Item 5A
NEW BUSINESS
April 11, 2019

To: Honorable Chairperson and
Members of the Housing Authority Commission

From: William E. Wilkins, Executive Director

Subject: Public Hearing and Adoption of 2019-24 Five-Year/Annual Plan

RECOMMENDATION
Conduct a public hearing and upon conclusion, adopt a Resolution approving the 2019-24 Five-Year/Annual Plan for Fiscal Years (FY) 2019-2024, and authorizing the Executive Director to certify and submit the 2019-24 Five-Year/Annual Plan to the U.S. Department of Housing and Urban Development (HUD).

BACKGROUND
Every public housing authority is required to submit an Annual Plan to HUD by mid-April of each year (or 75 days prior to the beginning of the next fiscal year). This year we are required to submit a Five-Year Plan. Our Plan document, electronically submitted to HUD using its template, is designed to provide a general overview of BHA’s programmatic operations. The Plan includes the HUD Five-Year Plan form; required certifications including adherence to Civil Rights laws and consistency with the local consolidated plan; as well as updates to our Administrative Plan, which describes BHA’s policies as they pertain to operating the S8 programs. In accordance with 24 Code of Federal Regulation, Part 903 Public Housing Agency Plans, BHA conformed to Annual Plan requirements as follows:

1. **Public Notice.** Notice of the initiation of the Annual/5-Year Plan process, and the ability to comment on the Administrative Plan was published in the East Bay Times on February 15, 2019 and in El Mensajero (Spanish language newspaper) on February 17, 2019. The 45-day public comment period commenced February 20, 2019, and ended April 5, 2019.

2. **Dissemination of Information.** Website posting of the proposed changes in various chapters of the Annual Plan occurred February 20. The public was advised that they could receive a hard copy upon request; no request for copies was received. A copy was available for review at the front office.

3. **Resident Advisory Board (RAB).** Staff reached out to our S8 program participants inviting them to serve on the RAB. 21 participants responded and 5 participated on the RAB, with two calling in “sick,” thus the next name on the random draw list was called in. The
RAB meeting to review the proposed Administrative Plan changes occurred on March 7, 2019.

4. **Opportunity for Comment.** 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]; and non-profit housing developers [Satellite Affordable Housing Associates (SAHA), Resources for Community Development (RCD), Northern California Land Trust (NCLT)].

The Plan presented this evening reflects comments from RAB participants and SAHA staff. Note: no legal advocacy agencies submitted comments.

5. **Public Hearing.** This evening’s hearing is open for additional comments on the proposed Plan. Staff will analyze further comments and make changes as deemed appropriate prior to submitting the finalized Plan to HUD.

**STATUS**
The Administrative Plan is relied upon by staff in administering the S8 programs. We strive to have simple, straightforward language, and thus avoid conflicting interpretations. Changes proposed in the Plan are the result of: (a) regulatory updates; (b) challenging issues/situations experienced over the course of the prior year; and (c) comments provided to us by advocacy organizations and service providers. Attached you will see a chart listing the proposed changes, with comments from legal advocates as well as comments from the RAB, and BHA’s response to those comments.

In keeping with environmentally friendly practices, we have not printed copies of the full Administrative Plan. The document, with proposed changes in cross-out, underline format, is available for viewing at the BHA office, and on BHA’s website: www.cityofBerkeley.info/bha.

**FISCAL IMPACTS OF RECOMMENDATION**
No direct impact at this time, however, Plan adoption and submission is a HUD requirement.

**CONTACT PERSON**
William E. Wilkins, Executive Director, 981-5471
Rachel Gonzales-Levine, Management Analyst, 981-5485

Attachments:
1. Resolution
2. Chart outlining RAB and non-profit developer agency comments received and BHA responses
3. HUD Form 50075-5Y
BERKELEY HOUSING AUTHORITY
RESOLUTION NO. 19-__


WHEREAS housing authorities are required to submit a 5-Year/Annual Plan 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 provide input on the draft Plan to the Housing Authority; and

WHEREAS, BHA is a Section 8-only Authority; and

WHEREAS, the changes to the Administrative Plan containing discretionary policies utilized in the administration of the Section 8 Voucher Programs including the Project-based Section 8 and Moderate Rehabilitation Programs, were made available for public review and comment beginning February 20, 2019 for the required 45-day period; and

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

WHEREAS, various legal, disability rights advocacy organizations, and low income housing developers were provided links to view proposed Administrative Plan changes for review and comment; and

WHEREAS, a public hearing has been conducted on April 11, 2019.

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

1. Adopts the Berkeley Housing Authority’s 5-Year/Annual Plan for Fiscal Years 2019-2024, and hereby authorizes the Executive Director to submit the 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.

The foregoing Resolution was adopted by the Board of the Berkeley Housing Authority on April 11, 2019 by the following vote:

Ayes:

Noes:

Absent:

Attest: __________________________
William E. Wilkins, Secretary
BERKELEY HOUSING AUTHORITY
RESOLUTION NO. 19—

ADOPTING THE BERKELEY HOUSING AUTHORITY'S 2019-2024 FIVE-YEAR/ANNUAL PLAN AND AUTHORIZING THE EXECUTIVE DIRECTOR TO SUBMIT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

WHEREAS housing authorities are required to submit a 5-Year/Annual Plan to the U.S. Department of Housing and Urban Development ("HUD"); and

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| 3 Eligibility                          | Revises definition of *Extremely low-income family* in line with HUD's definition.                                                                                                                             | 11       | RAB: Is it likely that the federal poverty level will ever be greater than the local median income for the area?  
*BHA response*: No, not likely. This change is just to be in line with HUD's definition.

| 4 Waitlist                             | Adds preference category, as required by HUD, for Mainstream Voucher Program participants.                                                                                                                     | 11       | RAB: Edit wording to make preference category definition clearer.  
*BHA response*: Accepted.

| 5 Briefings/ Voucher Issuance          | Clarifies language regarding # of people authorized to live in project-based S8 studios: up to 2 people may reside in a PBV studio unit.                                                                    | 8        | No Comments received.

| 6 Income/Subsidy Determinations        | Updates Earned Income Disallowance Calculations for disabled newly working program participants, in line with HUD requirements: original calculation in effect for those in the program prior to 5/9/16; new calculation method for those in the program after 5/9/16. | 10-12 and 47-48 | RAB: (a) Can elderly disabled people participate? (b) Can a program participant determine when EID will begin?  
*BHA response*: (a) Yes, there is no indication by HUD that working elderly disabled people may not participate. (b) Not necessarily—the EID program is specifically for a family member who is a person with disabilities and who was previously unemployed for one or more years prior to employment.

| 8 Housing Quality Standards/Rent Reasonableness | Revises thermal environment standards to indicate a heating system must be operational when interior temperature is below 65 degrees.  
Revises emergency fail standards to indicate a heating system must be operational when exterior temperature is below 60 degrees.  
Changes language regarding reinspections of emergency fails in line with current scheduling, as inspector is present 1 – 2 days per week rather than 4 days per week.  
Clarifies language regarding possible use of alternative inspections to indicate at this time BHA continues to conduct HQS inspections rather than rely on alternative inspections from another entity. | 5 6 9 11 | RAB: Suggest making exceptions to the interior temperature baseline where an elderly or disabled household requires consistent heating regardless of interior temperature.  
*BHA response*: Accepted. |
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| 11      | Adds language regarding when interim reexaminations will be processed, based on timing of submission of required documentation.                                                                                                                                                                                                                       | 11-12   | **RAB:** Suggest changing “will not be retroactive” to “may not be retroactive, depending on BHA’s HAP budget status at the time of submission of required forms and documentation.”  
**BHA response:** Accepted.                                                                                                                   |
| 17      | Adds language based on HUD rules clarifying (a) types of units allowed under the additional 10% above the 20% allowable for project basing, as “excepted units” (for homeless; veterans; elderly or disabled households receiving supportive services; units in a census tract with a poverty rate of 20% or less) and (b) units that do not count under the project-basing thresholds (VASH and RAD).  
Describes the housing authority’s advance notification of intent to project-base requirement as per HUD rules.  
Changes timeframe during which staff will make a recommendation to the Board to consider approving project-based allocations from every October, to at least annually.  
Clarifies the publications through which BHA will publish open RFPs for project-basing.  
Adds language stating subsidy layering reviews are not required for existing housing.  
Adds language indicating which types of units do not count under the project-basing thresholds (VASH and RAD).  
Adds language, per HUD rules, that in times of insufficient funding, housing authorities are required to take all cost saving measures prior to failing to pay project-based HAP.  
Adds language, per HUD rules, about advance notice required when an owner has not renewed a project-based master HAP contract, and family rights to receive tenant-based assistance/remain at a project-based property.  
Adds language, per HUD rules, regarding housing authority responsibility to provide notice to HUD when adding additional units                                                                 | 2-3     | **SAHA:** Request adding language explicitly allowing for Site-based waiting lists for Project-based properties.  
**BHA response:** As there are still open Project-based waiting lists being managed by staff, we cannot move to site-based waiting lists until such a time that all of the Project-based waiting lists are exhausted, and any remaining Tenant-based applicants are given an opportunity to apply for a Project-based waiting list. As specific waiting lists are exhausted by population category, BHA is accepting referrals from properties for any Project-based vacancies.        |
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<td>to a master project-based HAP contract within 3 years of executing original master HAP contract.</td>
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<td></td>
<td>Remove language regarding project-based program application fees.</td>
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5-Year PHA Plan  
(for All PHAs)

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

OMB No. 2577-0226  
Expires: 02/29/2016

Purpose. The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA’s operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA’s mission, goals and objectives for serving the needs of low-income, very low-income, and extremely low-income families.

Applicability. Form HUD-50075-5Y is to be completed once every 5 PHA fiscal years by all PHAs.

A. PHA Information.

A.1 PHA Name: Berkeley Housing Authority  
PHA Code: CA058

PHA Plan for Fiscal Year Beginning: (07/2019)  
PHA Plan Submission Type: ☒ 5-Year Plan Submission  
☐ Revised 5-Year Plan Submission

Availability of Information. In addition to the items listed in this form, PHAs must have the elements listed below readily available to the public. A PHA must identify the specific location(s) where the proposed PHA Plan, PHA Plan Elements, and all information relevant to the public hearing and proposed PHA Plan are available for inspection by the public. Additionally, the PHA must provide information on how the public may reasonably obtain additional information on the PHA policies contained in the standard Annual Plan, but excluded from their streamlined submissions. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on their official websites. PHAs are also encouraged to provide each resident council a copy of their PHA Plans.

Specific locations where the public may obtain copies of the 5-Year and Annual PHA Plan are:
1. BHA’s office, 1936 University Ave., Suite 150, Berkeley, CA 94704.
2. BHA’s website, www.cityofberkeley.info/bha
3. Calling 510-981-5470 for a copy to be mailed or
4. Emailing bha@ci.berkeley.ca.us for a copy to be emailed.

☐ PHA Consortia. (Check box if submitting a Joint PHA Plan and complete table below)

<table>
<thead>
<tr>
<th>Participating PHAs</th>
<th>PHA Code</th>
<th>Program(s) in the Consortia</th>
<th>Program(s) not in the Consortia</th>
<th>No. of Units in Each Program</th>
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<td>Lead PHA:</td>
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Page 1 of 4  
form HUD-50075-5Y (12/2014)
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<th>B.</th>
<th>5-Year Plan. Required for all PHAs completing this form.</th>
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</table>
| B.1 | **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 for the next five years.  

BHA’s mission is to deliver housing, housing assistance and related services to low-income:
- Elderly persons 62 or older;
- Families, including those with children;
- Persons with verifiable disabilities;
- Emancipated youth; and
- “Other low-income persons (‘other singles’) who are not elderly or do not have verifiable disabilities.

During the period of their assistance by BHA, these participants are expected to avail themselves, as necessary, of those supportive family services, education, training and job development activities needed for them to achieve self-sufficiency and economic independence. |
| B.2 | **Goals and Objectives.** Identify the PHA’s quantifiable goals and objectives that will enable the PHA to serve the needs of low-income, very low-income, and extremely low-income families for the next five years.  

**Goals and Objectives for Next 5 Years:**
- Begin issuing new Tenant-based vouchers & Project-based voucher allocations once again, now that BHA is out of shortfall status (eff. Feb. 2019)
- Continue to apply for future NOFA as that allocate issuance of new voucher opportunities
- Obtain waivers for funding, to possibly include HAP expenses, and FSS Coordinator
- Collaborate with City of Berkeley to determine possible financial support of a sustained housing authority in Berkeley
- Determine feasibility of a low income housing development project with use of disposition proceeds
- Seek low-cost rental space for BHA office, when lease expires Dec. 31, 2020. |
| B.3 | **Progress Report.** Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan.  

**Progress in meeting the goals and objectives in the previous 5-Year Plan:**

The previous 5-Year Plan goals were as follows, with progress reported after each goal.

- Implement the FSS Program (current HUD waiver expired May 2016).  
  **Progress:** FSS program is implemented, with X out of 37 slots filled, and the remaining slots actively being filled. Out of those participating in FSS, X are earning escrow. FSS Coordinator position has been unfunded since implementation of the program because FSS Coordinator NOFAs continue to state that only those programs that were funded in prior years can be qualified to apply.

- Review staffing levels to include possible programmatic expansion.  
  **Progress:** BHA entered a HAP budget shortfall situation in 2017, which has continued until Feb. 2019, therefore staffing levels have remained in place.

- Research possibility of expanding into other programmatic areas including VASH, homeless continuum.  
  **Progress:** BHA has been successful in obtaining two VASH allocations, for a total of 20 VASH vouchers currently. Additionally, BHA was awarded an allocation of 40 Mainstream Vouchers.

- Research possible IT cost savings measures including possible lower cost database, phone system, and paperless office, etc.  
  **Progress:** The City of Berkeley continues to support BHA’s IT/phone systems, and it has not been feasible, due to limited operational resources, to identify and implement a new database/phone system/paperless office.
### B.4 Violence Against Women Act (VAWA) Goals.

Provide a statement of the PHA’s goals, activities objectives, policies, or programs that will enable the PHA to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking.

BHA has a robust VAWA Plan, including details in the Administrative Plan, the BHA website, and a notice attached to every reexamination packet. Chapters in the Admin. Plan in which VAWA policies are mentioned include: Fair Housing and Equal Opportunity (Ch. 2); Eligibility (Ch. 3); Moving with Continued Assistance & Portability (Ch. 10); Termination of Assistance and Tenancy (Ch. 12); Program Administration (Ch. 16).

For details, see BHA’s website, https://www.cityofberkeley.info/bha for the following documents:
- VAWA 2013 Notice to Program Participants
- VAWA 2013 Notice to Landlords
- Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking
- Notice of Occupancy Rights under the Violence Against Women Act.

### B.5 Significant Amendment or Modification.

Provide a statement on the criteria used for determining a significant amendment or modification to the 5-Year Plan.

BHA’s definition of significant amendment or modification to the 5-Year Plan include substantial changes to the following facets of the Admin. Plan:
- Policy for insufficient funding;
- Waitlist management, preference categories and/or weights;
- Subsidy standards;
- Administration of the Project-based program.

### B.6 Resident Advisory Board (RAB) Comments.

(a) Did the RAB(s) provide comments to the 5-Year PHA Plan?

Y ☒ N ☐

(b) If yes, comments must be submitted by the PHA as an attachment to the 5-Year PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations.

Please see attached RAB Comments, from the March 7, 2019 RAB meeting.

### B.7 Certification by State or Local Officials.

Form HUD 50077-SL, Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan, must be submitted by the PHA as an electronic attachment to the PHA Plan.

Please see attached.
Instructions for Preparation of Form HUD-50075-5Y
5-Year PHA Plan for All PHAs

A. PHA Information 24 CFR §903.23(4)(e)

A.1 Include the full PHA Name, PHA Code, , PHA Fiscal Year Beginning (MM/YYYY), PHA Plan Submission Type, and the Availability of Information, specific location(s) of all information relevant to the hearing and proposed PHA Plan.

PHA Consortia: Check box if submitting a Joint PHA Plan and complete the table.

B. 5-Year Plan.

B.1 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 for the next five years. (24 CFR §903.6(a)(1))

B.2 Goals and Objectives. Identify the PHA’s quantifiable goals and objectives that will enable the PHA to serve the needs of low-income, very low-income, and extremely low-income families for the next five years. (24 CFR §903.6(b)(1)) For Qualified PHAs only, if at any time a PHA proposes to take units offline for modernization, then that action requires a significant amendment to the PHA’s 5-Year Plan.

B.3 Progress Report. Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan. (24 CFR §903.6(b)(2))

B.4 Violence Against Women Act (VAWA) Goals. Provide a statement of the PHA’s goals, activities objectives, policies, or programs that will enable the PHA to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking. (24 CFR §903.6(a)(3))

B.5 Significant Amendment or Modification. Provide a statement on the criteria used for determining a significant amendment or modification to the 5-Year Plan.

B.6 Resident Advisory Board (RAB) comments.

(a) Did the public or RAB provide comments?
(b) If yes, submit comments as an attachment to the Plan and describe the analysis of the comments and the PHA’s decision made on these recommendations. (24 CFR §903.17(a), 24 CFR §903.19)

This information collection is authorized by Section 511 of the Quality Housing and Work Responsibility Act, which added a new section 5A to the U.S. Housing Act of 1937, as amended, which introduced the 5-Year PHA Plan. The 5-Year PHA Plan provides the PHA’s mission, goals and objectives for serving the needs of low-income, very low-income, and extremely low-income families and the progress made in meeting the goals and objectives described in the previous 5-Year Plan.

Public reporting burden for this information collection is estimated to average .76 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

Privacy Act Notice. The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lead itself to confidentiality.