



Berkeley Housing Authority

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Office of the Executive Director

Item 7.A
NEW BUSINESS

TO: Honorable Chairperson and
Members of the Berkeley Housing Authority Board

FROM: William E. Wilkins, Executive Director

DATE: February 9, 2017

SUBJECT: Monthly Report

1. **MEETING WITH BHA GENERAL COUNSEL:**
Meeting with Jennifer Bell, General Counsel to draft letter to HUD's Special Applications Center (SAC) for utilization of "sale proceeds." (See attached.)
2. **"REENTRY PROGRAM FOR BAY AREA HOUSING AUTHORITIES:**
I participated via telephone in a meeting convened by the San Francisco HUD Office for "Reentry Program for Bay Area Housing Authorities," a program designed for individuals being released from penal institutions to have access to assisted housing.
3. **LETTERS TO VOUCHER HOLDERS CURRENTLY SEEKING HOUSING:**
We sent out letters to all 40 families/households issued Housing Choice Vouchers in November 2016 reminding them of the upcoming expiration date (March 2017) for their Vouchers, and urging them to be aggressive in the search for housing.
4. **LANDLORD RECRUITMENT MEETING:**
Continued meetings with the Berkeley Food and Housing Project, and the City of Berkeley Housing Department for the coordination of a "Landlord Recruitment and Engagement" event in April 2017. Meeting is scheduled to occur on Saturday, April 8, 2017 between 10:00 a.m. – 12 noon. However the location is uncertain at this time. Intent is to encourage property owners to participate in the Shelter Plus Care Program, as well as the Housing Choice Voucher Program. This event is different than the landlord outreach event BHA will be hosting sometime this summer.
5. **EFFORTS TO IDENTIFY INVESTMENT/DEVELOPMENT OPPORTUNITIES:**
In a continuing effort to identify possible investment and/or development opportunities for BHA, I met with representatives from the East Bay Community Law Center, Northern

California Land Trust, Bay Area Consortium of Community Land Trust and the City of Berkeley Housing Staff. The discussion was focused on “Small Sites Acquisition Program.”

Second meeting with Bridge Housing Corporation and Berkeley Food and Housing Project regarding investment and/or partnership in their proposed development.

Met with Donald Gilmore, Executive Director with the Community Housing Development Corporation regarding possible partnership venture.

6. **MONTHLY LANDLORD MEETING:**

Meeting topics included: incentives for continued participation in the Section 8 Program, “Opt Out” requests from landlords, training/ orientation for new and existing landlords.

7. **MEETING REGARDING “STEP UP HOUSING” INITIATIVE MICRO – HOUSING UNITS TO HOUSE HOMELESS AND VERY LOW-INCOME PEOPLE:**

Meeting with Paul Buddenhagen, Director of Health, housing & Community Services to discuss BHA’s involvement with initiative. General overview as presented to City Council on January 24, 2017:

- Ad Hoc Committee on Homeless Solutions will work with City Manager to:
 - Identify parcels of City owned land for placing modular micro unit building;
 - Amend the permitting and approvals process to facilitate the rapid creation of below market housing;
 - Select a developer through a competitive bidding process;
 - Obtain zoning approval and a building permit for a 4 story and approximately 100 unit building consisting of stackable modular units;
 - Develop a plan for financing the Micro-Units. The actual construction costs of the building will be privately financed at no charge to the City. Upon completion of construction, the building will be leased to the City for \$1,000 per unit per month;
 - Tenants of each Micro-Unit will be required to contribute a percentage of any income they receive through government assistance programs;
 - Select a housing non-profit to partner with. The housing nonprofit partner will identify and apply for grants and other sources of funding which will go towards leasing the building;
 - The City will supplement any remaining costs of leasing the building;
 - The developer will be responsible for paying for the maintenance of the building’s exterior and major systems;
 - The housing nonprofit partner will be responsible for managing and operating the building. The tenants will be required to work with the housing nonprofit to maintain and operate the building;
 - Establish criteria for selecting individuals and determining eligibility. These need based criteria will take into account seniors, disabled people, and Berkeley natives who have become homeless.

8. HUD REGULATORY FREEZE:

Below is a press release from the White House on January 20th -

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

January 20, 2017

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND
AGENCIES

FROM: Reince Priebus
Assistant to the President and Chief of Staff

SUBJECT: Regulatory Freeze Pending Review

The President has asked me to communicate to each of you his plan for managing the Federal regulatory process at the outset of his Administration. In order to ensure that the President's appointees or designees have the opportunity to review any new or pending regulations, I ask on behalf of the President that you immediately take the following steps:

1. Subject to any exceptions the Director or Acting Director of the Office of Management and Budget (the "OMB Director") allows for emergency situations or other urgent circumstances relating to health, safety, financial, or national security matters, or otherwise, send no regulation to the Office of the Federal Register (the "OFR") until a department or agency head appointed or designated by the President after noon on January 20, 2017, reviews and approves the regulation. The department or agency head may delegate this power of review and approval to any other person so appointed or designated by the President, consistent with applicable law.
2. With respect to regulations that have been sent to the OFR but not published in the Federal Register, immediately withdraw them from the OFR for review and approval as described in paragraph 1, subject to the exceptions described in paragraph 1. This withdrawal must be conducted consistent with OFR procedures.
3. With respect to regulations that have been published in the OFR but have not taken effect, as permitted by applicable law, temporarily postpone their effective date for 60 days from the date of this memorandum, subject to the exceptions described in paragraph 1, for the purpose of reviewing questions of fact, law, and policy they raise. Where appropriate and as permitted by applicable law, you should consider proposing for notice and comment a rule to delay the effective date for regulations beyond that 60-day period. In cases where the effective date has been delayed in order to review questions of fact, law, or policy, you should consider potentially proposing further notice-and-comment rulemaking. Following the delay in effective date:

- (a) for those regulations that raise no substantial questions of law or policy, no further action needs to be taken; and
 - (b) for those regulations that raise substantial questions of law or policy, agencies should notify the OMB Director and take further appropriate action in consultation with the OMB Director.
4. Exclude from the actions requested in paragraphs 1 through 3 any regulations subject to statutory or judicial deadlines and identify such exclusions to the OMB Director as soon as possible.
 5. Notify the OMB Director promptly of any regulations that, in your view, should be excluded from the directives in paragraphs 1 through 3 because those regulations affect critical health, safety, financial, or national security matters, or for some other reason. The OMB Director will review any such notifications and determine whether such exclusion is appropriate under the circumstances.
 6. Continue in all circumstances to comply with any applicable Executive Orders concerning regulatory management.

As used in this memorandum, "regulation" has the meaning given to "regulatory action" in section 3(e) of Executive Order 12866, and also includes any "guidance document" as defined in section 3(g) thereof as it existed when Executive Order 13422 was in effect. That is, the requirements of this memorandum apply to "any substantive action by an agency (normally published in the Federal Register) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking," and also covers any agency statement of general applicability and future effect "that sets forth a policy on a statutory, regulatory, or technical issue or an interpretation of a statutory or regulatory issue."

This regulatory review will be implemented by the OMB Director. Communications regarding any matters pertaining to this review should be addressed to the OMB Director.

The OMB Director is authorized and directed to publish this memorandum in the Federal Register.

REINCE PRIEBUS

▪ **WHAT IMPACT DOES THIS HAVE ON THE BERKELEY HOUSING AUTHORITY?**

- **HOTMA** – on hold for at least 60 days (March 20, 2017) expansion of Project Based Vouchers;
- **Moving To Work** – Notice of Funding Available –on hold, BHA would not have been eligible for first round because limited to housing authorities with less than 1,000 total units;
- **Notice of Funding Availability** – Family Self Sufficiency Program Coordinator on hold.

9. **CALIFORNIA ASSOCIATION OF HOUSING AUTHORITIES** – I will be attending the 2017 Annual Conference of CAHA in Sacramento, February 1-3.

10. DASH BOARD REPORT :

		Oct-16	Nov-16	Dec-16	Jan-17
A	Utilization (%)	83.78%	83.05%	82.79%	82.80%
	(Units)	1621/1935	1607	1602	1601
	Tenant Based %	81.75%	81.08%	80.78%	80.53%
	(Units)	1348/1649	1337	1332	1324
	Project Based%	95.45%	94.41%	94.41%	95.45%
	(Units)	273/286	270/286	270/286	273/286
B	Utilization (\$)	98.20%	99.10%	99.80%	101.50%
		\$ 2,002,959	2,056,900	2,095,401	2,143,726
C	Mod Rehab %	97.96%	97.96%	97.96%	97.96%
	(Units)	96/98	96	96	96
D	Project Move Up	0	9	1/0	4/10
E	FSS	37	37	27 (10 pending)	27 (10 pending)
F	Port In	2		5	0
	Port Outs	2		5	2
H	Late/Missing Annual Recert	2	1	1	
I	Late HQS	0	0	0	0
J	Rent Increases - Received	46	44	88	57
	Rent Increases - Processed	77	29	33	22
K	Re-exams - Processed	201	157	201	196
L	New Landlords/Unit	0	0	0	0
M	New Vouchers Issued	0	20	0	9
N	Participants - Searching	5	28	28	34
O	New Admissions	3	1	2	5
P	Terminations	9	3	3	5
Q	# of disabled in program	807	807	1041	937
	# of elderly in program	724	724	744	674
	# of families in program	677	677	582	507
	#emancipated youth	5	5	5	5
	# of HOPWA in program	7	7	7	7
R	# of Families on WL	3416	3396	3396	3386



Berkeley Housing Authority

January 25, 2017

Jane Hornstein, Director
U.S. Department of Housing and Urban Development
Special Applications Center
77. W. Jackson Blvd., Room 2401
Chicago, IL 60604-3507

RE: Berkeley Housing Authority
Disposition Approval – Application DDA0003874

Dear Ms. Hornstein:

The Berkeley Housing Authority ("BHA") received approval to and dispose of its sixty-one units of Low Income Public Housing in accordance with the SAC's conditions of approval set forth in the approval letter dated December 22, 2010, and amended by letters dated May 12, 2011, July 2, 2012, January 15, 2014, January 4, 2015 and March 16, 2016. The latest letter, dated March 16, 2016, approved BHA's request to be able to use up to \$2,700,000 in net disposition proceeds over a fifteen year period to cover shortfalls in BHA's administrative budget for its Section 8 Housing Choice Voucher program.

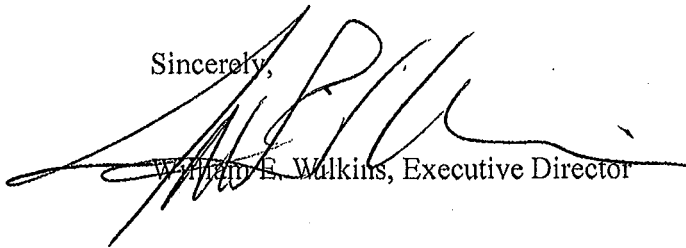
BHA sold the public housing to Berkeley 75 Housing Partners, L.P. pursuant to a seller carryback loan with a term of fifty-five years. There were upfront payments made to BHA with the balance of the loan payable from residual receipts. The current balance is approximately \$9,778,600. BHA has annually been receiving approximately \$400,000 in residual receipts payments. We expect that amount to increase as the project's cash flow in increasing.

The BHA Board of Commissioners is interested in using some of the disposition proceeds to increase and preserve the supply of housing affordable to low income tenants by such means as providing loans to developers who agree to restrict their units to occupancy of low income tenants at affordable rents and perhaps to participate in joint ventures with low income housing developers which would also require income and rent restrictions.

This letter is to request confirmation that no further approval from the SAC is required for BHA to use disposition proceeds for the provision of low income housing "through such measures as modernization of lower-income housing or the acquisition, development, or rehabilitation of other properties to operate as lower income housing..." as allowed by 24 Code of Federal Regulations Section 970.19(e)(2)(i).

Please contact me if you need have any questions or need any additional information. I can be reached at the above address or wwilkins@ci.berkeley.ca.us, or (510) 981-45471.

Sincerely,



William E. Wilkins, Executive Director