



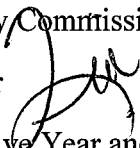
Berkeley Housing Authority

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Office of the Executive Director

Item 6B
NEW BUSINESS
April 10, 2014

To: Honorable Chairperson and
Members of the Housing Authority Commission

From: Tia M. Ingram, Executive Director 

Subject: Public Hearing and Adoption of Five Year and Fiscal Year 2014-2015 Annual Plan

RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt a Resolution approving the Housing Authority's Five Year and Annual Plan for Fiscal Year (FY) 2014-2015, and authorizing the Executive Director to certify and submit the Five Year and Annual Plan to the U.S. Department of Housing and Urban Development (HUD).

BACKGROUND

Every Public Housing Authority administering a Low Income Public Housing Program and/or a S8 Voucher program is required to submit an Annual Plan to HUD by mid-April of each year (this year, April 18). Every five years, PHAs are required to respond to a few additional questions to HUD, as reported on HUD's 5-Year and Annual Plan template.

This submission coincides with our first year of operations as a S8 Voucher only Authority (we successfully concluded operations of a Public Housing Program effective February 14, 2014). Thus, there are no Admissions and Continued Occupancy Policy (ACOP) and no Capital Fund Plan (both components of the Public Housing Program) to submit.

Our Plan document, electronically submitted to HUD using its template, is designed to provide a general overview of BHA's S8 voucher program operations, including the Administrative Plan – that contains all discretionary policies. A matrix listing the proposed changes to the Admin. Plan, by chapter is attached (Attachment 2). In accordance with 24 Code of Federal Regulation, Part 903 Public Housing Agency Plans, BHA conformed to program requirements as follows:

1. Public Notice. Notice of the initiation of the Annual Plan process, and the ability to comment on the Administrative Plan, Admissions and Continued Occupancy Policy and Capital Plan was published in El Mensajero (Spanish language newspaper) on February 23, 2014 and the Oakland Tribune on February 22, 2014, commencing the 45-day public comment period. Notice also was posted on the BHA website on February 22, 2014. The 45-day comment period ends on April 12, 2014.
2. Resident Advisory Board. In prior years, the Resident Advisory Board (RAB) would be comprised of public housing residents, with an opportunity for input from a S8 voucher

program participant. With no Public Housing Program, staff reached out to our S8 program participants. One S8 program participant expressed interest, as did Carole Krezman, former Public Housing Resident, and soon to be S8 program participant (as part of the disposition project).

3. Dissemination of Information. The Administrative Plan document is approximately 400 pages. We posted the Annual Plan on BHA's website on February 22, 2014; a copy was available for review in the office; the website link to electronic copies of the Administrative Plan was emailed to legal and disability rights advocates [Bay Area Legal Aid, East Bay Community Law Center, National Housing Law Project, Disability Rights California]; non-profit housing developers [Satellite Affordable Housing Associates (SAHA), Resources for Community Development (RCD), Northern California Land Trust (NCLT)]; City's Housing Department, and the Human Welfare and Community Action Commission (HWCAC) Commission and City staff. The public was advised that they could receive a hard copy upon request; no request for copies was received.
4. Public Meeting. The RAB meeting was held on March 24, 2014 to discuss the plan documents and receive comments from the RAB and other interested parties. Carole Krezman, was the sole attendee. The other RAB member, Jon Crowder, had an unexpected emergency and was not able to attend; as of April 3rd he has not submitted written comments. Existing and proposed policies were discussed (chapter by chapter) with staff taking notes (Attachment 3). As usual, Ms. Krezman's questions and comments were meaningful, and as appropriate, have been addressed in the Admin. Plan presented for adoption.

No written comments received as of the writing of this report. The deadline for submitting comments is April 12th. Thus, staff will refrain from finalizing the Admin Plan (and HUD submission) until April 14th at the earliest. We were, however, approached by Alameda County Housing and Community Development, regarding an application they are contemplating for HUD Section 811 funds. They are specifically looking for a Public Housing Authority (in Alameda County) with wait list preferences – for one of the two target populations: people exiting institutions and people who are homeless and receiving Mental Health Services Act (MHSA) services. We do not currently have either preference. We have consciously kept our preference categories to a minimum to avoid the administrative burden and cost of verifying qualification, and necessary updates and reordering of the wait list to reflect changes.

STATUS

Staff has reviewed the comments and has made edits to the draft Administrative Plan reflecting areas where comments are in alignment with BHA's operations. Staff proposed some minor adjustments (corrections) to:

- Chapter 16, to recognize "air conditioning" as an addition to the list of "basic" utilities and
- Chapter 17, correcting language that we will allow properties in the PBS8 program to self-refer families if the waitlist is exhausted--rather BHA will either re-open the PBS8 waitlist or allow properties to self-refer for vacant units.

We included language regarding a proposed new program - "homeless continuum" which we believe can be a very effective tool in facilitating the transition from homelessness to stable, quality, affordable rental housing. Prior HUD approval is required, and we will not seek approval, until we: (a) have direction from the Board about the level of service we will offer

(beyond the HUD funded, HUD mandated functions), and (b) identify funding to cover staff and other administrative costs.

The Board was previously provided a copy of the draft Administrative Plan. A revised draft, with all changes incorporated is available for viewing at the BHA office, and on the BHA website.

FISCAL IMPACTS OF RECOMMENDATION

No direct impact at this time, however, Plan adoption and submission is a HUD requirement.

CONTACT PERSON

Tia Ingram, Executive Director, 981-5471

Rachel Gonzales-Levine, Management Analyst, 981-5485

Attachments:

1. Resolution
2. Summary of Key Changes in Admin Plan (S8)
3. RAB Comments

BERKELEY HOUSING AUTHORITY
RESOLUTION NO. 14-

ADOPTING THE BERKELEY HOUSING AUTHORITY'S FIVE YEAR AND FISCAL YEAR 2014-2015 ANNUAL PLAN AND AUTHORIZING THE EXECUTIVE DIRECTOR TO SUBMIT THE ANNUAL PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

WHEREAS housing authorities are required to submit Annual and Five Year Plans to the U.S. Department of Housing and Urban Development ("HUD"); and

WHEREAS, housing authorities are required by HUD regulations to establish a Resident Advisory Board to advise the Housing Authority in the development of the Plan; and

WHEREAS, BHA is now a Section 8 Only Authority, with no Low Income Public Housing Program; and

WHEREAS, the Administrative Plan containing discretionary policies utilized in the administration of the Section 8 Voucher Programs including the Project-based Section 8 and Moderate Rehab. Programs, was available for public review and comment for the required 45-day period; and

WHEREAS, the Resident Advisory Board assisted in the review of the proposed Administrative Plan changes; and

WHEREAS, a public hearing has been conducted.

NOW THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Berkeley Housing Authority:

1. Adopts the Berkeley Housing Authority's Five Year and Annual Plan for Fiscal Year 2014-2015, and hereby authorizes the Executive Director to submit the Annual Plan to the U.S. Department of Housing and Urban Development; and
2. Adopts a revised Administrative Plan for the Section 8 Housing Choice Voucher Program Programs including the Project-based Section 8 and Moderate Rehab. Programs, substantially in the form attached as Exhibit A, with such changes that do not materially alter the substance or intent of the document.

The foregoing Resolution was adopted by the Board of the Berkeley Housing Authority on April 10, 2014 by the following vote:

Ayes:

Noes:

Absent:

Attest: _____
Tia M. Ingram, Secretary

2014 Annual Plan/Administrative Plan Revisions

Chapter	Change	Page No.	Comments
1 Overview	No substantive changes	2, 5	
2 Fair Housing	No substantive changes; new office does not provide opportunity to view postings (i.e. unit listing report) from public sidewalk; language now reflects viewing opportunities from the courtyard	3	
3 Eligibility	New language regarding absence from unit – medical facility. Issue is how long BHA will pay for an unoccupied unit, and family’s ability to receive assistance once able to reside independently. New language acknowledges BHA will continue to pay rent for the vacant unit for up to 6 months; will terminate after six months, but allow the family to retain eligibility to be readmitted to S8 Voucher program (new S8 contract) – if able to live in independent setting (with or without live in aide) within 90-days of BHA’s termination of the contract.	7, 8, 10, 14	
	HUD rules require criminal background screening prior to admission. Proposed language reflects plans to randomly screen households after admission, to ensure all assisted individuals are not engaging in criminal behavior, and have not become subject to lifetime registration as a sex offender	21	
4 Applications, Wait List, Tenant Selection	Changes to list of agencies to receive advance notice of wait list openings: added Berkeley Unified School District; deleted YMCA property (no longer in service)	5, 6, 7, 8	
	Proposed pilot program to graduate a maximum of ___ formerly homeless individuals and/or households (that are now stable) from SRO Mod Rehab and/or Shelter Plus Care – to the tenant based Section 8 Voucher program each year (subject to HUD approval)	9, 10	
	Removed section on Project Based Voucher Program selection from waitlist	11,12	
	Corrected wording on targeted funding	13	
5 Briefings/Voucher Issuance	Modified occupancy standards for larger households, those with 3 or more family members (in addition to head of household and spouse if any); changes apply to S8 Tenant Based and S8 Project Based programs	2, 3, 4	
	Clarified conditions under which an additional bedroom will be provided for live-in aide and/or storage of medical equipment	8	

	Clarification to vacancies in S8 Project Based program are not included in briefings for new admissions to the S8 Tenant Based Voucher program	9, 10	
6 Income and Subsidy Determinations	Clarified that income will be annualized, factoring in employee that is cyclical (follows sporting seasons, public school schedule, etc)	6	
	Utility reimbursements to be paid directly to utility provided; family must obtain and maintain service in name of head of household or spouse	33	
	Clarification of "payment standard"; the maximum BHA can pay for a family, not a rent guarantee for any particular bedroom size	36	
7 Verification	No substantive changes	7	
8 Housing Quality Standards/Rent Reasonableness	Timing for requesting extension of time to complete repairs; maximum period of extension allowed;	12	
	Deleted reference to repairs in BHA owned units	15	
9 General Leasing Policies	Requirement that family provide proof of utility service before a HAP contract request (RTA) will be processed, if family will be financially responsible for utilities	3	
	Changes in Lease or Rent	10, 11	
10 Moving with Assistance/Portability	Family may not port (transfer out of jurisdiction) if under eviction or sanctions for program violations	3	
	Deleted reference to moves from BHA's LIPH or RHCP programs	3	
	Clarified that it is initial PHA that determines if a family can exercise portability	5	
	Deleted exception to policy	6	
	Clarified policy on families remaining subject to BHA policies and procedures through end of assisted tenancy in Berkeley	7	
11 Reexaminations	Restrictions on changes to head of household	6, 7	
	Mandatory reporting of interim reporting; restrictions on processing when change results in an increase in family rent portion	10	
12 Termination of Assistance & Tenancy	Deleted BHA owned or managed housing selection preference	7	
	Added voluntary participation in Intervention Strategies	9	

13 Owners	Incorporated information about applicability of provisions of Rent Control Ordinance (i.e. interest on Security Deposit)	8	
	Changed sidewalk to courtyard	2	
	Changed "sex" to gender	7	
	Clarification to HAP contract termination policy	14	
14 Program Integrity	New reference to possibly investigations by BPD, Rent Board, or other entity as part of response to allegations of fraud/program abuse	3	
15 Special Housing Types	No changes	N/A	
16 Program Administration	Clarification that "discovery" - opportunity to review documents BHA will rely upon - is applicable to "review meetings"	4, 8, 11	
	Removal of Air Conditioning Section	6	
17 Project Based Vouchers	Extension of period of subsidy can be paid when a household is no longer eligible to occupy the unit with PB assistance	2, 3, 4, 5, 17, 18	
	Clarification of timing for requesting an increase in contract rent (consistent with S8 tenant based program)		
	Requirement for household to obtain/maintain utility service in name of head of household and/or spouse; payment of utility reimbursement directly to PG&E		
	Clarification of definition of "consideration of PB vouchers" in process of obtaining funds from City of Berkeley		
	Expansion in leasing pool for vacancies: S8 program wait list; and S8 active participants that are under household or in need of an accessible unit	22	
	Offer of Project Based Voucher Assistance	24	
	Filling Vacancies	25	
	Non lease agreements	27	
	Deleted section on Non Compliance with Supportive Services Requirement	28	
	Clarification to payment by BHA in regards to no appropriate vacancy in another unit with project based assistance	30	
	Replaced HAP contract with tenant lease	33	
	Clarification to utility reimbursements	37	
	Clarification regarding off street parking	38	
18 Moderate Rehabilitation	Change of 30 days to 90 days in a temporary residence facility	18	

Program for Single Room Occupancy Dwellings for Homeless Individuals			
Addition of Housing Continuum Pilot Program			6

RAB Meeting

March 24, 2014

Carole Krezman - comments

(** Payment for 2013 & 2014**)

1. Intro. – pg. ii - Remove underlining from weblinks (CFRs, etc).
2. Ch. 1 – pg. 1, pg. 2 & pg. 5 & pg. 6 (see copy/edits)
3. Ch. 1 – pg. 11 – spell out ACC
4. Ch. 1 – pg. 3: Info to families & Owners: add lang. on sexual orientation & marital status.
5. Ch. 2 – pg. 3 “common corridor” vs. Courtyard (see comment re: pg. 13-2 below) – use one or the other.
6. Ch. 3 – pg. 8 – do we really want to lock ourselves into 6 mos max to get reinstatement?
7. Ch. 3 – pgs. 18, 19 & 20 – have differing timeframes: 3 or 5 years drug related/criminal activity. Should they be consistent?
8. Ch. 3 – pg. 20: arrest but not conviction – spell out whether an arrest in itself leads to denial or if must be convicted after the arrest.
9. Ch. 3 – pg. 21: screening for criminal activity of all HH members over 18 years of age or Random screening of sample or none at all over age of 18 on an annual basis.
10. Ch. 4 – pg. 5: Mod Rehab WL “Interest Lists” are managed at/by the properties (not WL’s).
11. Ch. 4 – pg. 5: don’t underline weblink and remove blue
12. Ch. 4 – pg. 6: Ed Roberts Campus: call out Cntr for Indep Living & put Disability Rights CA on a separate line.
13. Ch. 4 – pg. 7: in redline change “review” to “reviewing”
14. Ch. 4 – pg. 8: if they don’t have a 2nd address or email, mail a 2nd time to same address.
15. Ch. 4 – pg. 8: don’t lock us into 15 day reply period for WL update mailings, maybe say 30 days?
16. Ch. 4 – pg. 12: Income targeting: fix the % and AMI – they don’t add up.
17. Ch. 4 – pg. 13: do we want to delete the 5 vouchers set aside for the HUD homeless program since the study has ended?
18. Ch. 4 – pg. 13: add email as a mode of communic. for selection from WL letter.
19. Ch. 5 – pg. 9: bottom remove “special”
20. Ch. 5 – pg. 10: Use more explicit language at top of Pg. 2 – 7 to replace “Care Provider” at top of pg. 5- 10.
21. Ch. 6 – pg. 31: a bigger policy question: does BHA’s policy on Child Care Expense Deduction decrease entry into the workforce by those who want to work?
22. Ch. 6 – pg. 32: one hour of homework not enough for someone in college.
23. Ch. 6 – pg. 33: delete “make” before “direct” utility reimbursement.
24. Ch. 7 – pg. 2: consider deleting “originals” for docs. because so many docs. are pulled from the internet these days. Allows families to keep their original docs. in order and utilize current technology available.

25. Ch. 7 – pg. 10: 2 adults over the age of 18 aren't necessarily a couple, could be a siblings.
26. Ch. 7 – pg. 11: Absence of Adult Member – next to impossible to get a copy of the new lease of the person who leaves, may not be on good terms with the remaining HH members, maybe they have not entered into a new lease.
27. Ch. 11 – Pg. 10: annualizing should be done during periods of employment not during summer (as in BUSD). (Also in Ch. 6 pg. 6)
28. Ch. 13 – pg. 2: "Courtyard" – but also called a "common corridor" in Pg. 2-3 (see above), pick one.
29. Ch. 13 – pg. 7: non discrim. statement: add "marital status" and "sexual orientation"
30. Ch. 13 – pg. 8: Rent Stabilization section: (b) "Interest on Interest" not correct- delete one "interest"
31. Ch. 13 – pg. 14 (copy – see edit "in which")
32. Ch. 14 – pg. 8: in event of error by Staff, LL not required to repay overpayment
33. Ch. 14 – pg. 5: If overpayment was made regardless of whose fault, family should be reimbursed (if BHA doesn't have to repay, family shouldn't but if BHA does have to pay, family should get reimbursement retroactively.)
34. Ch. 15 – pg. 1: Make "PHA" "BHA" Policy
35. Chapter 15 – place "BHA Policy" under each part I – VII (except Part V. Cooperative Hsng where the program is allowed) so it's clear what we don't allow (unless R/A).
36. Ch. 17 – look at page numbers at bottom (they're not formatted the same as other chapters)
37. Ch. 17 pg. 38: parking fee assessment: Carol objects to charging extra for a parking spot for low income HH's.