

**HOUSING AUTHORITY of the
COUNTY OF CONTRA COSTA**
CALENDAR FOR THE BOARD OF COMMISSIONERS
BOARD CHAMBERS ROOM 107, COUNTY ADMINISTRATION BUILDING
651 PINE STREET
MARTINEZ, CALIFORNIA 94553-1229

JOHN GIOIA, CHAIR
CANDACE ANDERSEN, VICE CHAIR
MARY N. PIEPHO
KAREN MITCHOFF
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FAY NATHANIEL
VACANT TENANT

JOSEPH VILLARREAL, EXECUTIVE DIRECTOR, (925) 957-8000

PERSONS WHO WISH TO ADDRESS THE BOARD DURING PUBLIC COMMENT OR WITH RESPECT TO AN ITEM THAT IS ON THE AGENDA, WILL BE LIMITED TO THREE (3) MINUTES.

The Board Chair may reduce the amount of time allotted per speaker at the beginning of each item or public comment period depending on the number of speakers and the business of the day.
Your patience is appreciated.

A closed session may be called at the discretion of the Board Chair.

Staff reports related to open session items on the agenda are also accessible on line at www.co.contra-costa.ca.us.

AGENDA
December 8, 2015

1:30 P.M. Convene and call to order.

CONSIDER CONSENT ITEMS: (Items listed as C.1 through C.1 on the following agenda) -
Items are subject to removal from the Consent Calendar by request from any Commissioner or on request for discussion by a member of the public. Items removed from the Consent Calendar will be considered with the Discussion Items.

DISCUSSION ITEMS

D. 1 CONSIDER Consent Items previously removed.

D. 2 PUBLIC COMMENT (3 Minutes/Speaker)

D.3 HEARING on adoption of Resolution No. 5195 titled the "PHA Certification of Compliance with the PHA Plans and Related Regulations: Board Resolution to Accompany the PHA 5-Year and Annual PHA Plan", approving the Public Housing Agency (PHA) Annual Plan for fiscal year 2017, including revisions to the Admissions and Continued Occupancy Plan and the Section 8 Administrative Plan.

Closed Session Agenda

A. CONFERENCE WITH LABOR NEGOTIATORS (Govt. Code Section 54957.6(a))

1. Agency Negotiators: Fran Buchanan and Shaunesy Behrens

Employee Organizations: Public Employees Union, Local No. 1

2. Agency Negotiators: Fran Buchanan and Joseph Villarreal

Unrepresented Employees: All unrepresented agency management employees and all other unrepresented agency employees

ADJOURN

CONSENT ITEMS:

- C.1 ADOPT Resolution No. 5196 approving amendments to HACCC's Procurement Policy for the expenditure of goods and services.

GENERAL INFORMATION

Persons who wish to address the Board of Commissioners should complete the form provided for that purpose and furnish a copy of any written statement to the Clerk.

All matters listed under CONSENT ITEMS are considered by the Board of Commissioners to be routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a member of the Board or a member of the public prior to the time the Commission votes on the motion to adopt.

Persons who wish to speak on matters set for PUBLIC HEARINGS will be heard when the Chair calls for comments from those persons who are in support thereof or in opposition thereto. After persons have spoken, the hearing is closed and the matter is subject to discussion and action by the Board.

Comments on matters listed on the agenda or otherwise within the purview of the Board of Commissioners can be submitted to the office of the Clerk of the Board via mail: Board of Commissioners, 651 Pine Street Room 106, Martinez, CA 94553; by fax: 925-335-1913; or via the County's web page: www.co.contracosta.ca.us, by clicking "Submit Public Comment" (the last bullet point in the left column under the title "Board of Commissioners.")

The County will provide reasonable accommodations for persons with disabilities planning to attend Board meetings who contact the Clerk of the Board at least 24 hours before the meeting, at (925) 335-1900; TDD (925) 335-1915. An assistive listening device is available from the Clerk, Room 106. Copies of taped recordings of all or portions of a Board meeting may be purchased from the Clerk of the Board. Please telephone the Office of the Clerk of the Board, (925) 335-1900, to make the necessary arrangements.

Applications for personal subscriptions to the monthly Board Agenda may be obtained by calling the Office of the Clerk of the Board, (925) 335-1900. The monthly agenda may also be viewed on the County's internet Web Page: www.co.contra-costa.ca.us

The Closed session agenda is available each month upon request from the Office of the Clerk of the Board, 651 Pine Street, Room 106, Martinez, California, and may also be viewed on the County's Web Page.

AGENDA DEADLINE: Thursday, 12 noon, 12 days before the Tuesday Board meetings.

To: Contra Costa County Housing Authority Board of Commissioners
 From: Joseph Villarreal, Housing Authority
 Date: December 8, 2015



Contra
Costa
County

Subject: Public Housing Agency Annual Plan for Fiscal Year 2017

RECOMMENDATIONS

OPEN the public hearing on the Housing Authority's Annual Plan for fiscal year 2017, RECEIVE testimony, and CLOSE the public hearing.

ADOPT Resolution No. 5195 titled the "PHA Certification of Compliance with the PHA Plans and Related Regulations: Board Resolution to Accompany the PHA 5-Year and Annual PHA Plan" approving the Public Housing Agency (PHA) Annual Plan for fiscal year 2017, including revisions to the Admissions and Continued Occupancy Plan and the Section 8 Administrative Plan.

BACKGROUND

Any local, regional or state agency that receives funds to operate a federal public housing or housing choice voucher (Section 8) program must submit a Public Housing Agency (PHA) Plan. The PHA Plan is a template that outlines public housing agency policies, programs, operations, and strategies for meeting local housing needs and goals. There are two parts to the PHA Plan: the Five-Year Plan, which each PHA submits to the U.S. Department of Housing and Urban Development (HUD) once every fifth PHA fiscal year, and the Annual Plan, which is submitted to HUD every year.

The Five-Year Plan describes the agency's mission and the long-term goals for achieving that mission over the subsequent five years. The Annual Plan provides details about the PHA's current programs and the resident population served, as well as the PHA's strategy for addressing the housing needs of currently assisted families and the larger community. The Annual Plan also serves as the PHA's yearly request for grants to support improvements

Action of Board On: **12/08/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF COMMISSIONERS

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: December 8, 2015

Joseph Villarreal, Executive Director

Contact: 925-957-8028

By: , Deputy

cc:

BACKGROUND (CONTD)

>

to public housing buildings (through the Capital Fund Program).

As required by HUD, Housing Authority (HACCC) staff provided public notice of this hearing in the Contra Costa Times on October 17 and 19, 2015. Staff met with the agency's Resident Advisory Board (RAB) on September 21, 2015, October 5, 2015, and December 7, 2015 to discuss the proposed Plan. The RAB approved the proposed changes to the Annual Plan.

The following sections discuss the major changes proposed by staff to the Annual Plan, its elements and to HACCC's policies.

Public Housing

There are no major changes proposed to HACCC's Admissions and Continued Occupancy Plan.

Capital Fund

The Capital Fund program provides PHAs with annual funding from HUD for public housing development, financing and modernization as well as for management improvements and security costs. Capital fund dollars cannot be used for luxury improvements, direct social services, costs funded by other HUD programs or any other ineligible activities as determined by HUD on a case-by-case basis. PHAs must report annually on how they plan to use outstanding capital funds as part of the PHA Plan process.

The proposed PHA Plan shows ongoing and planned capital fund activity. The following projects have been drafted for HACCC's Federal Fiscal Year (FFY) 2013, 2014, 2015 and 2016 capital funding in the proposed PHA Plan:

- \$1,441,000 for relocation costs during the RAD disposition of Las Deltas in North Richmond.
- \$237,000 for unscheduled and emergency unit modernization and site improvements at various properties.
- \$174,000 for non-routine maintenance repairs (ordinary maintenance items such as window and flooring replacement or electrical repair where the scale of damage is beyond the scope of day-to-day maintenance) at various properties.
- \$120,000 for roof replacement at Vista del Camino in San Pablo.
- \$81,000 for phased interior modernization at Hacienda in Martinez.
- \$75,000 for phased unit exterior modernization at Casa de Mañana in Oakley.
- \$67,000 for phased unit exterior modernization at Kidd Manor in San Pablo.
- \$50,000 for phased interior modernization at Elder Winds in Antioch.
- \$25,000 for office, networking and computer equipment for on-site management offices at various properties.
- \$25,000 for metal roofing repairs at Casa de Serena in Bay Point.
- \$20,000 for construction and rehabilitation of on-site management offices at various properties.
- \$19,000 for new appliances at various properties.

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.

A complete copy of the proposed PHA Plan and attachments as well as the Administrative Plan and ACOP are available for review at HACCC's main office.

FISCAL IMPACT

No direct financial impact.

CONSEQUENCE OF NEGATIVE ACTION

Should the Board of Commissioners elect not to approve the PHA Plan, HACCC will be out of compliance with HUD requirements and may not receive any funding via HUD's Capital Fund program until the PHA Plan has been submitted to, and approved by, HUD. HUD may also impose additional sanctions beyond the withholding of Capital Fund moneys.

ATTACHMENTS

Resolution 5195

PHA 5-Year and Annual Plan

attachment A

Attachment B

Attachment R

Annual Statement/Performance and Evaluation Report

**Certifications of Compliance with
PHA Plans and Related Regulations
(Standard, Troubled, HCV-Only, and
High Performer PHAs)**

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 02/29/2016

RESOLUTION NO. 5195

**PHA Certifications of Compliance with the PHA Plan and Related Regulations including
Required Civil Rights Certifications**

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the 5-Year and/or X Annual PHA Plan for the PHA fiscal year beginning April 1, 2016, hereinafter referred to as "the Plan", of which this document is a part and make the following certifications and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan and implementation thereof:

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located.
2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments to Fair Housing Choice, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan.
3. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Resident Advisory Board or Boards in developing the Plan, including any changes or revisions to the policies and programs identified in the Plan before they were implemented, and considered the recommendations of the RAB (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
4. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.
5. The PHA certifies that it will carry out the Plan in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990.
6. The PHA will affirmatively further fair housing by examining their programs or proposed programs, identifying any impediments to fair housing choice within those programs, addressing those impediments in a reasonable fashion in view of the resources available and work with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and by maintaining records reflecting these analyses and actions.
7. For PHA Plans that includes a policy for site based waiting lists:
 - The PHA regularly submits required data to HUD's 50058 PIC/IMS Module in an accurate, complete and timely manner (as specified in PIH Notice 2010-25);
 - The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites; and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site;
 - Adoption of a site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD;
 - The PHA shall take reasonable measures to assure that such a waiting list is consistent with affirmatively furthering fair housing;
 - The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR part 903.7(c)(1).
8. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
9. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
10. The PHA will comply with the requirements of section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low-or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.

11. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.
12. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
13. The PHA will provide the responsible entity or HUD any documentation that the responsible entity or HUD needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58 or Part 50, respectively.
14. With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under Section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
15. The PHA will keep records in accordance with 24 CFR 85.20 and facilitate an effective audit to determine compliance with program requirements.
16. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act of 1992, and 24 CFR Part 35.
17. The PHA will comply with the policies, guidelines, and requirements of OMB Circular No. A-87 (Cost Principles for State, Local and Indian Tribal Governments), 2 CFR Part 225, and 24 CFR Part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments).
18. The PHA will undertake only activities and programs covered by the Plan in a manner consistent with its Plan and will utilize covered grant funds only for activities that are approvable under the regulations and included in its Plan.
19. All attachments to the Plan have been and will continue to be available at all times and all locations that the PHA Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the Plan and additional requirements at the primary business office of the PHA and at all other times and locations identified by the PHA in its PHA Plan and will continue to be made available at least at the primary business office of the PHA.
22. The PHA certifies that it is in compliance with applicable Federal statutory and regulatory requirements, including the Declaration of Trust(s).

Housing Authority of the County of Contra Costa
PHA Name

CA011
PHA Number/HA Code

X Annual PHA Plan for Fiscal Year 2017

 5-Year PHA Plan for Fiscal Years 20 - 20

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802).

Name of Authorized Official

JOHN GIOIA

Title

CHAIR, BOARD OF COMMISSIONERS

Signature

Date December 8, 2015

PHA 5-Year and Annual Plan	U.S. Department of Housing and Urban Development Office of Public and Indian Housing	OMB No. 2577-0226 Expires 4/30/2011
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1.0	PHA Information PHA Name: Housing Authority of the County of Contra Costa (HACCC) PHA Code: CA011 PHA Type: <input type="checkbox"/> Small <input type="checkbox"/> High Performing <input checked="" type="checkbox"/> Standard <input type="checkbox"/> HCV (Section 8) PHA Fiscal Year Beginning: (MM/YYYY): 04/2016					
2.0	Inventory (based on ACC units at time of FY beginning in 1.0 above) Number of PH units: <u>1,177</u> Number of HCV units: <u>6,816</u>					
3.0	Submission Type 5-Year and Annual Plan X Annual Plan Only <input type="checkbox"/> 5-Year Plan Only					
4.0	PHA Consortia <input type="checkbox"/> PHA Consortia: (Check box if submitting a joint Plan and complete table below.)					
	Participating PHAs	PHA Code	Program(s) Included in the Consortia	Programs Not in the Consortia	No. of Units in Each Program PH HCV	
	PHA 1:					
	PHA 2:					
	PHA 3:					
5.0	5-Year Plan. Complete items 5.1 and 5.2 only at 5-Year Plan update.					
5.1	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: To provide high quality affordable housing solutions and to promote self-sufficiency for low-income people of Contra Costa County.					
5.2	Goals and Objectives. Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low-income and very low-income, and extremely low-income families for the next five years. Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan. HACCC'S Goals are to: <ul style="list-style-type: none"> • Expand the Supply of Assisted Housing • Improve the Quality of Assisted Housing • Provide an Improved Living Environment • Promote Self-sufficiency and Asset Development of Families and Individuals • Ensure Equal Opportunity in Housing • Expand literacy across all agency housing program participants See Attachment A for a progress report on meeting these goals over the past five years.					

6.0	<p>PHA Plan Update</p> <p>(a) Identify all PHA Plan elements that have been revised by the PHA since its last Annual Plan submission:</p> <p>The following Plan elements have been revised since HACCC's last Annual Plan submission:</p> <p>HACCC added the following item to its Public Housing Admissions and Continued Occupancy Plan:</p> <ul style="list-style-type: none"> Updated the definition of the Violence Against Women Act (VAWA) to include sexual assault and defined it as determined in the HUD guidance <p>HACCC added the following items to Administrative Plan:</p> <p>See Attached B</p> <p>(b) Identify the specific location(s) where the public may obtain copies of the 5-Year and Annual PHA Plan. For a complete list of PHA Plan elements, see Section 6.0 of the instructions.</p> <ul style="list-style-type: none"> 3133 Estudillo Street Martinez, CA (Main administrative office). 990 A Rosemary Lane, Oakley, CA (Oakley AMP office) 875 El Pueblo Avenue, Pittsburg, CA (El Pueblo AMP office) 1601 North Jade Street, Richmond, CA (North Richmond AMP office) #2 California Street, Rodeo, CA (Rodeo AMP office) 2870 Howe Road, Martinez, CA (Main HCV Office) www.contracostahousing.org (HACCC website) www.hud.gov/offices/pih/pha/approved (HUD website - available after HUD approval)
7.0	<p>Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers. <i>Include statements related to these programs as applicable.</i></p> <p>a) HOPE VI or Mixed Finance Modernization or Development. HACCC has contracted with CSG Advisors in order to identify funding mechanisms to rehabilitate or redevelop all of its public housing properties. HACCC's goal is to preserve or increase the number of housing units affordable to public housing eligible families (regardless of whether they remain public housing specifically) and to provide adequate funding for these units over the long term. Depending on the results of this study, HACCC may apply for RAD, Choice Neighborhoods, a Phase II Energy Performance Contract or any other appropriate HUD programs. HACCC has already submitted a RAD application for 90 units at Las Deltas in North Richmond (CA011-006, CA011-009A, CA011-009B). HACCC may also seek state and local funding through bonds, tax credits or any other available programs.</p> <p>b) Demolition and/or Disposition. HACCC has submitted a request to HUD to amend its successful RAD application. The request is meant to expand the application to include all 214 units at the Las Deltas public housing projects (CA011-006, CA011-009A, CA011-009B). HACCC submitted a RAD application in December 2013 for 90 units at Las Deltas.</p> <p>c) Conversion of Public Housing. HACCC has contracted with CSG Advisors in order to identify funding mechanisms to rehabilitate or redevelop all of its public housing properties. HACCC's goal is to preserve or increase the number of housing units affordable to public housing eligible families (regardless of whether they remain public housing specifically) and to provide adequate funding for these units over the long term. If CSG's analysis shows that a viable plan does not exist to adequately fund rehabilitation and ongoing maintenance at any of HACCC's public housing properties, HACCC may submit voucher conversion applications for any of its public housing properties by 3-31-16. HACCC also may submit applications to HUD for any other conversion funding programs that become available.</p> <p>d) Homeownership. HACCC currently offers a homeownership voucher program.</p> <p>e) Project-based Vouchers. HACCC has already committed 465 project-based vouchers (PBV). In addition, HACCC has conditionally approved 372 PBV units for thirteen projects, of which 212 units are committed to the RAD Program, as replacement housing for units removed from the public housing inventory at Las Deltas. The use of PBVs is consistent with HACCC's PHA Plan. Among HACCC's goals are to expand the supply of assisted housing and to increase assisted housing choices. By utilizing PBVs from HACCC, developers are able to leverage funding and produce additional units of new or modernized affordable housing. HACCC plans to award PBV funding throughout its jurisdiction in order to provide affordable housing options for clients in as broad a geographic area as possible. HACCC may also utilize PBVs in any other public housing redevelopment/repositioning projects it may undertake.</p>
8.0	<p>Capital Improvements. Please complete Parts 8.1 through 8.3, as applicable.</p>
8.1	<p>Capital Fund Program Annual Statement/Performance and Evaluation Report. As part of the PHA 5-Year and Annual Plan, annually complete and submit the <i>Capital Fund Program Annual Statement/Performance and Evaluation Report</i>, form HUD-50075.1, for each current and open CFP grant and CFFP financing.</p> <p>See attached.</p>
8.2	<p>Capital Fund Program Five-Year Action Plan. As part of the submission of the Annual Plan, PHAs must complete and submit the <i>Capital Fund Program Five-Year Action Plan</i>, form HUD-50075.2, and subsequent annual updates (on a rolling basis, e.g., drop current year, and add latest year for a five year period). Large capital items must be included in the Five-Year Action Plan.</p> <p>See attached.</p>

8.3	<p>Capital Fund Financing Program (CFFP).</p> <p><input type="checkbox"/> Check if the PHA proposes to use any portion of its Capital Fund Program (CFP)/Replacement Housing Factor (RHF) to repay debt incurred to finance capital improvements.</p>
9.0	<p>Housing Needs. Based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data, make a reasonable effort to identify the housing needs of the low-income, very low-income, and extremely low-income families who reside in the jurisdiction served by the PHA, including elderly families, families with disabilities, and households of various races and ethnic groups, and other families who are on the public housing and Section 8 tenant-based assistance waiting lists. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location.</p> <p>Based on the most recent Consolidated Plan for the County (2010-2015), 57.3% of low-income renters, 82.1% of very low-income renters and 79% of extremely low-income renters (a total of 41,021 households) in the Consortium did not have adequate housing in 2000. This means that these households paid more than 30% of their income for rent, lived in overcrowded units or lived in substandard housing conditions.</p> <p>Based on 2006 data, only 28% of households in Contra Costa County were renters. Renting is most prevalent among African American households at 53.8% followed by Latino/Hispanic households at 37.7%, White households at 23.8% and Asian households at 23%. Among renters in the County, 57.5% spend more than 30% of their income on rent and 27.5% spend more than 50%. Almost no low-income renters in the County have affordable rents. Fully 92.3% of low-income renters in the County spend over 30% of their income for rent as do 71% of senior households.</p> <p>There are only approximately 10,200 assisted rental units affordable to lower-income households, of which, over 950 are at risk of converting to market rate housing. Over 7,000 beds in 473 residential care facilities are available for individuals with special needs, (such as frail elderly and persons with disabilities) who cannot live independently in conventional housing. However, this is significantly less than the population of frail elderly, disabled, and others who may need a supportive housing environment.</p> <p>6.1% of the County's renter households live in overcrowded housing. Among racial and ethnic groups reported in the Census, Latino/Hispanic households are most likely to live in crowded conditions in the County with 12.8% in such conditions.</p> <p>Due to the ongoing gap in the availability of affordable housing, the County Consortium has assigned a high priority to new housing construction, homeownership assistance, and housing rehabilitation, particularly for households earning less than 50 percent of the area median income.</p> <p>Two final measures of need are seen in HACCC's most recent housing choice voucher and public housing wait list openings. In November, 2008 the voucher wait list opening attracted nearly 40,000 families who applied for 6,000 positions on the wait list. In September 2010, nearly 17,000 families applied for the wait list for HACCC's 1,177 unit public housing program.</p> <p>This summary of the need for affordable housing in HACCC's jurisdiction is based on County's Consolidated Plan, Census Data, data from the California Budget Project and the Authority's Wait List.</p>
9.1	<p>Strategy for Addressing Housing Needs. Provide a brief description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. Note: Small, Section 8 only, and High Performing PHAs complete only for Annual Plan submission with the 5-Year Plan.</p> <ul style="list-style-type: none"> • Lease Public Housing units to families on the public housing wait list. • Issue vouchers to families on the HCV wait list. • Award project-based vouchers to developers creating or preserving affordable housing. • Partner with the County to the extent permitted by HUD regulations to award project-based vouchers to developers receiving affordable housing funding from the County. • Attempt to increase HACCC's total affordable housing units as the Authority repositions its public housing stock. • Continue to contract with the City of Antioch to manage their rental rehabilitation program, which helps to preserve and expand the supply of affordable housing. • Continue to operate the Authority's self-sufficiency programs despite surpassing HUD's participation/graduation requirements in an effort to stabilize and solidify the financial positions of families currently on the program while freeing existing housing subsidies for new families.

10.0	<p>Additional Information. Describe the following, as well as any additional information HUD has requested.</p> <p>(a) Progress in Meeting Mission and Goals. Provide a brief statement of the PHA's progress in meeting the mission and goals described in the 5-Year Plan.</p> <p>See Attachment A</p> <p>(b) Significant Amendment and Substantial Deviation/Modification. Provide the PHA's definition of "significant amendment" and "substantial deviation/modification"</p> <ul style="list-style-type: none"> • Changes to rent policies • Changes to admission policies • Changes to organization of any waiting list • Changes in the use of the Capital Fund • Any change regarding the demolition, disposition or conversion designation of a property <p>(c) As part of the Rental Assistance Demonstration (RAD), HACCC is redefining the definition of a substantial deviation from the PHA Plan to exclude the following RAD-specific items:</p> <ol style="list-style-type: none"> I. The decision to convert to either Project Based Rental Assistance or Project Based Voucher Assistance; <ol style="list-style-type: none"> a. Changes to the Capital Fund Budget produced as a result of each approved RAD Conversion, regardless of whether the proposed conversion will include use of additional Capital Funds; b. Changes to the construction and rehabilitation plan for each approved RAD conversion; and c. Changes to the financing structure for each approved RAD conversion.

11.0	<p>Required Submission for HUD Field Office Review. In addition to the PHA Plan template (HUD-50075), PHAs must submit the following documents. Items (a) through (g) may be submitted with signature by mail or electronically with scanned signatures, but electronic submission is encouraged. Items (h) through (i) must be attached electronically with the PHA Plan. Note: Faxed copies of these documents will not be accepted by the Field Office.</p> <p>(a) Form HUD-50077, <i>PHA Certifications of Compliance with the PHA Plans and Related Regulations</i> (which includes all certifications relating to Civil Rights)</p> <p>(b) Form HUD-50070, <i>Certification for a Drug-Free Workplace</i> (PHAs receiving CFP grants only)</p> <p>(c) Form HUD-50071, <i>Certification of Payments to Influence Federal Transactions</i> (PHAs receiving CFP grants only)</p> <p>(d) Form SF-LLL, <i>Disclosure of Lobbying Activities</i> (PHAs receiving CFP grants only)</p> <p>(e) Form SF-LLL-A, <i>Disclosure of Lobbying Activities Continuation Sheet</i> (PHAs receiving CFP grants only)</p> <p>(f) Resident Advisory Board (RAB) comments. Comments received from the RAB must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the recommendations and the decisions made on these recommendations.</p> <p>(g) Challenged Elements</p> <p>(h) Form HUD-50075.1, <i>Capital Fund Program Annual Statement/Performance and Evaluation Report</i> (PHAs receiving CFP grants only)</p> <p>(i) Form HUD-50075.2, <i>Capital Fund Program Five-Year Action Plan</i> (PHAs receiving CFP grants only)</p>
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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 5-Year and Annual PHA Plans. 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 and strategies for serving the needs of low-income and very low-income families. This form is to be used by all PHA types for submission of the 5-Year and Annual Plans to HUD. Public reporting burden for this information collection is estimated to average 12.68 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 there under 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 lend itself to confidentiality

Instructions form HUD-50075

Applicability. This form is to be used by all Public Housing Agencies (PHAs) with Fiscal Year beginning April 1, 2008 for the submission of their 5-Year and Annual Plan in accordance with 24 CFR Part 903. The previous version may be used only through April 30, 2008.

1.0 PHA Information

Include the full PHA name, PHA code, PHA type, and PHA Fiscal Year Beginning (MM/YYYY).

2.0 Inventory

Under each program, enter the number of Annual Contributions Contract (ACC) Public Housing (PH) and Section 8 units (HCV).

3.0 Submission Type

Indicate whether this submission is for an Annual and Five Year Plan, Annual Plan only, or 5-Year Plan only.

4.0 PHA Consortia

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

5.0 Five-Year Plan

Identify the PHA's Mission, Goals and/or Objectives (24 CFR 903.6).

Complete only at 5-Year update.

5.1 Mission. A statement of the mission of the public housing agency for serving the needs of low-income, very low-income, and extremely low-income families in the jurisdiction of the PHA during the years covered under the plan.

5.2 Goals and Objectives. Identify quantifiable goals and objectives that will enable the PHA to serve the needs of low income, very low-income, and extremely low-income families.

6.0 PHA Plan Update. In addition to the items captured in the Plan template, PHAs must have the elements listed below readily available to the public. Additionally, a PHA must:

- (a) Identify specifically which plan elements have been revised since the PHA's prior plan submission.
- (b) Identify where the 5-Year and Annual Plan may be obtained by the public. 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 its official website. PHAs are also encouraged to provide each resident council a copy of its 5-Year and Annual Plan.

PHA Plan Elements. (24 CFR 903.7)

1. **Eligibility, Selection and Admissions Policies, including Deconcentration and Wait List Procedures.** Describe the PHA's policies that govern resident or tenant eligibility, selection and admission including admission preferences for both public housing and HCV and unit assignment policies for public housing; and procedures for maintaining waiting lists for admission to public housing and address any site-based waiting lists.

2. **Financial Resources.** A statement of financial resources, including a listing by general categories, of the PHA's anticipated resources, such as PHA Operating, Capital and other anticipated Federal resources available to the PHA, as well as tenant rents and other income available to support public housing or tenant-based assistance. The statement also should include the non-Federal sources of funds supporting each Federal program, and state the planned use for the resources.

3. **Rent Determination.** A statement of the policies of the PHA governing rents charged for public housing and HCV dwelling units.

4. **Operation and Management.** A statement of the rules, standards, and policies of the PHA governing maintenance management of housing owned, assisted, or operated by the public housing agency (which shall include measures necessary for the prevention or eradication of pest infestation, including cockroaches), and management of the PHA and programs of the PHA.

5. **Grievance Procedures.** A description of the grievance and informal hearing and review procedures that the PHA makes available to its residents and applicants.

6. **Designated Housing for Elderly and Disabled Families.** With respect to public housing projects owned, assisted, or operated by the PHA, describe any projects (or portions thereof), in the upcoming fiscal year, that the PHA has designated or will apply for designation for occupancy by elderly and disabled families. The description shall include the following information: 1) development name and number; 2) designation type; 3) application status; 4) date the designation was approved, submitted, or planned for submission, and; 5) the number of units affected.

7. **Community Service and Self-Sufficiency.** A description of: (1) Any programs relating to services and amenities provided or offered to assisted families; (2) Any policies or programs of the PHA for the enhancement of the economic and social self-sufficiency of assisted families, including programs under Section 3 and FSS; (3) How the PHA will comply with the requirements of community service and treatment of income changes resulting from welfare program requirements. (Note: applies to only public housing).

8. **Safety and Crime Prevention.** For public housing only, describe the PHA's plan for safety and crime prevention to ensure the safety of the public housing residents. The statement must include: (i) A description of the need for measures to ensure the safety of public housing residents; (ii) A description of any crime prevention activities conducted or to be conducted by the PHA; and (iii) A description of the coordination between the PHA and the

appropriate police precincts for carrying out crime prevention measures and activities.

9. **Pets.** A statement describing the PHAs policies and requirements pertaining to the ownership of pets in public housing.
10. **Civil Rights Certification.** A PHA will be considered in compliance with the Civil Rights and AFFH Certification if: it can document that it examines its programs and proposed programs to identify any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with the local jurisdiction to implement any of the jurisdiction's initiatives to affirmatively further fair housing; and assures that the annual plan is consistent with any applicable Consolidated Plan for its jurisdiction.
11. **Fiscal Year Audit.** The results of the most recent fiscal year audit for the PHA.
12. **Asset Management.** A statement of how the agency will carry out its asset management functions with respect to the public housing inventory of the agency, including how the agency will plan for the long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs for such inventory.
13. **Violence Against Women Act (VAWA).** A description of:
 - 1) Any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking;
 - 2) Any activities, services, or programs provided or offered by a PHA that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing; and
 - 3) Any activities, services, or programs provided or offered by a public housing agency to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families.

7.0 Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers

- (a) **Hope VI or Mixed Finance Modernization or Development.**
 - 1) A description of any housing (including project number (if known) and unit count) for which the PHA will apply for HOPE VI or Mixed Finance Modernization or Development; and
 - 2) A timetable for the submission of applications or proposals. The application and approval process for Hope VI, Mixed Finance Modernization or Development, is a separate process. See guidance on HUD's website at:
<http://www.hud.gov/offices/pih/programs/ph/hope6/index.cfm>
- (b) **Demolition and/or Disposition.** With respect to public housing projects owned by the PHA and subject to ACCs under the Act:
 - (1) A description of any housing (including project number and unit numbers [or addresses]), and the number of affected units along with their sizes and accessibility features) for which the PHA will apply or is currently pending for demolition or disposition; and
 - (2) A timetable for the demolition or disposition. The application and approval process for demolition and/or disposition is a separate process. See guidance on HUD's website at:
http://www.hud.gov/offices/pih/centers/sac/demo_dispo/index.cfm

Note: This statement must be submitted to the extent that approved and/or pending demolition and/or disposition has changed.

- (c) **Conversion of Public Housing.** With respect to public housing owned by a PHA:
 - 1) A description of any building or buildings (including project number and unit count) that the PHA is required to convert to tenant-based assistance or that the public housing agency plans to voluntarily convert;
 - 2) An analysis of the projects or buildings required to be converted; and
 - 3) A statement of the amount of assistance received under this chapter to be used for rental assistance or other housing assistance in connection with such conversion. See guidance on HUD's website at:
<http://www.hud.gov/offices/pih/centers/sac/conversion.cfm>
- (d) **Homeownership.** A description of any homeownership (including project number and unit count) administered by the agency or for which the PHA has applied or will apply for approval.
- (e) **Project-based Vouchers.** If the PHA wishes to use the project-based voucher program, a statement of the projected number of project-based units and general locations and how project basing would be consistent with its PHA Plan.

8.0 **Capital Improvements.** This section provides information on a PHA's Capital Fund Program. With respect to public housing projects owned, assisted, or operated by the public housing agency, a plan describing the capital improvements necessary to ensure long-term physical and social viability of the projects must be completed along with the required forms. Items identified in 8.1 through 8.3, must be signed where directed and transmitted electronically along with the PHA's Annual Plan submission.

8.1 **Capital Fund Program Annual Statement/Performance and Evaluation Report.** PHAs must complete the *Capital Fund Program Annual Statement/Performance and Evaluation Report* (form HUD-50075.1), for each Capital Fund Program (CFP) to be undertaken with the current year's CFP funds or with CFFP proceeds. Additionally, the form shall be used for the following purposes:

- (a) To submit the initial budget for a new grant or CFFP;
- (b) To report on the Performance and Evaluation Report progress on any open grants previously funded or CFFP; and
- (c) To record a budget revision on a previously approved open grant or CFFP, e.g., additions or deletions of work items, modification of budgeted amounts that have been undertaken since the submission of the last Annual Plan. The Capital Fund Program Annual Statement/Performance and Evaluation Report must be submitted annually.

Additionally, PHAs shall complete the Performance and Evaluation Report section (see footnote 2) of the *Capital Fund Program Annual Statement/Performance and Evaluation* (form HUD-50075.1), at the following times:

1. At the end of the program year; until the program is completed or all funds are expended;
2. When revisions to the Annual Statement are made, which do not require prior HUD approval, (e.g., expenditures for emergency work, revisions resulting from the PHAs application of fungibility); and
3. Upon completion or termination of the activities funded in a specific capital fund program year.

8.2 Capital Fund Program Five-Year Action Plan

PHAs must submit the *Capital Fund Program Five-Year Action Plan* (form HUD-50075.2) for the entire PHA portfolio for the first year of participation in the CFP and annual update thereafter to eliminate the previous year and to add a new fifth year (rolling

basis) so that the form always covers the present five-year period beginning with the current year.

- 8.3 Capital Fund Financing Program (CFFP).** Separate, written HUD approval is required if the PHA proposes to pledge any portion of its CFP/RHF funds to repay debt incurred to finance capital improvements. The PHA must identify in its Annual and 5-year capital plans the amount of the annual payments required to service the debt. The PHA must also submit an annual statement detailing the use of the CFFP proceeds. See guidance on HUD's website at:
<http://www.hud.gov/offices/pih/programs/ph/capfund/cffp.cfm>

9.0 Housing Needs. Provide a statement of the housing needs of families residing in the jurisdiction served by the PHA and the means by which the PHA intends, to the maximum extent practicable, to address those needs. (Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).

9.1 Strategy for Addressing Housing Needs. Provide a description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. (Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).

10.0 Additional Information. Describe the following, as well as any additional information requested by HUD:

- (a) **Progress in Meeting Mission and Goals.** PHAs must include (i) a statement of the PHAs progress in meeting the mission and goals described in the 5-Year Plan; (ii) the basic criteria the PHA will use for determining a significant amendment from its 5-year Plan; and a significant amendment or modification to its 5-Year Plan and Annual Plan. (Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).
- (b) **Significant Amendment and Substantial Deviation/Modification.** PHA must provide the definition of "significant amendment" and "substantial deviation/modification". (Note: Standard and Troubled

PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan.)

- (c) PHAs must include or reference any applicable memorandum of agreement with HUD or any plan to improve performance. (Note: Standard and Troubled PHAs complete annually).

11.0 Required Submission for HUD Field Office Review. In order to be a complete package, PHAs must submit items (a) through (g), with signature by mail or electronically with scanned signatures. Items (h) and (i) shall be submitted electronically as an attachment to the PHA Plan.

- (a) Form HUD-50077, *PHA Certifications of Compliance with the PHA Plans and Related Regulations*
- (b) Form HUD-50070, *Certification for a Drug-Free Workplace (PHAs receiving CFP grants only)*
- (c) Form HUD-50071, *Certification of Payments to Influence Federal Transactions (PHAs receiving CFP grants only)*
- (d) Form SF-LLL, *Disclosure of Lobbying Activities (PHAs receiving CFP grants only)*
- (e) Form SF-LLL-A, *Disclosure of Lobbying Activities Continuation Sheet (PHAs receiving CFP grants only)*
- (f) Resident Advisory Board (RAB) comments.
- (g) Challenged Elements. Include any element(s) of the PHA Plan that is challenged.
- (h) Form HUD-50075.1, *Capital Fund Program Annual Statement/Performance and Evaluation Report (Must be attached electronically for PHAs receiving CFP grants only)*. See instructions in 8.1.
- (i) Form HUD-50075.2, *Capital Fund Program Five-Year Action Plan (Must be attached electronically for PHAs receiving CFP grants only)*. See instructions in 8.2.

ATTACHMENT A

ATTACHMENT A

HOUSING AUTHORITY OF THE COUNTY OF CONTRA COSTA

PROGRESS IN MEETING MISSION AND GOALS

Goal: Expand the Supply of Assisted Housing

Progress Report:

- Awarded 788 units of project-based vouchers. These vouchers have or will help fund 1,474 units of new affordable housing (including the project-based vouchers). 212 of these PBV vouchers were awarded to projects committing replacement units for lost public housing units at Las Deltas through the Rental Assistance Demonstration Program.
- Provided 13 rental rehab loans for \$504,000 resulting in 30 additional units of affordable housing.
- Partnered with County to maximize utilization of Shelter-Plus Care program. Now serve over 250 households.
- Housed nearly 150 veteran households through the VASH program.
- Developed De Anza Gardens (a tax credit property), consisting of 180 units in Bay Point, CA.
- Increased average occupancy from low 70% range at some properties to 98% or better at all properties save one (Las Deltas in North Richmond).
- Submitted a second RAD application for 124 units for the Las Deltas property in order to convert the remaining units, not covered by the first application, to project-based vouchers that can be leveraged to develop a greater number of new units.

Future Actions

- Continue to offer project-based vouchers to spur affordable housing development, particularly in conjunction with the County's HOME and CDBG loan programs.
- Seek additional VASH funding.
- Determine if one or more project-based VASH developments are feasible if such funding becomes available.
- HACCC has contracted with CSG Advisors in order to identify funding mechanisms to rehabilitate or redevelop all of its public housing properties. If the analysis indicates that redevelopment or conversion to RAD or other project-based solutions are viable options, then pursue such funding as a means to spur development of new affordable housing in addition to rehabilitation/preservation of existing public housing.
- Provided voucher funding does not decline, work with homeless housing and service providers to develop a preference for transitional housing graduates.
- Seek any HUD funding for additional units that becomes available.
- Seek other relevant housing funds that become available.

Goal: Improve the Quality of Assisted Housing

Progress Report:

- Utilized over \$7 million in capital funds to maintain properties including extensive interior modernization at Bayo Vista and exterior modernizations at several large sites. Entire properties were reroofed, repainted, or repaved. New windows, flooring, and cabinetry replaced old components and security features (new site lighting and door locks for example).
- New styles of interior finishes are being utilized in public housing units to upgrade the appearance of units so that they more closely emulate market-rate units.
- As part of an ongoing rehabilitation process, HACCC has now rehabilitated almost all offline units (with the exception of Las Deltas in North Richmond). Apart from Las Deltas, every public housing property now has an average occupancy rate that is at or above 98%.
- Work order turnaround times have improved through the implementation of new software.
- PASS scores for public housing unit inspections have improved.
- On-site management was added at four properties.
- Implemented PG&E's energy savings program at four sites.
- Partnered with the Workforce Services Bureau to utilize Subsidized Employment Training employees to increase landscaping and groundskeeping services to HACCC's properties.
- Completed over 75,000 work orders.
- Partnered with the Richmond Housing Authority and the Cities of Hercules and Antioch to conduct landlord workshops and informational meetings regarding the voucher program.
- ADA improvements were put in place at the Casa de Serena and Alhambra Terrace properties.
- Awarded 788 units of project-based vouchers. These vouchers have or will help fund 1,474 units of new affordable housing (including the project-based vouchers). 212 of these PBV vouchers were awarded to projects committing replacement units for lost public housing units at Las Deltas through the Rental Assistance Demonstration Program.

Future Actions

- HACCC has contracted with CSG Advisors in order to identify funding mechanisms to rehabilitate or redevelop all of its public housing properties. HACCC's goal is to update and preserve existing public housing where it makes financial sense to do so and to provide adequate funding for these units over the long term.
- Once CSG's analysis is complete, major modernization programs are expected to begin at one or more at public housing properties. Based on preliminary analysis, modernization is expected to well beyond the next five-year plan.
- Depending on the results of CSG's analysis, a Phase II EPC may be implemented.

- New styles of interior finishes will continue to be implemented in order to improve the appearance of units.
- HACCC will continue to improve work order turnaround time through automation and training.
- HACCC will improve its inspections protocol by implementing new software that will more easily allow integrating the outcome of inspections into the work order system.
- Now that site managers have more presence in all public housing communities, they will spend more time emphasizing good housekeeping and curb appeal with tenants and maintenance staff.

Goal: Provide an Improved Living Environment

Progress Report:

- Provided funding for additional police/Sheriff patrols at three largest public housing communities.
- In conjunction with several County and local agencies, coordinated funding so as to increase Sheriff patrols throughout North Richmond, including the Authority's Las Deltas property.
- Purchased direct voice communication devices to facilitate communication between management staff and sheriff and local law enforcement officers at these three public housing properties.
- Converted public housing units at one site into a command center for the Sheriff's office.
- Installed surveillance cameras at two properties.
- Facilitated Neighborhood Watch and Block Captain programs at two public housing properties.
- Opened the Young Adult Empowerment Center at Las Deltas. The Center provides a variety of activities including recreational, job training, counseling and library programs.
- Operate a separate youth recreational program (Project Pride) at Las Deltas.
- Partnered with the County to offer Head Start facilities at four public housing properties.
- Partnered with the City of Oakley to offer City Parks and Recreation classes at Casa de Mañana community center (open to both public housing residents and the community at large).
- Partnered with the Department of Justice to provide funding for "Camp BOLT" (Building Our Leaders for Tomorrow), a mentoring and higher education program for the youth of Las Deltas in North Richmond, Bayo Vista in Rodeo, and El Pueblo in Pittsburg.
- Partner with the YMCA to offer programs at Bayo Vista.
- Continued operation of a variety of other social, nutrition and service programs at our properties.
- Continually received deconcentration bonus in SEMAP.

Future Actions

- Seek to expand number of RAB meetings held annually.
- Utilize increased site presence by managers to encourage formation of more resident councils.
- Utilize increased site presence by managers to hold more frequent meetings with tenants.
- Increase and improve common area lighting in all housing communities.
- Continue funding additional police/Sheriff patrols as long as budget permits.
- Work with law enforcement to improve response time.
- Increase use of surveillance cameras as needed.
- Continue funding Young Adult Empowerment Center as long as budget permits.
- Continue funding Project Pride as long as budget permits.
- Seek to expand number of Head Start facilities.
- Continue other existing programs.
- Seek ROSS or other funding that will facilitate expanded services for HACCC's clients.
- Seek partnerships with local community agencies to increase and strengthen services offered to public housing tenants and voucher clients.
- Continue to improve and enforce public housing screening policies and procedures.

Goal: Promote Self-sufficiency and Asset Development of Assisted Households

Progress Report:

- During this period, HACCC had 114 participants graduate from its FSS Program with over \$751,000 in escrow.
- Employed Section 3 hires through construction contracts, employment training and jobs programs, or direct hires in a variety of contracts.
- Partnered with the Workforce Development Board to utilize summer youth employees to increase landscaping and grounds-keeping services to HACCC's properties.
- Partnered with Chevron and Rubicon to utilize Section 3 employees to increase landscaping and grounds-keeping services to HACCC's properties.

Future Actions

- Continue to operate HACCC's self-sufficiency programs despite surpassing HUD's participation/graduation requirements.
- Expand voucher self-sufficiency services (if not escrow accounts) to public housing tenants where feasible.
- Seek ROSS or other funding that will facilitate expanded services for HACCC's clients.
- Seek partnerships with local community agencies to increase and strengthen services offered to public housing tenants and voucher clients.
- Provide or attract supportive services designed to improve resident employability.
- Provide or attract supportive services to increase independence for the elderly or

- families with disabilities.
- Continue to enforce the Community Services Requirements policy.
- Provide Section 3 employment and training opportunities for residents where feasible.
- Continue existing policies that permit voucher homeownership.

Goal: Ensure Equal Opportunity in Housing

Progress Report:

- Provided training on the Violence Against Women Act for all HCV and public housing managers.
- Provided training on Limited English Proficiency requirements for all HCV and public housing managers.
- Legal Aid provided HACCC staff with Fair Housing training for all HCV and public housing Directors and Managers.
- Have used other external and internal legal providers to conduct Fair Housing training for staff.
- Worked with various social service providers to conduct outreach to families and individuals who are disabled, homeless or who have limited English proficiency when HACCC opened its HCV, project-based and public housing wait lists.
- Provided wait list opening materials in multiple languages.

Future Actions

- Provide updated fair housing and ADA training for all staff.
- Provide updated training on the Violence Against Women Act for all staff.
- Provide updated training on Limited English Proficiency requirements for all staff.
- Add to network of service providers who can assist with outreach for day-to-day client services, wait list openings and other events.
- Continue providing services in multiple languages as appropriate.
- Review and revise HACCC's existing accommodation policies and procedures.

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.

ATTACHMENT R

Attachment R – Rental Assistance Demonstration (RAD)

The Housing Authority of the County of Contra Costa (HACCC) is amending its (annual and/or 5-year) PHA Plan because it was a successful applicant in the Rental Assistance Demonstration (RAD). As a result, HACCC will be converting Las Deltas public housing units to off-site Project Based Vouchers (PBV) under the guidelines of PIH Notice 2012-32, REV-1 and any successor Notices. Upon conversion to Project Based Vouchers HACCC will adopt the resident rights, participation, waiting list and grievance procedures listed in Section 1.6 of PIH Notice 2012-32, REV-2; and Joint Housing Notice H-2014-09/PIH-2014-17 and Section 1.7 of PIH Notice 2012-32, REV-2; and Joint Housing Notice H-2014-09/PIH-2014-17. Additionally, HACCC certifies that it is currently compliant with all fair housing and civil rights requirements.

RAD was designed by HUD to assist in addressing the capital needs of public housing by providing HACCC with access to private sources of capital to repair and preserve its affordable housing assets. Please be aware that upon conversion, the HACCC's Capital Fund Budget will be reduced by the pro rata share of Public Housing Developments converted as part of the Demonstration, and that HACCC may also borrow funds to address their capital needs. HACCC will be contributing Operating Reserves in the amount of \$374,141 and Capital Funds in the amount of \$309,318 towards the conversion.

Below, please find specific information related to the Public Housing Development(s) selected for RAD:

Development #1

<u>Name of Public Housing Development:</u> LAS DELTAS	<u>PIC Development ID:</u> CA011700000	<u>Conversion type (i.e., PBV or PBRA):</u> PBV	<u>Transfer of Assistance:</u> - Church Lane and Chattleton Lane, San Pablo , CA - 2387 Lisa Lane Pleasant Hill, CA
<u>Total Units:</u> 38 UNITS	<u>Pre- RAD Unit Type (i.e., Family, Senior, etc.):</u> FAMILY	<u>Post-RAD Unit Type if different (i.e., Family, Senior, etc.)</u> SENIOR/DISABLED	<u>Capital Fund allocation of Development:</u> \$233.453
<u>Bedroom Type</u>	<u>Number of Units Pre-Conversion</u>	<u>Number of Units Post-Conversion</u>	<u>Change in Number of Units per Bedroom Type and Why</u> (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency	0	24	TRANSFER TO PBV OFFSITE AND CHANGE

			UNIT CONFIGURATIONS TO MEET NEED
One Bedroom	5	14	TRANSFER TO PBV OFFSITE AND CHANGE UNIT CONFIGURATIONS TO MEET NEED
Two Bedroom	27	0	TRANSFER TO PBV OFFSITE AND CHANGE UNIT CONFIGURATIONS TO MEET NEED
Three Bedroom	3	0	TRANSFER TO PBV OFFSITE AND CHANGE UNIT CONFIGURATIONS TO MEET NEED
Four Bedroom	3	0	TRANSFER TO PBV OFFSITE AND CHANGE UNIT CONFIGURATIONS TO MEET NEED
Five Bedroom	0		
Six Bedroom	0		
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) All PBV properties have site-based wait lists. Original Wait List for Las Deltas will be transferred to property and given priority for RAD replacement units.		

Development #2

<u>Name of Public Housing Development:</u> <u>LAS DELTAS ANNEX 1</u>	<u>PIC Development ID:</u> <u>CA011600000</u>	<u>Conversion type (i.e., PBV or PBRA):</u> <u>PBV</u>	<u>Transfer of Assistance:</u> - 80 W. Hookston Rd., Pleasant Hill, CA - Church Lane and Chattleton Lane, San Pablo, CA - 1860 Trinity Ave., Walnut Creek, CA - 2555 Church Ln., San Pablo, CA - 10848 and 10860 San Pablo Ave., El Cerrito, CA
<u>Total Units:</u> <u>52 UNITS</u>	<u>Pre- RAD Unit Type (i.e., Family, Senior, etc.):</u> <u>FAMILY</u>	<u>Post-RAD Unit Type if different (i.e., Family, Senior, etc.):</u> <u>FAMILY AND SENIOR</u>	<u>Capital Fund allocation of Development:</u> <u>\$75,865</u>

Bedroom Type	Number of Units Pre-Conversion	Number of Units Post-Conversion	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency			
One Bedroom	3	50	TRANSFER TO PBV OFFSITE AND CHANGE UNIT CONFIGURATIONS TO MEET NEED
Two Bedroom	4	2	TRANSFER TO PBV OFFSITE AND CHANGE UNIT CONFIGURATIONS TO MEET NEED
Three Bedroom	32	0	TRANSFER TO PBV OFFSITE AND CHANGE UNIT CONFIGURATIONS TO MEET NEED
Four Bedroom	13	0	TRANSFER TO PBV OFFSITE AND CHANGE UNIT CONFIGURATIONS TO MEET NEED
Five Bedroom			
Six Bedroom			
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) All PBV properties have site-based wait lists. Original Wait List for Las Deltas Annex 1 will be transferred to property and given priority for RAD replacement units.		

Resident Rights, Participation, Waiting List and Grievance Procedures

PBV Resident Rights and Participation

- 1. No Re-screening of Tenants upon Conversion.** Pursuant to the RAD statute, at conversion, current households are not subject to rescreening, income eligibility, or income targeting. Consequently, current households will be grandfathered for conditions that occurred prior to conversion but will be subject to any ongoing eligibility requirements for actions that occur after conversion. For example, a unit with a household that was over-income at time of conversion would continue to be treated as an assisted unit. Thus, 24 CFR § 982.201, concerning eligibility and targeting, will not apply for current households. Once that remaining household moves out, the unit must be leased to an eligible family.
- 2. Right to Return.** Any resident that may need to temporarily be relocated to facilitate rehabilitation or construction has a right to return to an assisted unit at the Covered

Project once rehabilitation or construction is completed. Permanent involuntary displacement of residents may not occur as a result of a project's conversion of assistance, including, but not limited to, as a result of a change in bedroom distribution, a de minimis reduction of units, the reconfiguration of efficiency apartments, or the repurposing of dwelling units in order to facilitate social service delivery. Where the transfer of assistance to a new site is warranted and approved (see PIH Notice 2012-32rev2, Section 1.2.A.12), residents of the Converting Project will have the right to reside in an assisted unit at the new site once rehabilitation or construction is complete.

3. **Renewal of Lease.** Since publication of the PIH Notice 2012-32 Rev 1, the regulations under 24 CFR § 983.257(b)(3) have been amended. Under RAD, the Project Owner must renew all leases upon lease expiration, unless cause exists. Consequently, 24 CFR 983.257(b)(3) will not apply. This provision must be incorporated by the PBV owner into the tenant lease or tenancy addendum, as appropriate.
4. **Phase-in of Tenant Rent Increases.** If a tenant's monthly rent increases by more than the greater of 10 percent or \$25 purely as a result of conversion, the rent increase will be phased in over 3 or 5 years. To implement this provision, HUD is specifying alternative requirements for section 3(a)(1) of the Act, as well as 24 CFR § 983.3 (definition of "total tenant payment" (TTP)) to the extent necessary to allow for the phase-in of tenant rent increases. HACCC must create a policy setting the length of the phase in period at three years, five years or a combination depending on circumstances. For example, a PHA may create a policy that uses a three year phase-in for smaller increases in rent and a five year phase-in for larger increases in rent. This policy must be in place at conversion and may not be modified after conversion.

The method described below explains the set percentage-based phase-in a Project Owner must follow according to the phase-in period established. For purposes of this section "standard TTP" refers to the TTP calculated in accordance with regulations at 24 CFR §5.628 and the "most recently paid TTP" refers to the TTP recorded on line 9j of the family's most recent HUD Form 50058. If a family in a project converting from Public Housing to PBV was paying a flat rent immediately prior to conversion, HACCC should use the flat rent amount to calculate the phase-in amount for Year 1, as illustrated below.

Three Year Phase-in:

- Year 1: Any recertification (interim or annual) performed prior to the second annual recertification after conversion – 33% of difference between most recently paid TTP or flat rent and the standard TTP
- Year 2: Year 2 Annual Recertification (AR) and any Interim Recertification (IR) prior to Year 3 AR – 66% of difference between most recently paid TTP and the standard TTP
- Year 3: Year 3 AR and all subsequent recertifications – Full standard TTP

Five Year Phase in:

- Year 1: Any recertification (interim or annual) performed prior to the second

annual recertification after conversion – 20% of difference between most recently paid TTP or flat rent and the standard TTP

- Year 2: Year 2 AR and any IR prior to Year 3 AR – 40% of difference between most recently paid TTP and the standard TTP
- Year 3: Year 3 AR and any IR prior to Year 4 AR – 60% of difference between most recently paid TTP and the standard TTP
- Year 4: Year 4 AR and any IR prior to Year 5 AR – 80% of difference between most recently paid TTP and the standard TTP
- Year 5 AR and all subsequent recertifications – Full standard TTP

Please Note: In either the three year phase-in or the five-year phase-in, once the standard TTP is equal to or less than the previous TTP, the phase-in ends and tenants will pay full TTP from that point forward.

- 5. Family Self Sufficiency (FSS) and Resident Opportunities and Self Sufficiency Service Coordinator (ROSS-SC) programs.** Public Housing residents that are current FSS participants will continue to be eligible for FSS once their housing is converted under RAD, and PHAs will be allowed to use any remaining PH FSS funds, to serve those FSS participants who live in units converted by RAD. Due to the program merger between PH FSS and HCV FSS that took place pursuant to the FY14 Appropriations Act (and was continued in the FY15 Appropriations Act), no special provisions are required to continue serving FSS participants that live in public housing units converting to PBV under RAD.

However, PHAs should note that there are certain FSS requirements (e.g. escrow calculation and escrow forfeitures) that apply differently depending on whether the FSS participant is a participant under the HCV program or a public housing resident, and PHAs must follow such requirements accordingly. HACCC shall administer the FSS program in accordance with FSS regulations at 24 CFR Part 984, the participants' contracts of participation, and the alternative requirements established in the "Waivers and Alternative Requirements for the FSS Program" Federal Register notice, published on December 29, 2014, at 79 FR 78100. Further, upon conversion to PBV, already escrowed funds for FSS participants shall be transferred into the HCV escrow account and be considered TBRA funds, thus reverting to the HAP account if forfeited by the FSS participant.

Current ROSS-SC grantees will be able to finish out their current ROSS-SC grants once their housing is converted under RAD. However, once the property is converted, it will no longer be eligible to be counted towards the unit count for future ROSS-SC grants, nor will its residents be eligible to be served by future ROSS-SC grants, which, by statute, can only serve public housing residents.

- 6. Resident Participation and Funding.** In accordance with Attachment 1B, residents of Covered Projects with converted PBV assistance will have the right to establish and operate a resident organization for the purpose of addressing issues related to their living environment and be eligible for resident participation funding.

7. **Resident Procedural Rights.** The following items must be incorporated into both the Section 8 Administrative Plan and the Project Owner's lease, which includes the required tenancy addendum, as appropriate. Evidence of such incorporation may be requested by HUD for purposes of monitoring the program.

i. **Termination Notification.** HUD is incorporating additional termination notification requirements to comply with section 6 of the Act for public housing projects that convert assistance under RAD. In addition to the regulations at 24 CFR § 983.257 related to Project Owner termination of tenancy and eviction the termination procedure for RAD conversions to PBV will require that PHAs provide adequate written notice of termination of the lease which shall not be less than:

- a. A reasonable period of time, but not to exceed 30 days:
 - i. If the health or safety of other tenants, PHA employees, or persons residing in the immediate vicinity of the premises is threatened; or
 - ii. In the event of any drug-related or violent criminal activity or any felony conviction;
- b. 14 days in the case of nonpayment of rent; and
- c. 30 days in any other case, except that if a State or local law provides for a shorter period of time, such shorter period shall apply.

ii. **Grievance Process.** Pursuant to requirements in the RAD Statute, HUD is establishing additional procedural rights to comply with section 6 of the Act.

For issues related to tenancy and termination of assistance, PBV program rules require the Project Owner to provide an opportunity for an informal hearing, as outlined in 24 CFR § 982.555. RAD will specify alternative requirements for 24 CFR § 982.555(b) in part, which outlines when informal hearings are not required, to require that:

- a. In addition to reasons that require an opportunity for an informal hearing given in 24 CFR § 982.555(a)(1)(i)-(vi), 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.
 - i. For any hearing required under 24 CFR § 982.555(a)(1)(i)-(vi), the contract administrator will perform the hearing, as is the current standard in the program. The hearing officer must be selected in accordance with 24 CFR § 982.555(e)(4)(i).
 - ii. For any additional hearings required under RAD, the Project Owner will perform the hearing.
- b. There is no right to an informal hearing for class grievances or to disputes between residents not involving the Project Owner or contract administrator.

- c. The Project Owner gives residents notice of their ability to request an informal hearing as outlined in 24 CFR § 982.555(c)(1) for informal hearings that will address circumstances that fall outside of the scope of 24 CFR § 982.555(a)(1)(i)-(vi).
- d. The Project Owner provides opportunity for an informal hearing before an eviction.

PBV program hearing procedures are outlined in HACCC's Section 8 Administrative Plan.

8. **Earned Income Disregard (EID).** Tenants who are employed and are currently receiving the EID exclusion at the time of conversion will continue to receive the EID after conversion, in accordance with regulations at 24 CFR § 5.617. Upon the expiration of the EID for such families, the rent adjustment shall not be subject to rent phase-in, as described in Section 1.6.C.4; instead, the rent will automatically rise to the appropriate rent level based upon tenant income at that time.

Under the Housing Choice Voucher program, the EID exclusion is limited only to persons with disabilities (24 CFR § 5.617(b)). In order to allow all tenants (including non-disabled persons) who are employed and currently receiving the EID at the time of conversion to continue to benefit from this exclusion in the PBV project, the provision in section 5.617(b) limiting EID to disabled persons is waived. The waiver, and resulting alternative requirement, apply only to tenants receiving the EID at the time of conversion. No other tenant (e.g., tenants who at one time received the EID but are not receiving the EID exclusion at the time of conversion e.g., due to loss of employment; tenants that move into the property following conversion, etc.) is covered by this waiver.

9. **Jobs Plus.** Jobs Plus grantees awarded FY14 and future funds that convert the Jobs Plus target projects(s) under RAD will be able to finish out their Jobs Plus period of performance at that site unless significant re-location and/or change in building occupancy is planned. If either is planned at the Jobs Plus target project(s), HUD may allow for a modification of the Jobs Plus work plan or may, at the Secretary's discretion, choose to end the Jobs Plus program at that project.
10. **When Total Tenant Payment Exceeds Gross Rent.** Under normal PBV rules, the PHA may only select an occupied unit to be included under the PBV HAP contract if the unit's occupants are eligible for housing assistance payments (24 CFR §983.53(d)). Also, a PHA must remove a unit from the contract when no assistance has been paid for 180 days because the family's TTP has risen to a level that is equal to or greater than the contract rent, plus any utility allowance, for the unit (i.e., the Gross Rent)) (24 CFR §983.258). Since the rent limitation under this Section of Notice PIH 2012-32rev2 may often result in a family's TTP equaling or exceeding the gross rent for the unit, for current residents (i.e residents living in the public housing property prior to conversion), HUD is waiving both of these provisions and requiring that the unit for such families be placed on and/or remain under the HAP contract when TTP equals or exceeds the Gross

Rent. Further, HUD is establishing the alternative requirement that the rent to owner for the unit equal the family's TTP until such time that the family is eligible for a housing assistance payment. HUD is waiving as necessary to implement this alternative provision, the provisions of Section 8(o)(13)(H) of the Act and the implementing regulations at 24 CFR 983.301 as modified by Section 1.6.B.5 of Notice PIH 2012-32rev2. In such cases, the resident is considered a participant under the program and all of the family obligations and protections under RAD and PBV apply to the resident. Likewise, all requirements with respect to the unit, such as compliance with the HQS requirements, apply as long as the unit is under HAP contract. Assistance may subsequently be reinstated if the tenant becomes eligible for assistance. HACCC is required to process these individuals through the Form-50058 submodule in PIC.

Following conversion, 24 CFR §983.53(d) applies and any new families referred to the RAD PBV project must be initially eligible for a HAP payment at admission to the program, which means their TTP may not exceed the gross rent for the unit at that time. Further, HACCC must remove a unit from the contract when no assistance has been paid for 180 days. If units are removed from the HAP contract because a new admission's TTP comes to equal or exceed the gross rent for the unit and if the project is fully assisted, HUD is imposing an alternative requirement that HACCC must reinstate the unit after the family has vacated the property; and, if the project is partially assisted, HACCC may substitute a different unit for the unit on the HAP contract in accordance with 24 CFR §983.207 or, where "floating" units have been permitted, Section 1.6.B.10 of Notice PIH 2012-32rev2.

11. **Under-Occupied Unit.** If a family is in an under-occupied unit under 24 CFR 983.259 at the time of conversion, the family may remain in this unit until an appropriate-sized unit becomes available in the Covered Project. When an appropriate sized unit becomes available in the Covered Project, the family living in the under-occupied unit must move to the appropriate-sized unit within a reasonable period of time, as determined by HACCC. In order to allow the family to remain in the under-occupied unit until an appropriate-sized unit becomes available in the Covered Project, 24 CFR 983.259 is waived.

PBV: Other Miscellaneous Provisions

1. **Access to Records, Including Requests for Information Related to Evaluation of Demonstration.** PHAs must agree to any reasonable HUD request for data to support program evaluation, including but not limited to project financial statements, operating data, Choice-Mobility utilization, and rehabilitation work. Please see Appendix IV of Notice PIH 2012-32rev2 for reporting units in Form HUD-50058.
2. **Additional Monitoring Requirement.** HACCC's Board must approve the operating budget for the Covered Project annually in accordance with HUD requirements.
3. **Davis-Bacon Act and Section 3 of the Housing and Urban Development Act of**

1968 (Section 3). The Davis-Bacon prevailing wage requirements (prevailing wages, the Contract Work Hours and Safety Standards Act, and other related regulations, rules, and requirements) apply to all initial repairs and new construction that are identified in the Financing Plan to the extent that such repairs or construction qualify as development. "Development," as applied to work subject to Davis-Bacon requirements on Section 8 projects, encompasses work that constitutes remodeling that alters the nature or type of housing units in a PBV project, reconstruction, or a substantial improvement in the quality or kind of original equipment and materials, and is initiated within 18 months of the HAP contract. Development activity does not include replacement of equipment and materials rendered unsatisfactory because of normal wear and tear by items of substantially the same kind. Davis-Bacon requirements apply only to projects with nine more assisted units.

Section 3 (24 CFR Part 135) applies to all initial repairs and new constructions that are identified in the Financing Plan to the extent that such repairs qualify as construction or rehabilitation. In addition, Section 3 may apply to the project after conversion based on the receipt of the use of federal financial assistance for rehabilitation activities.

4. **Establishment of Waiting List.** 24 CFR § 983.251 sets out PBV program requirements related to establishing and maintaining a voucher-wide, PBV program-wide, or site-based waiting list from which residents for the Covered Project will be admitted. These provisions will apply unless the project is covered by a remedial order or agreement that specifies the type of waiting list and other waiting list policies. HACCC shall consider the best means to transition applicants from the current public housing waiting list, including:
 - i. Transferring an existing site-based waiting list to a new site-based waiting list. If HACCC is transferring the assistance to another neighborhood, HACCC must notify applicants on the wait-list of the transfer of assistance, and on how they can apply for residency at the new project site or other sites. Applicants on a project-specific waiting list for a project where the assistance is being transferred shall have priority on the newly formed waiting list for the new project site in accordance with the date and time of their application to the original project's waiting list.
 - ii. Informing applicants on the site-based waiting list on how to apply for a PBV program-wide or HCV program-wide waiting list.
 - iii. Informing applicants on a public housing community-wide waiting list on how to apply for a voucher-wide, PBV program-wide, or site-based waiting list. If using a site-based waiting list, HACCC shall establish a waiting list in accordance with 24 CFR § 903.7(b)(2)(ii)-(iv) to ensure that applicants on HACCC's public housing community-wide waiting list have been offered placement on the converted project's initial waiting list. In all cases, HACCC has the discretion to determine the most appropriate means of informing applicants on the public housing community-wide waiting list given the number of applicants, HACCC resources, and admissions requirements of the projects being converted under RAD. HACCC may consider contacting every applicant on the public housing

waiting list via direct mailing; advertising the availability of housing to the population that is less likely to apply, both minority and non-minority groups, through various forms of media (e.g., radio stations, posters, newspapers) within the marketing area; informing local non-profit entities and advocacy groups (e.g., disability rights groups); and conducting other outreach as appropriate. Applicants on the agency's public housing community-wide waiting list who wish to be placed onto the newly-established site-based waiting list must be placed in accordance with the date and time of their original application to the centralized public housing waiting list. Any activities to contact applicants on the public housing waiting list must be conducted in accordance with the requirements for effective communication with persons with disabilities at 24 CFR § 8.6 and with the obligation to provide meaningful access for persons with limited English proficiency (LEP).

A PHA must maintain any site-based waiting list in accordance with all applicable civil rights and fair housing laws and regulations unless the project is covered by a remedial order or agreement that specifies the type of waiting list and other waiting list policies.

To implement this provision, HUD is specifying alternative requirements for 24 CFR § 983.251(c)(2). However, after the initial waiting list has been established, HACCC shall administer its waiting list for the converted project in accordance with 24 CFR § 983.251(c).

5. **Mandatory Insurance Coverage.** The Covered Project shall maintain at all times commercially available property and liability insurance to protect the project from financial loss and, to the extent insurance proceeds permit, promptly restore, reconstruct, and/or repair any damaged or destroyed project property.
6. **Agreement Waiver and RAD Rehab Assistance Payments.** For public housing conversions to PBV there will be no Agreement to Enter into a Housing Assistance Payments (AHAP) contract. Therefore, all regulatory references to the AHAP, including regulations under 24 CFR § 983 subpart D are waived. Instead, the PHA and Project Owner will enter into a HAP contract before construction begins. Funding during construction will be provided on the following terms: units that are not occupied at any point during the initial repairs as a result of rehabilitation or construction as identified in the approved Financing Plan and RAD Conversion Commitment may be eligible, subject to the conditions below, for Rehab Assistance Payments equal to the Public Housing Operating Fund and the Capital Fund amounts that formed the basis for the calculation of initial contract rents (see Attachment 1C). During the period of rehabilitation or construction as identified in the HAP Contract, the maximum number of units for which a Project Owner can receive RAD Rehab Assistance Payments is limited to the number of units eligible for Operating Fund subsidy prior to conversion (which is typically associated with the occupied units). As a result, some units in the Converted Property may not be eligible for Rehab Assistance Payments.

Following the earlier of the end of the construction period identified in the HUD approved Financing Plan or actual construction, the PHA will no longer be eligible to receive RAD Rehab Assistance Payments, and all units under contract will be eligible for payment only for occupied units or for vacancy payments, as applicable.

7. **Future Refinancing.** Project Owners must receive HUD approval for any refinancing or restructuring of permanent debt during the HAP contract term, to ensure the financing is consistent with long-term preservation. (Current lenders and investors are also likely to require review and approval of refinancing of the primary permanent debt.)
8. **Administrative Fees for Public Housing Conversions during Transition Period.** For the remainder of the Calendar Year in which the HAP Contract is effective (i.e. "transition period"), RAD PBV projects will be funded with public housing funds. For example, if the project's assistance converts effective July 1, 2015, the public housing Annual Contributions Contract (ACC) between the PHA and HUD will be amended to reflect the number of units under HAP contract, but will be for zero dollars, and the RAD PBV contract will be funded with public housing money for July through December 2015. Since TBRA is not the source of funds, PHAs should not report leasing and expenses into VMS during this period, and PHAs will not receive section 8 administrative fee funding for converted units during this time. .

For fiscal years 2014 and 2015, PHAs operating HCV program received administrative fees for units under a HAP contract, consistent with recent appropriation act references to "section 8(q) of the [United States Housing Act of 1937] and related appropriations act provisions in effect immediately before the Quality Housing and Responsibility Act of 1998" and 24 CFR § 982.152(b). During the transition period mentioned in the preceding paragraph, these provisions are waived, and PHAs will not receive section 8 ongoing administrative fees for PBV RAD units.

After this transition period, the section 8 ACC will be amended to include section 8 funding that corresponds to the units covered by the section 8 ACC. At that time, the regular section 8 administrative fee funding provisions will apply.

9. **Choice-Mobility.** One of the key features of the PBV program is the mobility component, which provides that if the family has elected to terminate the assisted lease at any time after the first year of occupancy in accordance with program requirements, HACCC must offer the family the opportunity for continued tenant-based rental assistance, in the form of either assistance under the voucher program or other comparable tenant-based rental assistance.

If as a result of participation in RAD a significant percentage of the PHA's HCV program becomes PBV assistance, it is possible for most or all of a HACCC's turnover vouchers to be used to assist those RAD PBV families who wish to exercise mobility.

While HUD is committed to ensuring mobility remains a cornerstone of RAD policy, HUD recognizes that it remains important for HACCC to still be able to use tenant-based vouchers to address the specific housing needs and priorities of the community. Therefore, HUD is establishing an alternative requirement for HACCC where, as a result of RAD, the total number of PBV units (including RAD PBV units) under HAP contract administered by HACCC exceeds 20 percent of the HACCC's authorized units under its HCV ACC with HUD.

The alternative mobility policy provides that HACCC would not be required to provide more than three-quarters of its turnover vouchers in any single year to the residents of Covered Projects. While HACCC is not required to establish a voucher inventory turnover cap, if such a cap is implemented, HACCC shall create and maintain a waiting list in the order in which the requests from eligible households were received. This alternative mobility policy is included in HACCC's administrative plan.

To effectuate this provision, HUD is providing an alternative requirement to Section 8(o)(13)(E) and 24 CFR part 983.261(c). Please note that this alternative requirement does not apply to PBVs entered into outside of the context of RAD.

- 10. Reserve for Replacement.** The Project Owner shall establish and maintain a replacement reserve in an interest-bearing account to aid in funding extraordinary maintenance and repair and replacement of capital items in accordance with applicable regulations. The reserve must be built up to and maintained at a level determined by HUD to be sufficient to meet projected requirements. For FHA transactions, Replacement Reserves shall be maintained in accordance with the FHA Regulatory Agreement. For all other transactions, Replacement Reserves shall be maintained in a bank account covered under a General Depository Agreement (HUD-51999) or similar instrument, as approved by HUD, where funds will be held by the Project Owner or mortgagee and may be drawn from the reserve account and used subject to HUD guidelines and as directed by HUD.

Significant Amendment Definition

As part of the Rental Assistance Demonstration (RAD), HACCC is redefining the definition of a substantial deviation from the PHA Plan to exclude the following RAD-specific items:

1. The decision to convert to either Project Based Rental Assistance or Project Based Voucher Assistance;
 - a. Changes to the Capital Fund Budget produced as a result of each approved RAD Conversion, regardless of whether the proposed conversion will include use of additional Capital Funds;
 - b. Changes to the construction and rehabilitation plan for each approved RAD conversion; and
 - c. Changes to the financing structure for each approved RAD conversion.

Site Selection and Neighborhood Standards Review

Site Selection and Neighborhood Standards. HACCC must comply with all applicable site selection requirements as set forth in Notice PIH 2012-32rev2 and in accordance with any additional applicable guidance provided by HUD. Site selection requirements set forth at 24CFR § 983.57 shall apply to RAD conversions to PBV assistance. Site selection must be consistent with the requirements of the Fair Housing Act, Title VI of the Civil Rights Act of 1964 including implementing regulations at 24 CFR § 1.4(b)(3), Section 504 of the Rehabilitation Act of 1973 including implementing regulations at 24 CFR § 8.4(b)(5), and the Americans with Disabilities Act.

It is HACCC's responsibility to ensure that the site selection complies with the requirements of Notice PIH 2012-32rev2 and HACCC must certify with the submission of its Annual Plan or Significant Amendment to its Annual Plan that it complies with the applicable site selection requirements. HUD will conduct a front-end civil rights review of the HACCC's proposed site in certain circumstances. For conversions of assistance that involve new construction that is located in an area of minority concentration (whether on the existing public housing site or on a new site), HUD will conduct a front-end civil rights review of the site to determine whether it meets one of the conditions that would allow for new construction in an area of minority concentration.

Under its Site and Neighborhood Standards, HUD may approve new construction in an area of minority concentration, consistent with the regulatory requirements cited above, provided that:

- i. the new construction is located in a neighborhood experiencing significant private investment that is demonstrably improving the economic character of the area (a revitalizing area); or
- ii. there are sufficient comparable housing opportunities in areas outside of minority concentration.

In determining if the project meets the requirements above, HUD may consider such factors as: whether the locality has a demonstrated commitment to revitalization that includes or is in addition to the RAD conversion; whether the neighborhood shows signs of revitalizing, through indicators such as declining census tract poverty rates, low or declining violent crime rates or evidence of increased educational opportunity; or whether there is high private and public investment in retail, commercial or housing development that is already occurring or will imminently occur in the area. HACCC must receive prior written approval from HUD following the review that HUD has accepted HACCC's certification and supporting documentation prior to entering into binding commitments for new construction. A determination that a site fails to meet these requirements will be grounds for disapproval of a Financing Plan.

If Transferring Assistance to a new site, please list the applicable site selection and neighborhood review standards as explained in Attachment 1D, Table 2. *If a new site has not been selected, please append no later than when submitting the Financing Plan.*

1. For All Transfers:	Description of the new site and how it is adequate for the needs of the tenants and is consistent with or furthers the goal of deconcentrating poverty.
2. If transferring assistance to an area of concentrated poverty:	<p>Various methods for demonstrating furthering the goals of deconcentrating poverty include:</p> <ul style="list-style-type: none"> • Mixed income developments; • Development in a HUD Enterprise Zone, Economic Community, Renewal Community or a Revitalization Zone, including any areas where current or future HOPE VI or Choice Neighborhoods Initiative developments exist.
3. If transferring assistance to a development qualifying as new construction in an area of minority concentration:	<p>1) Sufficiency of comparable opportunities for minority families in the income range to be served by the project outside areas of minority concentration;</p> <ul style="list-style-type: none"> ○ Please examine 24 CFR §983.57(e)(3)(iv) & (v) to see more on comparable opportunities. <p>2) If there is an overriding housing need, which includes whether this is an integral part of an overall redevelopment strategy in a revitalizing area;</p> <ul style="list-style-type: none"> ○ Please see 24 CFR §983.57(e)(3)(vi) for more information on overriding housing needs.

Relocation Plans

If relocating residents, please append the Accessibility and Relocation Plan Checklist here. *If relocation plans have not been developed yet, please fill out the Accessibility and Relocation Checklist and submit with the Financing Plan.*

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 OMB No. 2577-0226
 Expires 4/30/2011

Part I: Summary					
PHA Name: Housing Authority of the County of Contra Costa		Grant Type and Number Capital Fund Program Grant No: CA39P01150116 Replacement Housing Factor Grant No: Date of CFFP:		FFY of Grant: 2016 FFY of Grant Approval: 2016	
Type of Grant <input checked="" type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/Emergencies <input type="checkbox"/> Performance and Evaluation Report for Period Ending:					
<input type="checkbox"/> Revised Annual Statement (revision no:) <input type="checkbox"/> Final Performance and Evaluation Report					
Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ¹	
		Original	Revised ²	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations (may not exceed 20% of line 21) ³	431,000			
3	1408 Management Improvements	275,000			
4	1410 Administration (may not exceed 10% of line 21)	172,000			
5	1411 Audit	2,000			
6	1415 Liquidated Damages				
7	1430 Fees and Costs	189,419			
8	1440 Site Acquisition				
9	1450 Site Improvement	65,000			
10	1460 Dwelling Structures	399,000			
11	1465.1 Dwelling Equipment—Nonexpendable	15,000			
12	1470 Non-dwelling Structures	20,000			
13	1475 Non-dwelling Equipment	25,000			
14	1485 Demolition				
15	1492 Moving to Work Demonstration				
16	1495.1 Relocation Costs	131,000			
17	1499 Development Activities ⁴				

¹ To be completed for the Performance and Evaluation Report.

² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.

⁴ RHF funds shall be included here.

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 OMB No. 2577-0226
 Expires 4/30/2011

Part I: Summary					
PHA Name: Housing Authority of the County of Contra Costa		Grant Type and Number Capital Fund Program Grant No: CA39P01150116 Replacement Housing Factor Grant No: Date of CFFP:		FFY of Grant: 2016 FFY of Grant Approval: 2016	
Type of Grant <input checked="" type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/Emergencies <input type="checkbox"/> Revised Annual Statement (revision no:) <input type="checkbox"/> Performance and Evaluation Report for Period Ending: <input type="checkbox"/> Final Performance and Evaluation Report					
Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ¹	
		Original	Revised ²	Obligated	Expended
18a	1501 Collateralization or Debt Service paid by the PHA				
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment				
19	1502 Contingency (may not exceed 8% of line 20)				
20	Amount of Annual Grant:: (sum of lines 2 - 19)	\$1,724,419			
21	Amount of line 20 Related to LBP Activities	10,000			
22	Amount of line 20 Related to Section 504 Activities	20,000			
23	Amount of line 20 Related to Security - Soft Costs	0			
24	Amount of line 20 Related to Security - Hard Costs	0			
25	Amount of line 20 Related to Energy Conservation Measures	95,000			
Signature of Executive Director Joseph Villarreal		Date	Signature of Public Housing Director		Date

¹ To be completed for the Performance and Evaluation Report.

² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.

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Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 OMB No. 2577-0226
 Expires 4/30/2011

Part II: Supporting Pages								
PHA Name: Housing Authority of the County of Contra Costa		Grant Type and Number Capital Fund Program Grant No: CA39P01150116 CFFP (Yes/ No): no Replacement Housing Factor Grant No:			Federal FFY of Grant: 2016			
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised ¹	Funds Obligated ²	Funds Expended ²	
PHA-Wide	Operations	1406		431,000				
	Section 3 Coordinator (training of up to 10 participants)	1408		79,000				
	Computer Software & Hardware Improvements	1408		196,000				
	Adminstration	1410		172,000				
	Audit	1411		2,000				
	Project Management, Planning Costs	1430		189,419				
	Landscape & Site Improvements	1450		65,000				
	Select Unit Modernization (foundation repairs, fire repairs, plumbing infrastructure repairs)	1460		52,000				
	Nonroutine Maintenance Repairs (window replacement, electrical repairs, flooring replacement)	1460		74,000				
CA011011/Hacienda	Unit Interior Modernization	1460		81,000				
CA011012/Casa de Manana	Unit Exterior Modernization	1460		75,000				
CA0110015/Elder Winds	Unit Interior Modernization	1460		50,000				
CA0110018/Kidd Manor	Unit Exterior Modernization	1460		67,000				
PHA-Wide	Dwelling Equipment	1465		15,000				
	AMP Office Improvements	1470		20,000				
	Computer Equipment	1475		25,000				
	Relocation Costs for RAD	1495.1		131,000				
	Grant Total			\$1,724,419				

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
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 Expires 4/30/2011

Part I: Summary					
PHA Name: Housing Authority of the County of Contra Costa		Grant Type and Number Capital Fund Program Grant No: CA39P01150115 Replacement Housing Factor Grant No: Date of CFFP:			FFY of Grant: 2015 FFY of Grant Approval: 2015
Type of Grant <input type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/Emergencies <input checked="" type="checkbox"/> Revised Annual Statement (revision no:1) <input type="checkbox"/> Performance and Evaluation Report for Period Ending: <input type="checkbox"/> Final Performance and Evaluation Report					
Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ¹	
		Original	Revised ²	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations (may not exceed 20% of line 21) ³	431,000	431,000		
3	1408 Management Improvements	275,000	275,000		
4	1410 Administration (may not exceed 10% of line 21)	172,000	172,000		
5	1411 Audit	2,000	2,000		
6	1415 Liquidated Damages				
7	1430 Fees and Costs	189,419	0		
8	1440 Site Acquisition				
9	1450 Site Improvement	65,000	0		
10	1460 Dwelling Structures	515,000	0		
11	1465.1 Dwelling Equipment—Nonexpendable	15,000	0		
12	1470 Non-dwelling Structures	20,000	0		
13	1475 Non-dwelling Equipment	25,000	0		
14	1485 Demolition				
15	1492 Moving to Work Demonstration				
16	1495.1 Relocation Costs	15,000	844,419		
17	1499 Development Activities ⁴				

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Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 OMB No. 2577-0226
 Expires 4/30/2011

Part I: Summary					
PHA Name: Housing Authority of the County of Contra Costa		Grant Type and Number Capital Fund Program Grant No: CA39P01150115 Replacement Housing Factor Grant No: Date of CFFP:		FFY of Grant:2015 FFY of Grant Approval: 2015	
Type of Grant <input type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/Emergencies <input checked="" type="checkbox"/> Revised Annual Statement (revision no: 1) <input type="checkbox"/> Performance and Evaluation Report for Period Ending: <input type="checkbox"/> Final Performance and Evaluation Report					
Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ¹	
		Original	Revised ²	Obligated	Expended
18a	1501 Collateralization or Debt Service paid by the PHA				
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment				
19	1502 Contingency (may not exceed 8% of line 20)				
20	Amount of Annual Grant:: (sum of lines 2 - 19)	\$1,724,419	1,724,419		
21	Amount of line 20 Related to LBP Activities	10,000	0		
22	Amount of line 20 Related to Section 504 Activities	20,000	0		
23	Amount of line 20 Related to Security - Soft Costs	0	0		
24	Amount of line 20 Related to Security - Hard Costs	0	0		
25	Amount of line 20 Related to Energy Conservation Measures	95,000	0		
Signature of Executive Director Joseph Villarreal		Date	Signature of Public Housing Director		Date

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Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 OMB No. 2577-0226
 Expires 4/30/2011

Part II: Supporting Pages								
PHA Name: Housing Authority of the County of Contra Costa		Grant Type and Number Capital Fund Program Grant No: CA39P01150115 CFFP (Yes/ No): no Replacement Housing Factor Grant No:			Federal FFY of Grant: 2015			
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised ¹	Funds Obligated ²	Funds Expended ²	
PHA-Wide	Operations	1406		431,000	431,000			
	Section 3 Coordinator (training of up to 10 participants)	1408		79,000	79,000			
	Computer Software & Hardware Improvements	1408		196,000	196,000			
	Adminstration	1410		172,000	172,000			
	Audit	1411		2,000	2,000			
	Project Management, Planning Costs	1430		189,419	0			
	Landscape & Site Improvements	1450		65,000	0			
	Select Unit Modernization (foundation repairs, fire repairs, plumbing infrastructure repairs)	1460		110,000	0			
	Nonroutine Maintenance Repairs (window replacement, electrical repairs, flooring replacement)	1460		132,000	0			
CA011011/Hacienda	Unit Interior Modernization	1460		81,000	0			
CA011012/Casa de Manana	Unit Exterior Modernization	1460		75,000	0			
CA0110015/Elder Winds	Unit Interior Modernization	1460		50,000	0			
CA0110018/Kidd Manor	Unit Exterior Modernization	1460		67,000	0			
PHA-Wide	Dwelling Equipment	1465		15,000	0			
	AMP Office Improvements	1470		20,000	0			
	Computer Equipment	1475		25,000	0			
	Relocation Costs for RAD	1495.1		15,000	844,419			
	Grant Total			\$1,724,419	1,724,419			

Capital Fund Program—Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
Expires 4/30/20011

Part I: Summary						
PHA Name/Number: Housing Authority of the County of Contra Costa			Locality: Contra Costa County, California		<input type="checkbox"/> Original 5-Year Plan <input type="checkbox"/> Revision No:	
A.	Development Number and Name	Work Statement for Year 1 FFY 2015__	Work Statement for Year 2 FFY 2016_____	Work Statement for Year 3 FFY 2017_____	Work Statement for Year 4 FFY 2018_____	Work Statement for Year 5 FFY 2019_____
B.	Physical Improvements Subtotal		689,000	724,000	758,000	758,000
C.	Management Improvements		241,000	206,000	172,000	172,000
D.	PHA-Wide Non-dwelling Structures and Equipment		45,000	45,000	45,000	45,000
E.	Administration		172,000	172,000	172,000	172,000
F.	Other		189,419	189,419	189,419	189,419
G.	Operations		344,000	344,000	344,000	344,000
H.	Demolition					
I.	Development					
J.	Capital Fund Financing – Debt Service					
K.	Total CFP Funds		1,724,419	1,724,419	1,724,419	1,724,419
L.	Total Non-CFP Funds					
M.	Grand Total		1,724,419	1,724,419	1,724,419	1,724,419

Capital Fund Program—Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
Expires 4/30/20011

Part I: Summary (Continuation)

PHA Name/Number: Housing Authority of the County of Contra Costa		Locality: Contra Costa County, California		<input type="checkbox"/> Original 5-Year Plan <input type="checkbox"/> Revision No:		
A.	Development Number and Name	Work Statement for Year 1 FFY 2015 ____	Work Statement for Year 2 FFY 2016 _____	Work Statement for Year 3 FFY 2017 _____	Work Statement for Year 4 FFY 2018 _____	Work Statement for Yr 5 FFY 2019 _____
		Annual Statement				
	CA011001/Alhambra Terrace			50,000		28,000
	CA011003/ Bridgemont			74,000		
	CA011004/Los Nogales		60,000			
	CA011005/ El Pueblo		55,000			55,000
	CA011006/Las Deltas				30,000	
	CA011008/Los Arboles				25,000	
	CA011009A/Las Deltas Annex 1				50,000	
	CA011009B/Las Deltas Annex 2					25,000
	CA0110010/Bayo Vista		74,000		94,000	
	CA0110011/ Hacienda		100,000	200,000	100,000	100,000
	CA0110012/Casa de Manana		200,000	100,000	100,000	100,000

Capital Fund Program—Five-Year Action Plan

**U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
Expires 4/30/20011**

	CA0110013/Casa Serena				59,000	50,000
	CA0110015/Elder Winds		100,000	200,000	200,000	100,000
	CA0110017/Vista del Camino					100,000
	CA0110018/Kidd Manor		100,000	100,000	100,000	200,000

Capital Fund Program—Five-Year Action Plan

**U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
Expires 4/30/20011**

Part II: Supporting Pages – Physical Needs Work Statement(s)						
Work Statement for Year 1 FFY 2013	Work Statement for Year 2 _____ FFY 2016			Work Statement for Year: 3 _____ FFY 2017		
	Development Number/Name General Description of Major Work Categories	Quantity	Estimated Cost	Development Number/Name General Description of Major Work Categories	Quantity	Estimated Cost
See	CA011004/Los Nogales – Exterior Modernization		60,000	CA011001/Alhambra Terrace – Interior Mod.		50,000
Annual Statement	CA011005/El Pueblo – Remodel Select Units		55,000	CA011003/Bridgemont – Remodel Select Units		74,000
	CA0110010/Bayo Vista – Remodel Select Units		74,000			
	CA0110011/Hacienda – Comprehensive Mod.		100,000	CA0110011/Hacienda – Comprehensive Mod.		200,000
	CA0110012/Casa de Manana – Comprehensive Mod.		200,000	CA0110012/Casa de Manana – Comprehensive Mod.		100,000
	CA0110015/Elder Winds – Comprehensive Mod.		100,000	CA0110015/Elder Winds – Comprehensive Mod.		200,000
	CA0110018/Kidd Manor – Comprehensive Mod.		100,000	CA0110018/Kidd Manor – Comprehensive Mod.		100,000
	Subtotal of Estimated Cost		\$ 689,000	Subtotal of Estimated Cost		\$ 724,000

Part II: Supporting Pages – Physical Needs Work Statement(s)

Work Statement for Year 1 FFY _____	Work Statement for Year 4 _____ FFY 2018			Work Statement for Year: 5 _____ FFY 2019		
	Development Number/Name General Description of Major Work Categories	Quantity	Estimated Cost	Development Number/Name General Description of Major Work Categories	Quantity	Estimated Cost
See	CA011006/Las Deltas – Remodel Select Units		30,000	CA011001/Alhambra Terrace – Interior Mod.		28,000
Annual Statement	CA011008/Los Arboles – Unit Modernization		25,000	CA011005/El Pueblo – Remodel Select Units		55,000
	CA011009A/Las Deltas – Remodel Select Units		50,000	CA011009B/Las Deltas – Remodel Select Units		25,000
	CA0110010/Bayo Vista – Remodel Select Units		94,000	CA0110017/Vista del Camino – Remodel Select Units		100,000
	CA0110013/Casa de Serena – Remodel Select Units		59,000	CA0110013/Casa de Serena – Remodel Select Units		50,000
	CA0110011/Hacienda – Comprehensive Mod.		100,000	CA0110011/Hacienda – Comprehensive Mod.		100,000
	CA0110012/Casa de Manana – Comprehensive Mod.		100,000	CA0110012/Casa de Manana – Comprehensive Mod.		100,000
	CA0110015/Elder Winds – Comprehensive Mod.		200,000	CA0110015/Elder Winds – Comprehensive Mod.		100,000
	CA0110018/Kidd Manor – Comprehensive Mod.		100,000	CA0110018/Kidd Manor – Comprehensive Mod.		200,000
	Subtotal of Estimated Cost		\$ 758,000	Subtotal of Estimated Cost		\$ 758,000

Part III: Supporting Pages – Management Needs Work Statement(s)				
Work Statement for Year 1 FFY 2013	Work Statement for Year 2 _____ FFY 2016		Work Statement for Year: 3 _____ FFY 2017	
	Development Number/Name	Estimated Cost	Development Number/Name	Estimated Cost
	General Description of Major Work Categories		General Description of Major Work Categories	
See Annual Statement				
	Section 3 Coordinator	79,000	Section 3 Coordinator	79,000
	Computer Hardware & Software	162,000	Computer Hardware & Software	127,000
	Subtotal of Estimated Cost	\$ 241,000	Subtotal of Estimated Cost	\$ 206,000

Capital Fund Program—Five-Year Action Plan

**U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
Expires 4/30/20011**

Part III: Supporting Pages – Management Needs Work Statement(s)

Work Statement for Year 1 FFY	Work Statement for Year 4 _____ FFY 2018		Work Statement for Year: 5 _____ FFY 2019	
	Development Number/Name General Description of Major Work Categories	Estimated Cost	Development Number/Name General Description of Major Work Categories	Estimated Cost
See				
Annual	Section 3 Coordinator	79,000	Section 3 Coordinator	79,000
Statement	Computer Hardware & Software	93,000	Computer Hardware & Software	93,000
	Subtotal of Estimated Cost	\$ 172,000	Subtotal of Estimated Cost	\$ 172,000

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 OMB No. 2577-0226
 Expires 4/30/2011

Part I: Summary					
PHA Name: Housing Authority of the County of Contra Costa		Grant Type and Number Capital Fund Program Grant No: CA39P01150114 Replacement Housing Factor Grant No: Date of CFFP:			FFY of Grant: 2014 FFY of Grant Approval: 2014
Type of Grant <input type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/Emergencies <input type="checkbox"/> Performance and Evaluation Report for Period Ending:					
<input checked="" type="checkbox"/> Revised Annual Statement (revision no:1) <input type="checkbox"/> Final Performance and Evaluation Report					
Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ¹	
		Original	Revised ²	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations (may not exceed 20% of line 21) ³	339,000	339,000		
3	1408 Management Improvements	304,000	304,000		
4	1410 Administration (may not exceed 10% of line 21)	169,000	169,000		
5	1411 Audit	2,000	2,000		
6	1415 Liquidated Damages				
7	1430 Fees and Costs	189,334	189,334		
8	1440 Site Acquisition				
9	1450 Site Improvement	242,000	20,000		
10	1460 Dwelling Structures	338,000	200,000		
11	1465.1 Dwelling Equipment—Nonexpendable	15,000	4,419		
12	1470 Non-dwelling Structures	70,000	0		
13	1475 Non-dwelling Equipment	25,000	0		
14	1485 Demolition				
15	1492 Moving to Work Demonstration				
16	1495.1 Relocation Costs	0	465581		
17	1499 Development Activities ⁴				

¹ To be completed for the Performance and Evaluation Report.

² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.

⁴ RHF funds shall be included here.

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 OMB No. 2577-0226
 Expires 4/30/2011

Part I: Summary					
PHA Name: Housing Authority of the County of Contra Costa		Grant Type and Number Capital Fund Program Grant No: CA39P01150114 Replacement Housing Factor Grant No: Date of CFFP:		FFY of Grant: 2014 FFY of Grant Approval: 2014	
Type of Grant <input type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/Emergencies <input checked="" type="checkbox"/> Revised Annual Statement (revision no: 1) <input type="checkbox"/> Performance and Evaluation Report for Period Ending: <input type="checkbox"/> Final Performance and Evaluation Report					
Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ¹	
		Original	Revised ²	Obligated	Expended
18a	1501 Collateralization or Debt Service paid by the PHA				
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment				
19	1502 Contingency (may not exceed 8% of line 20)				
20	Amount of Annual Grant:: (sum of lines 2 - 19)	\$1,693,334	1,693,334		
21	Amount of line 20 Related to LBP Activities	10,000	0		
22	Amount of line 20 Related to Section 504 Activities	20,000	0		
23	Amount of line 20 Related to Security - Soft Costs	0	0		
24	Amount of line 20 Related to Security - Hard Costs	0	0		
25	Amount of line 20 Related to Energy Conservation Measures	95,000	0		
Signature of Executive Director Joseph Villarreal		Date	Signature of Public Housing Director		Date

¹ To be completed for the Performance and Evaluation Report.

² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.

⁴ RHF funds shall be included here.

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 OMB No. 2577-0226
 Expires 4/30/2011

Part II: Supporting Pages								
PHA Name: Housing Authority of the County of Contra Costa		Grant Type and Number Capital Fund Program Grant No: CA39P01150114 CFFP (Yes/ No): no Replacement Housing Factor Grant No:			Federal FFY of Grant: 2014			
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised ¹	Funds Obligated ²	Funds Expended ²	
PHA-Wide	Operations	1406		339,000	339,000			
	Section 3 Coordinator	1408		196,000	196,000			
	Computer Software & Hardware	1408		108,000	108,000			
	Adminstration	1410		169,000	169,000			
	Audit	1411		2,000	2,000			
	Project Management, Planning Costs	1430		189,334	189,334			
	Landscape & Site Improvements	1450		35,000	20,000			
	Select Unit Modernization (foundation repairs, fire repairs, plumbing infrastructure repairs)	1460		125,000	100,000			
	Nonroutine Maintenance Repairs (window replacement, electrical repairs, flooring replacement)	1460		132,000	100,000			
CA011001/Alhambra Terrace	Site Electrical System Repairs	1450		107,000	0			
CA011004/Los Nogales	Unit Interior Electrical System Repairs	1460		81,000	0			
CA011005/El Pueblo	Exterior Lighting Repairs	1450		30,000	0			
CA0110013/Casa de Serena	Exterior Lighting Repairs	1450		50,000	0			
CA0110017/Vista del Camino	Playground Repairs	1450		20,000	0			
PHA-Wide	Dwelling Equipment	1465		15,000	4,419			
	AMP Office Improvements	1470		70,000	0			
	Computer Equipment	1475		25,000	0			
	Relocation Costs for RAD	1495.1			465,581			
	Grant Total			\$1,693,334	1,693,334			

¹ To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

² To be completed for the Performance and Evaluation Report.

Annual Statement/Performance and Evaluation Report
Capital Fund Program, Capital Fund Program Replacement Housing Factor and
Capital Fund Financing Program

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 4/30/2011

Part III: Implementation Schedule for Capital Fund Financing Program					
PHA Name: Housing Authority of the County of Contra Costa					Federal FFY of Grant: 2014
Development Number Name/PHA-Wide Activities	All Fund Obligated (Quarter Ending Date)		All Funds Expended (Quarter Ending Date)		Reasons for Revised Target Dates ¹
	Original Obligation End Date	Actual Obligation End Date	Original Expenditure End Date	Actual Expenditure End Date	
PHA-Wide Activities	7/15/16		7/15/18		
CA011001/Alhambra Terrace	7/15/16		7/15/18		
CA011004/Los Nogales	7/15/16		7/15/18		
CA011005/El Pueblo	7/15/16		7/15/18		
CA0110013/Casa Serena	7/15/16		7/15/18		
CA0110017/Vista del Camino	7/15/16		7/15/18		

¹ Obligation and expenditure end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1937, as amended.

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 OMB No. 2577-0226
 Expires 4/30/2011

Part I: Summary					
PHA Name: Housing Authority of the County of Contra Costa		Grant Type and Number Capital Fund Program Grant No: CA39P01150113 Replacement Housing Factor Grant No: Date of CFFP:			FFY of Grant: 2013 FFY of Grant Approval: 2013
Type of Grant <input type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/Emergencies <input checked="" type="checkbox"/> Revised Annual Statement (revision no:1) <input type="checkbox"/> Performance and Evaluation Report for Period Ending: <input type="checkbox"/> Final Performance and Evaluation Report					
Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ¹	
		Original	Revised ²	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations (may not exceed 20% of line 21) ³	308,000			
3	1408 Management Improvements	73,000			
4	1410 Administration (may not exceed 10% of line 21)	154,000			
5	1411 Audit	2,000			
6	1415 Liquidated Damages				
7	1430 Fees and Costs	189,584			
8	1440 Site Acquisition				
9	1450 Site Improvement	20,000			
10	1460 Dwelling Structures	717,000			
11	1465.1 Dwelling Equipment—Nonexpendable	35,000			
12	1470 Non-dwelling Structures	20,000			
13	1475 Non-dwelling Equipment	25,000			
14	1485 Demolition				
15	1492 Moving to Work Demonstration				
16	1495.1 Relocation Costs				
17	1499 Development Activities ⁴				

¹ To be completed for the Performance and Evaluation Report.

² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.

⁴ RHF funds shall be included here.

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 OMB No. 2577-0226
Expires 4/30/2011

Part I: Summary					
PHA Name: Housing Authority of the County of Contra Costa		Grant Type and Number Capital Fund Program Grant No: CA39P01150113 Replacement Housing Factor Grant No: Date of CFFP:		FFY of Grant:2013 FFY of Grant Approval: 2013	
Type of Grant <input checked="" type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/Emergencies <input type="checkbox"/> Revised Annual Statement (revision no:) <input type="checkbox"/> Performance and Evaluation Report for Period Ending: <input type="checkbox"/> Final Performance and Evaluation Report					
Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ¹	
		Original	Revised ²	Obligated	Expended
18a	1501 Collateralization or Debt Service paid by the PHA				
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment				
19	1502 Contingency (may not exceed 8% of line 20)				
20	Amount of Annual Grant:: (sum of lines 2 - 19)	1,543,584			
21	Amount of line 20 Related to LBP Activities	10,000			
22	Amount of line 20 Related to Section 504 Activities	20,000			
23	Amount of line 20 Related to Security - Soft Costs	0			
24	Amount of line 20 Related to Security - Hard Costs	12,000			
25	Amount of line 20 Related to Energy Conservation Measures	19,000			
Signature of Executive Director Joseph Villarreal		Date	Signature of Public Housing Director		Date

¹ To be completed for the Performance and Evaluation Report.

² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.

⁴ RHF funds shall be included here.

Part II: Supporting Pages								
PHA Name: Housing Authority of the County of Contra Costa		Grant Type and Number Capital Fund Program Grant No: CA39P01150113 CFFP (Yes/ No): no Replacement Housing Factor Grant No:			Federal FFY of Grant: 2013			
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised ¹	Funds Obligated ²	Funds Expended ²	
PHA-Wide	Operations	1406		308,000				
	Resident Services	1408		73,000				
	Adminstration	1410		154,000				
	Audit	1411		2,000				
	Project Management, Planning Costs	1430		189,584				
	Landscape & Site Improvements	1450		20,000				
	Select Unit Modernization	1460		86,000				
CA011001/Alhambra Terrace	Exterior Door Lockset Replacement Vacancy Reduction - Units 5, 10 & As Required	1460		96,000 70,000				
CA011003/Bridgemont	Interior Electrical System Upgrades Vacancy Reduction - As Required	1460 1460		40,000 10,000				
CA0110004/Los Nogales	Vacancy Reduction - As Required	1460		50,000				
CA011005/El Pueblo	Exterior Door Lockset Replacement Vacancy Reduction - Units 350, 385 & As Required	1460 1460		96,000 45,000				
CA0110006/9A/9B/Las Deltas	Vacancy Reduction - Units 409, 426, 429, 554, 568, 571, 580, 599, 658 & As Required	1460		25,000				
CA0110008/Los Arboles	Vacancy Reduction - As Required	1460		10,000				
CA0110010/Bayo Vista	Vacancy Reduction - Units 688, 689, 690, 785, 882, 884 & As Required	1460		75,000				

CA0110011/Hacienda	Waste Piping Repairs	1460		110,000				
	Exterior Metal Trim Repainting	1460		15,000				
	Vacancy Reduction - Unit 965	1460						
	& As Required							
CA0110012/Casa de Manana	Vacancy Reduction - As Required	1460		5,000				

¹ To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

² To be completed for the Performance and Evaluation Report.

Annual Statement/Performance and Evaluation Report
Capital Fund Program, Capital Fund Program Replacement Housing Factor and
Capital Fund Financing Program

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 4/30/2011

Part II: Supporting Pages								
PHA Name: Housing Authority of the County of Contra Costa		Grant Type and Number Capital Fund Program Grant No: CA39P01150113 CFFP (Yes/ No): No Replacement Housing Factor Grant No:			Federal FFY of Grant: 2013			
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised ¹	Funds Obligated ²	Funds Expended ²	
CA0110013/Casa de Serena	Metal Roofing Replacement	1460		50,000				
	Vacancy Reduction - As Required	1460		5,000				
CA0110015/ElderWinds	Vacancy Reduction - As Required	1460		5,000				
CA0110017/Vista del Camino	Roofing Replacement	1460		120,000				
	Vacancy Reduction - As Required	1460		5,000				
CA0110018/KiddManor	Vacancy Reduction - As Required	1460		5,000				
				5,000				
PHA-Wide	Dwelling Unit Appliances	1465		12,000				
	Accessibility Improvements, per PNA	1470		20,000				
	Computer Equipment	1475		25,000				
	Grant Total			1,543,584				

¹ To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

² To be completed for the Performance and Evaluation Report.

Annual Statement/Performance and Evaluation Report
Capital Fund Program, Capital Fund Program Replacement Housing Factor and
Capital Fund Financing Program

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 4/30/2011

Part III: Implementation Schedule for Capital Fund Financing Program					
PHA Name: Housing Authority of the County of Contra Costa					Federal FFY of Grant: 2013
Development Number Name/PHA-Wide Activities	All Fund Obligated (Quarter Ending Date)		All Funds Expended (Quarter Ending Date)		Reasons for Revised Target Dates ¹
	Original Obligation End Date	Actual Obligation End Date	Original Expenditure End Date	Actual Expenditure End Date	
PHA-Wide Activities	7/15/15		7/15/17		
CA011003/Bridgemont	7/15/15		7/15/17		
CA011006/9A/9B Las Deltas	7/15/15		7/15/17		
CA0110011/Hacienda	7/15/15		7/15/17		
CA0110013/Casa Serena	7/15/15		7/15/17		
CA0110017/Vista del Camino	7/15/15		7/15/17		

To: Contra Costa County Housing Authority Board of Commissioners
 From: Joseph Villarreal, Housing Authority
 Date: December 8, 2015



Contra
Costa
County

Subject: Amendment to the Housing Authority's Procurement Policy as required by HUD

RECOMMENDATIONS

ADOPT Resolution No. 5196 approving amendments to HACCC's Procurement Policy for the expenditure of goods and services.

BACKGROUND

The U.S. Office of Management and Budget (OMB) and the Federal award-making agencies (including the U.S. Department of Housing and Urban Development, or HUD) recently updated the procurement requirements for recipients of Federal financial assistance. OMB also made technical corrections to the relevant regulations in the Code of Federal Regulations (CFR) (2 CFR part 200). The purpose of these changes is to streamline the Federal government's guidance on administrative requirements, cost principles, and audit requirements to more effectively focus Federal resources on improving performance and outcomes, while ensuring the financial integrity of taxpayer dollars in partnership with non-Federal stakeholders. The uniform guidance supersedes, consolidates and streamlines requirements from eight OMB Circulars:

- A-21, *Cost Principles for Educational Institutions*,
- A-87, *Cost Principles for State, Local and Indian Tribal Governments*,
- A-89, *Catalog of Federal Domestic Assistance*,
- A-102, *Grants and Cooperative Agreements With State and Local Governments*,
- A-110, *Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations*,

Action of Board On: **12/08/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF COMMISSIONERS

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: December 8, 2015

Joseph Villarreal, Executive Director

Contact: 925-957-8028

By: , Deputy

cc:

BACKGROUND (CONTD)

>

- A-122, *Cost Principles for Non-Profit Organizations*,
- A-133, *Audits of States, Local Governments, and Non-Profit Organizations*, and
- *The guidance in OMB Circular A-50, Audit Followup*, on Single Audit Act follow-up.

In addition to the consolidation of the OMB Circulars, the new regulations raise existing limits in several areas. The Single Audit threshold is raised from \$500,000 to \$750,000. Along with that change, the questioned cost limit in Single Audits is now raised from \$10,000 to \$25,000. HACCC's policy will reflect the new micro purchase level under federal contracts of \$3,000. This was raised from \$2,000. HACCC's policy also uses the new small purchase level of \$150,000, up from \$100,000.

Non-federal agencies are required to implement the new regulations within two full fiscal years after the effective date of the Uniform Guidance which was December 26, 2014. For HACCC, the deadline is by March 31, 2016. Federal awards made prior to December 26, 2014, will continue to be governed by federal procurement rules in effect under parts 84 or 85 as codified in the 2013 edition of the CFR, or as provided under the terms of the Federal award.

HACCC's proposed procurement policy is attached and is based on the HUD-recommend Policy format located within Appendix No. 1 of the HUD Procurement Handbook 7460.8 REV 2.

FISCAL IMPACT

HUD's new regulations increase the micro purchase level under federal contracts from \$2,000 to \$3,000. The small purchase level under federal contracts is increased from \$100,000 to \$150,000.

CONSEQUENCE OF NEGATIVE ACTION

Should the Board of Commissioners elect not to adopt Resolution No. 5196, HACCC would not be in compliance with recently updated HUD requirements concerning the purchasing of services and goods.

ATTACHMENTS

Resolution 5196

Procurement Policy

THE BOARD OF COMMISSIONERS
HOUSING AUTHORITY OF THE COUNTY OF CONTRA COSTA

RESOLUTION NO. 5196

APPROVING AMENDMENTS TO THE PROCUREMENT POLICY
FOR THE HOUSING AUTHORITY OF THE COUNTY OF CONTRA COSTA

Whereas, the Board of Commissioners adopted the Housing Authority's Procurement Policy on June 27, 2006, and

Whereas, the Board of Commissioners adopted amendments to the Housing Authority's Procurement Policy on July 21, 2009, and

Whereas, the Board of Commissioners adopted amendments to the Housing Authority's Procurement Policy on April 27, 2010, and

Whereas, HUD has updated the procurement requirements for public housing agencies and the amended Procurement Policy complies with the procurement standards of 2 CFR part 200;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Housing Authority of the County of Contra Costa that the Authority's amended Procurement Policy is effective immediately.

PASSED AND ADOPTED ON _____ by
the following vote of the Commissioners.

AYES:

NOES:

ABSENT:

ABSTAIN:

I HEREBY CERTIFY THAT THIS IS A
TRUE AND CORRECT COPY OF AN
ACTION TAKEN AND ENTERED ON THE
MINUTES OF THE BOARD OF
COMMISSIONERS ON THE DATE SHOWN.

ATTESTED _____
JOSEPH VILLARREAL, CLERK OF THE
BOARD OF COMMISSIONERS
AND EXECUTIVE DIRECTOR

By _____

PROCUREMENT POLICY

Adopted: December 8th, 2015

Resolution No.: 5196

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1.0 INTRODUCTION

- 1.1 General.** Established for the Housing Authority of the County of Contra Costa (hereinafter, "the Agency") by Action of the Agency Board of Commissioners (Board) on December 8, 2015, this Procurement Policy (Policy) complies with the Annual Contributions Contract (ACC) between the Agency and the United States Department of Housing and Urban Development (HUD), Federal Regulations at 2 CFR §200.317 through §200.326, *Procurement Standards*, the procurement standards of the Procurement Handbook for Public Housing Authorities (PHAs), HUD Handbook 7460.8, REV 2, and applicable State and Local laws.

2.0 GENERAL PROVISIONS

- 2.1 General.** The Agency shall:

- 2.1.1** Provide for a procurement system of quality and integrity;
- 2.1.2** Provide for the fair and equitable treatment of all persons or firms involved in purchasing by the Agency;
- 2.1.3** Ensure that supplies and services (including construction) are procured efficiently, effectively, and at the most favorable and valuable prices available to the Agency;
- 2.1.4** Promote competition in contracting; and
- 2.1.5** Assure that the Agency purchasing actions are in full compliance with applicable Federal standards, HUD regulations, State, and local laws.

- 2.2 Application.** This Policy applies to all procurement actions of the Agency, regardless of the source of funds, except as noted under "exclusions" below. However, nothing in this Policy shall prevent the Agency from complying with the terms and conditions of any grant, contract, gift or bequest that is otherwise consistent with the law. When both HUD and non-Federal grant funds are used for a project, the work to be accomplished with the funds should be separately identified prior to procurement so that appropriate requirements can be applied, if necessary. If it is not possible to separate the funds, HUD procurement regulations shall be applied to the total project. If funds and work can be separated and work can be completed by a new

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contract, then regulations applicable to the source of funding may be followed.

- 2.3 Definition.** The term "procurement," as used in this Policy, includes the procuring, purchasing, leasing, or renting of: (1) goods, supplies, equipment, and materials, (2) construction and maintenance; consultant services, (3) Architectural and Engineering (A/E) services, (4) Social Services, and (5) other services.
- 2.4 Exclusions.** This policy does not govern administrative fees earned under the Section 8 voucher program, the award of vouchers under the Section 8 program, the execution of landlord Housing Assistance Payments contracts under that program, or non-program income, e.g., fee-for-service revenue under 24 CFR §990. These excluded areas are subject to applicable State and local requirements.
- 2.5 Changes in Laws and Regulations.** In the event an applicable law or regulation is modified or eliminated, or a new law or regulation is adopted, the revised law or regulation shall, to the extent inconsistent with these Policies, automatically supersede these Policies.
- 2.6 Public Access to Procurement Information.** Most procurement information that is not proprietary is a matter of public record and shall be available to the public to the extent provided in the State of California Freedom of Information Act.

3.0 ETHICS IN PUBLIC CONTRACTING

- 3.1 General.** The Agency hereby establishes this code of conduct regarding procurement issues and actions and shall implement a system of sanctions for violations. This code of conduct, etc., is consistent with applicable Federal, State, or local law.
- 3.2 Conflicts of Interest.** No employee, officer, Board member, or agent of the Agency shall participate directly or indirectly in the selection, award, or administration of any contract if a conflict of interest, either real or apparent, would be involved. This type of conflict would be when one of the persons listed below has a financial or any other type of interest in a firm competing for the award:
- 3.2.1** An employee, officer, Board member, or agent involved in making the award;
- 3.2.2** His/her relative (including father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-

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- in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister);
- 3.2.3 His/her partner; or
- 3.2.4 An organization which employs or is negotiating to employ, or has an arrangement concerning prospective employment of any of the above.
- 3.3 **Gratuities, Kickbacks, and Use of Confidential Information.** No officer, employee, Board member, or agent of the Agency shall ask for or accept gratuities, favors, or items of more than nominal value (i.e. inexpensive hat with logo) from any contractor, potential contractor, or party to any subcontract, and shall not knowingly use confidential information for actual or anticipated personal gain.
- 3.4 **Prohibition against Contingent Fees.** Contractors wanting to do business with the Agency must not hire a person to solicit or secure a contract for a commission, percentage, brokerage, or contingent fee, except for bona fide established commercial selling agencies.

4.0 PROCUREMENT PLANNING

- 4.1 **General.** Planning is essential to managing the procurement function properly. Hence, the Agency will periodically review its record of prior purchases, as well as future needs, to:
 - 4.1.1 Find patterns of procurement actions that could be performed more efficiently or economically;
 - 4.1.2 Maximize competition and competitive pricing among contracts and decrease the Agency's procurement costs;
 - 4.1.3 Reduce Agency administrative costs;
 - 4.1.4 Ensure that supplies and services are obtained without any need for re-procurement (i.e., resolving bid protests); and
 - 4.1.5 Minimize errors that occur when there is inadequate lead time.

Consideration shall be given to storage, security, and handling requirements when planning the most appropriate purchasing actions.

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5.0 PROCUREMENT METHODS

- 5.1 Petty Cash Purchases.** Purchases under \$50 may be handled through the use of a petty cash account. Petty Cash Accounts may be established in an amount sufficient to cover small purchases made during a reasonable period, e.g., one month. For all Petty Cash Accounts, the Agency shall ensure that security is maintained and only authorized individuals have access to the account. These accounts shall be reconciled and replenished periodically.
- 5.2 Small Purchase Procedures.** For any amounts above the Petty Cash ceiling, but not exceeding the \$150,000 the Agency may use small purchase procedures. Under small purchase procedures, the Agency shall obtain a reasonable number of quotes (preferably three); however, for purchases of less than \$3,000 (except for construction procurements which is set at \$2,000), also known as Micro Purchases, only one quote is required provided the quote is considered reasonable. To the greatest extent feasible, and to promote competition, small purchases should be distributed among qualified sources. Quotations for Small Purchases (QSP), or quotes, may be obtained orally (either in person or by phone), by fax, in writing, or through e-procurement. Award shall be made to the responsive and responsible vendor that submits the lowest cost to the Agency. If award is to be made for reasons other than lowest price, documentation shall be provided in the contract file. The Agency shall not break down requirements aggregating more than the small purchase threshold (or the Micro Purchase threshold) into several purchases that are less than the applicable threshold merely to: (1) permit use of the small purchase procedures or (2) avoid any requirements that applies to purchases that exceed the Micro Purchase threshold.
- 5.3 Sealed Bids.** Sealed bidding, also known as Invitation for Bids (IFB), shall be used for all contracts that exceed the small purchase threshold and that are not competitive proposals or non-competitive proposals, as these terms are defined in this Policy. Under sealed bids, the Agency publicly solicits bids and awards a firm fixed-price contract (lump sum or unit price) to the responsive and responsible bidder whose bid, conforming with all the material terms and conditions of the IFB, is the lowest in price. Sealed bidding is the preferred method for procuring construction, supply, and non-complex service contracts that are expected to exceed \$150,000.
- 5.3.1 Conditions for Using Sealed Bids.** The Agency shall use the sealed bid method if the following conditions are present: a complete,

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adequate, and realistic statement of work, specification, or purchase description is available; three or more responsible bidders are willing and able to compete effectively for the work; the contract can be awarded based on a firm fixed price; and the selection of the successful bidder can be made principally on the lowest price.

- 5.3.2 Solicitation and Receipt of Bids.** An IFB is issued which includes the specifications and all contractual terms and conditions applicable to the procurement, and a statement that award will be made to the lowest responsible and responsive bidder whose bid meets the requirements of the solicitation. The IFB must state the time and place for both receiving the bids and the public bid opening. All bids received will be date and time-stamped and stored unopened in a secure place until the public bid opening. A bidder may withdraw the bid at any time prior to the bid opening.
- 5.3.3 Bid Opening and Award.** Bids shall be opened publicly. All bids received shall be recorded on an abstract (tabulation) of bids, which shall then be made available for public inspection. If equal low bids are received from responsible bidders, selection shall be made by drawing lots or other similar random method. The method for doing this shall be stated in the IFB. If only one responsive bid is received from a responsible bidder, award shall not be made unless the price can be determined to be reasonable, based on a cost or price analysis.
- 5.3.4 Mistakes in Bids.** Correction or withdrawal of bids may be permitted, where appropriate, before bid opening by written or telegraphic notice received in the office designated in the IFB prior to the time set for bid opening. After bid opening, corrections in bids may be permitted only if the bidder can show by clear and convincing evidence that a mistake of a nonjudgmental character was made, the nature of the mistake, and the bid price actually intended. A low bidder alleging a nonjudgmental mistake may be permitted to withdraw its bid if the mistake is clearly evident on the face of the bid document but the intended bid is unclear or the bidder submits convincing evidence that a mistake was made. All decisions to allow correction or withdrawal of a bid shall be supported by a written determination signed by the Contracting Officer. After bid opening, changes in bid prices or other provisions of bids prejudicial to the interest of the Agency or fair competition shall not be permitted.

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- 5.4 Competitive Proposals.** Unlike sealed bidding, the competitive proposal method, also known as Request for Proposals (RFP), permits: consideration of technical factors other than price; discussion with offerors concerning offers submitted; negotiation of contract price or estimated cost and other contract terms and conditions; revision of proposals before the final contractor selection; and the withdrawal of an offer at any time up until the point of award. Award is normally made on the basis of the proposal that represents the best overall value to the Agency, considering price and other factors, e.g., technical expertise, past experience, quality of proposed staffing, etc., set forth in the solicitation and not solely the lowest price.
- 5.4.1 Conditions for Use.** Where conditions are not appropriate for the use of sealed bidding, competitive proposals may be used. Competitive proposals are the preferred method for procuring professional services that will exceed the small purchase threshold. As detailed within Section 7.2.B of HUD Procurement Handbook 7460.8 REV 2, "Only under limited circumstances would construction services be procured by competitive proposals;" accordingly, construction services will most typically be procured utilizing the sealed bid (IFB) or small purchase procedures (QSP).
- 5.4.2 Form of Solicitation.** Other than A/E services, developer-related services and energy performance contracting, competitive proposals shall be solicited through the issuance of an RFP. The RFP shall clearly identify the importance and relative value of each of the evaluation factors as well as any subfactors and price. A mechanism for fairly and thoroughly evaluating the technical and price proposals shall be established before the solicitation is issued. Proposals shall be handled so as to prevent disclosure of the number of offerors, identity of the offerors, and the contents of their proposals until after award. The Agency may assign price a specific weight in the evaluation factors or the Agency may consider price in conjunction with technical factors; in either case, the method for evaluating price shall be established in the RFP.
- 5.4.3 Evaluation.** The proposals shall be evaluated only on the factors stated in the RFP. Where not apparent from the evaluation factors, the Agency shall establish an Evaluation Plan for each RFP. Generally, all RFPs shall be evaluated by an appropriately appointed Evaluation Committee. The Evaluation Committee shall be required to disclose any potential conflicts of interest and to sign a Non-Disclosure statement. An Evaluation Report, summarizing the results of the evaluation, shall be prepared prior to award of a contract.

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- 5.4.4 Negotiations.** Negotiations shall be conducted with all offerors who submit a proposal determined to have a reasonable chance of being selected for award, unless it is determined that negotiations are not needed with any of the offerors. This determination is based on the relative score of the proposals as they are evaluated and rated in accordance with the technical and price factors specified in the RFP. These offerors shall be treated fairly and equally with respect to any opportunity for negotiation and revision of their proposals. No offeror shall be given any information about any other offeror's proposal, and no offeror shall be assisted in bringing its proposal up to the level of any other proposal. A common deadline shall be established for receipt of proposal revisions based on negotiations. Negotiations are exchanges (in either competitive or sole source environment) between the Agency and offerors that are undertaken with the intent of allowing the offeror to revise its proposal. These negotiations may include bargaining. Bargaining includes persuasion, alteration of assumptions and positions, give-and-take, and may apply to price, schedule, technical requirements, type of contract or other terms of a proposed contract. When negotiations are conducted in a competitive acquisition, they take place after establishment of the competitive range and are called discussions. Discussions are tailored to each offeror's proposal, and shall be conducted by the contracting officer with each offeror within the competitive range. The primary object of discussions is to maximize the Agency's ability to obtain best value, based on the requirements and the evaluation factors set forth in the solicitation. The contracting officer shall indicate to, or discuss with, each offeror still being considered for award, significant weaknesses, deficiencies, and other aspects of its proposal (such as technical approach, past performance, and terms and conditions) that could, in the opinion of the contracting officer, be altered or explained to enhance materially the proposer's potential for award. The scope and extent of discussions are a matter of the contracting officer's judgment. The contracting officer may inform an offeror that its price is considered by the Agency to be too high, or too low, and reveal the results of the analysis supporting that conclusion. It is also permissible to indicate to all offerors the cost or price that the Agency's price analysis, market research, and other reviews have identified as reasonable. "Auctioning" (revealing one offeror's price in an attempt to get another offeror to lower their price) is prohibited.

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- 5.4.4 Award.** After evaluation of the revised proposals, if any, the contract shall be awarded to the responsible firm whose technical approach to the project, qualifications, price and/or any other factors considered, are most advantageous to the Agency provided that the price is within the maximum total project budgeted amount established for the specific property or activity.
- 5.4.5 A/E Services.** The Agency shall contract for A/E services using Qualifications-based Selection (QBS) procedures, utilizing a Request for Qualifications (RFQ). Sealed bidding shall not be used for A/E solicitations. Under QBS procedures, competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. Price is not used as a selection factor under this method. QBS procedures shall not be used to purchase other types of services, other than Energy Performance Contracting and Developer services, though architectural/engineering firms are potential sources.

5.5 Noncompetitive Proposals.

- 5.5.1 Conditions for Use.** Procurement by noncompetitive proposals (sole- or single-source) may be used only when the award of a contract is not feasible using small purchase procedures, sealed bids, cooperative purchasing, or competitive proposals, and if one of the following applies:
- 5.5.1.1** The item is available only from a single source, based on a good faith review of available sources;
- 5.5.1.2** An emergency exists that seriously threatens the public health, welfare, or safety, or endangers property, or would otherwise cause serious injury to the Agency, as may arise by reason of a flood, earthquake, epidemic, riot, equipment failure, or similar event. In such cases, there must be an immediate and serious need for supplies, services, or construction such that the need cannot be met through any of the other procurement methods, and the emergency procurement shall be limited to those supplies, services, or construction necessary simply to meet the emergency;

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5.5.1.3 HUD authorizes the use of noncompetitive proposals; or

5.5.1.4 After solicitation of a number of sources, competition is determined inadequate.

5.5.2 **Justification.** Each procurement based on noncompetitive proposals shall be supported by a written justification for the selection of this method. The justification shall be approved in writing by the responsible Contracting Officer. Poor planning or lack of planning is not justification for emergency or sole-source procurements. The justification, to be included in the procurement file, should include the following information:

5.5.2.1 Description of the requirement;

5.5.2.2 History of prior purchases and their nature (competitive vs. noncompetitive);

5.5.2.3 The specific exception in 2 CFR §200.320(f)(1)-(4) which applies;

5.5.2.4 Statement as to the unique circumstances that require award by noncompetitive proposals;

5.5.2.5 Description of the efforts made to find competitive sources (advertisement in trade journals or local publications, phone calls to local suppliers, issuance of a written solicitation, etc.);

5.5.2.6 Statement as to efforts that will be taken in the future to promote competition for the requirement;

5.5.2.7 Signature by the Contracting Officer's supervisor (or someone above the level of the Contracting Officer); and

5.5.2.8 **Price Reasonableness.** The reasonableness of the price for all procurements based on noncompetitive proposals shall be determined by performing an analysis, as described in this Policy.

5.6 **Cooperative Purchasing/Intergovernmental Agreements.** The Agency may enter into State and/or local cooperative or intergovernmental agreements to purchase or use common supplies, equipment, or services. The decision to use an interagency agreement instead of conducting a direct procurement shall be

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based on economy and efficiency. If used, the interagency agreement shall stipulate who is authorized to purchase on behalf of the participating parties and shall specify inspection, acceptance, termination, payment, and other relevant terms and conditions. The Agency may use Federal or State excess and surplus property instead of purchasing new equipment and property if feasible and if it will result in a reduction of project costs. The goods and services obtained under a cooperative purchasing agreement must have been procured in accordance with 2 CFR §200.317 through §200.326.

6.0 INDEPENDENT COST ESTIMATE (ICE)

- 6.1 **General.** For all purchases above the Micro Purchase threshold, the Agency shall prepare an ICE prior to solicitation. The level of detail shall be commensurate with the cost and complexity of the item to be purchased.

7.0 COST AND PRICE ANALYSIS (CPA)

- 7.1 **General.** The Agency shall require assurance that, before entering into a contract, the price is reasonable, in accordance with the following instructions.

7.1.1 **Petty Cash and Micro Purchases.** No formal cost or price analysis is required. Rather, the execution of a contract by the Contracting Officer (through a Purchase Order or other means) shall serve as the Contracting Officer's determination that the price obtained is reasonable, which may be based on the Contracting Officer's prior experience or other factors.

7.1.2 **Small Purchases.** A comparison with other offers shall generally be sufficient determination of the reasonableness of price and no further analysis is required. If a reasonable number of quotes are not obtained to establish reasonableness through price competition, the Contracting Officer shall document price reasonableness through other means, such as prior purchases of this nature, catalog prices, the Contracting Officer's personal knowledge at the time of purchase, comparison to the ICE, or any other reasonable basis.

7.1.3 **Sealed Bids.** The presence of adequate competition should generally be sufficient to establish price reasonableness. Where sufficient bids are not received, and when the bid received is substantially more than the ICE, and where the Agency cannot reasonably determine price reasonableness, the Agency must

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conduct a cost analysis, consistent with federal guidelines, to ensure that the price paid is reasonable.

7.1.4 Competitive Proposals. The presence of adequate competition should generally be sufficient to establish price reasonableness. Where sufficient proposals are not received, the Agency must compare the price with the ICE. For competitive proposals where prices cannot be easily compared among offerors, where there is not adequate competition, or where the price is substantially greater than the ICE, the Agency must conduct a cost analysis, consistent with Federal guidelines, to ensure that the price paid is reasonable.

7.1.5 Contract Modifications. A cost analysis, consistent with federal guidelines, shall be conducted for all contract modifications for projects that were procured through Sealed Bids, Competitive Proposals, or Non-Competitive Proposals, or for projects originally procured through Small Purchase procedures and the amount of the contract modification will result in a total contract price in excess of \$150,000.

8.0 SOLICITATION AND ADVERTISING

8.1 Method of Solicitation.

8.1.1 Petty Cash and Micro Purchases. The Agency may contact only one source if the price is considered reasonable.

8.1.2 Small Purchases. Quotes may be solicited orally, through fax, E-Procurement, or by any other reasonable method.

8.1.3 Sealed Bids and Competitive Proposals. Solicitation must be done publicly. The Agency must use one or more following solicitation methods, provided that the method employed provides for meaningful competition.

8.1.3.1 Advertising in newspapers or other print mediums of local or general circulations.

8.1.3.2 Advertising in various trade journals or publications (for construction).

8.1.3.3 E-Procurement. The Agency may conduct its public procurements through the Internet using e-procurement systems. However, all e-procurements must otherwise be

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in compliance with 2 CFR §200.317 through §200.326, State and local requirements, and the Agency's procurement policy.

- 8.2 Time Frame.** For purchases of more than \$150,000, the public notice should run not less than once each week for two consecutive weeks.
- 8.3 Form.** Notices/advertisements should state, at a minimum, the place, date, and time that the bids or proposals are due, the solicitation number, a contact that can provide a copy of, and information about, the solicitation, and a brief description of the needed items(s).
- 8.4 Time Period for Submission of Bids.** A minimum of 30 days shall generally be provided for preparation and submission of sealed bids and 15 days for competitive proposals. However, the Executive Director may allow for a shorter period under extraordinary circumstances.
- 8.5 Cancellation of Solicitations.**
 - 8.5.1** An IFB, RFP, or other solicitation may be cancelled before bids/offers are due if:
 - 8.5.1.1** The supplies, services or construction is no longer required;
 - 8.5.1.2** The funds are no longer available;
 - 8.5.1.3** Proposed amendments to the solicitation are of such magnitude that a new solicitation would be best; or
 - 8.5.1.4** Other similar reasons.
 - 8.5.2** A solicitation may be cancelled and all bids or proposals that have already been received may be rejected if:
 - 8.5.2.1** The supplies or services (including construction) are no longer required;
 - 8.5.2.2** Ambiguous or otherwise inadequate specifications were part of the solicitation;
 - 8.5.2.3** All factors of significance to the Agency were not considered;

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- 8.5.2.4 Prices exceed available funds and it would not be appropriate to adjust quantities to come within available funds;
 - 8.5.2.5 There is reason to believe that bids or proposals may not have been independently determined in open competition, may have been collusive, or may have been submitted in bad faith; or
 - 8.5.2.6 For good cause of a similar nature when it is in the best interest of the Agency.
- 8.5.3 The reasons for cancellation shall be documented in the procurement file and the reasons for cancellation and/or rejection shall be provided upon request.
- 8.5.4 A notice of cancellation shall be sent to all bidders/offerors solicited and, if appropriate, shall explain that they will be given an opportunity to compete on any re-solicitation or future procurement of similar items.
- 8.5.5 If all otherwise acceptable bids received in response to an IFB are at unreasonable prices an analysis should be conducted to see if there is a problem in either the specifications or the Agency's cost estimate. If both are determined adequate and if only one bid is received and the price is unreasonable, the Contracting Officer may cancel the solicitation and either
 - 8.5.5.1 Re-solicit using an RFP; or
 - 8.5.5.2 Complete the procurement by using the competitive proposal method. The Contracting Officer must determine, in writing, that such action is appropriate, must inform all bidders of the Agency's intent to negotiate, and must give each bidder a reasonable opportunity to negotiate.
- 8.5.6 If problems are found with the specifications, the Agency should cancel the solicitation, revise the specifications and re-solicit using an IFB.
- 8.6 **Credit (or Purchasing) Cards.** Credit card usage should follow the rules for all other small purchases. For example, the Contracting Officer may use a credit card for Micro Purchases without obtaining additional quotes provided

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the price is considered reasonable. However, for amounts above the Micro Purchase level, the Contracting Officer would generally need to have obtained a reasonable number of quotes before purchasing via a credit card. When using credit cards, the Agency shall adopt reasonable safeguards to assure that they are used only for intended purposes (for instance, limiting the types of purchases or the amount of purchases that are permitted with credit cards).

9.0 BONDING REQUIREMENTS

9.1 General. The standards under this section apply to construction contracts that exceed \$150,000. There are no bonding requirements for small purchases or for competitive proposals. The Agency may require bonds in these latter circumstances when deemed appropriate; however, non-construction contracts should generally not require bid bonds.

9.1.1 Bid Bonds. For construction contracts exceeding \$150,000, offerors shall be required to submit a bid guarantee from each bidder equivalent to 5% of the bid price.

9.1.2 Payment Bonds. For construction contracts exceeding \$150,000, the successful bidder shall furnish an assurance of completion. This assurance may be any one of the following four:

9.1.2.1 A performance and payment bond in a penal sum of 100% of the contract price; or

9.1.2.2 Separate performance and payment bonds, each for 50% or more of the contract price; or

9.1.2.3 A 20 % cash escrow; or

9.1.2.4 A 25 % irrevocable letter of credit.

These bonds must be obtained from guarantee or surety companies acceptable to the U. S. Government and authorized to do business in the State of California. Individual sureties shall not be considered. U. S. Treasury Circular Number 570 lists companies approved to act as sureties on bonds securing Government contracts, the maximum underwriting limits on each contract bonded, and the States in which the company is licensed to do business. Use of companies on this circular is mandatory.

10.0 CONTRACTOR QUALIFICATIONS AND DUTIES

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10.1 Contractor Responsibility

10.1.1 The Agency shall not award any contract until the prospective contractor, i.e., low responsive bidder, or successful offeror, has been determined to be responsible. A responsible bidder/offeror must:

10.1.1.1 Have adequate financial resources to perform the contract, or the ability to obtain them;

10.1.1.2 Be able to comply with the required or proposed delivery or performance schedule, taking into consideration all of the bidder's/offeror's existing commercial and governmental business commitments;

10.1.1.3 Have a satisfactory performance record;

10.1.1.4 Have a satisfactory record of integrity and business ethics;

10.1.1.5 Have the necessary organization, experience, accounting and operational controls, and technical skills, or the ability to obtain them;

10.1.1.6 Have the necessary production, construction, and technical equipment and facilities, or the ability to obtain them; and,

10.1.1.7 Be otherwise qualified and eligible to receive an award under applicable laws and regulations, including not be suspended, debarred or under a HUD-imposed LDP.

10.1.2 If a prospective contractor is found to be non-responsible, a written determination of non-responsibility shall be prepared and included in the official contract file, and the prospective contractor shall be advised of the reasons for the determination.

10.2 **Suspension and Debarment.** Contracts shall not be awarded to debarred, suspended, or ineligible contractors. Contractors may be suspended, debarred, or determined to be ineligible by HUD in accordance with HUD regulations (2 CFR §200.317 through §200.326) or by other Federal agencies, e.g., Department of Labor for violation of labor regulations, when necessary to protect housing authorities in their business dealings. Prior to issuance of a contract, Agency staff shall, as detailed within Section 10.2.H.1 and 10.2.H.2 of HUD Procurement Handbook 7460.8 REV 2, conduct the required searches

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within the HUD Limited Denial of Participation (LDP) system and the U.S. General Services Administration System for Award Management (SAM) and place within the applicable contract file a printed copy of the results of each such search.

- 10.3 Vendor Lists.** All interested businesses shall be given the opportunity to be included on vendor mailing lists. Any lists of persons, firms, or products which are used in the purchase of supplies and services (including construction) shall be kept current and include enough sources to ensure competition.

11.0 CONTRACT PRICING ARRANGEMENTS

- 11.1 Contract Types.** Any type of contract which is appropriate to the procurement and which will promote the best interests of the Agency may be used, **provided the cost -plus-a-percentage-of-cost and percentage-of-construction-cost methods are not used.** All solicitations and contracts shall include the clauses and provisions necessary to define the rights and responsibilities of both the contractor and the Agency. For all cost reimbursement contracts, the Agency must include a written determination as to why no other contract type is suitable. Further, the contract must include a ceiling price that the contractor exceeds at its own risk.
- 11.2 Options.** Options for additional quantities or performance periods may be included in contracts, provided that:
- 11.2.1** The option is contained in the solicitation;
 - 11.2.2** The option is a unilateral right of the Agency;
 - 11.2.3** The contract states a limit on the additional quantities and the overall term of the contract;
 - 11.2.4** The options are evaluated as part of the initial competition;
 - 11.2.5** The contract states the period within which the options may be exercised;
 - 11.2.6** The options may be exercised only at the price specified in or reasonably determinable from the contract; and

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- 11.2.7** The options may be exercised only if determined to be more advantageous to the Agency than conducting a new procurement.

12.0 CONTRACT CLAUSES

- 12.1 Contract Pricing Arrangements.** All contracts shall identify the contract pricing arrangement as well as other pertinent terms and conditions, as determined by the Agency.
- 12.2 Required Forms.** Additionally, the forms HUD-5369; 5369-A; 5369-B; 5369; 5370; 5370-C (Sections I and II); 51915; and 51915-A, which contain all HUD-required clauses and certifications for contracts of more than \$150,000, as well as any forms/clauses as required by HUD for small purchases, shall be used, as applicable, in all corresponding solicitations and contracts issued by the Agency.
- 12.3 Required Contract Clauses:** The Agency shall ensure that each contract executed by the Agency contains the required contract clauses detailed within 2 CFR §200.326 and Appendix II.

13.0 CONTRACT ADMINISTRATION

- 13.1 General.** The Agency shall maintain a system of contract administration designed to ensure that Contractors perform in accordance with their contracts. These systems shall provide for inspection of supplies, services, or construction, as well as monitoring contractor performance, status reporting on major projects including construction contracts, and similar matters. For cost-reimbursement contracts, costs are allowable only to the extent that they are consistent with the cost principles in HUD Handbook 2210.18.

14.0 SPECIFICATIONS

- 14.1 General.** All specifications shall be drafted so as to promote overall economy for the purpose intended and to encourage competition in satisfying the Agency's needs. Specifications shall be reviewed prior to issuing any solicitation to ensure that they are not unduly restrictive or represent unnecessary or duplicative items. Function or performance specifications are preferred. Detailed product specifications shall be avoided whenever possible. Consideration shall be given to consolidating or breaking out procurements to obtain a more economical purchase. For equipment purchases, a lease versus purchase analysis should be performed to determine the most economical form of procurement.

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14.2 Limitation. The following types of specifications shall be avoided:

- 14.2.1** Geographic restrictions not mandated or encouraged by applicable Federal law (except for A/E contracts, which may include geographic location as a selection factor if adequate competition is available);
- 14.2.2** Brand name specifications (unless the specifications list the minimum essential characteristics and standards to which the item must conform to satisfy its intended use).

Nothing in this procurement policy shall preempt any State licensing laws. Specifications shall be reviewed to ensure that organizational conflicts of interest do not occur.

15.0 APPEALS AND REMEDIES

- 15.1 General.** It is Agency policy to resolve all contractual issues informally and without litigation. Disputes will not be referred to HUD unless all administrative remedies have been exhausted. When appropriate, a mediator may be used to help resolve differences.
- 15.2 Informal Appeals Procedure.** The Agency shall adopt an informal bid protest/appeal procedure for contracts of \$150,000 or less. Under these procedures, the bidder/contractor may request to meet with the appropriate Contract Officer.
- 15.3 Formal Appeals Procedure.** A formal appeals procedure shall be established for solicitations/contracts of more than \$150,000.
 - 15.3.1 Bid Protest.** Any actual or prospective contractor may protest the solicitation or award of a contract for serious violations of the principles of this Policy. Any protest against a solicitation must be received before the due date for the receipt of bids or proposals, and any protest against the award of a contract must be received within ten (10) calendar days after the contract receives notice of the contract award, or the protest will not be considered. All bid protests shall be in writing, submitted to the Contracting Officer or designee, who shall issue a written decision on the matter. The Contracting Officer may, at his/her discretion, suspend the procurement pending resolution of the protest if the facts presented so warrant.

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- 15.3.2 Contractor Claims.** All claims by a contractor relating to performance of a contract shall be submitted in writing to the Contracting Officer for a written decision. The contractor may request a conference on the claim. The Contracting Officer's decision shall inform the contractor of its appeal rights to the next higher level of authority in Agency. Contractor claims shall be governed by the Changes clause in the relevant form HUD-5370.

16.0 ASSISTANCE TO SMALL AND OTHER BUSINESSES

- 16.1 Required Efforts.** Consistent with Presidential Executive Orders 11625, 12138, and 12432, and Section 3 of the HUD Act of 1968, all feasible efforts shall be made to ensure that small and minority-owned businesses, women's business enterprises, and other individuals or firms located in or owned in substantial part by persons residing in the Agency area are used when possible. Such efforts shall include, but shall not be limited to:
- 16.1.1** Including such firms, when qualified, on solicitation mailing lists;
 - 16.1.2** Encouraging their participation through direct solicitation of bids or proposals whenever they are potential sources;
 - 16.1.3** Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by such firms;
 - 16.1.4** Establishing delivery schedules, where the requirement permits, which encourage participation by such firms;
 - 16.1.5** Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce;
 - 16.1.6** Including in contracts, to the greatest extent feasible, a clause requiring contractors, to provide opportunities for training and employment for lower income residents of the project area and to award subcontracts for work in connection with the project to business concerns which provide opportunities to low-income residents, as described in 24 CFR §135 (so-called Section 3 businesses); and
 - 16.1.7** Requiring prime contractors, when subcontracting is anticipated, to take the positive steps listed above.

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16.2 Goals. Shall be established periodically for participation by small businesses, minority-owned businesses, women-owned business enterprises, labor surplus area businesses, and Section 3 business concerns in Agency prime contracts and subcontracting opportunities.

16.3 Definitions.

16.3.1 A small business is defined as a business that is: independently owned; not dominant in its field of operation; and not an affiliate or subsidiary of a business dominant in its field of operation. The size standards in 13 CFR §121 should be used to determine business size.

16.3.2 A minority-owned business is defined as a business which is at least 51% owned by one or more minority group members; or, in the case of a publicly-owned business, one in which at least 51% of its voting stock is owned by one or more minority group members, and whose management and daily business operations are controlled by one or more such individuals. Minority group members include, but are not limited to Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, Asian Indian Americans, and Hasidic Jewish Americans.

16.3.3 A women's business enterprise is defined as a business that is at least 51% owned by a woman or women who are U.S. citizens and who control and operate the business.

16.3.4 A "Section 3 business concern" is as defined under 24 CFR §135.

16.3.5 A labor surplus area business is defined as a business which, together with its immediate subcontractors, will incur more than 50% of the cost of performing the contract in an area of concentrated unemployment or underemployment, as defined by the DOL in 20 CFR §654, Subpart A, and in the list of labor surplus areas published by the Employment and Training Administration.

17.0 BOARD APPROVAL OF PROCUREMENT ACTIONS

17.1 Authority. The Board appoints and delegates procurement authority to the Executive Director (ED) in the amount not to exceed \$150,000 and is responsible for ensuring that any procurement policies and procedures adopted are appropriate for the Agency. All procurements that exceed \$150,000 must have approval from the Board prior to award and/or contract execution.

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18.0 DELEGATION OF CONTRACTING AUTHORITY

- 18.1 Delegation.** While the ED is responsible for ensuring that the Agency's procurements comply with this Policy, the ED may delegate in writing all procurement authority as is necessary and appropriate to conduct the business of the Agency.
- 18.2 Procedures.** Further, and in accordance with this delegation of authority, the ED shall, where necessary, establish operational procedures (such as a procurement manual or standard operating procedures) to implement this Policy. The ED shall also establish a system of sanctions for violations of the ethical standards described in Section 3.0 herein, consistent with Federal, State, or local law.

19.0 DOCUMENTATION

- 19.1 Required Records.** The Agency must maintain records sufficient to detail the significant history of each procurement action. These records shall include, but shall not necessarily be limited to, the following:
- 19.1.1** Rationale for the method of procurement (if not self-evident);
 - 19.1.2** Rationale of contract pricing arrangement (also if not self-evident);
 - 19.1.3** Reason for accepting or rejecting the bids or offers;
 - 19.1.4** Basis for the contract price (as prescribed in this handbook);
 - 19.1.5** A copy of the contract documents awarded or issued and signed by the Contracting Officer;
 - 19.1.6** Basis for contract modifications; and
 - 19.1.7** Related contract administration actions.
- 19.2 Level of Documentation.** The level of documentation should be commensurate with the value of the procurement.
- 19.3 Record Retention.** Records are to be retained for a period of three years after final payment and all matters pertaining to the contract are closed.

20.0 DISPOSITION OF SURPLUS PROPERTY

- 20.1 General.** Property no longer necessary for the Agency's purposes (non-real property) shall be transferred, sold, or disposed of in accordance with applicable Federal, state, and local laws and regulations.

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21.0 FUNDING AVAILABILITY

- 21.1 General.** Before initiating any contract, the Agency shall ensure that there are sufficient funds available to cover the anticipated cost of the contract or modification.