



**Berkeley Housing Authority**

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Office of the Executive Director

Item 6C  
NEW BUSINESS  
March 8, 2012

To: Honorable Chairperson and  
Members of the Housing Authority Commission

From:  Jia M. Ingram, Executive Director

Subject: Public Hearing and Adoption of Fiscal Year 2012-2013 Annual Plan

RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt a Resolution approving the Housing Authority's Annual Plan for Fiscal Year (FY) 2012-2013, and authorizing the Executive Director to certify and submit the Annual Plan to the U.S. Department of Housing and Urban Development (HUD).

BACKGROUND

The Berkeley Housing Authority is required to submit an Annual Plan to HUD by April 15<sup>th</sup> of each year. The Plan document, electronically submitted as a HUD template, is designed to provide a general overview of BHA's operations, program participants, programs, services and anticipated capital improvement activities for the next Fiscal Year. 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 January 22, 2012 and the Oakland Tribune on January 24, 2012, commencing the 45-day public comment period. Notice also was posted on the BHA website on January 24, 2012.
2. Resident Advisory Board. BHA solicited interest in serving on the Resident Advisory Board (RAB) via a letter mailed to all public housing residents on January 25, 2012. Outreach was further extended to public housing residents who served on the Community Advisory Committee. The required RAB Board, with two public housing resident volunteers, was appointed by the BHA Board on February 9, 2012.
3. Dissemination of Information. The plan documents are voluminous (over 300 pages). We posted the Annual Plan documents including the Administrative Plan (Section 8 Program), and the Admissions and Continued Occupancy Policy (LIPH) on BHA's website on January 24, 2012; a copy was available for review in the office; electronic copies of the Admin. Plan and ACOP were emailed to legal and disability rights

advocates; and the public was advised that they could receive a hard copy upon request; no request for copies were received.

4. Public Meeting. A meeting was noticed, and held on February 22, 2012, to discuss the plan documents and receive comments from the RAB and other interested parties. RAB members Mr. Green and Ms. Akins-Swain attended. During the meeting, many questions and concerns with regard to the Disposition Relocation were raised by RAB members (and in fact this took up approximately 75% of the meeting time); the only comment received pertaining to the Admin. Plan and ACOP was affirmation that reducing the period of time to consider someone permanently absent from their unit from 18 months down to 6 months seemed reasonable to both of them.

Also during the meeting, staff took the time to explain the Section 8 Program to the two RAB members present, since this was the first introduction to specific rules and regulations regarding S8 for them. They both expressed appreciation to staff for taking the time to do so, since they will most likely be participating in the S8 Program (either Project-based or Tenant-based) soon, pending relocation.

As of the writing of this report, no written or oral comments have been received from agencies to which staff emailed proposed changes: Bay Area Legal Aid, East Bay Community Law Center, National Housing Law Project, Disability Rights California, or City of Berkeley Housing Department. This may be because of the relative few changes this year, because of the comprehensive overhaul in prior years (when we switched to the Nan McKay – a well-regarded housing authority consultant– templates). The deadline for comment is the date of the Board Meeting, March 8. Should BHA receive any additional comments not represented in this report, we will share those during the Board meeting.

As previously reported, given the status of the repositioning project, 100% of the 2011 Capital Fund allocation will be used for administrative purposes; accordingly, there is no schedule of planned physical improvements to the units.

#### STATUS

Overall, comments on the Plans were positive in terms of current content and efforts by BHA over the past several years. Absent comments from the Section 8 Participant, there were no criticisms or objections to the documents.

#### FISCAL IMPACTS OF RECOMMENDATION

No direct impact at this time, however, receipt of the Agency's Capital Funds in the amount of about \$140,000 is conditioned upon adoption of the Annual Plan.

#### 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) and ACOP (LIPH)
3. PHA 5 Year and Annual Plan Form #HUD-50075 (Available at BHA for inspection)
4. Capital Fund/HUD Form #50075.1 & # 50075.2 (Available at BHA for inspection)

BERKELEY HOUSING AUTHORITY  
RESOLUTION NO. 12-

ADOPTING THE BERKELEY HOUSING AUTHORITY'S ANNUAL PLAN FOR FISCAL YEAR 2012-2013. 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 Five-Year and 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 advise the Housing Authority in the development of the Plan; and

WHEREAS, the Plan and related documents were 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 Annual 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 Annual Plan for Fiscal Year 2012-2013, 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, substantially in the form attached as Exhibit A, with such changes that do not materially alter the substance or intent of the document; and
3. Adopts a revised Admissions and Continued Occupancy Policy for the Low Income Public Housing Program, substantially in the form attached as Exhibit B, 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 March 8, 2012 by the following vote:

Ayes:

Noes:

Absent:

Attest: \_\_\_\_\_  
Tia M. Ingram, Secretary

C. HAP Abatement

Adds language that, in the case where there are two consecutive 24-hour emergency fails, HAP will be abated immediately, on the day of the 2<sup>nd</sup> fail, as opposed to waiting until the first of the following month.

D. Owner-Initiated Rent Determinations

Added language that rent increased may be requested at the anniversary of the HAP contract, and BHA will deny such rent increases if the unit is in HQS fail status.

**Chapter 11 – Reexaminations**

A. New Family Members Not Requiring Approval

Adds language that when any new family member is added, BHA must conduct a reexamination to determine new income/deductions associated with the family member, and to make appropriate adjustments in HAP and family rent portion.

Adds language that if the family size changes and causes a violation of space standards, BHA must issue the family a new voucher, to find an appropriately-sized unit.

B. New Family and Household Members Requiring Approval

Adds language that when adding a family member by birth, adoption, or court-awarded custody of a child, the family must provide documentation to verify the relationship.

Adds language that BHA will consider allowing the addition of persons who are related to the head of household with no other means of obtaining affordable, safe housing, who are a:

- Minor or
- Disabled or elderly adult and his or her spouse.

Further adds language that family must provide sufficient documentation of the added household member(s) and that if the unit size does not change with the addition, requires documentation from the landlord that the added family member(s) may reside in the unit, or that BHA will issue a transfer voucher if the unit size is too small for the newly-configured household.

C. Departure of a Family or Household Member

Adds language that if a family member ceases to live in a unit due to divorce, separation, incarceration, or any other circumstance, the family must notify BHA within 10 business days.

D. Removal of Spouse from Household

Adds language that when responding to remove a spouse from the household, BHA will require one or more of the following:

- Written statement from the family indicating that the removal is permanent
- Evidence that a divorce application has been submitted or is final
- Copy of death certificate
- Certified copy of the most recent tax return.

E. Family Breakup

Adds language that if a family breakup occurs, and there is at least one or more successor families wishing to retain S8 assistance, BHA will determine which of the successor families will retain the subsidy, taking into consideration:

- The interest of any minor children, including custody arrangements
- The interest of any ill, elderly, or disabled family members
- Any possible risks to family members as the result of domestic violence or criminal activity
- Recommendations of social service professionals.

## **Chapter 16 – Program Administration**

### **A. Scheduling an Informal Review/Hearing**

Adds language that any correspondence mailed via US Postal Services to the assisted address is presumed received unless it is returned.

### **B. Incarcerated Participants**

A new section has been added to allow the head of household, if incarcerated, 30-days (versus 14-days) to request an Informal Hearing. It further allows the head of household to participate in the Informal Hearing via telephone, or a designated advocate.

### **C. Debts Owed to Public Housing Agencies and Terminations**

Adds language that HUD requires housing authorities to report in nation-wide database all balances owed any PHA or S8 landlord; whether a re-payment agreement has been entered; whether a repayment agreement has defaulted; whether the PHA has obtained a judgment against the former participant; whether the former participant filed for bankruptcy; the negative reasons for end of participation status such as fraud, abandoned unit, lease violations, criminal activity, and end of participation date.

## **Summary of Key Changes in ACOP (LIPH)**

### **A. Official Notice to Residents**

Adds language that any correspondence mailed via US Postal Service to the assisted address is presumed received unless it is returned.

### **B. How And When an Applicant May Apply**

Adds language that BHA is undergoing a disposition process to transition the Low Income Housing (LIPH) units to Project-based Section 8 units, and that per HUD requirement, BHA is not able to fill the units that are currently vacant, therefore the LIPH waitlist is abolished.

Removes language that indicates how to apply for the LIPH program.

### **C. Temporarily Absent Family Members**

Adds language that BHA may allow a family to remain in the program where subsidy has ceased, for good cause.

### **D. Breakup of Family**

Added language that if facts of the family breakup cannot determine how to equitably allocate the assistance, BHA will either require supporting documentation from outside agencies familiar with the family's situation (social worker, mental health professional, case

manager, medical care provider, police department, women's shelter staff, etc.), or use its best judgment to allocate the assistance equitably.