

HOUSING AUTHORITY OF THE COUNTY OF CONTRA COSTA

TO: BOARD OF COMMISSIONERS

FROM: Joseph Villarreal, Executive Director

DATE: December 13, 2022

SUBJECT: PUBLIC HOUSING AGENCY ANNUAL PLAN HEARING FOR FISCAL YEAR 2023

SPECIFIC REQUEST(S) OR RECOMMENDATION(S) & BACKGROUND AND JUSTIFICATION

I. RECOMMENDED ACTION:

OPEN the public hearing for the Housing Authority's (HACCC) Annual Plan for fiscal year 2023, RECEIVE testimony, and CLOSE the public hearing.

ADOPT Resolution No. 5247 titled the "PHA Certifications of Compliance with the PHA Plan and Related Regulations including Required Civil Rights Certifications approving HACCC's Annual Plan for fiscal year 2023, including revisions to the Admissions and Continued Occupancy Plan and the Section 8 Administrative Plan.

II. FINANCIAL IMPACT:

No direct financial impact.

III. REASONS FOR RECOMMENDATION/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.

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

As required by HUD, HACCC staff provided public notice of this hearing in the East, West, and Contra Costa Times on October 31st, 2022. Staff met virtually with the agency's Resident Advisory Board (RAB) on five different occasions to discuss the proposed Plan: October 13th, October 20th, October 27th, and November 13rd, 2022. The RAB approved the proposed changes to the Annual Plan at their November 17th, 2022, meeting.

The following sections provide a synopsis of the major changes proposed by staff to the Annual Plan, its elements and to HACCC's policies. The specific proposed policies, with changes highlighted, are attached.

Public Housing

The proposed changes to HACCC's Public Housing Admissions and Continued Occupancy Plan are as follows:

- The HACCC Mission Statement was updated to match the Agency Mission Statement;
- Updated the policy and procedures for hearings, both informal and formal, allowing for remote hearings

- During remote hearings, if the participant(s) are in need of a translator to use video translation when available over voice only translation
- Added language that ensures a family denied for debts owed a PHA, shall be provided with the EV report that indicates the debt and provide the family with an opportunity to dispute the denial;
- Updated language to reflect that tenant lease briefings can be done in person, remotely, by teleconference or by phone if needed and that methods of effective communication will be deployed for the disabled;
- Removed the requirement that forms must be signed in the presence of an HACCC representative;
- Included language to search the Dru Sjodin National Sex Offence Database at <http://www.nsopw.gov> for all new applicants
- Included language that families who have a hearing and wish to request discovery of the documents, make the request no later than noon on the business day prior to the hearing. This policy clearly sets expectations and prevents the family from making any last minute requests that could cause a delay in the hearing.
- Added language indicating that Violation of Family Obligations and Failure to pass Criminal Background Checks are grounds for requesting an Informal Hearing;
- Updated the VAWA Certifications and Exhibits in the ACOP
- Included language that the HA will not need to verify assets worth less than \$5000
- Included language that the HA will not need to verify Food Stamps received by family
- Included language that the HA will use IVT (Income validation tool) during annual recertifications to compare family provided information
- Updated language to allow for reexaminations to be conducted via mail, drop box, telephone, in person or uploading through the rent café portal
- Included language to include annual and adjusted income amounts in tenant rent letters
- Included language to include rent being accepted through the rent café portal

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 their capital funds.

The proposed PHA Plan shows ongoing and planned capital fund activity. The following projects are among the proposed for HACCC's Federal Fiscal Year (FFY) 2022 & 2023 capital fund grants:

- \$750,000 - Replacement of select roofs at the Bayo Vista development.
- \$327,000 - Repair and conversion of the electrical infrastructure at the Alhambra Terrace development.
- \$292,000 - Phase 1 modernization of the Alhambra Terrace development.
- \$168,000 - Security window and door covers for vacant units at the Las Deltas development.
- \$162,000 - Boiler replacement at the Kidd Manor development.
- \$100,000 - Elevator modernization at the Elder Winds development.
- \$30,000 - Roof refurbishing at the Kidd Manor development.

- \$160,000 - Computer upgrades.
- \$55,000 - Installation of bath exhaust fans at the Vista del Camino development.
- \$50,000 - Concrete flatwork repairs at various developments.
- \$28,000 - Replace refrigerators, ranges, and other dwelling equipment.
- \$27,000 - Roof repairs at various developments.

Housing Choice Voucher

Proposed changes to the Section 8 Administrative Plan are as follows:

In addition to numerous grammatical changes, edits were made to the standard HUD language in the plan that introduces the subject matter. These are not policy changes but regulatory edits from the Code of Federal Regulations. The following substantial changes were made to the Housing Choice Voucher Program Administrative Plan as it pertains to HACCC Policy:

- The HACCC Mission Statement was updated to match the Agency Mission Statement;
- Updated the policy and procedures for screening of applicants at intake to determine if they already exist in the HUD database and whether they are cleared to participate in the rentals assistance program because they don't owe another PHA money, are not listed as a resident of another PHA and to validate a family's reported income;
- Clarified that a family cannot be denied assistance because they previously failed to meet their obligations under a Family Self-Sufficiency contract;
- Added language that ensures a family denied for debts owed a PHA, shall be provided with the EIV report that indicates the debt and provide the family with an opportunity to dispute the denial;
- With regards to placement on the HCV waiting list, if HACCC is placed in shortfall, the length of time in which the waiting list is viable will be suspended so that it will be considered for the full 24-month period when HACCC is not in shortfall;
- Updated Special Purpose Funding programs to include Mainstream Program and Emergency Housing Vouchers;
- Updated VASH admissions to reflect that the income threshold can be up to 80% of Area Median Income;
- Added Family Unification Program referrals from a Partnering Agency as special admissions to the HCV program;
- Updated the Shelter Plus Care name to be the Continuum of Care Rental Assistance Program;
- Updated language to reflect that tenant briefings can be done in person, remotely, by teleconference or by phone if needed and that methods of effective communication will be deployed for the disabled;
- Removed the requirement that forms must be signed in the presence of an HACCC representative;
- Updated language to specify that documentation use to verify a participant's social security number will NOT be removed from the file;
- Clarified the issues surrounding the late billing of subsidy to PHAs for portability purposes to conform with HUD regulations;
- Clarified the Conflict of Interest language for tenancies where the "covered individual" does not have a direct or indirect interest in the HAP Contract or in any benefits or payments under the HAP Contract;
- Special Housing Types language has been updated to reflect the kind of HAP Contract required, the specific identification of the program type on the HAP Contract, HQS Inspection requirements, and that any assisted unit can only be one Special Housing Type;
- Clarified that no more than 12 persons may live in a group home including assisted, unassisted residents and live-in aides;
- Clarified the HAP and Utility Allowance calculations for Shared Housing under the Special Housing Types grouping;

- Clarified what can be considered monthly carrying charges for Cooperative living costs for residents choosing that option;
- Clarified that families participating in the Homeownership Program can now enter into contracts to purchase a home that has not been built yet and that housing assistance will not start until the home is completed and inspections passed;
- Clarified a number of requirements under the Homeownership option and when and how a participant may participate in homeownership;
- Clarified that homeownership assistance terminates 180 days after the last homeownership assistance payment is made on behalf of the family;
- Added language indicating that Violation of Family Obligations and Failure to pass Criminal Background Checks are grounds for requesting an Informal Hearing;
- Updated the Admin Plan to reflect that all documentation pertaining to Continuum of Care Rental Assistance Programs will be maintained for a period of 5 years after the participant terminates participation.
- Updated the VAWA Certifications and Exhibits in the Administrative Plan;
- Added language to clarify that Family Unification Program/Family Youth Initiative funding that is project-based count towards the 10% exception for designating PBVs beyond the 20% of Voucher funding threshold;
- Updated the list of PBV properties assisted by HACCC to include the latest awarded projects;
- Updated the list of units exempted from using the PBV Site-Based Waiting Lists for specific projects where units are restricted to homeless applicants that must come from the Continuum of Care's Coordinated Entry System;
- Inserted a Development Information Worksheet as an Exhibit to the PBV Chapter of the Administrative Plan.
- Updated the RAD language in the Administrative Plan to clarify that the tenant lease must specify what will happen if the tenant goes to zero-subsidy and how the rent will be calculated and that a new lease must be executed whereby the tenant loses any rights or protections imparted as part of RAD participation;
- RAD admissions who didn't pay a security deposit may be required to pay a security deposit upon conversion of their home to RAD PBV or PBRA.
- Added language that RAD participants will be informed of Choice Mobility options and the benefits of living in lower poverty areas at the time of their lease signing for PBV assistance;
- Added language that RAD families are eligible for Choice Mobility after 12 months in their PBV unit and are not subject to re-screening, nor are they required to vacate if they cannot find a unit with their Choice Mobility voucher;
- Added language regarding the rent increase procedures and processing for RAD-assisted units;
- Added a new chapter for Special Purpose Vouchers and HACCC's policies for administering these funds for voucher programs including Family Unification, Foster Youth Initiative, VASH and Mainstream vouchers.
- Added a second Glossary that includes HUD-defined terms applicable to the assisted-housing programs operated by HACCC's Assisted Housing Division.

A complete copy of the proposed PHA Annual Plan, Administrative Plan and ACOP are available for review on the HACCC's website: www.contracostahousing.org.

IV. CONSEQUENCES OF NEGATIVE ACTION

Should the Board of Commissioners elect not to approve the FY2023 PHA Annual 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 Annual Plan has been submitted to, and approved by, HUD. HUD may also impose additional sanctions beyond the withholding of Capital Fund moneys.