

Attachment B

Housing Choice Voucher

The Administrative Plan will be updated as follows:

- Removed HACCC's existing transitional housing preference which read as follows: **Transitional Housing (20 points)**. A preference for families who have graduated from an approved transitional housing program that partners with HACCC such as Shelter Plus Care.
- Added **Permanent Supportive Housing Graduation (500 points)**. A preference for formerly homeless families who have graduated from a Contra Costa County Continuum of Care (COC) funded permanent supportive housing program, or another homeless housing program participating in the COC Coordinated Entry system, that partners with HACCC such as Shelter Plus Care. A referral from the COC Coordinated Entry system is required to be eligible for this preference.
- Added Special Admissions language making households displaced by RAD and other HACCC redevelopment activity special admissions for the purpose of issuing them a Housing Choice Voucher without having to be placed on the waiting list or verify preferences other than being a resident of the affected property. Added the following preference: Eligible households from a converting project under RAD interested in off-site replacement units for designated RAD Converted units. (500 Points)
- Currently, the Violence Against Women Act of 2005 (VAWA) and the HUD regulations at 24 CFR 5.2005(b) provide protections to applicants and residents in assisted housing programs on the basis that the applicant or resident is, or has been, a victim of domestic violence, dating violence or stalking. HUD has updated this language to include "sexual assault" to the protections covered by VAWA. The sexual assault protections will be added to the Administrative Plan.
- Each site based waiting list is a stand-alone entity. You cannot terminate a placement on one wait list for non-responsiveness on another wait list. Accordingly, the Administrative Plan has been updated to indicate that families on multiple waiting lists will be removed only from the site-based wait list from which they were notified about an opportunity or update if they fail to respond to owner or HACCC outreach.
- Voucher Program participants are struggling to find affordable housing in the restrictive rental market in Contra Costa County. Many households are needing more than the maximum 120-day search period to find suitable housing. The restrictive rental market will be added to the reasons why the search period for Housing Choice Voucher holders can be extended by the Department Director, or their designee, beyond 120 days. This will minimize the loss of assistance for many families participating in the voucher, VASH and Shelter Plus Care programs..
- Updated the Housing Quality Standards to reflect changes in State law regarding the requirement that all units must have Carbon Monoxide detectors and where they may be installed and that all Smoke Detectors must have non-removable batteries rated for 10 years and must be installed in specific areas. In addition, tenants cannot be held responsible for maintaining smoke detectors or carbon monoxide detectors.

- Clarified language regarding the expiration of a 30 Day Notice and the use of a *Mutual Agreement To Terminate Tenancy* form to protect the tenant from excess owner charges and HACCC from excess HAP subsidy payment. A tenant must provide their landlord with at least a 30-day notice of intent to vacate. If the tenant stays in the unit beyond the 30-day period, but still intends to move, they must provide the landlord with another 30-day notice. They can only move before any 30-day notice period expires if they and the landlord sign a mutual agreement to rescind the lease. This is being required in order to ensure that HACCC does not pay any more HAP to an owner than legally required and also to minimize the financial risk faced by Section 8 clients. This will help ensure that the tenant does not become responsible for the full rent amount if they move in or out of a unit incorrectly.
- In a related item, HACCC will adopt a Key Return Policy to confirm actual change of possession of the current rental unit during moves. The owner is now required to sign a form submitted by the tenant verifying that the tenant has returned the keys.
- HACCC occupancy policy provides that a head of household and spouse share a bedroom and there are two persons per bedroom thereafter regardless of age or sex. Once established, a household subsidy (bedroom) size cannot change except for legal reasons such as birth, adoption, marriage, or court order. Clarified language regarding the addition of adults to the household to indicate that while a new adult may be added to the household if they qualify, the subsidy size shall not change unless the addition was due to birth, adoption, marriage, or court order.
- Updated language for Homeownership Program participation to clarify that in order to participate in the homeownership program, the family must be in good standing with their lease and program obligations and must be enrolled in the Family Self-Sufficiency program, unless the participant is disabled.
- The Admin Plan lists the reasons for which an applicant or participant may request an informal review or hearing. HUD requires that agencies participating in the RAD program must provide a hearing to participants and a review to applicants who are negatively affected by RAD, or who have had an adverse decision made against them as part of the RAD program. HACCC has added the required HUD language to the reasons that hearings and reviews can be requested.
- Currently, participants are provided specific time frames within which to request a hearing, terminate a tenancy, notify a tenant of an eviction, etc. As above, HACCC has included language specific to RAD that requires the same notification periods for RAD-related terminations of tenancy or evictions.
- Updated language regarding Informal Hearings to indicate that an opportunity for an informal hearing must be given to residents for any dispute that a resident may have with respect to a Project Owner action in accordance with the individual's lease or the contract administrator in accordance with RAD PBV requirements that adversely affect the resident's rights, obligations, welfare, or status;
- Updated the list of records to retain for at least three years, to include complaints, investigations, notices, and corrective actions related to violations of the Fair Housing Act or the equal access final rule;

- Currently, the Administrative Plan states that an applicant may be denied assistance, or a resident terminated from the voucher program due to an arrest or conviction for a criminal act. HUD no longer permits arrest records by themselves from being used as the basis to deny assistance or terminate program participation. Updated the Administrative Plan to remove "arrest record" as justification for denial or termination of assistance for the Housing Choice Voucher Program
- Updated project-based voucher (PBV) Language to reflect the following:
 1. Under PBV regulations, properties that require less than \$1,000 in improvements per unit are considered "existing" projects for participation purposes. This means that the property can execute a HAP Contract fairly quickly and not be subjected to additional requirements for PBV participation. The Administrative Plan has been updated to clarify that units that started construction after submission of a PBV application, but were completed before the HAP was executed, cannot be considered "existing" units;
 2. A member of a cooperative who owns shares in the project assisted under the PBV program is not considered an owner for purposes of participation in the PBV program;
 3. PBV-assisted projects cannot have an excess of assistance from funding sources that would disproportionately benefit the developer. HUD regulations have been issued to determine when a project assisted with PBV assistance is required to undergo Subsidy Layering Review (SLR) and who may conduct them. The Administrative Plan has been updated to reflect HUD regulations stating that new construction and rehabilitation projects are required to undergo SLRs and that existing projects are not. In addition, the SLR may be conducted by HUD or a HUD-approved housing credit agency.
 4. HUD has issued new restrictions for RAD assisted projects. They must meet Civil Rights reviews and pass Site and Neighborhood review standards established by HUD. RAD guidance on Site selection for conversions of assistance that involve new construction that is located in an area of minority concentration must comply with the Fair Housing Act, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act;
 5. PBV assistance cannot be considered for New Construction/Rehabilitation projects that have started construction or rehabilitation prior to execution of the Agreement to enter into Housing Assistance Payments Contract (AHAP). HUD has determined that the start of construction means any site improvement work done including demolition and trenching for foundation work;
 6. HUD has issued guidance that permits HAP Contracts to have terms from 1 to 15 years and authorized PHAs to offer extensions to the initial term of the HAP during the execution of the initial term rather than wait until the last year of the HAP contract term. The Administrative Plan has been updated to reflect these parameters for setting the initial term and extensions to the HAP Contract;
 7. Under HUD Multi-Family project-based assisted housing, owners are required to provide residents with a one-year notice of their intent not to renew the HAP Contract. PBV assisted projects qualify as project-based assisted housing and HACCC seeks to give PBV tenants the same protections as HUD Multi-Family participants. The Administrative Plan has been updated to require that PBV residents be provided with a one-year notification if the owner refuses to extend the term of the HAP Contract.

8. Some PBV owners may attempt to circumvent HUD requirements for new construction projects by undertaking significant rehabilitations after a project is approved as an existing project even though only minimal improvements are needed. This would permit them to circumvent Subsidy Layering Review, Davis-Bacon Labor Standard compliance and monitoring, execution of an AHAP, and relocation obligations. New language in the Administrative Plan clarifies that owner repair work on units in an "existing" contract may constitute rehabilitation work and disqualify it as an "existing" project.
9. RAD assisted properties will be required to comply with Fair Housing regulations and establish site-based waiting list. New language has been drafted regarding the establishment of Site-based waiting lists for RAD conversions to PBV properties on or off-site that gives residents displaced from the RAD public housing sites priority for any RAD replacement units.
10. Established a new preference for Eligible households from a converting project under RAD interested in off-site replacement units for designated RAD Converted units. In order to ensure that these residents immediately rise to the top of the waiting list, an absolute preference has been established as follows: Eligible households from a converting project under RAD interested in off-site replacement units for designated RAD Converted units. (500 Points)
11. HUD has issued restrictions on the ability of owners receiving RAD PBV assistance to screen prospective residents. Included language under the section *Owner Responsibility for PBV Tenant Screening* to indicate that re-screening restrictions may apply pursuant to RAD requirements for replacement RAD units.