

5.2	5-Year Plan Goals and Objectives.
	<p style="text-align: center;">Expand Housing Initiatives: Create housing opportunities</p>
	<ul style="list-style-type: none"> • Take affirmative steps to create housing opportunities for children, persons with disabilities and the elderly. • Continue to acquire additional multi-family units • Apply for additional Housing Choice Vouchers if they become available to serve the elderly and disabled or for children • Further diversify HACA’s sources of income • Purchase HUD Foreclosures • Create housing partners, with other local for profit or nonprofit, affordable housing providers to develop and provide additional affordable housing in an effort to reduce the number of applicants on the public housing waitlist
	<p style="text-align: center;">Expand Renewal Energy Programs Promote Energy Efficiency & Green Building Technologies</p>
	<ul style="list-style-type: none"> • Expand energy savings & recycling programs throughout Public Housing & at the HACA Central Offices • Explore renewable energy sources to reduce energy costs and to provide additional amenities to Public Housing residents • Integrate green building products and practices into any renovation projects • Pursue different ways to provide energy efficient air conditioning to all public housing units through HUD subsidy and/or other funding sources
	<p style="text-align: center;">Sustain Community Development Activities</p>
	<ul style="list-style-type: none"> • Commit a total of \$500,000 in funding over the next five years as an endowment for the HACA resident Scholarship Program • Provide additional donations through the Austin Community Foundation for local causes and create a matching donation program for staff
<p style="text-align: center;">Promote Housing Self-Sufficiency Create resident reward program, Wrap-around Service Center and Case Management (youth and adult)</p>	
<ul style="list-style-type: none"> • Expand on the “Six Star” model program for Public Housing and Housing Choice Voucher (HCV) residents • Organize workshops around essential services for self-sufficiency in Education, Training, Employment and Money Management • Create programs and incentives to improve parental involvement – effective supervision, school involvement – the POWER PARENT INITIATIVE • Link with existing parent support initiatives from community based partners to provide opportunities for increased participation by HCV families • Continue to provide exemplary results driven education and enrichment programming for youth 	

- Continue to provide exemplary, results driven workforce development and self-sufficiency programming for adults

Ensure Equal Opportunity for Housing

Create an effective administration process to resolve complaints of poor customer service, discrimination and improve public relations

- Ensure equal opportunity and affirmatively further fair housing Undertake affirmative measures to ensure access to assisted housing regardless of race, color, religion national origin, sex, familial status, and disability by
 - Undertaking affirmative measures to provide a suitable living environment for families living in assisted housing, regardless of race, color, religion national origin, sex, familial status, and disability;
 - Undertaking affirmative measures to ensure accessible housing to persons with all varieties of disabilities regardless of unit size required;
 - Complying with the Violence Against Women Act (Victims of Domestic Violence) and any other federal, state or local law that provides greater protection for victims of domestic violence, dating violence or stalking.
- HACA will continue its efforts to support and assist children and adult victims of domestic violence, dating violence, sexual assault, and stalking and will continue to establish collaborative programs with domestic violence service providers
- Provide Fair Housing training to HACA employees and community housing partners
- Provide HACA clients with an opportunity to provide input and to evaluate HACA customer service

Strengthen Communities

Foster a suitable living environment by providing case management, supportive services, and health referrals for the elderly and persons with disabilities

- Offer case management and supportive services through a partner, such as Catholic Charities, Meals on Wheels or Family Eldercare, to better serve elderly and persons with disabilities
- Enhance quality of life for elderly residents and residents with disabilities through expanded programming, such as nutrition classes, exercise classes, computer skills, etc
- Enhance Public Housing resident safety by providing residents with opportunities to earn stipends through resident patrol groups, lobby duty, etc
- Create no/low cost Sustainable Broadband and Phone Service for residents of Public Housing

Updates regarding the 2010-2014 Five-Year plan are:

Expand Housing Initiatives: Create housing opportunities

- HACA currently serves 5,179 families through the Housing Choice Voucher program and 1,928 families through the Public Housing program.
- HACA was awarded 85 vouchers through the Family Unification Program (FUP).
- HACA is an approved purchaser for HUD Foreclosures. HACA continues to administer a successful Down Payment Assistance Program and has helped 70 families transition to become homeowners.

Expand Renewal Energy Programs: Promote Energy Efficiency & Green Building Technologies

- HACA was recognized by the City of Austin for its recycling and waste prevention efforts and has achieved the status as a WasteSMART partner.
- Through the award of two American Recovery and Reinvestment Act grants, under Capital Fund Green Communities, HACA has embarked on multiple energy conservation improvements at two sites: North Loop and Gaston Place. Items to be addressed are lighting upgrades, solar, thermal DHW Heater, roof upgrades, community kitchen upgrade, photovoltaic systems, chiller/furnace replacement and window replacements.

Sustain Community Development Activities

- HACA has created the HACA Scholarship Foundation and has applied with the IRS and the State of Texas to be considered a tax, exempt 501(c)3. HACA is still waiting to receive final approval of its application with the IRS. By funding and investing the endowment fund for the next several years, HACA will have a self-sustaining endowment fund.
- HACA will evaluate and select few local and national organizations to start a matching program. HACA will match any staff donation up to \$1,000.

Promote Housing Self-Sufficiency: Create a Resident Reward Program, Wrap-Around Service Center and Case Management (Youth and Adult)

- HACA was awarded a 3-year 2009 ROSS grant in the amount of \$698,148 from HUD. The grant pays for service coordinators to provide service coordination and maintain partnerships with community agencies that deliver programming and support to HACA residents.
- HACA has hired and assigned its ROSS Service Coordinators and a service implementation plan has been drafted. A service coordination subcommittee comprised of Citywide Advisory Board members will be formed to provide valuable input on resident needs and programming issues. The program serves youth and adults.
- HACA completed the RFP process for contractors to provide services detailed in its "YES to College" college readiness for middle "schoolers", graduating seniors and adult learners. HACA is finalizing the contractors for the various facets of services to be provided.
- HACA continues its partnerships with CIS, Lifeworks, Austin Area Urban League, Boys & Girls Clubs, Boy & Girl Scouts, Phoenix House, Diversified Youth Services, YWCA and Theatre Action Project to provide a myriad of enrichment programs for HACA youth.
- HACA is a member of the Children's Optimal Health board and is working on mapping HACA public housing properties to determine needs and strengths.

Ensure Equal Opportunity for Housing: Create an effective administration process to resolve complaints of poor customer service, discrimination and improve public relations

- HACA has provided ongoing training to staff to promote fair housing
- HACA conducts an annual survey to ensure customer satisfaction

Strengthen Communities: Foster a Suitable living environment by providing case management, supportive services, and health referrals for the elderly and persons with disabilities

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- HACA has created resident patrols in which residents receive a stipend for their services.
- Programs such as SeniorWise memory strength classes, Yoga, health fairs, medication management and Advance Directives have been provided thus far through the Aging in Place grant at HACA's senior sites.
- HACA has hired its Resident Wellness Coordinator. This new position will manage services and initiatives for its elderly and disabled population. This position serves as the point of contact for the Aging in Place grant and offices at Lakeside Apartments.

PHA Plan Update

(a) The following changes have been adopted in the Housing Authority of the City of Austin's Annual Plan: items added to the plan are italicized

p. 12 Screening, Criminal Activity, HACA Policy If any household member has engaged "*or attempted*" in any of the following criminal activities regardless of the date committed, the family will be denied admission:

p. 27 Informal Settlement of Grievance

In addition, HACA will take into consideration the family's obligation such as work schedule, medical appointments or school attendance when scheduling and rescheduling the informal settlement.

p. 34 Community Service and Self-Sufficiency Requirement

Exempt Individual, 5.) Is engaged in work activities "*of at least 30 hours per week minimum*"

(b) Copies of the draft 2011 Annual Plan and 2010-2014 Five-Year Plan are available at all Public Housing sites, the HACA Central Office and on the HACA website, www.hacanet.org. All supporting documentation is available at the HACA Central Office.

1.) ELIGIBILITY, SELECTION AND ADMISSIONS POLICIES, INCLUDING DECONCENTRATION AND WAIT LIST PROCEDURES

Federal laws require public housing authorities to treat all applicants and tenant families equally, providing the same quality of service, regardless of family characteristics and backgrounds. Federal laws prohibit discrimination in housing on the basis of race, color, religion, sex, sexual orientation, national origin, age, familial status and disability. The housing authority will comply fully with all federal, state and local nondiscrimination laws and with rules and regulations governing fair housing and

equal opportunity in housing and employment.

- I. **General Statement.** HACA is responsible for ensuring that every individual and family admitted to the public housing program meets all program eligibility requirements. This includes any individual approved to join the family after the family has been admitted to the program. The family must provide any information needed by HACA to confirm eligibility and determine the level of the family's assistance. To be eligible for the Conventional Public Housing and Housing Choice Voucher programs, the applicant family must: qualify as a family as defined by HUD and HACA, have income at or below HUD-specified income limits, qualify on the basis of citizenship or the eligible immigrant status of family members, provide social security number information for family members as required and consent to HACA's collection and use of family information as provided for in HACA-provided consent forms. HACA must determine that the current and past behavior of household members does not include activities that are prohibited by HUD and HACA.
- II. **Income Mix and Selection Criteria and Deconcentration.** HUD is required by law to set income limits that determine the eligibility of applicants for HUD's assisted housing programs. The income limits are published annually and are based on HUD estimates of median family income in a particular area or county, with adjustment for family size.
- III. **General Eligibility Requirements.** The following eligibility criteria must be met in order for an applicant to be considered for the Conventional Public Housing Program or the Housing Choice Voucher Program:

A. To be eligible for admission, an applicant must qualify as a family. A family may be a single person or a group of persons. *Family* as defined by HUD includes a family with a child or children, two or more elderly or disabled persons living together, one or more elderly or disabled persons living with one or more live-in aides or a single person. The PHA has the discretion to determine if any other group of persons qualifies as a family.

A family also includes two or more individuals who are related by blood, marriage (either licensed or Texas common law), consensual sexual relationship, legal adoption or other operation of law, who either can demonstrate that they have lived together previously or certify that each individual's income and other resources will be available to meet the needs of the family and will be living in the same dwelling unit. Notwithstanding anything to the contrary, in order to qualify as a family in the context of a head of household with minors who are not the head of household's children, either:

- (1) a court order establishing custody, or
- (2) an affidavit from the parent, which establishes custody with the head of household, is required.
- (3) If the parent or legal guardian is deceased, their whereabouts are unknown, or they are unresponsive, the head of household must provide an affidavit declaring one of the foregoing and that the child(ren) is/are residing with him/her and also provide proof of kinship care by producing documents relating to school, TANF, Medicaid or medical records.

A family does not include:

- (1) a group of unrelated non-elderly and/or disabled persons under 62 years of age living together,
- (2) a housekeeper or live-in aide, or
- (3) foster children and/or foster adults.

Each family must identify the individuals to be included in the family at the time of application, and must update this information if the family's composition changes.

Household is a broader term that includes additional people who, with HACA's permission, live in a public housing unit, such as live-in aides, foster children and foster adults.

- B. The applicant must be a United States Citizen or a noncitizen who has eligible immigration status in one of the following categories: (1) lawfully admitted for permanent residence as an immigrant, including special agricultural workers; (2) entered the United States before January 1, 1972 and has maintained continuous residence thereafter, and who is not ineligible for citizenship, but who is deemed to be lawfully admitted for permanent residence as a result of an exercise of discretion by the Attorney General of the United States; (3) lawfully present in the United States pursuant to the granting of asylum (refugee status); (4) lawfully present in the United States as a result of an exercise of discretion by the Attorney General for emergent reasons or reasons deemed strictly in the public interest (parole status); (5) lawful present in the United States as a result of the Attorney General of the United States withholding of deportation (threat to life or freedom); or (6) lawfully admitted for temporary or permanent residence (amnesty granted under Immigration and Naturalization Action Section 245-A); Housing assistance is available only to individuals who are U.S citizens, U.S. nationals or noncitizens that have eligible immigration status. At least one of the family members must be a citizen, national or noncitizen with eligible immigration status in order for the family to qualify for any level of assistance. All applicant families must be notified of the requirement to submit evidence of their citizenship status when they apply. Where feasible, and in accordance with the PHA's Limited English Proficiency Plan, the notice must be in a language that is understood by the individual if the individual is not proficient in English.

HUD is required by law to set income limits that determine the eligibility of applicants for HUD's assisted housing programs, including the public housing program. The income limits are published annually and are based on HUD estimates of median family income in a particular area or county, with adjustments for family size.

Types of Low-Income Families

Low-income family. A family whose annual income does not exceed 80 percent of the median income for the area, adjusted for family size.

Very low-income family. A family whose annual income does not exceed 50 percent of the median income for the area, adjusted for family size.

Extremely low-income family. A family whose annual income does not exceed 30 percent of the median income for the area, adjusted for family size.

HUD may establish income ceilings higher or lower than 30, 50 or 80 percent of the median income for an area if HUD finds that such variations are necessary because of unusually high or low family incomes.

Using Income Limits for Eligibility

Income limits are used for eligibility only at admission. Eligibility is established by comparing a family's annual income with HUD's published income limits. To be income-eligible, a family must be a *low-income* family.

Using Income Limits for Targeting

At least 40 percent of the families admitted to the PHA's public housing program during a PHA fiscal year from the PHA waiting list must be *extremely low-income* families. This is called the "basic targeting requirement."

If admissions of extremely low-income families to the PHA's housing choice voucher program during a PHA fiscal year exceed the 75 percent minimum-targeting requirement for that program, such excess shall be credited against the PHA's public housing basic targeting requirement for the same fiscal

year.

The fiscal year credit for housing choice voucher program admissions that exceed the minimum voucher program targeting requirement must not exceed the lower of:

- Ten percent of public housing waiting list admissions during the PHA fiscal year
- Ten percent of waiting list admission to the PHA's housing choice voucher program during the PHA fiscal year
- The number of qualifying low-income families who commence occupancy during the fiscal year of public housing units located in census tracts with a poverty rate of 30 percent or more. For this purpose, qualifying low-income family means a low-income family other than an extremely low-income family.

HUD requires or permits HACA to deny admission based on certain types of current or past behaviors of family members as discussed in this part. HACA's authority in this area is limited by the Violence Against Women Reauthorization Act of 2005 (VAWA), which expressly prohibits the denial of admission to an otherwise qualified applicant on the basis that the applicant is or has been the victim of domestic violence, dating violence, or stalking.

HACA complies with all Fair Housing laws. Applicants have the right to request a reasonable accommodation. HACA will consider all reasonable accommodation requests under the Fair Housing Act and Section 504 of the American's with Disabilities Act.

The screening criteria in the Admissions and Continued Occupancy Policy are based on those set forth in the HUD Regulations [24 CFR Part 960.205] and in the applicable sections of the Quality Housing and Work Responsibility Act of 1998 (QHWRA). The regulations require an assessment of the behavior of each applicant with respect to the essential obligations of tenancy as expressed in the Authority's lease. The essential obligations of tenancy may be summarized as follows:

- A. To pay rent and other charges under the lease in the manner set forth by the PHA in the lease;
- B. To care for and avoid damaging the unit and common areas, to use facilities and equipment in a reasonable way; not to create or maintain health, safety or sanitary hazards, and to promptly report maintenance needs;
- C. Not to interfere with the rights and enjoyment of others, and not to damage the property of others;
- D. Not to engage in criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents or staff; and not to engage in drug-related criminal activity on or off the premises; and
- E. To comply with necessary and reasonable rules and program requirements of HUD and the PHA; to comply with health and safety codes.

REQUIRED DENIAL OF ADMISSION [24 CFR 960.204]

PHAs are required to establish standards that prohibit admission of an applicant to the public housing program if they have engaged in certain criminal activity or if the PHA has reasonable cause to believe that a household member's current use or pattern of use of illegal drugs, or current abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents. Where the statute requires that the PHA prohibit admission for a prescribed period of time after some disqualifying behavior or event, the PHA may choose to continue that prohibition for a longer period of time [24 CFR 960.203(c)(3)(ii)].

HUD requires the PHA to deny assistance in the following cases:

- Any member of the household has been evicted from federally-assisted housing in the last 3 years for drug-related criminal activity. HUD permits but does not require the PHA to admit an otherwise-eligible family if the household member has completed a PHA-approved drug rehabilitation program or the circumstances which led to eviction no longer exist (e.g. the person involved in the criminal activity no longer lives in the household).

HACA Policy

HACA will apply its screening criteria on all applicant families, including families evicted from federally-assisted housing within the past 5 years for drug-related criminal activity. The PHA determines that any household member is currently engaged in the use of illegal drugs. *Drug* means a controlled substance as defined in section 102 of the Controlled Substances Act [21 U.S.C. 802]. *Currently engaged in the illegal use of a drug* means a person has engaged in the behavior recently enough to justify a reasonable belief that there is continuing illegal drug use by a household member [24 CFR 960.205(b)(1)].

HACA Policy

Currently engaged in is defined as any use of illegal drugs during the previous six months.

- The PHA has reasonable cause to believe that any household member's current use or pattern of use of illegal drugs, or current abuse or pattern of abuse of alcohol, may threaten the health, safety or right to peaceful enjoyment of the premises by other residents.

HACA Policy

In determining reasonable cause, HACA will consider all credible evidence, including but not limited to, any record of convictions, arrests or evictions of household members related to the use of illegal drugs or the abuse of alcohol. A conviction will be given more weight than an arrest. HACA may, at its discretion, also consider evidence from treatment providers or community-based organizations providing services to household members.

- Any household member has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine on the premises of federally assisted housing.

HACA Policy

If any household member has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine in any location, not just federally assisted housing, the family will be denied admission.

- Any household member is subject to a lifetime registration requirement under a state sex offender registration program.

HACA Policy

If any household member is currently registered as a sex offender under any State registration requirement, regardless of whether it is for lifetime or not, the family will be denied admission.

SCREENING

Screening for Eligibility

PHAs are authorized to obtain criminal conviction records from law enforcement agencies to screen applicants for admission to the public housing program. This authority assists the PHA in complying with HUD requirements and PHA policies to deny assistance to applicants who are engaging in or have engaged in certain criminal activities. In order to obtain access to the records the PHA must require every applicant family to submit a consent form signed by each adult household member [24 CFR 5.903].

The PHA may not pass along to the applicant the costs of a criminal records check [24 CFR 960.204(d)].

HACA Policy

HACA requires all applicant household and family members 17 years of age or older to submit a current criminal history report processed by the Texas Department of Public Safety (DPS). The criminal history report must be no more than 60 days old at the time of the scheduled initial Admissions interview date. This DPS report requires a fingerprint card and encompasses a statewide criminal history search.

If the applicant and/or household member 17 years of age or older, or the live-in aide applicant has not resided in the state of Texas for the most recent 2 years from the date of application, HACA will require an FBI criminal history report that includes information from the National Crime Information Center (NCIC), in addition to reviewing the Texas DPS report.

The PHA is required to perform criminal background checks necessary to determine whether any household member is subject to a lifetime registration requirement under a state sex offender program in the state where the housing is located, as well as in any other state where a household member is known to have resided [24 CFR 960.204(a)(4)].

If the PHA proposes to deny admission based on a criminal record or on lifetime sex offender registration information, the PHA must notify the household of the proposed action and must provide the subject of the record and the applicant a copy of the record and an opportunity to dispute the accuracy and relevance of the information prior to a denial of admission [24 CFR 5.903(f) and 5.905(d)].

HACA Policy

HACA does not obtain criminal conviction records directly from law enforcement agencies. HACA complies with 24 CFR 5.903(f) and 5.905(d) in the following manner: applicants submit criminal history reports to HACA at the time of the interview and have had the opportunity to retain a copy for their records. Upon review of the criminal history report, HACA will determine if a denial is applicable. If a denial is warranted, a written notice of denial will be mailed, which will provide the detailed summary of the criminal history that caused the reason for the proposed denial.

Additionally, the denial notice will advise the applicant of the right to request an informal hearing to dispute the accuracy of the data and the basis for the denial. The request must be made in writing within 10 calendar days of the date of the denial notice.

If the family fails to request an informal hearing within 10 calendar days of the date of the official denial letter, the denial shall become final.

Screening for Suitability as a Tenant [24 CFR 960.203(c)]

The PHA is responsible for the screening and selection of families to occupy public housing units. The PHA may consider all relevant information. Screening is important to public housing communities and program integrity, and to ensure that assisted housing is provided to those families that will adhere to lease obligations.

HACA Policy

HACA will consider the family's history with respect to the following factors:

- Payment of rent and utilities
- Caring for a unit and premises
- Respecting the rights of other residents to the peaceful enjoyment of their housing
- Criminal activity that is a threat to the health, safety or property of others
- Behavior of all household members as related to the grounds for denial as detailed in Admissions and Continued Occupancy Policy
- Compliance with any other essential conditions of tenancy

OTHER PERMITTED REASONS FOR DENIAL OF ADMISSION

HUD permits, but does not require the PHA to deny admission for the reasons discussed in this section.

HACA Policy

Preliminary Eligibility Criteria

All applications will be screened for preliminary eligibility before they are added to the HACA public housing waiting list. If an applicant is found to be preliminarily ineligible, their application will not be added to the program's waiting list. The following criteria shall be used to determine preliminary ineligibility:

HACA shall prohibit admission to the public housing program of an applicant for five years from the date of eviction or termination if a household or family member has been evicted or terminated from federally assisted housing for drug-related criminal activity

An applicant is deemed preliminarily ineligible and shall be rejected and not placed on the HACA waiting list if they were the head of household, spouse or co-head at the time of past residency at HACA and owes a move-out balance or debt to HACA which is not barred by a statute of limitations. There is a four-year statute of limitation, which ends the latter of:

- (1) Four years from the date the debt became delinquent, or
- (2) Four years from the date the final payment would have been due if a repayment agreement was signed by the former tenant.

An applicant is deemed preliminarily ineligible and shall be rejected and not placed on the HACA waiting list if they were terminated or evicted for any reason other than drug-related activity from either program within a two-year period from date of new application. Abandonment of unit in the Housing Choice Voucher program is considered a termination; abandonment of unit in the conventional public housing program is considered an eviction. This restriction applies only to the former head of household and/or spouse or co-head.

An applicant is deemed preliminarily ineligible and shall be rejected if applying for the Housing Choice Voucher program if they have been issued a voucher within one year from the date of application, whether or not the voucher was utilized. Expiration of an unused voucher is not cause for preliminary ineligibility for the Public Housing program.

An applicant is deemed preliminarily ineligible and shall be rejected and not placed on the HACA waiting list if currently housed in this same program and listed as the head of household or co-head of household. For the purpose of providing a housing opportunity to as many applicants as possible, 12 months should elapse before an applicant is preliminarily eligible to reapply for the same program they have just moved out of. This shall include voluntary withdrawals in the conventional public housing program.

An applicant is deemed preliminarily ineligible and shall be rejected if applying for the same program for which they have already been denied admissions due to criminal history or derogatory rental history, unreported income, or fraud within a 12-month period. The applicant will not be eligible to request an informal review of this rejection due to the fact that the applicant was offered an informal review when they were initially denied admissions for criminal history and/or derogatory rental history. Twelve months should elapse from the date of denial or date of the hearing decision which ever is later.

An applicant is deemed preliminarily ineligible and shall be rejected if applying for the conventional public housing program and has rejected a public housing unit offer from HACA within the last 12 months from the date of the last housing offer.

A family is deemed evicted if a lease termination/violation letter had been sent to the family alleging a breach of the lease based upon drug-related criminal activity, criminal activity, non-payment of rent, or other breach and the family has voluntarily vacated, or if a judgment for eviction is rendered, or if the family vacated due to the oral threatened termination of the lease.

Criminal Activity [24 CFR 960.203 (b) and (c)]

Under the Public Housing Assessment System (PHAS), PHAs that have adopted policies, implemented procedures and can document that they successfully screen out and deny admission to certain applicants

with unfavorable criminal histories receive points.

The PHA is responsible for screening family behavior and suitability for tenancy. In doing so, the PHA may consider an applicant's history of criminal activity involving crimes of physical violence to persons or property and other criminal acts that would adversely affect the health, safety or welfare of other tenants.

HACA Policy

If any household member has engaged or attempted in any of the following criminal activities regardless of the date committed the family will be denied admission:

- (1) capital murder
- (2) murder/manslaughter
- (3) kidnapping
- (4) child molestation
- (5) rape or crimes of a sexual nature
- (6) incest
- (7) gross lewdness
- (8) arson

If any household member is currently engaged in, or has engaged in any of the following criminal activities, within the past four years, the family will be denied admission:

- (1) Drug-related criminal activity, defined by HUD as the illegal manufacture, sale, distribution or use of a drug, or the possession of a drug with intent to manufacture, sell distribute or use the drug [24 CFR 5.100]
- (2) Violent criminal activity, defined by HUD as any criminal activity that has as one of its elements the use, attempted use or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage [24 CFR 5.100]. Criminal activity that may threaten the health, safety or welfare of other tenants [24 CFR 960.203(c)(3)].
- (3) assault, aggravated assault, assault by threat, stalking;
- (4) physical violence to persons or property, or criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another
- (5) Criminal activity that may threaten the health or safety of HACA staff, contractors, subcontractors or agents.
- (6) Three or more arrests or convictions of alcohol-related criminal activity, including Driving under the Influence and Public Intoxication.
- (7) Illegal possession/discharge/display/carrying of firearm or illegal weapon/ deadly weapon;
- (8) Burglary of a Habitation.

If any household member is currently engaged in, or has engaged in any of the following criminal activities, within the past three years, the family will be denied admission:

- (1) A pattern of abuse of alcohol, including, but not limited to, public intoxication and driving while intoxicated.
- (2) A pattern of fraud committed against a governmental entity.
- (3) A pattern of theft or fraud.
- (4) A pattern of organized criminal activity.
- (5) A pattern (for the purposes listed above) consists of three or more incidences.

If an applicant has one offense of a Class C misdemeanor within the past four years, HACA will not deny the applicant. More than one Class C misdemeanor will be considered a pattern (for the purpose of determining eligibility) and the applicant may be subject to denial based on the nature of the offenses.

In making its decision to deny assistance, HACA will consider the factors discussed in Sections 3 of the Admissions and Continued Occupancy Policy. Upon consideration of such factors, HACA may, on a case-by-case basis, decide not to deny assistance.

Evidence of such criminal activity includes, but is not limited to, any record of convictions, arrests or evictions for suspected drug-related or violent criminal activity of household members. A conviction for such activity will be given more weight than an arrest or an eviction.

Previous Behavior [960.203(c) and (d) and PH Occ GB, p. 48]

HUD authorizes the PHA to deny admission based on relevant information pertaining to the family's previous behavior and suitability for tenancy.

In the event of the receipt of unfavorable information with respect to an applicant, the PHA must consider the time, nature, and extent of the applicant's conduct (including the seriousness of the offense). As discussed in Section 3 of the Admissions and Continued Occupancy Policy, the PHA may also need to consider whether the cause of the unfavorable information may be that the applicant is the victim of domestic violence, dating violence or stalking.

HACA Policy

HACA will deny admission to an applicant family if HACA determines that the family:

- 1) Has a pattern of unsuitable past performance in meeting financial obligations, including rent within the past two years. Has a pattern of disturbance of neighbors, destruction of property or living or housekeeping habits at prior residences within the past two years which may adversely affect the health, safety or welfare of other tenants (Has a pattern of eviction from housing or termination from residential programs within the past five years (considering relevant circumstances). Abandonment of a unit in public housing is considered an eviction. This restriction only applies to the head of household and/or the cohead of household.
- 2) If the head or cohead owes rent or other amounts to any other PHA or owner in connection with any assisted housing program. Any amounts owed to HACA or other federally subsidized property will have to be repaid by the applicant before Admissions approval. There is a four-year statute of limitations that ends the latter of:
 - a) Four years from the date the debt became delinquent, or
 - b) Four years from the date the final payment would have been due if a repayment agreement was signed by the former tenant.
- 3) Misrepresented or does not provide complete information related to eligibility, including income, award of preferences for admission, expenses, family composition or rent
- 4) Has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program. This includes intentional misrepresentation of citizenship or immigration status.
- 5) Refuses to sign and submit consent forms for obtaining information necessary to determine eligibility and continued eligibility for housing assistance
- 6) Has engaged in or threatened violent or abusive behavior toward HACA personnel
Abusive or violent behavior towards HACA personnel includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.
Threatening refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

In making its decision to deny admission, HACA will consider the factors discussed in Sections 3 of the Admissions and Continued Occupancy Policy. Upon consideration of such factors, HACA may, on a case-by-case basis, decide not to deny admission.

HACA will consider the existence of mitigating factors, such as loss of employment or other financial difficulties, before denying admission to an applicant based on the failure to meet prior financial

obligations.

Local Preference Placement-Elderly/Disabled/ Natural Disaster or Government Action

For purposes of establishing priority, applicants involuntarily displaced because of HACA action involving rehabilitation, demolition or other disposition of dwelling units will receive priority over all other local preference, and then other local preferences are weighted equally and each applicant family can be granted a maximum of one local preference at one time. HACA will give preference to Elderly, Disabled or Handicapped Families. A preference will also be given to families displaced as a result of natural disaster or government action shall be given preference over families consisting of two or more, and non elderly, non handicapped/disabled single persons.

Families and youth certified as eligible for the Family Unification Program (FUP) will be granted a preference over all other applicants not eligible for FUP vouchers. This preference will be granted only for the issuance of FUP vouchers and not any other voucher. **(Note: This preference applies to HACA's Housing Choice Voucher waiting list only.)**

Eligible applicants shall be offered a dwelling unit based on the date and time of application, after taking into consideration the size of the unit and, if applicable, the appropriate local preference. For purposes of establishing priority, applicants involuntarily displaced because of HACA action involving rehabilitation, demolition or other disposition of dwelling units will receive priority over all other local preference, and then other local preferences are weighted equally and each applicant family can be granted a maximum of one local preference at one time.

HACA will use the following local preferences:

- Current HACA public housing families involuntarily displaced because of HACA action involving rehabilitation, demolition or other disposition of dwelling units will receive highest priority. **(Note: This preference applies to HACA's Housing Choice Voucher waitlist only.)**
- HACA will give preference to elderly or disabled families.

The following mixed population developments will be reserved for elderly and/or disabled families:

Lakeside Apartments

North Loop Apartments

Gaston Place Apartments

Salina Apartments

Should the applicant become eligible for housing, and a unit is unavailable within a mixed population development OR the elderly and/or disabled family contains a dependent who is not elderly, disabled or is a minor, the applicant will then be offered a unit within a family site, consistent with HACA occupancy standards.

- Families displaced as a result of natural disaster or government action shall be given preference. The following documentation will be used to verify displacement status:
 - ⊖ Certification from a unit of government concerning displacement due to natural disaster; or
 - ⊖ Certification from a unit of government concerning displacement due to code enforcement or public improvement/development or displacement by inaccessibility of a unit
 - ⊖ The displacement must have occurred within six months of requesting the involuntary displacement preference.

For the issuance of Family Unification Program (FUP) vouchers, only applicants certified eligible for FUP

vouchers will be issued an FUP voucher, until such time HUD allows HACA to use FUP vouchers/funding for additional families. Therefore, FUP eligible applicants are granted a preference over all other applicants not eligible for FUP vouchers. This preference will be granted only for the issuance of FUP vouchers and not any other voucher.

- Applicants certified eligible for the FUP vouchers will be coded as such on HACA’s waitlist.
- If FUP vouchers are not available, FUP eligible families will maintain their original place on the waitlist for the issuance of non-FUP vouchers.
- All families granted a FUP preference will be prioritized based on date and time of application and any other applicable preference (elderly, disabled, displaced).
- Those eligible applicants on the current waitlist will have priority over families not on the wait list.

If additional funding is available, and all eligible families on the waitlist are exhausted, the waitlist will be reopened for FUP eligible families only and they will only be eligible for FUP vouchers and not placed on the general HCV waitlist.

Order of Priority for the Housing Choice Voucher Program. In the selection of residents from among eligible applicant families, preference will be given in the following order by date and time of application within each category:

- A. Current HACA public housing families involuntarily displaced because of HACA action involving rehabilitation, demolition or other disposition of dwelling units.
- B. Eligible applicants that are elderly, handicapped/disabled, or displaced families.
- C. Families consisting of two or more, **OR** Non elderly, non handicapped/disabled, or non displaced single persons. All things being equal with respect to the application date and time, a family consisting of two or more will be offered a unit ahead of a non-elderly, non-handicapped, or non-displaced single person.
- D. For the issuance of Family Unification Program (FUP) vouchers, only applicants certified eligible for FUP vouchers will be issued an FUP voucher, until such time HUD allows HACA to use FUP vouchers/funding for additional families. Therefore, FUP eligible applicants are granted a preference over all other applicants not eligible for FUP vouchers. This preference will be granted only for the issuance of FUP vouchers and not any other voucher

Assignment of Units from Conventional Public Housing Waiting List.

- A. Occupancy standards are established by HACA to ensure that units are occupied by families of the appropriate size. This policy maintains the maximum usefulness of the units, while preserving them from excessive wear and tear or underutilization.

The Housing Authority of the City of Austin will reference the following standards in determining the appropriate unit bedroom size for a family:

BEDROOM SIZE	MINIMUM NUMBER OF PERSONS	MAXIMUM NUMBER OF PERSONS
0 (efficiency)	1	1
1	1	2
2	2	4

3	3	6
4	6	8
5	7	10

HACA will use the same occupancy standards for all of its developments. HACA's occupancy standards are as follows:

Generally, two persons are expected to share a bedroom. HACA will assign one bedroom for each two persons within the household, except in the following circumstances:

- A) Two children of the opposite sex will not be required to share a bedroom, unless one of the children is under seven (7) years of age;
- B) Persons of different generations (example: grandparent and grandchild) will not be required to share a bedroom.

A couple (married or unmarried, same sex or opposite sex) engaged in a consensual sexual relationship will be allocated one bedroom.

Authorized live-in aides will be allocated a separate bedroom. No additional bedrooms will be provided for the live-in aide's family.

Single-person families will be allocated either a zero (efficiency) or one bedroom unit.

Foster children will be included in determining unit size only if they will be in the unit for at least six (6) consecutive months.

A household that contains a family member (not the head of household or spouse) who is enrolled as a full-time student at an institution of higher learning and who is on the lease will be counted for the purposes of establishing occupancy standards for unit size if:

- (A) the family member is enrolled and actively attending a two-year or four-year college or university; or training institution and
- (B) the family member resides in the public housing unit during school breaks and holidays.

A household in which the parent shares joint custody of a dependent child shall include the child on the lease and will be counted for purposes of establishing occupancy standards for unit size if:

- (A) The head of household is legally entitled to physical possession of the child more than 50% of the time; and
- (B) The child actually physically resides in the unit with the head of household more than 50% of the time; and
- (C) If the child is school age, the head of household is listed as the legal guardian on the child's school enrollment documentation, and the address of record is the head of household's address.

EXCEPTIONS TO OCCUPANCY STANDARDS

Types of Exceptions

HACA will consider granting exceptions to the occupancy standards at the family's request if HACA determines, in its sole discretion, the exception is justified by the relationship, age, sex, health or disability of family members, or other personal circumstances.

An exception may be granted to allocate a separate bedroom to a family member, if a larger bedroom size is needed for medical equipment due to its size and/or function, or as a reasonable accommodation for a person with disabilities. Written verification of disability and need for the medical equipment may be required by HACA prior to allocation of the separate bedroom.

When evaluating exception requests HACA will consider the size and configuration of the unit. In no case will HACA grant an exception that is in violation of local housing or occupancy codes, regulations or laws.

Requests from applicants to be placed on the waiting list for a unit size smaller than designated by the occupancy standards will be approved as long as the unit is not overcrowded according to local code, and the family agrees, in writing, not to request a transfer for a period of two years from the date of admission, unless they have a subsequent change in family size or composition.

If the waiting list of a certain bedroom size has been exhausted, in order to prevent excessive or prolonged vacancies, HACA may assign an eligible applicant family to a larger unit than the occupancy standards permit. However, in these cases the family must agree to move to a suitable, smaller unit when another family qualifies for the larger unit and there is an appropriate size unit available for the family to transfer to. This requirement will be a provision of the lease agreement and the family will be notified in writing of this stipulation at the time of admission. The family will also be placed on the transfer wait list by the Admissions department.

Processing of Exceptions

All requests for exceptions to the occupancy standards must be submitted in writing.

In the case of a request for exception as a reasonable accommodation, HACA will encourage the resident to make the request in writing using a reasonable accommodation request form. However, HACA will consider the exception request any time the resident indicates that an accommodation is needed whether or not a formal written request is submitted.

Requests for a larger size unit must explain the need or justification for the larger size unit, and must include appropriate documentation. Requests based on health-related reasons must be verified by a knowledgeable professional source, unless the disability and the disability-related request for accommodation is readily apparent or otherwise known.

If the request was made by an applicant family, the decision to approve or deny the request will be made by the Admissions Director within thirty (30) days of receipt of the request. If the request was made by a family currently housed in public housing, the decision to approve or deny the request will be made by the Vice President of Housing and Community Development for the applicable district within thirty (30) days of receipt of the request. As applicable, approved requests may require a transfer to a larger size unit. The applicable transfer request form, along with supporting documentation, will be forwarded to the Admissions department for processing. HACA cannot guarantee that the family will be transferred to a unit at their current housing development.

If a request is denied, the family will be advised in writing of their right to request either an informal hearing (for applicant families) or a grievance hearing (for current residents). The family must make their request for a hearing in writing within ten (10) calendar days of receiving the denial letter. Applicant families must submit their request to the Admissions department, and resident families must submit their request to their Public Housing Manager. Families should request a date-stamped copy of the hearing request for their records.

In the event that adding eligible family members to the lease results in exceeding the maximum number of persons allowed in the unit, the resident shall have the right to request a transfer to a larger unit. The Public Housing Manager will forward a transfer request to the Admissions department so that the family is placed on the transfer wait list regardless of whether the family has or has not requested a transfer. The additional household member(s) will be added if such person(s) is/are eligible as determined pursuant to this policy, and the resident meets all other requirements and conditions.

UNIT OFFERS

HACA will maintain documentation of units offered, including location, date and circumstances of each offer, each unit acceptance or rejection. The reason for the rejection will also be documented to the fullest extent possible. For example, there may be circumstances in which the applicant family does not respond to the unit offer, thus not supplying HACA with a specific reason for rejection.

Due to the high volume of applicants on the public housing wait list, the Housing Authority of the City of Austin shall offer an eligible applicant only one housing unit each time the applicant is pulled from the waiting list and certified as eligible for such offer. Under this policy, offers shall be made to the unit of the appropriate bedroom configuration and type that has been vacant the longest. The applicant family will not have a choice of which HACA public housing development to which they will be assigned. Unit offers will be made to families who are certified eligible and who have attended the orientation meeting. Unit offers will be made in order of date and time of application and preference.

NUMBER OF OFFERS

HACA will assign available units to families according to the following procedures:

- 1) HACA will make every reasonable effort to assign available units, which are specifically designed for persons with disabilities to the next family on the waiting list who requires such a unit.
- 2) In order to ensure equal distribution of all applicants to the developments, achieve integration in an uniform, non-discriminatory manner and to ensure that the deconcentration policy is complied with, all housing offers will be made from the active Conventional Public Housing waiting list according to the following:
 - a. Vacant units, which have been reported to the Dispatcher as vacant and released to the Admissions department for occupancy, shall be offered first.
 - b. Of the remaining units, offers shall be made to the unit of the appropriate bedroom size, which has been vacant the longest.
 - c. Lastly, units that are expected to be vacant within the next fifteen days will be offered in order by expected move-out date and appropriate bedroom size.
 - d. Available units will be offered to the next eligible applicant on the waiting list who qualifies for such a unit.
 - e. Should a unit become vacant in an extremely low to very low income development, such unit will be offered to the first eligible family on the waiting list with a verified annual income above 30% and up to 80% of the area median income regardless of the applicant's place on the wait list. Such family is therefore offered an incentive to occupy the unit in the low income area. The incentive is the offer of housing before the other families on the wait list, including families with a local preference, who do not have the target income and have an earlier date and time of application. Such incentives will only be granted to the extent that the limit of new tenants with incomes over thirty percent of the median income has not been exceeded.

- f. Should the family be pulled from the waiting list strictly to fill a unit at a very low income area, and the applicant's verified income is not at more than thirty percent to eighty percent of the median income (target income level), the applicant will be notified of the ineligibility for an incentive and placed back on the waiting list according to their original application date, time and preference, if any.

It shall be within the sole discretion of the family being offered an incentive to determine whether to accept or refuse the incentive. If the family refuses the incentive offer, HACA will not take adverse action against the family. If the family refuses the incentive, the family will be placed back on the waiting list according to their original application date and time and local preference, if any. Additionally, the family will not be offered an incentive from the waiting list again; the family will therefore have to wait until their name reaches the top of the waiting list before they are offered a unit again. Accordingly, for purposes of this provision, it shall not be considered an adverse action if a family on the waiting list that has refused an incentive is skipped in order to reach another family to implement this policy.

TIME LIMIT FOR UNIT OFFER ACCEPTANCE OR REFUSAL

Upon offering a unit as stipulated within this policy, the Admissions Director will send the applicant's file to the designated property. The applicant must contact the receiving Public Housing Manager within one (1) business day of receiving the housing offer for the purpose of coordinating a time to view the unit. The prospective tenant must accept or reject the unit offer in writing. The acceptance or rejection must be received by HACA no later than 5:00 pm on the second (2nd) business day after viewing the offered unit.

Original Lease Meeting. Applicants who accept a unit must obligate themselves to the unit within three (3) business days by meeting HACA's deposit requirements and signing the dwelling lease agreement, reflecting a move-in date no later than three (3) business days from the date of signing the acceptance form.

Except as required for reasonable accommodation for a verified disability or medical emergency, HACA shall not reschedule the lease meeting beyond the three (3) business day period.

Assignment from the Housing Choice Voucher Waiting List. Once the Admissions Director has certified that the applicant is eligible for the assisted housing program, (1) the Admissions Director shall forward the applicant's file to the Vice President of Assisted Housing who will issue the family rental assistance, and (2) the Vice President of Assisted Housing will remove the applicant from the waiting list once a voucher is issued to the applicant.

Public Housing Site-Based Waiting Lists- HACA does not administer any site-based waiting lists.

2.) FINANCIAL RESOURCES

Financial Resources: Planned Sources and Uses		
Sources	Planned \$	Planned Uses
1. Federal Grants (FY 2010 grants)		
a) Public Housing Operating Fund	\$9,986,036	
b) Public Housing Capital Fund	\$3,082,525	
c) HOPE VI Revitalization	-	
d) HOPE VI Demolition	-	
e) Annual Contributions for Section 8 Tenant-Based Assistance	\$48,386,228	

f) Resident Opportunity and Self-Sufficiency Grants	\$698,148	
g) Community Development Block Grant	-	
h) HOME	\$567,000	
Other Federal Grants (list below)		
Capital Fund Recovery Grant	\$675,205	
Capital Fund Green Communities Recovery Option 2 Grants	\$3,669,698	
Shelter Plus Care Grant	\$636,540	
Section 8 Mod-Rehab SRO	\$286,986	
Section 8 Mainstream	\$424,323	
Disaster Voucher Program	\$552,545	
2. Prior Year Federal Grants (unobligated funds only) (list below)		
Public Housing Capital Fund	\$3,317,297	
Resident Opportunity & Self Sufficiency	\$170,305	
3. Public Housing Dwelling Rental Income	\$3,725,314	
4. Other income (list below)		
Interest	\$100,000	
Other Income	\$247,391	
Section 8 Contract Administration Excess Revenue	\$1,999,139	
4. Non-federal sources (list below)		
Austin Affordable Housing Corp.	\$1,356,931	
Total resources	\$79,881,611	

3.) RENT DETERMINATION The PHA employs discretionary policies for determining income-based rent with a minimum rent of \$25.00 for both Public Housing and the Housing Choice Voucher programs. Rent for both programs is determined by calculating a tenant's portion of rent to be thirty percent (30%) of their adjusted monthly income or 10% of their annual income.

Public Housing residents may choose annually either a flat rent which may be less than 30% of their adjusted income or an income-based rent. A family who has chosen flat rent and becomes unable to pay the flat rent during the period for which such selection was made due to financial hardship, as determined by HACA, will be allowed to begin paying income-based rent on the first (1st) day of the month following proper notification. Tenants who choose flat rent will have their income reviewed every twelve months, coinciding with their annual recertification, at which time the family may take another election without showing a financial hardship. Flat rents are determined by a study of similar unsubsidized units similar in age, size and location to each public housing property. Tenants who choose a flat rent are not eligible to receive a utility allowance. Ceiling rents, rents set at a level lower than 30% of adjusted income and will equal the flat rent, are also available at all public housing sites. Tenants are able to receive a utility allowance under the ceiling rent. The agency determines on an annual basis all ceiling rents by conducting market comparability studies.

Between income reexaminations for both Public Housing and the Housing Choice Voucher programs, tenants must report changes in income or family composition to the public housing authority. These

changes may result in an adjustment to the tenant's rent.

4.) OPERATION AND MANAGEMENT

A. PHA Management Structure

The Housing Authority of the City of Austin was established in 1937. The mayor appoints a five-member board to oversee the operations and policies of the agency. The agency administrative is overseen by the President/CEO and is comprised of a staff of 280 employees.

B. HUD Programs Under PHA Management

The Housing Authority of the City of Austin currently operates 1,929 Public Housing units and administers 5, 179 Housing Choice Vouchers. It also operates two nonprofit subsidiaries, the Austin Affordable Housing Corporation and the Southwest Housing Compliance Corporation.

C. Management and Maintenance Policies: The following Manuals, Plans and Procedures provide policies and guidance to the Public Housing and Housing Choice Voucher programs regarding their operations.

- (1) Public Housing Maintenance and Management:
Admissions and Continued Occupancy Policy
Housing Operations Manual
Maintenance Policies and Procedures
Housing Operations Standard Operating Procedures (SOP) Manual
- (2) Housing Choice Voucher:
Section 8 Administrative Plan

5.) GRIEVANCE PROCEDURES INFORMAL HEARINGS FOR APPLICANTS

OVERVIEW

When the PHA makes a decision that has a negative impact on an applicant family, the family is often entitled to appeal the decision. For applicants, the appeal takes the form of an informal hearing. HUD regulations do not provide a structure for or requirements regarding informal hearings for applicants (except with regard to citizenship status, to be covered in Part II). This part discusses the PHA policies necessary to respond to applicant appeals through the informal hearing process.

INFORMAL HEARING PROCESS [24 CFR 960.208(a) and PH Occ GB, p. 58]

Informal hearings are provided for public housing applicants. An applicant is someone who has applied for admission to the public housing program, but is not yet a tenant in the program. Informal hearings are intended to provide a means for an applicant to dispute a determination of ineligibility for admission to a project [24 CFR 960.208(a)]. Applicants to public housing are not entitled to the same hearing process afforded tenants in the PHA grievance procedure [24 CFR 966.53(a) and PH Occ GB, p. 58].

Informal hearings provide the applicant a means to hear the details of the reasons for rejection, and an opportunity to present evidence to the contrary if available and to claim mitigating circumstances if possible.

Use of Informal Hearing Process

While the PHA must offer the opportunity of an informal hearing to applicants who have been determined as ineligible for admission, the PHA could make the informal hearing process available to applicants who wish to dispute other PHA actions that adversely affect them.

HACA Policy

HACA will only offer informal hearings to applicants for the purpose of disputing denials of admission.

Notice of Denial [24 CFR 960.208(a)]

The PHA must give an applicant prompt notice of a decision denying eligibility for admission. The notice must contain a brief statement of the reasons for the PHA decision, and must also state that the applicant may request an informal hearing to dispute the decision. The notice must describe how to obtain the informal hearing. The notice will also provide the following information: (1) the hearing officer may consider mitigating circumstances and the applicant should bring such information to the hearing; (2) the applicant may request that the hearing officer consider a request for reasonable accommodations under the Fair Housing Act and Section 504 of the American's with Disabilities Act with respect to past conduct; (3) that if the basis for the denial relates to family violence, the applicant may qualify for an exception under the VAWA Amendments; and (4) the applicant may contact legal counsel (refer to HACA's Admissions Denial Letter Frequently Ask Questions (FAQ) sheet.)

Prior to notification of denial based on information obtained from criminal or sex offender registration records, the family, in some cases, must be given the opportunity to dispute the information in those records which would be the basis of the denial. See Section 3-III.G for details concerning this requirement.

Scheduling an Informal Hearing

HACA Policy

A request for an informal hearing must be made in writing and delivered to the HACA either in person, by fax or by first class mail, by the close of the business day, no later than 10 calendar days from the date of HACA's notification of denial of admission.

Except as provided in Section 3-III.F, HACA will schedule and send written notice of the informal hearing within 10 business days of the family's request.

Conducting an Informal Hearing [PH Occ GB, p. 58]

HACA Policy

The informal hearing will be conducted by an appointed hearings officer who is a person other than the one who made the decision under review, or a subordinate of this person.

The applicant will be provided an opportunity to present written or oral objections to the decision of HACA.

The hearing officer will render a decision on whether admission should be granted or denied

Informal Hearing Decision [PH Occ GB, p. 58]

HACA Policy

HACA will notify the applicant of HACA's final decision, including a brief statement of the reasons for the final decision.

In rendering a decision, HACA will evaluate the following matters:

Whether or not the grounds for denial were stated factually in the notice.

The validity of grounds for denial of admission. If the grounds for denial are not specified in the regulations or in HACA policy, then the decision to deny assistance will be overturned. See Chapter 3 for a detailed discussion of the grounds for applicant denial.

The validity of the evidence. HACA will evaluate whether the facts presented prove the grounds for denial of admission. If the facts prove that there are grounds for denial, and the denial is required by HUD, HACA will uphold the decision to deny admission.

If the facts prove the grounds for denial, the hearing officer will make the final decision to deny admission.

HACA will notify the applicant of the final decision, including a statement explaining the reason(s) for the decision. The notice will be mailed within 10 business days of the informal hearing to the applicant and his or her representative, if any.

If the informal hearing decision overturns the denial, processing for admission will resume. HACA will make every effort to resume the screening process for reinstated applicants within 20 calendar days of the hearing decision.

If the family fails to appear for their informal hearing, the denial of admission will stand and the family will be so notified.

Reasonable Accommodation for Persons with Disabilities [24 CFR 966.7]

Persons with disabilities may request reasonable accommodations to participate in the informal hearing process and the PHA must consider such accommodations. The PHA must also consider reasonable accommodation requests pertaining to the reasons for denial if related to the person's disability. See Chapter 2 for more detail pertaining to reasonable accommodation requests.

PART II: INFORMAL HEARINGS WITH REGARD TO NONCITIZENS

14-II.A. HEARING AND APPEAL PROVISIONS FOR NONCITIZENS [24 CFR 5.514]

Denial or termination of assistance based on immigration status is subject to special hearing and notice rules. These special hearings are referred to in the regulations as informal hearings, but the requirements for such hearings are different from the informal hearings used to deny applicants for reasons other than immigration status.

Assistance to a family may not be delayed, denied or terminated on the basis of immigration status at any time prior to a decision under the United States Citizenship and Immigration Services (USCIS) appeal process. Assistance to a family may not be terminated or denied while the PHA hearing is pending, but assistance to an applicant may be delayed pending the completion of the informal hearing.

A decision against a family member, issued in accordance with the USCIS appeal process or the PHA informal hearing process, does not preclude the family from exercising the right, that may otherwise be available, to seek redress directly through judicial procedures.

Notice of Denial or Termination of Assistance [24 CFR 5.514(d)]

As discussed in Chapters 3 and 13, the notice of denial or termination of assistance for noncitizens must advise the family of any of the following that apply:

- That financial assistance will be denied or terminated, and provide a brief explanation of the reasons for the proposed denial or termination of assistance.
- The family may be eligible for proration of assistance.
- In the case of a tenant, the criteria and procedures for obtaining relief under the provisions for preservation of families [24 CFR 5.514 and 5.518].
- That the family has a right to request an appeal to the USCIS of the results of secondary verification of immigration status and to submit additional documentation or explanation in support of the appeal.
- That the family has a right to request an informal hearing with the PHA either upon completion of the USCIS appeal or in lieu of the USCIS appeal.
- For applicants, assistance may not be delayed until the conclusion of the USCIS appeal process, but assistance may be delayed during the period of the informal hearing process.

United States Citizenship and Immigration Services Appeal Process [24 CFR 5.514(e)]

When the PHA receives notification that the USCIS secondary verification failed to confirm eligible immigration status, the PHA must notify the family of the results of the USCIS verification. The family will have 30 days from the date of the notification to request an appeal of the USCIS results. The request for appeal must be made by the family in writing directly to the USCIS. The family must provide the PHA with a copy of the written request for appeal and proof of mailing.

HACA Policy

HACA will notify the family in writing of the results of the USCIS secondary verification within 10 calendar days of receiving the results.

The family will have 30 calendar days from the date of HACA's notification to appeal the results directly to the USCIS.

The family must provide HACA with a copy of the written request for appeal and proof of mailing within 10 calendar days of sending the request to the USCIS.

The family must forward to the designated USCIS office any additional documentation or written explanation in support of the appeal. This material must include a copy of the USCIS document verification request (used to process the secondary request) or such other form specified by the USCIS, and a letter indicating that the family is requesting an appeal of the USCIS immigration status verification results. The USCIS will notify the family, with a copy to the PHA, of its decision. When the USCIS notifies the PHA of the decision, the PHA must notify the family of its right to request an informal hearing.

HACA Policy

HACA will send written notice to the family of its right to request an informal hearing within 10 business days of receiving notice of the USCIS decision regarding the family's immigration status.

Informal Hearing Procedures for Applicants [24 CFR 5.514(f)]

After notification of the USCIS decision on appeal, or in lieu of an appeal to the USCIS, an applicant family may request that the PHA provide a hearing. The request for a hearing must be made either within 30 days of receipt of the PHA notice of denial, or within 30 days of receipt of the USCIS appeal decision. The informal hearing procedures for applicant families are described below.

Informal Hearing Officer

The PHA must provide an informal hearing before an impartial individual, other than a person who made or approved the decision under review, and other than a person who is a subordinate of the person who made or approved the decision.

Evidence

The family must be provided the opportunity to examine and copy at the family's expense, at a reasonable time in advance of the hearing, any documents in the possession of the PHA pertaining to the family's eligibility status or in the possession of the USCIS (as permitted by USCIS requirements), including any records and regulations that may be relevant to the hearing.

HACA Policy

The family will be allowed to copy any documents related to the hearing at a cost of \$.10 per page.

The family must make a written request for discovery of HACA documents no later than 12:00 p.m. 2 business days prior to the hearing.

The family must be provided the opportunity to present evidence and arguments in support of eligible status. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

The family must also be provided the opportunity to refute evidence relied upon by the PHA, and to confront and cross-examine all witnesses on whose testimony or information the PHA relies.

Representation and Interpretive Services

The family is entitled to be represented by an attorney or other designee, at the family's expense, and to have such person make statements on the family's behalf.

The family is entitled to arrange for an interpreter to attend the hearing, at the expense of the family, or the PHA, as may be agreed upon by the two parties. If the family does not arrange for their own interpreter, the PHA is still obligated to provide oral translation services in accordance with its LEP Plan.

Recording of the Hearing

The family is entitled to have the hearing recorded by audiotape. The PHA may, but is not required, to provide a transcript of the hearing.

HACA Policy

HACA will not provide a transcript of an audio taped informal hearing.

Hearing Decision

The PHA must provide the family with a written notice of the final decision, based solely on the facts presented at the hearing, within 10 business days of the date of the informal hearing. The notice must state the basis for the decision.

Retention of Documents [24 CFR 5.514(h)]

The PHA must retain for a minimum of 5 years the following documents that may have been submitted to the PHA by the family, or provided to the PHA as part of the USCIS appeal or the PHA informal hearing process:

- The application for assistance
- The form completed by the family for income reexamination
- Photocopies of any original documents, including original USCIS documents
- The signed verification consent form
- The USCIS verification results
- The request for a USCIS appeal
- The final USCIS determination
- The request for an informal hearing
- The final informal hearing decision

Informal Hearing Procedures for Residents [24 CFR 5.514(f)]

After notification of the USCIS decision on appeal, or in lieu of an appeal to the USCIS, a resident family may request that the PHA provide a hearing. The request for a hearing must be made either within 30 days of receipt of the PHA notice of termination, or within 30 days of receipt of the USCIS appeal decision. The informal hearing procedures for resident families whose tenancy is being terminated based on immigration status is the same as for any grievance under the grievance procedures for resident families found in Part III below.

PART III: GRIEVANCE PROCEDURES FOR PUBLIC HOUSING RESIDENTS

14-III.A. REQUIREMENTS [24 CFR 966.52]

PHAs must have a grievance procedure in place through which residents of public housing are provided an opportunity to grieve any PHA action or failure to act involving the lease or PHA policies that adversely affect their rights, duties, welfare, or status.

The PHA grievance procedure must be included in, or incorporated by reference in, the lease.

HACA Policy

HACA grievance procedure will be incorporated by reference in the tenant lease.

The PHA must provide at least 30 days notice to tenants and resident organizations setting forth proposed changes in the PHA grievance procedure, and providing an opportunity to present written comments. Comments submitted must be considered by the PHA before adoption of any grievance procedure changes by the PHA.

HACA Policy

Residents will have 30 calendar days from the date they are notified by HACA of any proposed

changes in the HACA grievance procedure, to submit written comments to HACA.

14-III.B. DEFINITIONS [24 CFR 966.53; 24 CFR 966.51(a)(2)(i)]

There are several terms used by HUD with regard to public housing grievance procedures, which take on specific meanings different from their common usage. These terms are as follows:

- **Grievance** – any dispute which a tenant may have with respect to PHA action or failure to act in accordance with the individual tenant’s lease or PHA regulations which adversely affect the individual tenant’s rights, duties, welfare or status.
- **Complainant** – any tenant whose grievance is presented to the PHA or at the project management office.
- **Due Process Determination** – a determination by HUD that law of the jurisdiction requires that the tenant must be given the opportunity for a hearing in court which provides the basic elements of due process before eviction from the dwelling unit.
- **Elements of Due Process** – an eviction action or a termination of tenancy in a state or local court in which the following procedural safeguards are required:
 - Adequate notice to the tenant of the grounds for terminating the tenancy and for eviction.
 - Right of the tenant to be represented by counsel.
 - Opportunity for the tenant to refute the evidence presented by the PHA including the right to confront and cross-examine witnesses and to present any affirmative legal or equitable defense which the tenant may have.
 - A decision on the merits.
- **Hearing Officer/Panel** – a person/panel selected in accordance with HUD regulations to hear grievances and render a decision with respect thereto.
- **Tenant** – the adult person (or persons) (other than a live-in aide).
 - Who resides in the unit, and who executed the lease with the PHA as lessee of the dwelling unit, or, if no such person now resides in the unit,
 - Who resides in the unit, and who is the remaining head of household of the tenant family residing in the dwelling unit
- **Resident Organization** – includes a resident management corporation.

14-III.C. APPLICABILITY [24 CFR 966.51]

Potential grievances could address most aspects of a PHA’s operation. However, there are some situations for which the grievance procedure is not applicable.

The grievance procedure is applicable only to individual tenant issues relating to the PHA. It is not applicable to disputes between tenants not involving the PHA. Class grievances are not subject to the grievance procedure and the grievance procedure is not to be used as a forum for initiating or negotiating policy changes of the PHA.

If HUD has issued a due process determination, a PHA may exclude from the PHA grievance procedure any grievance concerning a termination of tenancy or eviction that involves:

- Any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises of other residents or employees of the PHA.
- Any violent or drug-related criminal activity on or off such premises.
- Any criminal activity that resulted in felony conviction of a household member.

In states without due process determinations, PHAs must grant opportunity for grievance hearings for all lease terminations, regardless of cause, but may use expedited grievance procedures, as described in Section 14-III.E. below, to deal with the first two of the above three categories of lease terminations.

If HUD has issued a due process determination, the PHA may evict through the state/local judicial eviction procedures. In this case, the PHA is not required to provide the opportunity for a hearing under the PHA’s grievance procedure as described above.

HACA Policy

HACA is located in a due process state. Therefore, HACA will not offer grievance hearings for lease terminations involving criminal activity that resulted in a felony arrest or conviction of a household member or that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or employees of HACA, or for drug-related criminal activity on or off the premises.

The judicial eviction procedure used by HACA is a forcible detainer lawsuit in the appropriate Justice Court pursuant to Chapter 24 of the Texas Property Code. HUD has determined that this eviction procedure provides the opportunity for a hearing in court that contains the basic elements of due process as defined in HUD regulations.

See Chapter 13 for related policies on the content of termination notices.

14-III.D. INFORMAL SETTLEMENT OF GRIEVANCE [24 CFR 966.54]

HUD regulations state that any grievance must be personally presented, either orally or in writing, to the PHA office or to the office of the project in which the complainant resides so that the grievance may be discussed informally and settled without a hearing.

HACA Policy

HACA will accept requests for an informal settlement of a grievance either orally or in writing, to the HACA main office or to the property manager's office where the resident resides within 10 calendar days of the grievable event. Within 10 calendar days of receipt of the request HACA will arrange a meeting with the tenant at a mutually agreeable time and confirm such meeting in writing to the tenant.

HACA automatically schedules informal settlement conferences for all residents who have failed to make payment of rent on time. The date and time of the informal settlement conference is stipulated on the 14-Day Notice of Lease Termination.

If a tenant fails to attend the scheduled meeting without prior notice, HACA will reschedule the appointment only if the tenant can show good cause for failing to appear, or if it is needed as a reasonable accommodation for a person with disabilities.

Good cause is defined as an unavoidable conflict that seriously affects the health, safety or welfare of the family. In addition, HACA will take into consideration the family's obligation such as work schedule, medical appointments or school attendance when scheduling and rescheduling the informal settlement.

HUD regulations require that a summary of such discussion will be prepared within a reasonable time and one copy will be given to the tenant and one retained in the PHA's tenant file.

The summary must specify the names of the participants, dates of meeting, the nature of the proposed disposition of the complaint and the specific reasons therefore, and will specify the procedures by which a hearing may be obtained if the complainant is not satisfied.

HACA Policy

HACA will provide the tenant with a summary of the informal settlement within 5 business days; one copy to be given to the tenant and one copy to be retained in HACA tenant file.

For PHAs who have the option to establish an expedited grievance procedure, and who exercise this option, the informal settlement of grievances is not applicable to those grievances for which the expedited grievance procedure applies.

14-III.E. PROCEDURES TO OBTAIN A HEARING [24 CFR 966.55]

Requests for Hearing and Failure to Request [24 CFR 966.55(a), (c), and (d)]

All grievances must be presented in accordance with the informal procedures prescribed above as a condition prior to a grievance hearing. However, if the complainant can show good cause for failure to proceed with the informal settlement process to the hearing officer/panel, the hearing officer/panel may

waive this provision [24 CFR 966.55(d)].

The complainant must submit the request in writing for a grievance hearing within a reasonable time after receipt of the summary of informal discussion [24 CFR 966.55(a)]. The request must specify the reasons for the grievance and the action or relief sought.

HACA Policy

Tenants must attend an informal settlement meeting prior to requesting a grievance hearing, unless the tenant can show good cause for failure to proceed with the informal settlement process. The resident must submit a written request for a grievance hearing to HACA within 5 business days of the tenant's receipt of the summary of the informal settlement.

If the complainant does not request a hearing, the PHA's disposition of the grievance under the informal settlement process will become final. However, failure to request a hearing does not constitute a waiver by the complainant of the right to contest the PHA's action in disposing of the complaint in an appropriate judicial proceeding [24 CFR 966.55(c)].

Escrow Deposits [24 CFR 966.55(e)]

Before a hearing is scheduled in any grievance involving the amount of rent that the PHA claims is due, the family must pay an escrow deposit to the PHA. When a family is required to make an escrow deposit, the amount is the amount of rent the tenant contends is due. The payment is due at the first of the month preceding the month in which the family's act or failure to act took place. After the first deposit the family must deposit the same amount monthly until the family's complaint is resolved by decision of the hearing officer/panel.

The PHA must waive the requirement for an escrow deposit where the family has requested a financial hardship exemption from minimum rent requirements or is grieving the effect of welfare benefits reduction in calculation of family income [24 CFR 5.630(b)(3)].

Unless the PHA waives the requirement, the family's failure to make the escrow deposit will terminate the grievance procedure. A family's failure to pay the escrow deposit does not waive the family's right to contest the PHA's disposition of the grievance in any appropriate judicial proceeding.

HACA Policy

HACA will not waive the escrow requirement for grievances involving rent amounts except where required to do so by regulation.

Scheduling of Hearings [24 CFR 966.55(f)]

If the complainant has complied with all requirements for requesting a hearing as described above, a hearing must be scheduled by the hearing officer/panel promptly for a time and place reasonably convenient to both the complainant and the PHA. A written notification specifying the time, place and the procedures governing the hearing must be delivered to the complainant and the appropriate PHA official.

HACA Policy

Within 10 business days of receiving a written request for a hearing, the Housing and Community Development representative will schedule and send written notice of the hearing to both the complainant and the Hearing Officer.

The PHA may wish to permit the tenant to request to reschedule a hearing for good cause.

HACA Policy

The tenant may request to reschedule a hearing for good cause, or if it is needed as a reasonable accommodation for a person with disabilities. Good cause is defined as an unavoidable conflict that seriously affects the health, safety or welfare of the family. Requests to reschedule a hearing must be made orally or in writing at least 48 hours prior to the hearing date. At its discretion, HACA

may request documentation of the “good cause” prior to rescheduling the hearing.

Expedited Grievance Procedure [24 CFR 966.55(g)]

The PHA may establish an expedited grievance procedure for any grievance concerning a termination of tenancy or eviction that involves:

- Any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents or employees of the PHA, or
- Any drug-related criminal activity on or near such premises.

In such expedited grievances, the informal settlement of grievances as discussed in 14-III.D is not applicable.

The PHA may adopt special procedures concerning expedited hearings, including provisions for expedited notice or scheduling or provisions for expedited decision on the grievance.

HACA Policy

HACA will not offer expedited grievance procedures in cases involving criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents or employees of HACA, or drug-related criminal activity.

14-III.F. SELECTION OF HEARING OFFICER/PANEL [24 CFR 966.55(b)]

The grievance hearing must be conducted by an impartial person or persons appointed by the PHA, other than the person who made or approved the PHA action under review or a subordinate of such person.

HACA Policy

HACA grievance hearings will be conducted by a single Hearing Officer and not a panel. HACA has designated the following to serve as Hearing Officer:

Hearings Officer, Department of Compliance Oversight

The PHA must determine the methodology for appointment of the Hearing Officer and it must be stated in the grievance procedure.

HACA Policy

HACA will appoint a person who has been selected in the manner required under the grievance procedure. Efforts will be made to assure that the person selected is not a friend, nor enemy, of the complainant and that they do not have a personal stake in the matter under dispute or will otherwise have an appearance of a lack of impartiality.

14-III.G. PROCEDURES GOVERNING THE HEARING [24 CFR 966.56]

Rights of Complainant [24 CFR 966.56(b)]

The complainant will be afforded a fair hearing. This includes:

- The opportunity to examine before the grievance hearing any PHA documents, including records and regulations that are directly relevant to the hearing. The tenant must be allowed to copy any such document at the tenant’s expense. If the PHA does not make the document available for examination upon request by the complainant, the PHA may not rely on such document at the grievance hearing.

HACA Policy

The tenant will be allowed to copy any documents related to the hearing at a cost of \$.10 per page. The family must request discovery of HACA documents prior to the hearing.

- The right to be represented by counsel or other person chosen as the tenant’s representative and to have such person make statements on the tenant’s behalf.

HACA Policy

Hearings may be attended by the following applicable persons:

A HACA representative(s) and any witnesses for HACA

The tenant and any witnesses for the tenant

The tenant's counsel or other representative

Any other person approved by HACA as a reasonable accommodation for a person with a disability

- The right to a private hearing unless the complainant requests a public hearing.
- The right to present evidence and arguments in support of the tenant's complaint, to controvert evidence relied on by the PHA or project management and to confront and cross-examine all witnesses upon whose testimony or information the PHA or project management relies.
- A decision based solely and exclusively upon the facts presented at the hearing.

Decision without Hearing [24 CFR 966.56(c)]

The Hearing Officer/panel may render a decision without proceeding with the hearing if the Hearing Officer/panel determines that the issue has been previously decided in another proceeding.

Failure to Appear [24 CFR 966.56(d)]

If the complainant or the PHA fails to appear at a scheduled hearing, the Hearing Officer/panel may make a determination to postpone the hearing for not to exceed five business days or may make a determination that the party has waived his/her right to a hearing. Both the complainant and the PHA must be notified of the determination by the Hearing Officer/panel: Provided, that a determination that the complainant has waived his/her right to a hearing will not constitute a waiver of any right the complainant may have to contest the PHA's disposition of the grievance in an appropriate judicial proceeding.

There may be times when a complainant does not appear due to unforeseen circumstances that are out of their control and are no fault of their own.

HACA Policy

If the tenant does not appear at the scheduled time of the hearing, the Hearing Officer will wait up to 15 minutes. If the tenant appears within 15 minutes of the scheduled time, the hearing will be held. If the tenant does not arrive within 15 minutes of the scheduled time, they will be considered to have failed to appear.

If the tenant fails to appear and was unable to reschedule the hearing in advance, the tenant must contact HACA within 24 hours of the scheduled hearing date, excluding weekends and holidays.

The Hearing Officer will reschedule the hearing only if the tenant can show good cause for the failure to appear, or it is needed as a reasonable accommodation for a person with disabilities. "Good cause" is defined as an unavoidable conflict that seriously affects the health, safety or welfare of the family.

General Procedures [24 CFR 966.56(e), (f), and (g)]

At the hearing, the complainant must first make a showing of an entitlement to the relief sought and thereafter the PHA must sustain the burden of justifying the PHA action or failure to act against which the complaint is directed [24 CFR 966.56(e)].

The hearing must be conducted informally by the Hearing Officer/panel. The PHA and the tenant must be given the opportunity to present oral or documentary evidence pertinent to the facts and issues raised by the complaint and question any witnesses. In general, all evidence is admissible and may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings [24 CFR 966.56(f)].

HACA Policy

Any evidence to be considered by the Hearing Officer must be presented and/or discussed at the time of the hearing. At the Hearing Officer's discretion, the Hearing Officer may grant the complainant an extension to provide documents/evidence that were discussed at the hearing. There are four categories of evidence.

Oral evidence: the testimony of witnesses.

Documentary evidence: a document that is relevant to the case, for example, a letter written to HACA. Documents include all forms of recorded communication or representation, including letters, emails, words, pictures, sounds, videotapes or symbols or combinations thereof.

Demonstrative evidence: Evidence created specifically for the hearing and presented as an illustrative aid to assist the Hearing Officer, such as a model, a chart or other diagram.

Real evidence: A tangible item relating directly to the case.

Hearsay Evidence is evidence of a statement that was made other than by a witness while testifying at the hearing and that is offered to prove the truth of the matter. Even though evidence, including hearsay, is generally admissible, hearsay evidence alone cannot be used as the sole basis for the Hearing Officer's decision.

If HACA fails to comply with the discovery requirements (providing the tenant with the opportunity to examine HACA documents prior to the grievance hearing), the Hearing Officer will refuse to admit such evidence.

Other than the failure of HACA to comply with discovery requirements, the Hearing Officer has the authority to overrule any objections to evidence.

The Hearing Officer/panel must require HACA, the complainant, counsel and other participants or spectators to conduct themselves in an orderly fashion. Failure to comply with the directions of the Hearing Officer/panel to obtain order may result in exclusion from the proceedings or in a decision adverse to the interests of the disorderly party and granting or denial of the relief sought, as appropriate [24 CFR 966.56(f)].

The complainant or the PHA may arrange, in advance and at the expense of the party making the arrangement, for a transcript of the hearing. Any interested party may purchase a copy of such transcript [24 CFR 966.56(g)].

HACA Policy

If the complainant would like HACA to record the proceedings by audiotape, the request must be made and received in writing to the Hearing Officer by 12:00 p.m. at least 2 business days prior to the hearing.

HACA will consider an audio tape recording of the proceedings as a transcript.

Accommodations of Persons with Disabilities [24 CFR 966.56(h)]

The PHA must provide reasonable accommodation for persons with disabilities to participate in the hearing. Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations or attendants.

If the tenant is visually impaired, any notice to the tenant that is required in the grievance process must be in an accessible format.

14-III.H. DECISION OF THE HEARING OFFICER/PANEL [24 CFR 966.57]

The Hearing Officer/panel must issue a written decision, stating the reasons for the decision, within a reasonable time after the hearing. Factual determinations relating to the individual circumstances of the family must be based on a preponderance of evidence presented at the hearing. A copy of the decision must be sent to the tenant and the PHA. The PHA must retain a copy of the decision in the tenant's folder. A copy of the decision, with all names and identifying references deleted, must also be maintained on file by the PHA and made available for inspection by a prospective complainant, his/her representative, or the hearing officer/panel [24 CFR 966.57(a)].

HACA Policy

In rendering a decision, the Hearing Officer will consider the following matters:

PHA Notice to the Family: The Hearing Officer will determine if the reasons for the HACA's decision are factually stated in the notice.

Discovery: The Hearing Officer will determine if the family was given the opportunity to examine any relevant documents in accordance with HACA policy.

HACA Evidence to Support the HACA Decision: The evidence consists of the facts presented. Evidence is not conclusion and it is not argument. The Hearing Officer will evaluate the facts to determine if they support HACA's conclusion.

Validity of Grounds for Termination of Tenancy (when applicable): The Hearing Officer will determine if the termination of tenancy is for one of the grounds specified in the HUD regulations, HACA policies, and/or other mitigating circumstances. If the grounds for termination are not specified in the regulations or in compliance with HACA policies, then the decision of HACA will be overturned.

The Hearing Officer will issue a written decision to the family and HACA no later than 10 business days after the hearing. The Hearing Officer will create a report, which will contain the following information:

Hearing information:

Name of the complainant
Date of the hearing
Name of the Hearing Officer
Name of the HACA representative(s)
Name of family representative (if any)
Names of witnesses (if any)

Background: A brief, impartial statement of the reason for the hearing and the date(s) on which the informal settlement was held, who held it and a summary of the results of the informal settlement. Also includes the date the complainant requested the grievance hearing.

Summary of the Evidence: The Hearing Officer will summarize the testimony of each witness and identify any documents that a witness produced in support of his/her testimony and that are admitted into evidence.

Findings of Fact: The Hearing Officer will include all findings of fact, based on a preponderance of the evidence. *Preponderance of the evidence* is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Conclusions: The Hearing Officer will render a conclusion derived from the facts that were found to be true by a preponderance of the evidence. The conclusion will result in a determination of whether these facts uphold HACA's decision.

Order: The hearing report will include a statement of whether HACA's decision is upheld or overturned. If it is overturned, the Hearing Officer will instruct HACA to change the decision in accordance with the Hearing Officer's determination. In the case of termination of tenancy, the Hearing Officer will instruct HACA to restore the family's status.

Procedures for Further Hearing

HACA Policy

The Hearing Officer may ask the family for additional information and/or might adjourn the hearing in order to reconvene at a later date, before reaching a decision. If the family misses an appointment or deadline ordered by the Hearing Officer, the grieved action of HACA will take

effect and another hearing will not be granted.

Final Decision [24 CFR 966.57(b)]

The decision of the Hearing Officer/panel is binding on the PHA which must take the action, or refrain from taking the action cited in the decision unless the PHA Board of Commissioners determines within a reasonable time, and notifies the complainant that:

- The grievance does not concern PHA action or failure to act in accordance with or involving the complainant's lease on PHA policies which adversely affect the complainant's rights, duties, welfare, or status; or
- The decision of the Hearing Officer/panel is contrary to Federal, state, or local law, HUD regulations or requirements of the annual contributions contract between HUD and the PHA

HACA Policy

When HACA considers the decision of the Hearing Officer to be invalid due to the reasons stated above, it will present the matter to the HACA Board of Commissioners within 10 business days of the date of the Hearing Officer's decision. The Board of Commissioners has 30 calendar days to consider the decision. If the Board of Commissioners decides to reverse the Hearing Officer's decision, it must notify the complainant within 10 business days of this decision.

A decision by the Hearing Officer/panel, or Board of Commissioners in favor of the PHA or which denies the relief requested by the complainant in whole or in part must not constitute a waiver of any rights the complainant may have to a subsequent trial or judicial review in court [24 CFR 966.57(c)].

6.) DESIGNATED HOUSING FOR ELDERLY AND DISABLED FAMILIES

The Housing Authority of the City of Austin will not be submitting an application for designated housing for occupancy by elderly and disabled families.

7.) COMMUNITY SERVICE AND SELF-SUFFICIENCY REQUIREMENT (CSSR) POLICY

COMMUNITY SERVICE REQUIREMENT

OVERVIEW

HUD regulations pertaining to the community service requirement are contained in 24 CFR 960 Subpart F (960.600 through 960.609). PHAs and residents must comply with the community service requirement, effective with PHA fiscal years that commenced on or after October 1, 2000. Per 903.7(l)(1)(iii), the PHA Plan must contain a statement of the how the PHA will comply with the community service requirement, including any cooperative agreement that the PHA has entered into or plans to enter into.

Community service is the performance of voluntary work or duties that are a public benefit, and that serve to improve the quality of life, enhance resident self-sufficiency or increase resident self-responsibility in the community. Community service is not employment and may not include political activities [24 CFR 960.601(b)].

In administering community service requirements, the PHA must comply with all nondiscrimination and equal opportunity requirements [24 CFR 960.605(c)(5)].

REQUIREMENTS

Each adult resident of the PHA, who is not exempt, must [24 CFR 960.603(a)]:

- Contribute 8 hours per month of community service; or

- Participate in an economic self-sufficiency program (as defined in the regulations) for 8 hours per month; or
- Perform 8 hours per month of combined activities (community service and economic self-sufficiency programs).

HACA Policy

Community service activities must be performed within the community and not outside HACA’s jurisdictional area, unless HACA makes an exception for good cause. Families must request exceptions in writing. Within 10 business days of receiving the family’s request, HACA will notify the family in writing of its decision. HACA may require the family to provide documentation to support their request.

An individual may not skip a month and then double up the following month, unless special circumstances warrant it. HACA will make the determination of whether to permit a deviation from the schedule. No hours may be “donated” or performed by any individual other than the family member who is required to perform the community service.

Individuals who have special circumstances which they believe will prevent them from completing the required community service hours for a given month, must notify HACA in writing within 10 business days of the circumstances becoming known. HACA will review the request and notify the individual, in writing, of its determination within 10 business days. HACA may require those individuals to provide documentation to support their claim.

Definitions

Exempt Individual [24 CFR 960.601(b)]

An *exempt individual* is an adult who:

1. Is under 18 years of age
2. Is age 62 years or older
3. Is blind or disabled (as defined under section 216[i][1] or 1614 of the Social Security Act), and who certifies that because of this disability s/he is unable to comply with the service provisions
4. Is a primary caretaker of such an individual, as described in number 3.
5. Is engaged in work activities of at least 30 hours per week minimum,

HACA Policy

HACA will consider 30 hours per week as the minimum number of hours needed to qualify for a work activity exemption.

- Meets the requirements for being exempted from having to engage in a work activity under the state program funded under part A of title IV of the Social Security Act, or under any other welfare program of the state of Texas, including a state-administered welfare-to-work program; or
- Is in a family receiving assistance under a state program funded under part A of title IV of the Social Security Act, or under any other welfare program of the state of Texas, including a state-administered welfare-to-work program, and has not been found by the state or other administering entity to be in noncompliance with such program.

Community Service [PH Occ GB, p. 174]

Community service is volunteer work that include, but is not limited to, work at:

- Work at a local institution including but not limited to: school, child care center, hospital, hospice,

recreation center, senior center, adult day care center, homeless shelter, indigent feeding program, cooperative food bank, etc.

- Work with a nonprofit organization that serves PHA residents or their children such as: Boy Scouts, Girl Scouts, Boys or Girls Clubs, 4-H programs, PAL, Garden Center, community clean-up programs, beautification programs, other youth or senior organizations
- Work at the PHA to help improve physical conditions
- Work at the PHA to help with children's programs
- Work at the PHA to help with senior programs
- Helping neighborhood groups with special projects
- Working through a resident organization to help other residents with problems, serving as an officer in a resident organization, serving on the resident advisory board
- Caring for the children of other residents so they may volunteer

NOTE: Political activity is excluded for purposes of eligible community service activities.

Economic Self-Sufficiency Program [24 CFR 5.603(b)]

For purposes of satisfying the community service requirement, an *economic self-sufficiency program* is defined by HUD as: Any program designed to encourage, assist, train or facilitate economic independence of assisted families or to provide work for such families.

These economic self-sufficiency programs can include job training, employment counseling, work placement, basic skills training, education, English proficiency, workfare, financial or household management, apprenticeships (formal or informal) or any other program necessary to ready a participant to work (such as substance abuse or mental health treatment).

Work Activities [42 U.S.C. 607(d)]

As it relates to an exemption from the community service requirement, *work activities* means:

- Unsubsidized employment
- Subsidized private sector employment
- Subsidized public sector employment
- Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available
- On-the-job training
- Job search and job readiness assistance
- Community service programs
- Vocational educational training (not to exceed 12 months with respect to any individual)
- Job skills training directly related to employment
- Education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency
- Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate
- Provision of child care services to an individual who is participating in a community service program

Notification Requirements [24 CFR 960.605(c)(2)]

The PHA must give each family a written description of the community service requirement, the process for claiming status as an exempt person and the process for PHA verification of exempt status. The PHA must also notify the family of its determination identifying the family members who are subject to the service requirement, and the family members who are exempt.

HACA Policy

HACA will provide the family with a copy of the Community Service Policy found in Exhibit 11-1 of this chapter, at lease-up, lease renewal, when a family member is determined to be subject to the community service requirement during the lease term and at any time upon the family's request.

On an annual basis, at the time of lease renewal, HACA will notify the family of the family members who are subject to the community service requirement and the family members who are exempt. If the family includes non-exempt individuals, the Public Housing Manager will provide the family the CSSR Resource Guide that includes a list of agencies in the community that provide volunteer and/or training opportunities, as well as a documentation form on which they may record the activities they perform and the number of hours contributed. The form will also have a place for a signature by an appropriate official, who will certify to the activities and hours completed.

DETERMINATION OF EXEMPTION STATUS AND COMPLIANCE [24 CFR 960.605(c)(3)]

The PHA must review and verify family compliance with service requirements annually at least thirty days before the end of the twelve-month lease term. The policy for documentation and verification of compliance with service requirements may be found at Section 11-I.D., Documentation and Verification.

HACA Policy

HACA will review and verify family compliance with service requirements in conjunction with the family's scheduled annual reexamination interview.

Annual Determination

Determination of Exemption Status

An exempt individual is excused from the community service requirement [24 CFR 960.603(a)].

HACA Policy

At least 60 days prior to lease renewal, HACA will review and verify the exemption status of all adult family members. This verification will only be done on an annual basis unless the family reports a change or HACA has reason to believe that an individual's exemption status has changed. For individuals who are exempt because they are 62 years of age and older, verification of exemption status will be done only at the initial examination.

Upon completion of the verification process, HACA will notify the family of its determination in accordance with the policy in Section 11-I.B., Notification Requirements.

Determination of Compliance

The PHA must review resident family compliance with service requirements annually at least thirty days before the end of the twelve-month lease term [24 CFR 960.605(c)(3)]. As part of this review, the PHA must verify that any family member that is not exempt from the community service requirement has met his or her service obligation.

HACA Policy

Approximately 90 days prior to the end of the lease term, HACA will provide written notice requiring the family to submit documentation that all subject family members have complied with the service requirement. The family will be required to submit HACA required documentation form(s) at their scheduled annual reexamination interview.

If the family fails to submit the required documentation at the interview, or by the HACA approved extension, the subject family members will be considered noncompliant with community service requirements, and notices of noncompliance will be issued pursuant to the policies in Section 11-I.E., Noncompliance.

Change in Status Between Annual Determinations

HACA Policy

Exempt to Non-Exempt Status

If an exempt individual becomes non-exempt during the twelve-month lease term, it is the family's responsibility to report this change to HACA within 10 calendar days.

Within 10 business days of a family reporting such a change, or HACA determining such a change is necessary, HACA will provide a 30 day written notice of the effective date of the requirement, and a copy of the CSSR Handbook which includes a list of agencies in the community that provide volunteer and/or training opportunities, as well as a documentation form on which the family member may record the activities performed and number of hours contributed.

The effective date of the community service requirement will be the first of the month following 30-day notice.

Non-Exempt to Exempt Status

If a non-exempt person becomes exempt during the twelve-month lease term, it is the family's responsibility to report this change to HACA within 10 calendar days. Any claim of exemption will be verified by HACA in accordance with the policy at 11-I.D., Documentation and Verification of Exemption Status.

Within 10 business days of a family reporting such a change, or HACA determining such a change is necessary, HACA will provide the family written notice that the family member is no longer subject to the community service requirement, if HACA is able to verify the exemption.

The exemption will be effective immediately.

DOCUMENTATION AND VERIFICATION [24 CFR 960.605(c)(4)]

The PHA must retain reasonable documentation of service requirement performance or exemption in participant files.

Documentation and Verification of Exemption Status

HACA Policy

All family members who claim they are exempt from the community service requirement will be required to sign the community service exemption certification form found in Exhibit 11-3. HACA will provide a completed copy to the family upon request and will keep a copy in the tenant file.

HACA will verify that an individual is exempt from the community service requirement by following the verification hierarchy and documentation requirements in Chapter 7.

HACA makes the final determination whether or not to grant an exemption from the community

service requirement. If a resident does not agree with HACA determination, s/he can dispute the decision through the HACA's grievance procedures (see Chapter 14).

Documentation and Verification of Compliance

If qualifying community service activities are administered by an organization other than the PHA, a family member who is required to fulfill a service requirement must provide certification to the PHA, signed by the organization, that the family member has performed the qualifying activities [24 CFR 960.607].

HACA Policy

If anyone in the family is subject to the community service requirement, HACA will provide the family with community service documentation forms at move-in, at lease renewal, when a family member becomes subject to the community service requirement during the lease term or upon request by the family.

Each individual who is subject to the requirement will be required to record their community service or self-sufficiency activities and the number of hours contributed on the required form. The certification form will also include places for signatures and phone numbers of supervisors, instructors and counselors certifying to the number of hours contributed.

Families will be required to submit the documentation to HACA, upon request by HACA.

If HACA has reasonable cause to believe that the certification provided by the family is false or fraudulent, HACA has the right to require third-party verification.

An individual subject to performing community service must complete the hours him/ herself. No other resident may perform the community service hours on another resident's behalf. Community service hours may not be "donated" by another resident to an individual subject to completion of community service.

NONCOMPLIANCE

Initial Noncompliance

The lease specifies that it is renewed automatically for all purposes, unless the family fails to comply with the community service requirement. Violation of the service requirement is grounds for nonrenewal of the lease at the end of the twelve-month lease term, but not for termination of tenancy during the course of the twelve-month lease term [24 CFR 960.603(b)].

If the tenant or another family member has violated the community service requirement, the PHA may not renew the lease upon expiration of the twelve-month term of the lease, unless the tenant and any other noncompliant family member enter into a written agreement with the PHA. Under this agreement the tenant or noncompliant family member must agree to cure the noncompliance by completing the additional hours of community service or economic self-sufficiency needed to make up the total number of hours required, over the twelve-month term of the new lease. In addition, all other members of the family who are subject to the service requirement must be currently complying with the service requirement or must no longer be residing in the unit [24 CFR 960.607(c)].

Notice of Initial Noncompliance [24 CFR 960.607(b)]

If the PHA determines that there is a family member who is required to fulfill a service requirement, but who has failed to comply with this obligation (noncompliant resident), the PHA must notify the tenant of this determination.

The notice to the tenant must briefly describe the noncompliance. The notice must state that the PHA will not renew the lease at the end of the twelve-month lease term unless the tenant, and any other noncompliant resident, enter into a written agreement with the PHA to cure the noncompliance, or the family provides written assurance satisfactory to the PHA that the tenant or other noncompliant resident no longer resides in

the unit.

The notice must also state that the tenant may request a grievance hearing on the PHA's determination, in accordance with the PHA's grievance procedures, and that the tenant may exercise any available judicial remedy to seek timely redress for the PHA's nonrenewal of the lease because of the PHA's determination.

HACA Policy

During the annual reexamination, the HACA staff member conducting the re-exam will examine all documentation and determine whether the family is in compliance with the CSSR policy. If it is determined that the family is not in compliance, HACA will issue the family a Notice of Non-Compliance with Housing Lease at the interview. An Acknowledgment of Receipt of Document form will be signed by the head of household and retained in the family's tenant file.

The family will have 10 calendar days from the date of the notice of noncompliance to enter into a written agreement to cure the noncompliance over the 12 month term of the new lease, provide documentation that the noncompliant resident no longer resides in the unit, or to request a grievance hearing.

If the family reports that a noncompliant family member is no longer residing in the unit, the family must provide documentation that the family member has actually vacated the unit before HACA will agree to continued occupancy of the family. Documentation must consist of a notarized Removal from Lease certification signed by the head of household as well as evidence of the current address of the family member that previously resided with them.

If the family does not request a grievance hearing, or does not take either corrective action required by the notice of noncompliance within the required 10 calendar day timeframe, HACA will terminate tenancy in accordance with the policies in Section 13-IV.D.

Continued Noncompliance [24 CFR 960.607(b)]

If, after the 12 month cure period, the family member is still not compliant, the PHA must terminate tenancy of the entire family, according to the PHA's lease, unless the family provides documentation that the noncompliant resident no longer resides in the unit.

HACA Policy

Notices of lease termination due to continued noncompliance will be sent at least 30 days prior to the end of the lease term and will also serve as the family's termination notice. The notice will meet the requirements for termination notices described in Section 13-IV.D, Form, Delivery and Content of the Notice.

The family will have 10 calendar days from the date of the notice of non-compliance to provide documentation that the noncompliant resident no longer resides in the unit, or to request a grievance hearing.

If the family reports that a noncompliant family member is no longer residing in the unit, the family must provide documentation that the family member has actually vacated the unit before HACA will agree to continued occupancy of the family. Documentation must consist of a notarized Removal from Lease certification signed by the head of household as well as evidence of the current address of the noncompliant family member that previously resided with them.

If the family does not request a grievance hearing, or provide such documentation within the required 10-calendar day timeframe, the family's lease and tenancy will automatically terminate at the end of the current lease term without further notice.

PART II: IMPLEMENTATION OF COMMUNITY SERVICE

OVERVIEW

Each PHA must develop a policy for administration of the community service and economic self-sufficiency requirements for public housing. It is in the PHA's best interests to develop a viable, effective community service program, to provide residents the opportunity to engage in the community and to develop competencies.

PHA Implementation of Community Service

The PHA may not substitute any community service or self-sufficiency activities performed by residents for work ordinarily performed by PHA employees, or replace a job at any location where residents perform activities to satisfy the service requirement [24 CFR 960.609].

HACA Policy

HACA will provide in-house opportunities for volunteer work or self-sufficiency programs when possible.

HACA will notify its insurance company if residents will be performing community service at HACA. In addition, HACA will ensure that the conditions under which the work is to be performed are not hazardous.

If a disabled resident certifies that s/he is able to perform community service, HACA will ensure that requests for reasonable accommodation are handled in accordance with the policies in Chapter 2.

PHA Program Design

The PHA may administer qualifying community service or economic self-sufficiency activities directly, or may make community service activities available through a contractor, or through partnerships with qualified organizations, including resident organizations, and community agencies or institutions [24 CFR 960.605(b)].

HACA Policy

HACA will attempt to provide the broadest choice possible to residents as they choose community service activities.

HACA's goal is to design a service program that gives residents viable opportunities to become involved in the community and to gain competencies and skills. HACA will work with resident organizations and community organizations to design, implement, assess and recalibrate its community service program.

HACA will make every effort to identify volunteer opportunities throughout the community, especially those in proximity to public housing developments. To the greatest extent possible, HACA will provide names and contacts at agencies that can provide opportunities for residents to fulfill their community service obligations.

EXHIBIT 11-1: COMMUNITY SERVICE AND SELF-SUFFICIENCY POLICY



HOUSING AUTHORITY OF THE CITY OF AUSTIN (HACA)

SOP# 90 REVISION:

EFFECTIVE DATE: March 3, 2006

TITLE: COMMUNITY SERVICE AND SELF SUFFICIENCY REQUIREMENT

Policy: Housing Authority of the City of Austin Continued Occupancy Policy

Purpose: To describe the procedures required by Housing Operations staff to monitor, track and enforce the HUD-mandated CSSR Policy

Scope: The scope of this procedure encompasses only the tasks that apply to the Housing Operations department.

Procedure:

1.0 COMMUNITY SERVICE AND SELF-SUFFICIENCY REQUIREMENT OVERVIEW

- Under the provisions of Section 512 of the Quality Housing and Work Responsibility Act of 1998, every adult resident, 18 years and older of public housing must perform eight hours of community service, participate in an economic self sufficiency program for eight hours per month, or a combination of the two per month adding up to 8 hours per month.
- The resident is required to provide the site manager with all documentation verifying their participation or exemption in the CSSR, or to report changes. This is required on an annual basis.
- HACA will include the CSSR requirement in the lease; include compliance in the PHA plan. Inform residents of any relevant processes, exemptions, enforcements, and the consequences of non-compliance. Provide residents a list of eligible activities, copies of the forms and review and document resident compliance with the CSSR.
- SEE ATTACHED EXHIBIT A, HACA CSSR POLICY ADOPTED FEB.16, 2006.

2.0 HOW HACA WILL KEEP THE RESIDENTS INFORMED

- Annually the HOPS department will mail out a reminder to all families using the 90-day and 60-day format. (Changes have been made to the notices to satisfy this requirement) This reminder will include a listing of the requirements, the exemption categories, the required documentation for each exemption category, and the required documentation to verify program interview;
- During the re-exam HOPS will give all non-exempt PH residents a copy of the CSSR information packet during their annual re-certification interview;
- At any time the resident may request and will be given the CSSR policy or information packet. HACA staff will remove the certification from the back of the packet, obtain the resident's signature and place it in the resident file for

documentation.

- The CSSR Policy will be posted on the bulletin boards at all HACA sites.
- Residents will be able to access this complete packet at www.hacanet.org

3.0

VERIFICATIONS AT ANNUAL RE-EXAM APPTS. (At least 30 days prior to lease termination)

3.1 All adult family members age 18 years and older must complete and sign the *CSSR Resident Status Certification form*.

3.2 This form must be signed at every annual appointment.
SEE EXHIBIT B: CSSR RESIDENT STATUS CERTIFICATION FORM

EXEMPTIONS:

3.3 If a family member is claiming to be exempt from performing community service, you must verify that there is supporting documentation in the file.

3.4 For examples of exemptions, and documentation required, refer to page 2 of the CSSR Policy.

3.5 If a resident is claiming exemption due to participation in job training or enrollment in school, give the resident the *CSSR Exemption Form*.

3.6 The *CSSR Exemption form* is to be filled out by the training provider/agency providing the services/training/education. The resident can either return the form or have the agency/provider fax the completed form to the site manager's office.

3.7 Include this on the 7-day Need Info Form to the resident.

3.8 The CSSR Exemption form expires annually.

SEE EXHIBIT C: CSSR EXEMPTION FORM

4.0

DETERMINE COMPLIANCE

4.1 At time of the annual re-exam, collect time sheets from every family member required to perform monthly community service.
SEE EXHIBIT D: RECORD AND CERTIFICATION OF CSSA ACTIVITIES

4.2 Review time sheets to determine if each required family member completed the required hours.

4.3 Provide a copy of the **CSSR Resident Information Packet** to the family.

4.4 Remove the last page from the Packet and have the adult family members who are present sign the *Certification* sheet. This confirms the family received a copy of the Packet and understands the contents of the Packet.

4.5 Keep this Certification sheet in the tenant file.

4.6 Verify any questionable documentation on timesheets submitted (i.e. timesheets that have been altered in some manner)

4.7 Document your conclusion on whether the timesheets were indeed fraudulent. If fraudulent, this will be grounds for non-renewal of the family's lease.

5.0 UPDATING CODES IN FAMILY SCREEN

5.1 Enter the applicable code (1, 2, 3, or 4) to indicate compliance status of every household member.

5.2 For minors, enter code 4.

SEE EXHIBIT E: Pg 15 of HUD 50058 INSTRUCTION BOOKLET

SEE EXHIBIT F: SAMPLE SCREENPRINT OF FA SCREEN

6.0 NON-COMPLIANCE AND ENFORCEMENT (1st YEAR)

6.1 If you determine the family is in non-compliance with the CSSR requirements, DO NOT enter into a new lease (addendum).

6.2 Fill out and give the HOH the *Notice of Non-Compliance* at the annual re-exam appt.

6.3 Have HOH sign the *Acknowledgement of Receipt of Document* form. Make a copy of the letter. File the copy and the Acknowledgement form in the tenant file.

6.4 Family will have 10 calendar days to choose one of the following two options:
a) Enter into a *Family Compliance Agreement (Exhibit H)*
b) Attest that the non-compliant family member no longer resides in the unit

6.5 Family may request a grievance hearing if they disagree with the determination of non-compliance.
SEE EXHIBIT G: NOTICE OF NON-COMPLIANCE

6.6 Following are examples of HACA-accepted documentation that would support that the non-compliant family member no longer resides in the unit:
a) Copy of signed lease belonging to the non-compliant family member
b) Mail belonging to the non-compliant family member showing different address from unit address
c) Notarized statement from family member confirming he/she has moved out permanently
d) Notarized statement from HOH confirming the non-compliant family member has moved out permanently

6.7 If family entered into a written *Family Compliance Agreement*, all family members required to perform community service will have one year to cure the deficiency in hours, plus perform the new year's required hours. The Notice of Rent Change can be executed if the *Family Compliance Agreement* was completed and signed.

SEE EXHIBIT H: FAMILY COMPLIANCE AGREEMENT

7.0 **SECOND YEAR OF NON-COMPLIANCE**

- 7.1 At the next scheduled annual re-exam, repeat steps specified under Sections **4.0** through **5.0** .
- 7.2 If any family member is determined to be in non-compliance, move forward with eviction, using 30 day Notice of Lease Termination.
- 7.3 The only way to avoid eviction is if the non-compliant family member no longer resides in the unit. Refer to Step 6.6 above.
- 7.4 The family may request a grievance hearing, as stipulated in the Notice of Lease Termination.

8.0 **FILE MAINTENANCE**

- 8.1 All documentation will be placed in Section B of the tenant file (if the tenant file is a 4-section file), as stipulated on the Public Housing Check-off List. If the tenant file is a 2-section file, the documentation will be placed on the right-hand side of the file, along with the current annual re-exam paperwork.

SEE EXHIBIT I: PUBLIC HOUSING CHECK-OFF LIST (revised)

NOTE:

- The Property manager will collect time sheets from all non-exempt family members at least annually.
management staff will accept time sheets from residents at any time the resident chooses to submit the ts. The Property management staff will date stamp the time sheets/documents and provide a copy to the and place the original in the resident file for use at the next annual re-exam.
- **Only** household members with changes in their CSSR exempt status will be required to complete a new *Resident Status Certification* form at **interim** re-examinations.
See Exhibit B: Resident Status Certification.

EXHIBIT 11-2: DEFINITION OF A PERSON WITH A DISABILITY UNDER SOCIAL SECURITY ACTS 216(i)(1) and Section 1416(excerpt) FOR PURPOSES OF EXEMPTION FROM COMMUNITY SERVICE

Social Security Act:

216(i)(1): Except for purposes of sections 202(d), 202(e), 202(f), 223, and 225, the term “disability” means (A) inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months, or (B) blindness; and the term “blindness” means central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for purposes of this paragraph as having a central visual acuity of 20/200 or less.

Section 1416 (excerpt):

SEC. 1614. [42 U.S.C. 1382c] (a)(1) For purposes of this title, the term “aged, blind, or disabled individual” means an individual who—

(A) is 65 years of age or older, is blind (as determined under paragraph (2)), or is disabled (as determined under paragraph (3)), and

(B)(i) is a resident of the United States, and is either (I) a citizen or (II) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 212(d)(5) of the Immigration and Nationality Act), or

(ii) is a child who is a citizen of the United States and, who is living with a parent of the child who is a member of the Armed Forces of the United States assigned to permanent duty ashore outside the United States.

(2) An individual shall be considered to be blind for purposes of this title if he has central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for purposes of the first sentence of this subsection as having a central visual acuity of 20/200 or less. An individual shall also be considered to be blind for purposes of this title if he is blind as defined under a State plan approved under title X or XVI as in effect for October 1972 and received aid under such plan (on the basis of blindness) for December 1973, so long as he is continuously blind as so defined.

(3)(A) Except as provided in subparagraph (C), an individual shall be considered to be disabled for purposes of this title if he is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months.

EXHIBIT 11-3: PHA DETERMINATION OF EXEMPTION FOR COMMUNITY SERVICE
Housing Authority of the City of Austin
Established in 1937

COMMUNITY SERVICE AND SELF-SUFFICIENCY REQUIREMENT
RESIDENT STATUS CERTIFICATION

Unless they are exempt, all adult residents must perform 8 hours of community service per month or participate in an Economic self sufficiency program for 8 hours per month or combination thereof.

This form must be completed by every adult member of the household (age 18 or older) at each reexamination.

I certify that I am eligible for exemption from the Community Service requirement for the following reason:

I am 62 years of age or older

Documentation in the file should support this claim, such as ID, BC, etc.

I am blind or disabled, and I hereby certify that because of this disability I am unable to comply with the community service and self-sufficiency requirement.

Documentation required: Current SSI award letter or doctor's certification

I hereby certify that I am the primary caretaker of a person with a disability, who has certified that based

on the disability he or she cannot comply with the requirement.

Documentation required: Written certification from disabled individual or his/her family, if disabled individual is dependent of this tenant, the disability must be documented in the file.

I am receiving TANF and I am in compliance with the state welfare program.

Documentation required: Public Assistance Verification Form

I am gainfully employed for at least 30 hours per week.

Documentation required: Employer Verification Form

I am exempt from work activities and/or I am receiving assistance, benefits or services under a State Program funded under part A of title IV of the Social Security Act or any other welfare program of the State of Texas, including a state-administered welfare to work program. If receiving benefits, assistance or services, I hereby certify that I am in compliance with such program. **Documentation required: Certification from state agency who has exempted the tenant from work activity or is providing the assistance.**

I am participating in employment-related activities as defined in HACA's CSSR policy, other than gainful employment. **Documentation required: Employment-Related Activities Exemption Form**

I am not exempt from the Community Service and Self-Sufficiency requirement and I have received a copy of the Community Service and Self-Sufficiency Resident Information Packet. I understand that this is a requirement of the Quality Housing and Work Responsibility Act of 1998 and the HACA lease and that if I do not comply with this requirement, my household's lease may not be renewed.

Resident's Signature Print Name Date Client #

HACA Representative Signature Date Effective Date of Status

Exemptions must be documented annually. The HACA staff member signing this form is attesting that the required documentation to support the tenant's certification has been reviewed and is in the file. This form and supporting documentation must be placed in the resident's file.

8.) SAFETY AND CRIME PREVENTION

- 1.) Resident councils are encouraged to form resident patrols, Apartment Residents on Watch (AROW) at the sites. The Austin Police Department has conducted several safety meetings and participates in the Nation Night Out events to encourage the residents to become more involved in crime prevention.
- 2.) Through reporting conducted the HACA Safety Coordinator, the off-duty officers, site-based staff and residents, safety of the property is monitored by:
 - The Housing Authority is continually reviewing the sites to determine if more lighting is necessary and to replace broken fixtures;
 - The Housing Authority has replaced the door locks at all the sites. It is the policy to repair/change broken door locks within 24 hours of notification;

- Security screens and doors have been installed at all family sites;
- All broken glass and graffiti are abated upon notification; and
- The Housing Authority has a Zero Tolerance policy regarding criminal activity and this information is given to the residents at orientation and upon move-in (lease agreement). Managers follow the guidelines set forth in the occupancy manual, the HACA lease, and current state laws to ensure the residents follow the rules of the lease agreement

3.) The Housing Authority hires and schedules off-duty police officers to regularly patrol the developments. The Housing Authority and Austin Police Department have partnered to provide a full-time regular police officer to serve as a liaison between both agencies. This partnership provides constant dialogue between the APD liaison, the area APD District Representatives, and the HACA residents and staff. HACA has benefited with quicker response times from APD and more community involvement from the residents.

9.) PET POLICY-PUBLIC HOUSING RESIDENT PET POLICY

I. OVERVIEW

The purpose of the Housing Authority of the City of Austin (HACA) pet policy is to establish clear guidelines for ownership of pets and to ensure that no applicant or resident is discriminated against regarding admission or continued occupancy because of ownership of pets. It also establishes reasonable rules governing the keeping of common household pets. This part contains pet policies that apply to all developments. **(Under Section VII-There is a separate HACA policy for service or assistance animals.)**

For an animal to be excluded from the pet policy and be considered an assistance animal, there must be a person with disabilities in the household, and the family must request and HACA must approve a reasonable accommodation in accordance with the policies contained in Chapter 2 of the Admissions and Continued Occupancy Policy.

II. MANAGEMENT APPROVAL OF PETS

Registration of Pets

Prior written HACA approval, evidenced by a signed Pet Lease Agreement, must be obtained prior to a resident owning or keeping a common household pet in the dwelling unit.

Pets must be registered with HACA before they are brought onto the premises.

Registration includes documentation signed by a licensed veterinarian or state/local authority that the pet has received all inoculations required by state or local law, and that the pet has no communicable disease(s) and is pest-free. This registration must be renewed annually and will be coordinated with the annual reexamination date.

Pets will not be approved to reside in a unit until completion of the registration requirements.

Refusal to Register Pets

HACA will refuse to register a pet if:

- The pet is not a common household pet as defined below.
- Keeping the pet would violate any pet restrictions listed in this policy.
- The pet owner fails to provide complete pet registration information, or fails to update the registration annually.

- The applicant has previously been charged with animal cruelty under state or local law; or has been evicted, had to relinquish a pet or been prohibited from future pet ownership due to pet rule violations or a court order.
- HACA reasonably determines that the pet owner is unable to keep the pet in compliance with the pet rules and other lease obligations. The pet's temperament and behavior may be considered as a factor in determining the pet owner's ability to comply with provisions of the lease.

If HACA refuses to register a pet, a written notification will be sent to the pet owner within 10 business days of HACA's decision. The notice will state the reason for refusing to register the pet and will inform the family of their right to appeal the decision in accordance with HACA's grievance procedures.

Pet Agreement

Residents who have been approved to have a pet must enter into a Pet Agreement with HACA by signing the Pet Lease Agreement, or the approval of the pet will be withdrawn.

The Pet Lease Agreement is the resident's certification that he or she has received a copy of HACA's Pet Policy and applicable House Rules, that he or she has read the policies and/or rules, understands them and agrees to comply with them.

The resident further certifies by signing the Pet Lease Agreement that he or she understands that noncompliance with HACA's Pet Policy and applicable House Rules may result in the withdrawal of HACA approval of the pet or termination of tenancy.

III. STANDARDS FOR PETS

Definition of "Common Household Pet"

Common household pet means a domesticated animal, such as a dog, cat, bird or fish that is traditionally recognized as a companion animal and is kept in the home for pleasure rather than commercial purposes.

The following animals are not considered common household pets:

- Reptiles
- Rodents
- Insects
- Arachnids
- Wild animals or feral animals, including but not limited to chickens and rabbits
- Pot-bellied pigs
- Animals used for commercial breeding

Pet Restrictions

The following animals are not permitted:

- Any animal whose adult weight will exceed 30 pounds.
- Notwithstanding anything to the contrary, residents are prohibited from owning or keeping in the unit pets which HACA reasonably believes to be dangerous or vicious to other pets, residents or staff including, without limitation, pit bulls, Doberman pinschers, Rottweilers, chow or boxer breeds, including any mixed breeds thereof. Residents are prohibited from dog-sitting such animals in their units as well.
- Ferrets or other animals whose natural protective mechanisms pose a risk to small children of serious bites or lacerations.
- Any animal not permitted under state or local law or code.
- Residents are prohibited from feeding or harboring stray animals. The feeding of stray animals shall constitute having a pet without the written permission of HACA.

Should a resident's pet give birth to a litter, the resident shall within 6 weeks from birth remove all animals (including the litter and mother) except resident will be allowed to retain 2 common household pets in the unit as provided herein.

Number of Pets

Residents may own a maximum of 2 pets.

In the case of fish, residents may keep no more than can be maintained in a safe and healthy manner in a tank holding up to 10 gallons. Such a tank or aquarium will be counted as 1 pet.

Other Requirements

Dogs and cats must be spayed or neutered at the time of registration or, in the case of underage animals, within 30 days of the pet reaching 6 months of age. Exceptions may be made upon veterinary certification that subjecting this particular pet to the procedure would be temporarily or permanently medically unsafe or unnecessary.

Pets must be licensed in accordance with state or local law. Residents must provide proof of licensing at the time of registration and annually, in conjunction with the resident's annual reexamination.

The resident must be present during a scheduled dwelling unit inspection of a unit occupied by any and all pets, unless the pets consist only of fish or other self-contained animals. Otherwise, if the resident cannot be present, the pet must be placed in a kennel or cage. If the resident fails to restrain the pet as required and the pet gets loose, HACA staff will not be held responsible.

IV. PET RULES

Pet Area Restrictions

Pets must be maintained within the resident's unit. When outside of the unit (within the building or on the grounds) dogs and cats must be kept on a leash or carried and under the control of the resident or other responsible adult at all times. Pets other than dogs or cats must be kept in a cage or carrier at all times.

Pets are not permitted in common areas including lobbies, community rooms and laundry areas except for those common areas which are entrances to and exits from the building.

Pet owners are only permitted to exercise pets or permit pets to deposit waste on project premises on the areas designated for such purposes, if a designated area exists.

Designated Pet/No-Pet Areas

With the exception of common areas as described in the previous policy, HACA has not designated any buildings, floors of buildings or sections of buildings as no-pet areas. In addition, HACA has not designated any buildings, floors of buildings or sections of buildings for residency of pet-owning tenants.

Cleanliness

The residents are solely responsible for cleaning up all pet droppings, if any, outside the unit and/or on the development grounds. Droppings must be disposed of by being placed in a sealed plastic bag and disposing of it in a trash container provided by the HACA.

The resident shall take adequate precautions to eliminate any pet odors within or around the unit and to maintain the unit in a sanitary condition at all times.

Litter box requirements:

- Pet owners must promptly dispose of waste from litter boxes and must maintain litter boxes in a sanitary manner.

- Litter shall not be disposed of by being flushed through a toilet.
- Litter boxes shall be kept inside the resident's dwelling unit.

Pet food must be sealed in a container inside the unit.

Alterations to Unit

Pet owners shall not alter their unit, patio, premises or common areas to create an enclosure for any animal.

Installation of pet doors is prohibited.

Residents are responsible for all damages caused by their pets including, without limitation, the cost of cleaning of carpets or fumigation of units.

Noise

Pet owners must agree to control the noise of pets so that such noise does not constitute a nuisance to other residents or interrupt their peaceful enjoyment of their housing unit or premises. This includes, but is not limited to loud or continuous barking, howling, whining, biting, scratching, chirping or other such activities.

Pet Care

Each pet owner shall be responsible for adequate care, nutrition, exercise and medical attention for his/her pet.

Each pet owner shall be responsible for appropriately training and caring for his/her pet to ensure that the pet is not a nuisance or danger to other residents and does not damage HACA property.

No animals may be tethered or chained inside or outside the dwelling unit at any time.

Responsible Parties

The pet owner will be required to designate at least one responsible party (alternate custodian) for the care of the pet if the health or safety of the pet is threatened by the death or incapacity of the pet owner, or by other factors that render the pet owner unable to care for the pet.

A resident who cares for another resident's pet must notify the PHA and sign a statement that they agree to abide by all of the pet rules.

Pets Temporarily on the Premises

Pets that are not owned by a tenant are not allowed on the premises. Residents are prohibited from feeding or harboring stray animals.

This rule does not apply to visiting pet programs sponsored by a Humane Society or other non-profit organizations, and approved by HACA in advance. HACA may make exceptions to this rule on a case by case basis.

Pet Rule Violations

HACA has the right to inspect a resident's unit without prior notice if HACA has reason to suspect the pet is not being cared for or that the resident is unable to properly care for the pet.

All complaints of cruelty and all dog bites will be referred to animal control or an applicable agency for investigation and enforcement.

If a determination is made on objective facts supported by written statements, that a resident/pet owner has violated the pet rules, written notice will be served.

The notice will contain a brief statement of the factual basis for the determination and the pet rule(s) that were violated. The notice will also state:

- That the pet owner has 10 business days from the effective date of the service of notice to

- correct the violation or make written request for a meeting to discuss the violation.
- That the pet owner is entitled to be accompanied by another person of his or her choice at the meeting.
- That the pet owner's failure to correct the violation or request a meeting by the stated deadline, or failure to appear at a requested meeting may result in initiation of procedures to remove the pet, or to terminate the pet owner's tenancy.

Notice for Pet Removal

If the pet owner and HACA are unable to resolve the violation at the meeting or the pet owner fails to correct the violation in the time period allotted by HACA, HACA may serve notice to remove the pet.

The notice will contain:

- A brief statement of the factual basis for HACA's determination of the pet rule that has been violated.
- The requirement that the resident /pet owner must remove the pet within 30 calendar days of the notice.
- A statement that failure to remove the pet may result in the initiation of termination of tenancy procedures.

Pet Removal

If the death or incapacity of the pet owner threatens the health or safety of the pet, or other factors occur that render the owner unable to care for the pet, the situation will be reported to the responsible party designated by the pet owner.

If the responsible party is unwilling or unable to care for the pet, or if HACA after reasonable efforts cannot contact the responsible party, HACA may contact the appropriate state or local agency and request the removal of the pet. HACA accepts no responsibility for the animal under such circumstances.

If pets are left unattended by the pet owner for a period of 24 hours or more, HACA may enter the dwelling unit, contact the appropriate state or local agency and request the removal of the pet. HACA accepts no responsibility for the animal under such circumstances.

Termination of Tenancy

HACA may initiate procedures for termination of tenancy based on a pet rule violation if:

- The pet owner has failed to remove the pet or correct a pet rule violation within the time period specified by HACA.
- The pet rule violation is sufficient to begin procedures to terminate tenancy under terms of the lease.

Emergencies

HACA will take all necessary steps to ensure that pets that become vicious, display symptoms of severe illness or demonstrate behavior that constitutes an immediate threat to the health or safety of others, are immediately removed from the premises by referring the situation to the appropriate state or local entity authorized to remove such animals.

If it is necessary for HACA to place the pet in a shelter facility, the cost will be the responsibility of the pet owner.

If the pet is removed as a result of any aggressive act on the part of the pet, the pet will not be allowed back on the premises.

V. **PET DEPOSITS**

Pet owners are required to pay a pet deposit in addition to any other required deposits. The amount of the deposit is \$50 per pet, and must be paid in full before the pet is brought on the premises. This deposit is separate from the unit security deposit and will not be divided into installments.

Refund of Deposit

HACA will refund the pet deposit to the resident, less the costs of any damages caused by the pet to the dwelling unit, within 30 days of move-out. The resident will be billed for any amount that exceeds the pet deposit.

HACA will provide the resident with a written list of any charges against the pet deposit within 30 days of the move-out inspection. If the resident disagrees with the amount charged to the pet deposit, HACA will provide a meeting to discuss the charges.

VI. OTHER CHARGES

Pet-Related Damages During Occupancy

All reasonable expenses incurred by HACA as a result of damages directly attributable to the presence of the pet in the housing development will be the responsibility of the resident, including:

- The cost of repairs and replacements to the resident's dwelling unit.
- Fumigation of the dwelling unit.
- Repairs to common areas of the housing development.

The expense of flea elimination shall also be the responsibility of the resident.

If the resident is in occupancy when such costs occur, the resident shall be billed for such costs in accordance with the Maintenance and Damage Charges policies established in the Admissions and Continued Occupancy Plan. Pet deposits will not be applied to the costs of pet-related damages during occupancy.

Charges for pet-related damage are not part of rent payable by the resident.

Pet Waste Removal Charge

A separate pet waste removal charge of \$15 per occurrence will be assessed against pet owners who fail to remove pet waste in accordance with this policy.

Notices of pet waste removal charges will be in accordance with requirements regarding notices of adverse action. Charges are due and payable 14 calendar days after notice. If the family requests a grievance hearing within the required timeframe, HACA may not take action for nonpayment of the charge until the conclusion of the grievance process.

Charges for pet waste removal are not part of rent payable by the resident.

ASSISTANCE ANIMAL POLICY

VII. OVERVIEW

This part discusses situations under which permission for an assistance animal may be denied, and also establishes standards for the care of assistance animals.

Assistance animals are animals that work, provide assistance or perform tasks for the benefit of a person with a disability, or that provide emotional support that alleviates one or more identified symptoms or effects of a person's disability. Assistance animals – often referred to as “service animals,” “assistive animals,” “support animals,” or “therapy animals” – perform many disability-related functions, including but not limited to the following:

- Guiding individuals who are blind or have low vision
- Alerting individuals who are deaf or hearing impaired
- Providing minimal protection or rescue assistance
- Pulling a wheelchair
- Fetching items
- Alerting persons to impending seizures
- Providing emotional support to persons with disabilities who have a disability-related need for such support

Assistance animals that are needed as a reasonable accommodation for persons with disabilities are not considered pets, and thus, are not subject to the PHA's pet policies. **(There is a separate HACA policy for pet ownership.)**

VIII. MANAGEMENT APPROVAL OF ASSISTANCE ANIMALS

A person with a disability is not automatically entitled to have an assistance animal. Reasonable accommodation requires that there is a relationship between the person's disability and his or her need for the animal.

The Pet Policy shall not be applied in a manner that would prohibit those individuals regarded as persons with disabilities from realizing the benefits of housing via a reasonable accommodation of exemption to the pet policy, provided such exemption would not cause an undue administrative burden. Such an exemption must be accompanied by a professional medical opinion attesting to the resident's disability. The documentation shall state the physician's conclusion that in his/her professional medical opinion, a disability exists which meets HACA's definition of handicapped/disabled.

For an animal to be excluded from the pet policy and be considered an assistance animal, there must be a person with disabilities in the household, and the family must request and HACA must approve a reasonable accommodation in accordance with HACA's reasonable accommodation policies.

Assistance Animal Agreement

Residents who have been approved to have an assistance animal must enter into an Assistance Animal Agreement with HACA by signing the Assistance Animal Lease Agreement, or the approval of the assistance animal will be withdrawn.

The Assistance Animal Lease Agreement is the resident's certification that he or she has received a copy of HACA's Assistance Animal Policy, that he or she has read the policies and/or rules, understands them and agrees to comply with them.

The resident further certifies by signing the Assistance Animal Lease Agreement that he or she understands that noncompliance with HACA's Assistance Animal Policy may result in the withdrawal of HACA approval of the assistance animal or termination of tenancy.

IX. CARE AND HANDLING

Residents must care for assistance animals in a manner that complies with state and local laws, including anti-cruelty laws.

Residents must ensure that assistance animals do not pose a direct threat to the health or safety of others, or

cause substantial physical damage to the development, dwelling unit or property of other residents.

Residents shall not allow their assistance animal to disturb, interfere or diminish the peaceful enjoyment of other residents. The terms disturb, interfere and diminish shall include, without limitation, excessive barking, defecating and/or urinating in hallways, common areas or doorways, howling, chirping, biting, scratching and other like activities.

When a resident's care or handling of an assistance animal violates these policies, HACA can consider whether the violation could be reduced or eliminated by a reasonable accommodation. If HACA determines that no such accommodation can be made, HACA may withdraw the approval of a particular assistance animal.

Other Requirements

Assistance Animal Restrictions

The following animals are not permitted:

- Notwithstanding anything to the contrary, residents are prohibited from owning or keeping in the unit animals which HACA reasonably believes to be dangerous or vicious to other animals, residents or staff including, without limitation, pit bulls, Doberman pinschers, Rottweilers, chow or boxer breeds, including any mixed breeds thereof. Residents are prohibited from dog-sitting such animals in their units as well.
- Ferrets or other animals whose natural protective mechanisms pose a risk to small children of serious bites or lacerations.
- Any animal not permitted under state or local law or code.
- Residents are prohibited from feeding or harboring stray animals. The feeding of stray animals shall constitute having a pet without the written permission of HACA.

Should a resident's assistance animal give birth to a litter, the resident shall within 6 weeks from birth remove all animals (including the litter and mother) except resident will be allowed to retain 2 assistance animals in the unit as provided herein.

Number of Assistance Animals

Residents may own a maximum of 2 assistance animals.

In the case of fish, residents may keep no more than can be maintained in a safe and healthy manner in a tank holding up to 10 gallons. Such a tank or aquarium will be counted as 1 assistance animal.

Dogs and cats must be spayed or neutered at the time of registration or, in the case of underage animals, within 30 days of the pet reaching 6 months of age. Exceptions may be made upon veterinary certification that subjecting this particular pet to the procedure would be temporarily or permanently medically unsafe or unnecessary.

Assistance animals must be licensed in accordance with state or local law. Residents must provide proof of licensing at the time of registration and annually, in conjunction with the resident's annual reexamination.

The resident must be present during a scheduled dwelling unit inspection of a unit occupied by any and all assistance animals, unless the assistance animals consist only of fish or other self-contained animals. Otherwise, if the resident cannot be present, the assistance animal must be placed in a kennel or cage. If the resident fails to restrain the assistance animal as required and the assistance animal gets loose, HACA staff will not be held responsible.

Assistance Animal Area Restrictions

Assistance animals must be maintained within the resident's unit. When outside of the unit (within the building or on the grounds) dogs and cats must be kept on a leash or carried and under the control of the resident or other responsible adult at all times. Assistance animals other than dogs or cats must be kept in a cage or carrier at all times.

Assistance animals are not permitted in common areas including lobbies, community rooms and laundry areas except for those common areas which are entrances to and exits from the building.

Assistance animal owners are only permitted to exercise assistance animals or permit assistance animals to deposit waste on project premises on the areas designated for such purposes, if a designated area exists.

Cleanliness

The residents are solely responsible for cleaning up all assistance animal droppings, if any, outside the unit and/or on the development grounds. Droppings must be disposed of by being placed in a sealed plastic bag and disposing of it in a trash container provided by HACA.

The resident shall take adequate precautions to eliminate any assistance animal odors within or around the unit and to maintain the unit in a sanitary condition at all times.

Litter box requirements:

- Assistance animal owners must promptly dispose of waste from litter boxes and must maintain litter boxes in a sanitary manner.
- Litter shall not be disposed of by being flushed through a toilet.
- Litter boxes shall be kept inside the resident's dwelling unit.

Assistance animal food must be sealed in a container inside the unit.

Alterations to Unit

Assistance animal owners shall not alter their unit, patio, premises or common areas to create an enclosure for any animal.

Installation of pet doors is prohibited.

Residents are responsible for all damages caused by their assistance animals including, without limitation, the cost of cleaning of carpets or fumigation of units.

Noise

Assistance animal owners must agree to control the noise of assistance animals so that such noise does not constitute a nuisance to other residents or interrupt their peaceful enjoyment of their housing unit or premises. This includes, but is not limited to loud or continuous barking, howling, whining, biting, scratching, chirping or other such activities.

Assistance Animal Care

Each assistance animal owner shall be responsible for adequate care, nutrition, exercise and medical attention for his/her assistance animal.

Each assistance animal owner shall be responsible for appropriately training and caring for his/her assistance animal to ensure that the assistance animal is not a nuisance or danger to other residents and does not damage HACA property.

No animals may be tethered or chained inside or outside the dwelling unit at any time.

Responsible Parties

The assistance animal owner will be required to designate at least one responsible party (alternate

custodian) for the care of the assistance animal if the health or safety of the assistance animal is threatened by the death or incapacity of the assistance animal owner, or by other factors that render the assistance animal owner unable to care for the assistance animal.

A resident who cares for another resident's assistance animal must notify HACA and sign a statement that they agree to abide by all of the assistance animal rules.

Animals Temporarily on the Premises

Animals that are not owned by a tenant are not allowed on the premises. Residents are prohibited from feeding or harboring stray animals.

This rule does not apply to visiting pet programs sponsored by a Humane Society or other non-profit organizations, and approved by HACA in advance. HACA may make exceptions to this rule on a case by case basis.

Assistance Animal Rule Violations

HACA has the right to inspect a resident's unit without prior notice if HACA has reason to suspect the assistance animal is not being cared for or that the resident is unable to properly care for the assistance animal.

All complaints of cruelty and all dog bites will be referred to animal control or an applicable agency for investigation and enforcement.

If a determination is made on objective facts supported by written statements, that a resident/assistance animal owner has violated the assistance animal rules, written notice will be served.

The notice will contain a brief statement of the factual basis for the determination and the assistance animal rule(s) that were violated. The notice will also state:

- That the assistance animal owner has 10 business days from the effective date of the service of notice to correct the violation or make written request for a meeting to discuss the violation.
- That the assistance animal owner is entitled to be accompanied by another person of his or her choice at the meeting.
- That the assistance animal owner's failure to correct the violation or request a meeting by the stated deadline, or failure to appear at a requested meeting may result in initiation of procedures to remove the assistance animal, or to terminate the assistance animal owner's tenancy.

Notice for Assistance Animal Removal

If the assistance animal owner and HACA are unable to resolve the violation at the meeting or the assistance animal owner fails to correct the violation in the time period allotted by HACA, HACA may serve notice to remove the assistance animal.

The notice will contain:

- A brief statement of the factual basis for HACA's determination of the assistance animal rule that has been violated.
- The requirement that the resident /assistance animal owner must remove the assistance animal within 30 calendar days of the notice.
- A statement that failure to remove the assistance animal may result in the initiation of termination of tenancy procedures.

Assistance Animal Removal

If the death or incapacity of the assistance animal owner threatens the health or safety of the assistance animal, or other factors occur that render the owner unable to care for the assistance animal, the situation

will be reported to the responsible party designated by the assistance animal owner.

If the responsible party is unwilling or unable to care for the assistance animal, or if HACA after reasonable efforts cannot contact the responsible party, HACA may contact the appropriate state or local agency and request the removal of the assistance animal. HACA accepts no responsibility for the animal under such circumstances.

If assistance animals are left unattended by the assistance animal owner for a period of 24 hours or more, HACA may enter the dwelling unit, contact the appropriate state or local agency and request the removal of the assistance animal. HACA accepts no responsibility for the animal under such circumstances.

Termination of Tenancy

HACA may initiate procedures for termination of tenancy based on an assistance animal rule violation if:

- The assistance animal owner has failed to remove the assistance animal or correct a assistance animal rule violation within the time period specified by HACA.
- The assistance animal rule violation is sufficient to begin procedures to terminate tenancy under terms of the lease.

Emergencies

HACA will take all necessary steps to ensure that assistance animals that become vicious, display symptoms of severe illness or demonstrate behavior that constitutes an immediate threat to the health or safety of others, are immediately removed from the premises by referring the situation to the appropriate state or local entity authorized to remove such animals.

If it is necessary for HACA to place the assistance animal in a shelter facility, the cost will be the responsibility of the assistance animal owner.

If the assistance animal is removed as a result of any aggressive act on the part of the assistance animal, the assistance animal will not be allowed back on the premises.

X. PET DEPOSITS

Residents who have HACA- approved assistance animals are exempt solely from paying a pet deposit for their assistance animals.

XI. OTHER CHARGES

Assistance animal-Related Damages During Occupancy

All reasonable expenses incurred by HACA as a result of damages directly attributable to the presence of the assistance animal in the housing development will be the responsibility of the resident, including:

- The cost of repairs and replacements to the resident's dwelling unit.
- Fumigation of the dwelling unit.
- Repairs to common areas of the housing development.

The expense of flea elimination shall also be the responsibility of the resident.

If the resident is in occupancy when such costs occur, the resident shall be billed for such costs in accordance with the Maintenance and Damage Charges policies established in the Admissions and Continued Occupancy Plan. Charges for assistance animal-related damage are not part of rent payable by the resident.

Assistance Animal Waste Removal Charge

A separate animal waste removal charge of \$15 per occurrence will be assessed against assistance animal owners who fail to remove assistance animal waste in accordance with this policy.

Notices of assistance animal waste removal charges will be in accordance with requirements regarding notices of adverse action. Charges are due and payable 14 calendar days after notice. If the family requests a grievance hearing within the required timeframe, HACA may not take action for nonpayment of the charge until the conclusion of the grievance process.

Charges for assistance animal waste removal are not part of rent payable by the resident.

10.) CIVIL RIGHTS CERTIFICATION

The PHA certifies that it will carry out in 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 Disability Act of 1990. The PHA will affirmatively further fair housing by examining its programs and/ or proposed programs, identify any impediments to fair housing choice within the programs, address 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 housing authority's involvement and maintain records reflecting these analyses and actions.

11.) FISCAL YEAR AUDIT

The housing authority is required to have an audit conducted under section 5(h)(2) of the U.S. Housing Act of 1937 (42 U.S.C. 1437c(h)). The 2009-2010 audit had no findings and was submitted to the U.S. Department of HUD and the single audit clearing house.

12.) ASSET MANAGEMENT

The housing authority has engaged long-term asset management of its public housing stock through development-based accounting and comprehensive stock assessment to plan for long-term operations, capital investment, rehabilitation, modernization, disposition, and other needs to sustain the current public housing inventory.

13.) VIOLENCE AGAINST WOMEN ACT (VAWA)-NOTICE TO SECTION 8 AND PUBLIC HOUSING TENANTS

NOTIFICATION TO APPLICANTS AND TENANTS REGARDING PROTECTIONS UNDER THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2005 (VAWA)

OVERVIEW

The Violence against Women Reauthorization Act of 2005 (VAWA) requires PHAs to inform public housing tenants of their rights under this law, including their right to confidentiality and the limits thereof. Since VAWA provides protections for applicants as well as tenants, PHAs may elect to provide the same information to applicants.

VAWA NOTIFICATION

HACA will post the following information regarding VAWA in its offices and on its Web site. It will also make the information readily available to anyone who requests it.

A summary of the rights and protections provided by VAWA to public housing applicants and residents who are or have been victims of domestic violence, dating violence, or stalking (see sample notice in Exhibit 16-1)

The definitions of *domestic violence*, *dating violence*, and *stalking* provided in VAWA (included in Exhibit 16-1)

An explanation of the documentation that HACA may require from an individual who claims the protections provided by VAWA (included in Exhibit 16-1)

A copy of form HUD-50066, Certification of Domestic Violence, Dating Violence or Stalking

A statement of HACA's obligation to keep confidential any information that it receives from a victim unless (a) HACA has the victim's written permission to release the information, (b) it needs to use the information in an eviction proceeding, or (c) it is compelled by law to release the information (included in Exhibit 16-1)

The National Domestic Violence Hot Line: 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY) (included in Exhibit 16-1)

Contact information for local victim advocacy groups or service providers

NOTIFICATION TO APPLICANTS

HACA will provide all applicants with notification of their protections and rights under VAWA at the time they request an application for housing assistance.

The notice will explain the protections afforded under the law, inform each applicant of HACA confidentiality requirements and provide contact information for local victim advocacy groups or service providers.

HACA will also include in all notices of denial a statement explaining the protection against denial provided by VAWA (see section 3-III.F).

NOTIFICATION TO TENANTS [Pub.L. 109-162]

VAWA requires PHAs to notify tenants assisted under public housing of their rights under this law, including their right to confidentiality and the limits thereof.

HACA will provide all tenants with notification of their protections and rights under VAWA at the time of admission and at annual reexamination.

The notice will explain the protections afforded under the law, inform the tenant of HACA confidentiality requirements and provide contact information for local victim advocacy groups or service providers.

HACA will also include in all lease termination notices a statement explaining the protection against termination or eviction provided by VAWA (see Section 13-IV.D).

SAMPLE NOTICE TO PUBLIC HOUSING APPLICANTS AND RESIDENTS REGARDING THE VIOLENCE AGAINST WOMEN ACT (VAWA)

This sample notice was adapted from a notice prepared by the National Housing Law Project.

A federal law that went into effect in 2006 protects individuals who are victims of domestic violence, dating violence, and stalking. The name of the law is the Violence against Women Act, or "VAWA." This notice explains your rights under VAWA.

Protections for Victims

If you are eligible for public housing, the housing authority cannot refuse to admit you to the public housing program solely because you are a victim of domestic violence, dating violence, or stalking.

If you are the victim of domestic violence, dating violence, or stalking, the housing authority cannot evict you based on acts or threats of violence committed against you. Also, criminal acts directly related to the domestic violence, dating violence, or stalking that are caused by a member of your household or a guest can't be the reason for evicting you if you were the victim of the abuse.

Reasons You Can Be Evicted

The housing authority can still evict you if the housing authority can show there is an *actual* and *imminent* (immediate) threat to other tenants or housing authority staff if you are not evicted. Also, the housing authority can evict you for serious or repeated lease violations that are not related to the domestic violence, dating violence, or stalking against you. The housing authority cannot hold you to a more demanding set of rules than it applies to tenants who are not victims.

Removing the Abuser from the Household

The housing authority may split the lease to evict a tenant who has committed criminal acts of violence against family members or others, while allowing the victim and other household members to stay in the public housing unit. If the housing authority chooses to remove the abuser, it may not take away the remaining tenants' rights to the unit or otherwise punish the remaining tenants. In removing the abuser from the household, the housing authority must follow federal, state, and local eviction procedures.

Proving that You Are a Victim of Domestic Violence, Dating Violence, or Stalking

The housing authority can ask you to prove or "certify" that you are a victim of domestic violence, dating violence, or stalking. In cases of termination or eviction, the housing authority must give you at least 14 business days (i.e. Saturdays, Sundays, and holidays do not count) to provide this proof. The housing authority is free to extend the deadline. There are three ways you can prove that you are a victim:

- Complete the certification form given to you by the housing authority. The form will ask for your name, the name of your abuser, the abuser's relationship to you, the date, time, and location of the incident of violence, and a description of the violence.
- Provide a statement from a victim service provider, attorney, or medical professional who has helped you address incidents of domestic violence, dating violence, or stalking. The professional must state that he or she believes that the incidents of abuse are real. Both you and the professional must sign the statement, and both of you must state that you are signing "under penalty of perjury."
- Provide a police or court record, such as a protective order.

If you fail to provide one of these documents within the required time, the housing authority may evict you.

Confidentiality

The housing authority must keep confidential any information you provide about the violence against you, unless:

- You give written permission to the housing authority to release the information.
- The housing authority needs to use the information in an eviction proceeding, such as to evict your abuser.
- A law requires the housing authority to release the information.

If release of the information would put your safety at risk, you should inform the housing authority.

VAWA and Other Laws

VAWA does not limit the housing authority's duty to honor court orders about access to or control of a public housing unit. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.

VAWA does not replace any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence, or stalking.

For Additional Information

If you have any questions regarding VAWA, please contact _____ at _____.

For help and advice on escaping an abusive relationship, call the National Domestic Violence Hotline at 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY).

Definitions

For purposes of determining whether a tenant may be covered by VAWA, the following list of definitions applies:

VAWA defines **domestic violence** to include felony or misdemeanor crimes of violence committed by any of the following:

- A current or former spouse of the victim
- A person with whom the victim shares a child in common
- A person who is cohabitating with or has cohabitated with the victim as a spouse
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies
- Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction

VAWA defines **dating violence** as violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the victim AND (2) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

VAWA defines **stalking** as (A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person OR (ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person AND (B) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (i) that person, (ii) a member of the immediate family of that person, or (iii) the spouse or intimate partner of that person.

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, Mixed Finance Modernization or Development: No activity planned for the 2009 FFY.

B.) Demolition and/or Disposition

HACA will retain a consultant with detailed knowledge of affordable housing and the public process. The consultant will assist with evaluating all HACA owned properties and prioritize as to the highest and best use. HACA will commit to ongoing public input into any re-development plans by soliciting input from residents, advocates, neighborhood groups and other stakeholders. HACA will commit to ensuring that a one for one replacement of all affected public housing units is met and there will be no net loss of existing public housing inventory. In summation, no current residents living at a HACA property that may be redeveloped will be left without housing.

Timeline for activity:

- a. Actual or **projected evaluation start** date of activity: ***Spring 2007***
- b. **Projected** end date of activity: ***Winter 2011***

Demolition/Disposition Activity Description
1a. Development name: Scattered Sites
1b. Development (project) number: TX00127
2. Activity type-Disposition <i>HACA plans to submit an application for the disposition of the 22 Scattered Site homes under Section 32 of the HUD Homeownership Program. These homes will be placed in Housing Authority of the City of Austin's Lease to Own Homeownership. Each home will only be disposed upon the unit becoming</i>

vacant, thus, no families will be displaced from their units.

3. Application status-Planned application

4. Date application approved, submitted, or **planned for submission:** January 2011

5. Number of units affected: 22

6. Coverage of action-Total development

7. Timeline for activity:

a. Actual or **projected start** date of activity: Spring 2011

b. **Projected** end date of activity: ongoing

Demolition/Disposition Activity Description

1a. Development name: 1640A and 1640B E. Second Street (former Central Offices)

1b. Development (project) number: TX001

2. Activity type: Disposition

HACA will dispose of these two buildings and transfer these assets to its nonprofit subsidiary, Austin Affordable Housing Corporation.

3. Application status -Planned application

4. Date application approved, submitted, or **planned for submission:**

Application submitted 04/02/2010 to HUD Special Application Center (SAC). This office has requested additional information and HACA is still awaiting for final approval.

5. Number of units affected: 0-No public housing units will be affected.

6. Coverage of action-Total development

7. Timeline for activity:

a. Actual or **projected start** date of activity: June 2008

b. **Projected** end date of activity: Winter 2010

Demolition/Disposition Activity Description

1a. Development name: Warehouse-205 Chicon

1b. Development (project) number: TX001

2. Activity type: Disposition

HACA will dispose of this building and transfer these assets to its nonprofit subsidiary, Austin Affordable Housing Corporation.

3. Application status -Planned application

4. Date application approved, submitted, or **planned for submission:** Application submitted 04/02/2010 to HUD Special Application Center Application submitted 04/02/2010 to HUD Special Application Center (SAC). This office has requested additional information and HACA is still awaiting for final approval.

5. Number of units affected: 0-No public housing dwellings development will be affected.

6. Coverage of action-Total development

7. Timeline for activity:

a. Actual or **projected start** date of activity: June 2008

b. **Projected** end date of activity: Winter 2010

Demolition/Disposition Activity Description

1a. Development name: Rio Lado (AMP20)

1b. Development (project) number: TX-020

2. Activity type: Demolition/Disposition

HACA will seek demolition of the property's buildings and to ask HUD for the disposition of the total development. The property will then be transferred to HACA's nonprofit subsidiary, Austin Affordable Housing Corporation. HACA will commit to ensuring that a one for one replacement of all affected public housing units is met and there will be no net loss of existing public housing inventory. Currently, the property is 100% unoccupied. For those families who had resided at Rio Lado, the families were given the option to either transfer to another public housing unit or receive a Housing Choice Voucher (Section 8). HACA is looking to acquire additional affordable housing and to place these 90 units of public housing into these properties.

3. Application status -Planned application

4. Date application approved, submitted, or **planned for submission: Application to be submitted end of July or beginning of August 2011**

5. Number of units affected: **90 units**

6. Coverage of action-Total development

7. Timeline for activity:

a. Actual or **projected start** date of activity: **July/August 2011**

b. **Projected end** date of activity: **Winter 2011**

C. Conversion of Public Housing-There are no plans for the conversion of public housing.

D. Homeownership Programs-HACA administers a Homeownership Program through its nonprofit subsidiary, Austin Affordable Housing Corporation, as Down Payment Assistance Program.

E. Project-based Vouchers-There are no plans at this time for HACA to project-base any vouchers for the acquisition or development of properties.

8.0 **Capital Improvements.** Please complete Parts 8.1 through 8.3, as applicable.

8.1 **Capital Fund Program Annual Statement/Performance and Evaluation Report. Capital Fund Program (CFP) Part I: Summary-** Original Annual Statement
Capital Fund Grant Number TX59-P001-50110 FFY of Grant Approval: (04/2011)
See as an attachment

8.2 **Capital Fund Program Five-Year Action Plan.** See Attachments

8.3 **Capital Fund Financing Program (CFFP).** -Not Applicable to HACA

Housing Needs

**Housing Needs of Families in the Jurisdiction
by Family Type**

On a scale of 1 to 5, "1" is the lowest need and priority and "5" is ranked as the highest need and priority based on the U.S. Census Bureau 2009 American Community Survey and the City of Austin's Comprehensive Market Study

Family Type Based on a family of 4*	Overall**	Afford- ability	Supply	Quality	Accessibility	Size	Location
Income <= 30% of AMI* (\$22,500 or less)	120,6561 ¹	5	5	5	5	N/A	5
Income >30% but <=50% of AMI* (\$22,151-36,900)	61,3931 ¹	5	5	5	5	N/A	5
Income >50% but <80% of AMI* (\$36,901-59,050)	91,9351 ¹	5	5	5	5	N/A	5
Elderly	128,459 ¹					N/A	

TX001v
(4/2008)

Per the information supplied through the U.S. Census Bureau 2009 American Community Survey and the City of Austin's Comprehensive Market Study, the demand for low-income housing in the Austin Metro Area and the supply of affordable housing are considered high priorities. There are over 614,047 households in the Austin-Round Rock, TX Metro Area equating to a population of 1,668,315¹. For those who own, the median mortgage is \$1619 with more than 45% of the area homeowners paying 25 % or more of their household income towards a mortgage payment.¹ The median rent reported in the 2009 American Community Survey is \$909 and over 243,622 reside in rental units. In 2010, the Austin Metro Area fair market rents range from \$688 for an efficiency to \$1462 for a 4-bedroom unit. For a family of four earning \$21,350 (30% Area Median Income), the cost to rent a three bedroom rental unit at the fair market rent equates to more than 50% of the family's monthly income. There is a limited supply of rental units in the private market targeted to families of very low-income that provide affordable, accessible and larger size units.

The Housing Authority of the City of Austin is only able to address a small percentage of the need of affordable housing through its Public Housing and Housing Choice Voucher programs for the extremely low to very low income families in Austin. Thus, the Housing Authority of the City of Austin continues to have a high demand to provide services through its programs to address safe, decent, affordable, and accessible units that are located throughout Austin. The next chart shows the large demand for extremely low to low-income housing as denoted by the number of applicants on both the Public Housing and Housing Choice Voucher waitlists.

Housing Needs of Families on the Waiting List

Waiting list type: (select one)

- Section 8 tenant-based assistance
 - Public Housing
 - Combined Section 8 and Public Housing
 - Public Housing Site-Based or sub-jurisdictional waiting list (optional)
- If used, identify which development/subjurisdiction:

	# of families		% of total families		Annual Turnover
Waiting list total	PH 8952	HCV 4083	PH	HCV	
Extremely low income <=30% AMI	8636	3538	96.5	87.7	
Very low income (>30% but <=50% AMI)	281	496	3.2	12.1	
Low income (>50% but <80% AMI)	32	43	.4	1.1	
Families with children	3677	2875	41.0	70.4	
Elderly families	400	99	4.5	2.4	
Families with					

Disabilities	875	180	10.0	4.4	
White/Hispanic Families	3382	1542	37.8	37.8	
White/Non-Hispanic Families	1808	405	20.2	9.9	
Black/Hispanic Families	79	46	.9	1.1	
Black/Non-Hispanic Families	3456	1967	38.6	48.2	
Asian/Hispanic Families	4	2	.04	.05	
Asian/Non-Hispanic Families	106	33	1.2	.8	
American Indian /Hispanic Families	58	29	.6	.7	
American Indian /Non-Hispanic Families	48	21	.5	.5	
Characteristics by Bedroom Size (Public Housing Only)					
	#of Families on PH Waitlist	% of PH Units	Annual Unit Turnover for Public Housing		
1 BR	5276	58.9	122		
2 BR	2374	26.5	180		
3 BR	1165	13.0	101		
4 BR	116	1.3	41		
5 BR	17	.2	5		
Is the waiting list closed (select one)? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes, only for HCV Program					
If yes:					
HOW LONG HAS IT BEEN CLOSED (# OF MONTHS)? OVER 4 YEARS, CLOSED ON 07/13/06					
Does the PHA expect to reopen the list in the PHA Plan year? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes					
Does the PHA permit specific categories of families onto the waiting list, even if generally closed? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes, Current HACA public housing families involuntarily displaced because of HACA action involving rehabilitation, demolition or other disposition of dwelling units, and for those who qualify under the Family Unification Program.					

9.1 **Strategy for Addressing Housing Needs.**

Need: Shortage of affordable housing for all eligible populations

Strategy 1. Maximize the number of affordable units available to the PHA within its current resources by:

- Employ effective maintenance and management policies to minimize the number of public housing units off-line
- Reduce turnover time for vacated public housing units
- Section 8 lease-up rates by establishing payment standards that will enable families to rent throughout the jurisdiction
- Maintain or increase section 8 lease-up rates by marketing the program to owners, particularly those outside of areas of minority and poverty concentration
- Maintain or increase section 8 lease-up rates by effectively screening Section 8 applicants to

- increase owner acceptance of program
- Participate in the Consolidated Plan development process to ensure coordination with broader community strategies

Strategy 2: Increase the number of affordable housing units by:

- Apply for additional section 8 units should they become available
- Leverage affordable housing resources in the community through the creation of mixed - finance housing
- Pursue housing resources other than public housing or Section 8 tenant-based assistance.

Reasons for Selecting Strategies

- Funding constraints
- Staffing constraints
- Limited availability of sites for assisted housing
- Extent to which particular housing needs are met by other organizations in the community
- Evidence of housing needs as demonstrated in the Consolidated Plan and other information available to the PHA
- Influence of the housing market on PHA programs
- Community priorities regarding housing assistance
- Results of consultation with local or state government
- Results of consultation with residents and the Resident Advisory Board
- Results of consultation with advocacy groups

10.0 Additional Information.

(a) The Housing Authority of the City of Austin has accomplished the following goals of its 2005-2009 Five-Year Plan:

Expand Housing Initiatives: Create housing opportunities

- HACA currently serves 5,179 families through the Housing Choice Voucher program and 1,928 families through the Public Housing program.
- HACA was awarded 85 vouchers through the Family Unification Program (FUP).
- HACA is an approved purchaser for HUD Foreclosures. Continues with its success of its Down Payment Assistance Program and has helped 70 families transition to become homeowners.

Expand Renewal Energy Programs: Promote Energy Efficiency & Green Building Technologies

- HACA was recognized by the City of Austin for its recycling and waste prevention efforts and has achieved the status of a WasteSMART partner.
- Through the award of two American Recovery and Reinvestment Act grants, under Capital Fund Green Communities, HACA has embarked on multiple energy conservation improvements at two sites: North Loop and Gaston Place. Items to be addressed are lighting upgrades, solar, thermal DHW Heater, roof upgrades, community kitchen upgrade, photovoltaic systems, chiller/furnace replacement and window replacements.

Sustain Community Development Activities

- HACA has created the HACA Scholarship Foundation and has applied with the IRS and the State of Texas to be considered a tax, exempt 501(c)3. HACA is still waiting to receive final approval of its application with the IRS. By funding and investing the endowment fund for the next several years, HACA will have a self-sustaining endowment fund.
- HACA will evaluate and select few local and national organizations to start a matching program.

HACA will match any staff donation up to \$1,000.

Promote Housing Self-Sufficiency: Create a Resident Reward Program, Wrap-Around Service Center and Case Management (youth and Adult)

- HACA was awarded a 3-year 2009 ROSS grant in the amount of \$698,148 from HUD. The grant pays for service coordinators to provide service coordination and maintain partnerships with community agencies that deliver programming and support to HACA residents.
- HACA has hired and assigned its ROSS Service Coordinators and a service implementation plan has been drafted. A service coordination subcommittee comprised of Citywide Advisory Board members will be formed to provide valuable input on resident needs and programming issues. The program serves youth and adults.
- HACA completed the RFP process for contractors to provide services detailed in its “YES to College” college readiness for middle “schoolers”, graduating seniors and adult learners. HACA is finalizing the contractors for the various facets of services to be provided.
- HACA continues its partnerships with CIS, Lifeworks, Austin Area Urban League, Boys & Girls Clubs, Boy & Girl Scouts, Phoenix House, Diversified Youth Services, YWCA and Theatre Action Project to provide a myriad of enrichment programs for HACA youth.
- HACA is a member of the Children’s Optimal Health board and is working on mapping HACA public housing properties to determine needs and strengths.

Ensure Equal Opportunity for Housing: Create an effective administration process to resolve complaints of poor customer service, discrimination and improve public relations

- HACA has provided ongoing training to staff to promote fair housing
- HACA conducts an annual survey to ensure customer satisfaction

Strengthen Communities: Foster a Suitable living environment by providing case management, supportive services, and health referrals for the elderly and persons with disabilities

- HACA has created resident patrols in which residents receive a stipend for their services.
- Programs such as SeniorWise memory strength classes, Yoga, health fairs, medication management and Advance Directives have been provided thus far through the Aging in Place grant at HACA’s senior sites.
- HACA has hired its Resident Wellness Coordinator. This new position will manage services and initiatives for its elderly and disabled population. This position serves as the point of contact for the Aging in Place grant and offices at Lakeside Apartments.

(b) Criteria of Substantial Deviation and Significant Amendments

HUD statute, PIH Notice 99-51, requires that public housing authorities explain “substantial deviations” from the 5-Year Plan in their Annual Plans. The statute also provides that, while public housing authorities may change or modify their plans or policies described in them, any “significant amendment or modification” to the plan would require public housing authorities to submit a revised PHA Plan that has met full public process requirements. The Housing Authority of the City of Austin defines the following circumstances will constitute as a significant amendment/modification to this agency’s PHA plan:

*changes made to the admissions policies, organization of the waiting list and/or tenant rent payments;

*addition of non-emergency work items (items not included in the current Annual Statement or 5-Year Action Plan) or changes in use of replacement reserve funds under the Capital Fund in the amount of 10% or more of the annual grant;

*any changes with regard to demolition or disposition, designation, homeownership programs or conversion activities.

A substantial deviation may be defined as a loss and/or inadequate funding for a program, reallocation of funding to sustain programs and/or a change in regulatory requirements governing a program, thus requiring the PHA to amend its agency plan. At this time, the Housing Authority of the City of Austin does not have any substantial deviations from its 5-year plan or annual plan.

(c) Follow-Up Plan to Resident Assessment Satisfaction Survey

Communication:

- HACA has strived over the last several years to improve its communication with its residents. A newsletter, "HACA One Voice" is delivered a week prior to the commencement of the upcoming month to inform the residents of current and upcoming activities. Additionally, inside the newsletter is an insert specific to the needs of the residents. An incentive, a supermarket gift card, is awarded to residents who read the newsletter and are able to identify three articles/topics that relate to the resident. This incentive program encourages the residents to read the One Voice. Additionally, surveys are mailed to and flyers are delivered to all the residents as to when the Capital Fund Program (modernization) public meetings will be held at their developments and encourage resident participation for future modernization efforts. A resident calendar is created and distributed on an annual basis that addresses various resident topics.
- There is management at all sites and two district managers are available to address questions and concerns that the residents may have. There are also family self-sufficiency specialists assigned to different sites that work closely with the resident councils and various community partners to bring services on-site and opportunities that may not otherwise be available. The managers and staff strive for customer service at all times. In addition to the Resident Assessment Satisfaction Survey, HACA has implemented its own customer satisfaction survey to ensure all customers of HACA are properly served.
- The Housing Authority has many sites with resident councils. The agency through its many local partners provides many activities to encourage resident participation and promote self-sufficiency activities.
- A "Did You Know" campaign continues to be implemented to educate residents and staff on upcoming projects and activities taking place.

Safety:

- The Housing Authority hires and schedules off-duty police officers to regularly patrol the developments. The Housing Authority and Austin Police Department have partnered to provide a full-time regular police officer to serve as a liaison between both agencies. This partnership provides constant dialogue between the APD liaison, the area APD District Representatives, and the HACA residents and staff. HACA has benefited with quicker response times from APD and more community involvement from the residents.
- Through reporting conducted by the HACA Safety Coordinator, the off-duty officers, site-based staff and residents, building lights have been repaired and monitored by on-site staff to ensure proper operation. The Housing Authority is continually reviewing the sites to determine if more lighting is necessary.
- The Housing Authority has replaced the door locks at all the sites. It is the policy to repair/change broken door locks within 24 hours of notification. Also, security screens and doors have been installed at all family sites. All broken glass and graffiti are abated upon notification.
- The Housing Authority has a Zero Tolerance policy regarding criminal activity and this information is given to the residents at orientation and upon move-in (lease agreement). Managers follow the guidelines set forth in the occupancy manual, the HACA lease, and current state laws to ensure the residents follow the rules of the lease agreement.
- Resident councils are encouraged to form resident patrols at the sites. The APD liaison has conducted several safety meetings and participates in the Nation Night Out events to encourage the residents to become more involved in crime prevention.

Neighborhood Appearance:

- All of the Housing Authority developments have received modernization through the Capital Fund Program. Many of the sites have received both interior and exterior work, sidewalks and parking lots repaired/resurfaced, lawn care services and tree trimming within the last year. New playground equipment has been installed at many of the sites. All sites have attractive development signs. Curb appeal is very apparent at all developments.
- All abandoned and unserviceable vehicles are regularly identified, tagged and removed in accordance with city ordinance. The site staffs walk their properties daily and all trash/litter, graffiti and broken glass is removed immediately. Curb appeal is stressed and the sites reflect a manicured attractive place to live and a raise a family.

- For over ten years, the Housing Authority has contracted an exterminator to treat all units. Units are sprayed on a monthly basis and more frequently to aggressive combat any infestations. HACA continues to maintain less than a 20-day unit turn around time. The on-site maintenance prepares the dwelling and ensures the unit is secured.

- 11.0 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. SEPARATE ATTACHMENTS
- (a) Form HUD-50077, *PHA Certifications of Compliance with the PHA Plans and Related Regulations* (which includes all certifications relating to Civil Rights)
 - (b) Form 50077-CR; Civil Rights Certification
 - (c) Form HUD-50070, *Certification for a Drug-Free Workplace* (PHAs receiving CFP grants only)
 - (d) Form HUD-50071, *Certification of Payments to Influence Federal Transactions* (PHAs receiving CFP grants only)
 - (e) Form SF-LLL, *Disclosure of Lobbying Activities* (PHAs receiving CFP grants only)
 - (f) PHA Board Resolution(s)
 - (g) Certification by State or Local Official of PHA Plans Consistency with Consolidated Plan
 - (h) Resident Advisory Board (RAB) ** N/A
 - (i) Challenged Elements: to be attached as received PHAs must also include a narrative describing their analysis of the recommendations and the decisions made on these recommendations ** N/A
 - (j) Form HUD-50075.1, *Capital Fund Program Annual Statement/Performance and Evaluation Report* (PHAs receiving CFP grants only)
 - (k) Form HUD-50075.2, *Capital Fund Program Five-Year Action Plan* (PHAs receiving CFP grants only)
 - (l) 2010, 2009, 2008 CFP P& E Reports, 2009 ARRA Report, 2009 Competitive Capital Fund Recovery (TX9&15)
 - (m) HACA's Affirmatively Furthering Fair Housing Plan

** THE HOUSING AUTHORITY OF THE CITY OF AUSTIN HELD HREE 93) PUBLIC HEARINGS, NOVEMBER 18, 201, DECEMBER 1, 201 AND DECEMBER 14, 2010. FINAL COMMENTS REGARDING THE PLANS WERE RECEIVED AT THE DECEMBER 16, 2010 HACA BOARD OF COMMISSIONERS MEETING. THE HOUSING AUTHORITY OF THE CITY OF AUSTIN DID NOT RECEIVE ANY WRITTEN OR ORAL COMMENTS REGARDING THE 2011 PHA ANNUAL PLAN.