criminal activity" and "violent criminal activity" are further described at 24 CFR 982.553. In addition, from the Housing Opportunity Program Extension Act of 1996: drug or alcohol abuse has amended the U.S. Code to require Housing Authorities to establish standards for occupancy in public housing dwelling units and assistance under Section 8 that require the denial of assistance to persons who are illegally using controlled substances or whose illegal use of a controlled substance or whose abuse of alcohol is determined by the HA to interfere with the health, safety or right to peaceful enjoyment of the premises by other residents.

HA's are permitted to take rehabilitation efforts into consideration in determining whether to deny or terminate assistance on this ground. A copy of the relevant portions of the Extension Act is attached.

## **C. INFORMAL REVIEW PROCEDURES FOR APPLICANTS [24 CFR 982.54 (d) (12), 982.554]**

Reviews are provided for applicants who are denied assistance before the effective date of the HAP Contract. The exception is that when an applicant is denied assistance for citizen or eligible immigrant status, the applicant is entitled to an informal hearing. When the HA determines that an applicant is ineligible for the program, the family must be notified of the ineligibility in writing. The notice must contain:

1. The reason(s) it is ineligible,
2. The procedure for requesting a review if the applicant does not agree with the decision, and,
3. The time limit for requesting a review.

The HA must provide applicants with the opportunity for an Informal Review of decisions denying:

1. Qualification for preference
2. Listing on the HA's waiting list
3. Issuance of a Voucher
4. Participation in the program

Informal Reviews are not required for established policies and procedures and HA determinations such as:

1. Discretionary administrative determinations by the HA;
2. General policy issues or class grievances;
3. A determination of the family unit size under the HA subsidy standards;
4. Refusal to extend or suspend a Voucher;
5. Disapproval of lease;
6. Determination that unit is not in compliance with HQS;
7. Determination that unit is not in accordance with HQS due to family size or composition;

**Procedure for Review:** A request for an Informal Review must be received in writing by the close of the business day, no later than 10 (ten) days from the date of the HA's notification of denial of assistance. The informal review will be scheduled within 15 (fifteen) days from the date the request is received. The Informal Review may not be conducted by the person who made or approved the decision under review, nor a subordinate of such person. The Review may be conducted by:

1. A staff person who is at the Housing Manager level or above;
2. A commissioner;
3. An individual from outside the HA who is knowledgeable regarding HUD Section 8 regulations.

The applicant will be given the option of presenting oral or written objections to the decision. Both the HA and the family may present evidence and witnesses. The family may use an attorney or other representative to assist them, at their own expense. The review may be conducted by mail and/or telephone if acceptable to both parties.

A Notice of the Review findings will be provided in writing to the applicant within 10 (ten) days after the review. It shall include the decision of the review officer, and an explanation of the reasons for the decision. All requests for a review, supporting documentation, and a copy of the final decision will be retained in the family's file.

**INFORMAL HEARING PROCEDURES**  
**[24 CFR 982.555 (a-f), 982.54(d)(13)]**

The HA will provide a copy of the hearing procedures in the family briefing packet.

When the HA makes a decision regarding the eligibility and/or the amount of assistance, applicants and participants must be notified in writing. The HA will give the family prompt notice of such determinations which will include:

1. The proposed action or decision of the HA, which must be in writing stating that the applicant/participant has ten calendar days by which to respond;
2. The date the proposed action or decision will take place;
3. The family's right to an explanation of the basis for the HA's decision.
4. The procedures for requesting a hearing if the family disputes the action or decision;
5. The time limit for requesting the hearing.

**To whom the hearing request should be addressed; A copy of the HA's Hearing Procedures.**

The HA must provide participants with the opportunity for an Informal Hearing for decisions related to any of the following HA determinations:

1. Determination of the family's annual or adjusted income and the computation of the housing assistance payment;
2. Appropriate utility allowance used from schedule;
3. Family unit size determination under HA subsidy standards;
4. Determination that family is under occupied in its current unit and a request for exception is denied;
5. Determination to terminate assistance for any reason;
6. Determination to terminate a family's FSS Contract, withhold supportive services, or propose forfeiture of the family's escrow account;
7. Determination to pay an owner claim for damages, unpaid rent or vacancy loss.

The HA must always provide the opportunity for an informal hearing before termination of assistance. Informal Hearings are not required for established policies and procedures and HA determinations such as:

1. Discretionary administrative determinations by the HA;
2. General policy issues or class grievances;
3. Establishment of the HA schedule of utility allowances for families in the program;
4. An HA determination not to approve an extension or suspension of a voucher term;
5. An HA determination not to approve a unit or lease;
6. An HA determination that an assisted unit is not in compliance with HQS (HA must provide hearing for family breach of HQS because that is a family obligation determination);
8. An HA determination that the unit is not in accordance with HQS because of the family size;
9. An HA determination to exercise or not exercise any right or remedy against the owner under a HAP contract.

## **Notification of Hearing**

It is the HA's objective to resolve disputes at the lowest level possible, and to make every effort to avoid the most severe remedies. However, if this is not possible, the HA will ensure that applicants and participants will receive all of the protections and rights afforded by the law and the regulations.

When the HA receives a request for an informal hearing, a hearing shall be scheduled within 15 (fifteen) days. The notification of hearing will contain:

1. The date and time of the hearing;
2. The location where the hearing will be held;
3. The family's right to bring evidence, witnesses, legal or other representation, at the family's expense;
4. The right to view any documents or evidence in the possession of the HA upon which the HA based the proposed action and, at the family's expense, to obtain a copy of such documents prior to the hearing.

## **The HA's Hearing Procedures**

After a hearing date is set, the family may request to reschedule only upon showing "good cause," which is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family.

If the family does not appear at the scheduled time, and did not make arrangements in advance to reschedule, the HA will automatically deny the appeal unless the family contacts the HA within 48 hours (excluding weekends and HA holidays) and presents evidence of extenuating circumstances. The HA may reschedule a second hearing date if the evidence is determined credible and the circumstances surrounding the failure to appear are acceptable.

Families have the right to:

1. Present written or oral objections to the HA's determination.
2. Examine the documents in the file which are the basis for the HA's action, and all documents submitted to the Hearing Officer;
3. Copy any relevant documents, at their prepaid expense;
4. Present any information or witnesses pertinent to the issue of the hearing;
5. Request that HA staff be available or present at the hearing to answer questions pertinent to the case; and
6. Be represented by legal counsel, advocate, or other designated representative, at their own expense.

If the family requests copies of documents relevant to the hearing, the HA may make the copies for the family and assess a reasonable charge per copy. In no case will the family be allowed to remove the file from the HA's office.

The Informal Hearing shall be conducted by the Hearing Officer appointed by the HA who is neither the person who made or approved the decision, nor a subordinate of that person. The HA appoints hearing officers who:

1. Are HA commissioners/ HA management;
2. Are managers from other departments in the government of the jurisdiction;
3. Are managers from other HAs;
4. Are professional mediators or arbitrators;
5. Are otherwise qualified to serve.

The hearing shall concern only the issues for which the family has received the opportunity for hearing. Evidence presented at the hearing may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

No documents may be presented which have not been provided to the other party before the hearing if requested by the other party. "Documents" includes records and

regulations. The family may request in writing an audio recording of the hearing, if desired, at least 5 (five) days prior to the hearing date.

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

***If the family misses an appointment or deadline ordered by the Hearing Officer, the action taken by the HA shall take effect and another hearing will not be granted.***

The Hearing Officer will determine whether the action, inaction or decision of the HA is legal in accordance with HUD regulations and this Administrative Plan based upon the evidence and testimony provided at the hearing. Factual determinations relating to the individual circumstances of the family will be based on a preponderance of the evidence presented at the hearing.

A notice of the Hearing Findings shall be provided in writing to the HA and the family within 10 (ten) days and shall include:

1. A clear summary of the decision and reasons for the decision;
2. If the decision involves money owed, the amount owed; and
3. The date the decision goes into effect.

The HA is not bound by hearing decisions:

1. Which concern matters in which the HA is not required to provide an opportunity for a hearing;
2. Which conflict with or contradict to HUD regulations or requirements;
3. Which conflict with or contradict Federal, State or local laws; or
4. Which exceed the authority of the person conducting the hearing.

The HA shall send a letter to the participant within 10 (ten) days if it determines the HA is not bound by the Hearing Officer's determination. The letter shall include the HA's reasons for the decision. All requests for a hearing, supporting documentation, and a copy of the final decision will be retained in the family's file.

#### **E. HEARING AND APPEAL PROVISIONS FOR "RESTRICTIONS ON ASSISTANCE TO NON-CITIZENS"**

Assistance to the family may not be delayed, denied or terminated on the basis of immigration status at any time prior to the receipt of the decision on the INS appeal.

Assistance to a family may not be terminated or denied while the HA hearing is pending, but assistance to an applicant may be delayed pending the HA hearing.

**INS Determination of Ineligibility:** If a family member claims to be an eligible immigrant and the INS SAVE system and manual search do not verify the claim, the HA notifies the applicant or participant within ten days of his/her right to appeal to the INS within thirty days or to request an informal hearing with the HA, either in lieu of or subsequent to the INS appeal.

If the family appeals to the INS, it must give the HA a copy of the appeal and proof of mailing or the HA may proceed to deny or terminate. The time period to request an appeal may be extended by the HA for good cause upon the family's request.

The request for an HA hearing must be made within fourteen days of receipt of the notice offering the hearing or, if an appeal was made to the INS, within fourteen days of receipt of that notice. Verification of the date notice was received may be required by the HA.

After receipt of a request for an informal hearing, the hearing is conducted as described in section D of this chapter for both applicants and participants. If the hearing officer decides that the individual is not eligible, and there are no other eligible family members the HA will take one of the following actions:

1. Deny the applicant family;

2. Defer termination if the family is a participant and qualifies for deferral;
3. Terminate the participant if the family does not qualify for deferral.
4. If there are eligible members in the family, the HA will offer to prorate assistance or give the family the option to remove the ineligible members.
5. All other complaints related to eligible citizen/immigrant status.

**If any family member fails to provide documentation or certification as required by the regulation, that member is treated as ineligible. If all family members fail to provide, the family will be denied or terminated for failure to provide.**

Participants whose termination is carried out after temporary deferral may not request a hearing, since they had an opportunity for a hearing prior to the termination.

Participants whose assistance is pro-rated (either based on their statement that some members are ineligible or due to failure to verify eligible immigration status for some members after exercising their appeal and hearing rights described above) are entitled to a hearing based on the right to a hearing regarding determinations of Tenant Rent and Total Tenant Payment.

Families denied or terminated for fraud in connection with the non-citizens rule are entitled to a review or hearing in the same way as terminations for any other type of fraud.

#### **F. MITIGATING CIRCUMSTANCES FOR APPLICANTS or PARTICIPANTS WITH DISABILITIES**

When applicants are denied placement on the waiting list, or the HA is terminating assistance, the family will be informed that presence of a disability may be considered as a mitigating circumstance during the informal review process.

Examples of mitigating circumstances include:

- a) A person with a cognitive disorder may not have understood the requirement to report increases in income,
- b) A person may not understand the need to make regular repayments on a promissory note,
- c) Minor criminal records for public drunkenness may be due to medication;
- d) Prior incarcerations for being disorderly may be emotional disorder.



**COMMUNITY SERVICE**  
[24 CFR Part 960 Subpart F and 24 CFR 903.7(l)]  
**INTRODUCTION**

**A. REQUIREMENT**

In order to be eligible for continued occupancy, each adult family member 18 to 62 must:

- (1) contribute eight hours per month of community service (not including political activities) or
- (2) participate in an economic self-sufficiency program, or
- (3) perform eight hours per month of combined activities as previously described unless the adult family is exempt from this requirement.

**B. COMMUNITY SERVICE REQUIREMENT REINSTATEMENT**

According to the Veteran Affairs and Urban Development Independent Agencies Appropriation Act (HUD/VA Act), 2002, the Housing Authority of the County of Contra Costa temporarily suspended the community service requirement provision. The HUD/VA Act of 2003, signed on February 21, 2003, reinstated this provision by not extending section 432 of the 2002 HUD/VA Act. HUD Notice PIH 2003-17 provides instructions for reinstating the community service requirement for FY 2003 to all leases entered into on and after October 1, 2002. In order to obtain a lease renewal on the expiration of the current lease, residents must be in compliance both with any delinquent community service requirements and current requirements.

**C. EXEMPTIONS**

The following adult family members of tenant families are exempt from these requirements:

- Family members who are 62 or older
- Family members who are blind or disabled as defined under 216 (I)(1) or 1614 of the Social Security Act (42 U.S.C. 416(I)(1)) and who certify that because of this disability she or he is unable to comply with the community service requirements.
- Family members who are the primary caregiver for someone who is blind or disabled as set forth in second paragraph above.
- Family members engaged in work activity.
- Family members who are exempt from work activity under Party 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 the program.

*During the year residents are permitted to change exemption status if they find work or start a training program.*

- Individuals participating in self-sufficiency activities that are designated to encourage, assist, train or facilitate economic independence.
- Duly elected resident council officers volunteering at least 8 hours a month to serve their community's membership.

**D. DEFINITION OF ECONOMIC SELF-SUFFICIENCY PROGRAM**

For purposes of satisfying the community service requirement, participating in an economic self-sufficiency program is defined, in addition to the exemption definitions described above, by HUD as: "Any program designed to encourage, assist, train or facilitate economic independence of assisted families or to provide work for such families."

These economic self-sufficiency programs can include job training, employment counseling, work placement, basic skills training, education, English proficiency, workfare, financial or household management, apprenticeship, or any other program necessary to ready a participant to work (such as substance abuse or mental health treatment).

In addition to the HUD definition above, the Housing Authority definition includes any of the following:

1. Participating in the Family Self-Sufficiency Program and being current in the steps outlined in the Individual Training and Services Plan. Other activities as approved by the Housing Authority on a case-by-case basis.

The Housing Authority will give residents the greatest choice possible in identifying community service opportunities. The Housing Authority will consider a broad range of self-sufficiency opportunities.

**E. ANNUAL DETERMINATIONS**

For each public housing resident subject to the requirement of community service, the PHA shall, at least 30 days before the expiration of each lease term, review and determine the compliance of the resident with the community service requirement. Such determination shall be made in accordance with the principles of due process and on a nondiscriminatory basis.

The PHA will verify compliance annually. If qualifying activities are administered by an organization other than the PHA, the PHA will obtain verification of family compliance from such third parties. Family members will not be permitted to self-certify that they have complied with community service requirements.

**F. NONCOMPLIANCE**

If the PHA determines that a resident subject to the community service requirement has not complied with the requirement, the PHA shall notify the resident of such noncompliance, and that:

- The determination of noncompliance is subject to the administrative grievance procedure under the PHA's Grievance Procedures; and
- Unless the resident enters into an agreement to comply with the community service requirement, the resident's lease will not be renewed, and,
- The PHA may not renew or extend the resident's lease upon expiration of the lease term and shall take such action as is necessary to terminate the tenancy of the household, unless the PHA enters into an agreement, before the expiration of the lease term, with the resident providing for the resident to cure any noncompliance with the community service requirement, by participating in an economic self-sufficiency program for or contributing to community service as many additional hours as the resident needs to comply in the aggregate with such requirement over the 12-month term of the lease.
- The head of household and the noncompliant adult must sign the agreement to cure.

**Ineligibility for Occupancy for Noncompliance:** The Housing Authority shall not renew or extend any lease, or provide any new lease, for a dwelling unit for any household that includes an adult member who was subject to the community service requirement and failed to comply with the requirement.

#### **G. PHA RESPONSIBILITY**

The Housing Authority will ensure that all community service programs are accessible for persons with disabilities.

The Housing Authority will ensure that:

- The conditions under which the work is to be performed are not hazardous;
- The work is not labor that would be performed by the Housing Authority's employees responsible for essential maintenance and property services; or
- The work is not otherwise unacceptable.

#### **H. HACCC IMPLEMENTATION OF COMMUNITY SERVICE REQUIREMENT**

- The Housing Authority's Community Service program is described in the PHA Plan.
- The Housing Authority will administer its own community service program with cooperative relationships with other entities.
- The Housing Authority will provide to residents a brochure of community service and volunteer opportunities available throughout the community.

## Housing Authority of the County of Contra Costa (HACCC) Section 8 Homeownership

### Action Plan

[24 CFR Part 982, Subpart M]

#### INTRODUCTION

The Section 8 Homeownership Program (HOP) allows recipients of Section 8 Housing Choice Voucher rental assistance the option to purchase a home and use the Section 8 Housing Assistance Payment (HAP) towards mortgage payments and other allowable housing costs. The total number of Section 8 Homeownership Vouchers issued will be limited to no more than 1 percent (1%) of the total number of Section 8 Vouchers administered by the Housing Authority of the County of Contra Costa (HACCC). The Section 8 Homeownership Program will be targeted to participants including elderly and disabled individuals in the HACCC Family Self Sufficiency (FSS) Program including graduates of the FSS program that have successfully completed the program during the last three (3) years.

Applicants for the Section 8 Homeownership Program must meet all HUD requirements for Section 8 Homeownership in addition to eligibility criteria established by the HACCC. Admission of applicants to the Section 8 Homeownership Program is at the discretion of the HACCC.

The HACCC will not offer the single down payment assistance program.

#### A. ELIGIBILITY REQUIREMENTS

The Section 8 Homeownership Program (HOP) is targeted only to participants and graduates of the Family Self Sufficiency (FSS) Program. The FSS participation requirement will be waived for elderly or disabled families that otherwise qualify for HOP. Applicants must meet the following criteria to be considered for the HACCC HOP:

**1. Applicant must be a first time homebuyer.**

- a) No member of the household may have any interest or ownership in a residence during the three years before applying for homeownership assistance or at the commencement of participation in HOP.
- b) Single parents or displaced homemakers (as those terms are defined in 12 U.S.C. 12713) who owned a home while married or resided in a home owned by a spouse also qualify as first time homebuyers.

- c) Families with a disabled family member may request approval for a waiver of the first time homebuyer requirement if required as a reasonable accommodation for a disability.

## 2. Minimum income requirements.

Calculation of income-eligibility for the Section 8 Homeownership Program for the purpose of determining income-eligibility for admission to the program will be conducted under the guidelines for Section 8 rental assistance as noted in this Administrative Plan.

- a) The head of household, spouse or other adult member(s) of the household that will hold title to the home must have a combined annual gross income of not less than the very-low income limit adjusted for the family size (30% of Median Family Income) as determined by HUD.
- b) A family that does not meet this requirement, but does meet all other HOP requirements, may request a waiver provided the family can demonstrate that:
- Head of household, spouse or other adult member(s) of the household that will hold title to the home have a combined annual gross income of not less than the Federal minimum wage multiplied by 2,000 hours **and**;
  - Family is able to secure a mortgage and that the total housing cost to the family will not exceed fifty-percent (50%) of the family's total gross monthly income.
- c) Welfare assistance may not be included in the minimum gross annual income above, except for elderly or disabled families. Welfare assistance includes payments from Temporary Assistance for Needy Families (TANF), Supplementary Security Income (SSI) that is subject to an income eligibility test, food stamps, general assistance (GA); or other welfare assistance as specified by HUD.

## 3. Minimum employment requirements.

- a) One or more adult members of the household who will hold title to the home must be currently employed and working not less than an average of 30 hours per week **and** who has been continuously employed for one year prior to application to HOP, **and who continues to be employed after acceptance to the HOP.**
- b) Employment requirements do not apply to elderly or disabled families that otherwise qualify for HOP. A family with a member with disabilities may request an exemption from the work requirements if needed as a reasonable accommodation for the disabled family member.
- c) Program participants must be continuously employed in order to qualify for the HOP. Failure to maintain gainful employment may result in non-payment of housing assistance payment (HAP). If program participants voluntarily quit their jobs, they have 60 days to regain employment.

## 4. Minimum down payment requirements.

- a) The family must demonstrate the ability to provide a minimum of three percent (3%) down payment on the home.
- b) At least one percent (1%) of this down payment must come from the family's personal resources.
- c) FSS graduates may use FSS escrow towards this requirement. Families with other funding resources such as Individual Development Account (IDA) or an Individual Development Empowerment Account (IDEA) or Workforce Initiative Subsidy for Homeownership (WISH) through the HACCC or other agency may count these funds towards the minimum down payment.

## **5. Preferences for admission to HOP.**

- a) First preference will be given to applicants who are successful graduates of the FSS Program. Elderly or disabled families qualify for HOP will also receive first preference.
- b) Second preference will be given to non-disabled, non-elderly applicants who have not graduated from the FSS Program, but otherwise qualify for HOP and can demonstrate the ability to secure a mortgage for the purchase of an eligible unit under the Section 8 HOP guidelines.

## **6. Other requirements.**

- a) The family must have completed an initial Section 8 lease term and completed the family's first annual re-certification in the Section 8 Housing Choice Voucher Program.
- b) The family must verify that no family member has previously defaulted on a mortgage assisted under the Section 8 Homeownership.
- c) The head of household and any other adult members that will hold title to the home must successfully complete a homeownership and housing counseling program approved in advance by the HACCC.
- d) The head of household and any other adult members that will hold title to the home must complete a housekeeping and home maintenance course approved in advance by the HACCC prior to or within one year of the home purchase.
- e) Family members may not owe any debt to the HACCC or another housing authority.
- f) The family must maintain a good tenant standing with its landlord and the HACCC. This includes, but is not limited to:
  - In compliance with HUD Family Obligations under the Section 8 Program,
  - Adhering to the requirements of the lease agreement;
  - No outstanding debts to the landlord or to any utility company;
  - Passing the most recent Housing Quality Standards (HQS) inspection with no significant tenant-caused failure items.

## **B. ELIGIBLE UNITS**

Section 8 Homeownership assistance may be used to purchase units within the jurisdiction of the HACCC that are under construction or already existing at the time the HACCC issues a Homeownership Voucher to the eligible family.

### **1. Unit types.**

The following unit types may be purchased using the Section 8 Homeownership Program:

- One unit property (single-family residence)
- A single dwelling unit in a cooperative, condominium or planned use development
- A manufactured home with a permanent foundation, if the family has the right to occupy the home site for a period of at least thirty (30) years

### **2. Section 8 Housing Quality Standards.**

The unit must be inspected by the HACCC and satisfy the Housing Quality Standards (HQS) for the Section 8 Program before HOP assistance can begin.

**3. Independent inspection.**

The unit must be inspected by a certified independent inspector designated and paid by the family, and who is pre-approved by the HACCC. This inspection must cover, at a minimum, all major building systems and components including:

- Foundation and structure
- Housing interior and exterior
- Roofing
- Plumbing
- Electrical systems
- Heating systems

The HACCC must receive and approve a copy of the inspection report before HOP assistance will commence. The HACCC may disapprove a unit for assistance under HOP because of information obtained through the inspection report, even if the unit passes the HQS inspection.

**4. Other requirements for eligible units.**

The seller of the home may not be on the HUD list of debarred and suspended contractors, or subject to a limited denial of participation under 24 CFR 24.

**C. ISSUANCE OF HOMEOWNERSHIP VOUCHER**

Once approved for participation in the Section 8 HOP, the family will be issued a HOP Voucher subject to the following requirements.

- The HACCC will issue the family a Homeownership Voucher for a period of 180 days.
- The HACCC may require families unable to locate a suitable unit during the term of the Voucher to wait for a period of one year to re-apply for HOP.
- The HACCC may grant an extension due to extenuating circumstances. Extensions will be granted at the discretion of the HACCC.
- The family must report its progress towards locating and purchasing a unit if requested by the HACCC.
- If the family is unable to locate an acceptable unit for purchase during the term of the HOP Voucher, the HACCC may, at its discretion, issue the family a Voucher for rental assistance.
- If the family submits a contract of sale to the HACCC that is not approved due to reasons other than the family's lack of compliance, the HACCC will add back the number of days to the Voucher that it took to review the contract (known as "tolling" days).

**D. CONTRACT OF SALE (SALES AGREEMENT)**

The family must submit a copy of the sales agreement to the HACCC. The family must enter into a sales agreement before HOP assistance may commence. The sales agreement must include the following:

- Specify the price and other terms of sale by the seller to the purchaser.
- Provide that the purchaser will arrange for a pre-purchase inspection of the unit by an independent inspector selected by the purchaser.
- Provide that the purchaser is not obligated to purchase the unit unless the inspection is satisfactory to the purchaser.
- Provide that the purchaser is not obligated to pay for any necessary repairs.
- Contain a certification from the HACCC that the seller has not been debarred, suspended or subject to a limited denial of participation under 24 CFR 24.
- Escrow must close within a reasonable amount of time after submission of the sales agreement.
- The sale price of the home must be affordable to the family, as determined by the HACCC. The price shall be considered affordable if the monthly homeownership expenses payable by the family, as defined in Section F (8), do not exceed fifty-percent (50%) of the family's total monthly gross income.

#### **D. FINANCING OF PURCHASE AND AFFORDABILITY REQUIREMENTS**

The family must allow the HACCC to review the terms of the mortgage secured to purchase the property before close of escrow. The HACCC may disapprove proposed financing, refinancing or other debt if the HACCC determines that the debt is unaffordable to the family or if the HACCC determines that the lender or the loan terms do not meet HACCC or HUD qualifications. The family must locate and qualify for a mortgage that meets the following requirements:

- The mortgage must be determined to be affordable by the HACCC. The HACCC may take into account childcare, un-reimbursed medical expenses, homeownership expenses, and other family expenses as determined by the HACCC to determine affordability of the family's share of the housing costs. Homeownership expenses will be calculated as indicated in paragraph F.8 of this section. The family's portion of the monthly homeownership expenses may not exceed fifty-percent (50%) of the family's total monthly gross income.
- Short-term first mortgages with a large final "balloon payment" will not be allowed.
- Adjustable mortgages with an interest rate that adjusts more than five percent (5%) over the life of the loan, more than one percent (1%) in any one year, or adjusts more often than once per year will not be allowed.
- The HACCC will consider seller-financed mortgages on a case-by-case basis.
- The family may not obtain private first mortgage financing from a family member or any other private source.
- The mortgage must be provided, insured, or guaranteed by the state or Federal government and comply with secondary mortgage market underwriting standards; or the mortgage must comply with generally accepted private sector underwriting standards.

#### **F. CALCULATION OF HOMEOWNERSHIP ASSISTANCE PAYMENT**

Calculation of income-eligibility for the Section 8 Homeownership Program for the purpose of determining income-eligibility for admission to the program, for determination of the family's total tenant payment, or for determining the amount of the Homeownership Assistance Payment (HAP); will be conducted under the guidelines for Section 8 rental assistance as noted in this Administrative Plan, except as noted otherwise in this paragraph.



## 1. Occupancy of home.

The HAP will only be paid while the family resides in the home. If the family moves out of the home, the HACCC will discontinue payment of the HAP commencing with the month after the family moves out.

- a) Amount of monthly homeownership assistance payment. While the family is residing in the home, the HACCC shall pay a monthly homeownership assistance payment on behalf of the family that is equal to the lower of the payment: standard minus the total tenant payment; or, the family's monthly homeownership expenses minus the total tenant payment.
- b) Initial Payment Standard. The initial payment standard for a family is the **lower** of the payment standard for the family unit size (Voucher size); or the payment standard for the size of the home.
- c) Payment Standard for subsequent re-examinations. Reexaminations (interims and annual reexaminations) will use a Payment Standard that is the **greater** of the payment standard (as determined in accordance with the initial payment standard at the commencement of homeownership assistance; or the Payment Standard in effect at the time of the reexamination as determined using the requirements of Section F (1)(b) of this action plan. At no time will the HACCC use a Payment Standard less than the initial Payment Standard to determine the HAP.
- d) The HACCC will use the same Payment Standard schedule, Payment Standard amounts, and Subsidy Standards for the HOP as for the rental voucher program.
- e) Exception rent areas. If the home is located in an exception payment standard area, the PHA must use the appropriate payment standard for the exception payment standard area.
- f) Affordability of housing costs. Total monthly homeownership expenses payable by the family, as defined in paragraph 8 below, must be less than fifty-percent (50%) of the family's total gross monthly income.
- g) Homeownership expenses. The HACCC will use the following expenses to determine the total homeownership expense for calculation of the HAP:
  - Principal and interest on initial mortgage debt, any refinancing of such debt, and any mortgage insurance premium incurred to finance purchase of the home.
  - Real estate taxes and public assessments on the home.
  - Homeowner's insurance.
  - Life insurance to the amount of the mortgage.
  - Allowance for maintenance expenses as determined by the HACCC.
  - Allowance for costs of major repairs and replacements as determined by the HACCC.
  - Utility allowance for the home as determined by the HACCC.
- h) Principal and interest on mortgage debt incurred to finance costs for major repairs, replacements or improvements for the home. If a member of the family is a person with disabilities, such debt may include debt incurred by the family to finance costs needed to make the home accessible for such person, if the HACCC has determined that allowance of such costs as homeownership expenses is needed as a reasonable accommodation for the disabled family member.

## 2. Cooperative and Condominiums

For cooperative members only (owners of condos) the following cooperative charges will also be used towards the homeownership expense:

- a) Charges included in the cooperative occupancy agreement including payment for real estate taxes and public assessments on the home;
- b) Principal and interest on initial debt incurred to finance purchase of cooperative membership shares and any refinancing of such;
- c) Cooperative or condominium operating charges or maintenance fees assessed by the condominium or cooperative homeowner association.

### **3. HAP payment to lender.**

- a) The family must establish an account at a financial institution dedicated to the payment to the lender unless the lender requires other payment arrangements. The account will be set up to electronically transfer the total mortgage payment to the lender monthly. The family will be responsible for paying its portion of the payment, if any, directly to the account in time for the electronic transfer each month.
- b) The HACCC will pay the HAP directly to the lender according to the terms of agreement with the lender.
- c) The HACCC will provide the lender with notice of the amount of the HAP and amount of the family's portion of the total homeownership expenses prior to close of escrow.
- d) Procedure for termination of homeownership assistance. The family shall be entitled to the same termination notice and informal hearing procedures set forth in this Administrative Plan for participants in the Section 8 rental assistance program.
- e) Automatic termination of HAP.  
Homeownership assistance for a family terminates automatically 180 calendar days after the last HAP paid on behalf of the family. The HACCC has the discretion to grant relief from this requirement in those cases where automatic termination would result in extreme hardship for the family.

### **G. MAXIMUM TERM OF HOMEOWNERSHIP ASSISTANCE**

The time limits below apply to all family members having an ownership interest in the unit during the time that homeownership payments are made; and, the spouse of any member of the household who has an ownership interest in the unit during the time that homeownership payments are made.

All families, with the exception of the elderly or disabled during the term of the homeownership assistance are subject to the following maximum terms:

- Initial mortgage term of twenty (20) years or longer. The maximum term of homeownership assistance will be fifteen (15) years.
- Initial mortgage term of less than twenty (20) years. The maximum term of homeownership assistance will be ten (10) years.

Families that qualify as elderly at the commencement of home ownership assistance are not subject to a maximum term limitation. Families that qualify as disabled families at the commencement of home ownership assistance or at any time during the provision of home ownership assistance are not subject to a maximum term limitation. If a disabled family ceases to qualify as disabled, the appropriate maximum terms becomes applicable from the date home ownership assistance commenced; provided however, that such family shall be eligible for at least six additional amounts of home ownership assistance after the maximum term becomes applicable provided the family is otherwise eligible to receive homeownership assistance.

The initial maximum term limit applies if the family receives assistance for more than one home purchase, even if received from another housing authority.

### **H. POST- PURCHASE COUNSELING**

The HACCC may require the family to attend post-purchase counseling at any time during the term of the homeownership assistance. Counseling topics may include:

- Financial Planning
- House Keeping
- Property Maintenance
- Budgeting

## **I. RIGHT OF FIRST REFUSAL**

The family must execute documentation giving the HACCC, or its designee, the right of first refusal in the event the family decided to sell the home. This document shall be in effect during the term of the HAP

## **J. INSURANCE REQUIREMENTS**

The HACCC may require the head of household to purchase and maintain a life insurance policy that will cover the amount of the mortgage.

The HACCC may require the family to include the HACCC as additional insured on the homeowner's insurance policy.

This requirement does not apply to the elderly or disabled.

## **K. PORTABILITY**

There are no current portability provisions applicable under this program.

## **L. MOVES WITH CONTINUED TENANT-BASED ASSISTANCE**

A family receiving HACCC homeownership assistance may purchase and move to a new unit with continued assistance.

**1. Purchase of a new unit:**

A family receiving homeownership assistance may purchase and move to a new unit with continued assistance, provided the family fulfills all requirements of the HOP at the time of the purchase of the new unit. The following applies to a family purchasing a new unit under the HOP:

- a) The family will not be eligible to move with continued assistance for a period of one year after the initial purchase.
- b) The HACCC may, at its discretion, require the family to complete a new housing counseling program or receive additional counseling prior to close of escrow.
- c) The requirement that the family must be a first time homebuyer is not applicable.
- d) The HACCC may deny permission to move with continued assistance in the case of lack of funding or if the HACCC has denied or terminated assistance to the family under section N below.

**2. Sale of original HOP unit and return to tenant-based rental assistance.**

The HACCC may, at its discretion, allow a family to return to tenant-based rental assistance. The following applies to a family returning to tenant-based rental assistance:

- a) The HACCC may deny permission to move with continued assistance in the case of lack of funding, or if the HACCC has denied or terminated assistance to the family as defined under Section N of this action plan.
- b) The HACCC will not commence continued tenant-based assistance for occupancy of a rental unit so long as any family member owns any title or other interest in the home previously assisted through the HOP.
- c) If the family has defaulted on a HACCC insured mortgage, the family must demonstrate that it has conveyed title to the home to HUD or its designee, as required by HUD; **and** that the family moved from the home within the period established or approved by HUD.
- d) If the family has defaulted on a mortgage that is not HACCC-insured, the family must demonstrate that it has conveyed title to the home to the lender, to the HACCC or its designee, as may be permitted or required by the lender; and that the family moved from the home within the period established or approved by the lender and the HACCC.

**M. DENIAL OR TERMINATION OF ASSISTANCE**

The HACCC shall terminate homeownership assistance for the family in accordance with the requirements of this section. The HACCC, at its discretion, may allow the family to return to tenant-based rental assistance under conditions in Section L (2).

- Failure to comply with HACCC Section 8 Homeownership Program requirements.
- Failure to comply with any HUD Family Obligations.
- The family defaults on the mortgage.

**N. WAIVER OR MODIFICATION OF HOMEOWNERSHIP POLICIES**

The HACCC Executive Director shall have the discretion to waive or modify any provision of the Section 8 Homeownership Program policy not governed by statute or regulation for good cause or to comply with changes in HUD regulations or directives.

## CHAPTER 18

### PUBLIC HOUSING HOMEOWNERSHIP PROGRAM

#### A. GENERAL PROVISIONS (24 CFR 906)

The Public Housing Home Ownership Program of the Housing Authority of the County of Contra Costa ("HACCC") makes available for purchase by low income families for use as their principal residences public housing dwelling units, public housing developments, and other housing units or developments owned, assisted or operated, or otherwise acquired by the PHA for sale under a homeownership program in connection with the use of assistance provided under the 1937 Act (1937 Act funds).

#### B. ELIGIBLE PURCHASERS (24 CFR 906.11)

Entities that purchase units from PHA for resale to low-income families (purchase and resale entities or PREs) and low-income families are eligible to purchase properties made available for sale under a PHA homeownership program. *HACCC has the option to consider selling property to PREs. It may also exercise its option to sell property directly only to eligible purchasers.*

#### C. RIGHT OF FIRST REFUSAL (24 CFR 906.13)

- (a) HACCC shall initially offer the unit to the resident occupying the unit, if any, notwithstanding the requirements of 906.15(a) and 906.15(c).
- (b) This program does not require the HACCC, when selling a unit that is non-public housing unit, to offer the unit for sale first to the current resident of the unit.

#### D. FAMILY ELIGIBILITY REQUIREMENTS (24 CFR 906.15)

- (a) Low-income requirement. Except in the case of a PHA's offer of first refusal to a resident occupying the unit under 906.13, a family purchasing a property under a PHA homeownership program must be a low-income family, as defined in section 3 of the 1937 Act (42 U.S.C. 1437a), at the time the contract to purchase the property is executed.
- (b) Principal residence requirement. The dwelling unit sold to an eligible family must be used as the principal residence of the family.
- (c) Financial capacity requirement. Eligibility must be limited to families who are capable of assuming the financial obligations of homeownership, under minimum income standards for affordability, taking into account the unavailability of public housing operating subsidies and modernization funds after conveyance of the property by the HACCC. The homeownership program may take account any available subsidy from other sources. Under this affordability standard, an applicant must also meet the following requirements:
  - (1) **Cost/income ratio** on an average monthly estimate, the amount of the applicant's payments for mortgage principal and interest, plus insurance, real estate taxes, utilities, maintenance and other regularly recurring homeownership costs (such as condominium, cooperative, or other homeownership association fees) will not exceed the sum of:
    - (i) 35 percent of the applicant's adjusted income as defined in 24 CFR part 913; and
    - (ii) Any subsidy that will be available for such payments:
  - (2) **Down payment requirement** Each family purchasing housing under this program must provide a down payment in connection with any loan for acquisition of the housing, in an amount determined by the PHA or PRE. The family may be able to use grant amounts, gifts from relatives, contributions from private sources, and other similar amounts in making the down payment.

(3) The family must use its own resources other than grants, gifts, contributions, or similar amounts, to contribute an amount of the down payment that is not less than one percent (1%) of the purchase price of the housing.

(d) Other requirements.

(i) Employment or participation in employment counseling or training activities

(ii) Criminal activity check

(iii) Participation in homeownership counseling programs

(iv) Evidence of regular income

#### **E. FIRST TIME HOME OWNER REQUIREMENT**

(a) Each public housing family, except families with a disabled member, must be a first time homeowner as defined by HUD. A "first-time homeowner" means that no member of the household has had an ownership interest in any residence during the three years preceding commencement of home ownership assistance. However, a single parent or displaced homemaker who, while married, owned a home with a spouse (or resided in a home owned by a spouse) is considered a "first-time homeowner" for purposes of the public housing homeownership option; and the right to purchase title to a residence under a lease-purchase agreement is not considered an "ownership interest." *A member of a cooperative (as defined in § 982.4) also qualifies as a "first time homeowner".*

(b). Minimum Income Requirement.

(1) Amount of Income. (42 U.S.C. 1437a) Applicant must be a low-income family as defined in 42 U.S.C. 1437a. The families' incomes do not exceed 80 percent of the average median income for the County of Contra Costa (subject to change in accordance with HUD income limits)

(2) Exclusion of Welfare Assistance Income. With the exception of elderly and disabled families, the HACCC will disregard any "welfare assistance" income in determining whether the family meets the minimum income requirement. Welfare assistance includes assistance from Temporary Assistance for Needy Families ("TANF"); Supplemental Security Income ("SSI") that is subject to an income eligibility test; food stamps; general assistance; or other welfare assistance specified by HUD. The disregard of welfare assistance income under this section affects the determination of minimum monthly income in determining initial qualification for the home ownership program

(c) Employment History.

With the exception of disabled and elderly households, each family must demonstrate that one or more adult members of the family who will own the home at commencement of home ownership assistance is employed full-time (an average of 30 hours per week) and has been so continuously employed for one year prior to execution of the sales agreement. In order to reasonably accommodate a family's participation in the program, HACCC will exempt families that include a person with disabilities from this requirement. HUD regulations define "full time" employment as not less 30 hours per week. A family will be considered to have been continuously employed even if that family member has experienced a break in employment, provided that the break in employment;

(1) Did not exceed 30 calendar days

(2) Did not occur within the 6-month period immediately prior to the family's request to utilize the homeownership option; and

(3) Has been the only break in employment within the past calendar months.

(d). Repayment of Any Housing Authority Debts.

Participants in the public housing program shall be ineligible for participation in the public housing home ownership program in the event any debt or portion of a debt remains owed to the HACCC or any other Housing Authority. Nothing in this provision will preclude public housing participants that have fully repaid such debt(s) from participating in the public housing home ownership program.

(e). Additional Eligibility Factors.

(1) Elderly and Disabled Households.

Elderly and disabled families are exempt from the employment requirements set forth in Section 2. C. above. In the case of an elderly or disabled family, the HACCC will consider income from all sources, including welfare assistance in evaluating whether the household meets the minimum income required to purchase a home through the public housing home ownership program.

(2) Participation in FSS Program.

Applicants for the public housing home ownership program who participate in the HACCC's Family Self Sufficiency ("FSS") program will be given priority.

(3) Prior Mortgage Defaults.

If a head of household, spouse, or other adult household member who will execute the contract of sale, mortgage and loan documents has previously defaulted on a mortgage obtained through the



public housing home ownership program or any public home ownership programs, the family will be ineligible to participate in the public housing home ownership program.

## **F. FAMILY PARTICIPATION REQUIREMENTS.**

Once a family is determined to be eligible to participate in the program, it must comply with the following additional requirements:

- (A) complete a home ownership counseling program approved by the HACCC prior to commencement of homeownership assistance;
- (B) within a specified time, locate the home it proposes to purchase;
- (C) submit a sales agreement containing specific components to the HACCC for approval;
- (D) allow the HACCC to inspect the proposed home ownership dwelling to assure that the dwelling meets appropriate housing quality standards;
- (E) obtain HACCC approval of the proposed mortgage (which must comply with generally accepted mortgage underwriting requirements); and**
- (F) enter into a written agreement with the HACCC to comply with all of its obligations under the public housing program.**

### **A. Homeownership Counseling [24 CFR 982.630].**

A family's participation in the home ownership program is conditioned on the family attending and successfully completing a home ownership and housing counseling program provided or approved by the HACCC prior to submission of application for purchase of a public housing unit. *The homeownership and counseling program will cover home maintenance (including care of the grounds); budgeting and money management; credit counseling; negotiating purchase price; securing mortgage financing; finding a home; and the advantages of purchasing and locating homes in areas that do not have a high concentration of low-income families; information about state and Federal truth-in-lending laws, and how to avoid loans with oppressive terms and conditions Note: § 982.620(b) provides "suggested topics" for the PHA required pre-assistance counseling program --- which are, for the most part, included here. HACCC omitted suggested topics regarding fair housing, RESPA obligations and predatory lending issues. These topics should also be included in the homeownership counseling program.* The counseling agency providing the counseling program shall either be approved by HUD or the program shall be consistent with the home ownership counseling provided under HUD's Housing Counseling program.

**The HACCC may require families to participate in a HACCC-approved homeownership counseling program on a continuing basis.**

A family approved for Public Housing home ownership assistance may only purchase a public housing development the HACCC offers for sale for purchase for use as their principal residence. The family may not purchase a home in a jurisdiction other than the County of Contra Costa

#### **(1) Purchasing a Home.**

Once a home is offered for sale by the HACCC and a sales agreement approved by the HACCC is signed by the family, the family shall have up to 45 calendar days to obtain financing. **The HACCC's Executive Director or his/her designees may extend this period up to 90 days from the date of sales purchase agreement.**

The HACCC will require periodic reports on the family's progress in finding and purchasing a home. Such reports will be provided by the family at interval to be determined by the Housing Services Counselor.

#### **(2) Failure to Complete Purchase:**

If a public housing participant is unable to purchase the home within the maximum time permitted by HACCC, HACCC shall continue the family's participation in the public housing program. **The family may not re-apply for the public housing home ownership program until they have completed an additional year of participation in the public housing program, following the initial determination of their eligibility**

**for the home ownership option.**

**B. Sales Agreement.**

Prior to execution of the offer to purchase or sales agreement, the financing terms must be provided by the family to the HACCC **for approval**. The sales agreement must provide for inspection by the HACCC. **The sales agreement must provide that the purchaser is not obligated to purchase if the mortgage financing terms are not approved by the HACCC.**

**C. Financing Requirements. [ 24 CFR 982. 632]**

The proposed financing terms must be submitted to and approved by the HACCC prior to close of escrow. HACCC shall determine the affordability of the family's proposed financing. In making such determination, HACCC may take into account other family expenses, including but not limited to child care, un-reimbursed medical expenses, education and training expenses and the like. Certain types of financing, including but not limited to, balloon payment mortgages, unless convertible to a variable rate mortgage, are prohibited and will not be approved by the HACCC.

In house HACCC-financing mortgages may be considered by the HACCC on a case-by- case basis. If a mortgage is not FHA-insured, HACCC will require the lender to comply with generally accepted mortgage underwriting standards consistent with those of HUD/ FHA, Ginnie Mae, Fannie Mae, Freddie Mac, California Housing Finance Agency (CHFA), USDA Rural Housing Services, the Federal Home Loan Bank, or other private lending institution.

**D. Compliance With Family Obligations.**

A family must agree, in writing, to comply with all family obligations under the public housing program and HACCC's home ownership policies. These obligations include (1) **attending ongoing homeownership counseling, if required by the HACCC**; (2) complying with the mortgage terms; (3) cannot sell or transfer the home to anyone other than to an eligible family who qualifies under the public housing homeownership program and approved by HACCC; (4) cannot refinance or add debt secured by the home; (5) cannot obtain a present ownership interest in another residence and also participating in a public home ownership assistance; and (6) must supply all required information to the HACCC, including but not limited to annual verification of household income, notice of change in home ownership expenses, notice of move-out, and notice of mortgage default. HACCC's Homeownership Family Obligation policies and other certifications as requested by the HACCC.

**G. RESTRICTION ON SALE OF A PUBLIC HOUSING UNIT**

Purchaser may not sell a public housing unit unless it is only sold to a buyer who meets all the eligibility requirements established by HACCC and have resided on the property for at least five (5) years.

**H. RECAPTURE OF NET PROCEEDS ON THE SALE OF PROPERTY [24 CFR 906.27]**

The following rules apply to recapture of net proceeds on the sale of property.

- (a) Net proceeds means the financial gain on resale received by the seller after satisfying all amounts owing under mortgages, paying closing costs, and receiving an amount equal to the down payment (made from the seller's own funds) and principal payments on the mortgage.
- (b) Gain from appreciation means the financial gain on resale attributable solely to the home's appreciation in value over time and not attributable to government provided assistance or any below market financing provided under 24 CFR 906.29.
- (c) The gain from appreciation and assistance to recapture are not limited to the following:
  - (i) The aggregate amount of assistance provided under the homeownership program.
  - (ii) The contribution of equity by the purchasing family.
  - (iii) The period of time elapsed between purchase by the homebuyer under the homeownership program and resale by the homebuyer.
  - (iv) The reason for resale.

- (v) Any improvements made by the purchasing family under the homeownership program.
- (vi) Any appreciation in the value of the property.
- (vii) Any other factors that the HACCC considers appropriate in making the recapture determination.

(d) HACCC will enforce its recapture policy through an appropriate form of title restriction.

#### **I. BELOW MARKET SALES AND FINANCING [24 CFR 906.29]**

Below market purchase prices or below market financing to enable below market purchases or a combination of the two methods may be made available to eligible buyers. Discounted purchase prices may be determined on a unit by unit basis, based on the particular purchaser's ability to pay, or may be determined by any other fair and reasonable method (e.g. uniform prices for a group of comparable dwellings, within a range of affordability by potential purchases). Below market financing may include any lawful type of public or private financing, including but not limited to purchase money mortgages, non cash second mortgages, promissory notes, guarantees of mortgage loans from other lenders, shared equity, or lease-purchase arrangements. **HACCC depending on market conditions may elect to offer below market sales and financing or market sales and financing to eligible purchasers only.**

#### **J. TITLE RESTRICTION & ENCUMBRANCES (24 CFR 906.9)**

- (a) If property is subject to indebtedness under the Annual Contribution Contract (ACC), title to property is subject to the encumbrance based on the amount of the indebtedness.
- (b) Upon sale of a public housing unit to a public housing tenant or eligible family, or to a PRE operating the units as non-public housing, in accordance with the HUD approved homeownership program, HUD will execute a release of the title restrictions prescribed by the ACC.

#### **K. PROTECTIONS AVAILABLE TO NON-PURCHASING PUBLIC HOUSING RESIDENTS**

(a) If a public housing resident does not exercise the right of first refusal under 24 CFR 906.13 and the HACCC determines to move the tenant for the purpose of transferring possession of the unit, the HACCC will provide notice 90 days before the date the resident is displaced, and may not displace the resident, except as stated in paragraph (a) (1) of this section, for the full 90 day period, the HACCC:

- (1) Will notify the resident residing in the unit 90 days prior to the displacement date, except in cases of imminent threat to health or safety that:
  - (i) The public housing unit will be sold.
  - (ii) The transfer of possession of the unit will not occur until the resident is relocated.
  - (iii) Each resident displaced by such action will be offered comparable housing
- (2) Provide for the payment of the actual costs and reasonable relocation expenses of the resident to be displaced.
- (3) Ensure that the resident is offered comparable housing.
- (4) Provide counseling for displaced residents regarding their rights to comparable housing, including their rights under the Fair Housing Act to choice of a unit on a nondiscriminatory basis, without regard to race, color, religion, national origin, disability, age, sex, or familial status.
- (5) HACCC will not transfer possession of the unit until the resident is relocated.

(c) For purposes of this section, the term "comparable housing" means housing:

- (1) That meets housing quality standards.
- (2) That is located in an area that is generally not less desirable than the displaced resident's original development

(3) Which may include:

- (i) Tenant based assistance (tenant based assistance will only be provided upon the relocation of the resident to the comparable housing)
- (ii) Project based assistance
- (iii) Occupancy in a unit owned, operated, or assisted by the HACCC at a rental rate, paid by the resident that is comparable to the rental rate applicable to the unit from which the resident is vacating.

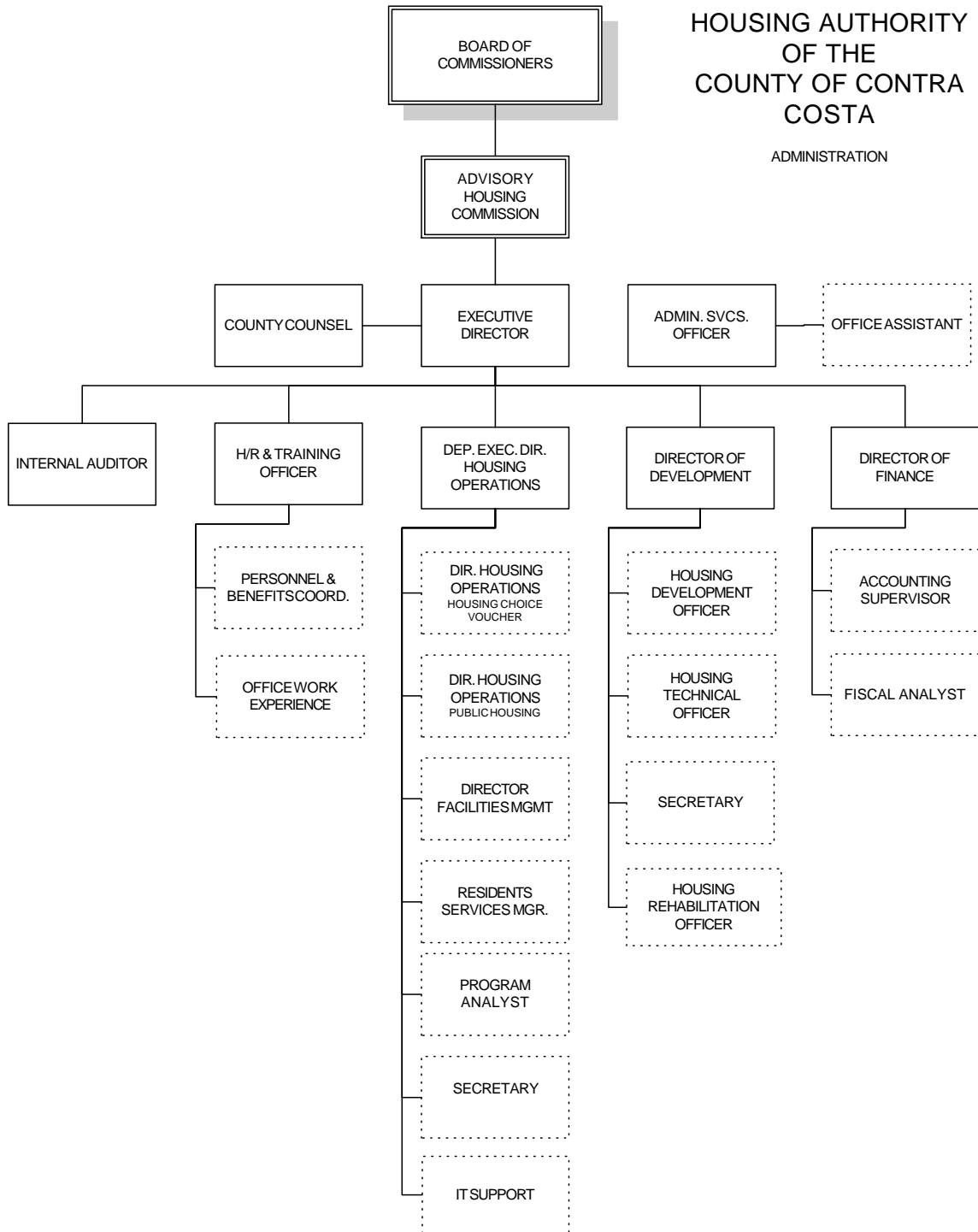
**L. OWNERSHIP INTERESTS THAT MAY BE CONVEYED TO A PURCHASER**

The homeownership program may provide for sale to the purchasing family of any ownership interest that the HACCC considers appropriate under the homeownership program, including but not limited to:

- (a) Ownership in fee simple
- (b) A condominium interest
- (c) A shared appreciation interest with a HACCC provided financing
- (d) A leasehold under a bona fide lease purchase agreement.

**M. WAIVER OR MODIFICATION OF HOME OWNERSHIP POLICIES.**

The Executive Director or his/her designee of the HACCC shall have the discretion to waive or modify any provision of the Public Housing Homeownership Program or policies not governed by statute or regulation for good cause or to comply with changes in HUD regulations, directives and the Housing Authority goals.



**A. 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/Disabled Allowance: \$400 per family for families whose head or spouse is 62 or over or disabled.
3. Allowable Medical Expenses: Deducted for all family members of an eligible elderly/disabled family.
4. Child Care Expenses: Deducted for the care of children under 13 when child care is necessary to allow an adult member to work, attend school, or actively seek employment. If other adult members of the household are unemployed, and are not enrolled in a training program, documentation will be required in order to exclude them as a caregiver.
5. Allowable Disability Assistance Expenses: Deducted for attendant care or auxiliary apparatus for persons with disabilities if needed to enable the individual or an adult family member to work.

**B. MINIMUM RENT [24 CFR 5.616]**

"Minimum rent" is \$50. Minimum rent refers to the Total Tenant Payment and includes the combined amount a family pays towards rent and/or utilities when it is applied.

**Hardship Requests for an Exception to Minimum Rent**

The HA recognizes that in some circumstances even the minimum rent may create a financial hardship for families. The HA will review all relevant circumstances brought to the HA's attention regarding financial hardship as it applies to the minimum rent. The following section states the HA'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 HA or HUD

**C. HA NOTIFICATION TO FAMILIES OF RIGHT TO HARDSHIP EXCEPTION**

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

"Suspension" means that the HA must not use the minimum rent calculation until the HA has made this decision. The HA will request documentation as proof of financial hardship.

The HA 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 qualifies the family for an exception.

#### **D. SUSPENSION OF MINIMUM RENT**

The HA 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 HA determines whether the hardship is:

- Covered by statute
- Temporary or long term

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

#### **E. TEMPORARY HARDSHIP**

If the HA 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 HA 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 HA", Chapter 17 for Repayment Agreement policy).



**F. LONG TERM DURATION HARDSHIP [24 CFR 5.616(c)(3)]**

If the HA determines that there is a qualifying long-term financial hardship, the HA must exempt the family from the minimum rent requirements. The HA will reimburse the family for any minimum rent charges which took effect after October 21, 1998, that qualified for one of the mandatory exceptions.

**DECONCENTRATION OF POVERTY AND INCOME MIXING**

The HACCC has (3) general occupancy, family public housing developments covered by the deconcentration rule. These covered developments are within the Established Income Range from 85 – 115 percent of the average incomes of all such developments. The HACCC will analyze developments on a regular basis according to the deconcentration rule.

## **HOUSING AUTHORITY OF THE COUNTY OF CONTRA COSTA VIOLENCE AGAINST WOMEN ACT (VAWA) POLICY**

### **I. Purpose and Applicability**

The purpose of this policy (herein called "Policy") is to implement the applicable provisions of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Pub. L. 109-162) and more generally to set forth HACCC's policies and procedures regarding domestic violence, dating violence, and stalking, as hereinafter defined.

*This Policy shall be applicable to the administration by HACCC of all federally subsidized public housing and Section 8 rental assistance under the United States Housing Act of 1937 (42 U.S.C. §1437 et seq.). Notwithstanding its title, this policy is gender-neutral, and its protections are available to males who are victims of domestic violence, dating violence, or stalking as well as female victims of such violence.*

### **II. Goals and Objectives**

This Policy has the following principal goals and objectives:

- A. Maintaining compliance with all applicable legal requirements imposed by VAWA;
- B. Ensuring the physical safety of victims of actual or threatened domestic violence, dating violence, or stalking who are assisted by HACCC;
- C. Providing and maintaining housing opportunities for victims of domestic violence dating violence, or stalking;
- D. Creating and maintaining collaborative arrangements between HACCC, law enforcement authorities, victim service providers, and others to promote the safety and well-being of victims of actual and threatened domestic violence, dating violence and stalking, who are assisted by HACCC; and
- E. Taking appropriate action in response to an incident or incidents of domestic violence, dating violence, or stalking, affecting individuals assisted by HACCC.

### **III. Other HACCC Policies and Procedures**

*This Policy shall be referenced in and attached to HACCC's Annual and Five-Year (when it is next updated) Public Housing Agency Plan and shall be incorporated in and made a part of HACCC's Admissions and Continued Occupancy Policy. HACCC's annual public housing agency plan shall also contain information concerning HACCC's activities, services or programs relating to domestic violence, dating violence, and stalking.*

*To the extent any provision of this policy shall vary or contradict any previously adopted policy or procedure of HACCC, the provisions of this Policy shall prevail.*

## IV. Definitions

As used in this Policy:

**A. *Domestic Violence*** – The term ‘domestic violence’ includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.”

**B. *Dating Violence*** – means violence committed by a person—

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) The length of the relationship.

(ii) The type of relationship.

(iii) The frequency of interaction between the persons involved in the relationship.

**C. *Stalking*** – means –

(A) (i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; and (ii) to place under surveillance with the intent to kill, injure, harass or intimidate another person; and

(B) in the course of, or as a result of, such following, pursuit, surveillance or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to –

(i) that person;

(ii) a member of the immediate family of that person; or

(iii) the spouse or intimate partner of that person;

(C) *Immediate Family Member* - means, with respect to a person –

(i) a spouse, parent, brother, sister, or child of that person, or an individual to whom that person stands in loco parentis; or

(ii) any other person living in the household of that person and related to that person by blood or marriage.

(D) *Perpetrator* – means person who commits an act of domestic violence, dating violence or stalking against a victim.

## V. Admissions and Screening

**A. *Non-Denial of Assistance.*** HACCC will not deny admission to public housing or to the Section 8 rental assistance program to any person because that person is or has been a victim of domestic violence, dating violence, or stalking, provided that such person is otherwise qualified for such admission.

**B. *Admissions Preference.*** Applicants for public housing assistance from HACCC (although not Section 8 assistance) will receive a preference in admissions by virtue of their status as victims of domestic violence [dating violence, stalking].

## VI. Termination of Tenancy or Assistance

**A. *VAWA Protections.*** Under VAWA, public housing residents and persons assisted under the Section 8 rental assistance program have the following specific protections, which will be observed by HACCC:

1. An incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be considered to be a “serious or repeated” violation of the lease by the

victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of or assistance to the victim of that violence.

2. In addition to the foregoing, tenancy or assistance will not be terminated by HACCC as a result of criminal activity, if that criminal activity is directly related to domestic violence, dating violence or stalking engaged in by a member of the assisted household, a guest or another person under the tenant's control, and the tenant or an immediate family member is the victim or threatened victim of this criminal activity. However, the protection against termination of tenancy or assistance described in this paragraph is subject to the following limitations:

(a) Nothing contained in this paragraph shall limit any otherwise available authority of HACCC' or a Section 8 owner or manager to terminate tenancy, evict, or to terminate assistance, as the case may be, for any violation of a lease or program requirement not premised on the act or acts of domestic violence, dating violence, or stalking in question against the tenant or a member of the tenant's household. However, in taking any such action, neither HACCC nor a Section 8 manager or owner may apply a more demanding standard to the victim of domestic violence dating violence or stalking than that applied to other tenants.

(b) Nothing contained in this paragraph shall be construed to limit the authority of HACCC or a Section 8 owner or manager to evict or terminate from assistance any tenant or lawful applicant if the owner, manager or HACCC, as the case may be, can demonstrate an actual and imminent threat to other tenants or to those employed at or providing service to the property, if the tenant is not evicted or terminated from assistance.

B. *Removal of Perpetrator.* Further, notwithstanding anything in paragraph VI.A.2. or Federal, State or local law to the contrary, HACCC or a Section 8 owner or manager, as the case may be, may bifurcate a lease, or remove a household member from a lease, without regard to whether a household member is a signatory to a lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in acts of physical violence against family members or others. Such action against the perpetrator of such physical violence may be taken without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also the tenant or a lawful occupant. Such eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by law applicable to terminations of tenancy and evictions by HACCC. Leases used for all public housing operated by HACCC and, at the option of Section 8 owners or managers, leases for dwelling units occupied by families assisted with Section 8 rental assistance administered by HACCC, shall contain provisions setting forth the substance of this paragraph.

## **VII. Verification of Domestic Violence, Dating Violence or Stalking**

A. *Requirement for Verification.* The law allows, but does not require, HACCC or a section 8 owner or manager to verify that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking claimed by a tenant or other lawful occupant is bona fide and meets the requirements of the applicable definitions set forth in this policy. Subject only to waiver as provided in paragraph VII. C., HACCC shall require verification in all cases where an individual claims protection against an action involving such individual proposed to be taken by HACCC. Section 8 owners or managers receiving rental assistance administered by HACCC may elect to require verification, or not to require it as permitted under applicable law.

Verification of a claimed incident or incidents of actual or threatened domestic violence, dating violence or stalking may be accomplished in one of the following three ways:

1. *HUD-approved form* - by providing to HACCC or to the requesting Section 8 owner or manager a written certification, on a form approved by the U.S. Department of Housing and Urban Development (HUD), that the individual is a victim of domestic violence, dating violence or stalking that the incident or incidents in question are bona fide incidents of actual or threatened abuse meeting the requirements of the applicable definition(s) set forth in this policy. The incident or incidents in question must be described in reasonable detail as required in the HUD-approved form, and the completed certification must include the name of the perpetrator.

2. *Other documentation* - by providing to HACCC or to the requesting Section 8 owner or manager documentation signed by an employee or agent of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing the domestic violence, dating violence or stalking, or the effects of the abuse, described in such documentation. The professional providing the documentation must sign and attest under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse meeting the requirements of the applicable definition(s) set forth in this policy. The victim of the incident or incidents of domestic violence, dating violence or stalking described in the documentation must also sign and attest to the documentation under penalty of perjury.

3. *Police or court record* – by providing to HACCC or to the requesting Section 8 owner or manager a Federal, State, tribal, territorial, or local police or court record describing the incident or incidents in question.

B. *Time allowed to provide verification/ failure to provide.* An individual who claims protection against adverse action based on an incident or incidents of actual or threatened domestic violence, dating violence or stalking, and who is requested by HACCC, or a Section 8 owner or manager to provide verification, must provide such verification within 14 business days (*i.e.*, 14 calendar days, excluding Saturdays, Sundays, and federally-recognized holidays) after receipt of the request for verification. Failure to provide verification, in proper form within such time will result in loss of protection under VAWA and this policy against a proposed adverse action.

C. *Waiver of verification requirement.* The Executive Director of HACCC, or a Section 8 owner or manager, may, with respect to any specific case, waive the above-stated requirements for verification and provide the benefits of this policy based on the victim's statement or other corroborating evidence. Such waiver may be granted in the sole discretion of the Executive Director, owner or manager. Any such waiver must be in writing. Waiver in a particular instance or instances shall not operate as precedent for, or create any right to, waiver in any other case or cases, regardless of similarity in circumstances.

### **VIII. Confidentiality**

A. *Right of confidentiality.* All information (including the fact that an individual is a victim of domestic violence, dating violence or stalking) provided to HACCC or to a Section 8 owner or manager in connection with a verification required under section VII of this policy or provided in lieu of such verification where a waiver of verification is granted, shall be retained by the receiving party in confidence and shall neither be entered in any shared database nor provided to any related entity, except where disclosure is:

1. Requested or consented to by the individual in writing, or
2. Required for use in a public housing eviction proceeding or in connection with termination of Section 8 assistance, as permitted in VAWA, or
3. Otherwise required by applicable law.

B. *Notification of rights.* All tenants of public housing and tenants participating in the Section 8 rental assistance program administered by HACCC shall be notified in writing concerning their right to confidentiality and the limits on such rights to confidentiality.

[Optional provisions – paragraphs A through D]

### **VIII. Transfer to New Residence**

A. *Application for transfer.* In situations that involve significant risk of violent harm to an individual as a result of previous incidents or threats of domestic violence, dating violence, or stalking, HACCC will, if an approved unit size is available at a location that may reduce the risk of harm, approve transfer by a public housing or Section 8 tenant to a different unit in order to reduce the level of risk to the individual. A tenant who requests transfer must attest in such application that the requested transfer is necessary to protect the health or safety of the tenant or another member of the household who is or was the victim of domestic violence dating violence or stalking and who reasonably believes that the tenant or other household member will be imminently threatened by harm from further violence if the individual remains in the present dwelling unit.

B. *Action on applications.* HACCC will act upon such an application promptly.

- C. *No right to transfer.* HACCC will make every effort to accommodate requests for transfer when suitable alternative vacant units are available and the circumstances warrant such action. However, except with respect to portability of Section 8 assistance as provided in paragraph IX. E. below the decision to grant or refuse to grant a transfer shall lie within the sole discretion of HACCC, and this policy does not create any right on the part of any applicant to be granted a transfer.
- D. *Family rent obligations.* If a family occupying HACCC public housing moves before the expiration of the lease term in order to protect the health or safety of a household member, the family will remain liable for the rent during the remainder of the lease term unless released by HACCC. In cases where HACCC determines that the family's decision to move was reasonable under the circumstances, HACCC may wholly or partially waive rent payments and any rent owed shall be reduced by the amounts of rent collected for the remaining lease term from a tenant subsequently occupying the unit.
- E. *Portability.* Notwithstanding the foregoing, a Section 8-assisted tenant will not be denied portability to a unit located in another jurisdiction (notwithstanding the term of the tenant's existing lease has not expired, or the family has not occupied the unit for 12 months) so long as the tenant has complied with all other requirements of the Section 8 program and has moved from the unit in order to protect a health or safety of an individual member of the household who is or has been the victim of domestic violence dating violence or stalking and who reasonably believes that the tenant or other household member will be imminently threatened by harm from further violence if the individual remains in the present dwelling unit.

[Optional Provision]

#### **X. Court Orders/Family Break-up**

A. *Court orders.* It is HACCC's policy to honor orders entered by courts of competent jurisdiction affecting individuals assisted by HACCC and their property. This includes cooperating with law enforcement authorities to enforce civil protection orders issued for the protection of victims and addressing the distribution of personal property among household members in cases where a family breaks up.

B. *Family break-up.* Other HACCC policies regarding family break-up are contained in HACCC's Public Housing Admissions and Continuing Occupancy Plan (ACOP) and its Section 8 Administrative Plan.

[Optional provision]

#### **XI. Relationships with Service Providers**

*It is the policy of HACCC to cooperate with organizations and entities, both private and governmental, which provide shelter and/or services to victims of domestic violence. If HACCC staff become aware that an individual assisted by HACCC is a victim of domestic violence, dating violence or stalking, HACCC will refer the victim to such providers of shelter or services as appropriate. Notwithstanding the foregoing, this Policy does not create any legal obligation requiring HACCC either to maintain a relationship with any particular provider of shelter or services to victims or domestic violence or to make a referral in any particular case. HACCC's annual public housing agency plan shall describe providers of shelter or services to victims of domestic violence with which HACCC has referral or other cooperative relationships.*

#### **XII. Notification**

*HACCC shall provide written notification to applicants, tenants, and Section 8 owners and managers, concerning the rights and obligations created under VAWA relating to confidentiality, denial of assistance and, termination of tenancy or assistance.*

#### **XIII. Relationship with Other Applicable Laws**

*Neither VAWA nor this Policy implementing it shall preempt or supersede any provision of Federal, State or local law that provides greater protection than that provided under VAWA for victims of domestic violence, dating violence or stalking.*

**XIV. Amendment**

*This policy may be amended from time to time by HACCC as approved by the HACCC Board of Commissioners.*

End