COVID-19 Updates

The Covid-19 pandemic is probably the most difficult and challenging experience in the career of any PHA Executive Director. It is unprecedented, therefore no past experiences can be referred back to; and fast moving thus immediate decisions have to made and implemented that could only be revised again when the situation changes. I am fortunate to have in my network seasoned PHA Executive Directors in the Bay Area and the PHA industry as a whole who share their PHA’s best practices as they respond to this unprecedented situation, and the expertise of Jhaila Brown and Jim Diamond from Goldfarb and Lipman who have guided us from day one.

March 4th, 2020. Governor Newsom issued an Executive Order proclaiming a State of Emergency in California due to threat of Covid-19. The order further allowed legislative body to hold teleconference in lieu of public meeting. In response to this, BHA posted notice on the entrance door recommending use of BHA provided mask and hand sanitizer if they are coughing or have symptoms of cold or flu.

March 16th, 2020. The Alameda County Health Officer issued a Shelter-in-Place Order directing all individuals, business and governmental agencies in the County to cease non-essential functions. On the same day, the City of Berkeley Manager issued a similar shelter-in-place order relating to City operations. The City Manager order provided that all City buildings/office will be closed to the public, but essential services will continue. The orders defined “essential service” as services without which the safety, health, or welfare of the community or a section of the community would be endangered or seriously prejudiced. BHA has determined that its operations are considered “essential governmental functions” because we provide affordable housing to low income persons, social services and other necessities of life for economically disadvantaged individuals. To ensure continued uninterrupted access to such essential services as mandated by the Shelter-in-Place order, all BHA employees are necessary to continue these functions.

Responding to the County and City Manager order and having the employees’ health and safety as our priority BHA took the following actions:
• BHA closed its office from the public and suspended all face-to-face interaction with clients.
• Suspended all regular inspections were suspended and modified procedure to report repairs for those units that have previously failed an inspection.
• Continued to conduct move-in inspections to allow new participants and those transferring to new units to be housed.
• Notified participants of various methods of submitting their recertification packets and how to communicate with their caseworker/staff.
• Briefings and meetings were conducted via teleconference.
• Notices were posted on the entrance of the BHA office and on the website.
• BHA employees have been allowed to telecommute beginning March 17th.
• Provided employees healthy tips on how to protect themselves and their families.
• We also reached out the Mayor’s office with regard to the Mayor’s Covid-19 resource webpage: https://www.jesearregruen.com/coronavirus.

March 19th 2020. BHA staff where provided VPN (Virtual Private Network) access, allowing employees to remotely connect to their work computer to do what they typically do when they are in the office. Absent a Telecommuting Policy, BHA adopted the existing Teleworking Policy of the City of Berkeley and rolled out the BHA Telecommuting Agreement to all BHA employees.

Staff processed interim re-certification expeditiously for those households who reported a reduction in family income due to Covid-19.

Also on March 19th, BHA submitted a request to HUD to waive some HUD requirements like annual recertifications, SEMAP scoring and due date extension because these requirements are anticipated to be impacted by the Shelter-in-Place order. Although our submission was acknowledged by HUD, there are no definite response to our particular request. We heard that HUD is working on blanket waiver for housing authorities, on various responsibilities housing authorities have.

March 23rd 2020. Staff determined that there are things that they could not perform remotely, like accessing clients’ physical files, processing payroll, payables and housing assistance payments (HAP) checks. On March 19th, BHA recalled staff to report to the office on a modified work schedule effective the week of March 23rd. The modified work schedule requires employees to report to the office two days a week and work remotely from home on days that they are not scheduled to be in the office. (Attachment 1) To minimize staff exposure, a rotation schedule is being followed limiting the number of staff in the office at the same time.

March 24th 2020. NAHRO encouraged PHA’s and PHA cohorts nationwide to submit an Advocacy Letter to congressional leaders to provide Public Housing Authorities COVID-19 assistance. BHA did so and also shared the request to the Board, City Officials and BHA employees.

April 1st, 2020. On March 18th, Congress passed House Resolution (HR) 6201 also know as Families First Coronavirus Response Act with an applicability of April 1. The Act requires employers to provide 80 hours of paid leave if the employee is unable to work due to six qualifying reasons. The Act also expanded the Family and Medical Leave Act (FMLA), allowing 12 weeks of job protection through December 31, 2020 if the employee has to be off to care for the employee’s
child. In compliance to the Act, BHA emailed the notice to all employees and posted the it in strategic places in the office (Attachment 2)

BHA has been moving swiftly to comply with the fast changing federal, state and local guidelines relating to the COVID-19 crisis, while maintaining the emergency functions of the office in support of our clients, especially those with jobloss, and landlords, concerned about HAP funds and inspections. Staff will continue to monitor all of this and keep the Board apprised.

Although no one was prepred for this kind of crisis, this pandemic does raise the point that BHA should strengthen emergency operations going forward, and the emergency preparedness team will be enhancing our emergency plan for future situations like another pandemic, or natural disaster that could impact BHA’s operations.

HUD FUNDING

On March 26th, HUD announced the renewal funding allocation for Housing Assistance Payment (HAP) for calendar year 2020. The total renewal funding for BHA is $30,316,477. This was calculated based upon BHA’s actual HAP expenditure from January to December 2019 as reported in HUD’s Voucher Management System (VMS) adjusted by a renewal funding inflation factor (3.544%) and pro-ration factor of 99.4%.

We previously reported that we are not anticipating a shortfall this fiscal year. However, we have already seen an increase in our HAP expenses for April and we expect more adjustment resulting to reduction in family income due to Covid-19.

CARES ACT:

On March 27th, the President signed the Covid-19 Relief Package also know as the Cares Act. Relevant provisions of the Act includes:

- Supplemental appropriations for HUD assisted programs including $125B for Tenant Based Rental Assistance, to address additional expenses, lost of rental revenue, and disruptions caused by Covid-19.
  - $400 million is for HAP to PHAs that (1) experience a significant increase in voucher per-unit cost due to extraordinary circumstances or (2) would be required to terminated rental assistance for families due to shortfall, and
  - $850 million is for administrative fees to be used for both section 8 administrative expenses and other expenses, including new eligible activities to support or maintain the health and safety of assisted individuals and families and costs related to retention and support of S8 landlords.

- Providing HUD with broad authority to waive statutes and regulations for public housing and HCV administered programs.
- A 120-day moratorium on evictions for the public housing and HCV programs.
- An owner cannot issue a notice to vacate or file a legal action to evict with the court for:
  - Nonpayment of rent or other fees or charges, or
  - Charge fees, penalties or other charges related to the nonpayment of rent.
- After the 120-day period expires, all notices to vacate must provide the tenant a 30-day notice.
STAFFING

BHA Executive Director. The interviews for the BHA Executive Director position was scheduled on March 25th and 26th. However, due to the Shelter-in-Place order issued by the Alameda County and City of Berkeley Health Officers on March 16th, the said interviews were postponed. The Adhoc Committee has not set new date for the interview.

Accountant. We have selected a candidate for the BHA Accountant position who was supposed to report on April 7th. Again, because of the Shelter-in-Place Order, now extended through May 3rd, we moved the starting date of the new BHA Accountant to May 4th.

Housing Specialist. One of our housing specialists has filed an extended medical leave due to non-covid related medical condition up to June 7th. The Housing Choice Voucher (HCV) Supervisor is temporarily taking over the specialist’s caseload until the Shelter-in-Place order is lifted and we are able to train other staff members to handle the caseload. Because we are not doing regular inspections, we assigned the Inspection Clerk to support the HCV team whose work load is expected to increase due to Covid-19 related adjustments.

2020 Census Updates

The U.S. Census Bureau has mailed instructions on how to respond to the Census online. The link to take the online census is: https://my2020census.gov/. Anyone can also choose to complete the Census over the phone with a Census Questionnaire Assistance representative by calling 1-844-330-2020. Language guides and videos for over 50 languages plus American Sign Language are available https://www.2020census.gov/en/languages.html. We posted this update on our website.

Attachment 1 Letter-to-Staff dated March 19, 2020
Attachment 2 Notice Families First Coronavirus Response Act
March 19, 2020

To all Berkeley Housing Authority (BHA) Staff:

On March 16, 2020 the Health Officer of the County of Alameda issued a shelter in place order directing all individuals, businesses and governmental agencies in the County to cease non-essential functions ("Shelter in Place Order"). Section 10.d of the Shelter in Place Order provides a categorical exemption for those entities which provide “essential governmental functions,” as determined by the governmental entity performing those functions. On March 16, 2020, the City of Berkeley City Manager issued a similar shelter-in-place order relating to City operations. The City order provides that all City buildings/offices will be closed to the public, but “essential services” will continue. The City directive defined "essential services" as services without which the safety, health, or welfare of the community or a section of the community would be endangered or seriously prejudiced.

BHA has determined that its operations are "essential governmental functions" because BHA provides affordable housing to low income persons, social services, and other necessities of life for economically disadvantaged or otherwise needy individuals. To ensure continued uninterrupted access to such essential services as mandated by the County’s Shelter in Place Order, all BHA employees are necessary to continue these functions.

Although BHA staff have been telecommuting since March 17, 2020, the ability to access the server is limited to checking and responding to email and voice messages only for most staff. We are therefore recalling staff to report to work beginning Monday, March 23, 2020, however, in order to mitigate the spread of COVID-19 we are reducing staff exposure by implementing a modified schedule set forth below. When on duty at the BHA offices, BHA employees are encouraged to observe social distancing measures, including staying at least 6 to 8 feet apart from other employees, to reduce cases of severe illness, especially among the most vulnerable—those over 60 and those with chronic conditions.
## Modified Work Schedule Effective March 23, 2020

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BHA employees will be allowed to telecommute on work days they are not scheduled to be in the office. All employees shall be required to provide their respective supervisor with current contact information, such as a personal phone number and email address where they can be reached daily and shall return to work if notified by 6:00 p.m. the day before the required return date.

If you are a vulnerable individual and believe you can do all your tasks from home, please discuss this option with your supervisor. You do not need to disclose your medical condition or other personal information, only that you believe you are in a vulnerable group, and that you are requesting permission to work remotely.

The City of Berkeley Health Officer has identified the following people as being particularly vulnerable to severe illness as a result of COVID-19:

- Those 65 years old and older; or
- Those who have health conditions such as heart disease, lung disease, diabetes, kidney disease, and weakened immune systems.

If you are unable to meet your rotation schedule and need time off for yourself or your family, you will have to use your available sick, vacation or floating hours. If you have exhausted all your accrued hours, BHA will allow you to have a credit balance of up to 40 hours, after which you will have to take leave without pay.

At this point, the U.S. Department of Housing and Urban Development ("HUD") has not given us any guidance about how we should proceed. For example, can we relax any of our current requirements like annual re-exams and HQS inspections? But we still need to help make sure that our participants can pay their rent based
on current income calculations. We hope that HUD will waive certain programmatic requirements in light of this unprecedented situation.

In the meantime, we will continue to monitor the COVID-19 situation, reviewing and implementing guidance from the Center for Disease Control (CDC), County Public Health Department, HUD, City of Berkeley Community, City Housing and Health Services Department and in consultation with other PHA’s and our legal counsel. We will continue to be closed from the public and suspend all face-to-face interaction with clients. Participants may drop off their documents through the mail slot, and all communication with clients will be via email or telephone.

Below please find important employee related information extracted from the City Mayor’s March 16, 2020 email:

Coronavirus (COVID-19) and State of California Leave Benefits

The Employment Development Department (EDD) has published guidelines for how California employees impacted by the Coronavirus may access Disability Insurance, Paid Family Leave and Unemployment Insurance benefits at https://www.edd.ca.gov/about_edd/coronavirus-2019.htm. These benefits are in addition to the telecommuting, paid leave benefits, and paid furlough benefits available to certain employees through April 7, 2020.

Disability Insurance (DI)

Employees unable to work due to either having or being exposed to COVID-19 (by a certified medical professional), can file a Disability Insurance (DI) claim. The one-week unpaid waiting period is waived per the Governor’s Executive Order. You can collect DI benefits for the first week you are out of work. DI benefits are approximately 60-70 percent of wages. Depending upon income range from $50-$1,300 a week.

Paid Family Leave (PFL)

Employees unable to work due to caring for an ill or quarantined family member with COVID-19 (certified by a medical professional) can file a Paid Family Leave claim. PFL pays up to six weeks of benefit payments because of loss of wages due to caring for seriously ill family member, as defined in that law. Benefits are approximately 60-70 percent of wages, depending upon income, and are called at $1,300 per week.

Unemployment Insurance (UI)

Employees unable to work due to school closure and have to miss work to care for a child may be eligible for Unemployment Insurance. Eligibility considerations include if you have no other childcare options and you are unable to work normal hours remotely.

If you are unable to work due to reduced hours or shut down of operations due to COVID-19 you can file a UI claim.
Claims may be filed online at https://www.edd.ca.gov/claims.htm

Staying Healthy

BHA employees should take the following steps to protect themselves and their families from infection:

- Wash your hand washing with soap and water for at least 20 seconds.
- If that is not available, use an alcohol-based sanitizer with at least 60% alcohol content.
- Cover your coughs and sneezes
- Avoid touching your face with unwashed hands.
- Notify your supervisor and stay home if you are sick.
- If you feel sick, please call your primary care physician or the nurse advice line. Employees have sick leave available should they need to stay home due to illness.

Not everyone with symptoms needs to be tested for COVID-19.

- Those who have mild symptoms of a cold or flu should stay home. With no pharmaceutical response, going to a hospital may expose you to other illnesses.
- If your symptoms worsen or you have concerns, call your primary care physician. Do not go directly to a hospital. Leaving your home can expose others to your illness.

If you are at high risk, call your doctor now to discuss your plans for if you get infected. Your doctor will also be able to give you a personal medical recommendation on the precautions you should be taking right now.

If you have questions, or need additional information, please do not hesitate to speak with any of the management team

Sincerely,

[Signature]

Jose Yturralde
Acting Executive Director /Finance Manager

Cc: BHA Board of Commissioners
    Jeff Apkarian, Local One
    Jose Martinez, Local 1021
    Jhaila R. Brown, Goldfarb and Lipman
    Jim Diamond, Goldfarb and Lipman
EMPLOYEE RIGHTS
PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

The Families First Coronavirus Response Act (FFCRA or Act) requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

**PAID LEAVE ENTITLEMENTS**
Generally, employers covered under the Act must provide employees:
Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:

- 100% for qualifying reasons #1-3 below, up to $511 daily and $5,110 total;
- 2/3 for qualifying reasons #4 and 6 below, up to $200 daily and $2,000 total; and
- Up to 12 weeks of paid sick leave and expanded family and medical leave paid at 2/3 for qualifying reason #5 below for up to $200 daily and $12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

**ELIGIBLE EMPLOYEES**
In general, employees of private sector employers with fewer than 500 employees, and certain public sector employers, are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). Employees who have been employed for at least 30 days prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.

**QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19**
An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to telework, because the employee:

1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. has been advised by a health care provider to self-quarantine related to COVID-19;
3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or
6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services.

**ENFORCEMENT**
The U.S. Department of Labor’s Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA. Employers may not discharge, discipline, or otherwise discriminate against any employee who lawfully takes paid sick leave or expanded family and medical leave under the FFCRA, files a complaint, or institutes a proceeding under or related to this Act. Employers in violation of the provisions of the FFCRA will be subject to penalties and enforcement by WHD.

WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

For additional information or to file a complaint:
1-866-487-9243
TTY: 1-877-889-5627
dol.gov/agencies/whd

WH1422 REV 03/20