

# **HOUSING AUTHORITY OF THE CITY OF AUSTIN**

## **BOARD OF COMMISSIONERS**

**Chairperson - Carl S. Richie, Jr.**

**Charles Bailey**

**Tyra Duncan-Hall**

**Isaac Robinson**

**Edwina Carrington**

**Michael G. Gerber, President & CEO**



## **BOARD OF COMMISSIONERS Regular Meeting**

**Thursday, July 13, 2017  
at 12:00 noon**

**HACA's Central Office**

**1124 S. IH 35  
Austin, Texas**

**PUBLIC NOTICE OF A MEETING  
TAKE NOTICE OF A BOARD OF COMMISSIONERS  
REGULAR BOARD MEETING  
OF THE HOUSING AUTHORITY OF THE CITY OF AUSTIN**

**TO BE HELD AT  
HACA Central  
1124 S. IH 35, Austin, Texas  
(512.477.4488)**

**COMMENCING AT 12:00 NOON ON THURSDAY, JULY 13, 2017, TO CONDUCT BUSINESS AS FOLLOWS:**

**CALL TO ORDER, ROLL CALL  
CERTIFICATION OF QUORUM**

**Carl S. Richie, Jr., Chairperson**

*Pledge of Allegiance*

*Citizens Communication - (Note: There will be a three-minute time limitation)*

*Citywide Advisory Board Update*

**CONSENT AGENDA**

Items on the Consent Agenda may be removed at the request of any Commissioner and considered at another appropriate time on this agenda. Placement on the Consent Agenda does not limit the possibility of any presentation, discussion, or action at this meeting. Under no circumstances does the Consent Agenda alter any requirements under Chapter 551 of the Texas Government Code, Texas Open Meetings Act.

**CONSENT AGENDA**

**APPROVAL OF THE FOLLOWING ITEMS PRESENTED IN THE BOARD MATERIALS:**

- |                 |  |   |
|-----------------|--|---|
| <b>ITEM 1A:</b> | Presentation, Discussion, and Possible Action regarding the Approval of a Board Minutes Summary for the Board Meeting held on May 18, 2017                                   | <b>Michael Gerber</b><br>President & CEO                |
| <b>ITEM 1B:</b> | Presentation, Discussion and Possible Action regarding Resolution No. 2505: Authorizing Signatories for Agency Bank Accounts   | <b>Thomas Cherian</b><br>Chief Financial Officer        |
| <b>ITEM 1C:</b> | Presentation, Discussion and Possible Action regarding Resolution No. 2506: Approval of the Award of Contract for Legal Services Pertaining to Employment Law and Litigation | <b>Judy Paciocco</b><br>Director of Operations          |
| <b>ITEM 1D:</b> | Presentation, Discussion and Possible Action regarding Resolution No. 2507: Approval of the Award of Contract for Agency Wide Pest Control Services                          | <b>Michael Roth</b><br>Dir. Housing Operations & Policy |

**ACTION ITEMS**

**APPROVAL OF THE FOLLOWING ITEMS PRESENTED IN THE BOARD MATERIALS:**

- |                |  |   |
|----------------|--|---|
| <b>ITEM 2:</b> | Presentation, Discussion and Possible Action regarding Resolution No. 2508: Approval of the Revision to the 2017 PHA Annual Plan to incorporate the Disposition Activity for Lot 2 of Meadowbrook Courts   | <b>Judy Paciocco</b><br>Director of Operations          |
| <b>ITEM 3:</b> | Presentation, Discussion and Possible Action regarding Resolution No. 2509: Approval to Submit a Disposition Application for Lot 2 of the Meadowbrook Courts located at 1100 Live Oak Austin, Tx 78704 to the U.S. Department of Housing and Urban Development for the Conveyance of Ownership to Austin Affordable Housing Corporation  | <b>Judy Paciocco</b><br>Director of Operations          |
| <b>ITEM 4:</b> | Presentation, Discussion and Possible Action regarding Resolution No. 2510: Approval to submit an Amendment to the Disposition Application DDA0003968 to Request the Disposition of 1640 A & B East 2nd Street and to ground lease 1640 A & B East 2nd Street to Pathways at Chalmers Courts, LLP at Less than Fair Market Value for the Creation of Additional Affordable Housing Units | <b>Judy Paciocco</b><br>Director of Operations          |
| <b>ITEM 5:</b> | Presentation, Discussion and Possible Action regarding Resolution No. 2511: Approval of the updates to the Tenant Selection Plans for PBRA Family properties, PBRA and LIHTC Family properties, and PBRA and LIHTC Elderly / Disabled properties.  | <b>Michael Roth</b><br>Dir. Housing Operations & Policy |

\*The Housing Authority of the City of Austin (HACA) Board of Commissioners reserves the right to discuss and consider items out of order on the agenda on an as needed basis.

The Housing Authority of the City of Austin is committed to compliance with the Americans with Disability Act. Reasonable modifications and equal access to the communications will be provided upon request. Meeting locations are planned with wheelchair access. If requiring Sign Language Interpreters or alternative formats, please give notice at least 2 days (48 hours) before the meeting date. Please call Judy Paciocco or Nidia Hiroms at HACA at 512.477.4488, for additional information; TTY users route through Relay Texas at 711. For more information on HACA, please contact Nidia Hiroms at 512.477.4488 x 2104.

**ITEM 6:** Presentation, Update and Discussion on HACA's Rental Assistance Demonstration (RAD) Modernization and Redevelopment program (Chalmers Courts presentation)

**Ann Gass**  
Dir. of Strategic Housing  
Initiatives

## **EXECUTIVE SESSION**

**Carl S. Richie, Jr.,** Chairperson

The Board may go into Executive Session (close its meeting to the public) Pursuant to:

- a.* § 551.071, Texas Gov't Code, consultations with Attorney regarding legal advice, pending or contemplated litigation; or a settlement offer;
- b.* §551.072, Texas Gov't Code, discussion about the purchase, exchange, lease or value of real property;
- c.* §551.074, Texas Gov't Code, discuss the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee, including but not limited to evaluation of the President/CEO.
- d.* §551.087, Texas Gov't Code, discuss certain economic development negotiations.

## **OPEN SESSION**

If there is an Executive Session, the Board will return to Open Session for discussion, consideration and possible action of matters discussed in Executive Session.

## **REPORTS**

The Board accepts the following reports:

- President's Report
- Other Staff Reports
- Commissioners' Reports/Questions to the Department Staff

## **ADJOURNMENT**

"Pursuant to § 30.06, Penal Code, (trespass by holder of license with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not attend this meeting with a concealed handgun."

"Pursuant to § 30.07, Penal Code (trespass by holder of license with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not attend this meeting with a handgun that is carried openly."

"En virtud del § 30.06, Código Penal, (traspaso titular de licencia con una pistola), una persona bajo el subcapítulo H, capítulo 411, código de gobierno (Ley de licencia de arma o pistola), no se permiten en este reunión con una arma o pistola.

"En virtud del § 30.07, Código Penal (prevaricación por titular de la licencia con un arma o pistola abiertamente llevado), una persona bajo el subcapítulo H, capítulo 411, código de gobierno (Ley de licencia de arma o pistola), no se permiten en esta reunión con un arma o pistola que lleva abiertamente.

**HOUSING AUTHORITY OF THE CITY OF AUSTIN  
BOARD OF COMMISSIONERS  
REGULAR BOARD MEETING**

**CALL TO ORDER  
AND  
ROLL CALL**

<b>Carl S. Richie, Jr., Chairperson</b>	_____
<b>Charles Bailey, Vice-Chairperson</b>	_____
<b>Tyra Duncan-Hall, 2<sup>nd</sup> Vice-Chairperson</b>	_____
<b>Edwina Carrington, Commissioner</b>	_____
<b>Isaac Robinson, Commissioner</b>	_____

**July 13, 2017  
Regular Meeting**

**HOUSING AUTHORITY OF THE CITY OF AUSTIN  
BOARD OF COMMISSIONERS  
REGULAR BOARD MEETING**

**United States Pledge of Allegiance**

**July 13, 2017  
Regular Meeting**

**HOUSING AUTHORITY OF THE CITY OF AUSTIN  
BOARD OF COMMISSIONERS  
REGULAR BOARD MEETING**

**Citizens Communication**

**July 13, 2017  
Regular Meeting**

**HOUSING AUTHORITY OF THE CITY OF AUSTIN  
BOARD OF COMMISSIONERS  
REGULAR BOARD MEETING**

**Citywide Advisory Board Report**

**July 13, 2017  
Regular Meeting**

**HOUSING AUTHORITY OF THE CITY OF AUSTIN  
BOARD OF COMMISSIONERS  
REGULAR BOARD MEETING**

**CONSENT AGENDA**

**AGENDA ITEM NO. 1A**

**Presentation, Discussion, and Possible Action regarding the  
Approval of a Board Minutes Summary for the Board  
Meeting held on May 18, 2017**



# HOUSING AUTHORITY OF THE CITY OF AUSTIN BOARD OF COMMISSIONERS REGULAR BOARD MEETING

MAY 18, 2017

## SUMMARY OF MINUTES

**THE HOUSING AUTHORITY OF THE CITY OF AUSTIN (HACA) BOARD OF COMMISSIONERS PUBLIC MEETING NOTICE WAS POSTED FOR 12:00 NOON ON THURSDAY, MAY 18, 2017, AND WAS HELD AT HACA'S CENTRAL OFFICE, 1124 S. IH 35, AUSTIN, TEXAS**

### **CALL TO ORDER, ROLL CALL, CERTIFICATION OF QUORUM**

The Board of Commissioners Regular Board Meeting of the Housing Authority of the City of Austin, of May 18, 2017, was called to order by Charles Bailey, HACA Vice Chairperson, at 12:09 p.m. The meeting was held at HACA's Central Office, 1124 S. IH 35, Austin, Texas

Roll call certified a quorum was present.

#### **MEMBERS PRESENT:**

Charles Bailey, Vice Chairperson  
Tyra Duncan-Hall, 2<sup>nd</sup> Vice Chairperson  
Edwina Carrington, Commissioner  
Isaac Robinson, Commissioner

#### **MEMBER(S) ABSENT:**

Carl S. Richie, Jr., Chairperson

#### **STAFF PRESENT:**

Ann Gass, Andrea Galloway, Kelly Crawford, Jimi Teasdale, Lisa Garcia, Michael Gerber, Michael Roth, Nick Wakem, Nidia Hiroms, Nora Morales, Pilar Sanchez, Ron Kowal, Sylvia Blanco and Thomas Cherian.

#### **ALSO IN ATTENDANCE:**

Jim Ewbank, Cokinos, Bosien & Young  
Arthur Troilo, Troilo Law Firm

#### **CITIZENS COMMUNICATION – None.**

**CITYWIDE ADVISORY BOARD (CWAB) REPORT** – •**Rachel Martinez**, CWAB President, reported on behalf of the Citywide Advisory Board. •**Ms. Martinez** commented that the 2017 Annual Senior Mayfest event went really well, and acknowledged that the committee did a good job coordinating this well-organized, service-oriented event. Congressman Lloyd Doggett, Mayor Steve Adler and Council member Ann Kitchen were in attendance and each encouraged residents to continue to share important input as members of their communities and neighborhoods. •**Michael Roth**, Senior Director of Housing Operations and Policy, provided RAD updates on Gaston Place and Georgian Manor regarding construction and relocation, and indicated that Shadowbend and North Loop are still undergoing renovations. •**Barbara Jackson** – Jobs Plus Director, shared that HUD representatives from Washington DC conducted a Jobs Plus Site Visit on May 16<sup>th</sup> and 17<sup>th</sup> and the site visit was very successful. •**Felisa Jones**, Youth Educational Success Manager, discussed summer programming and shared information on the review and deadline of scholarship applications. •**Eileen Schrandt**, Director of Community Development, provided HCD staffing updates. •The next CWAB meeting will be held on Tuesday, June 13, 2017 at Booker T. Washington. •Seventh grader and Georgian Manor resident, **Joseph Williams**, was accepted to, and will be attending a STEM Camp at West Point Military Academy at the end of May.

**Mr. Gerber**, announced award winners from the Texas Chapter of the National Association of Housing and Redevelopment Officials (TX NAHRO).

*Scholarship winners* (for exceptional accomplishments and commitment to education)

- **Ndabitezimana “Sophie” Asifiwe**, Santa Rita Courts resident
- **Youself Younes**, Bouldin Oaks resident

#### *Resident of the Year*

**Bill Alexander**, Northloop resident, received Resident of the Year.

#### *Southwest NAHRO \$500.00 Scholarship Award winners:*

Australia Nelson, Housing Choice Voucher program client  
Roshonda Smith Livingston, Housing Choice Voucher program client

## CONSENT AGENDA

### APPROVAL OF THE FOLLOWING ITEMS PRESENTED IN THE BOARD MATERIALS:

#### **ITEM 1A: Presentation, Discussion, and Possible Action regarding the Approval of a Board Minutes Summary for the Board Meeting held on April 20, 2017**

**Commissioner Duncan-Hall** moved to approve the Board Minutes Summary for the Board Meeting held on April 20, 2017 as presented. **Commissioner Robinson** seconded the motion. The motion passed. (4-Ayes and 0-Nays).

#### **ITEM 1B: Presentation, Discussion and Possible Action of Resolution No. 2498: Approval of a Contract for Phase II Parking and Site Renovations at Thurmond Heights Apartments**

This award is to approve a contract for Phase II demolition and removal of parking lot asphalt in four areas to be replaced with new asphalt. Additionally, curbs and sidewalks being replaced or repaired in designated areas and new striping will be provided for all spaces including the addition of new handicap parking areas.

**Commissioner Duncan-Hall** moved to approve Resolution No. 2498: Approval of an Award of Contract for Phase II Parking and Site Renovations at Thurmond Heights Apartments to Lone Star Paving in the amount of \$319,054.00. **Commissioner Robinson** seconded the motion. The motion passed. (4-Ayes and 0-Nays).

## ACTION ITEMS

### APPROVAL OF THE FOLLOWING ITEMS PRESENTED IN THE BOARD MATERIALS:

#### **ITEM 2: Presentation, Discussion and Possible Action regarding Resolution No. 2499: Approving the submittal of the Section 8 Management Assessment Program (SEMAP) Certification to the Department of Housing and Urban Development (HUD)**

The Section 8 Management Assessment Program (SEMAP) became effective October 13, 1998 (24 CFR Part 985). This rule establishes SEMAP to objectively measure Public Housing Authorities' (PHAs') performance in fourteen (14) key performance areas and a Deconcentration Bonus indicator. HUD will independently assess HACA's performance under SEMAP using annual audit reports for indicators 1-7 and the deconcentration bonus indicator and information maintained in HUD's Public and Indian Housing Information Center (PIC) for indicators 8-14. The Lease-up rate is obtained from HUD's Financial Management Center. HACA's Assisted Housing Department received a score of 100 percent during its annual Section Eight SEMAP audit. In addition to achieving a score of 100, zero errors were identified for Indicator #3: Determination of Adjusted Income. Public housing agencies with SEMAP scores of at least 90 percent are rated high performers. HACA's Assisted Housing Department has received a high performer SEMAP score for 18 consecutive years.

**Commissioner Robinson** moved to approve Resolution No. 2499: Approving the submittal of the Section 8 Management Assessment Program (SEMAP) Certification to the Department of Housing and Urban Development (HUD). **Commissioner Carrington** seconded the motion. The motion passed. (4-Ayes and 0-Nays).

#### **ITEM 3: Presentation, Discussion, and Possible Action regarding Resolution No. 2500: Approval to Enter into a Multiple Party Interlocal Cooperation Agreement for the Procurement of Consulting Services Related to An Assessment of Fair Housing, not to exceed \$50,000.**

HUD requires cities, counties and public housing authorities that receive federal funds for housing and community development to Affirmatively Further Fair Housing, partly by conducting an Assessment of Fair Housing. To fulfill this requirement of these funds, HACA wishes to conduct a joint-regional Assessment of Fair Housing in collaboration with the City of Austin, Travis County, and other regional counties, cities and PHAs.

**Commissioner Carrington** moved to approve Resolution No. 2500: Approval to Enter into a Multiple Party Interlocal Cooperation Agreement for the Procurement of Consulting Services Related to An Assessment of Fair Housing, not to exceed \$50,000. **Commissioner Robinson** seconded the motion. The motion passed. (4-Ayes and 0-Nays).

#### **ITEM 4: Presentation, Discussion and Possible Action regarding Resolution No. 2501: Award of a Contract to Covered Wagon Moving for resident moving services at Gaston Place and Georgian Manor in an amount not to exceed \$394,596.**

Covered Wagon Moving submitted the lowest responsive bid and has previously provided satisfactory moving services for HACA residents.

**Commissioner Carrington** moved to approve Resolution No. 2501: Award of a Contract to Covered Wagon Moving for resident moving services at Gaston Place and Georgian Manor in an amount not to exceed \$394,596. **Commissioner Duncan-Hall** seconded the motion. The motion passed. (4-Ayes and 0-Nays).

#### **ITEM 5: Presentation, Discussion and Possible Action regarding Resolution No. 2502: Awarding a contract for Architectural and Engineering services for RAD rehabilitation work at Booker T. Washington and Meadowbrook Apartments to Tyson and Billy Architects in an amount not to exceed \$150,000.**

A Request for Qualifications (RFQ) was issued on March 13, 2017 for architectural, engineering and related professional services to be utilized by HACA for anticipated rehabilitation work in connection with RAD and for various other needs as is regularly done on a periodic basis. HACA received a total of seven responses, three of which were specifically from architectural firms. In order to perform the RAD rehabilitation work at Booker T. Washington Terraces and Meadowbrook Apartments, HACA reviewed the qualifications of the three architectural firm respondents, most qualified to perform such

work. As a result of this review, HACA found Tyson and Billy Architects' qualifications to be exemplary and consistent with HACA's objectives.

**Commissioner Duncan-Hall** moved to approve Resolution No. 2502: Awarding a contract for Architectural and Engineering services for RAD rehabilitation work at Booker T. Washington and Meadowbrook Apartments to Tyson and Billy Architects in an amount not to exceed \$150,000. **Commissioner Carrington** seconded the motion. The motion passed. (4-Ayes and 0-Nays).

**ITEM 6: Presentation, Discussion, and Possible Action regarding Resolution No. 2503: Approving Resolution of Austin Affordable PFC, Inc. Providing For The Issuance of Its Multifamily Housing Revenue Bonds (Pathways at Gaston Place) Series 2017A and Multifamily Housing Revenue Bonds (Pathways at Gaston Place) Series 2017B and To Take Such Other Actions Necessary Or Convenient To Facilitate The Development of the Pathways at Gaston Place**

The RAD conversion and associated real estate transaction for Gaston Place is expected to close in early June, and residents will be temporarily relocated very soon after closing. HACA, along with our relocation consultant Overland, Pacific and Cutler (OPC) has already begun working with the residents to prepare for their moves. HACA will provide moving service and cover all related expenses. In order to minimize the inconvenience and displacement associated with relocation, HACA is employing a combination of methods, including offsite as well as onsite relocation. The construction work at Gaston Place will include full rehabilitation of the units, including new walls, appliances, cabinetry, bathrooms, floors and paint. Site work will include new plumbing and electric, improvements to the elevators, community space, landscaping and common areas. Total construction costs are estimated to be just over \$8 million. The repairs and renovations will be financed using 4% tax credits through the Texas Department of Housing and Community Affairs and Tax Exempt Bond proceeds issued by the Austin Affordable PFC, Inc. Resolution 2503 approves a resolution by Austin Affordable PFC providing for the issuance of its multifamily housing revenue bonds (Pathways at Gaston Place), and to take such other actions necessary or convenient to facilitate the development at Pathways at Gaston Place.

**Commissioner Duncan-Hall** moved to approve Resolution No. 2503: Approving Resolution of Austin Affordable PFC, Inc. Providing For The Issuance of Its Multifamily Housing Revenue Bonds (Pathways at Gaston Place) Series 2017A and Multifamily Housing Revenue Bonds (Pathways at Gaston Place) Series 2017B and to take such other actions necessary or convenient to facilitate the Development of the Pathways at Gaston Place. **Commissioner Carrington** seconded the motion. The motion passed. (4-Ayes and 0-Nays).

**ITEM 7: Presentation, Discussion, and Possible Action regarding Resolution No. 2504: Authorizing The Housing Authority of the City Of Austin (the "Authority") To Take Such Actions Necessary or Convenient to Facilitate the Development and Rehabilitation of the Pathways at Gaston Place (the "Project")**

The RAD conversion and associated real estate transaction for Gaston Place is expected to close in early June, and residents will be temporarily relocated very soon after closing. HACA, along with our relocation consultant Overland, Pacific and Cutler (OPC) has already begun working with the residents to prepare for their moves. HACA will provide moving service and cover all related expenses. In order to minimize the inconvenience and displacement associated with relocation, HACA is employing a combination of methods, including offsite as well as onsite relocation. The construction work at Gaston Place will include full rehabilitation of the units, including new walls, appliances, cabinetry, bathrooms, floors and paint. Site work will include new plumbing and electric, improvements to the elevators, community space, landscaping and common areas. Total construction costs are estimated to be just over \$8 million. The repairs and renovations will be financed using 4% tax credits through the Texas Department of Housing and Community Affairs and Tax Exempt Bond proceeds issued by the Austin Affordable PFC, Inc. Resolution 2504 authorizes HACA to take such action as needed to facilitate the renovations for Gaston Place, and to take such other actions necessary or convenient to facilitate the development and renovations of Gaston Place.

**Commissioner Duncan-Hall** moved to approve Resolution No. 2504: Authorizing The Housing Authority of the City Of Austin (the "Authority") To Take Such Actions Necessary or Convenient to Facilitate the Development and Rehabilitation of the Pathways at Gaston Place (the "Project") **Commissioner Robinson** seconded the motion. The motion passed. (4-Ayes and 0-Nays).

**THE BOARD DID NOT RECESS INTO EXECUTIVE SESSION.**

**REPORTS**

The Board accepts the following reports:

- **Michael Gerber**, HACA President reported that Martha Ross has been hired as the new HACA Chief Financial Officer.
- AAHC is ready to move forward with the intent to purchase Nichols Park, a property at Convict Hill and Mopack.
- **Jim Ewbank** gave a status update on the outline of the Interlocal Agreement with the Travis County Housing Authority.
- There will not be a HACA Board Meeting in the month of June. The next meeting is tentatively set for July 13<sup>th</sup>. That date will be firmed up over the next week.

**ADJOURNMENT**

**Commissioner Duncan-Hall** moved to adjourn the meeting. **Commissioner Carrington** seconded the motion. The Motion passed unanimously. The meeting adjourned at 2:20 p.m.

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Chuck Bailey, Vice-Chairperson

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Michael G. Gerber, Secretary

**HOUSING AUTHORITY OF THE CITY OF AUSTIN  
BOARD OF COMMISSIONERS  
REGULAR BOARD MEETING**

**ITEM NO. 1B**

**Presentation, Discussion and Possible Action regarding  
Resolution No. 2505: Authorizing Signatories for Agency  
Bank Accounts**

**HOUSING AUTHORITY OF THE CITY OF AUSTIN**

**BOARD ACTION REQUEST**

**RESOLUTION NO. 2505**

**FINANCE DEPARTMENT**

**MEETING DATE:** July 13, 2017

**STAFF CONTACT:** Thomas Cherian, Chief Financial Officer

**ITEM TITLE:** Presentation, Discussion and Possible Action of Resolution No. 2505:  
Authorizing Signatories for Agency Bank Accounts

**BUDGETED ITEM:** Not Applicable

**TOTAL COST:** Not Applicable

**ACTION**

Motion to Approve Resolution No. 2505 Authorizing Signatories for Agency Bank Accounts

**SUMMARY**

*General Information:* JP Morgan Chase Bank and Horizon Bank and Texas Capital Bank were selected as depositories for the funds of the Housing Authority of the City of Austin and its subsidiary corporations. The banking institutions require Board-approved Resolutions to govern handling of accounts.

Due to the impending retirement of current CFO Thomas Cherian, HACA underwent a nationwide search and selected Martha Ross as its new Chief Financial Officer.

A new Resolution is required by HACA's financial institutions to reflect any change in authorized personnel with signatory authority. Therefore, HACA requests Board approval of Resolution No. 2505, which serves to update and authorize the following persons as Signatories: Michael G. Gerber, President and CEO; Martha Ross, Chief Financial Officer; and Sylvia Blanco, Executive Vice President.

**EXHIBITS**

None.

## **RESOLUTION NO. 2505**

### **RESOLUTION AUTHORIZING SIGNATORIES FOR AGENCY'S BANK ACCOUNTS**

**WHEREAS**, JP Morgan Chase Bank and Horizon Bank and Texas Capital Bank were selected as depositories for the funds of the Housing Authority of the City of Austin and its subsidiary corporations; and

**WHEREAS**, the banking institutions require Board-approved Resolutions to govern handling of accounts; and

**WHEREAS**, Chief Financial Officer Thomas Cherian who has signatory authority, is retiring after 22 years of service with the Housing Authority of the City of Austin; and

**WHEREAS**, the Housing Authority of the City of Austin has selected Martha Ross as its Chief Financial Officer effective May 30, 2017, and will replace Mr. Cherian as an authorized signatory;

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Commissioners of the Housing Authority of the City of Austin authorizes the following persons: Michael G. Gerber, President and CEO; Martha Ross, Chief Financial Officer; and Sylvia Blanco, Executive Vice President as signatories on the Housing Authority of the City of Austin bank accounts.

**PASSED, APPROVED AND ADOPTED** this 13<sup>th</sup> day of July 2017.

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Carl S. Richie, Jr., Chairperson

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Michael G. Gerber, Secretary

**HOUSING AUTHORITY OF THE CITY OF AUSTIN  
BOARD OF COMMISSIONERS  
REGULAR BOARD MEETING**

**ITEM NO. 1C**

**Presentation, Discussion and Possible Action regarding  
Resolution No. 2506: Approval of the Award of Contract  
for Legal Services Pertaining to Employment Law and  
Litigation**



**HOUSING AUTHORITY OF THE CITY OF AUSTIN**

**BOARD ACTION REQUEST**

**RESOLUTION NO. 2506**

**EXECUTIVE DEPARTMENT**

**MEETING DATE:** July 13, 2017

**STAFF CONTACT:** Judy Paciocco, Senior Director of Operations

**ITEM TITLE:** Discussion and Adoption of Resolution No. 2506: Approving the Award of a Contract for Legal Services pertaining to Employment Law and Litigation.

**BUDGETED ITEM:** Yes

**TOTAL COST:** \$ 100,000 per year not to exceed five years.

**ACTION**

Motion to approve Resolution No. 2506: Authorizing the Housing Authority of the City of Austin to award a contract to Cokinos/Young.

**SUMMARY**

The Housing Authority of the City of Austin issued a Request for Proposal for Legal Services/Employment Law & Litigation HACA-17-P-0217. It was advertised in the Austin American Statesman on Sunday, March 12, 2017, and again on Sunday, March 19, 2017, with a due date of April 19, 2017. The proposal was also posted on our website, [www.hacanet.org](http://www.hacanet.org). Ten proposals were emailed and two responses were received. The evaluation committee reviewed both proposals and made the recommendation to award this contract to Cokinos/Young Law Firm. Cokinos/Young have had a satisfactory performance on previous contracts with HACA.

**EXHIBITS**

Exhibit 1: Distribution

Exhibit 2: Tabulations

Exhibit 3: Evaluations

Exhibit 4: Bidders' Qualifications

**RESOLUTION NO. 2506**

**RESOLUTION REGARDING THE APPROVAL OF THE AWARD OF CONTRACT FOR  
LEGAL SERVICES PERTAINING TO EMPLOYMENT LAW AND LITIGATION**

**WHEREAS**, the Housing Authority of the City of Austin has received a proposal under the HACA bid specifications (HACA-17-P-0217) for services necessary for the proper performance of this contract;

**WHEREAS**, the Housing Authority of the City of Austin hereby desires to enter into a contract for legal services pertaining to employment law and litigation with Cokinos/Young;

**WHEREAS**, this contract shall be reviewed annually not exceed five year for services rendered;

**Now, therefore, it is hereby**

**RESOLVED**, that effective the 13<sup>th</sup> day of July, 2017 the Housing Authority of the City of Austin Board of Commissioners hereby authorize the President & CEO to enter into a contract with Cokinos/Young for legal services pertaining to employment law and litigation not to exceed \$100,000 a year.

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Michael G. Gerber, Secretary

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Carl S. Richie, Jr., Chairperson

# EXHIBIT 1

# RECORD OF DISTRIBUTION-INVITATION FOR BID/REQUEST FOR PROPOSAL

Contract: HACA-17-P-0217  
Description: Legal Services  
(Employment Law & Litigation)

BID OPENING DT/HR: April 19, 2017 10:00AM/CST  
Location: 1124 South IH35 Austin Texas 78704

Date	Organization	Addendum
e 3/21	Company: Cokinios/Young Address: 1210 Nueces 78701 Phone: 512 476 1080 Fax: Email: jewbank@cokinioslaw.com Contact Person: James B Ewbank	Addendum #: Date Notified: Received by: Date:
e 3/21	Company: Streusand & Landon LLP Address: 816 Congress Ave Ste 1600 78701 Phone: 236 9901 Fax: 236 9904 Email: streusand@streusandlandon.com Contact Person: Sabrina L. Streusand	Addendum #: Date Notified: Received by: Date:
e 3/21	Company: Baker Botts Address: 98 San Jacinto Blvd Phone: Fax: Email: Evan.young@bakerbotts.com Contact Person: Evan Young	Addendum #: Date Notified: Received by: Date:
e 4/23	Company: Wright & Greenhill PC Address: 900 Congress Ste 500 Austin TX 78701 Phone: 512 708 5240 Fax: Email: LLong@w-g.com Contact Person: Lola Long	Addendum #: Date Notified: Received by: Date:
	Company: Bob Richardson Law Firm Address: 812 San Antonio 300 Austin TX Phone: 472-5100 Fax: Email: bob@bobrichardsonlawfirm.com Contact Person: Bob Richardson	Addendum #: Date Notified: Received by: Date:
	Company: Haynes & Boone Address: 600 Congress Ave 1300 78701 Phone: 867 8400 Fax: 867 8470 Email: dean.schaner@haynesboone.com Contact Person: jonathan.wilson@haynesboone.com	Addendum #: Date Notified: Received by: Date:

# RECORD OF DISTRIBUTION-INVITATION FOR BID/REQUEST FOR PROPOSAL

Contract: HACA-17-P-0217  
Description: Legal Services  
(Employment Law & Litigation)

BID OPENING DT/HR: April 19, 2017 10:00AM/CST  
Location: 1124 South IH35 Austin Texas 78704

Date	Organization	Addendum
3/21	<p>Company: Constangy Brooks &amp; Smith Address: 98 San Jacinto Ste 720 78701 Phone: 382-8800 Fax: 382-8801 Email: mflora@constangy.com Contact Person: Mark Flora</p>	<p>Addendum #: Date Notified: Received by: Date:</p>
3/21	<p>Company: Boulette &amp; Golden LLP Address: 1221 S. MoPac Expwy 300 78746 Phone: 732-9902 Fax: 732-8905 Email: rachael@boulettegolden.com Contact Person Rachael Jones</p>	<p>Addendum #: Date Notified: Received by: Date:</p>
3/21	<p>Company: Wilson Grosenheider &amp; Jacobs Address: P.O. Box 1584 78767 Phone: 478-1657 Fax: 478-9016 Email: john.wilson@wgmj.com Contact Person: John Wilson</p>	<p>Addendum #: Date Notified: Received by: Date:</p>
3/21	<p>Company: Hoffman Kelley LLP Address: 4818 E. Benwhite #104 78741 Phone: 512-326-2522 Fax: 512-326-2540 Email: Contact Person: Dean Kelley</p>	<p>Addendum #: Date Notified: Received by: Date:</p>
	<p>Company: Address:  Phone: Fax: Email: Contact Person:</p>	<p>Addendum #: Date Notified: Received by: Date:</p>
	<p>Company: Address:  Phone: Fax: Email: Contact Person:</p>	<p>Addendum #: Date Notified: Received by: Date:</p>

# EXHIBIT 2

Tabulation  
Legal Services (Employment Law and Litigation)  
HACA-17-P- 0217  
April 19, 2017 10:00AM/CST

Company Name	Senior Counsel per hour	Associates per hour	Paralegal per hour
Hoffman Kelley Lopez LLP	175	150	65
Cokinos / Young	300	250	125

Bid Official: Nora Amores Date: 4/19/17

Official Witness: Tim Benson Date: 4/19/17

# EXHIBIT 3



EVALUATION CRITERIA	Vendor #1 Hoffman Kelley Lopez LLP		Vendor #2 Cokinos / Young	
<b>A. Qualifications of Contractors (30 Points)</b> The response should address all points in the proposal, be well organized, clear, and include all requested and supporting information. The response must clearly state what is offered and what will be done. We will be looking at specialized knowledge, experience and technical competence that the proposer displays in the type of work required, (based on work history, especially in the public housing industry) and the resumes submitted.	Points 15	Comments Most work performed is for insurance claims i.e. Workers Comp, personal injury, and property damage. Limited employment law.	Points 25	Comments Employment law and litigation. Work for HACA has included successfully resolving lawsuits, preparation of acquisition of properties, and staff training.
<b>B. Past Performance (20 Points)</b> Past performance will be evaluated based upon references and lists of former clients serviced and the results of any consultations HACA/SHCC/AAHC conducts with such references and former clients.	Points 10	Comments Has experience with government entities to include the El Paso Housing Authority.	Points 20	Comments Has provided legal services to HACA/SHCC/AAHC for over 15 years.
<b>C. Cost (20 Points)</b> The extent to which the services will be provided in a cost-effective manner.	Points 20	Comments Cost per hour is almost half of the competing bidder.	Points 10	Comments Cost is nearly double of competing bidder.
<b>D. Quality Of Proposal (10 Points)</b> Overall quality of the proposer's submission.	Points 5	Comments Provided CVs of principal owners of law firm. Experience is mainly insurance claims.	Points 10	Comments Large law firm composed of 9 principals. Jim Ewbank assigned to represent HACA.
<b>E. Business/Resident Owned Business/Section 3 Contractor (15 points)</b>	Points 0	Comments No	Points 15	Comments Yes, one staff qualifies as Section 3.
<b>F. Participation by any of the following: Minority/Female owned (5 points)</b>	Points 0	Comments No	Points 0	Comments No
<b>TOTAL</b>	Points 50		Points 80	

Evaluator Judy Paciocco

Date 05/02/17

recommended Cokinos/Young

EVALUATION CRITERIA	Vendor #1 Hoffman Kelley Lopez LLP	Vendor #2 Cokinos / Young
<b>A. Qualifications of Contractors (30 Points)</b> The response should address all points in the proposal, be well organized, clear, and include all requested and supporting information. The response must clearly state what is offered and what will be done. We will be looking at specialized knowledge, experience and technical competence that the proposer displays in the type of work required, (based on work history, especially in the public housing industry) and the resumes submitted.	Points 20 Comments Response to proposal centered around legal services performed in the area of Worker's Compensation and insurance claims. Not clear what legal services were performed in other areas relating to employment law, EEOC, grievances or other matters.	Points 30 Comments Response to proposal addressed areas requested in the RFP.
<b>B. Past Performance (20 Points)</b> Past performance will be evaluated based upon references and lists of former clients serviced and the results of any consultations HACA/SHCC/AAHC conducts with such references and former clients.	Points 5 Comments Having no prior dealings with the agency unable to determine past performance. Scored 5 based upon list of references and working with other housing authorities. \	Points 20 Comments Cokinos / Young has worked with HACA over several years and is familiar with the needs of the agency.
<b>C. Cost (20 Points)</b> The extent to which the services will be provided in a cost-effective manner.	Points 15 Comments This firms cost is significantly lower than the other proposal	Points 10 Comments Cokinos/Young's cost were higher than the other proposals submitted for review.
<b>D. Quality Of Proposal (10 Points)</b> Overall quality of the proposer's submission.	Points 5 Comments The proposal was handwritten and not submitted in a professional manner. Proposer did not seem to take the time to put much effort into submitting a quality proposal.	Points 10 Comments Proposal was submitted in professional manner. Proposer took the time to provide a quality submission.
<b>E. Business/Resident Owned Business/Section 3 Contractor (15 points)</b>	Points 0 Comments	Points 0 Comments
<b>F. Participation by any of the following: Minority/Female owned (5 points)</b>	Points 0 Comments	Points 2 Comments One of the owners of the firm is a female.
	TOTAL 45	72

Evaluator Glennia Morgan

Date

5/19/17

EVALUATION CRITERIA	Vendor #1 Hoffman Kelley Lopez LLP	Vendor #2 Cokinis / Young
<b>A. Qualifications of Contractors (30 Points)</b> The response should address all points in the proposal, be well organized, clear, and include all requested and supporting information. The response must clearly state what is offered and what will be done. We will be looking at specialized knowledge, experience and technical competence that the proposer displays in the type of work required, (based on work history, especially in the public housing industry) and the resumes submitted.	Points <u>20</u> Comments <i>Did not detail experience or is limited in Proposal.</i>	Points <u>27</u> Comments <i>Varied experience &amp; w/ HACA since 1997</i>
<b>B. Past Performance (20 Points)</b> Past performance will be evaluated based upon references and lists of former clients serviced and the results of any consultations HACA/SHCC/AAHC conducts with such references and former clients.	Points <u>10</u> Comments	Points <u>20</u> Comments <i>Have references &amp; clients.</i>
<b>C. Cost (20 Points)</b> The extent to which the services will be provided in a cost-effective manner.	Points <u>10</u> Comments <i>\$175 - Senior Counsel \$150 - Associates \$65 - Paralegals.</i>	Points <u>10</u> Comments <i>\$300 Counsel \$250 - Associates \$125 - Paralegals</i>
<b>D. Quality Of Proposal (10 Points)</b> Overall quality of the proposer's submission.	Points <u>7</u> Comments	Points <u>10</u> Comments
<b>E. Business/Resident Owned Business/Section 3 Contractor (15 points)</b>	Points <u>0</u> Comments	Points <u>0</u> Comments
<b>F. Participation by any of the following: Minority/Female owned (5 points)</b>	Points <u>2</u> Comments	Points <u>0</u> Comments
TOTAL	<u>59</u>	<u>67</u>

Evaluator SUBRA NARAYANAN Date 5/10/2017  
*[Signature]*

Evaluation HACA-17-P-0217  
Legal Services Employment Law Litigation  
April 19, 2017 10:00AM/CST

EVALUATION CRITERIA	Vendor #1 Hoffman Kelley Lopez LLP	Vendor #2 Cokinos / Young
<b>A. Qualifications of Contractors (30 Points)</b> The response should address all points in the proposal, be well organized, clear, and include all requested and supporting information. The response must clearly state what is offered and what will be done. We will be looking at specialized knowledge, experience and technical competence that the proposer displays in the type of work required; (based on work history, especially in the public housing industry) and the resumes submitted.	Points <b>10</b> Comments eleven lawyers. Avg 12 yrs experience Submission is very sparse on info. Only one PHA was listed (HACEP), with rep for workers comp, property + casualty litigation No info on specialized knowledge of PHA industry governance	Points <b>30</b> Comments Cubank - board certified in Civil trial law + personal injury trial law, active in NAHRO legal div, HDLI. Specialized PHA experience, training of staff, contract review, property acquisition, formation of subsidiaries; PHA industry governance
<b>B. Past Performance (20 Points)</b> Past performance will be evaluated based upon references and lists of former clients serviced and the results of any consultations HACA/SHCC/AAHC conducts with such references and former clients.	Points <b>5</b> Comments Only one PHA listed. Unclear how long they've worked with HACEP Very limited exposure to PH industry	Points <b>20</b> Comments 19 yrs serving HACA and subsidiaries, also works w/RRITA, HATC, SAHA and HA of Bexar County.
<b>C. Cost (20 Points)</b> The extent to which the services will be provided in a cost-effective manner.	Points <b>12</b> Comments \$175 - senior counsel \$150 - associates	Points <b>10</b> Comments \$300 - senior counsel \$250 - associates

<b>D. Quality Of Proposal (10 Points)</b> Overall quality of the proposer's submission.	Points <u>2</u> Comments Submission has very limited information	Points <u>10</u> Comments Very thorough
<b>E. Business/Resident Owned Business/Section 3 Contractor (15 points)</b>	Points <u>0</u> Comments Not Section 3 business	Points <u>0</u> Comments Not Section 3 business
<b>F. Participation by any of the following: Minority/Female owned (5 points)</b> non-equity partners - michelle Lopez + Daniel Ortuna	Points <u>0</u> Comments not minority or female owned.	Points <u>0</u> Comments
TOTAL	<u>29</u>	<u>70</u>

Evaluator Sylura Blanco

Date 5/11/17

**Legal Services Evaluation Tally HACA17-P-0217**

**April 19th, 2017**

<b>Evaluators</b>	<b>Hoffman Kelly Lopes LLP</b>	<b>Cokinos / Young</b>
Sylvia Blanco Executive Vice President	29	70
Subra Narayaniyer Director of Finance	59	67
Gloria Morgan Human Resources Director	45	72
Judy Paciocco Senior Operations Director	50	80
<i>Total for Directors:</i>	<i>183</i>	<i>289</i>

**Recommended:**

**Cokinos / Young**

# EXHIBIT 4

## STATEMENT OF BIDDER'S QUALIFICATIONS

1. Name of Bidder: Cokinos | Young
2. Permanent main office address: 1210 Nueces  
Austin, Texas 78701
3. Organized as Cokinos, Bosien & Young since 1989. Former firm of Ewbank & Harris, P.C. merged into Cokinos, Bosien & Young in 2014.
4. Bidder is a professional association.
5. Date of incorporation: 1989, State of Texas
6. Equity Partners:

Gregory Cokinos	white male, over 40	(43.64% owner)
Brian Bosien	white male, over 40	(24.48% owner) (Retired)
Marc Young	white male, over 40	(24.48% owner)
Richard Flake	white male, over 40	(7.2% owner) (Retired)
Craig Power	white male, over 40	(7.2% owner)
Patrick Wielinski	white male, over 40	(1.0% owner)
Stephanie O'Rourke	white female, over 40	(1.0% owner)
J. Parker Faulteroy	white male, over 40	(1.0% owner)
James B. Ewbank	white male, over 40	(1.0% owner)
7. The former firm of Ewbank & Harris, P.C. has been engaged as a contracting business with HACA for 17 years, and merged into Cokinos, Bosien & Young in 2014.
8. Contracts in progress:  
Housing Authority of the City of Austin - \$100,000/Yr.
9. Legal representation – Employment Law and Litigation
10. No failures to complete work awarded  
No default on any contracts
11. Bonding Company: N/A  
Professional Liability Insurance with Catlin  
\$2 Million / \$4 Million
12. Completed Projects 2000 – 2017
  - (A) Multiple lawsuits with HACA, resolved successfully
  - (B) Multiple acquisitions of properties for Austin Affordable Housing Corporation
  - (C) Multiple training sessions delivered to HACA employees



(D) PBCA Proposals for SHCC

13. Previous Contracts:

1997 – 1999 HACA Contract for Legal Services

1999 – 2002 HACA Contract for Legal Services

2002 – 2004 HACA Contract for Legal Services

2004 – 2008 HACA Contract for Legal Services

2009 – 2012 HACA Contract for Legal Services

2012 – 2017 HACA Contract for Legal Services

## 1. AREAS OF PRACTICE AND SCOPE OF SERVICES

For the last nineteen (19) years, Jim Ewbank and his related law firms (now merged into Cokinos | Young) has provided legal services to the Housing Authority of the City of Austin and has enjoyed an excellent working relationship with the Board, management and staff.

Cokinos | Young has developed a specialized area of practice in Public Housing Authority legal matters and employment law. We have handled a wide variety of legal matters for HACA. We have also represented the Round Rock Housing Authority, the Housing Authority of Travis County, and have assisted the Winter Park (Fla.) Housing Authority plus the Housing Authority of the City of Harlingen in creating non-profit subsidiaries similar to Southwest Housing Compliance Corporation.

C|Y also recently was awarded the legal services contract for the Housing Authority of Bexar County and San Antonio Housing Authority.

Representation of HACA can generally be grouped into the following categories:

- (1) Employment issues
- (2) General litigation
- (3) Contract review
- (4) Property acquisition and property rights
- (5) Governance issues
- (6) Construction Law

## OVERVIEW

Thank you for the opportunity to respond to the Housing Authority of the City of Austin ("HACA") Request for Proposal ("RFP") for legal services. Respondent Cokinos | Young is a leading law firm that delivers sophisticated legal advice and exceptional client service. With over fifty (50) lawyers practicing in four (4) offices across the state of Texas, C|Y serves a dynamic client base in virtually every area of law.

Legal controversies in the Public Housing Authority workplace can, if not handled properly, dominate the Authority's business and detract from its primary mission -- providing affordable housing. Successful practice in this area requires a "cradle to grave" approach, with attention being given not only to the technical accuracy of the legal advice provided, but also its practical/political consequences, and the ability to defend it before any administrative body and in the courthouse. A PHA law specialist must, therefore, be both counselor and litigator, combining the greatest strengths of each.

C|Y is particularly qualified to provide this type of representation to HACA. The Firm has a unique blend of attorneys who specialize in public and private sector general counsel work, labor and

employment law and civil litigation. Jim Ewbank is Board Certified in Civil Trial Law and Personal Injury Trial Law, is an active members of the legal division of NAHRO, an active member and speaker of the Housing & Development Law Institute (HDLI), and has over thirty (30) years' experience in counseling and defending public entities in labor and employment law matters. Shelly Masters also has experience counseling public and private entities in all types of legal issues and employment disputes, and has first-chair experience defending public and private entities in both administrative proceedings and litigation.

C|Y confirms that it will have an Independent Contract status with HACA, and it is solely responsible and liable for all labor and expense, equipment and supplies, as well as any and all damages (personal or otherwise) in connection with the performance of legal supplies. C|Y is not an agent or employee of HACA/SHCC/AAHC, nor is it entitled to any benefits provided by those entities.

The Firm's point of contact for questions regarding this proposal, is:

James B. Ewbank II, Principal  
COKINOS | YOUNG  
1210 Nueces  
Austin, Texas 78701  
Tel: 512-476-1080  
Fax: 512-610-1184  
E-mail: JEwbank@cokinoslaw.com

Jim Ewbank is a Principal at C|Y and will coordinate the contract. Should anyone at HACA have any questions regarding this response to RFP, please feel free to call Jim at your convenience.

C|Y currently anticipates that no more than 2 or 3 professionals, and clerical staff will be needed to work on this project, which they have already employed full time. No hiring of attorneys is anticipated, as C|Y is fully staffed at this time. The same is true for subcontracting and we currently have the needed expertise at the lawyer level to perform this contract.

C|Y is committed to diversification. The firm has five (5) women and 4 minority Principals out of 27 total (equity and non-equity Principals).

### **SPECIALIZED PRACTICE IN PUBLIC HOUSING AUTHORITY LAW**

A partial list of legal services provided to HACA and other PHAs include:

1. Employment Issues
  - Significant civil rights/employment litigation

- Review and advice to Human Resources regarding disciplinary actions and other federal, state and local laws and regulations (including, but not limited to, FLSA, FMLA, Title VII, ADEA, OSHA, Worker's Compensation, etc.) Internal grievance hearings
- Drafting/revision of internal policies and procedures (Employee Manual, procurement, grievance, etc.)
- Consultation with Vice-Presidents on public housing and employee issues in their departments, including evaluations, growth plans, investigations and FLSA questions
- Consultation on numerous ADA requests for accommodation
- Consultation on Section 504 of the Rehabilitation Act of 1974 (as amended)
- Consultation on Civil Rights Act of 1964 (as amended)
- Coordination of investigations of employee misconduct with Human Resources department
- Very high success rate in responding to EEOC, TWC, TCHRA and AHRC complaints
- Training for all employees on discrimination and harassment and proper documentation training to all supervisors
- Experience with all forms of Whistleblower statutes

## 2. General Litigation

- Significant litigation and negotiation with non-responsible vendors with successful results
- Negotiations with sureties for non-responsible contractors, with successful results
- Significant ad valorem taxation litigation involving tax exempt status (100% success)
- Successful negotiations with City of Austin involving assessment of fees

## 3. Contract Review

- Drafting, review and approval of 30+ annual Partner contracts

- Drafting multiple documents and providing legal advice for PBCA proposals: RLO, SL, subcontractor agreement
- Developed working relationships with attorneys in other states for PBCA NOFA and RFP
- Drafting/negotiating/revision of a large number of vendor contracts (equipment leases, software contracts, cellular tower, etc.)
- Review and evaluation of insurance proposals
- Drafted and negotiated Interlocal Agreements with the City of Austin, Housing Authority of Travis County and the Office of the Attorney General to jointly sponsor programs
- Drafted and reviewed documents for tenant home ownership programs – Lease to Own, Downpayment Assistance Program, etc.
- Worked on Community Land Trust developments
- Provided legal advice in connection with numerous AIA contracts for architectural services, project-manager services and general contractors;

#### 4. Property Acquisition and Property Rights

- Negotiations for large real estate acquisitions (Summers Grove, Sweetwater Apartments, Leisure Time Village Condos, etc.)
- Review, negotiate and draft numerous loan documents.
- Review numerous title policies
- Negotiated numerous commercial leases (Eastland Plaza tenants, City of Austin at HACA main building, GHCC incubator, etc.)
- Numerous commercial landlord-tenant issues
- Assisting and advising the implementation of RAD conversion at multiple locations, for HACA, including major construction projects, tenant relocations and overseeing HUD approvals;

- Providing legal guidance of major lead base paint and asbestos remediation, including negotiations of remediation contracts and OSHA reporting;
- Providing legal services in connection with multiple tax credit property acquisitions and redevelopments, including reviewing and negotiating all real estate documents, partnership agreements, loan documents and oversaw negotiations with partners through closing;
- Overseeing all facets of property acquisition and advising PHA's on property rights;
- Detailed involvement in the public policy and feasibility of acquisitions, conversion and development of a wide variety of affordable housing;
- Negotiated numerous right-of-way and wastewater easements (HACA main building, Meadowbrook, etc.)
- Drafting and reviewing development documents, including design and construction contracts;
- Advising on existing real estate relationships regarding available rights and remedies;
- Compliance with governmental or private land use regulations, including Environmental issues;
- Management of liability risks for real estate development issues;
- Structure analysis for real estate business combinations like condominiums or real estate partnerships.

#### 5. Governance Issues

- Attendance at monthly Board meetings and Executive sessions to provide advice and counsel to the Board;
- Review all Agendas for Open Meetings Act compliance;
- Incorporation, By-laws and General Counsel advice for PHA's and their subsidiaries, to ensure compliance with all Federal, State and Local regulations and laws;
- Presentations to Board members and staff at agency retreats regarding Open Meetings Act, Ethics, etc.;

- Reviewing and responding to numerous Public Information Requests – no court challenges;
- Presentations to TXNAHRO Conference regarding Public Housing Authority Litigation and Ethics issues;
- Speaker at Housing Development Law Institute conferences on PHA litigation issues;
- HUD OIG investigation responses;
- Development and Interpretation of Procurement Policies, and successful defense to challenges to bid awards.
- By-laws and General Counsel advice for HACA, Austin Affordable Housing Corporation and Southwest Housing Compliance Corporation
- Provided legal guidance and services in connection with drafting and implementation of Ethics & Conflict of Interest Practices for Board members and employees;
- Review of operations and advice to reduce risk of PHA's
- Advice on application of Code of Federal Regulations, Texas Local Government Code, TDHCA regulations, Municipal Codes, HUD regulations (including Procurement Standards) to the business of the PHA.
- Advice and representation of the Section 8 vouchers department;
- Advice and development of PHA Policies for VAWA, ICE, concealed/open carry, on-site solicitation, smoke-free housing, etc.;

#### 6. Construction Law

- Contract drafting and negotiation;
- Construction defect claims;
- Change order and scope claims;
- Performance and warranty disputes;
- Defaults and termination;
- Surety claims;
- Payment issues;
- Defective design;
- Delay and liquidated damage issues;
- Lien and bond claims;

- Jobsite injuries;
- OSHA compliance issues;
- Insurance coverage;
- Risk management;
- Bankruptcy issues;
- Employment issues;
- Governmental regulation and compliance issues;
- Project delivery systems;
- Bidding and bid disputes;
- Safety and independent contractor issues;

### **Preventative Advice and Counseling – Procurement and Other Departments**

We routinely field calls from upper management at HACA, SHCC and AAHC for day-to-day advice on a wide variety of legal and business matters. C|Y strives to return every call and inquiry promptly, and make ourselves available according to the needs of management.

### **Preventive Advice and Counseling - Employment**

In our experience, counsel is most likely to devote considerable time providing day-to-day advice on personnel matters. There will be times, however, where a particular issue or matter requires specialized research, consultation or handling and necessitates referral to specialized counsel. Such representation may include:

- (1) investigation of employee misconduct and the provision of advice regarding disciplinary action;
- (2) review and advice regarding discipline or discharge of personnel;
- (3) handling of employee grievances, including on-going advice with respect to problem grievances and attendance at grievance conferences or hearings, as requested;
- (4) specialized advice with respect to personnel actions implicating various federal, state, and local laws and regulations (e.g., Title VII of the Civil Rights Act of 1964 ("Title VII"), the Age Discrimination in Employment Act ("ADEA"), the Americans with Disabilities Act ("ADA"), Section 504 of the Rehabilitation Act of 1974 ("Sec. 504"), Title IX of the Educational Amendments of 1972 ("Title IX"), the Fair Labor Standards Act ("FLSA"), the Family and Medical Leave Act ("FMLA"), DOT regulations regarding drug/alcohol testing, the Texas Commission on Human Rights Act



("TCHRA"), the Texas Workers' Compensation Anti-Retaliation statute, the Texas Whistleblower Act and the City of Austin Human Rights Ordinance), as well as the free speech, privacy and due process provisions of the U.S. and Texas Constitutions;

- (5) defending against charges, complaints or claims filed with the EEOC, Texas Commission on Human Rights, City of Austin Human Rights Commission, U.S. Department of Labor (Wage and Hour Division), Texas Employment Commission, and the Office of Civil Rights, U.S. Department of Education and the Department of Justice, including preparation of statements of position and attendance at fact-finding conferences, witness interviews, hearings, and settlement conferences;
- (6) review and modification of employment contracts and HACA policies or administrative regulations pertaining to personnel.

Between 2000 and 2017, we assisted HACA in the following significant employee issues:

- Over 200 terminations
- Over 100 EEOC claims, 100% success rate
- Numerous Texas Workforce Commission claims, with overwhelming success rate
- Numerous discrimination and sexual harassment investigations
- Numerous internal grievance hearings, 100% success rate

### **Training and Legal Updates**

Ancillary to the provision of preventive advice and counseling, C|Y proposes periodic training of staff in new and established areas of labor and employment law which can or do create on-going problems for housing authorities. C|Y is uniquely qualified to provide effective training to the HACA staff in every relevant personnel area. C|Y, at the Housing Authority's request, can and has provided periodic in-service training on a wide variety of personnel topics, including:

- (1) the grievance process;
- (2) handling hearings and appeals;
- (3) effective documentation for personnel actions;

- (4) compliance with EEOC and ADA requirements;
- (5) investigation of sexual harassment claims and other claims of employee misconduct;
- (6) compliance with the Fair Labor Standards Act;
- (7) preventing claims under the Texas Whistleblower Act;
- (8) preparation for discipline or terminations; and
- (9) preventing sexual harassment, age discrimination or other forms of discrimination in the workplace

In addition to training, C|Y has advised HACA on significant legal developments (including statutory and regulatory changes, and developments in case law, EEOC and Attorney General Opinions) through the use of legal updates.

### **Grievance Hearings**

In regard to personnel-related hearings, including grievance appeals and due process hearings (*i.e.*, demotion, discipline or discharge of personnel), C|Y will present Management's case to the Board or advise the Grievance Officer. It is C|Y's philosophy that its lawyers must bring those advocacy skills acquired in the courtroom to the boardroom, with due regard for the political sensitivity that must be shown in particular cases. C|Y will be candid with Management on advising as to the strengths and weaknesses of the case, and will work closely with Management and witnesses to present the most effective case possible to the Board.

### **Administrative Agency Actions**

Consistent with the "cradle to grave" approach inherent in C|Y's employment law practice, we have had excellent success in upholding decisions before the EEOC, Texas Workforce Commission, TCHR and AHRC, in all types of appeals, ranging from terminations to reassignments and salary disputes. Consistent with C|Y's approach to employment litigation, described below, C|Y also strongly believes in an aggressive pre-hearing motion strategy before the agency designed to obtain summary disposition of claims whenever possible bringing prompt resolution for HACA at the lowest possible cost.

### **Litigation**

C|Y has had extensive experience in representing public housing authorities and other governmental entities throughout Texas in all forms of litigation, in state and federal court, at both the trial and appellate levels, both directly and as members of insurance panels. Litigation against

housing authorities can include and the Texas Constitution, (1) suits in federal court under Title VII, Title IX, ADEA, ADA, FMLA, FLSA, COBRA, and 42 U.S.C. Sec. 1983 (for violation of federal constitutional or statutory rights), (2) negligence or premises liability claims, (3) breach of contract claims involving vendors, (4) appeals from Board decisions into state district court, and (5) suits in state court under the Texas Whistleblower Act, the TCHRA, various provisions of the Texas Labor Code (right to work, the filing of employee grievances, retaliation for filing a worker's compensation claim). There may also be situations in which a housing authority brings suit for declaratory or injunctive relief in order to challenge the constitutionality or application of a particular statute or regulation, or to obtain relief against a governmental agency or other third party. The scope of litigation services C|Y will provide is best described by its litigation philosophy:

**1. Investigation and Pre-Trial Discovery** - Firm members understand and appreciate the need to evaluate the merits of a claim at the earliest opportunity, in order to properly assess the HACA's exposure and defensive strategy. Once suit is threatened or filed, the Firm's lawyers routinely evaluate potential exposure and settlement value, design a discovery plan and motion strategy, develop a budget with the Housing Authority and/or its insurance carrier, and provide regular status reports and constant evaluation and re-evaluation of the Housing Authority's chances of prevailing, thus enabling the Housing Authority to make informed decisions with current information and to control litigation expenses.

**2. Pre-Trial Disposition** - C|Y strongly believes in the early use of dispositive motions that result in dismissal prior to trial, thereby saving HACA significant time and expense. In state court this includes the aggressive use of special exceptions designed to pierce the plaintiff's pleadings, and the filing of pleas to the jurisdiction (e.g., for failure to exhaust administrative remedies) or motions for summary judgment, either on the merits, or based on affirmative defenses such as immunity or limitations. In federal court this includes the filing of motions for more definite statement as to vague or ambiguous claims, motions to dismiss for lack of subject matter jurisdiction, or for failure to state a claim, or motions for summary judgment, again, either on the merits or based on affirmative defenses.

C|Y has taken a particularly aggressive posture with respect to the filing of dispositive motions based on immunity grounds, for the agency itself, as to any state tort claims under the Texas Tort Claims Act; and for government officials sued in their individual capacities, based on common law official immunity and/or statutory immunity, or qualified immunity as to federal claims brought under 42 U.S.C. Sec. 1983. C|Y has found that the plaintiffs' bar is generally unknowledgeable of the immunities enjoyed by public agencies and officials in this state, and that individual officials are frequently sued for the sole purpose of placing pressure on the authority to settle, or to wield the threat of punitive damages. An early dispositive motion based on immunity defenses will limit the plaintiffs' discovery until the motion is decided, as well as plaintiff's ability to drag officials "through the mud" of litigation.

**3. Alternative Dispute Resolution (ADR)** - Increasingly, both state and federal judges

are requiring parties to mediate, regardless of the merits of a case. Mediation serves a useful purpose if the HACA has exposure and is unable, directly, to secure an advantageous settlement; or if the case is frivolous and it appears that a third party may be able to convince plaintiff or his counsel of that fact.

4. **Trial and Appeal** - The hallmark of C|Y's approach to trial and appeal, like its approach to the litigation process, generally, is one of thoroughness and preparation. As experienced litigators, the Firm believes that it can offer HACA the highest quality of prudent and aggressive advocacy at both the trial and appellate levels. Mr. Ewbank has tried upwards of one hundred jury and non-jury cases in state and federal courts, and the firm has handled more than one hundred (100) appeals at all appellate levels. Each of C|Y's other attorneys has also had first or second chair experience in the trial of jury and non-jury cases, as well as appellate experience.

5. **Frivolous Claims** - Given the large number of frivolous lawsuits that are filed against governmental employers in Texas, C|Y believes that the final prong in any successful litigation strategy is to seek sanctions against the Plaintiff, as well as his counsel, if possible, in suits that are truly without merit. While the current movement for tort reform at the state and national level may provide some relief in this area, it is always wise for an employer, particularly a large one such as HACA, to put potential litigants on notice that it will aggressively combat frivolous claims. Should HACA be desirous of this approach, C|Y would file counterclaims for attorney's fees in most suits, and file fee applications with the Court following judgment, where the circumstances merit. While, admittedly, it is oftentimes difficult to collect a judgment against a plaintiff in such instances, the prophylactic effect may pay dividends in deterring future litigation.

2. **IDENTIFICATION AND CREDENTIALS OF KEY MEMBERS OF THE TEAM**

The individual who will direct the overall legal activity performed on behalf of HACA is Jim Ewbank, assisted primarily by Shelly Masters (Principal) and Thomas Bleich (Senior Associate).

**JIM EWBANK**



Jim Ewbank is an equity partner of Cokinos | Young. He has represented governmental entities throughout the state in connection with all forms of general counsel, labor and employment disputes, civil rights, school law and civil litigation. He has had extensive trial experience in both state and federal courts (both jury and non-jury), and substantial state and federal appellate experience. He has tried in excess of 125 cases to verdict, and has been elected to the American Board of Trial Advocates (less than 0.1% of all trial lawyers are eligible). He has been the primary contact with HACA during the last seventeen (17) years.

Mr. Ewbank was admitted to the Texas bar in 1980; he is also admitted to practice before U.S. District Courts in the Western, Southern and Eastern Districts of Texas. He obtained his preparatory education at Southwestern University (B.S. Social Science, 1977) and legal education at Baylor University (J.D. 1980). He is Board Certified in both Civil Trial Law and Personal Injury Trial Law by the Texas Board of Legal Specialization since 1987. He was selected as a Briefing Attorney for Hon. Bob E. Shannon, Austin Court of Civil Appeals in 1980-81. He and Judge Shannon received the Outstanding Law Review Award by the Texas Bar Foundation in 1982. Mr. Ewbank served as an Adjunct Professor of Law at the University of Texas School Of Law between 1986 and 2000, teaching Trial Tactics. He speaks regularly at various seminars on topics including trial tactics, employment law, evidence, etc. He was elected as an Advocate to the American Board of Trial Advocates in 2000. He is a member of the legal division of NAHRO and the Housing and Development Law Institute. He is a member of the following Bar Associations: Austin Bar Association (Civil Litigation and Employment Law Sections); State Bar of Texas (Litigation and Employment Law Sections); Texas Association of Defense Counsel; and the Defense Research Institute. He has been AV rated by Martindale-Hubbel since 1987. He has been named a "Texas Super Lawyer" by Thompson Reuters for over 10 years.

Given his extensive and noteworthy experience in representing government bodies and their entities, Jim is a sought after speaker, presenter and author. Such experience and work includes:

A. PUBLIC HOUSING AUTHORITY / EMPLOYMENT / CIVIL RIGHTS LAW

- Housing and Development Law Institute (HDLI) General Counsel Forum, 2008-2016;
- NAHRO, 2008 and 2015, "Recent Federal & State Cases Which Could Impact Liability of Commissioners, Trustees and Officers";
- HDLI Conference 2011, Litigation Update Panel;
- HDLI Conference 2008, "Jury Selection in PHA Cases";
- TXNAHRO 2008, "Ethics of Commissioners";

- TXNAHRO 2005, "Do's and Don'ts of PILOT";
- TXNAHRO 2004, "Managing Records, Hiring/Firing, and Legal Liability Issues the Right Way";
- TXNAHRO 2000, Risk Management for Executive Directors;
- Risk Management Conference, 1997 & 1998 "Immunities for Governmental Employees";
- TASB/TASA Convention, 1993 - 2008, Presentations on Topics including Due Process, Avoiding and Defending Whistleblower Claims, Open Meetings/Open Records, and Investigation of Auto Claims;
- Texas Association of School Boards Council of School Attorneys, Education Law Conference Forum Discussion How to Build a Defense Around Individual Immunity in Civil Rights Litigation;
- Council of School Attorneys Seminar, Effective Motions for Summary Judgment;
- Texas Association of School Boards Seminar, Preventing and Defending Due Process Lawsuits;
- Texas Association of School Boards Seminar, Avoiding the Courthouse;
- Texas Association of Defense Counsel, Spring Meeting, "Defense of Sexual Harassment/Discrimination Cases";
- Risk Management Seminar, A Discussion of Tort Claims, Statutes and Immunities, APIE; and
- In-service training to various local employers, 1992-2017, "Prevention of Sexual Harassment/Discrimination in the Workplace"; "Prevention of Age Discrimination in the Workplace;" "Internal Investigations of Employment Disputes;" A Proper Documentation and Termination Procedures.

**B. TEACHING POSITIONS**

- Adjunct Professor, University of Texas School of Law; and
- Trial Tactics, taught 1986 - 2000, four hour intensive trial advocacy course for third year law students.

## **SHELLY MASTERS**



Shelly Masters has more than fifteen years of experience representing clients in multiple areas of litigation, with a particular focus on construction, commercial and product liability related matters. She handles a wide range of legal issues as outside general counsel for companies such as drafting and negotiating contracts and employment agreements, resolving disputes, perfecting lien and bond claims, and litigating breach of contract, personal injury, construction defect, employment discrimination and wrongful termination matters and much more. She also trains client supervisors on a variety of topics designed to minimize risks so that her clients will have the tools to protect against future disputes and litigation. She keeps abreast of national and state litigation trends and legislation. She passes this knowledge along to clients as an active member and speaker at local, state and national trade associations and seminars. Shelly works with clients and opposing parties to resolve matters as efficiently and economically as possible. Her education includes the University of Texas, B.A., 1995; University of Houston Law School, J.D., 1998; University of Texas Law School, visiting student (1997-1998).

## **THOMAS BLEICH**



Thomas handles civil and business litigation matters in state and federal courts, arbitration.

proceedings, and before administrative agencies. He represents employers and businesses in a variety of commercial and employment disputes, including breach of contract and employment agreements; wrongful termination, discrimination, retaliation, and harassment claims; and wage and hour issues, including proper overtime calculation and employee classification. Thomas also regularly assists clients with drafting, negotiating and review of business contracts and employment policies, procedures and agreements. His education includes the University of Texas, B.A., 2000; Brooklyn Law School, J.D., 2006.

### **3. PROFILE OF THE FIRM**

#### **A. MANAGERIAL CAPACITY**

While Jim Ewbank will be the manager of legal services to HACA, he will be supported by an experienced professional staff of other attorneys and legal assistants, listed below. Legal assistants are relied upon for a wide range of discovery and investigative purposes, thereby providing the appropriate level of legal service at the most cost effective rate. Associate attorneys are utilized for research and writing and other legal matters of lesser concern, again at the lower rate.

#### **OTHER SERVICING PERSONNEL**

##### Principal

**Shelly Masters** (See Above)

##### Senior Associate

**Thomas Bleich** (See Above)

##### Legal Assistants

**Debbie Spector** has been a litigation paralegal in the Austin area for thirty years at both national and local law firms with trial, administrative and appellate practices. Her experience includes case management of personal injury, property, product liability, medical and legal malpractice cases as well as commercial litigation, including real estate and corporate matters.

**Cristie Montgomery** has thirty years' experience as a litigation paralegal. She began her career in commercial litigation but has experience in tort law, anti-trust litigation, municipal law, water/environmental law, contracts, construction, some medical malpractice and personal injury (primarily defense) and school law.



## B. TECHNICAL CAPABILITIES

Cokinos | Young strives to excel as a leader in utilizing advancements in new technology. Our team prides itself on its knowledge and expertise in using digital discovery for research and evidence in defending our clients' best interests, from small scale matters such as individual personal injury cases, to large scale cases with catastrophic damages and hundreds of plaintiffs, with the assistance of such e-discovery programs as DISCO by Cornerstone. Our staff has extensive knowledge of the issues surrounding the use of mobile data, social media, and other non-traditional modes of collecting evidence.

Our dedicated IT department is on call 24/7 for emergencies and to run our server, so that our trial commitments run smoothly and securely, and we are always available for our clients' needs. We utilize a secure, private FTP connection to share files with clients. We also have a network of individuals and companies we are familiar with in the Austin area whose expertise have assisted us in creating state of the art trial and mediation presentations.

C|Y utilizes its own secure connections for the protection of our clients' confidentiality. Firm members can travel at a moment's notice and remain connected to the database. Our system is Microsoft-based, and we have access to all Microsoft professional programs (such as Outlook, Excel, and Word), and we utilize PDF editing software such as Adobe Pro to create, edit and maintain documents for our clients.

## 4. REFERENCES

Jim Ewbank, through Ewbank & Harris, P.C. (now merged into Cokinos | Young), has previously represented the Housing Authority of the City of Austin. However, C|Y also has extensive representation of other governmental entities with similar employment related issues, including PHA's, school districts and Capitol Metropolitan Transportation Authority. Furthermore, the Firm serves as general counsel on employment issues to several mid-size private employers in the Austin area.

### A. GOVERNMENTAL ENTITIES

1. James Hargrove  
President and CEO  
Housing Authority of Bexar County  
(210) 225-0017  
Has prior knowledge of PHA representation; recently retained C|Y as outside General Counsel

2. Cecilia Prieto  
Executive Director  
Round Rock Housing Authority  
P.O. Box 781  
Round Rock, TX 78680  
(512)-255-9159  
Performed a wide variety of outside General Counsel activities
3. Tim Alcott  
San Antonio Housing Authority  
818 South Flores  
San Antonio, TX 78204  
(210) 477-6262  
San Antonio Housing Authority recently retained C|Y as one of SAHA's outside counsel

B. PRIVATE EMPLOYERS

1. Fox Service Company, Inc. (200+ Employees)  
Contact Person: Robert Nagel  
President  
(512) 442-6782  
Activities: General Counsel on all employment matters, employment contracts, and successful defense of sexual harassment/discrimination/wrongful termination/ADA jury trial.
2. Casa Mechanical (200+ Employees)  
Contact Person: Cody Christianson  
Vice President  
(512) 334-7300  
Activities: General Counsel on all employment matters, employment contracts, and successful defense of sexual harassment/discrimination/wrongful termination/ADA jury trial.
3. Brown Distributing Co. (300+ Employees)  
Contact Person: Laurie Brown  
Executive Vice-President  
(512) 478-9353  
Activities: General counsel-type work with multiple employment and contract issues, EEOC responses, advice on FMLA, ADA and FLSA, successful defense of employment cases

HOUSING AUTHORITY  
OF THE CITY OF AUSTIN

PROJECT# HACA-P-17-0217  
LEGAL SERVICES  
(EMPLOYMENT LAW AND LITIGATION)

Purchasing Department  
1124 S. IH 35  
Austin, Texas 78704

**BID PROPOSAL**

HACA/SHCC/AAHC will pay Attorney fees for said legal services at the hourly rate or rates set forth below:

1. \$ 300 per hour for senior counsel
2. \$ 250 per hour for associates
3. \$ 125 per hour for paralegals

All legal services provided by the Attorney under this contract shall be performed by the appropriate personnel at the above hourly rates depending upon the complexity of the work and whether novel issues are presented. HACA/SHCC/AAHC reserves the right to disallow charges for hours and/or services and any cost which it deems to be unreasonable and/or unnecessary. In the event of any dispute over any charges for hours, services, or item of cost, such dispute shall be resolved as described in paragraph 3,I.

Bidder acknowledges receipt of the following addenda:

\_\_\_\_\_ Number \_\_\_\_\_ Number

Respectfully Submitted of:

Company Name: Cokinos / Young  
Address: 1210 Nueces  
By: Jim Eubank Title: Principal  
Telephone: 512-476-1080 Fax: 512-610-1184

**HOUSING AUTHORITY OF THE CITY OF AUSTIN  
BOARD OF COMMISSIONERS  
REGULAR BOARD MEETING**

**ITEM NO. 1D**

**Presentation, Discussion and Possible Action regarding  
Resolution No. 2507: Approval of the Award of Contract  
for Agency Wide Pest Control Services**

**July 13, 2017  
Regular Meeting**

**HOUSING AUTHORITY OF THE CITY OF AUSTIN**

**BOARD ACTION REQUEST**

**RESOLUTION NO. 2507**

**HOUSING OPERATIONS**

**MEETING DATE:** July 13, 2017

**STAFF CONTACT:** Michael Roth, Director of Housing and Policy

**ITEM TITLE:** Discussion and Adoption of Resolution No. 2507: Approving the Award of Contracts for Integrated Pest Management Services to multiple contractors.

**BUDGETED ITEM:** Yes

**TOTAL COST:** \$ 81,388.80 per year reviewed annually not to exceed five years. This amount will be divided between two contractors.

**ACTION**

Motion to approve Resolution No. 2507: Authorizing the Housing Authority of the City of Austin to award contracts to Kil-A-Bug and Oliver's Termite and Pest Management.

**SUMMARY**

The Housing Authority of the City of Austin issued a Request for Proposal for Integrated Pest Management Services HACA-17-P-0216. It was advertised in the Austin American Statesman on Sunday, March 5, 2017, and Sunday, March 12, 2017, with a due date of March 30, 2017. Fifteen proposals were emailed and three responses were received. The evaluation committee reviewed the proposals and HACA is exercising its right to award multiple contracts. Housing Operations Department staffs' recommendation is to award this contract to two Contractors, Kil-A-Bug and Oliver's Termite and Pest Control. Housing Operations and the evaluation committee see a need to have two contractors providing pest control services. The properties will be divided equally and contractors will be monitored for effectiveness and efficiency.

**EXHIBITS**

Exhibit 1: Distribution  
Exhibit 2: Tabulations  
Exhibit 3: Evaluation  
Exhibit 4: Bidders Qualifications

**RESOLUTION NO. 2507**

**Approving the Award of Contracts for Agency Wide Integrated Pest Management Services**

**WHEREAS**, on March 30th, 2017, the Housing Authority of the City of Austin opened and publicly read bids for Integrated Pest Management Services;

**WHEREAS**, HACA sees a need to exercise its right to award to multiple contracts to increase effectiveness and efficiency;

**WHEREAS**, it is the recommendation of the President & CEO that the proposals submitted by Oliver's Termite & Pest Management and Kill-A-Bug in the amount of \$81,388.80 divided equally be accepted as the most responsible and responsive bids;

**WHEREAS**, this contract will be reviewed annually not to exceed five years

**Now, therefore, it is hereby**

**RESOLVED**, Housing Authority of the City of Austin Board of Commissioners authorize the President & CEO to accept the bids as submitted by Oliver's Termite & Pest Management and Kill-A-Bug and award such contracts this 13<sup>th</sup> day of July, 2017.

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Michael G. Gerber, Secretary

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Carl S. Richie, Jr., Chairperson

# EXHIBIT 1

# RECORD OF DISTRIBUTION-INVITATION FOR BID/REQUEST FOR PROPOSAL

Contract: HACA-17-B-0216

BID OPENING DT/HR: March 30, 2017 2:00PM

Description: Integrated Pest Management  
Services

Location: 1124 South IH35 Austin Texas 78704

Date	Organization	Addendum
e 3/9	Company: Pest Master Address: 9716 S. Virginia E Reno Nevada 8511 Phone: 775 858 7378 Fax: Received by: Email: Jmeno@pestmaster.com	Addendum #: 1 Date Notified: 3/14 Received by: Date:
e 3/9	Company: Orkin Pest Control Svc Address: _____ Phone: 572 717 8741 Fax: Received by: Gina Hoberg Email: ghoberg@rollins.com	Addendum #: 1 Date Notified: 3/14 Received by: Date:
e 3/7	Company: Oliver's Termite & Pest Control Address: _____ Phone: _____ Fax: Received by: Byron Bohomme Email: byron@oliverpest.com	Addendum #: 1 Date Notified: 3/14 Received by: Date:
e 3/8	Company: Tex Plas Address: _____ Phone: _____ Fax: Received by: Doug Bryce Email: dbryce@texplas.com	Addendum #: Date Notified: Received by: Date:
e 3/8	Company: Travis Pest Address: _____ Phone: 525-6119 Fax: 830 693 1114 Received by: Cameron Travis Email: pestandlawn@yahoo.com	Addendum #: 1 Date Notified: 3/14 Received by: Date:
e 3/8	Company: BugGuys Pest Control Address: 100 W. Pflugerville 113 Pflugerville TX 78660 Phone: 670-2925 Fax: Received by: Summer Clark Email: summer@bugguyspestcontrol.com harold@bugguyspestcontrol.com	Addendum #: 1 Date Notified: 3/14 Received by: Date:



# RECORD OF DISTRIBUTION-INVITATION FOR BID/REQUEST FOR PROPOSAL

Contract: HACA-17-B-0216

BID OPENING DT/HR: March 30, 2017 2:00PM

Description: Integrated Pest Management  
Services

Location: 1124 South IH35 Austin Texas 78704

Date	Organization	Addendum
e 3/8 and pickup	Company: Kil-A-Bug Address: 2929 E. 12 <sup>th</sup> Austin TX Phone: 512 481-0551 Fax: 512 481-0554 Received by: Arthur Bell; Thomas Swist Email: barbb61345@grandecom.net; blacksheep_82@yahoo.com	Addendum #: Date Notified: Received by: Date:
e 3/8	Company: Pest Management Address: 5321 Industrial Oaks Blvd Austin TX 78735 Phone: 512 288 1007 Fax: 512 891 0002 Received by: Sarah McElwee Email: sarah@Pestmanagementcorp.com	Addendum #: Date Notified: Received by: Date:
e 3/8	Company: The Mercury Consultant Group Address: 1029 Peachtree Pkwy #234 Peachtree City GA 30269 Phone: 800 791-2630 Fax: 678-369-8100 Received by: Jessica.randall@themercurygroup.us Email: Jessica Randall	Addendum #: Date Notified: Received by: Date:
e 3/8	Company: <del>Matt Tillson</del> Steritech Group Inc Address: _____ Phone: 972-898-2322 Fax: 210-568-4926 Received by: Matt Tillson Email: matt.tillson@steritech.com	Addendum #: Date Notified: Received by: Date:
e 3/8	Company: Worldwide Pest Control Inc Address: _____ Phone: 512 745 1789 Fax: _____ Received by: Jaime Cortinas Email: jaimec@wwpest.com <b>BAD EMAIL</b>	Addendum #: Date Notified: Received by: Date:
e 3/8	Company: Pestmaster Services Address: _____ Phone: _____ Fax: _____ Received by: Melanie Noles Email: pestmaster@suddenlink.net	Addendum #: 1 Date Notified: 3/14 Received by: Date:

# RECORD OF DISTRIBUTION-INVITATION FOR BID/REQUEST FOR PROPOSAL

Contract: HACA-17-B-0216  
Description: Integrated Pest Management  
Services

BID OPENING DT/HR: March 30, 2017 2:00PM  
Location: 1124 South IH35 Austin Texas 78704

Date	Organization	Addendum
	Company: <u>The Bug Master</u> Address: <u>1912 Smith Rd</u> <u>78721</u> Phone: <u>5125015422</u> Fax: Received by: <u>Johnny Flores</u> Email: <u>Johnny@thebugmaster.net</u> <u>. Flores</u>	Addendum #: Date Notified: <u>3/14</u> Received by: Date:
	Company: <u>ABC Home and Commercial</u> Address: _____ Phone: <u>512837-9500</u> Fax: Received by: <u>Mark Johnston</u> Email: <u>markjohnston @goanteater.com</u>	Addendum #: Date Notified: Received by: Date:
	Company: <u>Vector Pest Control</u> Address: <u>PO Box 815</u> <u>Round Rock 78680</u> Phone: _____ Fax: Received by: <u>Stacey Adams</u> Email: <u>stacey@vector1pest.com</u>	Addendum #: Date Notified: Received by: Date:
	Company: Address: _____ Phone: _____ Fax: Received by: Email:	Addendum #: Date Notified: Received by: Date:
	Company: Address: _____ Phone: _____ Fax: Received by: Email:	Addendum #: Date Notified: Received by: Date:
	Company: Address: _____ Phone: _____ Fax: Received by: Email:	Addendum #: Date Notified: Received by: Date:

# EXHIBIT 2

March 29, 2017 2:00PM/CST

Location of Treatment	Company #1		Company #2		Company #3	
	Kil-A-Bug		Pest Master		Olivers Termite & Pest Control	
1124 South I-35	\$	95.00	\$	720.00	\$	465.00
1100 South I-35	\$	40.00	\$	480.00	\$	85.00
1640 A & B East 2nd Street	\$	50.00	\$	480.00	\$	125.00
205 Chicon Street	\$	40.00	\$	480.00	\$	55.00
1507 S. IH 35	\$	40.00	\$	480.00	\$	70.00
1503 S. IH 35	\$	50.00	\$	480.00	\$	70.00
1144 S. Airport	\$	50.00	\$	360.00	\$	175.00
1801 East 4th Street	\$	290.00	\$	15,168.00	\$	402.90
2001 Rosewood/ Yale Street	\$	315.00	\$	11,100.00	\$	313.65
2341 Corta Street	\$	195.00	\$	8,700.00	\$	247.35
1201 W. Live Oak	\$	320.00	\$	14,400.00	\$	523.00
905 Bedford	\$	390.00	\$	25,920.00	\$	665.00
85 Trinity Street	\$	280.00	\$	9,840.00	\$	513.00
1143 Salina	\$	110.00	\$	1,920.00	\$	81.60
1941 Gaston Place	\$	170.00	\$	6,000.00	\$	255.00
1203 Cumberland	\$	305.00	\$	17,280.00	\$	367.20
8426 Goldfinch	\$	285.00	\$	12,960.00	\$	367.20
110 Boles	\$	290.00	\$	11,280.00	\$	239.70
2126 Goodrich	\$	290.00	\$	3,600.00	\$	102.00
2300 W. Northloop	\$	175.00	\$	3,000.00	\$	331.50
9120 North Gate Blvd.	\$	335.00	\$	6,000.00	\$	127.50
6328 Shadowbend	\$	360.00	\$	6,000.00	\$	127.50
6328 Buffalo Pass	\$	210.00	\$	3,960.00	\$	84.15
3628 Manchaca	\$	345.00	\$	3,960.00	\$	84.15
1438 Coronado Hills	\$	225.00	\$	5,760.00	\$	122.40
Scattered Sites (22)	\$	1,760.00	\$	9,240.00	\$	550.00
Total Monthly Bid:	\$	7,015.00	\$	179,568.00	\$	6,549.80
Total Annual Bid:	\$	84,180.00	\$	2,154,816.00	\$	78,597.60
Additional Services <b>Bed Bugs:</b>						
0 Bedroom	\$	150.00	\$	60.00	\$	225.00
1 Bedroom	\$	180.00	\$	75.00	\$	225.00
2 Bedroom	\$	250.00	\$	85.00	\$	245.00
3 Bedroom	\$	350.00	\$	95.00	\$	275.00
4 Bedroom	\$	400.00	\$	125.00	\$	295.00
5 Bedroom	\$	450.00	\$	150.00	\$	325.00
Additional Services <b>Fleas inside:</b>	\$	70.00	\$	60.00	\$	125.00
Additional Services <b>Wasps/Bees:</b>	\$	60.00	\$	75.00	\$	225.00
Annual percentage increase		1		3		3

Bid Official

Date:

Official Witness:

Date:

Integrated Pest Management Services - HACA-17-P-0216

March 30, 2017

Evaluators	Kil-A-Bug	Pest Master	Olivers Termite & Pest Control
Frank Garcia Community Director	80	66	97
Cecilia Vargas Community Director	80	65	98
Judy Paciocco Senior Operations Director	89	52	96
<i>Total:</i>	<i>249</i>	<i>183</i>	<i>291</i>

**Recommended:** Split Contract between Kil-A-Bug and Olivers Termite / alternating 6 month schedule

# EXHIBIT 3

Evaluation HACA-17-P-0216  
Integrated Pest Management Services  
March 30, 2017 2:00PM/CST

<b>I. Participation by any of the following: Minority/Female owned (5)</b>	<b>Points</b> 5 <b>Comments</b> Kill-A-Bug is an African American owned Business.	<b>Points</b> 5 <b>Comments</b> Pest Master is a Woman Owned Business.	<b>Points</b> 5 <b>Comments</b> Olivers Termite & Pest Control is an African American owned Business.
<b>II. Business/Resident Owned Business/Section 3 Contractor (15)</b>	<b>Points</b> 0 <b>Comments</b> Kill A Bug did not complete the Section 3 Business Certification.	<b>Points</b> 0 <b>Comments</b> Pest master is not a Section 3 Contractor.	<b>Points</b> 15 <b>Comments</b> Olivers Termite & Pest Control is a Section 3 Contractor.
<b>E. Past Experience and performance (15 points)</b>	<b>Points</b> 15 <b>Comments</b> Please see comments from part A.	<b>Points</b> 15 <b>Comments</b> Please see comments from part A.	<b>Points</b> 15 <b>Comments</b> Please see comments from part A.
<b>TOTAL</b>	80	66	97
<b>Evaluator</b> Frank Garcia	<b>Date</b> 4-14-17	<b>Date</b> 4-14-17	<b>Date</b> 4-14-17

EVALUATION CRITERIA	Vendor #1 Kil-A-Bug	Vendor #2 Pest Master	Vendor #3 Olivers Termite & Pest Control
a. Demonstrated Capability to provide the services requested in the proposal(30 points)	Points 30 Comments Kil-A-Bug appears to have the capability to provide the service requested. The company worked with ACL, Georgetown ISD, and Walnut Creek Apt.	Points 30 Comments Pest Master appears to have the capability to provide the service requested. Some of its last services included but not limited are Austin Public Libraries, City of Round Rock, and Austin Convention Center.	Points 30 Comments Olivers Termite & Pest Control appear to have the capability to provide the service requested. The company is currently working with HACA, Division Texas Department of Transportation, and Reliable Property Management.
b. Cost effectiveness (20 points)	Points 15 Comments Kil A Bug is cost effective. The company has the 2nd highest bid at \$4K.	Points 1 Comments Pest Master is not cost effective. The company has the highest bid at 2.1 million.	Points 20 Comments Olivers Termite & Pest Control is cost effective. The company has the lowest bid at 78K.
c. Staff Qualifications and experience (15 points)	Points 15 Comments The staff at Kill a Bug has many years of experience. Currently all staff at Kill-A-Bug have a Commercial Certified Applicator License.	Points 15 Comments The staff at Pest Master has many years of experience. Currently all staff at Pest Master have a Commercial Certified Applicator License.	Points 12 Comments The staff at Olivers Termite & Pest Control has many years of experience. However in the Bid Proposal I didn't and Certification Attached.



<b>1. Participation by any of the following: Minority/Female owned (5)</b>	<b>Points</b> 5 <b>Comments</b> 100% minority owned business (African American)	<b>Points</b> 5 <b>Comments</b> Women owned	<b>Points</b> 5 <b>Comments</b> Oliver pest control is a 100% minority owned business (African American)
<b>c. Business/Resident Owned Business/Section 3 Contractor (15)</b>	<b>Points</b> 0 <b>Comments</b> NOT Section 3	<b>Points</b> 0 <b>Comments</b> NOT Section 3 Contractor	<b>Points</b> 15 <b>Comments</b> Section 3 Contractor. Two of the employees have been employed for more than 4 yrs. (6/2013 - 7/1992)
<b>f. Past Experience and performance (15 points)</b>	<b>Points</b> 15 <b>Comments</b> NO failures comments from Sec A	<b>Points</b> 15 <b>Comments</b> NO failures comments Section A	<b>Points</b> 15 <b>Comments</b> NO failures on completed work. Comments from Sec A.
<b>TOTAL</b>	<b>80</b>	<b>65</b>	<b>98</b>
<b>Evaluator</b> Cecelia Vargas	<b>Date</b> 4/21/17	<b>Date</b> 4/21/17	<b>Date</b> 4/21/17

Evaluation HACA-17-P-0216  
Integrated Pest Management Services  
March 30, 2017 2:00PM/CST

EVALUATION CRITERIA	Vendor #1 Kil-A-Bug	Vendor #2 Pest Master	Vendor #3 Olivers Termite & est Control
a. Demonstrated Capability to provide the services requested in the proposal (30 points)	Points <u>20</u> Comments HAS past exp. to provide services as requested. Contracts w/ Aca, Georgetown ISD & Walnut Creek Apartments previous HACA contract in 1981 what happened that we did not renew	Points <u>30</u> Comments Appears to have the experience, track record contracts City of Houston, Orange County, Austin Convention Center & Public Libraries Several exp. contracts	Points <u>30</u> Comments appears to have the capability to provide the services requested. current contracts (HACA, Peñoneros Etc). NO Data of HACA related contract. ALSO provides services to other Apartment complexes.
b. Cost effectiveness (20 points)	Points <u>15</u> Comments and Highest Bid @ 84K yr. cost effective	Points <u>0</u> Comments Not cost effective 2.1 million	Points <u>20</u> Comments Lowest Bid 78K per yr.
c. Staff Qualifications and experience (15 points)	Points <u>15</u> Comments org in 1974 Commercial Cert. Applicator Licen Se. HAS copy of license for all emp.	Points <u>15</u> Comments organized in 2006 Commercial Cert. applicator 11 years	Points <u>13</u> Comments In business since 1985 Current HACA contract NO certifications attached

Evaluation HACA-17-P-0216  
Integrated Pest Management Services  
March 30, 2017 2:00PM/CST

d. Participation by any of the following: Minority/Female owned (5)	Points 5	Comments Yes, minority owned.	Points 5	Comments Yes, female owned.	Points 5	Comments Yes, minority owned.
e. Business/Resident Owned Business/Section 3 Contractor (15)	Points 10	Comments Yes, one new hire is Section 3 qualified.	Points 0	Comments No Section 3 participation.	Points 15	Comments Yes, all three technicians are Section 3 qualified.
f. Past Experience and performance (15 points)	Points 15	Comments Owner has been in the business for 42 years. Has provided pest control services to Austin Community College, Georgetown ISD, and Walnut Creek Apartments.	Points 12	Comments Business organized in 2006 (over 10 years). Has government experience with City of Austin, City of Round Rock, and Ft Hood.	Points 15	Comments Owner has 30 years of experience. Provided a list of current/past contracts to include HACA.
TOTAL	89		52		96	
<div> <div>Evaluator Judy Paciocco</div> <div>Date 05/02/17</div> <div>recommended for ancillary services-bed bugs, fleas, wasps</div> <div>recommended for general pest control services</div> </div>						

Evaluation HACA-17-P-0216  
Integrated Pest Management Services  
March 30, 2017 2:00PM/CST

EVALUATION CRITERIA	Vendor #1 Kil-A-Bug	Vendor #2 Pest Master	Vendor #3 Olivers Termite & est Control
a. Demonstrated Capability to provide the services requested in the proposal(30 points)	<div>Points 28</div> <div>Comments</div> <p>Provided various applicator licenses. Has multi-family and commercial experience. Did not provide a list of products used for treatment.</p>	<div>Points 15</div> <div>Comments</div> <p>Provided various applicator licenses. Types of buildings not specifically stated, but a list of current and past contracts provided.</p>	<div>Points 28</div> <div>Comments</div> <p>Did not provide a list of current applicator licenses. Has multi-family, duplex, and commercial office building experience.</p>
b. Cost effectiveness (20 points)	<div>Points 16</div> <div>Comments</div> <p>\$84,180-2nd lowest bid.</p>	<div>Points 15</div> <div>Comments</div> <p>\$2,154,816-highest bid. Monthly and annual costs exceed that of the lowest bidder by 27 times. However, ancillary services for bed bugs, fleas and wasps are the lowest.</p>	<div>Points 18</div> <div>Comments</div> <p>\$78,597.60-lowest bid.</p>
c. Staff Qualifications and experience (15 points)	<div>Points 15</div> <div>Comments</div> <p>Owner has more than 40 years of experience and technicians range from 7 to 20 years with company.</p>	<div>Points 5</div> <div>Comments</div> <p>Not stated-just number of years the company has been in business (owner).</p>	<div>Points 15</div> <div>Comments</div> <p>Three technicians and owner. Technicians range from less than one year to 25 years with company.</p>

# EXHIBIT 4

## Statement of Bidder's Qualifications

1. Oliver Termite and Pest Control Inc.
2. 111 West Anderson Lane E-306 Austin Texas 78752
3. September 01, 1985
4. Bidder is Texas "C" Corporation
5. September 01, 1985
6. Black American 100% ownership
7. Under present name 30 years
8. Present HACA contract \$64,286.52
9. Complete Pest and Termite Control Services; Oliver Termite and Pest Control is a company that promote IPM, We have a form to help explain our views when it comes to educating our clients. Our beliefs are education comes first in any pest control services. When you educate your client then work together, it then helps keep the bldg free of insects while at the same time using the least amount of chemicals.
10. No Failures as of this time
11. Dexter & Company | 3601 Cedar Springs Road | Dallas TX 75219  
Phone: 214.526.5646 | Fax: 214.526.6926 [smccay@dexterinsurance.com](mailto:smccay@dexterinsurance.com)

**12. Pedernales Electric Cooperative (current)**

Procurement Specialist II; Tia Owens, CPP  
P. O. Box 1 Johnson City, Texas 78636  
888.554.4732 ext. 5075 | Fax: 830.868.4963  
**Monthly Pest Control Service; all locations**

**Division Texas Dept. of Transportation (current)**

Erasm (Sal) Salazar CTPM, CTPP Purchaser V, Services Section Procurement Phone: (210) 615-5955 Fax: (210) 615-5963 [sal.salazar@txdot.gov](mailto:sal.salazar@txdot.gov); **Monthly and Quarterly pest control Services**

**Reliable Property Management, Inc. (current)**

Bobbi Love Bookkeeper/ Asst. Manager RPM  
Phone 512-732-8388 [Bobbi@landlordaustin.com](mailto:Bobbi@landlordaustin.com) ; General pest control for all properties

**13. Housing Authority of the City of Austin (current)**

Nora Morales  
Director of Purchasing 1124 S. IH 35 Austin Texas 78704  
Office: (512) 477-1496 Ext. 2119 Fax: (512) 477-3979  
Email: [noram@hacanet.org](mailto:noram@hacanet.org) Webb: [www.hacanet.org](http://www.hacanet.org)

**Housing Authority of Travis Count (Past)**

Joanne Serrano  
Public Housing Manager  
502 E Highland Mall Blvd., Ste 106-B  
Austin, TX 78752

**Twelve Rivers Management; (Past)**

700 Rio Grande Ste 200 | Austin, TX 78701  
**Stephanie Gregg Email | O. 512.588.1453 | F. 512.394.5941**

**Goodwin Mgmt Inc. (current)**

Stan Malachowski

111149 Research Blvd # 100

[Stan.malachowshi@goodwintx.com](mailto:Stan.malachowshi@goodwintx.com)

512-502-7520

Multi-housing & single, duplex housing, office bldgs.

**Austin Vestors Mgmt. (current)**

Erika Penalosa

13785 N 183 Austin, Texas 78750

512-879-6060

[Erika@austinvestors.com](mailto:Erika@austinvestors.com)

Multi-housing; duplex housing; single family housing

**Hewlett Property Mgmt. (current)**

Rob Hewlett

P.O.Box 27995 Austin, Texas 78755

[Rob\\_hewlett@outlook.com](mailto:Rob_hewlett@outlook.com)

512-474-4100

Single family housing; multi-housing; duplex housing

**Apartment Management Professional (Current)**

**Sweetwaters; Lexington Hills; and The Oslo Apartments**

Rex Jones

5900 Southwest Pkwy Bldg#2 Ste.210 Austin, Texas 78735

512-288-8538

## **STATEMENT OF BIDDER'S QUALIFICATIONS**

1. Name of Bidder -- Kil-A-Bug (Owner) Arthur Bell
2. Permanent Main Office Address -- 2929 E. 12<sup>th</sup> St
3. When organized -- 1974
4. Bidder -- Sole Proprietor
5. Sole Proprietor
6. Minority ownership of the business -- Black owned business owner has 100%
7. Number of years in business -- 42 years
8. Contract in Progress -- N/A
9. General character of work performed by Kil-A-Bug -- Kil-A-Bug has always taken great pride in providing courteous, dependable, and affordable services for both Residential and commercial facilities. Kil-A-Bug is a member of the Better Business Bureau and has very high rating. No reports of unsatisfactory services.
10. Report on any failures to complete work if awarded -- NONE
11. Name and Address of bonding company and agent -- Please waive bonding for Kil-A-Bug
12. Three (3) currently completed projects
  1. Austin Community College  
901 Tuscany Way  
Austin, Texas  
Phone (512) 223-1020 Fax (512) 223-1030  
Email: [dcaraway@austincc.edu](mailto:dcaraway@austincc.edu)  
Contact Person: Donna Caraway  
Kil-A-Bug provides pest control services for all ACC facilities



2. **Georgetown Independent School District**  
603 Lakeway Dr.  
Georgetown, Texas  
Phone (512) 943-5129 Fax (512) 943-5128  
Email: [danek@georgetownisd.org](mailto:danek@georgetownisd.org)  
Contact Person: David Biesheuvel

**Kil-A-Bug provides pest control services for all Georgetown ISD locations**

3. **Walnut Creek Apartments**  
6405 Springdale Rd  
Austin, Texas  
Phone (512) 926-3697  
Email: [06042.manager@catstonemanagement.com](mailto:06042.manager@catstonemanagement.com)  
Contact Person: Noelia Esquivel

**Kil-A-Bug provides Bed Bug treatment for all Walnut Creek apartments on an as need basis.**

### **13. Previous Contracts –**

1. **HACA 1981**

2. **University of Texas Apartments**  
3501 Lake Austin Blvd  
Austin, Texas

Phone (512) 232-5299 Fax (512) 232- 5349

Email: [sasmith@austin.utexas.edu](mailto:sasmith@austin.utexas.edu)

Contact Person: Denise Zuniga

**Kil-A-Bug provided Pest control services for all apartments during the timeframe of 2009-2015.**

**3. University of Texas Division of Housing**

**P.O Box 7666**

**Austin, Texas**

**Phone (512) 475-9595 Fax (512) 471-9101**

**Email: early@austin.utexas.edu**

**Contact person: Rick Early**

**Kil-A-Bug provided Pest Control services for all Housing and  
Dorms during the timeframe of 2002 to 2014.**

**HOUSING AUTHORITY OF THE CITY OF AUSTIN  
BOARD OF COMMISSIONERS  
REGULAR BOARD MEETING**

**ACTION ITEMS**

**ITEM NO. 2**

**Presentation, Discussion and Possible Action regarding  
Resolution No. 2508: Approval of the Revision to the 2017  
PHA Annual Plan to incorporate the Disposition Activity for  
Lot 2 of Meadowbrook Courts**

**HOUSING AUTHORITY OF THE CITY OF AUSTIN**

**BOARD ACTION REQUEST**

**RESOLUTION NO. 2508**

**EXECUTIVE DEPARTMENT**

**MEETING DATE:** July 13, 2017

**STAFF CONTACT:** Judy Paciocco, Sr Director of Operations

**ITEM TITLE:** Presentation, Discussion and Possible Action of Resolution No. 2508: Approval of the Revision to the 2017 Public Housing Authority (PHA) Annual Plan to Incorporate the Disposition Activity for Lot 2 of Meadowbrook Courts

**BUDGETED ITEM:** N/A

**TOTAL COST:** N/A

**ACTION**

Motion to approve Resolution No. 2508: Authorizing the revision of the 2017 Public Housing Authority Annual Plan to incorporate language to describe the planned disposition activity for the Meadowbrook Courts property, Lot 2, and to transfer ownership of this land and building(s) to Austin Affordable Housing Corporation.

**SUMMARY**

**General Information:** As part of the ongoing conversion under the RAD program, HACA will submit a request to HUD's Special Applications Center for the retention of the Meadowbrook parcel of land and building(s) known as Lot 2, which contains a childcare facility independently operated and maintained by Mainspring School, a nonprofit preschool. This action, referred to by HUD as a disposition activity, will not displace any tenants or cause any disruption to the current activities of the daycare center. This action will allow HACA to transfer ownership to Austin Affordable Housing Corporation (AAHC), a nonprofit subsidiary of HACA, ensure the feasibility/maintenance of this property, and provide childcare to the most economically disadvantaged children through a long-term, forty (40) year restricted use agreement.

**Organizational Structure:** To begin the disposition process of the parcel associated with Meadowbrook Public Housing, HACA must revise its 2017 PHA Annual Plan. The proposed language has been incorporated into HACA's 2017 Annual Plan:

"HACA will submit an application to the HUD Special Applications Center for the disposition of Lot 2 of the Meadowbrook Courts Development. This lot is comprised of 1.156 acres and contains non-dwelling building(s) that house a childcare facility independently operated and maintained by Mainspring School, a nonprofit preschool. Approval of disposition will separate Lot 2 from the Meadowbrook Courts property, thereby creating two distinct parcels. HACA would continue to have retention of title, through the conveyance of this property to Austin Affordable Housing Corporation, a nonprofit subsidiary of HACA. Through this disposition request, HACA ensures the use of the non-dwelling building(s) will continue to serve and support low-income families through a long-term, forty year restricted use agreement to provide childcare and preschool services to the most economically disadvantaged children including HACA families. No displacement to the families residing at Meadowbrook and no disruption to the current business activities of the Mainspring School will occur as a result of this disposition. HACA will seek

board approval to submit the application at the July 13, 2017 Board of Commissioners meeting and complete the application process by July 21, 2017."

***Public Comment:*** A forty-five day public comment period was held May 26, 2017- July 10, 2017 to receive public input. A public hearing was held on June 13, 2017 in conjunction with the Public Housing Resident Citywide Advisory Board meeting. A copy of the public comments received has been attached. Additionally, HACA has not received any written comments as of July 6, 2017.

#### **EXHIBITS**

Exhibit 1: Executive Summary of revision to the 2017 PHA Annual Plan

Exhibit 2: Pages 22-23 of HACA 2017 PHA Plan

Exhibit 3: Plat Map of Meadowbrook, Lot 2 highlighted

Exhibit 4: Pictures of Mainspring Childcare Center

Exhibit 5: June 13, 2017 Public Hearing and Meadowbrook Resident Council Comments and Sign-In Sheets

**RESOLUTION NO. 2508**

**Approval of the Revision to the 2017 Public Housing Authority (PHA) Annual Plan to incorporate the Disposition Activity for Lot 2 of Meadowbrook Courts**

**WHEREAS**, on December 15, 2016, the Housing Authority of the City of Austin Board of Commissioners approved and adopted the 2017 Public Housing Authority (PHA) Annual Plan;

**WHEREAS**, HACA intends to submit a disposition application to the U.S. Department of Housing and Urban Development (HUD) Special Applications Center regarding Lot 2 of Meadowbrook Courts;

**WHEREAS**, HUD requires that any disposition activities be included in the PHA Plan;

**WHEREAS**, HACA has made a proposed revision to the 2017 PHA Annual Plan to incorporate the following language:

"HACA will submit an application to the HUD Special Applications Center for the disposition of Lot 2 of the Meadowbrook Courts Development. This lot is comprised of 1.156 acres and contains non-dwelling building(s) that house a childcare facility independently operated and maintained by Mainspring School, a nonprofit preschool. Approval of disposition will separate Lot 2 from the Meadowbrook Courts property, thereby creating two distinct parcels. HACA would continue to have retention of title, through the conveyance of this property to Austin Affordable Housing Corporation, a nonprofit subsidiary of HACA. Through this disposition request, HACA ensures the use of the non-dwelling building(s) will continue to serve and support low-income families through a long-term, forty year restricted use agreement to provide childcare and preschool services to the most economically disadvantaged children including HACA families. No displacement to the families residing at Meadowbrook and no disruption to the current business activities of the Mainspring School will occur as a result of this disposition. HACA will seek board approval to submit the application at the July 13, 2017 Board of Commissioners meeting and complete the application process by July 21, 2017,"

**WHEREAS**, HACA commenced a 45-day public notification period, May 26, 2017- July 10, 2017, posted a notice with both the County and the City, advertised a notice through the local media, and sent notices of the revision to the HACA Citywide Advisory Board and Meadowbrook Courts residents;

**WHEREAS**, HACA also conducted a public hearing with the HACA Citywide Advisory Board on June 13, 2017 and the Meadowbrook Resident Council on June 27, 2017 to obtain comments regarding the revision to the 2017 PHA Annual Plan and HACA's intent to submit a disposition application for Lot 2 of the Meadowbrook Courts;

**WHEREAS**, HACA has completed the requirements to revise and submit the 2017 PHA Annual Plan to the U.S. Department of Housing and Urban Development for final approval and adoption;

**Now, therefore, it is hereby**

**RESOLVED**, the Housing Authority of the City of Austin Board of Commissioners approves and adopts the revision to the agency's 2017 PHA Annual Plan and incorporates the Disposition Activity for Lot 2 of Meadowbrook Courts.

Passed, Approved and Adopted this 13th day of July, 2017.

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**Michael G. Gerber, Secretary**

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**Carl S. Richie, Jr., Chairperson**

# EXHIBIT 1

# Housing Authority of the City of Austin

*Established in 1937*

## Revision to 2017 PHA Annual Plan Executive Summary

Per PIH Notice 2015-18, the template for the 2017 PHA Plan has changed to a streamlined version, as HACA is a high-performing agency.

### Revision to the 2017 Annual Plan version 2

Page	Section	Changes
Page 22-23	Demolition and/or Disposition	<p><b>Change:</b> Added language for HACA to submit an application to the U.S. Department of Housing and Urban Development to bifurcate Lot 2 from the Meadowbrook Public Housing property and convey ownership to HACA's nonprofit, Austin Affordable Housing Corporation.</p> <p><b>Rationale:</b> Through this disposition request, HACA ensures the use of the non-dwelling building(s) will continue to serve and support low-income families through a long-term, forty year restricted use agreement to provide childcare and preschool services to the most economically disadvantaged children including HACA families.</p>



# EXHIBIT 2

\*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.

As part of the Rental Assistance Demonstration (RAD), HACA is redefining the definition of a substantial deviation from the PHA Plan to exclude the following RAD-specific items per PIH Notice 2012-32, Rev-2:

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

### New Activities.

(a) Does the PHA intend to undertake any new activities related to the following in the PHA's current Fiscal Year?

Y N

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Hope VI or Choice Neighborhoods.   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Mixed Finance Modernization or Development. (See Conversion of Public Housing under RAD)                               |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Demolition and/or Disposition.   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Conversion of Public Housing to Tenant Based Assistance.   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Conversion of Public Housing to Project-Based Assistance under RAD.  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Project Based Vouchers.  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Units with Approved Vacancies for Modernization.   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Other Capital Grant Programs (i.e., Capital Fund Community Facilities Grants or Emergency Safety and Security Grants). |

(b) If any of these activities are planned for the current Fiscal Year, describe the activities. For new demolition activities, describe any public housing development or portion thereof, owned by the PHA for which the PHA has applied or will apply for demolition and/or disposition approval under section 18 of the 1937 Act under the separate demolition/disposition approval process. If using Project-Based Vouchers (PBVs), provide the projected number of project based units and general locations, and describe how project basing would be consistent with the PHA Plan.

### Demolition and/or Disposition

HACA currently operates 22 scattered site homes as part of our public housing inventory. In Fiscal Year 2016-2017, HACA will consider the disposition of these homes at Fair Market Value and use the net proceeds of sales for gap funding to finance extensive renovations as HACA continues its RAD transition, or alternatively, an application for the disposition of these scattered site homes under Section 32 of HUD's Homeownership Program. Should HACA proceed with the latter option, HACA will request HUD approval to transfer these homes into Equity Community Land Trust (CLT) to be placed in HACA's Homeownership Program. Regardless of which option HACA pursues, each scattered site tenant will have the First Right of Refusal to purchase their unit. Those tenants not interested or not able to purchase their unit may be offered a tenant protection voucher to move to suitable alternate housing.

Additionally, HACA received the final approval for both the demolition/disposition of the Rio Lado (TX 20) Apartments. The apartments were removed from the HUD PIC system and razed in September 2016. HACA is working with the HUD field office for the release of the Declaration of Trust.

HACA will submit an application to the HUD Special Application Center for the disposition of Lot 2 of the Meadowbrook Courts Development. This lot is comprised of 1.156 acres and contains non-dwelling building(s) that house a childcare facility independently operated and maintained by Mainspring School, a nonprofit preschool. Approval of disposition will separate Lot 2 from the Meadowbrook Courts property, thereby creating two distinct



parcels. HACA would continue to have retention of title, through the conveyance of this property to Austin Affordable Housing Corporation, a nonprofit subsidiary of HACA. Through this disposition request, HACA ensures the use of the non-dwelling building(s) will continue to serve and support low-income families through a long-term, forty year restricted use agreement to provide childcare and preschool services to the most economically disadvantaged children including HACA families. No displacement to the families residing at Meadowbrook and no disruption to the current business activities of the Mainspring School will occur as a result of this disposition. HACA will seek board approval to submit the application at the July 13, 2017 Board of Commissioners meeting and complete the application process by July 21, 2017.

### **Conversion of Public Housing under Rental Assistance Demonstration (RAD) Program**

HACA is firmly committed to improving the quality of life for its residents and providing deeply affordable housing to extremely low to moderately low income individuals and families. Through the Rental Assistance Demonstration (RAD) program, HACA will continue to own its properties and provide its residents with expanded choices and opportunities. HACA will also have the ability to evaluate and immediately address many needed capital improvements and provide additional amenities currently not offered in its public housing portfolio. HACA will continue to serve the same population, provide workforce development, health & wellness, and educational programs/assistance, as well as access new funding sources for property and amenity improvements. The RAD program offers HACA an opportunity to transition from its current public housing funding platform to a more stable, predictable and sustainable funding source, the Project Based Rental Assistance (PBRA) program, administered by HUD. The same families who are eligible today for public housing will be eligible for the PBRA program.

HACA currently has 1,839 units of traditional public housing. For the past 15 years, HACA has achieved a High Performer designation in the operations of our public housing program. Due to ongoing federal budget cuts and the implications of those cuts for public housing authorities across the country, HACA submitted applications/reservations in December of 2013 for the entire public housing portfolio to be entered onto the Rental Assistance Demonstration program waiting list. The RAD program provides the authority to convert various housing programs to long-term project-based Section 8 rental assistance and serve as a tool in addressing the large capital needs of public housing by providing HACA with access to private sources of capital to repair and preserve its affordable housing assets. More specifically, this program may allow HACA the ability to address needed capital improvements and offer additional amenities, including safety improvements, air conditioning, electrical and plumbing system upgrades, interior and exterior renovations, site enhancements, and grounds and landscaping for greater accessibility for families, persons with disabilities and others with special needs.

It is for all of these reasons that RAD is more than just another HUD program. HACA refers to the RAD program as "PIC" – Protections, Improvements and Choice, because that more accurately reflects the impact of this program on the lives of HACA residents.

Through RAD, HACA residents receive "Protections":

- Affordable rent based on their ability to pay (30% of their adjusted household income)
- A fair and effective lease (Using the HUD Model Lease)
- HUD and HACA's commitment to provide safe, decent and affordable housing in Austin for 40 years by signing a 20 year Housing Assistance Payment (HAP) contract with automatic 20 year renewal
- A Resident Protection Team (established by HACA) to assist residents through the entire process of conversion, rehabilitation, temporary relocation and return to their improved unit.

HACA residents will see significant "Improvements" to the properties and their quality of life through:

- Improved living spaces (new appliances, new flooring, new kitchens, new bathrooms)
- Improved properties (playground covers, security cameras, improved lighting, new landscaping)
- Improved education, employment, health and wellness opportunities through quality and impactful resident services

HACA residents have new "Choices" which will give them more control of their lives, including:

- Choice over where to live through site-based waiting lists
- Opportunities to receive a Housing Choice Voucher through Choice Mobility and open their housing options to properties throughout the city and nation.

# EXHIBIT 3





Commercial Real Estate  
Due Diligence Management  
19485 South Avington Rd Suite E#183  
Muron, OH 44312  
666.290.8121  
[www.amaa.net](http://www.amaa.net)

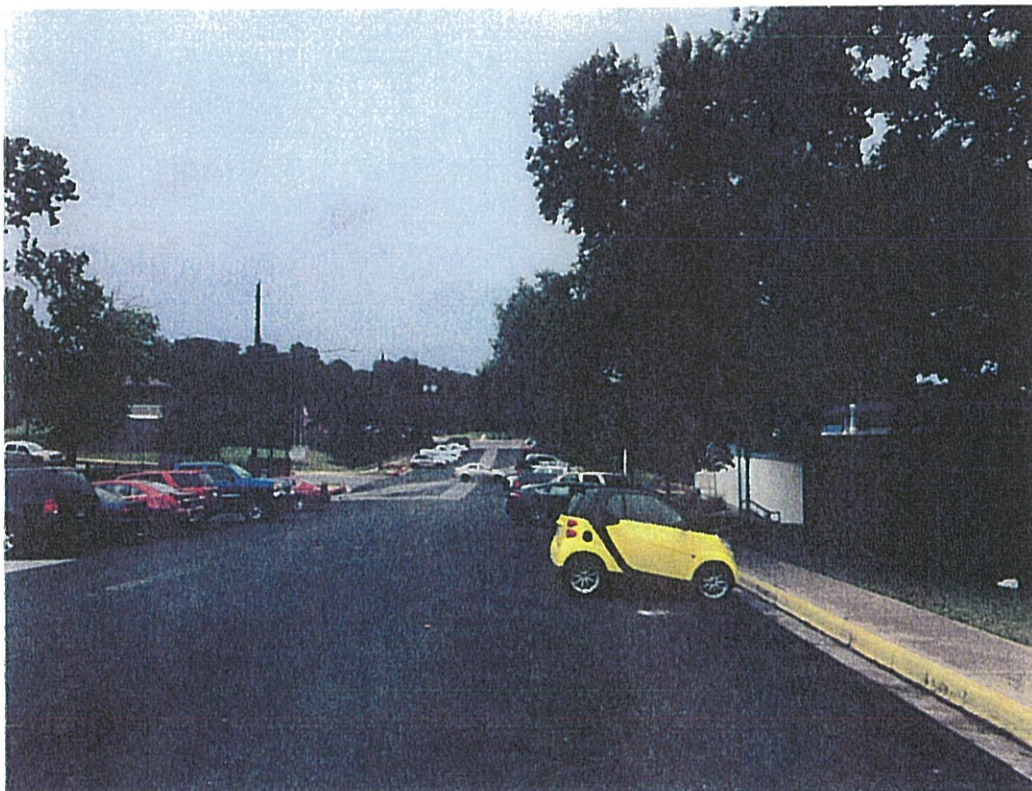
### STANDARD LEGEND

[illegible]

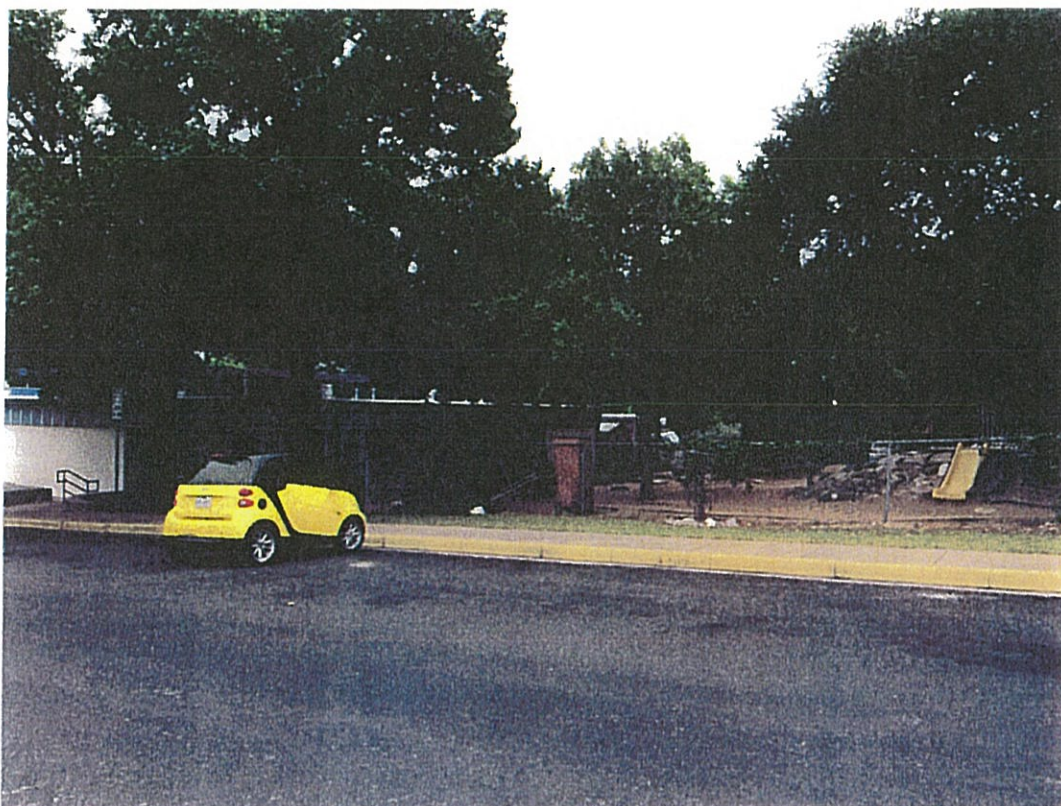
MEASURED			RECORD		
LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
11	N 28° 50' 52" E	111.60'	11	S 39° 50' 00" W	111.60'
12	S 64° 56' 23" E	277.76'	12	S 62° 24' 20" E	277.76'
13	N 125° 53' 20" E	77.94'	13	S 77° 56' 39" W	60.00'
14	N 64° 56' 23" W	333.60'			

# EXHIBIT 4











# EXHIBIT 5

Public Hearing for Disposition Application for  
1100 W Live Oak 78704, Lot 2 of Meadowbrook Public Housing  
HACA Citywide Advisory Board Meeting  
Held at Booker T. Washington Apartments  
905 Bedford Austin, TX 78702  
June 13, 2017 at 10:00 AM

Judy Paciocco, Sr Director of Operations, presented to the Citywide Advisory Board and opened the Public Hearing to discuss the disposition application for the bifurcation and transfer of the ownership of Lot 2 and all buildings located at 1100 W. Live Oak to HACA's nonprofit, Austin Affordable Housing Corporation. A letter was provided to all Citywide Advisory Board members advising of HACA's planned activity along with the language incorporated in the 2017 PHA Annual Plan.

Rachel Martinez, President of the CWAB, asked if there is anything that the residents need to do? By attending the public hearing, asking questions and showing your support for this action by sending a letter to HACA are ways to help HACA with application process.

**Alice Merida, Gaston Place resident, asked if the daycare at Meadowbrook is located at the corner of the property and does HACA want to buy the property?**

Yes, this is the property that HACA wants to ask HUD to transfer the property to Austin Affordable Housing Corporation as a public benefit at no cost. The daycare is comprised of 30% Meadowbrook children and open to the public for disadvantage children. HACA will not profit off the exchange of this property as the costs to maintain the property are more than the lease.

**Lupe Garcia, Santa Rita resident, asked will HACA take over the daycare and employ the workers or just take over the property?**

HACA will only own the land and the buildings. It will not oversee the operations of the daycare.

**Alice Merida, Gaston Place resident, asked will there be any fees for the children attending the daycare?**

HACA does not operate the daycare center, but the daycare center uses a sliding scale and accepts other programs to pay for child care fees.

**Da'Monica Ivory, case manager with the Austin Area Urban League, asked after the 45-day public comment period what is the timeframe to receive approval from HUD?** The approval process should take between 30-60 days after the application has been submitted to the HUD Special Applications Center. It most likely will take as long as 60 days.

**City-Wide Advisory Board Meeting  
Tuesday, June 13, 2017  
10:00 AM – Booker T. Washington**

**Welcome to Booker T. Washington – Jim Merschdorf, Property Manager**

Meeting called to order by Rachel Martinez, City-Wide Advisory Board President

- Pledge of Allegiance
- Moment of silence
- Review and approval of May 2017 CWAB minutes- Alice Merida

**CWAB President's Report - Rachel Martinez**

**Introduction of new staff – Eileen Schrandt**

**Presentation - Judy Paciocco, Senior Director of Operations**

***Public Hearing: Bifurcation of Properties at Meadowbrook (TX4) to Separate Property Currently Offering Childcare/Early Childhood Education***

- Purpose
- Public Comments

**-Pilar Sanchez - Vice President of Housing Operations & Community Development**

- RAD Updates
- General Housing Operations and Community Development Updates

**-Michael Roth - Director of Housing Operations and Policy**

- Tenant Selection Plans – Policy Changes

**-Linelle Clark-Brown - Grants Manager**

- CWAB Strategic Planning Session – June 21, 2017
- Recent Grants Received

**-Felisa Jones – Youth Educational Success Manager**

- Summer YES Programming
- YES Newsletter & Distribution

**-Tiffany Middleton – Jobs Plus Lead Career Coach**

- Jobs Plus Conference Update
- Programming Updates

**-Eileen Schrandt, HACA Director of Community Development**

- Scholarship Ceremony – July 7, 2017 – 12:30 PM @ Booker T. Washington
- Planning for Back-To-School Events – Tentative Dates
  - Monday, July 31<sup>st</sup> – Friday, August 4<sup>th</sup>
  - Monday, August 7<sup>th</sup> – Friday, August 11<sup>th</sup>
- YES Incentive Trip planning – Thursday, August 3<sup>rd</sup>
- I-DADS Update
- Other, as needed

**Property Reports – New, innovative or special programming offered at your property**

*Old business?*

*New business for next month's agenda?*

**Meeting adjourned / Refreshments Served**

# SIGN IN

- ① Dominique HACA STAFF 512 619 6642
- 2 Ben Lobo "
- 3 ~~Monica (Jules)~~ HALL (512) 478-7176
- 4 Denise Bolens HALL "
- 5 M D
- 6 Larry Williams Lakeside
- 7 Felicia Vargas Boudin Oaks 512 470-8853
- 8 Nancy Lange Lakeside 512-762-7863
- 9 Malinda Douglas Thurmond 512 803-4795
- 10 Michael R. Medeiros Ross Spec.-Santa Rita 512 773-0682
- 11 Luce Garcia President-Santa Rita 512 626 7262
- 12 Dan Morgan Lakeside 512 952 0645
- 13 Grace Robinson Lakeside 512-545-5794
- 14 Mary Gonzalez HACA (512) 6981585
- 15 Murphy Roland Haca staff 512 6213105
- 16 Evelyn Halman HACA 512-76-7753
- 17 Crystal James HACA
- 18 Keycie Roberts North Gate
- 19 Floyd Lakee North Gate (512-300-0685)
- 20 Alvin Menda Easton Place 737-529-2021
- 21 Gabriela Geobedo 1 (512) 903-5404
- 22 Helma Lannick North Loop (512) 302-4234
- 23 Bill Albrecht N. H. L. 112 962 5490
- 24 MARIE JACKSON NORTH LOOP 512 945 0319
- 25 Kelisa Jones HACA 512 767 7825
- 26 Quynh Soto Lakeside 512-588-0689

28 Maricela Nunez 512-662-6645

29 Aurora Soto Tijerina 512-888-0685

30 Michael Roz J HACA Staff 512-767-7638

31 Jesse R. Austin (512) 521-2443

32 Lucille Randle (512) 480-0112

33 Pilar Sanchez 512-709-2053

Meadowbrook Resident Council Meeting

1201 W. Live Oak Austin, TX 78704

June 27, 2017 at 1:30PM

Discussion of the Disposition of 1100 W Live Oak Austin, TX 78704  
Lot 2 of Meadowbrook Public Housing

Judy Paciocco, Sr Director of Operations for the Housing Authority of the City of Austin, presented to the Meadowbrook Resident Council the proposed disposition application for the bifurcation and transfer of the ownership of Lot 2 and all buildings located at 1100 W. Live Oak to HACA's nonprofit, Austin Affordable Housing Corporation. All residents of the Meadowbrook Public Housing property were mailed a letter advising of HACA's planned activity along with the language incorporated in the 2017 PHA Annual Plan.

**No questions were asked by the attendees at the Meadowbrook Resident Council meeting.**

# MeadowBrook

June 27, 2017

Time:

Name	Phone	Email	Property
1. Blanca Resto	(512) 217-5972	crazylovesu-bro@gmail.com	
2. Ernesto Resto	(737) 203-2149	zeroboricuas76@gmail.com	
3. Claudia Gonzalez	(737) 802-0680		meadowbrook
4. Catherine Padua	512-783-4422	cdm568@yahoo.com	Meadowbrook
5. Julia Camarero	512) 368 1854	<del>camarero</del> <del>camarero</del> <del>camarero</del>	Meadowbrook
6. Maria Isabel Santana	512 774-1614		Meadowbrook
7. Pa Suarez			Property Manager
8. Judy P			
9. Dominique Sem			ROSS Special
10.			
11.			
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**HOUSING AUTHORITY OF THE CITY OF AUSTIN  
BOARD OF COMMISSIONERS  
REGULAR BOARD MEETING**

**ITEM NO. 3**

**Presentation, Discussion and Possible Action regarding  
Resolution No. 2509: Approval to Submit a Disposition  
Application for Lot 2 of the Meadowbrook Courts located at  
1100 Live Oak Austin, Tx 78704 to the U.S. Department of  
Housing and Urban Development for the Conveyance of  
Ownership to Austin Affordable Housing Corporation**



**HOUSING AUTHORITY OF THE CITY OF AUSTIN**

**BOARD ACTION REQUEST**

**RESOLUTION NO. 2509**

**EXECUTIVE DEPARTMENT**

**MEETING DATE:** July 13, 2017

**STAFF CONTACT:** Judy Paciocco, Sr Director of Operations

**ITEM TITLE:** Presentation, Discussion and Possible Action of Resolution No. 2509: Approval to Submit a Disposition Application for Lot 2 of the Meadowbrook Courts located at 1100 Live Oak Austin, Tx 78704 to the U.S. Department of Housing and Urban Development for the Conveyance of Ownership to Austin Affordable Housing Corporation

**BUDGETED ITEM:** N/A

**TOTAL COST:** \$1.00

**ACTION**

Motion to approve Resolution No. 2509: Approval to Submit a Disposition Application for Lot 2 of the Meadowbrook Courts located at 1100 Live Oak Austin, Tx 78704 to the U.S. Department of Housing and Urban Development for the Conveyance of Ownership to Austin Affordable Housing Corporation

**SUMMARY**

**General Information:** As per Resolution 2508, HACA will submit a request to HUD's Special Applications Center for the retention of the Meadowbrook parcel of land and building(s) known as Lot 2, which contains a childcare facility independently operated and maintained by Mainspring School, a nonprofit preschool. This action, referred to by HUD as a disposition activity, will not displace any tenants or cause any disruption to the current activities of the daycare center. This action will allow HACA to transfer ownership to Austin Affordable Housing Corporation (AAHC), a nonprofit subsidiary of HACA, ensure the feasibility/maintenance of this property, and provide childcare to the most economically disadvantaged children through a long-term, forty (40) year restricted use agreement.

**Organizational Structure:** To meet the specific requirements to remove this property from HUD's public housing portfolio, HACA must be compliant with Chapter 24 Code of Federal Regulations Part 970 and receive resident participation, request/receive acknowledgement from a local government official that the disposition of this property is in accordance with the consolidated plan and meets approval, receive a fair market value appraisal and conduct an environmental review of all the affected land and building (s). Additionally, HACA must revise its 2017 Annual Plan to reflect to all planned disposition activity. HACA must receive board approval to submit a disposition application to the U.S. Department of Housing and Urban Development Special Applications Center acknowledging that all requirements have been met. HACA must also specifically state in a board resolution the type of sale or lease it will be requesting. For this property, HACA will request a sale of less than fair market value at \$1.00 to ensure the commensurate public benefit continues to serve Meadowbrook residents and other low income families. The Aegis Group, Inc appraised the property at \$1,040,000.

***Public Comment:*** A public hearing was held on June 13, 2017 in conjunction with the Public Housing Resident Citywide Advisory Board meeting. A copy of the public comments received has been attached. Additionally, HACA has received a letter of support for the disposition activity from the City of Austin Neighborhood and Community Development and is expecting a support letter from the Mayor of the City of Austin.

#### **EXHIBITS**

Exhibit 1: Letter(s) of Support from Local Government Officials

Exhibit 2: Cover Letter from Aegis Group

**RESOLUTION NO. 2509**

**Approval to Submit a Disposition Application for Lot 2 of the Meadowbrook Courts located at 1100 Live Oak, Austin, Tx 78704 to the U.S. Department of Housing and Urban Development for the Conveyance of Ownership to Austin Affordable Housing Corporation**

**WHEREAS**, HACA will submit an application to the U.S. Department of Housing and Urban Development (HUD) Special Applications Center for the disposition of Lot 2 of the Meadowbrook Courts Public Housing property (AMP4/TX001004) located at 1100 W. Live Oak, Austin, TX 78704 to create two distinct parcels,

**WHEREAS**, Lot 2 is comprised of 1.156 acres and contains non-dwelling building(s) that house a childcare facility independently operated and maintained by Mainspring School, a nonprofit preschool,

**WHEREAS**, through the conveyance of title for Lot 2 of Meadowbrook Courts property to Austin Affordable Housing Corporation, a nonprofit subsidiary of HACA, this action will ensure the use of the land and non-dwelling building(s) will continue to serve and support low-income families through a long-term, forty year restricted use agreement to provide childcare and preschool services to the most economically disadvantaged children including HACA families,

**WHEREAS**, the action will cause no displacement to the families residing at Meadowbrook Courts and no disruption to the current business activities of the Mainspring School will occur as a result of this disposition,

**WHEREAS**, a Public Hearing was held with the HACA Citywide Advisory Board on June 13, 2017 and a meeting was held with the Meadowbrook Resident Council on June 27, 2017 to present and obtain comments regarding the disposition process to include the incorporation of additional language to the 2017 Public Housing Authority Annual Plan and proposed disposition application for Lot 2 of the Meadowbrook Courts,

**WHEREAS**, HACA has completed an environmental review of the parcel, conducted an appraisal of the property, held a 45-day public comment period, and consulted with local government officials and received support of the disposition activity,

**WHEREAS**, to convey the ownership of Lot 2 to Austin Affordable Housing Corporation, HACA will ask for the release of the Declaration of Trust and sell the parcel for a Less than Fair Market Value of \$1.00 to ensure the commensurate public benefit of the property remains to serve and support low-income families through a long-term, forty year restricted use agreement to provide childcare and preschool services to the most economically disadvantaged children including HACA families,

**Now, therefore, it is hereby**

**RESOLVED**, the Housing Authority of the City of Austin Board of Commissioners approves the submission of an application of disposition for the property located at 1100 W. Live Oak, Austin, TX 78704 and authorizes the request to sell the parcel at Less than Fair Market Value of \$1.00 to HACA's nonprofit subsidiary, Austin Affordable Housing Corporation.

Passed, Approved and Adopted this 13th day of July, 2017.

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**Michael G. Gerber, Secretary**

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**Carl S. Richie, Jr., Chairperson**

# EXHIBIT 1



# City of Austin

## Neighborhood Housing and Community Development

P.O. Box 1088, Austin, TX 78767-1088

(512) 974-3100 • Fax: (512) 974-3112 • [www.cityofaustin.org/housing](http://www.cityofaustin.org/housing)

June 20, 2017

Michael Gerber  
President & CEO  
Housing Authority of the City of Austin  
1124 South IH-35  
Austin, Texas 78704

RE: Letter of Support for the Disposition of Lot 2 of Meadowbrook Courts to include all building(s) that house Mainspring School

Dear Mr. Gerber:

The City of Austin is in receipt of your June 7, 2017 letter regarding the Housing Authority of the City of Austin (HACA)'s intent to submit an application for the disposition of Lot 2 of Meadowbrook Courts to include all building(s) that house Mainspring School.

It is the City of Austin's understanding that all residents of public housing were properly notified and there will be no displacement of any Meadowbrook residents and no disruption to the current business activities of the Mainspring School. It is also the City of Austin's understanding that the conveyance of this property to Austin Affordable Housing Corporation, a subsidiary of HACA, will ensure the preservation of this property to remain as a daycare for the economically disadvantaged families in our community through a long-term, forty year restricted use agreement.

It is the City of Austin's understanding that HACA has made and posted the proposed revision to its 2017 Public Housing Authority (PHA) Annual Plan to reflect its intent to apply for the disposition of only Lot 2 of Meadowbrook Courts which encompasses strictly the land and building(s) associated with the Mainspring School.

The City of Austin recognizes the importance of this action by HACA to preserve the use of this land and building(s) for the purpose of providing high, quality affordable childcare, and preschool services to low-income families of Austin. This proposal is in accordance with the City's FY 2014-2019 Consolidated Plan which outlines funding priorities for high priority need areas: Homeless/Special Needs Assistance, Renter Assistance, Homebuyer Assistance, Homeowner Assistance, Housing Development Assistance, Small Business Assistance, Neighborhood and Commercial Revitalization and Financial Empowerment Assistance. All of these funding priorities serve very-low, low-and moderate-income households. These special needs populations include: seniors, persons with disabilities, persons experiencing homelessness and at risk for homelessness, persons living with HIV/AIDS, at risk children and youth, victims of domestic violence, housing authority residents, and persons returning to the community from correctional institutions and/or with criminal histories.

Page 2

Letter of Support for the Disposition of Lot 2 of Meadowbrook Courts to include all building(s) that house Mainspring School

Based on the City's FY 2014-2019 Consolidated Plan outlined funding priorities that serve special needs populations, the City of Austin fully supports HACA's proposed disposition of only Lot 2 of the Meadowbrook Courts.

Should you have any questions, please contact me at (512) 974-3100.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R. Truelove', with a stylized flourish at the end.

Rosie Truelove, Interim Director  
Neighborhood Housing and Community Development Office

# EXHIBIT 2

## THE ÆGIS GROUP, INC.

### REAL ESTATE APPRAISAL & CONSULTING

---

4926 Spicewood Springs Road, Suite 101, Austin, Texas 78759  
(512) 346-9983 FAX (512) 343-6553  
info@aegisgroupinc.com

June 13, 2017

Ms. Judy Paciocco  
Senior Director of Operations  
Housing Authority of the City of Austin  
1124 South IH-35  
Austin, TX 78704

RE: Daycare center located at 1100 West Live Oak Street in Austin, Travis County, Texas.

Dear Ms. Paciocco:

At your request, I personally inspected and appraised the above-referenced property. The purpose of my analysis was to develop an opinion of the market value of the subject in its current "as is" condition. I understand the use of this appraisal is to assist in the potential sale and leaseback of the subject.

This appraisal report was prepared in accordance with the requirements of Standard Rule 2-2(a) of the *Uniform Standards of Professional Appraisal Practice*, as well as with the standards of the Appraisal Institute.

"Market value means the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. Buyer and seller are typically motivated;
2. Both parties are well informed or well advised, and acting in what they consider their own best interests;
3. A reasonable time is allowed for exposure in the open market;
4. Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
5. The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale."<sup>1</sup>

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<sup>1</sup> Federal Register, Vol. 55, No. 165, Friday, August 24, 1990, Rules and Regulations, 12-CFR Part 34.42(g).



Ms. Judy Paciocco  
June 13, 2017  
Page 2

Based upon a thorough analysis of the subject property and the pertinent market data, it is my opinion that the market value of the subject's fee simple interest, considering the subject in its current "as is" condition, as of May 31, 2017, is as follows:

**ONE MILLION FORTY THOUSAND DOLLARS**  
**(\$1,040,000)**

Should you have any questions regarding the contents of this appraisal, please feel free to contact my office.

Respectfully submitted,

**THE ÆGIS GROUP, INC.**

A handwritten signature in black ink, appearing to read 'CG Goddard', written over a horizontal line.

Chad Goddard, MAI  
State Certified General Real Estate Appraiser  
No. TX-1320546-G

**HOUSING AUTHORITY OF THE CITY OF AUSTIN  
BOARD OF COMMISSIONERS  
REGULAR BOARD MEETING**

**ITEM NO. 4**

**Presentation, Discussion and Possible Action regarding Resolution No. 2510: Approval to submit an Amendment to the Disposition Application DDA0003968 to Request the Disposition of 1640 A & B East 2nd Street and to ground lease 1640 A & B East 2nd Street to Pathways at Chalmers Courts, LLP at Less than Fair Market Value for the Creation of Additional Affordable Housing Units**

**HOUSING AUTHORITY OF THE CITY OF AUSTIN**

**BOARD ACTION REQUEST**

**RESOLUTION NO. 2510**

**EXECUTIVE DEPARTMENT**

**MEETING DATE:** July 13, 2017

**STAFF CONTACT:** Judy Paciocco, Sr Director of Operations

**ITEM TITLE:** Discussion and Adoption of Resolution No. 2510: Approval to submit an Amendment to the Disposition Application DDA0003968 to Request the Disposition of 1640 A & B East 2nd Street and to ground lease 1640 A & B East 2nd Street to Pathways at Chalmers Courts, LLP at Less than Fair Market Value for the Creation of Additional Affordable Housing Units

**BUDGETED ITEM:** Yes, with the fee structuring of the 4 % tax credit transaction

**TOTAL COST:** \$10.00 per annum for 75 years

**ACTION**

Motion to approve Resolution No. 2510: Authorizing the Housing Authority of the City of Austin submit an Amendment to the Disposition Application DDA0003968 to Request the Disposition of 1640 A & B East 2nd Street and to ground lease 1640 A & B East 2nd Street to Pathways at Chalmers Courts, LLP at \$10.00 per annum for 75 years for the Creation of 80 or more additional Affordable Housing Tax Credit Units

**SUMMARY**

**General Information:** The Housing Authority of the City of Austin (HACA) originally submitted an application to the U.S. Department of Housing and Urban Development's Special Applications Center (SAC) for the disposition of 1640 A & B East 2nd Street (TX001 AMP 29) in September 2013 under 24 CR 970.9 (b) (3) (v) with a stipulated commensurate public benefit that these properties will serve to benefit (Public Housing) residents by leasing space to local non-profits at no cost or below fair market rents to provide an array of social services in one location to serve the needs of HACA's residents and other low-income families. Since that time, HACA has leased these buildings to multiple nonprofits at "below market" rents to Accesible Housing Austin! (formerly ADAPT), Ascend Learning Center, ECHO, Austin Tenants Council and Mobile Loaves and Fishes/HAND. The application abd use provisions were approved by the SAC in September 2009.

**Organizational Structure:** HACA is seeking approval to amend the current use provisions stipulated on the original SAC application in order to allow Pathways at Chalmers Courts to utilize this land to create additional affordable housing in a rapidly gentrifying area of Austin. This project is the first phase of a master plan to redevelop Chalmers Courts (AMP1/TX00101), which was issued its Commitment to enter into a Housing Assistance Payments Contract (CHAP) in October 2016, as part of a Rental Assistance Demonstration (RAD) conversion. Pathways at Chalmers Courts will create the development of 80 or more additional units by utilizing the 4% low-income housing tax credit (LIHTC) program. HACA's proposed ground lease of both parcels of land to Pathways at Chalmers Courts is \$10 per annum for 75 years.

***Public Comment:*** Staff has conferred with both the local HUD field office and the Special Applications Center regarding this action. Per HUD, the required action necessary for this change to occur is to seek board approval regarding the change in the commensurate public benefit to request the disposition of the properties located at 1640 A & B East 2<sup>nd</sup> Street comprised of 2.1508 acres with a new commensurate public benefit to develop 80 or more additional affordable housing units by utilizing the low-income housing tax credit (LIHTC) program for the creation of Phase I of Pathways at Chalmers Courts, LLP per 24CFR970.19 (e)(2)(i) and to ground lease these properties to Pathways at Chalmers Courts, LLP at a negotiated lease of \$10.00 per annum for 75 years. Additionally, HACA will be required to complete a new Environmental Review for both parcels, as all current structures are proposed to be demolished for the new construction of the 80 or more affordable housing units.

HACA has advised its current nonprofit tenants of the proposed development activity. HACA is also exploring possible alternate lease space options for these tenants to help minimize disruption to their operations.

### **EXHIBITS**

Exhibit 1: Architect Rendering of Proposed Site Development of 1640 A & B East 2<sup>nd</sup> Street and current building pictures

Exhibit 2: Structure of Ownership for Pathways at Chalmers Courts

Exhibit 3: HUD's original SAC approval of the use of 1640 A & B East 2<sup>nd</sup> Street circa 2013

**RESOLUTION NO. 2510**

**Approval to Submit an Amendment to the Disposition Application DDA0003968 to Request the Disposition of 1640 A & B East 2<sup>nd</sup> Street and to ground lease 1640 A & B East 2<sup>nd</sup> Street to Pathways at Chalmers Courts, LLP at Less than Fair Market Value for the Creation of Additional Affordable Housing Units**

**WHEREAS**, ...the Housing Authority of the City of Austin (HACA) submitted an application to the U.S. Department of Housing and Urban Development's Special Applications Center (SAC) for the disposition of 1640 A & B East 2<sup>nd</sup> Street (TX001 AMP 29) in September 2013 under 24 CR 970.9 (b) (3) (v) with a stipulated commensurate public benefit that these properties will serve to benefit (Public Housing) residents by leasing space to local non-profits at no cost or below fair market rents to provide an array of social services in one location to serve the needs of HACA's residents and other low-income families;

**WHEREAS**, in September 2013, the SAC office approved the disposition application;

**WHEREAS**, in October 2016, HACA received a Rental Assistance Demonstration (RAD) Commitment to enter into a Housing Assistance Payments Contract (CHAP) to explore the potential redevelopment of Chalmers Courts (AMP1/TX00101);

**WHEREAS**, to enhance the redevelopment of Chalmers Courts, HACA has the opportunity to create an additional 80 or more low-income housing tax credit (LIHTC) units by incorporating the 2.5108 acres of land associated with 1640 A & B East 2nd Street as the first phase of a master plan to redevelop Chalmers Courts under the Rental Assistance Demonstration program;

**WHEREAS**, it is HACA's recommendation to submit an amendment to the SAC office to request the disposition of the properties located at 1640 A & B East 2<sup>nd</sup> Street comprised of 2.1508 acres with a new commensurate public benefit to develop additional affordable housing units in a rapidly gentrifying area of Austin by utilizing the low-income housing tax credit (LIHTC) program for the creation of Phase I of Pathways at Chalmers Courts, LLP per 24CFR970.19 (e)(2)(i) and to ground lease these properties to Pathways at Chalmers Courts, LLP at a negotiated lease of \$10.00 per annum for 75 years;

**Now, therefore, it is hereby**

**RESOLVED**, that the Housing Authority of the City of Austin Board of Commissioners approves the submission to the U.S. Department of Housing and Urban Development's Special Applications Center for an amendment to the disposition application DDA0003968 to request the disposition of 1640 A & B East 2<sup>nd</sup> Street and to ground lease 1640 A & B East 2<sup>nd</sup> Street to Pathways at Chalmers Courts, LLP for \$10.00 per annum for 75 years, as a new commensurate public benefit for the creation of 80 or more additional affordable housing units by utilizing the low-income housing tax credit (LIHTC) program and part of the RAD converted public housing property, Chalmers Courts;

Passed, Approved and Adopted on this 13th day of July, 2017.

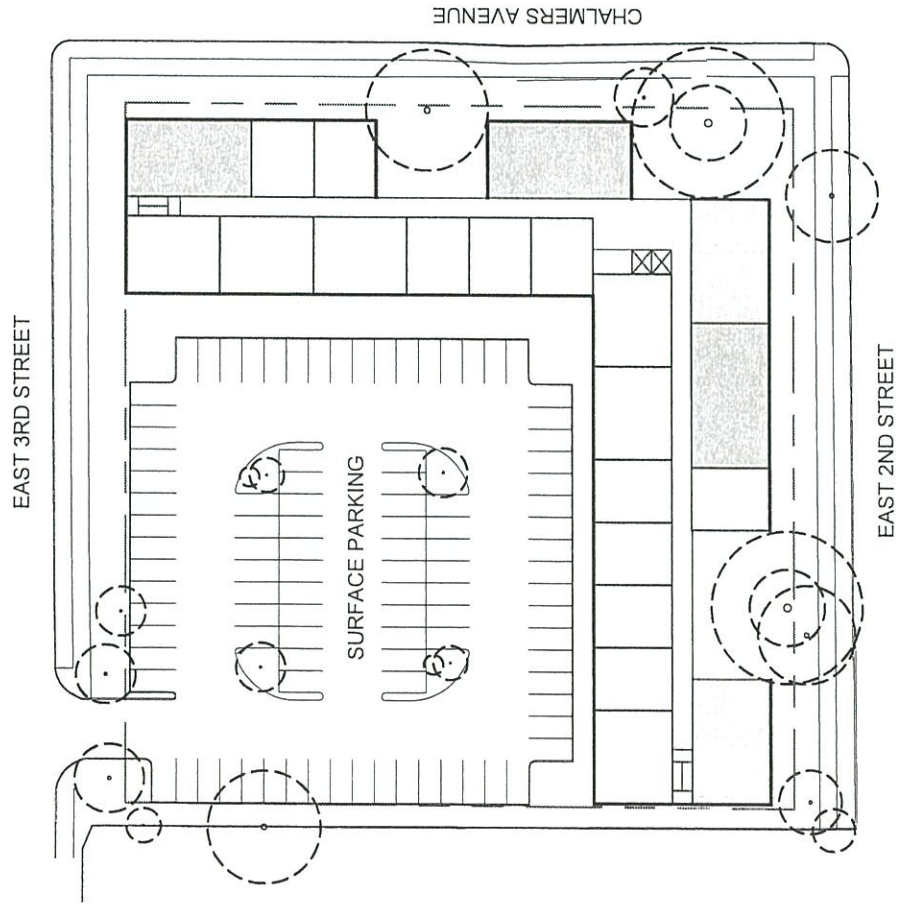
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**Michael G. Gerber, Secretary**

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**Carl S. Richie, Jr., Chairperson**

# EXHIBIT 1



LEVELS 1-4 RESIDENTIAL UNITS				
TYPE	SIZE	COUNT	MIX	
1 Bedroom Unit	800 SF	44	48%	
2 Bedroom Unit	1200 SF	24	29%	
3 Bedroom Unit	1400 SF	12	14%	
4 Bedroom Unit	1550 SF	8	10%	
Total Unit Count		84		
PARKING SUMMARY				
REQUIRED PER UNIT TYPE		TOTAL AFTER 40% REDUCTION		
1 BR, 1.5 EA=60		36 Spaces		
2 BR, 2 EA=48		29 Spaces		
3 BR, 2.5 EA=30		18 Spaces		
4 BR, 3 EA=24		14 Spaces		
Total Parking Required		92 spaces		
Total Parking Provided		104 spaces		

DRAFT



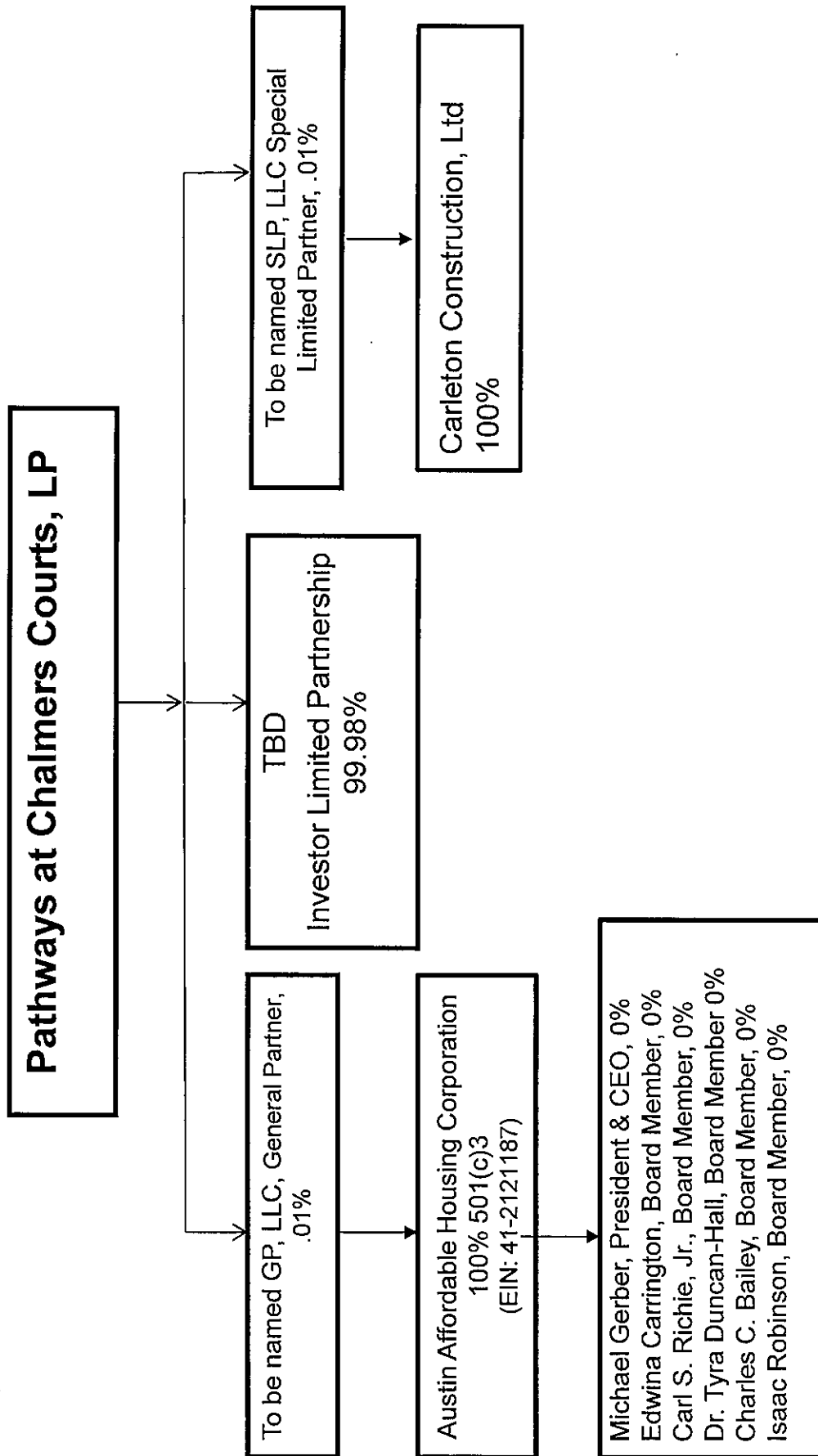




1640B East Second Street

# EXHIBIT 2

## APPLICANT OWNERSHIP CHART



Lancaster Pollard - Debt

# EXHIBIT 3



OFFICE OF PUBLIC HOUSING

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Special Applications Center  
77 W. Jackson Blvd., Room 2401  
Chicago, Illinois 60604-3507  
Phone: (312) 353-6236 Fax: (312) 886-6413

SEP 16 2013

Mr. Michael Gerber  
President and CEO  
Austin Housing Authority  
1124 S IH 35  
Austin, TX 78704

Dear Mr. Gerber:

The Department has reviewed the Austin Housing Authority's (AHA) application for the disposition of 3 non-dwelling buildings and 2.60 acres of underlying land at Administrative, TX001009999. The Special Applications Center (SAC) received this application on April 6, 2010, via the Public and Indian Housing Information Center (PIC), Application DDA0003968. Supplemental information was received through October 28, 2010.

I am pleased to approve your request for disposition, as described in the application and identified below.

Administrative, TX001009999 Non-Dwelling Buildings: 3 Acres: 2.60 1640 A & BE Second Street and 205 Chicon		
Total Units to be Redeveloped 0		
Acquiring Entity	Austin Affordable Housing Corporation	
Method of Sale	Negotiated Sale at less than FMV	
Sale Price	\$1.00	
Purpose	The provision of supportive services to AHA's public housing, Housing Choice Voucher and other low-income families.	

The approval requires that the disposition documents include a reversion clause stipulating that if the Austin Affordable Housing Corporation fails to develop and operate the property as outlined in the application and the attached memorandum for at least 30 years, the property shall revert to the AHA.

According to the Office of the Chief Financial Officer, there is no debt for Administrative, TX001009999. The AHA will not realize proceeds from this disposition. If

this disposition results in proceeds, the AHA must submit a request to the SAC for a determination on the use of proceeds before any funds are expended.

Approval of your application is based on the Department's understanding of your submission, as outlined in the enclosed memorandum from me to the HUD San Antonio HUB.

The HUD San Antonio HUB has been informed of this approval. Its staff is available to provide any technical assistance necessary for your agency to proceed with the disposition.

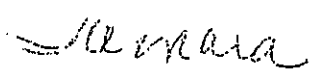
In accordance with 24 CFR Part 970.35 of the regulation, your agency is required to inform the HUD San Antonio HUB of the status of the project (i.e., delays, actual disposition or other problems). When the disposition has been achieved, please submit a report to the HUD San Antonio HUB confirming the action and certifying compliance with all applicable requirements. Files must be maintained which are sufficient for audit purposes and must be made available upon request.

The AHA must enter the "actual" dates of disposition directly into the Inventory Removals sub-module in PIC, for the San Antonio HUB approval so that the status of the units in PIC is changed to "removed from inventory." For land, the disposition dates and number of acres should also be recorded by the AHA in the Inventory Removals sub-module. This applies to the disposition of vacant land as well as to land with public housing units.

The AHA must enter the "actual" acres and dates of disposition directly into the Inventory Removals sub-module, for the HUD San Antonio HUB/Program Center approval.

As the AHA starts the process of implementation, I urge you to continue to maintain an open dialogue with your residents and local officials. If you have to modify your plans, the HUD San Antonio HUB stands ready to assist you.

Sincerely,



Ainars Rodins, P.E.  
Director

Enclosure

**HOUSING AUTHORITY OF THE CITY OF AUSTIN  
BOARD OF COMMISSIONERS  
REGULAR BOARD MEETING**

**ITEM NO. 5**

**Presentation, Discussion and Possible Action regarding  
Resolution No. 2511: Approval of the updates to the Tenant  
Selection Plans for PBRA Family properties, PBRA and  
LIHTC Family properties, and PBRA and LIHTC Elderly /  
Disabled properties**

**HOUSING AUTHORITY OF THE CITY OF AUSTIN**  
**BOARD ACTION REQUEST**  
**RESOLUTION NO. 2511**  
**HOUSING & COMMUNITY DEVELOPMENT DEPARTMENT**

**MEETING DATE:** July 13, 2017

**STAFF CONTACT:** Pilar Sanchez, Vice President of HCD

**ITEM TITLE:** Discussion and Adoption of Resolution No. 2511: Approval of the revisions to the Tenant Selection Plans for Family PBRA properties, Family PBRA & LIHTC properties and Elderly / Disabled PBRA & LIHTC properties.

**BUDGETED ITEM:** NA

**TOTAL COST:** Not Applicable

**ACTION**

Motion to approve Resolution No. 2511: Approval of the revisions to the Tenant Selection Plans for Family PBRA properties, Family PBRA & LIHTC properties and Elderly / Disabled PBRA & LIHTC properties.

**SUMMARY**

*General Information:* The proposed changes to the Tenant Selection Plans fit into three categories:

1. Regular Updates: Annually, HUD and the Texas Department of Housing and Community Affairs (TDHCA) update the income and rent limits which are required to be in the plans.
2. Required Updates: HUD changed the definition of an eligible student to include "vulnerable youth". HUD also updated the Violence Against Women Act (VAWA) requirements. TDHCA has required language regarding fair housing and time limits for responding to denials.
3. HACA Updates: HACA provided language clarification on criminal background checks (no policy change) and unit transfers at Low Income Housing Tax Credit (LIHTC) properties. HACA updated the timeline for informal hearing decisions (change from 15 days to 5 days) to match Project Based Rental Assistance (PBRA) requirements. HACA updated the application process with the new application website address and a policy change regarding how many opportunities for eligibility interviews an applicant can receive. This change was recommended by staff since interviews are now individually scheduled to fit the best time for the applicant family.

*Organizational Structure:* The Tenant Selection Plans are the primary policy documents that outline the admissions process and eligibility requirements for the PBRA and LIHTC programs. HACA is committed to ensuring that our policies meet HUD, IRS and TDHCA requirements.

When creating and providing these policy documents, HACA is also committed to clear communication with applicants, residents and staff. These documents are intended to provide clear direction to staff as well as consistent treatment of all applicants and residents.

*Public Comment:* There is no public comment requirement for these plans. However, HACA did reach out to Texas RioGrande Legal Aid, the Austin Tenants' Council and the Citywide Advisory Board for their



comments on these revisions, with a deadline of June 30, 2017. HACA received comments from Texas Riogrande Legal Aid on July 3, 2017. Legal Aid's comments and HACA's response to the comments are attached.

### **EXHIBITS**

Exhibit 1: Summary of Revisions to the Tenant Selection Plans

Exhibit 2: Tenant Selection Plan for Family PBRA Properties (Select Pages with Changes)

Exhibit 3: Tenant Selection Plan for Family PBRA & LIHTC Properties (Select Pages with Changes)

Exhibit 4: Tenant Selection Plan for Elderly / Disabled PBRA & LIHTC Properties (Select Pages with Changes)

Exhibit 5: Comments from Texas Riogrande Legal Aid with HACA's response.

**RESOLUTION NO. 2511**

**Approval of the revisions to the Tenant Selection Plans for Family PBRA properties, Family PBRA & LIHTC properties and Elderly / Disabled PBRA & LIHTC properties.**

**WHEREAS**, the Housing Authority of the City of Austin (HACA) is required by federal regulation to adopt a written Tenant Selection Plan for all Project Based Rental Assistance (PBRA) and Low Income Housing Tax Credit (LIHTC) properties and the Board of Commissioners adopted these written plans on August 24, 2016 ; and

**WHEREAS**, both the US Department of Housing and Urban Development (HUD) and the Texas Department of Housing and Community Affairs (TDHCA) have provided updates to policy requirements; and

**WHEREAS**, although HACA is not required to seek public comment for updates to the Tenant Selection Plan, HACA did request comment from Texas Riogrande Legal Aid, the Austin Tenants' Council and the Citywide Advisory Board with a comment deadline of June 30, 2017; and

**WHEREAS**, HACA seeks to formally revise the Tenant Selection Plans for each property type (Family PBRA, Family PBRA & LIHTC, and Elderly/Disabled PBRA & LIHTC);

**Now, therefore, it is hereby**

**RESOLVED**, that the Housing Authority of the City of Austin Board of Commissioners approves and adopts the revisions to the Tenant Selection Plans for Family PBRA properties, Family PBRA & LIHTC properties, and Elderly / Disabled PBRA & LIHTC properties.

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**Michael G. Gerber, Secretary**

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**Carl S. Richie, Jr., Chairperson**

# Exhibit 1

## Summary of Proposed Changes to the Tenant Selection Plans (TSP)

Section	Family PBRA	Family PBRA & LIHTC	Elderly PBRA & LIHTC	Summary of Proposed Change
<b>Fair Housing Policies</b>	Pages 7-8	Pages 7-8	Pages 7-8	<p><b>Change:</b> Adds language indicating that HACA will comply with all Federal and State laws regarding Fair Housing, Fair Credit Reporting, Reasonable Accommodations and Assistance Animals. Added language does not change, remove or add any policy.</p> <p><b>Rationale:</b> <i>This is required language for compliance with TDHCA guidelines. It was added to all TSPs for the sake of consistency in policy.</i></p>
<b>Eligibility Requirements</b>	Pages 9-11	Pages 9-12	Pages 9-13	<p><b>Change:</b> Adds a section header to introduce eligibility, updated the income limits to reflect 2017 numbers, adds clarifying language to the occupancy standards and adds a section on rent limits to the LIHTC properties to reflect the maximum rent a family could pay.</p> <p><b>Rationale:</b> <i>HUD and TDHCA updated the income and rent limits for 2017. Also, the added language clarifies that our occupancy standards are in compliance with TDHCA. This does not change, remove or add any policy.</i></p>
<b>Eligibility Requirements</b>	Pages 14-16	Pages 15-17	Pages 16-18	<p><b>Change:</b> Adds language regarding the eligibility of students enrolled at institutions for higher learning. This language adds HUDs definition of vulnerable youth as a category of eligible participants.</p> <p><b>Rationale:</b> <i>This change is required by HUD. This is a policy change in that it adds another category of eligible students.</i></p>
<b>Procedures for Taking Pre-Applications</b>	Pages 17-20	Pages 18-21	Pages 19-22	<p><b>Change:</b> Changes the website address to reflect the current pre-application website, adds 7-day timeframe for notifying an applicant that they are preliminarily ineligible, reduces the number of opportunities for interview invitations from 3 to 2, adds 15-day timeframe for families to change their bedroom size choice.</p> <p><b>Rationale:</b> <i>These changes will direct applicants to the correct website, meet HUD and TDHCA guidelines to provide timely response to an ineligible application, and gives opportunity for families to change their mind withing a reasonable amount of time about their bedroom size choice. Since we now schedule individually, staff feels that allowing for one missed interview is sufficient. Therefore, the invitations are reduced from 3 to 2. These changes do reflect policy changes.</i></p>

Section	Family PBRA	Family PBRA & LIHTC	Elderly PBRA & LIHTC	Summary of Proposed Change
Opening and Closing Waiting List	Page 25	Page 25	Page 27	<p><b>Change:</b> Allows a family that is a resident at another HACA property and is eligible for VAWA protections to be placed on a waiting list, even if the waiting list is closed.</p> <p><b>Rationale:</b> <i>The change allows HACA to provide the maximum number of options to a current resident family in need of moving due to being eligible for VAWA protections. This is in conformity with HACA's VAWA Emergency Transfer Plan. This is a policy change.</i></p>
Screening for Drug Abuse and Other Criminal Activity	Pages 27-30	Pages 27-31	Pages 29-33	<p><b>Change:</b> Updates the language to be consistent throughout the TSP that families evicted from federally assisted housing within the last 5 years for drug-related criminal activity will be denied.</p> <p><b>Rationale:</b> <i>This change does not reflect a change in policy, rather it clarifies HACA's existing policy.</i></p>
Rejecting Ineligible or Unqualified Applicants	Page 32	Page 33	Page 35	<p><b>Change:</b> Adds a 7-day timeframe for providing notice of rejection.</p> <p><b>Rationale:</b> <i>This change meets HUD and TDHCA's guidelines to provide a timely response to applicants and is consistent with other rejection notice timeframes. This is an addition to the policy which reflects current practice.</i></p>
Informal Hearing Decisions	Page 34-35	Page 35	Page 35-37	<p><b>Change:</b> Changes the timeframe for an informal hearing decision written response from 15 days to 5 days. Adds language about how the hearing officer can suspend the hearing to wait for more documentation from the applicant.</p> <p><b>Rationale:</b> <i>The 5-day timeframe is required for compliance with HUD PBRA regulations. The additional language grants applicants time to provide a full response to their denial, while keeping HACA compliant with HUD regulations. This is a change in policy.</i></p>
Unit Transfers During the Initial Occupancy Period of a LIHTC Property	NA	Page 44	Page 46	<p><b>Change:</b> Adds a section identifying that until we select the multi-building project option on the IRS form 8609, all unit transfers will be treated as new move ins for tax credit purposes.</p> <p><b>Rationale:</b> <i>This change helps explain why unit transfers at a PBRA and LIHTC property are treated as a transfer for PBRA but a new move in for LIHTC. This is an addition to the policy that reflects what is required according to TDHCA.</i></p>
Appendix B: VAWA Policy	Pages 48-54	Pages 51-57	Pages 53-56	<p><b>Change:</b> Updates who is eligible for VAWA protections, adds information about the opportunity to request an emergency transfer and adds consequences to abusers and residents who bring abusers onto the property.</p> <p><b>Rationale:</b> <i>This change reflects updates that HUD has made final after Congress's 2013 VAWA Reauthorization Act.</i></p>

# Exhibit 2

# ***Pathways at***

*A Subsidiary of the Housing Authority of the City of Austin*

## Tenant Selection Plan

# Project Based Rental Assistance for a Family Site

## Tenant Selection Plan

### **TENANT-BASED VOUCHERS**

The owner/agent may not admit an applicant with a voucher to a unit with Project Based Rental Assistance unless the applicant agrees to surrender the voucher assistance prior to occupancy. This will be verified with the former housing provider.

Please note that housing assistance provided through HUD's multi-family housing program is not the same as the housing assistance provided through the voucher program. If a family moves out, the housing subsidy will not move with the family as it does with a voucher.

### **ASSISTED LIVING**

This is not an assisted living property. The owner/agent and property staff do not provide, nor have the authority to provide, any personal care or personal supervision services. All care and supervision services must be provided by the resident or aides supervised by the resident or the resident's representative(s). The owner/agent and property staff do not provide assistance with personal activities or daily living.

### **FAIR HOUSING POLICIES**

#### **FAIR HOUSING**

The owner/agent will not discriminate in any of the following ways:

- Deny to any household the opportunity to apply for housing, nor deny to any eligible applicant the opportunity to lease housing suitable to its needs,
- Provide housing which is different than that provided others,
- Subject a person to segregation or disparate treatment,
- Restrict a person's access to any benefit enjoyed by others in connection with the housing program,
- Treat a person differently in determining eligibility or other requirements for admission,
- Deny a person access to the same level or services, or
- Deny a person the opportunity to participate in a planning or advisory group which is an integral part of the housing program.

The Fair Housing Act prohibits discrimination in housing and housing related transactions based on race, color, religion, sex, national origin, disability, and familial status. In addition, the city of Austin has added Fair Housing protections based on creed, student status, marital status, sexual orientation, gender identity and age.

This development will comply with state and federal fair housing and antidiscrimination laws; including, but not limited to, consideration of reasonable accommodations requested to complete the application process. Applicants can request a copy of the owner/agent's Reasonable Accommodation Policy.

Screening criteria will be applied in a manner consistent with all applicable laws, including the Texas and Federal Fair Housing Acts and the Federal Fair Credit Reporting Act.

Specific animal, breed, number, weight restrictions, pet rules and pet deposits will not apply to households having a qualified service / assistance animal(s). For more information, applicants can request a copy of the owner/agent's Assistance Animals Policy.

### **TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

The owner/agent complies with Title VI of the Civil Rights Act of 1964 which prohibits discrimination based on race, color, or national origin in any program or activity receiving federal financial assistance from HUD.



## Tenant Selection Plan

### **SECTION 504 OF THE REHABILITATION ACT OF 1973**

The owner/agent complies with Section 504 of the Rehabilitation Act of 1973 which prohibits discrimination, based on the presence of a disability in all programs or activities operated by recipients of federal financial assistance.

Although Section 504 protections often overlap with the disability discrimination prohibitions included in the Fair Housing Act, Section 504 differs in that it imposes broader affirmative obligations to make their programs, as a whole, accessible to persons with disabilities.

- Coordinating Efforts to Comply with Section 504 Requirements

The owner/agent has designated a person to address questions or requests regarding the specific needs of residents and applicants with disabilities. This person is referred to as the Section 504 Coordinator.

Name of Section 504 Coordinator:	Vice President of Housing and Community Development
Address:	1124 S IH 35, Austin, TX 78704
Phone Number:	(512) 477-4488
TDD/TTY Number:	1-800-735-2989 Or 711 Voice Relay

- Requests for Reasonable Accommodation or Modification

In accordance with the Fair Housing Act and Section 504 of the Rehabilitation Act, the owner/agent will make reasonable accommodations or modifications for individuals with disabilities (applicants or residents) unless these modifications would change the fundamental nature of the housing program or result in undue financial and administrative burden. [Please see HACA's Reasonable Accommodation Policy for additional information.](#)

[The owner / agent has a Reasonable Accommodations Policy which explains the eligibility and the process for making a request. The owner/agent will provide an individual with a copy of the Reasonable Accommodation Policy upon request.](#)

### **PRIVACY POLICY**

It is the policy of the owner/agent to guard the privacy of individuals conferred by the Federal Privacy Act of 1974 and to ensure the protection of such individuals' records maintained by the owner/agent.

Neither the property owner/agent nor its agents shall disclose any personal information contained in its records to any person or agency, other than HUD, its Contract Administrators or other federal/state entity or investor auditing entities, unless the individual about whom information is requested gives written consent to such disclosure. Such consent may be provided in an equally effective manner, as a reasonable accommodation, when there is the presence of a disability.

This Privacy Policy in no way limits the owner/agent's ability to collect such information to determine eligibility, compute rent, or determine an applicant's suitability for tenancy.

### **COMPLIANCE WITH REQUIREMENTS OUTLINED IN THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013**

The owner/agent understands that, regardless of whether state or local laws protect victims of domestic violence, dating violence, sexual assault or stalking, people who have been victims of violence have certain protections provided through the Violence Against Women Reauthorization Act of 2013 (VAWA 2013).

## Tenant Selection Plan

If any applicant or resident wishes to exercise the protections provided in the VAWA 2013, he/she should contact the owner/agent immediately. The owner/agent will not assume that any act is a result of abuse covered under the VAWA 2013. In order to receive the protections outlined in the VAWA 2013, the applicant/applicant must specify that he/she wishes to exercise these protections. The owner/agent will provide an individual with a copy of the VAWA Policy upon request.

### ***THE EQUAL ACCESS RULE***

The owner/agent ensures that HUD's core housing programs are open to all eligible persons regardless of sexual orientation, gender identity or marital status in accordance with *The Equal Access Rule*.

### **ELIGIBILITY REQUIREMENTS**

The owner / agent is required to determine whether applicants are eligible to occupy the subsidized property and receive housing assistance. Eligibility is divided into property eligibility and program eligibility. Eligibility is determined based on the applicable Federal and State regulations that govern the property and programs.

For HUD programs, eligibility is determined at move-in or initial certification. Thereafter, eligibility is only reviewed for student status or to determine if a remaining family member is eligible to remain.

### ***PROPERTY ELIGIBILITY DEFINITION***

- **Household/Resident Type**

This multi-family Project Based Rental Assistance property is designed to provide housing to families who meet the eligibility and screening requirements. A family includes, but is not limited to:

- A family with or without children (the temporary absence of a child from the home due to placement in foster care shall not be considered in determining family composition and family size);
- An elderly family;
- A near elderly family;
- A disabled family;
- A displaced family;
- The remaining member of a tenant family; and
- A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.

- **Income Limits**

Income limits vary by household size. The owner/agent will provide applicants a copy of the income limits for the property area upon request. In addition, applicants can review the income limits by accessing the following web site. <http://www.huduser.org/datasets/il.html>. HUD requires that property managers incorporate the most recently published income limits when determining eligibility.

For this property, qualified applicant households must have a gross household income that is at or below the following income limit requirement:

Subsidy	Type of Income Limit
<b>Project Based Rental Assistance</b>	<b>Low – 80% of median income</b>

## Tenant Selection Plan

<u>AMFI %</u>	<u>Number of Household Members</u>							
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
<u>80</u>	<u>\$43,600</u>	<u>\$49,800</u>	<u>\$56,050</u>	<u>\$62,250</u>	<u>\$67,250</u>	<u>\$72,250</u>	<u>\$77,200</u>	<u>\$82,200</u>

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- Occupancy Standards

Occupancy standards serve to prevent the over-utilization or under-utilization of units that can result in an inefficient use of housing funding. Occupancy standards also ensure that residents are treated fairly and consistently and receive adequate housing space.

Below, please find this property's occupancy standards description:

Number of Bedrooms	Min. # Household Members	Max. # Household Members
0	1	1
1	1	2
2	2	4
3	3	6
4	4	8
5	5	10

○ Generally, there is a maximum of two people per bedroom. HACA does not determine who shares a bedroom.

○ The owner/agent allows for occupancy of fewer than 2 persons (over the age of 6) per bedroom for the following reasons:

○ The small size of the bedrooms and units;

○ To allow the family to determine what is best for their situation in accordance with best practices for Fair Housing.

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○ The family is given the choice of which bedroom size is appropriate for their family, as long as the number of family members is within the range listed in the chart above.

○ Once the family has selected an eligible bedroom size they will be placed on the waiting list for that bedroom size. Changes to the bedroom size cannot be made unless a qualifying event occurs. Qualifying events include:

- Changes in the family composition (removing or adding household members) which result in the family no longer being eligible for the chosen bedroom size.
- Changes in the ages of children, resulting in two children of the opposite sex, with one at least seven (7) years of age. These children will not be required to share a bedroom.
- Changes in the family composition adding persons of different generations (grandparent, grandchild, parent, etc). These family members will not be required to share a bedroom.
- Need for a different bedroom size as a reasonable accommodation for a disability.

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

○ Anticipated children will be included. Anticipated children include:

- Children expected to be born to a pregnant woman;
- Children in process of being adopted by an adult family member;
- Children whose custody is being obtained by an adult family member;

## Tenant Selection Plan

- Foster children who will reside in the unit;
- Children who are temporarily in a foster home who will return to the family; and
- Children in joint custody arrangements who are present in the household 50% or more of the time.
  
- 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:
  - the family member is enrolled and actively attending a two-year or four-year college or university; and
  - the family member resides in the unit during school breaks and holidays.

Any household placed in a unit size different from that defined in these Occupancy Standards shall agree to transfer to an appropriate size unit at the same property when one becomes available. Once an appropriate size unit is offered to the family, they have 30 days to complete the transfer or lose their subsidy.

### • Rent Limits

The following are the contract rents for this property:

<u>Contract Rents</u>	<u><i>Project Based Rental Assistance Program</i></u>					
	<u>Number of Bedrooms</u>					
	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
	<u>\$817</u>	<u>\$876</u>	<u>\$1,051</u>	<u>\$1,214</u>	<u>\$1,354</u>	<u>\$1,494</u>

For the PBRA program, residents pay 30% of their adjusted income for rent, even if this amount exceeds the contract rent. This amount is adjusted downward by a utility allowance for any utilities that are paid by the resident directly to the utility provider.

If assistance is terminated, but the resident is allowed to remain living on the property, the resident will pay the contract rent.

### • Verifying the Need for an Accessible Unit

When an applicant requests an accessible unit or a unit preference, such as a first floor unit, the owner/agent will conduct inquiries to:

- Verify that the applicant is qualified for the unit, which is only available to persons with a disability or to persons with a particular type of disability.
- Verify that the applicant needs the features of the unit as an accommodation to his or her disability.
- Verify that the applicant is qualified to receive a priority on the waiting list available to persons with a disability or to persons with a particular type of disability.

Verification of this information can be provided by any person who has reasonable knowledge of the family's need for this accommodation.

## Tenant Selection Plan

Applicants who claim eligible immigration status must provide documentation to support that status. See appendix A for more information.

Applicants must be able to provide proof of citizenship or legal immigration status.

Citizenship eligibility must be reviewed after move-in if eligibility status can change. If any household member is determined to be an ineligible non-citizen, either at application or after move-in, assistance and/or tenancy may be denied, terminated or prorated as appropriate.

- Single Residence/Subsidy Criteria

A household is eligible for assistance only if the unit will be the household's only residence. The owner/agent will not knowingly assist applicants who will maintain a residence in addition to the HUD-assisted unit.

Applicants must disclose if they are currently receiving HUD housing assistance. Residents can only receive subsidy for one unit/residence at a time. This prohibition does not prevent a person who is currently receiving assistance from applying for an assisted unit in another property.

If, for any reason, an applicant moves in to this property before moving out of another subsidized unit, the new resident will be required to pay market rent until the move out from the previous property is complete and the resident is eligible to receive HUD subsidy for this property. Assistance in the new unit will begin, if the household is still eligible, the day after assistance ends for the previous unit.

There is an exception to this rule. Children in joint custody arrangements can receive HUD housing assistance in two units when both parent/guardian families receive HUD housing assistance. However, only one household may use the \$480 dependent deduction to determine adjusted income. In these cases, additional verification is required. The owner/agent will request:

- Verification of the custody/guardianship/living arrangement - *Please see Appendix D for additional information*
- Verification of the use of the \$480 deduction. The owner/agent will verify use of the \$480 dependent deduction with the other owner/agent if:
  - The child will live in the unit at least 50% of the time and
  - The parent wishes to claim the \$480 deduction, and
  - Both families are receiving HUD housing assistance

There is second exception to this. If a member of an existing household leaves that household, to establish their own unit, HUD allows for a temporary overlap of subsidy (not to exceed 60 days) to allow for the interim recertification to go into effect for the original household.

- Eligibility of Students Enrolled at an Institute for Higher Education

Student eligibility is determined at move-in/initial certification and at each annual certification. Student eligibility may also be reviewed at interim certification if student status has changed since the last certification. All adult students are required to report any change in their student status.

A student who is otherwise eligible and meets screening requirements is eligible for assistance if the student meets the criteria indicated below. Section 8 assistance shall be provided to any individual who is enrolled as either a part-time or full-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential; when the student:

## Tenant Selection Plan

~~A student who is otherwise eligible and meets screening requirements is eligible for assistance if the student meets the criteria indicated below. Section 8 assistance shall not be provided to any individual who:~~

- ~~○ Is living with his or her parents who are receiving Section 8 assistance.~~
- ~~○ Is individually eligible to receive Section 8 assistance and has parents who are income eligible to receive Section 8 assistance.~~
- ~~○ Is a veteran of the United States military;~~
- ~~○ Is married;~~
- ~~○ Has a dependent other than a spouse (e.g. dependent child);~~
- ~~○ Is at least 24 years of age;~~
- ~~○ Is a person with disabilities, as such term is defined in section 3(b)(3)(E) of the 1937 Act and was receiving assistance under section 8 of the 1937 Act as of November 30, 2005;~~
- ~~○ Is classified as Vulnerable Youth; A student meets HUD's definition of a vulnerable youth when:~~
  - ~~a. The individual is an orphan, in foster care, or a ward of the court or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older;~~
  - ~~b. The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's State of legal residence;~~
  - ~~c. The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth (as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act) (42 U.S.C. 11431 et seq.), or as unaccompanied, at risk of homelessness, and self-supporting, by~~
    - ~~1. A local educational agency homeless liaison, designated pursuant to the McKinney-Vento Homeless Assistance Act;~~
    - ~~2. The director of a program funded under the Runaway and Homeless Youth Act or a designee of the director;~~
    - ~~3. The director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants) or a designee of the director; or~~
    - ~~4. A financial aid administrator; or~~
- ~~○ The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances~~
- ~~○ Is enrolled as either a part time or full time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential; and~~
- ~~○ Is under the age of 24; and~~
- ~~○ Is not married; and~~
- ~~○ Is not a veteran of the United States Military; and~~
- ~~○ Does not have a dependent child; and~~
- ~~○ Is not a person with disabilities, as such term is defined in 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving section 8 assistance as of November 30, 2005; and~~
- ~~○ Is not living with his or her parents who are receiving Section 8 assistance; and~~
- ~~○ Is not individually eligible to receive Section 8 assistance or has parents (the parents individually or jointly) who are not income eligible to receive Section 8 assistance.~~

## Tenant Selection Plan

If a student does not meet the eligibility criteria above, but can prove independence from parents under HUD rules, then the student would meet HUD's student eligibility criteria. Please see property staff if you need additional information about proving independence from parents.

If an ineligible student applies for or is a member of an existing household receiving Section 8 assistance, the assistance for the household will not be prorated but will be terminated. **NOTE:** Unless the student can demonstrate his or her independence from parents, the student must be eligible to receive Section 8 assistance and the parents (individually or jointly) must be eligible (income eligible) to receive Section 8 assistance in order for the student to receive Section 8 assistance.

For a student to be eligible independent of his or her parents (where the income of the parents is not relevant), the student must demonstrate independence from the parents. While owner/agents may use additional criteria for determining the student's independence from parents, owner/agents must use, and the student must meet, at a minimum all of the following criteria to be eligible for Section 8 assistance. The student must:

- ~~○ Be of legal contract age under state law;~~
- ~~○ Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy, or, meet the U.S. Department of Education's definition of an independent student;~~
- ~~○ Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and~~
- ~~○ Obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support. This certification is required even if no assistance will be provided.~~
- ~~If an ineligible student is a member of an existing household receiving Section 8 assistance, the assistance for the household will not be prorated but will be terminated~~

**NOTE:** An owner/agent cannot evict or require an ineligible student to move from a unit as long as the student is in compliance with the terms of the lease.

Any financial assistance a student receives (1) under the Higher Education Act of 1965, (2) from private sources, or (3) from an institution of higher education that is in excess of amounts received for tuition shall be considered income to that individual, except for:

- A ~~person-student~~ 24 years of age or older with dependent children as defined by HUD or
- A ~~person-student~~ living with his/her parents who are receiving Section 8 assistance.

The definition of tuition is consistent with the definition provided by the Department of Education and includes all tuition plus mandatory course-related fees associated with being enrolled at that institution of higher education. This does not include the cost of books.

- Prohibition of Assistance to Noncitizen Students

Noncitizen students and their noncitizen families may not receive assistance. Noncitizen students are not eligible for continuation of assistance or temporary deferral of termination of assistance. A noncitizen student is defined as an individual who is as follows:

- A resident of another country to which the individual intends to return;
- A bona fide student pursuing a course of study in the United States; and

## Tenant Selection Plan

- A person admitted to the United States solely for the purpose of pursuing a course of study as indicated on an F-1 or M-1 student visa.

This prohibition applies to the noncitizen student's noncitizen spouse and noncitizen children. However, spouses and children who are U.S. citizens may receive assistance. For example, a family that includes a noncitizen student married to a U.S. citizen is a mixed family.

### **PROCEDURES FOR TAKING PRE-APPLICATIONS & APPLICATIONS**

Applications for housing at this property are only received online or at the owner/agent's office location. Applications are not received at the property management office.

It is the owner/agent's policy to accept and process applications in accordance with HUD guidance. The owner/agent will make a reasonable accommodation to assist in the application process if the applicant or any member of the applicant household is disabled.

#### **PRE-APPLICATIONS**

Applicants will first complete a pre-application to have their name placed on the waiting list for housing at [name of property]. Pre-applications can be submitted on the internet at [www.austin.apply4housing.com](http://www.austin.apply4housing.com) [www.hacaapply.org](http://www.hacaapply.org) from any device with internet access (including smartphone, tablet, desktop or other device). For a list of local places with free internet access please contact HACA. The owner/agent will also accept the application in an equally effective format, as a reasonable accommodation, if there is the presence of a disability. Please contact HACA to request that accommodation.

The entire pre-application must be completed in full and submitted before the applicant will be placed on the waiting list. Confirmation of successful submission will be provided by the online application portal if all requirements are met.

Due to long waiting lists and depending on the preferences for which an applicant family may qualify, the time spent on the waiting list may be anywhere from several months to several years. While waiting on the waiting list, applicants may check the status of their application by creating an account at <https://austin.ourpha.com/applicants> [www.myhaca.org](http://www.myhaca.org). In this applicant portal, applicants can update their contact information, report changes to their application and check the status of their application. It is the applicant's responsibility to keep all contact information current.

- **Incomplete Pre-Applications**  
Electronic submissions of pre-applications cannot be submitted if they are incomplete. For pre-applications accepted by an alternate means, if the pre-application is not complete, the owner/agent will attempt to contact the applicant to obtain missing information. The applicant will have ten (10) business days to respond and provide missing information. If the applicant fails to provide required information within the ten (10) day period, the owner/agent will return the application.
- **Preliminary Determination of Applicant Eligibility**  
Information needed to determine applicant eligibility shall be obtained, verified, and the determination of applicant eligibility performed, in accordance with HUD and property eligibility requirements. Upon receipt of the completed pre-application, the owner/agent will make a preliminary eligibility determination before adding a household to the waiting list or initiating final eligibility tasks. The owner/agent will review the pre-application to ensure that there are no obvious factors that would make the applicant ineligible. Obvious factors include, but are not limited to:



## Tenant Selection Plan

- Owning a debt to the Housing Authority of the City of Austin (any property or program) that is still within the 4 year statute of limitations;
- Having been evicted (or vacated in lieu of eviction) from any HACA program within 5 years for drug related criminal activity;
- Having been evicted (or vacated in lieu of eviction) from any HACA program within 2 years for any reason other than drug related activity;
- The head of household on the application is currently a head of household living at this property;
- Having been denied admission to this program within the past 12 months for any reason at any property owned and administered by the Housing Authority of the City of Austin.
- Having rejected a housing offer for a unit of the same size at the same property within the last 12 months.

If an applicant is preliminarily ineligible, within seven (7) days the owner/agent will send a notice to the applicant indicating that they are not eligible, including the reason(s) why they were determined ineligible and stating the family's rights to appeal the decision. This action will be completed in agreement with the owner/agent's Grievance and Appeals Policy which is available to the applicant upon request.

If a preliminary eligibility review indicates that a household is preliminarily eligible for tenancy, but units of appropriate size are not available, the owner/agent will place the household on the waiting list for the property and notify the household when their name comes to the top of the waiting list.

If an applicant is otherwise eligible but no appropriate unit size exists in the property, the owner/agent will reject the pre-application.

The owner/agent will notify the applicant family if their pre-application is rejected for any reason.

### APPLICATIONS

When the applicant family reaches the top of the waiting list, they will receive an invitation by mail to come to an eligibility interview.

- Applicant families can receive up to 3.2 invitations to attend an eligibility interview.
- If a family does not attend the scheduled appointment, a notice will be sent to the family and their name will be withdrawn from the waiting list. If the family responds within fifteen (15) calendar days of the notice and requests to be rescheduled, they will be placed back on the waiting list with their same date and time.
- Once the family misses their third scheduled appointment, they are no longer eligible to be placed back on the waiting list. The family will be required to submit a new application and start the process from the beginning.

During the eligibility interview process, the applicant family will complete a full application. All documents in the Application Package must be **completed in full**, signed and dated in order to be accepted. All adult applicants must complete the application package as instructed.

Upon request, the owner/agent/agent will provide interested parties with a copy of the application package.

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The person who is indicated as the Head-of-Household (HOH) must execute and sign all documents that are included in the application package. Before completing or executing any forms, additional copies should be made for all adult household members and in some cases for minors who will live in the unit.

The owner/agent will require applicants to provide several documents as verification and proof of eligibility for housing. These will include:

- A government issued photo ID - used for verifying the identity of all applicants. A birth certificate or other government issued document which includes the applicant's name and date of birth – used to verify the age of all applicant family members.
- Proof of citizenship – which may include a US birth certificate, US passport or other government issued documents demonstrating citizenship.
- Proof of immigration status (if applicable) - which may include a permanent resident card, employment authorization card, I-94 visa or other government issued document indicating valid immigration status.
- A Social Security card or any other government issued document including the name and full SSN
- Verification of all sources of income, including (but not limited to) check stubs for employment, SS / SSI award letters, VA Pension award letters, TANF award letter, proof of child support and verification of asset income.
- All verified documents must be dated within 60 days of the date of receipt.

### **FINAL DETERMINATION OF ELIGIBILITY**

Once the applicant family completes the eligibility interview, all eligibility criteria will be reviewed before a final eligibility determination is made. Being eligible, however, does not guarantee that the application will be approved. All adult applicants (and if appropriate minors) will be subject to the certain screening based on landlord/rental history, credit history and criminal history. If the screening process determines that the family meets HUD's and the owner/agent's standards for admission, the family is found eligible.

### **LIVE-IN AIDES**

Please contact the HACA central office Admissions Department if a live-in aide will be moving in to the unit. If the family plans to include a live-in aide, the live-in aide is not required to complete the same application forms. Live-in aides must complete the Live-in Aide Questionnaire and participate in screening and other Owner/Agent verifications that are required.

The live-in aide must meet HUD's definition of a live-in aide. The live-in aide has no rights to the unit as a remaining family member and must agree to relinquish possession of the unit within a reasonable time if the resident is absent for an extended period of time or if the resident leaves for any reason. The live-in aide will be required to sign an acknowledgement the live-in aide has no right of residency or occupancy if the resident is absent or if the resident moves out for any reason including death.

### **WAITING LISTS**

To ensure that applicants are appropriately and fairly selected for the next available unit, it is essential for the owner/agent to maintain waiting lists. The owner/agent will place the applicant household on the waiting list after preliminary eligibility determination is complete.

If applicants are eligible for more than one bedroom size, the applicant will have the option of choosing which bedroom size is appropriate for their family. Applicants will ~~make this choice~~ specify a desired unit size when

## Tenant Selection Plan

completing the pre-application. The applicant will be placed on the waiting list for the indicated unit sizes/types as long as:

- The applicant household meets the Occupancy Standards described in this plan, and
- The waiting list for the unit size is open

~~Applicants will be given 15 days to change their bedroom size choice. Once the 15 days have passed, applicants have selected a bedroom size,~~ they will not be allowed to change that selection unless a qualifying event has occurred. Please see the list of qualifying events in the Occupancy Standards section of this plan.

The applicant Head-of-Household (HOH) will be contacted, based on the waiting list selection criteria, and offered housing for the first unit that becomes available based on the selection guidelines described in this plan.

### ***MAINTAINING WAITING LISTS***

It is the policy of the owner/agent to administer its waiting list as required by HUD handbooks and regulations. The owner/agent will update the waiting list by removing the names of applicants who are no longer interested in or no longer qualify for the PBRA program.

On a regular basis, as determined by the owner/agent considering the length of the waiting list, the owner/agent will contact each applicant household by mail, using the address provided on the pre-application. Applicants are responsible for updating their application with any changes in address. The Head-of-Household (HOH) will be the only person contacted unless otherwise requested.

If this letter is unable to be delivered by the United States Postal Service, the application will be rejected and the household will be removed from the waiting list.

If the Head-of-Household (HOH) fails to respond to the owner/agent inquiries regarding the desire to remain on the waiting list, the application will be rejected and the household will be removed from the waiting list.

In addition, an adult member of the applicant household must contact the Admissions Department if household information changes (i.e. number of household members, number of future household members, criminal history, income, etc.). If the household size or composition changes, the owner/agent will:

- Update the waiting list information and
- Decide whether the household needs the same or a different unit

If, as a result of the household composition change, it is determined that the household will be on the waiting list for a different unit than originally indicated, the household will maintain their place on the waiting list for the new unit. If the waiting list is currently closed for the appropriate unit size, the application will be rejected and the household will be removed from the waiting list. If there are no units of the appropriate size on the property, the household will be rejected and will be removed from the waiting list.

### ***REMOVAL OF APPLICANTS FROM THE WAITING LIST***

The owner/agent will remove an applicant's name from the waiting list when if any of the following apply:

- Applicant requests that the household name be removed
- The unit that is needed – using household size as the basis – has changed, and no appropriate size/type unit exists in the property

## Tenant Selection Plan

**Note:** There is one exception to this. If a resident at this property or any other property owned by the owner (The Housing Authority of the City of Austin) is a victim of domestic violence, dating violence, sexual assault and / or stalking, as part of the VAWA protections they can request to be placed onto the waiting list for this property or any property owned by the owner, even if the list is closed. The owner/agent will work with the family to determine which property(ies) would best meet the family's need for protection. These applications will be received and processed according to the criteria outlined in this plan.

During the period when the waiting list is closed, the owner/agent **will not** maintain a list of individuals who wish to be notified when the waiting list is reopened.

### **VERIFICATION**

The owner/agent shall obtain verifications in compliance with requirements set forth by the Department of Housing and Urban Development. After the preliminary eligibility determination, no decision to approve an application shall be made until information provided on the application form and during subsequent interviews has been collected and any necessary follow-up interviews have been performed. All information relative to the following items must be verified as described in these procedures.

#### **INFORMATION TO BE VERIFIED**

Information to be verified includes, but is not limited to:

- **Eligibility for Admission, such as**
  - Income
  - Assets And Asset Income
  - Identification
  - Household Composition
  - Social Security Numbers
  - Citizenship And/or Legal Status
  - Student Status
  - Current HUD Assistance
- **Allowances, such as**
  - Age
  - Disability
  - Full Time Student Status
  - Child Care Expenses
  - Disability Assistance Expenses
  - Medical Expenses (For Elderly/Disabled Households Only)
- **Preferences**
  - HACA VAWA status
  - Involuntarily Displaced status
  - Disability status
- **Compliance with Resident Screening Guidelines, such as**
  - Criminal History
  - Credit History
  - Rental/Residence History
- **The Need for an Accessible Unit**

The owner/agent will be the final judge of the credibility of any verification submitted by an applicant. If the owner/agent questions the validity of a document or the validity of information provided, it will be reviewed by management staff for a ruling regarding acceptability.

## Tenant Selection Plan

### SCREENING FOR DRUG ABUSE AND OTHER CRIMINAL ACTIVITY

HUD has established standards that prohibit admission of:

- ~~Any household in which any member was evicted in the last three years from federally assisted housing for drug-related criminal activity~~
- Any household in which any member was engaged in the production of methamphetamine.
- \*A household in which any member is currently engaged in illegal use of drugs or for which the owner/agent has reasonable cause to believe that a member's illegal use or pattern of illegal use of a drug may interfere with the health, safety, and right to peaceful enjoyment of the property by other residents
- Any household member who is subject to any state lifetime sex offender registration requirement
- Any household member if there is reasonable cause to believe that member's behavior, from abuse or pattern of abuse of alcohol, may interfere with the health, safety, and right to peaceful enjoyment by other residents. The screening standards must be based on behavior, not the condition of alcoholism or alcohol abuse

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

In addition to HUD requirements, the owner/agent has established a policy to reject all applications where the applicant or any household member has engaged in criminal activity as described in this document below. The owner/agent will reject applications if any household member's criminal history includes any of the following:

- ~~Any household in which any member was evicted in the last five years from federally assisted housing for drug-related criminal activity~~
- Sex Offender Registration: Applicant, or any member of the applicant family, is or ever has been subject to registration under a state sex offender registration program
- Record of any conviction or adjudication, other than acquittal, of the following felonies by any household member, regardless of when it happened:
  - Capital Murder
  - Murder / Manslaughter
  - Arson
  - Kidnapping
  - Child Molestation
  - Treason
  - Rape or Crimes of a Sexual Nature
  - Incest
  - Crimes involving explosives
  - Crimes involving terrorism
  - Gross Lewdness
- 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:
  - 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.
  - 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.
  - Criminal activity that may threaten the health, safety or welfare of other tenants.
  - Illegal possession/discharge/display/carrying of firearm or illegal weapon/ deadly weapon.
  - Assault, aggravated assault, assault by threat, stalking.
  - 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.
  - Criminal activity that may threaten the health or safety of HACA staff, contractors, subcontractors or agents.

## Tenant Selection Plan

- Three or more incidences or convictions of alcohol-related criminal activity, including Driving under the Influence and Public Intoxication.
- 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:
  - A pattern of abuse of alcohol, including, but not limited to, public intoxication and driving while intoxicated.
  - A pattern of fraud committed against a governmental entity.
  - A pattern of theft or fraud.
  - A pattern of organized criminal activity.
  - A pattern of prostitution.

A pattern (for the purposes listed above) consists of three or more incidences, with a minimum of one incident occurring within the past three years.

The owner/agent will not deny an application solely on the basis of an arrest. If the owner/agent receives arrest information which may be for a disqualifying activity, the owner/agent may request additional information. Additional information that may be considered, if available, include the following:

- The police report associated with the arrest which provides the reported circumstances of the arrest.
- Any statements made by witnesses or the applicant not included in the police report
- Whether criminal charges were filed
- Whether, if filed, criminal charges were abandoned, dismissed, not prosecuted, or ultimately resulted in an acquittal
- Any other evidence relevant to determining whether or not the applicant engaged in the disqualifying activity

Evidence of criminal conduct will be considered if it indicates a demonstrable risk to safety and/or property.

If a resident or applicant has requested VAWA protections and such protections have been justified based on owner/agent investigation, the abuser/perpetrator will not be approved to live on the property.

If the owner/agent is unable to complete required criminal or sexual offender screening, the application will be rejected. If the owner/agent determines that a sex offender is part of the household, the owner/agent will allow the household to remove the sex offender from the application. Removal must be documented using the change of address receipt from the Texas Department of Sex Offender Registration.

The household will have five (5) business days to provide verification that the household member has alternative housing or that the household member has applied for alternative housing. Failure to provide such documentation will result in rejection of the application for all household members.

The owner/agent reserves the right to monitor household composition after move-in. The owner / agent will conduct quarterly reviews matching residents against the registered sex offender database. If the owner/agent discovers that a sex offender has moved in to the unit, assistance will be terminated and the household will be evicted in accordance with HUD requirements. Any assistance paid-in-error must be returned to HUD.

## Tenant Selection Plan

~~United States Code Title 8, subsection 1324(a)(1)(A) prohibits the harboring of illegal aliens. The provision of housing to illegal aliens is a fundamental component of harboring. All applicants will be required to provide proof of citizenship or legal immigration status.~~

If criminal screening indicates that the applicant has an unacceptable criminal history, the owner/agent will reject the applicant in accordance with HUD guidance and the owner/agent's standards for applicant rejection.

- Consideration of Extenuating Circumstances

In deciding whether to exercise discretion to admit an individual who has engaged in prohibited criminal activity, the owner/agent will consider all of the circumstances relevant to the particular admission decision, including but not limited to: the seriousness of the offending action; the effect that denial of the entire household would have on family members not involved in the criminal activity; and the extent to which the applicant has taken all reasonable steps to prevent or mitigate the criminal activity.

Additionally, when specifically considering whether to deny admission for illegal drug use by a household member who is no longer engaged in such activity, the owner/agent will consider whether the household member is participating in or has successfully completed a drug rehabilitation program, or has otherwise been rehabilitated successfully.

- Criminal Screening Discoveries

If the criminal background investigation indicates that the applicant does not meet the criminal screening criteria, the owner/agent will reject the applicant in accordance with HUD guidance and the owner/agent's standards for applicant rejection. Before rejecting the household, the owner/agent will compare the information provided by the applicant with the criminal history report. If the information conflicts, the owner/agent will:

- Notify the household of the proposed action based on the information;
- Provide a copy of the criminal history report;
- Provide the applicant with an opportunity to dispute the accuracy and relevance of the information obtained from any law enforcement agency;
- Allow the household the opportunity to remove the household member.

In this situation, applicants will have seven (7) calendar days to resolve the discrepancy. If the applicant fails to contact the owner/agent or indicates that he/she cannot provide documentation to refute the criminal discovery, the owner/agent will reject the application and remove the household from the waiting list. The owner/agent will notify the applicant family of the rejection in writing. The family will have the opportunity to request an appeal of the denial according to the terms of the grievance policy within this tenant selection plan.

If, after move-in, the owner/agent discovers that there was criminal history that would have resulted in rejection, the owner/agent will contact the resident to ascertain the accuracy of the criminal report. If the resident would have been rejected had the information been known at the time of the eligibility determination, the owner/agent will take appropriate action including notifying HUD's Office of the Inspector General of potential fraud and pursuing termination of tenancy (eviction).

### **SCREENING FOR CREDIT HISTORY**

The owner/agent reviews each adult applicant's credit history. The owner/agent does not consider medical bills/expenses, credit score, or the lack of credit history, when reviewing credit history.

## Tenant Selection Plan

Credit history will be reviewed to determine the following:

- If there is any debt owed to a prior landlord or HUD;
- If there are any evictions that have not been reported;
- If there are any other housing related judgments against the applicant.

Applicants will be rejected in the following situations:

- The family owes a debt to a federally assisted housing program which has not been repaid and the family has not established a repayment agreement.
- The family has a pattern of debts owed to housing and residential programs within the past two years.

If the applicant has no credit history, the credit screening will be considered “positive”.

### **SCREENING FOR ABILITY TO ESTABLISH UTILITY SERVICE**

The owner/agent will also screen applicant households for the ability to establish utility services in the name of at least one adult family member. All adult applicants will be required to sign the consent for Release of Information from Austin Energy. Applicant households which do not have any adult members able to establish service with Austin Energy will be given 7 days to resolve the issue with Austin Energy. If the household is unable to do so, the application will be rejected.

### **SCREENING FOR RENTAL HISTORY**

If any member of the applicant household has been evicted from any property owned or managed by the Housing Authority of the City of Austin for lease violations within the last two years, that applicant household will be rejected.

The owner/agent will review rental history with any landlord indicated in the past two (2) years. The owner/agent will also review information provided through automated databases including eviction databases. The application will be rejected for any of the following:

- The family has been evicted in the last five years from federally assisted housing for drug-related criminal activity;
- The family has been evicted from federally assisted housing within the past 2 years;
- The family 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.
- The family has a pattern of eviction from housing or termination from residential programs within the past five years (considering relevant circumstances).

~~If the applicant fails to identify one or more residences where he/she lived in the last two (2) years, the applicant will be rejected and the household will be removed from the waiting list. An applicant who has been homeless can meet the requirement to identify their residence by self-certifying to their homeless status.~~

The owner/agent will contact the prior property owner/agent (as indicated above) and inquire about the following information:



## Tenant Selection Plan

- Recipients of HUD assistance in another unit who are moving to establish a new household when other family/household members will remain in the original unit (*Split household/Swap household*)

If the owner/agent/agent discovers a discrepancy between the information on the application and the information provided by EIV, the applicant will be notified and will have 5 business days to respond to the inquiry. If an applicant fails to disclose receipt of HUD assistance or rental history, the application will be rejected and the applicant and all members of the applicant household will be removed from the waiting list.

If any household member receives or attempts to receive HUD housing assistance while receiving HUD housing assistance on this property, the household member will be required to reimburse HUD for assistance paid in error. This is considered a material lease violation and may result in penalties up to and including eviction and pursuit of fraud charges.

### **REJECTING INELIGIBLE OR UNQUALIFIED APPLICANTS**

The owner/agent reserves the right to reject applicants for admission based on any of the following:

- Any member of the household fails to respond to management inquiries for additional information during the application process.
- The owner/agent is unable to contact the applicant via US Mail (letters undeliverable or returned) and/or by phone (number disconnected or changed)
- Any member of the household has a record of eviction, for lease violations, from any property managed by the owner/agent or HACA
- Any member of the household has a pattern of eviction, for lease violations, from any property within the last two years
- There is a pattern of outstanding or overdue payments to a previous landlord
- There is record of outstanding or overdue payments to HUD
- The household is unable to pay the security deposit required
- The household is unable to take possession of the unit within the timeframes outlined in this plan
- The household is unable to pay the first month's rent (TTP)

### **REJECTION NOTICES**

The owner/agent will ~~promptly~~ notify the household (Head-of-Household (HOH)), in writing, within 7 days of the denial of admission or assistance. A rejection letter will be sent to the Head-of-Household via First Class Mail. The rejection letter will include the reason(s) for the rejection.

### **APPEALING THE DECISION TO REJECT**

Any applicant may make a request to appeal the denial in writing within **fifteen (15) calendar days from the date of the rejection**. The owner/agent will accept the request in an equally effective manner, as a reasonable accommodation, if there is the presence of a disability. Such requests are to be submitted to the Admissions Department in HACA's central office building. If there is no appeal request **within fifteen (15) days**, the rejection will be considered final. Reasons to appeal include:

- The applicant believes the decision has been made in error
- The applicant believes there are extenuating circumstances that should be considered
- The applicant or a member of the applicant's household is a victim of abuse covered by the Violence Against Women Act and the applicant feels the applicant's status as a victim contributes to the decision to deny

## Tenant Selection Plan

The owner/agent will give an applicant prompt notice of a decision denying eligibility for admission. The notice will contain a brief statement of the reasons for the owner/agent's decision, and will also state that the applicant may request an informal hearing to dispute the decision. The notice must describe how to obtain the informal hearing.

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.

- Scheduling an Informal Hearing

A request for an informal hearing must be made in writing and delivered to the owner/agent either in person, by fax, by email or by first class mail, by the close of the business day, no later than 15 calendar days from the date of owner/agent's notification of denial of admission.

Owner/agent will send written notice of the informal hearing within 30 business days of the family's request. Owner/agent will make every effort to hold the hearing within 45 calendar days of receiving the request for the hearing.

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

The informal hearing will be conducted by an appointed Hearing 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 the owner/agent.

The Hearing Officer will render a decision on whether admission should be granted or denied.

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

The owner/agent will notify the applicant of owner/agent's final decision, including a brief statement of the reasons for the final decision.

In rendering a decision, the owner/agent 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 the owner/agent's policy, then the decision to deny assistance will be overturned. See the Tenant Selection Plan for a detailed discussion of the grounds for applicant denial.
- The validity of the evidence. The owner/agent 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, the owner/agent 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 admissions.

The owner/agent will notify the applicant of the final decision, including a statement explaining the reason(s) for the decision. ~~The notice will be mailed to the applicant within 5 business days of the informal hearing. If the applicant requests the opportunity to provide additional documentation to support their case, the hearing officer may adjourn the hearing in order to reconvene at a later date, before reaching the final decision. If the family misses an appointment or deadline ordered by the hearing officer without proof of good cause, the original eligibility decision of the owner will take effect and another hearing will not be granted. The notice will be mailed within 15 calendar days of the informal hearing to the applicant and his or her representative, if any.~~

## Tenant Selection Plan

If the informal hearing decision overturns the denial, processing for admission will resume. The owner/agent 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.

The applicant may request that the Hearing Officer consider a request for Reasonable Accommodations under the Fair Housing Act and Section 504 with respect to past conduct (see below).

If the basis for the denial relates to family violence, the applicant may qualify for an exception under the Violence Against Women Amendments.

The Notice of Denial letter will include information for the resident regarding who to contact for legal representation.

### ***REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES [24 CFR 966.7]***

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

### ***HEARING AND APPEAL PROVISIONS FOR NON-CITIZENS [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 owner/agent's 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 owner/agent's 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)]**

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 resident, 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.

## Tenant Selection Plan

### **APPEALING DETERMINATIONS OF INELIGIBILITY**

The owner/agent will notify the household in writing as soon as possible if the secondary verification process returns a negative result. The applicant or resident has thirty (30) days from receipt of the notice to choose which option to follow.

The applicant or resident may appeal the owner/agent's decision directly to the DHS. The applicant or resident must send a copy of the appeal directly to the owner/agent. The DHS should respond to the appeal within thirty (30) days.

If the DHS decision results in a positive determination of eligibility, the owner/agent can provide the appropriate housing assistance. If the DHS decision results in a negative determination of eligibility, the household has **thirty (30) days** to request a hearing with the owner/agent.

### **PROHIBITION AGAINST DELAY OF ASSISTANCE**

Owner/agents may not delay the household's assistance if the applicant or resident submitted immigration information in a timely manner but the DHS verification or appeals process has not been completed.

If a unit is available, the household has come to the top of the waiting list, and at least one member of the household has submitted the required documentation in a timely manner and has been determined to be eligible, the owner/agent will offer the household a unit and provide full assistance to those household members whose documents were received on time. The owner/agent will continue to provide full assistance to such households until information establishing the immigration status of any remaining non-citizen household members has been received and verified.

### **APPENDIX B – VAWA POLICY**

The Violence Against Women Act (VAWA) provides protections to women or men who are the victims of domestic violence, dating violence, sexual assault and/or stalking. The owner/agent understands that, regardless of whether state or local laws protect victims of domestic violence, dating violence, sexual assault and/or stalking, people who have been victims of violence have certain rights under the Violence Against Women Act Reauthorization of 2013.

This policy is intended to support or assist victims of domestic violence, dating violence, sexual assault and/or stalking and protect persons seeking to exercise VAWA protections, as well as affiliated individuals (as defined by HUD), from being denied housing or from losing their HUD assisted housing as a consequence of their status as a victim of domestic violence, sexual assault, dating violence and/or stalking.

Only residents who are assisted by a covered housing program can invoke the VAWA protections that apply solely to residents. The term "resident" refers to an assisted family and the members of the household on their lease, but does not include guests or unreported members of a household.

In addition, a live-in aide or caregiver is not a resident, unless otherwise provided by program regulations, and cannot invoke VAWA protections. However, the owner/agent will consider requests for VAWA protections by live-in aides on a case-by-case basis.

VAWA ensures that persons seeking to exercise VAWA protections are not denied housing and housing assistance is not terminated solely because the person is a victim of an act covered under the VAWA (domestic violence, dating violence, stalking and/or sexual assault).

## Tenant Selection Plan

However, being a victim of an act covered under the VAWA is not reason to change the eligibility or applicant screening requirements set forth in the tenant selection plan unless such requirements interfere with protections provided under the VAWA.

Being a person seeking to exercise VAWA protections as the result of an offense covered under the VAWA is not reason to waive requirements set forth in the HUD Model Lease or in any lease attachment or HUD approved lease addendum unless such requirements interfere with protections provided under the VAWA.

The owner/agent will not assume that any act is a result of abuse covered under the Violence Against Women Act. In order to receive the protections outlined in the VAWA, the applicant/resident must specify that he/she wishes to exercise these protections. If any applicant or resident wishes to exercise the protections provided in the VAWA, he/she should contact the owner/agent immediately. The owner/agent is committed to ensuring that the Privacy Act is enforced in this and all other situations.

### **CONFIDENTIALITY**

The identity of the person seeking to exercise VAWA protections and all information provided to owner/agent relating to the incident(s) of abuse covered under the VAWA will be retained in confidence. Information will not be entered into any shared database nor provided to a related entity, except to the extent that the disclosure is

- Requested or consented to by the person seeking to exercise VAWA protections in writing;
- Required for use in an eviction proceeding or termination of assistance; or
- Otherwise required by applicable law.

The owner/agent will retain all documentation relating to an individual's domestic violence, dating violence, sexual assault and/or stalking in a separate file that is kept in a separate secure location from other applicant or resident files. If the documentation is stored electronically, the owner/agent will keep this information in an electronic file that is separate from the applicant or resident file with secured access only to authorized individuals.

### **REQUESTS & CERTIFICATION**

When the owner/agent responds to a request for protections provided under the VAWA the owner/agent will request that an individual complete, sign, and submit a certification form. This certification may be submitted in an equally effective manner, as a reasonable accommodation, if there is the presence of a disability.

The owner/agent understands that the delivery of the certification form to the applicant/resident via mail may place the person seeking to exercise VAWA protections at risk, (e.g., the abuser may monitor the mail). The owner/agent will work with the applicant/resident in making acceptable delivery arrangements, such as inviting them into the office to pick up the certification form or making other discreet arrangements.

If the applicant/resident has sought assistance in addressing domestic violence, dating violence, sexual assault and/or stalking from a federal, state, tribal, territorial jurisdiction, local police or court, the applicant/resident may submit written proof of this outreach in lieu of the certification form. The owner/agent may accept the following:

- A federal, state, tribal, territorial, or local police record or court record or

## Pathways At Bouldin Oaks Tenant Selection Plan

- Documentation signed and attested to by a professional (employee, agent or volunteer of a victim service provider, an attorney, medical personnel, etc.) from whom the person seeking to exercise VAWA protections has sought assistance in addressing domestic violence, dating violence and/or stalking or the effects of the abuse. The signatory attests under penalty of perjury (28 U.S.C. §1746) to his/her belief that the incident in question represents bona fide abuse, and the person seeking to exercise VAWA protections as a result of domestic violence, dating violence and/or stalking has signed or attested to the documentation.

If the applicant is currently living in a shelter established to protect victims of violence covered under the VAWA, the owner/agent will accept verification of such living arrangement in lieu of the certification form or other forms as noted above.

The person seeking to exercise VAWA protections must provide such documentation within fourteen (14) days of the request. The owner/agent will consider extending the deadline if requested. The owner / agent will also extend the deadline if specific circumstances exist that prevent the person seeking to exercise VAWA protections from submitting the form within fourteen (14) days. The owner /agent will consider these requests even if received after the 14 day deadline has passed. The owner/agent will not deny a VAWA claim solely due to confusion over when the certification form is due.

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The victim is not required to name his/her abuser if doing so would result in imminent threat or if the victim does not know the name of his/her abuser.

To ensure that a person is not wrongly accused of committing an act covered under the VAWA, the owner/agent will carefully evaluate abuse claims as to avoid denial, termination of assistance, termination of tenancy or eviction based on false or unsubstantiated accusations.

The owner/agent will review and respond to requests to exercise protections provided under the VAWA within ten (10) business days of receiving all required documentation. The owner/agent may provide the response in any manner acceptable to the the person seeking to exercise VAWA protections and the owner/agent. Responses include:

- Approval of the Request
- Denial of the Request
- Request for additional information

If the request is denied, the person seeking to exercise VAWA protections may appeal the decision through the grievance procedure. The appeal meeting will be conducted by someone who was not involved in the original decision to deny.

### **LEASE BIFURCATION**

If the owner/agent determines that physical abuse caused by a resident is clear and present, the law provides the owner/agent with the authority to bifurcate a lease (i.e., remove, evict, or terminate housing assistance to any abuser, while allowing the person seeking to exercise VAWA protections, who lawfully occupies the home, to maintain tenancy.)



## Pathways At Bouldin Oaks Tenant Selection Plan

The owner/agent may attempt to evict the abuser, but residents should know that state/local tenant/landlord laws prevail and the owner/agent must comply with such laws. The owner/agent cannot guarantee that a court will award or enforce an eviction.

Owner/agents must keep in mind that the eviction of or the termination action against the individual must be in accordance with the procedures prescribed by federal, state, and local law. The owner/agent is committed to attempting to assist the person seeking to exercise VAWA protections, however, evictions are generally carried out through the court system and the owner/agent cannot override or circumvent a legal decision.

In the event that one household member is removed from the unit because of engaging in acts of domestic violence, dating violence, sexual assault and/or stalking against another household member, an appropriate certification will be processed reflecting the change in household composition. Special consideration will be given if the remaining household members are not qualified to remain in the unit as a "remaining household member".

If a lease is bifurcated or if a resident is evicted from the property because of an offense covered under the VAWA, the person will be barred from the property.

Victims are encouraged to seek police/legal protection from their abuser. Inviting a person evicted because of an offense covered under the VAWA or encouraging such person to remain on the property is a lease violation. The resident agrees to notify the owner/agent and/or local authorities if such person enters the property.

### **EMERGENCY TRANSFER**

The owner/agent will consider an Emergency Transfer request when a person seeking to exercise VAWA protection feels that he/she is:

- In imminent danger
- Was sexually assaulted on the property within 90 days of the request

### **THE OWNER WILL ACCEPT THE EMERGENCY TRANSFER REQUEST DIRECTLY FROM THE PERSON SEEKING TO EXERCISE VAWA PROTECTIONS OR FROM AN ADVOCATE WORKING ON THEIR BEHALF. LEASE ADDENDUM**

Any HUD approved lease addendum will be implemented and provided in accordance with HUD guidance. The Violence Against Women Act (VAWA) provides protections to women or men who are the victims of domestic violence, dating violence, sexual assault and/or stalking. The owner/agent understands that, regardless of whether state or local laws protect victims of domestic violence, dating violence, sexual assault and/or stalking, people who have been victims of violence have certain rights under the Violence Against Women Act Reauthorization of 2013.

This policy is intended to support or assist victims of domestic violence, dating violence, sexual assault and/or stalking and protect victims, as well as members of their family, from being denied housing or from losing their HUD-assisted housing as a consequence of their status as a victim of domestic violence, sexual assault, dating violence and/or stalking.

VAWA protections are not provided to guests, unauthorized residents or service providers (including live-in aides) hired by the resident.



## Pathways At Bouldin Oaks Tenant Selection Plan

VAWA ensures that victims are not denied housing and housing assistance is not terminated solely because the person is a victim of an act covered under the VAWA (domestic violence, dating violence, stalking and/or sexual assault).

However, being a victim of an act covered under the VAWA is not reason to change the eligibility or applicant screening requirements set forth in the tenant selection plan unless such requirements interfere with protections provided under the VAWA. Being a victim of an act covered under the VAWA is not reason to waive requirements set forth in the HUD Model Lease or in any lease attachment or HUD approved lease addendum unless such requirements interfere with protections provided under the VAWA.

The owner/agent will not assume that any act is a result of abuse covered under the Violence Against Women Act. In order to receive the protections outlined in the VAWA, the applicant/resident must specify that he/she wishes to exercise these protections. If any applicant or resident wishes to exercise the protections provided in the VAWA, he/she should contact the owner/agent immediately. The owner/agent is committed to ensuring that the Privacy Act is enforced in this and all other situations.

### **CONFIDENTIALITY**

The identity of the victim and all information provided to owner/agent relating to the incident(s) of abuse covered under the VAWA will be retained in confidence. Information will not be entered into any shared database nor provided to a related entity, except to the extent that the disclosure is

- Requested or consented to by the victim in writing;
- Required for use in an eviction proceeding or termination of assistance; or
- Otherwise required by applicable law.

The certification form provides notice to the resident of the confidentiality of the form and the limits thereof. The owner/agent will retain all documentation relating to an individual's domestic violence, dating violence, sexual assault and/or stalking in a separate file that is kept in a separate secure location from other applicant or resident files. If the documentation is stored electronically, the owner/agent will keep this information in an electronic file that is separate from the applicant or resident file with secured access only to authorized individuals.

### **REQUESTS & CERTIFICATION**

When the owner/agent responds to a request for protections provided under the VAWA the owner/agent will request that an individual complete, sign, and submit a certification form, within fourteen (14) calendar days of the request. This certification may be submitted in an equally effective manner, as a reasonable accommodation, if there is the presence of a disability.

If necessary, the victim may request additional time to submit the certification. The owner/agent will not deny a VAWA claim solely due to confusion over when the certification form is due.

The victim is not required to name his/her abuser if doing so would result in imminent threat or if the victim does not know the name of his/her abuser.

The owner/agent understands that the delivery of the certification form to the applicant/resident via mail may place the victim at risk, (e.g., the abuser may monitor the mail). The owner/agent will work with the applicant/resident in making acceptable delivery arrangements, such as inviting them into the office to pick up the certification form or making other discreet arrangements.





## Pathways At Bouldin Oaks Tenant Selection Plan

If the applicant/resident has sought assistance in addressing domestic violence, dating violence, sexual assault and/or stalking from a federal, state, tribal, territorial jurisdiction, local police or court, the applicant/resident may submit written proof of this outreach in lieu of the certification form. The owner/agent may accept the following:

- A federal, state, tribal, territorial, or local police record or court record or
- Documentation signed and attested to by a professional (employee, agent or volunteer of a victim service provider, an attorney, medical personnel, etc.) from whom the victim has sought assistance in addressing domestic violence, dating violence and/or stalking or the effects of the abuse. The signatory attests under penalty of perjury (28 U.S.C. §1746) to his/her belief that the incident in question represents bona fide abuse, and the victim of domestic violence, dating violence and/or stalking has signed or attested to the documentation.

If the applicant is currently living in a shelter established to protect victims of violence covered under the VAWA, the owner/agent will accept verification of such living arrangement in lieu of additional verification.

To ensure that a person is not wrongly accused of committing an act covered under the VAWA, the owner/agent will carefully evaluate abuse claims as to avoid denial, termination of assistance, termination of tenancy or eviction based on false or unsubstantiated accusations.

The applicant/resident is required to provide all necessary documentation to the owner/agent no more than ten (10) business days after submitting the certification to the owner/agent. If the victim is unable to provide required documentation within the required timeframe, the owner/agent will deny the request.

The owner/agent will review and respond to requests to exercise protections provided under the VAWA within ten (10) business days of receiving all required documentation. The owner/agent may provide the response in any manner acceptable to the victim and the owner/agent. Responses include:

- Approval of the Request
- Denial of the Request
- Request for additional information

### **LEASE BIFURCATION**

If the owner/agent determines that physical abuse caused by a resident is clear and present, the law provides the owner/agent with the authority to bifurcate a lease (i.e., remove, evict, or terminate housing assistance to any abuser, while allowing the victim, who lawfully occupies the home, to maintain tenancy.)

The owner/agent may attempt to evict the abuser, but residents should know that state/local tenant/landlord laws prevail and the owner/agent must comply with such laws. The owner/agent cannot guarantee that a court will award or enforce an eviction.

Owner/agents must keep in mind that the eviction of or the termination action against the individual must be in accordance with the procedures prescribed by federal, state, and local law. The owner/agent is committed to attempting to assist the victim, however, evictions are generally carried out through the court system and the owner/agent cannot override or circumvent a legal decision.



## Pathways At Bouldin Oaks Tenant Selection Plan

~~In the event that one household member is removed from the unit because of engaging in acts of domestic violence, dating violence, sexual assault and/or stalking against another household member, an appropriate certification will be processed reflecting the change in household composition. Special consideration will be given if the remaining household members are not qualified to remain in the unit as a "remaining household member".~~

### ~~CRIMINAL ACTS~~

~~Victims are encouraged to seek police/legal protection from their abuser. In some cases, the owner/agent may file a restraining order against the abuser to prevent the abuser from entering the property. If there is a restraining order against the abuser and the resident willingly allows or invites the abuser onto the premises, the owner/agent may seek termination of assistance and/or tenancy.~~

~~In accordance with the regulation at 24 CFR 5.861, the owner/agent may terminate tenancy and evict the tenant through judicial action for criminal activity by a covered person if the Landlord determines that the covered person has engaged in the criminal activity, regardless of whether the covered person has been arrested, or convicted for such activity and without satisfying a criminal standard of proof of the activity.~~

~~The owner/agent will take into account individual circumstances when making a determination to terminate tenancy; such circumstances might include, among other things, the seriousness of the offending action, the extent of participation by the leaseholder in the offending action, and whether the leaseholder, if not the wrongdoer, took all feasible steps to prevent the offending action from occurring and has removed the offending person from the lease or otherwise banned the offending person from the premises in the future.~~

### ~~LEASE ADDENDUM~~

~~Any HUD approved lease addendum will be implemented and provided in accordance with HUD guidance.~~



# Exhibit 3

## ***Pathways at***

*A Subsidiary of the Housing Authority of the City of Austin*

# Tenant Selection Plan

## Project Based Rental Assistance & Low Income Housing Tax Credit for a Family Site

## Family PBRA / LIHTC Tenant Selection Plan

### **SUBSIDY**

Residents at this property are offered subsidized rent. This means the rent that a household pays is based upon the household income. The family will pay 30% of their adjusted household income, 10% of their gross household income or \$25 – whichever is higher. The balance of the contract rent is subsidized by the Federal Government. The rent amounts paid by residents may vary.

### **TENANT-BASED VOUCHERS**

The owner/agent may not admit an applicant with a voucher to a unit with Project Based Rental Assistance unless the applicant agrees to give up the voucher prior to occupancy. This will be verified with the former housing provider.

Please note that housing assistance provided through HUD's multi-family housing program is not the same as the housing assistance provided through the voucher program. If any family member moves out, the housing subsidy will not move with the family as it does with a voucher

### **ASSISTED LIVING**

This is not an assisted living property. The owner/agent and property staff do not provide, nor have the authority to provide, any personal care or personal supervision services. All care and supervision services must be provided by the resident or aides supervised by the resident or the resident's representative(s). The owner/agent and property staff do not provide assistance with personal activities or daily living.

### **FAIR HOUSING POLICIES**

#### **FAIR HOUSING**

The owner/agent will not discriminate in any of the following ways:

1. Deny to any household the opportunity to apply for housing, nor deny to any eligible applicant the opportunity to lease housing suitable to its needs;
2. Provide housing which is different than that provided others;
3. Subject a person to segregation or disparate treatment;
4. Restrict a person's access to any benefit enjoyed by others in connection with the housing program;
5. Treat a person differently in determining eligibility or other requirements for admission;
6. Deny a person access to the same level or services; or
7. Deny a person the opportunity to participate in a planning or advisory group which is an integral part of the housing program.

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The Fair Housing Act prohibits discrimination in housing and housing related transactions based on race, color, religion, sex, national origin, disability, and familial status. In addition, the city of Austin has added Fair Housing protections based on creed, student status, marital status, sexual orientation, gender identity and age.

This development will comply with state and federal fair housing and antidiscrimination laws; including, but not limited to, consideration of reasonable accommodations requested to complete the application process. Chapter 1, Subchapter B of Title 10: Community Development Part 1: Texas Department of Housing and Community Affairs provides more detail about reasonable accommodations. In addition, applicants can request a copy of the owner/agent's Reasonable Accommodation Policy.

Screening criteria will be applied in a manner consistent with all applicable laws, including the Texas and Federal Fair Housing Acts, the Federal Fair Credit Reporting Act, program guidelines and the Texas Department of Housing and Community Affairs rules.

## Family PBRA / LIHTC Tenant Selection Plan

Specific animal, breed, number, weight restrictions, pet rules and pet deposits will not apply to households having a qualified service / assistance animal(s). For more information, applicants can request a copy of the owner/agent's Assistance Animals Policy.

### **TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

The owner/agent complies with Title VI of the Civil Rights Act of 1964 which prohibits discrimination based on race, color, or national origin in any program or activity receiving federal financial assistance from HUD.

### **SECTION 504 OF THE REHABILITATION ACT OF 1973**

The owner/agent complies with Section 504 of the Rehabilitation Act of 1973 which prohibits discrimination, based on the presence of a disability in all programs or activities operated by recipients of federal financial assistance.

Although Section 504 protections often overlap with the disability discrimination prohibitions included in the Fair Housing Act, Section 504 differs in that it imposes broader affirmative obligations to make their programs, as a whole, accessible to persons with disabilities.

- Coordinating Efforts to Comply with Section 504 Requirements

The owner/agent has designated a person to address questions or requests regarding the specific needs of residents and applicants with disabilities. This person is referred to as the Section 504 Coordinator.

Name of Section 504 Coordinator:	Vice President of Housing and Community Development
Address:	1124 S IH 35, Austin, TX 78704
Phone Number:	(512) 477-4488
TDD/TTY Number:	1-800-735-2989 OR 711 Voice Relay

- Requests for Reasonable Accommodation or Modification

In accordance with the Fair Housing Act and Section 504 of the Rehabilitation Act, the owner/agent will make reasonable accommodations or modifications for individuals with disabilities (applicants or residents) unless these modifications would change the fundamental nature of the housing program or result in undue financial and administrative burden. ~~Please see Appendix A for additional information.~~

The owner / agent has a Reasonable Accommodations Policy which explains the eligibility and the process for making a request. The owner/agent will provide an individual with a copy of the Reasonable Accommodation Policy upon request.

### **PRIVACY POLICY**

It is the policy of the owner/agent to guard the privacy of individuals conferred by the Federal Privacy Act of 1974 and to ensure the protection of such individuals' records maintained by the owner/agent.

Neither the property owner/agent nor its agents shall disclose any personal information contained in its records to any person or agency, other than HUD, its Contract Administrators or other federal/state entity or investor auditing entities, unless the individual about whom information is requested gives written consent to such disclosure. Such consent may be provided in an equally effective manner, as a reasonable accommodation, when there is the presence of a disability.

## Family PBRA / LIHTC Tenant Selection Plan

This Privacy Policy in no way limits the owner/agent's ability to collect such information to determine eligibility, compute rent, or determine an applicant's suitability for tenancy.

### **COMPLIANCE WITH REQUIREMENTS OUTLINED IN THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013**

The owner/agent understands that, regardless of whether state or local laws protect victims of domestic violence, dating violence, sexual assault or stalking, people who have been victims of violence have certain protections provided through the Violence Against Women Reauthorization Act of 2013 (VAWA 2013).

If any applicant wishes to exercise the protections provided in the VAWA 2013, he/she should contact the owner/agent immediately.

The owner/agent will not assume that any act is a result of abuse covered under the VAWA 2013. In order to receive the protections outlined in the VAWA 2013, the applicant/applicant must specify that he/she wishes to exercise these protections.

The owner/agent will provide an individual with a copy of the VAWA Policy upon request.

### **THE EQUAL ACCESS RULE**

The owner/agent ensures that HUD's core housing programs are open to all eligible persons regardless of sexual orientation, gender identity or marital status in accordance with *The Equal Access Rule*.

### **ELIGIBILITY REQUIREMENTS**

The owner / agent is required to determine whether applicants are eligible to occupy the subsidized property and receive housing assistance. Eligibility is divided into property eligibility and program eligibility. Eligibility is determined based on the applicable Federal and State regulations that govern the property and programs.

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For HUD programs, eligibility is determined at move-in or initial certification. Thereafter, eligibility is only reviewed for student status or to determine if a remaining family member is eligible to remain.

### **PROPERTY ELIGIBILITY DEFINITION**

- Household/Resident Type

This multi-family PBRA / LIHTC property is designed to provide housing to families who meet the eligibility and screening requirements. A family includes, but is not limited to:

- 1-0 A family with or without children (the temporary absence of a child from the home due to placement in foster care shall not be considered in determining family composition and family size);
- 2-0 An elderly family;
- 3-0 A near elderly family;
- 4-0 A disabled family;
- 5-0 A displaced family;
- 6-0 The remaining member of a tenant family; and
- 7-0 A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.

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- Income Limits

## Family PBRA / LIHTC Tenant Selection Plan

Income limits vary by program type (PBRA or LIHTC) and household size. The owner/agent will provide applicants a copy of the income limits for the property area upon request. In addition, applicants can review the income limits by accessing the following web site. <http://www.huduser.org/datasets/il.html>.

HUD requires that property managers incorporate the most recently published income limits when determining eligibility. The IRS "hold harmless" rule states that if the income limits go down, the property can maintain the highest level of income limits in effect after the property was placed in service with tax credits.

This property is a layered property with all units required to meet both the PBRA and LIHTC income limit requirements. Both income limits are based off a percentage of the median family income for the Austin – Round Rock – San Marcos metropolitan statistical area. Since the LIHTC income limit is lower, by default it becomes the effective income limit for the property.

For this property, qualified applicant households must meet the following income limit requirements:

Subsidy	Type of Income Limit
Project Based Rental Assistance (PBRA)	Low – 80% of median income

AMFI %	Number of Household Members							
	1	2	3	4	5	6	7	8
80	\$43,600	\$49,800	\$56,050	\$62,250	\$67,250	\$72,250	\$77,200	\$82,200

Subsidy	Type of Income Limit
Low Income Housing Tax Credit (LIHTC)	Low – 60% of median family income

AMFI %	Number of Household Members							
	1	2	3	4	5	6	7	8
60	\$ 32,700	\$ 37,380	\$ 42,060	\$ 46,680	\$ 50,460	\$ 54,180	\$ 57,900	\$ 61,620

- Occupancy Standards**

Occupancy standards serve to prevent the over-utilization or under-utilization of units that can result in an inefficient use of housing funding. Occupancy standards also ensure that residents are treated fairly and consistently and receive adequate housing space.

Below, please find this property's occupancy standards description:

Number of Bedrooms	Min. # Household Members	Max. # Household Members
0	1	1
1	1	2
2	2	4
3	3	6
4	4	8
5	5	10



## Family PBRA / LIHTC Tenant Selection Plan

- o Generally there is a maximum of two people per bedroom. The owner/agent does not determine who shares a bedroom.
- o The owner/agent allows for occupancy of fewer than 2 persons (over the age of 6) per bedroom for the following reasons:
  - o The small size of the bedrooms and units;
  - o To allow the family to determine what is best for their situation in accordance with best practices for Fair Housing.
- o The family is given the choice of which bedroom size is appropriate for their family, as long as the number of family members is within the range listed in the chart above.
- o Once the family has selected an eligible bedroom size they will be placed on the waiting list for that bedroom size. Changes to the bedroom size cannot be made unless a qualifying event occurs. Qualifying events include:
  - o Changes in the family composition (removing or adding household members) which result in the family no longer being eligible for the chosen bedroom size.
  - o Changes in the ages of the children, resulting in two children of the opposite sex, with one at least seven (7) years of age. These children will not be required to share a bedroom,
  - o Changes in family composition adding persons of different generations (grandparent, grandchild, parent, etc). These family members will not be required to share a bedroom.
  - o Need for a different bedroom size as a reasonable accommodation for a disability.
- o Authorized live-in aides will be allocated a separate bedroom. No additional bedrooms will be provided for the live-in aide's family.
- o Anticipated children will be included. Anticipated children include:
  - o Children expected to be born to a pregnant woman;
  - o Children in process of being adopted by an adult family member;
  - o Children whose custody is being obtained by an adult family member;
  - o Foster children who will reside in the unit;
  - o Children who are temporarily in a foster home who will return to the family; and
  - o Children in joint custody arrangements who are present in the household 50% or more of the time.
- o 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:
  - o the family member is enrolled and actively attending a two-year or four-year college or university; and
  - o the family member resides in the public housing unit during school breaks and holidays.

Any household placed in a unit size different from that defined in these Occupancy Standards shall agree to transfer to an appropriate size unit at the same property when one becomes available. Once an appropriate size unit is offered to the family, they have 30 days to complete the transfer or lose their subsidy.

### • Rent Limits

The following are the contract rents for this property:

<u>Contract Rents</u>	<u>Project Based Rental Assistance Program</u>
	<u>Number of Bedrooms</u>

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## Family PBRA / LIHTC Tenant Selection Plan

	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>		
	\$817	\$876	\$1,051	\$1,214	\$1,354	\$1,494	-	-

For the PBRA program, residents pay 30% of their adjusted income for rent, even if this amount exceeds the contract rent. This amount is adjusted downward by a utility allowance for any utilities that are paid by the resident directly to the utility provider.

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If assistance is terminated, but the resident is allowed to remain living on the property, the resident will pay the contract rent.

The maximum amount of rent that can be paid by the resident is set by the LIHTC rent limits. The following are the rent limits for this property:

<b>RENT LIMITS</b>		<b><u>Low Income Housing Tax Credit Program</u></b>						
<b>AMFI</b>		<b><u>Number of Bedrooms</u></b>						
<b>%</b>	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>		
<u>60</u>	\$817	\$876	\$1,051	\$1,214	\$1,354	\$1,494	-	-

- Verifying the Need for an Accessible Unit

When an applicant requests an accessible unit or a unit preference, such as a first floor unit, the owner/agent will conduct inquiries to:

- Verify that the applicant is qualified for the unit, which is only available to persons with a disability or to persons with a particular type of disability.
- Verify that the applicant needs the features of the unit as an accommodation to his or her disability.
- Verify that the applicant is qualified to receive a priority on the waiting list available to persons with a disability or to persons with a particular type of disability.

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Verification of this information can be provided by any person who has reasonable knowledge of the family's need for this accommodation.

### ***PROGRAM ELIGIBILITY***

- Eligibility Standards

Based on federal regulations, the owner/agent may admit only eligible applicants. In the selection of applicants for admission, eligibility criteria have been established in accordance with HUD guidelines. The following eligibility standards will be applied in accordance with HUD requirements:

- The household's annual income must not exceed program income limits at move-in;
- The Head-of-Household (HOH), co-Head-of-Household and the spouse (regardless of age) and all adults in each household must sign an Authorization for Release of Information (HUD Forms 9887 and 9887A) and owner/agent created verification documents prior to receiving assistance and annually thereafter;
- The unit for which the household is applying must be the household's only residence;

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## Family PBRA / LIHTC Tenant Selection Plan

A household is eligible for assistance only if the unit will be the household's only residence. The owner/agent will not knowingly assist applicants who will maintain a residence in addition to the HUD-assisted unit.

Applicants must disclose if they are currently receiving HUD housing assistance. Residents can only receive subsidy for one unit/residence at a time. This prohibition does not prevent a person who is currently receiving assistance from applying for an assisted unit in another property.

If, for any reason, an applicant moves in to this property before moving out of another subsidized unit, the new resident will be required to pay market rent until the move out from the previous property is complete and the resident is eligible to receive HUD subsidy for this property. Assistance in the new unit will begin, if the household is still eligible, the day after assistance ends for the previous unit.

There is an exception to this rule. Children in joint custody arrangements can receive HUD housing assistance in two units when both parent/guardian families receive HUD housing assistance. However, only one household may use the dependent deduction to determine adjusted income. In these cases, additional verification is required. The owner/agent will request:

- o Verification of the custody/guardianship/living arrangement
- o Verification of the use of the deduction. The owner/agent will verify use of the dependent deduction with the other owner/agent if :
  - The child will live in the unit at least 50% of the time and
  - The parent wishes to claim the deduction, and
  - Both families are receiving HUD housing assistance

There is a second exception to this rule. If a member of an existing household leaves that household to establish their own unit, HUD allows for a temporary overlap of subsidy (not to exceed 60 days) to allow for the interim recertification to go into effect for the original household.

- Eligibility of Students Enrolled at an Institute for Higher Education

Student eligibility is determined at move-in/initial certification and at each annual certification. Student eligibility may also be reviewed at interim certification if student status has changed since the last certification. All adult students are required to report any change in their student status.

A student who is otherwise eligible and meets screening requirements is eligible for assistance if the student meets the criteria indicated below. Section 8 assistance shall be provided to any individual who is enrolled as either a part-time or full-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential; when the student:

A student who is otherwise eligible and meets screening requirements is eligible for assistance if the student meets the criteria indicated below. Section 8 assistance shall not be provided to any individual who:

- o Is living with his or her parents who are receiving Section 8 assistance
- o Is individually eligible to receive Section 8 assistance and has parents who are income eligible to receive Section 8 assistance.
- o Is a veteran of the United States military;
- o Is married;
- o Has a dependent other than a spouse (e.g. dependent child);
- o Is at least 24 years of age;

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## Family PBRA / LIHTC Tenant Selection Plan

- Is a person with disabilities, as such term is defined in section 3(b)(3)(E) of the 1937 Act and was receiving assistance under section 8 of the 1937 Act as of November 30, 2005;
- Is classified as Vulnerable Youth; A student meets HUD's definition of a vulnerable youth when:
  - a. The individual is an orphan, in foster care, or a ward of the court or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older;
  - b. The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's State of legal residence;
  - c. The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth (as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act) (42 U.S.C. 11431 et seq.), or as unaccompanied, at risk of homelessness, and self-supporting, by
    - 1. A local educational agency homeless liaison, designated pursuant to the McKinney-Vento Homeless Assistance Act;
    - 2. The director of a program funded under the Runaway and Homeless Youth Act or a designee of the director;
    - 3. The director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants) or a designee of the director; or
    - 4. A financial aid administrator; or
- The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances
  - Is enrolled as either a part time or full time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential; and
  - Is under the age of 24; and
  - Is not married; and
  - Is not a veteran of the United States Military; and
  - Does not have a dependent child; and
  - Is not a person with disabilities, as such term is defined in 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving section 8 assistance as of November 30, 2005; and
  - Is not living with his or her parents who are receiving Section 8 assistance; and
  - Is not individually eligible to receive Section 8 assistance or has parents (the parents individually or jointly) who are not income eligible to receive Section 8 assistance.

If a student does not meet the eligibility criteria above, but can prove independence from parents under HUD rules, then the student would meet HUD's student eligibility criteria. Please see property staff if you need additional information about proving independence from parents.

If an ineligible student applies for or is a member of an existing household receiving Section 8 assistance, the assistance for the household will not be prorated but will be terminated. **NOTE: Unless the student can demonstrate his or her independence from parents, the student must be eligible to receive Section 8 assistance and the parents (individually or jointly) must be eligible (income eligible) to receive Section 8 assistance in order for the student to receive Section 8 assistance.**

For a student to be eligible independent of his or her parents (where the income of the parents is not relevant), the student must demonstrate independence from, parents. While owner/agents may use additional criteria for determining the student's independence from parents, owner/agents must use,

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## Family PBRA / LIHTC Tenant Selection Plan

and the student must meet, at a minimum ~~all~~ of the following criteria to be eligible for Section 8 assistance. The student must:

- ~~o Be of legal contract age under state law;~~
- ~~o Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy, or, meet the U.S. Department of Education's definition of an independent student;~~
- ~~o Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and~~
- ~~o Obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support. This certification is required even if no assistance will be provided.~~
- ~~o If an ineligible student is a member of an existing household receiving Section 8 assistance, the assistance for the household will not be prorated but will be terminated~~

**NOTE:** An owner/agent cannot evict or require an ineligible student to move from a unit as long as the student is in compliance with the terms of the lease.

Any financial assistance a student receives (1) under the Higher Education Act of 1965, (2) from private sources, or (3) from an institution of higher education that is in excess of amounts received for tuition shall be considered income to that individual, except for:

- ~~o A person-student 24 years of age or older with dependent children as defined by HUD or~~
- ~~o A person-student living with his/her parents who are receiving Section 8 assistance.~~

The definition of tuition is consistent with the definition provided by the Department of Education and includes all tuition plus mandatory course-related fees associated with being enrolled at that institution of higher education. This does not include the cost of books.

- Additional Tax Credit Eligibility Requirements for Students Enrolled at an Institute of Higher Education  
Households composed entirely of full-time students are not eligible for tax credit program unless, they meet one of these 5 criteria:

- ~~1.o~~ Married and filing a joint tax return or eligible to file a joint tax return, or
- ~~2.o~~ Single parent, at least 1 child, neither of whom is a dependent on another person's tax return, except for the return of the other parent of the child, or
- ~~3.o~~ Receiving welfare or TANF, or
- ~~4.o~~ Participating in job-training program funded through Workforce Investment Act, or
- ~~5.o~~ Household member was a participant in the foster care program.

- Prohibition of Assistance to Noncitizen Students  
Noncitizen students and their noncitizen families may not receive assistance. Noncitizen students are not eligible for continuation of assistance or temporary deferral of termination of assistance. A noncitizen student is defined as an individual who is as follows:

- o A resident of another country to which the individual intends to return;
- o A bona fide student pursuing a course of study in the United States; and
- o A person admitted to the United States solely for the purpose of pursuing a course of study as indicated on an F-1 or M-1 student visa.

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## Family PBRA / LIHTC Tenant Selection Plan

This prohibition applies to the noncitizen student's noncitizen spouse and noncitizen children. However, spouses and children who are U.S. citizens may receive assistance. For example, a family that includes a noncitizen student married to a U.S. citizen is a mixed family.

### **PROCEDURES FOR TAKING PRE-APPLICATIONS & APPLICATIONS**

Applications for housing at this property are only received online or at the owner/agent's office location. Applications are not received at the property management office.

It is the owner/agent's policy to accept and process applications in accordance with HUD guidance. The owner/agent will make a reasonable accommodation to assist in the application process if the applicant or any member of the applicant household is disabled.

#### **PRE-APPLICATIONS**

Applicants will first complete a pre-application to have their name placed on the waiting list for housing at [name of property]. Pre-applications can be submitted on the internet at [www.austin.apply4housing.com](http://www.austin.apply4housing.com) [www.hacaapply.org](http://www.hacaapply.org) from any device with internet access (including smartphone, tablet, desktop or other device). For a list of local places with free internet access please contact HACA. The owner/agent will also accept the application in an equally effective format, as a reasonable accommodation, if there is the presence of a disability. Please contact HACA to request that accommodation.

The entire pre-application must be completed in full and submitted before the applicant will be placed on the waiting list. Confirmation of successful submission will be provided by the online application portal if all requirements are met.

Due to long waiting lists and depending on the preferences for which an applicant family may qualify, the time spent on the waiting list may be anywhere from several months to several years. While waiting on the waiting list, applicants may check the status of their application by creating an account at <https://austin.ourpha.com/applicants> [www.myhaca.org](http://www.myhaca.org). In this applicant portal, applicants can update their contact information, report changes to their application and check the status of their application. It is the applicant's responsibility to keep all contact information current.

- **Incomplete Pre-Applications**

Electronic submissions of pre-applications cannot be submitted if they are incomplete. For pre-applications accepted by an alternate means, if the pre-application is not complete, the owner/agent will attempt to contact the applicant to obtain missing information. The applicant will have ten (10) business days to respond and provide missing information. If the applicant fails to provide required information within the ten (10) day period, the owner/agent will return the application.

- **Preliminary Determination of Applicant Eligibility**

Information needed to determine applicant eligibility shall be obtained, verified, and the determination of applicant eligibility performed, in accordance with HUD, IRS and property eligibility requirements. Upon receipt of the completed pre-application, the owner/agent will make a preliminary eligibility determination before adding a household to the waiting list or initiating final eligibility tasks. The owner/agent will review the pre-application to ensure that there are no obvious factors that would make the applicant ineligible. Obvious factors include, but are not limited to:

- Owing a debt to the Housing Authority of the City of Austin (any property or program) that is still within the 4 year statute of limitations;

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## Family PBRA / LIHTC Tenant Selection Plan

- Having been evicted (or vacated in lieu of eviction) from any HACA program within 5 years for drug related criminal activity;
- Having been evicted (or vacated in lieu of eviction) from any HACA program within 2 years for any reason other than drug related activity;
- The head of household on the application is currently a head of household living at this property;
- Having been denied admission to this program within the past 12 months for any reason at any property owned and administered by the Housing Authority of the City of Austin.
- Having rejected a housing offer for a unit of the same size at the same property within the last 12 months.

If an applicant is preliminarily ineligible, within seven (7) days the owner/agent will send a notice to the applicant indicating that they are not eligible, including the reason(s) why they were determined ineligible and stating the family's rights to appeal the decision. This action will be completed in agreement with the owner/agent's Grievance and Appeals Policy which is available to the applicant upon request.

If a preliminary eligibility review indicates that a household is preliminarily eligible for tenancy, but units of appropriate size are not available, the owner/agent will place the household on the waiting list for the property and notify the household when their name comes to the top of the waiting list.

If an applicant is otherwise eligible but no appropriate unit exists in the property, the owner/agent will reject the pre-application.

The owner/agent will notify the applicant family if their pre-application is rejected for any reason.

### APPLICATIONS

When the applicant family reaches the top of the waiting list, they will receive an invitation by mail to come to an eligibility interview.

- Applicant families can receive up to 3 invitations to attend an eligibility interview.
- If a family does not attend the scheduled appointment, a notice will be sent to the family and their name will be withdrawn from the waiting list. If the family responds within fifteen (15) calendar days of the notice and requests to be rescheduled, they will be placed back on the waiting list with their same date and time.
- Once the family misses their third scheduled appointment, they are no longer eligible to be placed back on the waiting list. The family will be required to submit a new application and start the process from the beginning.

During the eligibility interview process, the applicant family will complete a full application. All documents in the Application Package must be **completed in full**, signed and dated in order to be accepted. All adult applicants must complete the application package as instructed.

Upon request, the owner/agent/agent will provide interested parties with a copy of the application package. The person who is indicated as the Head-of-Household (HOH) must execute and sign all documents that are included in the application package. Before completing or executing any forms, additional copies should be made for all adult household members and in some cases for minors who will live in the unit.

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## Family PBRA / LIHTC Tenant Selection Plan

The owner/agent will require applicants to provide several documents as verification and proof of eligibility for housing. These will include:

- A government issued photo ID - used for verifying the identity of all applicants. A birth certificate or other government issued document which includes the applicant's name and date of birth – used to verify the age of all applicant family members.
- Proof of citizenship – which may include a US birth certificate, US passport or other government issued documents demonstrating citizenship.
- Proof of immigration status (if applicable) - which may include a permanent resident card, employment authorization card, I-94 visa or other government issued document indicating valid immigration status.
- A Social Security card or any other government issued document including the name and full SSN of all applicants.
- Verification of all sources of income, including (but not limited to) check stubs for employment, SS / SSI award letters, VA Pension award letters, TANF award letter, proof of child support and verification of asset income.
- All verified documents must be dated within 60 days of the date of receipt.

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### **FINAL DETERMINATION OF ELIGIBILITY**

Once the applicant family completes the eligibility interview, all eligibility criteria will be reviewed before a final eligibility determination is made. Being eligible, however, does not guarantee that the application will be approved. All adult applicants (and if appropriate minors) will be subject to the certain screening based on landlord/rental history, credit history and criminal history. If the screening process determines that the family meets HUD's and the owner/agent's standards for admission, the family is found eligible.

### **LIVE-IN AIDES**

Please contact the HACA central office Admissions Department if a live-in aide will be moving in to the unit. If the family plans to include a live-in aide, the live-in aide is not required to complete the same application forms. Live-in aides must complete the Live-in Aide Questionnaire and participate in screening and other Owner/Agent verifications that are required.

The live-in aide must meet HUD's definition of a live-in aide. The live-in aide has no rights to the unit as a remaining family member and must agree to relinquish possession of the unit within a reasonable time if the resident is absent for an extended period of time or if the resident leaves for any reason. The live-in aide will be required to sign an acknowledgement the live-in aide has no right of residency or occupancy if the resident is absent or if the resident moves out for any reason including death.

### **WAITING LISTS**

To ensure that applicants are appropriately and fairly selected for the next available unit, it is essential for the owner/agent to maintain waiting lists. The owner/agent will place the applicant household on the waiting list after preliminary eligibility determination is complete.

If applicants are eligible for more than one bedroom size, the applicants will have the option of choosing which bedroom size is appropriate for their family. Applicants will ~~make this~~ specifying a desired unit size when completing the pre-application. The applicant will be placed on the waiting list for ~~at the~~ indicated unit sizes/types as long as:

- The applicant household meets the Occupancy Standards described in this plan, and
- The waiting list for the unit size is open

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## Family PBRA / LIHTC Tenant Selection Plan

~~Applicants will be given 15 days to change their bedroom size choice. Once the 15 days have passed, Once applicants have selected a bedroom size,~~ they will not be allowed to change that selection unless a qualifying event has occurred. Please see the list of qualifying events in the Occupancy Standards section of this plan.

The applicant Head-of-Household (HOH) will be contacted, based on the waiting list selection criteria, and offered housing for the first unit that becomes available based on the selection guidelines described in this plan.

### **MAINTAINING WAITING LISTS**

It is the policy of the owner/agent to administer its waiting list as required by HUD handbooks and regulations. The owner/agent will update the waiting list by removing the names of applicants who are no longer interested in or no longer qualify for the PBRA and/or LIHTC program.

On a regular basis, as determined by the owner/agent considering the length of the waiting list, the owner/agent will contact each applicant household by mail, using the address provided on the pre-application. Applicants are responsible for updating their application with any changes in address. The Head-of-Household (HOH) will be the only person contacted unless otherwise requested.

If this letter is unable to be delivered by the United States Postal Service, the application will be rejected and the household will be removed from the waiting list.

If the Head-of-Household (HOH) fails to respond to the owner/agent inquiries regarding the desire to remain on the waiting list, the application will be rejected and the household will be removed from the waiting list.

In addition, an adult member of the applicant household must contact the Admissions Department if household information changes (i.e. number of household members, number of future household members, criminal history, income, etc.). If the household size or composition changes, the owner/agent will:

- Update the waiting list information and
- Decide whether the household needs the same or a different unit

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If, as a result of the household composition change, it is determined that the household will be on the waiting list for a different unit than originally indicated, the household will maintain their place on the waiting list for the new unit. If the waiting list is currently closed for the appropriate unit size, the application will be rejected and the household will be removed from the waiting list. If there are no units of the appropriate size on the property, the household will be rejected and will be removed from the waiting list.

### **REMOVAL OF APPLICANTS FROM THE WAITING LIST**

The owner/agent will remove an applicant's name from the waiting list when if any of the following apply:

- Applicant requests that the household name be removed
- The unit that is needed – using household size as the basis – has changed, and no appropriate size/type unit exists in the property
- The unit that is needed – using household size as the basis – has changed, and the waiting list is closed for that unit size/type
- Applicant fails to meet eligibility requirements
- Applicant fails to meet occupancy standards
- Applicant fails to meet screening requirements

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## Family PBRA / LIHTC Tenant Selection Plan

The notice will contain the reasons for the determination. The applicant has the right to appeal the decision. All requests for appeal must be received within fifteen (15) calendar days from the date of notification of denial. See the full appeals process located in this tenant selection plan.

- Change in Preference Status While on the Waiting List

Occasionally households on the waiting list who did not qualify for a preference when they applied will experience a change in circumstances that qualifies them for a preference. In such cases, it is the responsibility of the applicant to contact the owner/agent to request a change in status so that the waiting list can be updated to reflect the preference as appropriate.

To the extent the verification determines the household does now qualify for a preference, they will be selected from the waiting list in accordance with the preference and the date the application was received.

- Exceptions to the Preference Rule

Management must give priority to current residents:

- o Residing in a unit that has been determined uninhabitable due to flood, fire or other natural disaster
- o When a unit is designated for rehabilitation or repair

These situations represent extenuating circumstances and the normal selection order may be adjusted to address the needs of these residents.

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### **OPENING AND CLOSING WAITING LIST**

In order to ensure that applicants on the waiting list are processed in a reasonable amount of time, the owner/agent may stop accepting applications and close waiting lists in whole or in part. Decisions about closing and opening the waiting list will be based on the number of applications available for a particular size and type of apartment and the ability of the owner/agent to house an applicant in an appropriate apartment within a reasonable period of time.

On a regular basis, the owner/agent will review the number of families on the waiting list to determine whether the waiting list may be closed. If the owner/agent has sufficient applications, the waiting list may be closed completely. Notices announcing that the waiting list is closed or open will be publicly announced in the following manner:

- Local newspapers
- Publications described in the Affirmative Fair Housing Marketing Plan (AFHMP)
- Flyers distributed through Social Service agencies as described in the AFHMP

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Interested parties who insist on submitting applications when the waiting list is closed will not be considered. The application **will not be reviewed** and will be returned.

**Note: There is one exception to this. If a resident at this property or any other property owned by the owner (The Housing Authority of the City of Austin) is a victim of domestic violence, dating violence, sexual assault and / or stalking, as part of the VAWA protections they can request to be placed onto the waiting list for this property or any property owned by the owner, even if the list is closed. The owner/agent will work with the family to determine which property(ies) would best meet the family's need for protection. These applications will be received and processed according to the criteria outlined in this plan.**

## Family PBRA / LIHTC Tenant Selection Plan

### **PROVISIONS FOR REFUSAL TO SIGN**

If any member of the applicant's household does not sign and submit the consent forms as required, the owner/agent must reject the application and deny assistance and/or tenancy.

### **MISREPRESENTATION**

Any information, provided by the applicant that proves to be untrue may be used to disqualify the applicant because of misrepresentation or attempted fraud. The owner/agent will not take any action to reduce or deny assistance based on inconsistent information received during the verification process until the owner/agent has independently investigated the information.

The owner/agent considers false information about the following to be grounds for rejecting an applicant:

- Identity
- Social Security Numbers/Information
- Income
- Assets/Income From Assets
- Household Composition
- Disability
- Birth Date/Age
- Citizenship, Naturalization, And/or Eligible Immigration Status
- Eviction History
- Criminal History
- Sexual Offender Status
- Eligibility For Preferences and Priorities
- Allowances
- Current/Previous Residence History
- Current Housing Assistance
- Status As A Student

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Unintentional errors that do not cause preferential treatment will not be used as a basis to reject applicants.

### **APPLICANT SCREENING CRITERIA**

Screening is performed in a manner that is reasonable, consistent, and complies with fair housing laws.

Screening is used to help ensure that households admitted to a property will abide by the terms of the lease, pay rent on time, take care of the property and unit, and allow all residents to peacefully enjoy their homes.

Anyone who wishes to live on the property must be screened prior to moving in. This includes, but is not limited to, live-in aides, security/police officers or additional household members wishing to move-in after the initial move-in. *Certain exceptions apply to children/minors.* The current screening guidelines in place at the time the new household member applies will be used to determine eligibility for admission.

*Note:* The Owner / Agent followed HUD guidelines for the Rental Assistance Demonstration (RAD) requiring owners to not re-screen families at the time of conversion. Therefore, families living at the property at the time of conversion from Public Housing to PBRA and LIHTC were not re-screened. However, they were screened for these criteria at the time of their original move in to the Public Housing program.

### **SCREENING FOR DRUG ABUSE AND OTHER CRIMINAL ACTIVITY**

HUD has established standards that prohibit admission of:

- ~~Any household in which any member was evicted in the last three years from federally assisted housing for drug-related criminal activity~~
- Any household in which any member was engaged in the production of methamphetamine.
- \*A household in which any member is currently engaged in illegal use of drugs or for which the owner/agent has reasonable cause to believe that a member's illegal use or pattern of illegal use of a

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## Family PBRA / LIHTC Tenant Selection Plan

drug may interfere with the health, safety, and right to peaceful enjoyment of the property by other residents

- Any household member who is subject to any state lifetime sex offender registration requirement
- Any household member if there is reasonable cause to believe that member's behavior, from abuse or pattern of abuse of alcohol, may interfere with the health, safety, and right to peaceful enjoyment by other residents. The screening standards must be based on behavior, not the condition of alcoholism or alcohol abuse

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

In addition to HUD requirements, the owner/agent has established a policy to reject all applications where the applicant or any household member has engaged in criminal activity as described in this document. The owner/agent will reject applications if any household member's criminal history includes any of the following:

• Any household in which any member was evicted in the last five years from federally assisted housing for drug-related criminal activity

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- Sex Offender Registration: Applicant, or any member of the applicant family, is or ever has been subject to registration under a state sex offender registration program
- Record of any conviction or adjudication, other than acquittal, of the following felonies by any household member, regardless of when it happened:
  - Capital Murder
  - Murder / Manslaughter
  - Arson
  - Kidnapping
  - Child Molestation
  - Treason
  - Rape or Crimes of a Sexual Nature
  - Incest
  - Crimes involving explosives
  - Crimes involving terrorism
  - Gross Lewdness

- 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:

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• 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.

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• 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.

• Criminal activity that may threaten the health, safety or welfare of other tenants.

• Illegal possession/discharge/display/carrying of firearm or illegal weapon/ deadly weapon.

• Assault, aggravated assault, assault by threat, stalking.

• 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.

• Criminal activity that may threaten the health or safety of HACA staff, contractors, subcontractors or agents.

• Three or more incidences or convictions of alcohol-related criminal activity, including Driving under the Influence and Public Intoxication.

• 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:

## Family PBRA / LIHTC Tenant Selection Plan

- o A pattern of abuse of alcohol, including, but not limited to, public intoxication and driving while intoxicated.
- o A pattern of fraud committed against a governmental entity.
- o A pattern of theft or fraud.
- o A pattern of organized criminal activity.
- o A pattern of prostitution.

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A pattern (for the purposes listed above) consists of three or more incidences, with a minimum of one incident occurring within the past three years. The owner/agent will not use arrest records as the sole basis for denying admission to the program.

The owner/agent will not deny an application solely on the basis of an arrest. If the owner/agent receives arrest information which may be for a disqualifying activity, the owner/agent may request additional information. Additional information that may be considered, if available, include the following:

- The police report associated with the arrest which provides the reported circumstances of the arrest.
- Any statements made by witnesses or the applicant, not included in the report.
- Whether criminal charges were filed.
- Whether, if filed, criminal charges were abandoned, dismissed, not prosecuted, or ultimately resulted in an acquittal.
- Any other evidence relevant to determining whether or not the applicant engaged in the disqualifying activity.

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Evidence of criminal conduct will be considered if it indicates a demonstrable risk to safety and/or property.

If a resident or applicant has requested VAWA protections and such protections have been justified based on owner/agent investigation, the abuser/perpetrator will not be approved to live on the property.

If the owner/agent is unable to complete required criminal or sexual offender screening, the application will be rejected. If the owner/agent determines that a sex offender is part of the household, the owner/agent will allow the household to remove the sex offender from the application. Removal must be documented using the change of address receipt from the Texas Department of Sex Offender Registration.

The household will have five (5) business days to provide verification that the household member has alternative housing or that the household member has applied for alternative housing. Failure to provide such documentation will result in rejection of the application for all household members.

The owner/agent reserves the right to monitor household composition after move-in. The owner/agent will conduct quarterly reviews matching residents against the registered sex offender database. If the owner/agent discovers that a sex offender has moved in to the unit, assistance will be terminated and the household will be evicted in accordance with HUD requirements. Any assistance paid-in-error must be returned to HUD.

~~United States Code Title 8, subsection 1324(a)(1)(A) prohibits the harboring of illegal aliens. The provision of housing to illegal aliens is a fundamental component of harboring. All applicants will be required to provide proof of citizenship or legal immigration status.~~

If criminal screening indicates that the applicant has an unacceptable criminal history, the owner/agent will reject the applicant in accordance with HUD guidance and the owner/agent's standards for applicant rejection.

## Family PBRA / LIHTC Tenant Selection Plan

- Consideration of Extenuating Circumstances

In deciding whether to exercise discretion to admit an individual who has engaged in prohibited criminal activity, the owner/agent will consider all of the circumstances relevant to the particular admission decision, including but not limited to: the seriousness of the offending action; the effect that denial of the entire household would have on family members not involved in the criminal activity; and the extent to which the applicant has taken all reasonable steps to prevent or mitigate the criminal activity.

Additionally, when specifically considering whether to deny admission for illegal drug use by a household member who is no longer engaged in such activity, the owner/agent will consider whether the household member is participating in or has successfully completed a drug rehabilitation program, or has otherwise been rehabilitated successfully.

- Criminal Screening Discoveries

If the criminal background investigation indicates that the applicant does not meet the criminal screening criteria, the owner/agent will reject the applicant in accordance with HUD guidance and the owner/agent's standards for applicant rejection. Before rejecting the household, the owner/agent will compare the information provided by the applicant with the criminal history report. If the information conflicts, the owner/agent will:

- o Notify the household of the proposed action based on the information;
- o Provide a copy of the criminal history report;
- o Provide the applicant with an opportunity to dispute the accuracy and relevance of the information obtained from any law enforcement agency;
- o Allow the household the opportunity to remove the household member.

In this situation, applicants will have seven (7) calendar days to resolve the discrepancy. If the applicant fails to contact the owner/agent or indicates that he/she cannot provide documentation to refute the criminal discovery, the owner/agent will reject the application and remove the household from the waiting list. The owner/agent will notify the applicant family of the rejection in writing. The family will have the opportunity to request an appeal of the denial according to the terms of the grievance policy within this tenant selection plan.

If, after move-in, the owner/agent discovers that there was criminal history that would have resulted in rejection, the owner/agent will contact the resident to ascertain the accuracy of the criminal report. If the resident would have been rejected had the information been known at the time of the eligibility determination, the owner/agent will take appropriate action including notifying HUD's Office of the Inspector General of potential fraud and pursuing termination of tenancy (eviction).

### **SCREENING FOR CREDIT HISTORY**

The owner/agent reviews each adult applicant's credit history. The owner/agent does not consider medical bills/expenses, credit score, or the lack of credit history, when reviewing credit history.

Credit history will be reviewed to determine the following:

- o If there is any debt owed to a prior landlord or HUD;
- o If there are any evictions that have not been reported;
- o If there are any other housing related judgments against the applicant.

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## Family PBRA / LIHTC Tenant Selection Plan

Applicants will be rejected in the following situations:

- The family owes a debt to a federally assisted housing program which has not been repaid and the family has not established a repayment agreement.
- The family has a pattern of debts owed to housing and residential programs within the past two (2) years.

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If the applicant has no credit history, the credit screening will be considered "positive".

### SCREENING FOR ABILITY TO ESTABLISH UTILITY SERVICE

The owner/agent will also screen applicant households for the ability to establish utility services in the name of at least one adult family member. All adult applicants will be required to sign the consent for Release of Information from Austin Energy. Applicant households which do not have any adult members able to establish service with Austin Energy will be given 7 days to resolve the issue with Austin Energy. If the household is unable to do so, the application will be rejected.

### SCREENING FOR RENTAL HISTORY

If any member of the applicant household has been evicted from any property owned or managed by the Housing Authority of the City of Austin for lease violations within the last two years, that applicant household will be rejected.

The owner/agent will review rental history with any landlord indicated in the past two (2) years. The owner/agent will also review information provided through automated databases including eviction databases. The application will be rejected for any of the following:

- The family has been evicted in the last five years from federally assisted housing for drug-related criminal activity;
- The family has been evicted from federally assisted housing within the past 2 years;
- The family 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.
- The family has a pattern of eviction from housing or termination from residential programs within the past five years (considering relevant circumstances).

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~~If the applicant fails to identify one or more residences where he/she lived in the last two (2) years, the applicant will be rejected and the household will be removed from the waiting list. An applicant who has been homeless can meet the requirement to identify their residence by self-certifying to their homeless status.~~

The owner/agent will contact the prior property owner/agent (as indicated above) and inquire about the following information:

- Adherence to the Lease & Community Policies
- Compliance with certification reporting requirements
- Rental Payment Performance
- Compliance with requirements to fully and accurately disclose income information in a timely manner
- Requirement to Return Assistance Paid in Error due to under-reporting income or un-reported income
- Unit Maintenance/Damage

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## Family PBRA / LIHTC Tenant Selection Plan

If any household member receives or attempts to receive HUD housing assistance while receiving HUD housing assistance on this property, the household member will be required to reimburse HUD for assistance paid in error. This is considered a material lease violation and may result in penalties up to and including eviction and pursuit of fraud charges.

### REJECTING INELIGIBLE OR UNQUALIFIED APPLICANTS

The owner/agent reserves the right to reject applicants for admission based on any of the following:

- Any member of the household fails to respond to management inquiries for additional information during the application process
- The owner/agent is unable to contact the applicant via US Mail (letters undeliverable or returned) and/or by phone (number disconnected or changed)
- Any member of the household has a record of eviction, for lease violations, from any property managed by the owner/agent or HACA
- Any member of the household has a pattern of eviction, for lease violations, from any property within the last two years
- There is a pattern of outstanding or overdue payments to a previous landlord
- There is record of outstanding or overdue payments to HUD
- The household is unable to establish utilities in the new unit
- The household is unable to pay the security deposit required
- The household is unable to take possession of the unit within the timeframes outlined in this plan
- The household is unable to pay the first month's rent (TTP)
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### REJECTION NOTICES

The owner/agent will ~~promptly~~ notify the household (Head-of-Household (HOH)), in writing, within seven (7) days of the denial of admission or assistance. A rejection letter will be sent to the Head-of-Household via First Class Mail. The rejection letter will include the reason(s) for the rejection.

### APPEALING THE DECISION TO REJECT

Any applicant may make a request to appeal the denial in writing within **fifteen (15) calendar days from the date of the rejection**. The owner/agent will accept the request in an equally effective manner, as a reasonable accommodation, if there is the presence of a disability. Such requests are to be submitted to the Admissions Department in HACA's central office building. If there is no appeal request **within fifteen (15) days**, the rejection will be considered final. Reasons to appeal include:

- The applicant believes the decision has been made in error
- The applicant believes there are extenuating circumstances that should be considered
- The applicant or a member of the applicant's household is a victim of abuse covered by the Violence Against Women Act and the applicant feels the applicant's status as a victim contributes to the decision to deny
- The applicant or a member of the applicant's household is a person with a disability, and the applicant believes a reasonable accommodation would allow the owner/agent to continue processing the application
- The applicant's household was rejected because the application includes someone who is a registered sex offender and the applicant wishes to remove that household member

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## Family PBRA / LIHTC Tenant Selection Plan

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.

- Scheduling an Informal Hearing

A request for an informal hearing must be made in writing and delivered to the owner/agent either in person, by fax, by email or by first class mail, by the close of the business day, no later than 15 calendar days from the date of owner/agent's notification of denial of admission. Owner/agent will send written notice of the informal hearing within 30 business days of the family's request. Owner/agent will make every effort to hold the hearing within 45 calendar days of receiving the request for the hearing.

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

The informal hearing will be conducted by an appointed Hearing 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 the owner/agent.

The Hearing Officer will render a decision on whether admission should be granted or denied.

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

The owner/agent will notify the applicant of owner/agent's final decision, including a brief statement of the reasons for the final decision.

In rendering a decision, the owner/agent 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 the owner/agent's policy, then the decision to deny assistance will be overturned. See the Tenant Selection Plan for a detailed discussion of the grounds for applicant denial.
- The validity of the evidence. The owner/agent 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, the owner/agent 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 admissions.

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The owner/agent will notify the applicant of the final decision, including a statement explaining the reason(s) for the decision. The notice will be mailed to the applicant within 5 business days of the informal hearing. If the applicant requests the opportunity to provide additional documentation to support their case, the hearing officer may adjourn the hearing in order to reconvene at a later date, before reaching the final decision. If the family misses an appointment or deadline ordered by the hearing officer without proof of good cause, the original eligibility decision of the owner will take effect and another hearing will not be granted.  
~~The notice will be mailed within 15 calendar 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. The owner/agent will make every effort to resume the screening process for reinstated applicants within 20 calendar days of the hearing decision.

## Family PBRA / LIHTC Tenant Selection Plan

### **SECURITY DEPOSITS, PET DEPOSITS & UNIT TRANSFERS**

When a resident transfers to a new unit with all other household members as a result of an owner/agent required move due to rehabilitation of the unit, the owner/agent will not charge a new security deposit. The security deposit from the original unit will be transferred to the new unit.

When a resident transfers to a new unit with all other household members for any other reason, the owner/agent will charge a new security deposit and refund the security deposit for the old unit less any outstanding amounts for rent, fees or damages. If the move out expenses exceed the security deposit, the family will receive an itemized bill which must be paid within 30 days of receipt of the bill.

When a resident owns a pet, the original unit will be assessed for damages caused by the pet. The pet deposit will be reduced by charges for those damages and the resident will be required to obtain a pet deposit balance of \$100.00 per animal for the new unit. The resident will be allowed to pay the new pet deposit balance due in \$10.00 monthly payments until the \$100.00 pet deposit balance is reached.

### **UNIT TRANSFERS DURING THE INITIAL OCCUPANCY PERIOD OF A LIHTC PROPERTY**

The initial occupancy period of an LIHTC property begins at the date of acquisition and runs up until the owner/agent receives the Low Income Housing Credit Allocation and Certification (IRS Form 8609). During this time, if the property consists of multiple buildings, the owner/agent will treat all unit transfers from one building to another building as new move-ins for purposes of the LIHTC program. This means that the family must meet all LIHTC eligibility requirements to be able to move into the new unit.

This requirement will expire when the owner/agent selects the option to identify each building as part of a multiple building project on the form 8609. This requirement does not apply to unit transfers within the same building. This requirement does not apply if the property consists of only one building.

### **CHANGES IN HOUSEHOLD COMPOSITION**

#### **ADDING HOUSEHOLD MEMBERS AFTER INITIAL OCCUPANCY**

The owner/agent must approve any new adult household member before he/she moves in to the unit. Eligibility criteria, screening criteria and compliance with occupancy standards will be reviewed before the new household member is approved or denied. The request to add a new household member will not be considered if the resident has provided notice to vacate the unit. This helps prevent applicants from "jumping" ahead on the waiting list.

Any new adult household member will be considered an applicant and must participate in the eligibility determination and screening processes described in the tenant selection plan in place at the time of the eligibility determination.

This policy applies to live-in aides as well. Screening criteria will also be applied to live-in aides, **except for the criterion regarding credit performance or the ability to pay rent on time** because live-in aides are not responsible for rental payments. However, live in aides must meet other screening criteria established by the owner/agent. Income and/or allowances received by live-in aides will not be considered.

Information about new household members who are minors must be provided to the owner/agent as quickly as possible but within no more than thirty (30) calendar days. If the new household member is under the age of six, special consideration regarding Social Security Number disclosure and verification of Social Security

## Pathways At Georgian Manor Tenant Selection Plan

### **APPENDIX B – VAWA POLICY**

The Violence Against Women Act (VAWA) provides protections to women or men who are the victims of domestic violence, dating violence, sexual assault and/or stalking. The owner/agent understands that, regardless of whether state or local laws protect victims of domestic violence, dating violence, sexual assault and/or stalking, people who have been victims of violence have certain rights under the Violence Against Women Act Reauthorization of 2013.

This policy is intended to support or assist victims of domestic violence, dating violence, sexual assault and/or stalking and protect persons seeking to exercise VAWA protections, as well as affiliated individuals (as defined by HUD), from being denied housing or from losing their HUD assisted housing as a consequence of their status as a victim of domestic violence, sexual assault, dating violence and/or stalking.

Only residents who are assisted by a covered housing program can invoke the VAWA protections that apply solely to residents. The term “resident” refers to an assisted family and the members of the household on their lease, but does not include guests or unreported members of a household.

In addition, a live-in aide or caregiver is not a resident, unless otherwise provided by program regulations, and cannot invoke VAWA protections. However, the owner/agent will consider requests for VAWA protections by live-in aides on a case-by-case basis.

VAWA ensures that persons seeking to exercise VAWA protections are not denied housing and housing assistance is not terminated solely because the person is a victim of an act covered under the VAWA (domestic violence, dating violence, stalking and/or sexual assault).

However, being a victim of an act covered under the VAWA is not reason to change the eligibility or applicant screening requirements set forth in the tenant selection plan unless such requirements interfere with protections provided under the VAWA.

Being a person seeking to exercise VAWA protections as the result of an offense covered under the VAWA is not reason to waive requirements set forth in the HUD Model Lease or in any lease attachment or HUD approved lease addendum unless such requirements interfere with protections provided under the VAWA.

The owner/agent will not assume that any act is a result of abuse covered under the Violence Against Women Act. In order to receive the protections outlined in the VAWA, the applicant/resident must specify that he/she wishes to exercise these protections. If any applicant or resident wishes to exercise the protections provided in the VAWA, he/she should contact the owner/agent immediately. The owner/agent is committed to ensuring that the Privacy Act is enforced in this and all other situations.

### **CONFIDENTIALITY**

The identity of the person seeking to exercise VAWA protections and all information provided to owner/agent relating to the incident(s) of abuse covered under the VAWA will be retained in confidence. Information will not be entered into any shared database nor provided to a related entity, except to the extent that the disclosure is

- Requested or consented to by the person seeking to exercise VAWA protections in writing;
- Required for use in an eviction proceeding or termination of assistance; or

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## Pathways At Georgian Manor Tenant Selection Plan

- Otherwise required by applicable law.

The owner/agent will retain all documentation relating to an individual's domestic violence, dating violence, sexual assault and/or stalking in a separate file that is kept in a separate secure location from other applicant or resident files. If the documentation is stored electronically, the owner/agent will keep this information in an electronic file that is separate from the applicant or resident file with secured access only to authorized individuals.

### **REQUESTS & CERTIFICATION**

When the owner/agent responds to a request for protections provided under the VAWA the owner/agent will request that an individual complete, sign, and submit a certification form. This certification may be submitted in an equally effective manner, as a reasonable accommodation, if there is the presence of a disability.

The owner/agent understands that the delivery of the certification form to the applicant/resident via mail may place the person seeking to exercise VAWA protections at risk, (e.g., the abuser may monitor the mail). The owner/agent will work with the applicant/resident in making acceptable delivery arrangements, such as inviting them into the office to pick up the certification form or making other discreet arrangements.

If the applicant/resident has sought assistance in addressing domestic violence, dating violence, sexual assault and/or stalking from a federal, state, tribal, territorial jurisdiction, local police or court, the applicant/resident may submit written proof of this outreach in lieu of the certification form. The owner/agent may accept the following:

- A federal, state, tribal, territorial, or local police record or court record or
- Documentation signed and attested to by a professional (employee, agent or volunteer of a victim service provider, an attorney, medical personnel, etc.) from whom the person seeking to exercise VAWA protections has sought assistance in addressing domestic violence, dating violence and/or stalking or the effects of the abuse. The signatory attests under penalty of perjury (28 U.S.C. §1746) to his/her belief that the incident in question represents bona fide abuse, and the person seeking to exercise VAWA protections as a result of domestic violence, dating violence and/or stalking has signed or attested to the documentation.

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If the applicant is currently living in a shelter established to protect victims of violence covered under the VAWA, the owner/agent will accept verification of such living arrangement in lieu of the certification form or other forms as noted above.

The person seeking to exercise VAWA protections must provide such documentation within fourteen (14) days of the request. The owner/agent will consider extending the deadline if requested. The owner / agent will also extend the deadline if specific circumstances exist that prevent the person seeking to exercise VAWA protections from submitting the form within fourteen (14) days. The owner /agent will consider these requests even if received after the 14 day deadline has passed. The owner/agent will not deny a VAWA claim solely due to confusion over when the certification form is due.

The victim is not required to name his/her abuser if doing so would result in imminent threat or if the victim does not know the name of his/her abuser.



## Pathways At Georgian Manor Tenant Selection Plan

To ensure that a person is not wrongly accused of committing an act covered under the VAWA, the owner/agent will carefully evaluate abuse claims as to avoid denial, termination of assistance, termination of tenancy or eviction based on false or unsubstantiated accusations.

The owner/agent will review and respond to requests to exercise protections provided under the VAWA within ten (10) business days of receiving all required documentation. The owner/agent may provide the response in any manner acceptable to the the person seeking to exercise VAWA protections and the owner/agent.

Responses include:

- Approval of the Request
- Denial of the Request
- Request for additional information

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If the request is denied, the person seeking to exercise VAWA protections may appeal the decision through the grievance procedure. The appeal meeting will be conducted by someone who was not involved in the original decision to deny.

### LEASE BIFURCATION

If the owner/agent determines that physical abuse caused by a resident is clear and present, the law provides the owner/agent with the authority to bifurcate a lease (i.e., remove, evict, or terminate housing assistance to any abuser, while allowing the person seeking to exercise VAWA protections, who lawfully occupies the home, to maintain tenancy.)

The owner/agent may attempt to evict the abuser, but residents should know that state/local tenant/landlord laws prevail and the owner/agent must comply with such laws. The owner/agent cannot guarantee that a court will award or enforce an eviction.

Owner/agents must keep in mind that the eviction of or the termination action against the individual must be in accordance with the procedures prescribed by federal, state, and local law. The owner/agent is committed to attempting to assist the person seeking to exercise VAWA protections, however, evictions are generally carried out through the court system and the owner/agent cannot override or circumvent a legal decision.

In the event that one household member is removed from the unit because of engaging in acts of domestic violence, dating violence, sexual assault and/or stalking against another household member, an appropriate certification will be processed reflecting the change in household composition. Special consideration will be given if the remaining household members are not qualified to remain in the unit as a "remaining household member".

If a lease is bifurcated or if a resident is evicted from the property because of an offense covered under the VAWA, the person will be barred from the property.

Victims are encouraged to seek police/legal protection from their abuser. Inviting a person evicted because of an offense covered under the VAWA or encouraging such person to remain on the property is a lease violation. The resident agrees to notify the owner/agent and/or local authorities if such person enters the property.



## Pathways At Georgian Manor Tenant Selection Plan

### EMERGENCY TRANSFER

The owner/agent will consider an Emergency Transfer request when a person seeking to exercise VAWA protection feels that he/she is:

- In imminent danger
- Was sexually assaulted on the property within 90 days of the request

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THE OWNER WILL ACCEPT THE EMERGENCY TRANSFER REQUEST DIRECTLY FROM THE PERSON SEEKING TO EXERCISE VAWA PROTECTIONS OR FROM AN ADVOCATE WORKING ON THEIR BEHALF. LEASE ADDENDUM

Any HUD approved lease addendum will be implemented and provided in accordance with HUD guidance.

### APPENDIX B – VAWA Policy

THE VIOLENCE AGAINST WOMEN ACT (VAWA) PROVIDES PROTECTIONS TO WOMEN OR MEN WHO ARE THE VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND/OR STALKING. THE OWNER/AGENT UNDERSTANDS THAT, REGARDLESS OF WHETHER STATE OR LOCAL LAWS PROTECT VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND/OR STALKING, PEOPLE WHO HAVE BEEN VICTIMS OF VIOLENCE HAVE CERTAIN RIGHTS UNDER THE VIOLENCE AGAINST WOMEN ACT REAUTHORIZATION OF 2013.

THIS POLICY IS INTENDED TO SUPPORT OR ASSIST VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND/OR STALKING AND PROTECT VICTIMS, AS WELL AS MEMBERS OF THEIR FAMILY, FROM BEING DENIED HOUSING OR FROM LOSING THEIR HUD ASSISTED HOUSING AS A CONSEQUENCE OF THEIR STATUS AS A VICTIM OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, DATING VIOLENCE AND/OR STALKING.

VAWA PROTECTIONS ARE NOT PROVIDED TO GUESTS, UNAUTHORIZED RESIDENTS OR SERVICE PROVIDERS (INCLUDING LIVE-IN AIDES) HIRED BY THE RESIDENT.

VAWA ENSURES THAT VICTIMS ARE NOT DENIED HOUSING AND HOUSING ASSISTANCE IS NOT TERMINATED SOLELY BECAUSE THE PERSON IS A VICTIM OF AN ACT COVERED UNDER THE VAWA (DOMESTIC VIOLENCE, DATING VIOLENCE, STALKING AND/OR SEXUAL ASSAULT).

HOWEVER, BEING A VICTIM OF AN ACT COVERED UNDER THE VAWA IS NOT REASON TO CHANGE THE ELIGIBILITY OR APPLICANT SCREENING REQUIREMENTS SET FORTH IN THE TENANT SELECTION PLAN UNLESS SUCH REQUIREMENTS INTERFERE WITH PROTECTIONS PROVIDED UNDER THE VAWA. BEING A VICTIM OF AN ACT COVERED UNDER THE VAWA IS NOT REASON TO WAIVE REQUIREMENTS SET FORTH IN THE HUD MODEL LEASE OR IN ANY LEASE ATTACHMENT OR HUD APPROVED LEASE ADDENDUM UNLESS SUCH REQUIREMENTS INTERFERE WITH PROTECTIONS PROVIDED UNDER THE VAWA.

THE OWNER/AGENT WILL NOT ASSUME THAT ANY ACT IS A RESULT OF ABUSE COVERED UNDER THE VIOLENCE AGAINST WOMEN ACT. IN ORDER TO RECEIVE THE PROTECTIONS OUTLINED IN THE VAWA, THE APPLICANT/RESIDENT MUST SPECIFY THAT HE/SHE WISHES TO EXERCISE THESE PROTECTIONS. IF ANY APPLICANT OR RESIDENT WISHES TO EXERCISE THE PROTECTIONS PROVIDED IN THE VAWA, HE/SHE SHOULD CONTACT THE OWNER/AGENT IMMEDIATELY. THE OWNER/AGENT IS COMMITTED TO ENSURING THAT THE PRIVACY ACT IS ENFORCED IN THIS AND ALL OTHER SITUATIONS.



## Pathways At Georgian Manor Tenant Selection Plan

### CONFIDENTIALITY

THE IDENTITY OF THE VICTIM AND ALL INFORMATION PROVIDED TO OWNER/AGENT RELATING TO THE INCIDENT(S) OF ABUSE COVERED UNDER THE VAWA WILL BE RETAINED IN CONFIDENCE. INFORMATION WILL NOT BE ENTERED INTO ANY SHARED DATABASE NOR PROVIDED TO A RELATED ENTITY, EXCEPT TO THE EXTENT THAT THE DISCLOSURE IS

REQUESTED OR CONSENTED TO BY THE VICTIM IN WRITING;

REQUIRED FOR USE IN AN EVICTION PROCEEDING OR TERMINATION OF ASSISTANCE; OR

OTHERWISE REQUIRED BY APPLICABLE LAW.

THE CERTIFICATION FORM PROVIDES NOTICE TO THE RESIDENT OF THE CONFIDENTIALITY OF THE FORM AND THE LIMITS THEREOF. THE OWNER/AGENT WILL RETAIN ALL DOCUMENTATION RELATING TO AN INDIVIDUAL'S DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND/OR STALKING IN A SEPARATE FILE THAT IS KEPT IN A SEPARATE SECURE LOCATION FROM OTHER APPLICANT OR RESIDENT FILES. IF THE DOCUMENTATION IS STORED ELECTRONICALLY, THE OWNER/AGENT WILL KEEP THIS INFORMATION IN AN ELECTRONIC FILE THAT IS SEPARATE FROM THE APPLICANT OR RESIDENT FILE WITH SECURED ACCESS ONLY TO AUTHORIZED INDIVIDUALS.

### REQUESTS & CERTIFICATION

WHEN THE OWNER/AGENT RESPONDS TO A REQUEST FOR PROTECTIONS PROVIDED UNDER THE VAWA THE OWNER/AGENT WILL REQUEST THAT AN INDIVIDUAL COMPLETE, SIGN, AND SUBMIT A CERTIFICATION FORM, WITHIN FOURTEEN (14) CALENDAR DAYS OF THE REQUEST. THIS CERTIFICATION MAY BE SUBMITTED IN AN EQUALLY EFFECTIVE MANNER, AS A REASONABLE ACCOMMODATION, IF THERE IS THE PRESENCE OF A DISABILITY.

IF NECESSARY, THE VICTIM MAY REQUEST ADDITIONAL TIME TO SUBMIT THE CERTIFICATION. THE OWNER/AGENT WILL NOT DENY A VAWA CLAIM SOLELY DUE TO CONFUSION OVER WHEN THE CERTIFICATION FORM IS DUE.

THE VICTIM IS NOT REQUIRED TO NAME HIS/HER ABUSER IF DOING SO WOULD RESULT IN IMMINENT THREAT OR IF THE VICTIM DOES NOT KNOW THE NAME OF HIS/HER ABUSER.

THE OWNER/AGENT UNDERSTANDS THAT THE DELIVERY OF THE CERTIFICATION FORM TO THE APPLICANT/RESIDENT VIA MAIL MAY PLACE THE VICTIM AT RISK, (E.G., THE ABUSER MAY MONITOR THE MAIL). THE OWNER/AGENT WILL WORK WITH THE APPLICANT/RESIDENT IN MAKING ACCEPTABLE DELIVERY ARRANGEMENTS, SUCH AS INVITING THEM INTO THE OFFICE TO PICK UP THE CERTIFICATION FORM OR MAKING OTHER DISCREET ARRANGEMENTS.

IF THE APPLICANT/RESIDENT HAS SOUGHT ASSISTANCE IN ADDRESSING DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND/OR STALKING FROM A FEDERAL, STATE, TRIBAL, TERRITORIAL JURISDICTION, LOCAL POLICE OR COURT, THE APPLICANT/RESIDENT MAY SUBMIT WRITTEN PROOF OF THIS OUTREACH IN LIEU OF THE CERTIFICATION FORM. THE OWNER/AGENT MAY ACCEPT THE FOLLOWING:

A FEDERAL, STATE, TRIBAL, TERRITORIAL, OR LOCAL POLICE RECORD OR COURT RECORD OR



## Pathways At Georgian Manor Tenant Selection Plan

DOCUMENTATION SIGNED AND ATTESTED TO BY A PROFESSIONAL (EMPLOYEE, AGENT OR VOLUNTEER OF A VICTIM SERVICE PROVIDER, AN ATTORNEY, MEDICAL PERSONNEL, ETC.) FROM WHOM THE VICTIM HAS SOUGHT ASSISTANCE IN ADDRESSING DOMESTIC VIOLENCE, DATING VIOLENCE AND/OR STALKING OR THE EFFECTS OF THE ABUSE. THE SIGNATORY ATTESTS UNDER PENALTY OF PERJURY (28 U.S.C. §1746) TO HIS/HER BELIEF THAT THE INCIDENT IN QUESTION REPRESENTS BONA FIDE ABUSE, AND THE VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE AND/OR STALKING HAS SIGNED OR ATTESTED TO THE DOCUMENTATION.

IF THE APPLICANT IS CURRENTLY LIVING IN A SHELTER ESTABLISHED TO PROTECT VICTIMS OF VIOLENCE COVERED UNDER THE VAWA, THE OWNER/AGENT WILL ACCEPT VERIFICATION OF SUCH LIVING ARRANGEMENT IN LIEU OF ADDITIONAL VERIFICATION.

TO ENSURE THAT A PERSON IS NOT WRONGLY ACCUSED OF COMMITTING AN ACT COVERED UNDER THE VAWA, THE OWNER/AGENT WILL CAREFULLY EVALUATE ABUSE CLAIMS AS TO AVOID DENIAL, TERMINATION OF ASSISTANCE, TERMINATION OF TENANCY OR EVICTION BASED ON FALSE OR UNSUBSTANTIATED ACCUSATIONS.

THE APPLICANT/RESIDENT IS REQUIRED TO PROVIDE ALL NECESSARY DOCUMENTATION TO THE OWNER/AGENT NO MORE THAN TEN (10) BUSINESS DAYS AFTER SUBMITTING THE CERTIFICATION TO THE OWNER/AGENT. IF THE VICTIM IS UNABLE TO PROVIDE REQUIRED DOCUMENTATION WITHIN THE REQUIRED TIMEFRAME, THE OWNER/AGENT WILL DENY THE REQUEST.

THE OWNER/AGENT WILL REVIEW AND RESPOND TO REQUESTS TO EXERCISE PROTECTIONS PROVIDED UNDER THE VAWA WITHIN TEN (10) BUSINESS DAYS OF RECEIVING ALL REQUIRED DOCUMENTATION. THE OWNER/AGENT MAY PROVIDE THE RESPONSE IN ANY MANNER ACCEPTABLE TO THE VICTIM AND THE OWNER/AGENT. RESPONSES INCLUDE:

APPROVAL OF THE REQUEST

DENIAL OF THE REQUEST

REQUEST FOR ADDITIONAL INFORMATION

LEASE BIFURCATION

IF THE OWNER/AGENT DETERMINES THAT PHYSICAL ABUSE CAUSED BY A RESIDENT IS CLEAR AND PRESENT, THE LAW PROVIDES THE OWNER/AGENT WITH THE AUTHORITY TO BIFURCATE A LEASE (I.E., REMOVE, EVICT, OR TERMINATE HOUSING ASSISTANCE TO ANY ABUSER, WHILE ALLOWING THE VICTIM, WHO LAWFULLY OCCUPIES THE HOME, TO MAINTAIN TENANCY.)

THE OWNER/AGENT MAY ATTEMPT TO EVICT THE ABUSER, BUT RESIDENTS SHOULD KNOW THAT STATE/LOCAL TENANT/LANDLORD LAWS PREVAIL AND THE OWNER/AGENT MUST COMPLY WITH SUCH LAWS. THE OWNER/AGENT CANNOT GUARANTEE THAT A COURT WILL AWARD OR ENFORCE AN EVICTION.

OWNER/AGENTS MUST KEEP IN MIND THAT THE EVICTION OF OR THE TERMINATION ACTION AGAINST THE INDIVIDUAL MUST BE IN ACCORDANCE WITH THE PROCEDURES PRESCRIBED BY FEDERAL, STATE, AND LOCAL LAW. THE OWNER/AGENT IS COMMITTED TO ATTEMPTING TO ASSIST THE VICTIM, HOWEVER, EVICTIONS ARE GENERALLY CARRIED OUT THROUGH THE COURT SYSTEM AND THE OWNER/AGENT CANNOT OVERRIDE OR CIRCUMVENT A LEGAL DECISION.

IN THE EVENT THAT ONE HOUSEHOLD MEMBER IS REMOVED FROM THE UNIT BECAUSE OF ENGAGING IN ACTS OF DOMESTIC





## Pathways At Georgian Manor Tenant Selection Plan

~~VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND/OR STALKING AGAINST ANOTHER HOUSEHOLD MEMBER, AN APPROPRIATE CERTIFICATION WILL BE PROCESSED REFLECTING THE CHANGE IN HOUSEHOLD COMPOSITION. SPECIAL CONSIDERATION WILL BE GIVEN IF THE REMAINING HOUSEHOLD MEMBERS ARE NOT QUALIFIED TO REMAIN IN THE UNIT AS A "REMAINING HOUSEHOLD MEMBER".~~

### ~~CRIMINAL ACTS~~

~~VICTIMS ARE ENCOURAGED TO SEEK POLICE/LEGAL PROTECTION FROM THEIR ABUSER. IN SOME CASES, THE OWNER/AGENT MAY FILE A RESTRAINING ORDER AGAINST THE ABUSER TO PREVENT THE ABUSER FROM ENTERING THE PROPERTY. IF THERE IS A RESTRAINING ORDER AGAINST THE ABUSER AND THE RESIDENT WILLINGLY ALLOWS OR INVITES THE ABUSER ONTO THE PREMISES, THE OWNER/AGENT MAY SEEK TERMINATION OF ASSISTANCE AND/OR TENANCY.~~

~~IN ACCORDANCE WITH THE REGULATION AT 24 CFR 5.861, THE OWNER/AGENT MAY TERMINATE TENANCY AND EVICT THE TENANT THROUGH JUDICIAL ACTION FOR CRIMINAL ACTIVITY BY A COVERED PERSON IF THE LANDLORD DETERMINES THAT THE COVERED PERSON HAS ENGAGED IN THE CRIMINAL ACTIVITY, REGARDLESS OF WHETHER THE COVERED PERSON HAS BEEN ARRESTED, OR CONVICTED FOR SUCH ACTIVITY AND WITHOUT SATISFYING A CRIMINAL STANDARD OF PROOF OF THE ACTIVITY.~~

~~THE OWNER/AGENT WILL TAKE INTO ACCOUNT INDIVIDUAL CIRCUMSTANCES WHEN MAKING A DETERMINATION TO TERMINATE TENANCY; SUCH CIRCUMSTANCES MIGHT INCLUDE, AMONG OTHER THINGS, THE SERIOUSNESS OF THE OFFENDING ACTION, THE EXTENT OF PARTICIPATION BY THE LEASEHOLDER IN THE OFFENDING ACTION, AND WHETHER THE LEASEHOLDER, IF NOT THE WRONGDOER, TOOK ALL FEASIBLE STEPS TO PREVENT THE OFFENDING ACTION FROM OCCURRING AND HAS REMOVED THE OFFENDING PERSON FROM THE LEASE OR OTHERWISE BANNED THE OFFENDING PERSON FROM THE PREMISES IN THE FUTURE.~~

### ~~LEASE ADDENDUM~~

~~ANY HUD APPROVED LEASE ADDENDUM WILL BE IMPLEMENTED AND PROVIDED IN ACCORDANCE WITH HUD GUIDANCE.~~



# Exhibit 4

## ***Pathways at***

*A Subsidiary of the Housing Authority of the City of Austin*

# **Tenant Selection Plan**

## **Project Based Rental Assistance & Low Income Housing Tax Credit Housing for Elderly & People with Disabilities**

## Elderly / Disabled PBRA & LIHTC Tenant Selection Plan

### **SUBSIDY**

Residents at this property are offered subsidized rent. This means the rent that a household pays is based upon the household income. The family will pay 30% of their adjusted household income, 10% of their gross household income or \$25 – whichever is higher. The balance of the contract rent is subsidized by the Federal Government. The rent amounts paid by residents may vary.

### **TENANT-BASED VOUCHERS**

The owner/agent may not admit an applicant with a voucher to a unit with Project Based Rental Assistance unless the applicant agrees to surrender the voucher assistance prior to occupancy. This will be verified with the former housing provider.

Please note that housing assistance provided through HUD's multi-family housing program is not the same as the housing assistance provided through the voucher program. If a family moves out, the housing subsidy will not move with the family as it does with a voucher.

### **ASSISTED LIVING**

This is not an assisted living property. The owner/agent and property staff do not provide, nor have the authority to provide, any personal care or personal supervision services. All care and supervision services must be provided by the resident or aides supervised by the resident or the resident's representative(s). The owner/agent and property staff do not provide assistance with personal activities or daily living.

### **FAIR HOUSING POLICIES**

#### **FAIR HOUSING**

The owner/agent will not discriminate in any of the following ways:

- Deny to any household the opportunity to apply for housing, nor deny to any eligible applicant the opportunity to lease housing suitable to its needs,
- Provide housing which is different than that provided others,
- Subject a person to segregation or disparate treatment,
- Restrict a person's access to any benefit enjoyed by others in connection with the housing program,
- Treat a person differently in determining eligibility or other requirements for admission,
- Deny a person access to the same level or services, or
- Deny a person the opportunity to participate in a planning or advisory group which is an integral part of the housing program.

The Fair Housing Act prohibits discrimination in housing and housing related transactions based on race, color, religion, sex, national origin, disability, and familial status. In addition, the city of Austin has added Fair Housing protections based on creed, student status, marital status, sexual orientation, gender identity and age.

[This development will comply with state and federal fair housing and antidiscrimination laws; including, but not limited to, consideration of reasonable accommodations requested to complete the application process. Chapter 1, Subchapter B of Title 10: Community Development Part 1: Texas Department of Housing and Community Affairs provides more detail about reasonable accommodations. In addition, applicants can request a copy of the owner/agent's Reasonable Accommodation Policy.](#)

## Elderly / Disabled PBRA & LIHTC Tenant Selection Plan

Screening criteria will be applied in a manner consistent with all applicable laws, including the Texas and Federal Fair Housing Acts, the Federal Fair Credit Reporting Act, program guidelines and the Texas Department of Housing and Community Affairs rules.

Specific animal, breed, number, weight restrictions, pet rules and pet deposits will not apply to households having a qualified service / assistance animal(s). For more information, applicants can request a copy of the owner/agent's Assistance Animals Policy.

### **TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

The owner/agent complies with Title VI of the Civil Rights Act of 1964 which prohibits discrimination based on race, color, or national origin in any program or activity receiving federal financial assistance from HUD.

### **SECTION 504 OF THE REHABILITATION ACT OF 1973**

The owner/agent complies with Section 504 of the Rehabilitation Act of 1973 which prohibits discrimination, based on the presence of a disability in all programs or activities operated by recipients of federal financial assistance.

Although Section 504 protections often overlap with the disability discrimination prohibitions included in the Fair Housing Act, Section 504 differs in that it imposes broader affirmative obligations to make their programs, as a whole, accessible to persons with disabilities.

- Coordinating Efforts to Comply with Section 504 Requirements

The owner/agent has designated a person to address questions or requests regarding the specific needs of residents and applicants with disabilities. This person is referred to as the Section 504 Coordinator.

Name of Section 504 Coordinator:	Vice President of Housing and Community Development
Address:	1124 S IH 35, Austin, TX 78704
Phone Number:	(512) 477-4488
TDD/TTY Number:	1-800-735-2989 Or 711 Voice Relay

- Requests for Reasonable Accommodation or Modification

In accordance with the Fair Housing Act and Section 504 of the Rehabilitation Act, the owner/agent will make reasonable accommodations or modifications for individuals with disabilities (applicants or residents) unless these modifications would change the fundamental nature of the housing program or result in undue financial and administrative burden.

The owner / agent has a Reasonable Accommodations Policy which explains the eligibility and the process for making a request. The owner/agent will provide an individual with a copy of the Reasonable Accommodation Policy upon request.

### **PRIVACY POLICY**

It is the policy of the owner/agent to guard the privacy of individuals conferred by the Federal Privacy Act of 1974 and to ensure the protection of such individuals' records maintained by the owner/agent.

Neither the property owner/agent nor its agents shall disclose any personal information contained in its records to any person or agency, other than HUD, its Contract Administrators or other federal/state entity or investor auditing entities, unless the individual about whom information is requested gives written consent to such disclosure. Such consent may be provided in an equally effective manner, as a reasonable accommodation, when there is the presence of a disability.

## Elderly / Disabled PBRA & LIHTC Tenant Selection Plan

This Privacy Policy in no way limits the owner/agent's ability to collect such information to determine eligibility, compute rent, or determine an applicant's suitability for tenancy.

### **COMPLIANCE WITH REQUIREMENTS IN THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013**

The owner/agent understands that, regardless of whether state or local laws protect victims of domestic violence, dating violence, sexual assault or stalking, people who have been victims of violence have certain protections provided through the Violence Against Women Reauthorization Act of 2013 (VAWA 2013).

If any applicant wishes to exercise the protections provided in the VAWA 2013, he/she should contact the owner/agent immediately.

The owner/agent will not assume that any act is a result of abuse covered under the VAWA 2013. In order to receive the protections outlined in the VAWA 2013, the applicant/applicant must specify that he/she wishes to exercise these protections.

The owner/agent will provide an individual with a copy of the VAWA Policy upon request.

### **THE EQUAL ACCESS RULE**

The owner/agent ensures that HUD's core housing programs are open to all eligible persons regardless of sexual orientation, gender identity or marital status in accordance with *The Equal Access Rule*.

### **ELIGIBILITY REQUIREMENTS**

The owner / agent is required to determine whether applicants are eligible to occupy the subsidized property and receive housing assistance. Eligibility is divided into property eligibility and program eligibility. Eligibility is determined based on the applicable Federal and State regulations that govern the property and programs.

For HUD programs, eligibility is determined at move-in or initial certification. Thereafter, eligibility is only reviewed for student status or to determine if a remaining family member is eligible to remain.

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### **PROPERTY ELIGIBILITY DEFINITION**

- **Household/Resident Type**

This multi-family PBRA & LIHTC property is designed to provide housing to elderly and disabled families who meet the eligibility and screening requirements. In order for a family/household to meet the "family type" eligibility requirements, the head-of-household, the co-head-of-household or a spouse must be

- 62 or older or
- Disabled as defined by HUD.

- **Definition of Disabled Family.** A disabled family is a family whose head, spouse, or sole member is a person with disabilities.

- **Definition of Person with Disabilities:** A person with disabilities for purposes of program eligibility:
  - Means a person who
    - Has a disability, as defined in 42 U.S.C. 423;

## Elderly / Disabled PBRA & LIHTC Tenant Selection Plan

- 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 which has lasted or can be expected to last for a continuous period of not less than 12 months; or
- In the case of an individual who has attained the age of 55 and is blind, inability by reason of such blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which he/she has previously engaged with some regularity and over a substantial period of time. For the purposes of this definition, the term blindness, as defined in section 416(i)(1) of this title, means central vision acuity of 20/200 or less in the better eye with 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 the purposes of this paragraph as having a central visual acuity of 20/200 or less.
- Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:
  - Is expected to be of long-continued and indefinite duration,
  - Substantially impedes his or her ability to live independently, and
  - Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or
- Has a developmental disability, as defined in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(8)), i.e., a person with a severe chronic disability that
  - Is attributable to a mental or physical impairment or combination of mental and physical impairments;
  - Is manifested before the person attains age 22;
  - Is likely to continue indefinitely;
  - Results in substantial functional limitation in three or more of the following areas of major life activity:
    - Self-care,
    - Receptive and expressive language,
    - Learning,
    - Mobility,
    - Self-direction,
    - Capacity for independent living, and
    - Economic self-sufficiency; and
  - Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated.
- Does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome;
- For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence; and
- Means person with disabilities (individual with handicaps), as defined in 24 CFR 8.3, for purposes of reasonable accommodation and program accessibility for persons with disabilities

**Note:** A person whose sole impairment is alcoholism or drug addiction (i.e., who does not have a developmental disability, chronic mental illness, or physical disability that is the disabling condition required for eligibility in a particular project) will not be considered to be disabled for the purposes of

## Elderly / Disabled PBRA & LIHTC Tenant Selection Plan

the Project Based Rental Assistance program.

- **Definition of Nonelderly Disabled (Handicapped) Family.**

A nonelderly disabled (handicapped) family means a disabled family in which the head of the family (and/or spouse, if any) is less than 62 years of age at the time of the family's initial occupancy of a project.

- **Income Limits**

Income limits vary by program type (PBRA or LIHTC) and household size. The owner/agent will provide applicants a copy of the income limits for the property area upon request. In addition, applicants can review the income limits by accessing the following web site. <http://www.huduser.org/datasets/il.html>.

HUD requires that the owner/agent incorporate the most recently published income limits when determining eligibility. The IRS "hold harmless" rule states that if the income limits go down, the property can maintain the highest level of income limits in effect after the property was placed in service with tax credits.

This property is a layered property with all units required to meet both the PBRA and LIHTC income limit requirements. Both income limits are based off a percentage of the median family income for the Austin – Round Rock – San Marcos metropolitan statistical area. Since the LIHTC income limit is lower, by default it becomes the effective income limit for the property.

For this property, qualified applicant households must meet the following income limit requirements:

Subsidy	Type of Income Limit
Project Based Rental Assistance (PBRA)	Low – 80% of median income

AMFI %	Number of Household Members							
	1	2	3	4	5	6	7	8
80	\$43,600	\$49,800	\$56,050	\$62,250	\$67,250	\$72,250	\$77,200	\$82,200

Subsidy	Type of Income Limit
Low Income Housing Tax Credit (LIHTC)	Low – 60% of median family income

AMFI %	Number of Household Members							
	1	2	3	4	5	6	7	8
60	\$ 32,700	\$ 37,380	\$ 42,060	\$ 46,680	\$ 50,460	\$ 54,180	\$ 57,900	\$ 61,620

- **Occupancy Standards**



## Elderly / Disabled PBRA & LIHTC Tenant Selection Plan

Occupancy standards serve to prevent the over-utilization or under-utilization of units that can result in an inefficient use of housing funding. Occupancy standards also ensure that residents are treated fairly and consistently and receive adequate housing space.

Below, please find this property's occupancy standards description:

Number of Bedrooms	Min. # Household Members	Max. # Household Members
0	1	1
1	1	2
2	2	4

- Generally there is a maximum of two people per bedroom. The owner/agent does not determine who shares a bedroom.
- The owner/agent allows for occupancy of fewer than 2 persons (over the age of 6) per bedroom for the following reasons:
  - The small size of the bedrooms and units;
  - To allow the family to determine what is best for their situation in accordance with best practices for Fair Housing.
- The family is given the choice of which bedroom size is appropriate for their family, as long as the number of family members is within the range listed in the chart above.
- Once the family has selected an eligible bedroom size they will be placed on the waiting list for that bedroom size. Changes to the bedroom size cannot be made unless a qualifying event occurs. Qualifying events include:
  - Changes in the family composition (removing or adding household members) which result in the family no longer being eligible for the chosen bedroom size.
  - Changes in the ages of the children, resulting in two children of the opposite sex, with one at least seven (7) years of age. These children will not be required to share a bedroom,
  - Changes in family composition adding persons of different generations (grandparent, grandchild, parent, etc). These family members will not be required to share a bedroom.
  - Need for a different bedroom size as a reasonable accommodation for a disability.
- Authorized live-in aides will be allocated a separate bedroom. No additional bedrooms will be provided for the live-in aide's family.
- Anticipated children will be included. Anticipated children include:
  - Children expected to be born to a pregnant woman;
  - Children in process of being adopted by an adult family member;
  - Children whose custody is being obtained by an adult family member;
  - Foster children who will reside in the unit;
  - Children who are temporarily in a foster home who will return to the family; and
  - Children in joint custody arrangements who are present in the household 50% or more of the time.
- 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:
  - the family member is enrolled and actively attending a two-year or four-year college or university; and
  - the family member resides in the public housing unit during school breaks and holidays.

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## Elderly / Disabled PBRA & LIHTC Tenant Selection Plan

Any household placed in a unit size different from that defined in these Occupancy Standards shall agree to transfer to an appropriate size unit at the same property when one becomes available. Once an appropriate size unit is offered to the family, they have 30 days to complete the transfer or lose their subsidy.

- Rent Limits

The following are the contract rents for this property:

<u>Contract Rents</u>	<u>Project Based Rental Assistance Program</u>					
	<u>Number of Bedrooms</u>					
	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
	\$817	\$876	\$1,051	\$1,214	\$1,354	\$1,494

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For the PBRA program, residents pay 30% of their adjusted income for rent, even if this amount exceeds the contract rent. This amount is adjusted downward by a utility allowance for any utilities that are paid by the resident directly to the utility provider.

If assistance is terminated, but the resident is allowed to remain living on the property, the resident will pay the contract rent.

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The maximum amount of rent that can be paid by the resident is set by the LIHTC rent limits. The following are the rent limits for this property:

<u>RENT LIMITS</u>	<u>Low Income Housing Tax Credit Program</u>					
	<u>Number of Bedrooms</u>					
<u>AMFI</u>	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
<u>%</u>	\$817	\$876	\$1,051	\$1,214	\$1,354	\$1,494

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- Verifying the Need for an Accessible Unit

When an applicant requests an accessible unit or a unit preference, such as a first floor unit, the owner/agent will conduct inquiries to:

- Verify that the applicant is qualified for the unit, which is only available to persons with a disability or to persons with a particular type of disability
- Verify that the applicant needs the features of the unit as an accommodation to his or her disability
- Verify that the applicant is qualified to receive a priority on the waiting list available to persons with a disability or to persons with a particular type of disability

Verification of this information can be provided by any person who has reasonable knowledge of the family's need for this accommodation.

## Elderly / Disabled PBRA & LIHTC Tenant Selection Plan

Applicants who claim eligible immigration status must provide documentation to support that status. See appendix A for more information.

Citizenship eligibility must be reviewed after move-in if eligibility status can change. If any household member is determined to be an ineligible non-citizen, either at application or after move-in, assistance and/or tenancy may be denied, terminated or prorated as appropriate.

- Single Residence/Subsidy Criteria

A household is eligible for assistance only if the unit will be the household's only residence. The owner/agent will not knowingly assist applicants who will maintain a residence in addition to the HUD-assisted unit.

Applicants must disclose if they are currently receiving HUD housing assistance. Residents can only receive subsidy for one unit/residence at a time. This prohibition does not prevent a person who is currently receiving assistance from applying for an assisted unit in another property.

If, for any reason, an applicant moves in to this property before moving out of another subsidized unit, the new resident will be required to pay market rent until the move out from the previous property is complete and the resident is eligible to receive HUD subsidy for this property. Assistance in the new unit will begin, if the household is still eligible, the day after assistance ends for the previous unit.

There is an exception to this rule. Children in joint custody arrangements can receive HUD housing assistance in two units when both parent/guardian families receive HUD housing assistance. However, only one household may use the dependent deduction to determine adjusted income. In these cases, additional verification is required. The owner/agent will request:

- Verification of the custody/guardianship/living arrangement
- Verification of the use of the deduction. The owner/agent will verify use of the dependent deduction with the other owner/agent if:
  - The child will live in the unit at least 50% of the time and
  - The parent wishes to claim the deduction, and
  - Both families are receiving HUD housing assistance

There is a second exception to this. If a member of an existing household leaves that household to establish their own unit, HUD allows for a temporary overlap of subsidy (not to exceed 60 days) to allow for the interim recertification to go into effect for the original household.

- Eligibility of Students Enrolled at an Institute for Higher Education

Student eligibility is determined at move-in/initial certification and at each annual certification. Student eligibility may also be reviewed at interim certification if student status has changed since the last certification. All adult students are required to report any change in their student status.

A student who is otherwise eligible and meets screening requirements is eligible for assistance if the student meets the criteria indicated below. Section 8 assistance shall be provided to any individual who is enrolled as either a part-time or full-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential; when the student;

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## Elderly / Disabled PBRA & LIHTC Tenant Selection Plan

A student who is otherwise eligible and meets screening requirements is eligible for assistance if the student meets the criteria indicated below. Section 8 assistance shall not be provided to any individual who:

- Is living with his or her parents who are receiving Section 8 assistance.
- Is individually eligible to receive Section 8 assistance and has parents who are income eligible to receive Section 8 assistance.
- Is a veteran of the United States military;
- Is married;
- Has a dependent other than a spouse (e.g. dependent child);
- Is at least 24 years of age;
- Is a person with disabilities, as such term is defined in section 3(b)(3)(E) of the 1937 Act and was receiving assistance under section 8 of the 1937 Act as of November 30, 2005;
- Is classified as Vulnerable Youth; A student meets HUD's definition of a vulnerable youth when:
  - a. The individual is an orphan, in foster care, or a ward of the court or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older;
  - b. The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's State of legal residence;
  - c. The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth (as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act) (42 U.S.C. 11431 et seq.), or as unaccompanied, at risk of homelessness, and self-supporting, by
    - 1. A local educational agency homeless liaison, designated pursuant to the McKinney-Vento Homeless Assistance Act;
    - 2. The director of a program funded under the Runaway and Homeless Youth Act or a designee of the director;
    - 3. The director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants) or a designee of the director; or
    - 4. A financial aid administrator; or
- The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances
- Is enrolled as either a part time or full time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential; and
- Is under the age of 24; and
- Is not married; and
- Is not a veteran of the United States Military; and
- Does not have a dependent child; and
- Is not a person with disabilities, as such term is defined in 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving section 8 assistance as of November 30, 2005; and
- Is not living with his or her parents who are receiving Section 8 assistance; and
- Is not individually eligible to receive Section 8 assistance or has parents (the parents individually or jointly) who are not income eligible to receive Section 8 assistance.

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## Elderly / Disabled PBRA & LIHTC Tenant Selection Plan

If a student does not meet the eligibility criteria above, but can prove independence from parents under HUD rules, then the student would meet HUD's student eligibility criteria. Please see property staff if you need additional information about proving independence from parents.

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If an ineligible student applies for or is a member of an existing household receiving Section 8 assistance, the assistance for the household will not be prorated but will be terminated. **NOTE:** Unless the student can demonstrate his or her independence from parents, the student must be eligible to receive Project Based Rental Assistance (PBRA) and the parents (individually or jointly) must be eligible (income eligible) to receive PBRA assistance in order for the student to receive PBRA assistance.

For a student to be eligible independent of his or her parents (where the income of the parents is not relevant), the student must demonstrate independence from, parents. While owner/agents may use additional criteria for determining the student's independence from parents, owner/agents must use, and the student must meet, at a minimum all of the following criteria to be eligible for Section 8 assistance. The student must:

- Be of legal contract age under state law;
- Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy, **or**, meet the U.S. Department of Education's definition of an independent student.
- Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and
- Obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support. This certification is required even if no assistance will be provided.
- If an ineligible student is a member of an existing household receiving Section 8 assistance, the assistance for the household will not be prorated but will be terminated

**NOTE:** An owner/agent cannot evict or require an ineligible student to move from a unit as long as the student is in compliance with the terms of the lease.

Any financial assistance a student receives (1) under the Higher Education Act of 1965, (2) from private sources, or (3) from an institution of higher education that is in excess of amounts received for tuition shall be considered income to that individual, except for:

- A person/student 24 years of age or older with dependent children as defined by HUD or
- A person/student living with his/her parents who are receiving Section 8 assistance.

The definition of tuition is consistent with the definition provided by the Department of Education and includes all tuition plus mandatory course-related fees associated with being enrolled at that institution of higher education. This does not include the cost of books.

### • Additional Tax Credit Eligibility Requirements for Students Enrolled at an Institute of Higher Education

Households composed entirely of full-time students are not eligible for tax credit program unless they meet one of these 5 criteria:

- Married and filing a joint tax return or eligible to file a joint tax return, or
- Single parent, at least 1 child, neither of whom is a dependent on another person's tax return, except for the return of the other parent of the child, or
- Receiving welfare or TANF, or

## Elderly / Disabled PBRA & LIHTC Tenant Selection Plan

- Participating in job-training program funded through Workforce Investment Act, or
- Household member was a participant in the foster care program.
- **Prohibition of Assistance to Noncitizen Students**  
Noncitizen students and their noncitizen families may not receive assistance. Noncitizen students are not eligible for continuation of assistance or temporary deferral of termination of assistance. A noncitizen student is defined as an individual who is as follows:
  - A resident of another country to which the individual intends to return;
  - A bona fide student pursuing a course of study in the United States; and
  - A person admitted to the United States solely for the purpose of pursuing a course of study as indicated on an F-1 or M-1 student visa.

This prohibition applies to the noncitizen student's noncitizen spouse and noncitizen children. However, spouses and children who are U.S. citizens may receive assistance. For example, a family that includes a noncitizen student married to a U.S. citizen is a mixed family.

### **PROCEDURES FOR TAKING PRE-APPLICATIONS & APPLICATIONS**

Applications for housing at this property are only received online or at the owner/agent's office location. Applications are not received at the property management office.

It is the owner/agent's policy to accept and process applications in accordance with HUD guidance. The owner/agent will make a reasonable accommodation to assist in the application process if the applicant or any member of the applicant household is disabled.

#### ***PRE-APPLICATIONS***

Applicants will first complete a pre-application to have their name placed on the waiting list for housing at [name of property]. Pre-applications can be submitted on the internet at [www.austin-apply4housing.com/haca/apply.org](http://www.austin-apply4housing.com/haca/apply.org) from any device with internet access (including smartphone, tablet, desktop or other device). For a list of local places with free internet access please contact HACA. The owner/agent will also accept the application in an equally effective format, as a reasonable accommodation, if there is the presence of a disability. Please contact HACA to request that accommodation.

Field Code Changed

The entire pre-application must be completed in full and submitted before the applicant will be placed on the waiting list. Confirmation of successful submission will be provided by the online application portal if all requirements are met.

Due to long waiting lists and depending on the preferences for which an applicant family may qualify, the time spent on the waiting list may be anywhere from several months to several years. While waiting on the waiting list, applicants may check the status of their application by creating an account at [www.myhaca.org](http://www.myhaca.org) <https://austin.ourpha.com/applicants>. In this applicant portal, applicants can update their contact information, report changes to their application and check the status of their application. It is the applicant's responsibility to keep all contact information current.

- **Incomplete Pre-Applications**  
Electronic submissions of pre-applications cannot be submitted if they are incomplete. For pre-applications accepted by an alternate means, if the pre-application is not complete, the owner/agent

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will attempt to contact the applicant to obtain missing information. The applicant will have ten (10) business days to respond and provide missing information. If the applicant fails to provide required information within the ten (10) day period, the owner/agent will return the application.

- **Preliminary Determination of Applicant Eligibility**

Information needed to determine applicant eligibility shall be obtained, verified, and the determination of applicant eligibility performed, in accordance with HUD, IRS and property eligibility requirements. Upon receipt of the completed pre-application, the owner/agent will make a preliminary eligibility determination before adding a household to the waiting list or initiating final eligibility tasks. The owner/agent will review the pre-application to ensure that there are no obvious factors that would make the applicant ineligible. Obvious factors include, but are not limited to:

- Owing a debt to the Housing Authority of the City of Austin (any property or program) that is still within the 4 year statute of limitations;
- Having been evicted (or vacated in lieu of eviction) from any HACA program within 5 years for drug related criminal activity;
- Having been evicted (or vacated in lieu of eviction) from any HACA program within 2 years for any reason other than drug related activity;
- The head of household on the application is currently a head of household living at this property;
- Having been denied admission to this program within the past 12 months for criminal history, derogatory rental history, unreported income or fraud at any property owned and administered by the Housing Authority of the City of Austin.
- Having rejected a housing offer for a unit of the same size at the same property within the last 12 months.

If an applicant is preliminarily ineligible, within seven (7) days the owner/agent will send a notice to the applicant indicating that they are not eligible, including the reason(s) why they were determined ineligible and stating the family's rights to appeal the decision. This action will be completed in agreement with the owner/agent's Grievance and Appeals Policy which is available to the applicant upon request.

If a preliminary eligibility review indicates that a household is preliminarily eligible for tenancy, but units of appropriate size are not available, the owner / agent will place the household on the waiting list for the property and notify the household when their name comes to the top of the waiting list.

If an applicant is otherwise eligible but no appropriate unit exists in the property, the owner / agent will reject the pre-application.

The owner / agent will notify the applicant family if their pre-application is rejected for any reason.

### **APPLICATIONS**

When the applicant family reaches the top of the waiting list, they will receive an invitation by mail to come to an eligibility interview.

- Applicant families can receive up to 32 invitations to attend an eligibility interview.
- If a family does not attend the scheduled appointment, ~~a notice will be sent to the family and their name will be withdrawn from the waiting list. If the family responds within fifteen (15) calendar days of~~

## Elderly / Disabled PBRA & LIHTC Tenant Selection Plan

~~the notice and requests to be rescheduled, they will be placed back on the waiting list with their same date and time; the family will be given one opportunity to reschedule.~~

- Once the family misses their ~~third~~second scheduled appointment, they ~~are no longer eligible to be placed back on~~will be removed from the waiting list. The family will be required to submit a new application and start the process from the beginning.

During the eligibility interview process, the applicant family will complete a full application. All documents in the Application Package must be **completed in full**, signed and dated in order to be accepted. All adult applicants must complete the application package as instructed.

Upon request, the owner/agent will provide interested parties with a copy of the application package. The person who is indicated as the Head-of-Household (HOH) must execute and sign all documents that are included in the application package. Before completing or executing any forms, additional copies should be made for all adult household members and in some cases for minors who will live in the unit.

The owner/agent will require applicants to provide several documents as verification and proof of eligibility for housing. These will include:

- A government issued photo ID - used for verifying the identity of all applicants. A birth certificate or other government issued document which includes the applicant's name and date of birth – used to verify the age of all applicant family members.
- Proof of citizenship – which may include a US birth certificate, US passport or other government issued documents demonstrating citizenship.
- Proof of immigration status (if applicable) - which may include a permanent resident card, employment authorization card, I-94 visa or other government issued document indicating valid immigration status.
- A Social Security card or any other government issued document including the name and full SSN of all applicants.
- Verification of all sources of income, including (but not limited to) check stubs for employment, SS / SSI award letters, VA Pension award letters, TANF award letter, proof of child support and verification of asset income.
- All verified documents must be dated within 60 days of the date of receipt.

### ***FINAL DETERMINATION OF ELIGIBILITY***

Once the applicant family completes the eligibility interview, all eligibility criteria will be reviewed before a final eligibility determination is made. Being eligible, however, does not guarantee that the application will be approved. All adult applicants (and if appropriate minors) will be subject to the certain screening based on landlord/rental history, credit history and criminal history. If the screening process determines that the family meets HUD's and the owner/agent's standards for admission, the family is found eligible.

### **LIVE-IN AIDES**

Please contact the HACA central office Admissions Department if a live-in aide will be moving in to the unit. If the family plans to include a live-in aide, the live-in aide is not required to complete the same application forms. Live-in aides must complete the Live-in Aide Questionnaire and participate in screening and other owner/agent verifications that are required.

The live-in aide must meet HUD's definition of a live-in aide. The live-in aide has no rights to the unit as a remaining family member and must agree to relinquish possession of the unit within a reasonable time if the



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resident is absent for an extended period of time or if the resident leaves for any reason. The live-in aide will be required to sign an acknowledgement the live-in aide has no right of residency or occupancy if the resident is absent or if the resident moves out for any reason including death.

### **WAITING LISTS**

To ensure that applicants are appropriately and fairly selected for the next available unit, it is essential for the owner/agent to maintain waiting lists. The owner/agent will place the applicant household on the waiting list after preliminary eligibility determination is complete.

If applicants are eligible for more than one bedroom size, the applicants will have the option of choosing which bedroom size is appropriate for their family. Applicants will ~~make this specifying~~ a desired unit size when completing the pre-application. The applicant will be placed on the waiting list for ~~all the~~ indicated unit sizes/types as long as:

- The applicant household meets the Occupancy Standards described in this plan, and
- The waiting list for the unit size is open

~~Applicants will be given 15 days to change their bedroom size choice. Once the 15 days have passed, Once applicants have selected a bedroom size,~~ they will not be allowed to change that selection unless a qualifying event has occurred. Please see the list of qualifying events in the Occupancy Standards section of this plan.

The applicant Head-of-Household (HOH) will be contacted, based on the waiting list selection criteria, and offered housing for the first unit that becomes available based on the selection guidelines described in this plan.

### **MAINTAINING WAITING LISTS**

It is the policy of the owner/agent to administer its waiting list as required by HUD handbooks and IRS tax credit regulations. The owner/agent will update the waiting list by removing the names of applicants who are no longer interested in or no longer qualify for the PBRA and/or LIHTC program.

On a regular basis, as determined by the owner/agent considering the length of the waiting list, the owner/agent will contact each applicant household by mail, using the address provided on the pre-application. Applicants are responsible for updating their application with any changes in address. The Head-of-Household (HOH) will be the only person contacted unless otherwise requested.

If this letter is unable to be delivered by the United States Postal Service, the application will be rejected and the household will be removed from the waiting list.

If the Head-of-Household (HOH) fails to respond to the owner/agent inquiries regarding the desire to remain on the waiting list, the application will be rejected and the household will be removed from the waiting list.

In addition, an adult member of the applicant household must contact the Admissions Department if household information changes (i.e. number of household members, number of future household members, criminal history, income, etc.). If the household size or composition changes, the owner/agent will:

- Update the waiting list information and
- Decide whether the household needs the same or a different unit

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These situations represent extenuating circumstances and the normal selection order may be adjusted to address the needs of these residents.

### **OPENING AND CLOSING WAITING LIST**

In order to ensure that applicants on the waiting list are processed in a reasonable amount of time, the owner/agent may stop accepting applications and close waiting lists in whole or in part. Decisions about closing and opening the waiting list will be based on the number of applications available for a particular size and type of apartment and the ability of the owner/agent to house an applicant in an appropriate apartment within a reasonable period of time.

On a regular basis, the owner/agent will review the number of families on the waiting list to determine whether the waiting list may be closed. If the owner/agent has sufficient applications, the waiting list may be closed completely. Notices announcing that the waiting list is closed or open will be publicly announced in the following manner:

- Local newspapers
- Publications described in the Affirmative Fair Housing Marketing Plan (AFHMP)
- Flyers distributed through Social Service agencies described in the AFHMP

Interested parties who insist on submitting applications when the waiting list is closed will not be considered. The application **will not be reviewed** and will be returned.

**Note:** There is one exception to this. If a resident at this property or any other property owned by the owner (The Housing Authority of the City of Austin) is a victim of domestic violence, dating violence, sexual assault and / or stalking, as part of the VAWA protections they can request to be placed onto the waiting list for this property or any property owned by the owner, even if the list is closed. The owner/agent will work with the family to determine which property(ies) would best meet the family's need for protection. These applications will be received and processed according to the criteria outlined in this plan.

During the period when the waiting list is closed, the owner/agent **will not** maintain a list of individuals who wish to be notified when the waiting list is reopened.

### **VERIFICATION**

The owner/agent shall obtain verifications in compliance with requirements set forth by the Department of Housing and Urban Development. After the preliminary eligibility determination, no decision to approve an application shall be made until information provided on the application form and during subsequent interviews has been collected and any necessary follow-up interviews have been performed. All information relative to the following items must be verified as described in these procedures.

### **INFORMATION TO BE VERIFIED**

Information to be verified includes, but is not limited to:

- **Eligibility for Admission, such as**
  - Income
  - Assets And Asset Income
  - Identification
  - Age
  - Household Composition
  - Social Security Numbers
  - Citizenship And/or Legal Status
  - Student Status
  - Current HUD Assistance

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- Current/Previous Residence History
- Current Housing Assistance
- Status As A Student

Unintentional errors that do not cause preferential treatment will not be used as a basis to reject applicants.

### **APPLICANT SCREENING CRITERIA**

Screening is performed in a manner that is reasonable, consistent, and complies with fair housing laws.

Screening is used to help ensure that households admitted to a property will abide by the terms of the lease, pay rent on time, take care of the property and unit, and allow all residents to peacefully enjoy their homes.

Anyone who wishes to live on the property must be screened prior to moving in. This includes, but is not limited to, live-in aides, security/police officers or additional household members wishing to move-in after the initial move-in. *Certain exceptions apply to children/minors.* The current screening guidelines in place at the time the new household member applies will be used to determine eligibility for admission.

*Note:* The Owner / Agent followed HUD guidelines for the Rental Assistance Demonstration (RAD) requiring owners to not re-screen families at the time of conversion. Therefore, families living at the property at the time of conversion from Public Housing to PBRA and LIHTC were not re-screened. However, they were screened for these criteria at the time of their original move in to the Public Housing program.

### **SCREENING FOR DRUG ABUSE AND OTHER CRIMINAL ACTIVITY**

HUD has established standards that prohibit admission of:

- ~~Any household in which any member was evicted in the last three years from federally assisted housing for drug-related criminal activity~~
- Any household in which any member was engaged in the production of methamphetamine.
- \*A household in which any member is currently engaged in illegal use of drugs or for which the owner/agent has reasonable cause to believe that a member's illegal use or pattern of illegal use of a drug may interfere with the health, safety, and right to peaceful enjoyment of the property by other residents
- Any household member who is subject to any state lifetime sex offender registration requirement
- Any household member if there is reasonable cause to believe that member's behavior, from abuse or pattern of abuse of alcohol, may interfere with the health, safety, and right to peaceful enjoyment by other residents. The screening standards must be based on behavior, not the condition of alcoholism or alcohol abuse

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

In addition to HUD requirements, the owner/agent has established a policy to reject all applications where the applicant or any household member has engaged in criminal activity as described in this document. The owner/agent will reject applications if any household member's criminal history includes one or more of the following:

- Any household in which any member was evicted in the last five years from federally assisted housing for drug-related criminal activity
- Sex Offender Registration: Applicant, or any member of the applicant family, is or ever has been subject to registration under a state sex offender registration program

## Elderly / Disabled PBRA & LIHTC Tenant Selection Plan

- Record of any conviction or adjudication, other than acquittal, of the following felonies by any household member, regardless of when it happened:
  - Capital Murder
  - Murder / Manslaughter
  - Arson
  - Kidnapping
  - Child Molestation
  - Treason
  - Rape or Crimes of a Sexual Nature
  - Incest
  - Crimes involving explosives
  - Crimes involving terrorism
  - Gross Lewdness
- 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:
  - 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.
  - 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.
  - Criminal activity that may threaten the health, safety or welfare of other tenants.
  - Illegal possession/discharge/display/carrying of firearm or illegal weapon/ deadly weapon.
  - Assault, aggravated assault, assault by threat, stalking.
  - 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.
  - Criminal activity that may threaten the health or safety of HACA staff, contractors, subcontractors or agents.
  - Three or more incidences or convictions of alcohol-related criminal activity, including Driving under the Influence and Public Intoxication.
  - 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:
    - A pattern of abuse of alcohol, including, but not limited to, public intoxication and driving while intoxicated.
    - A pattern of fraud committed against a governmental entity.
    - A pattern of theft or fraud.
    - A pattern of organized criminal activity.
    - A pattern of prostitution.

A pattern (for the purposes listed above) consists of three or more incidences, with a minimum of one incident occurring within the past three years. The owner/agent will not use arrest records as the sole basis for denying admission to the program.

The owner/agent will not deny an application solely on the basis of an arrest. If the owner/agent receives arrest information which may be for a disqualifying activity, the owner/agent may request additional information. Additional information that may be considered, if available, include the following:

- The police report associated with the arrest which provides the reported circumstances of the arrest.
- Any statements made by witnesses or the applicant, not included in the report.
- Whether criminal charges were filed.

## Elderly / Disabled PBRA & LIHTC Tenant Selection Plan

- Whether, if filed, criminal charges were abandoned, dismissed, not prosecuted, or ultimately resulted in an acquittal.
- Any other evidence relevant to determining whether or not the applicant engaged in the disqualifying activity.

Evidence of criminal conduct will be considered if it indicates a demonstrable risk to safety and/or property.

If a resident or applicant has requested VAWA protections and such protections have been justified based on owner/agent investigation, the abuser/perpetrator will not be approved to live on the property.

If the owner/agent is unable to complete required criminal or sexual offender screening, the application will be rejected. If the owner/agent determines that a sex offender is part of the household, the owner/agent will allow the household to remove the sex offender from the application. Removal must be documented using the change of address receipt from the Texas Department of Sex Offender Registration.

The household will have five (5) business days to provide verification that the household member has alternative housing or that the household member has applied for alternative housing. Failure to provide such documentation will result in rejection of the application for all household members.

The owner/agent reserves the right to monitor household composition after move-in. The owner/agent will conduct quarterly reviews matching residents against the registered sex offender database. If the owner/agent discovers that a sex offender has moved in to the unit, assistance will be terminated and the household will be evicted in accordance with HUD requirements. Any assistance paid-in-error must be returned to HUD.

~~United States Code Title 8, subsection 1324(a)(1)(A) prohibits the harboring of illegal aliens. The provision of housing to illegal aliens is a fundamental component of harboring. All applicants will be required to provide proof of citizenship or legal immigration status.~~

If criminal screening indicates that the applicant has an unacceptable criminal history, the owner/agent will reject the applicant in accordance with HUD guidance and the owner/agent's standards for applicant rejection.

- Consideration of Extenuating Circumstances

In deciding whether to exercise discretion to admit an individual who has engaged in prohibited criminal activity, the owner/agent will consider all of the circumstances relevant to the particular admission decision, including but not limited to: the seriousness of the offending action; the effect that denial of the entire household would have on family members not involved in the criminal activity; and the extent to which the applicant has taken all reasonable steps to prevent or mitigate the criminal activity.

Additionally, when specifically considering whether to deny admission for illegal drug use by a household member who is no longer engaged in such activity, the owner/agent will consider whether the household member is participating in or has successfully completed a drug rehabilitation program, or has otherwise been rehabilitated successfully.

- Criminal Screening Discoveries

If the criminal background investigation indicates that the applicant does not meet the criminal screening criteria, the owner/agent will reject the applicant in accordance with HUD guidance and the owner/agent's standards for applicant rejection. Before rejecting the household, the owner/agent will

## Elderly / Disabled PBRA & LIHTC Tenant Selection Plan

compare the information provided by the applicant with the criminal history report. If the information conflicts, the owner/agent will:

- Notify the household of the proposed action based on the information;
- Provide a copy of the criminal history report;
- Provide the applicant with an opportunity to dispute the accuracy and relevance of the information obtained from any law enforcement agency;
- Allow the household the opportunity to remove the household member.

In this situation, applicants will have seven (7) business days to resolve the discrepancy. If the applicant fails to contact the owner/agent or indicates that he/she cannot provide documentation to refute the criminal discovery, the owner/agent will reject the application and remove the household from the waiting list. The owner/agent will notify the applicant family of the rejection in writing. The family will have the opportunity to request an appeal of the denial according to the terms of the grievance policy within this tenant selection plan.

If, after move-in, the owner/agent discovers that there was criminal history that would have resulted in rejection, the owner/agent will contact the resident to ascertain the accuracy of the criminal report. If the resident would have been rejected had the information been known at the time of the eligibility determination, the owner/agent will take appropriate action including notifying HUD's Office of the Inspector General of potential fraud and pursuing termination of tenancy (eviction).

### **SCREENING FOR CREDIT HISTORY**

The owner/agent reviews each adult applicant's credit history. The owner/agent does not consider medical bills/expenses, credit score, or the lack of credit history when reviewing credit history. Credit history will be reviewed to determine the following:

- If there is any debt owed to a prior landlord or HUD'
- If there are any evictions that have not been reported;
- If there are any other housing related judgments against the applicant.

Applicants will be rejected in the following situations:

- The family owes a debt to a federally assisted housing program which has not been repaid and the family has not established a repayment agreement.
- The family has a pattern of debts owed to housing and residential programs within the past two (2) years.

If the applicant has no credit history, the credit screening will be considered "positive."

### **SCREENING FOR ABILITY TO ESTABLISH UTILITY SERVICE**

The owner/agent will also screen applicant households for the ability to establish utility services in the name of at least one adult family member. All adult applicants will be required to sign the consent for Release of Information from Austin Energy. Applicant households which do not have any adult members able to establish service with Austin Energy will be given 7 days to resolve the issue with Austin Energy. If the household is unable to do so, the application will be rejected.

## Elderly / Disabled PBRA & LIHTC Tenant Selection Plan

### SCREENING FOR RENTAL HISTORY

If any member of the applicant household has been evicted from any property owned or managed by the Housing Authority of the City of Austin for lease violations within the last two years, that applicant household will be rejected.

The owner/agent will review rental history with any landlord indicated in the past two (2) years. The owner/agent will also review information provided through automated databases including eviction databases. The application will be rejected for any of the following:

- The family has been evicted in the last five years from federally assisted housing for drug-related criminal activity;
- The family has been evicted from federally assisted housing within the past 2 years for any other reason;
- The family 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.
- The family has a pattern of eviction from housing or termination from residential programs within the past five years (considering relevant circumstances).

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~~If the applicant fails to identify one or more residences where he/she lived in the last two (2) years, the applicant will be rejected and the household will be removed from the waiting list. An applicant who has been homeless can meet the requirement to identify their residence by self-certifying to their homeless status.~~

The owner/agent will contact the prior property owner/agent (as indicated above) and inquire about the following information:

- Adherence to the Lease & Community Policies
- Compliance with certification reporting requirements
- Rental Payment Performance
- Compliance with requirements to fully and accurately disclose income information in a timely manner
- Requirement to Return Assistance Paid in Error due to under-reporting income or un-reported income
- Unit Maintenance/Damage
- Record of Disturbing Neighbors
- Complaints

If information obtained is negative the applicant will be rejected. Negative responses include but are not limited to:

- A pattern of failure to comply with the lease
- A pattern of failure to comply with House Rules, Pet Rules or Assistance Animal Rules
- Failure to fully and accurately report income, new employment or changes in household composition in a timely manner
- Providing false information
- Attempting to receive or receiving HUD assistance in multiple units/homes
- Slow or no response to requests to recertify
- Poor rental payment history (average more than two (2) late payments per year, record of bounced checks, any outstanding balance)
- A pattern of poor unit maintenance or damage to the unit beyond normal wear-and-tear

## Elderly / Disabled PBRA & LIHTC Tenant Selection Plan

- Any member of the household has a pattern of eviction, for lease violations, from any property within the last two years
- There is a pattern of outstanding or overdue payments to a previous landlord
- There is record of outstanding or overdue payments to HUD
- The household is unable to establish utilities in the new unit
- The household is unable to pay the security deposit required
- The household is unable to take possession of the unit within the timeframes outlined in this plan
- The household is unable to pay the first month's rent (TTP)
- 

### REJECTION NOTICES

The owner/agent will ~~promptly~~ notify the household (Head-of-Household (HOH)), in writing, within 7 days of the denial of admission or assistance. A rejection letter will be sent to the Head-of-Household via First Class Mail. The rejection letter will include the reason(s) for the rejection.

### APPEALING THE DECISION TO REJECT

Any applicant may make a request to appeal the denial in writing within **fifteen (15) calendar days from the date of the rejection**. The owner/agent will accept the request in an equally effective manner, as a reasonable accommodation, if there is the presence of a disability. Such requests are to be submitted to the Admissions Department in HACA's central office building. If there is no appeal request **within fifteen (15) days**, the rejection will be considered final. Reasons to appeal include:

- The applicant believes the decision has been made in error
- The applicant believes there are extenuating circumstances that should be considered
- The applicant or a member of the applicant's household is a victim of abuse covered by the Violence Against Women Act and the applicant feels the applicant's status as a victim contributes to the decision to deny
- The applicant or a member of the applicant's household is a person with a disability, and the applicant believes a reasonable accommodation would allow the owner/agent to continue processing the application
- The applicant's household was rejected because the application includes someone who is a registered sex offender and the applicant wishes to remove that household member

Any staff person engaged in the initial review will not be involved in the appeal. HACA's designated hearing officer will conduct the informal review.

Applicants may bring a representative to assist in the appeal meeting. Applicants and/or their representatives have the right to request a reasonable accommodation to:

- Assist in facilitating your request for appeal
- To assist in your participation during the appeal meeting

~~The hearing officer will provide written notification of a final decision within ten (10) business days of the informal review.~~ Within 5 business days of the meeting with the hearing officer, the applicant will be advised in writing of the final decision on eligibility. If the applicant requests the opportunity to provide additional documentation to support their case, the hearing officer may adjourn the hearing in order to reconvene at a later date, before reaching the decision. If the family misses an appointment or deadline ordered by the hearing



## Elderly / Disabled PBRA & LIHTC Tenant Selection Plan

officer without proof of good cause, the original eligibility decision of the owner / agent will take effect and another hearing will not be granted.

For complete details about the appeals process, see the Grievance and Appeals Policy. This policy is available upon request.

### **INFORMAL HEARINGS FOR PBRA APPLICANTS**

Through PIH Notice 2012-32 Rev. 2, HUD provided guidance that the grievance procedures afforded to families living in Conventional Public Housing before conversion through RAD to Project Based Rental Assistance (PBRA) must be continued after the conversion. Below is the full account of all grievance procedures for applicants to the PBRA property.

When the owner/agent 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 owner/agent's 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 PBRA applicants. An applicant is someone who has applied for admission to the PBRA program, but is not yet a resident 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 PBRA are not entitled to the same hearing process afforded residents in the owner/agent 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**  
The owner/agent will only offer the opportunity of an informal hearing to applicants who have been determined as ineligible for admission.
- **Notice of Denial**  
The owner/agent will give an applicant prompt notice of a decision denying eligibility for admission. The notice will contain a brief statement of the reasons for the owner/agent's decision, and will also state that the applicant may request an informal hearing to dispute the decision. The notice must describe how to obtain the informal hearing. 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.
- **Scheduling an Informal Hearing**  
A request for an informal hearing must be made in writing and delivered to the owner/agent either in person, by fax, by email or by first class mail, by the close of the business day, no later than 15 calendar days from the date of owner/agent's notification of denial of admission. Owner/agent will send written notice of the informal hearing within 30 business days of the family's request. Owner/agent will make every effort to hold the hearing within 45 calendar days of receiving the request for the hearing.

## Elderly / Disabled PBRA & LIHTC Tenant Selection Plan

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

The informal hearing will be conducted by an appointed Hearing 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 the owner/agent.

The Hearing Officer will render a decision on whether admission should be granted or denied.

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

The owner/agent will notify the applicant of owner/agent's final decision, including a brief statement of the reasons for the final decision.

In rendering a decision, the owner/agent 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 the owner/agent's policy, then the decision to deny assistance will be overturned. See the Tenant Selection Plan for a detailed discussion of the grounds for applicant denial.
- The validity of the evidence. The owner/agent 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, the owner/agent 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 admissions.

The owner/agent will notify the applicant of the final decision, including a statement explaining the reason(s) for the decision. ~~The notice will be mailed within 15 calendar days of the informal hearing to the applicant and his or her representative, if any.~~ The notice will be mailed to the applicant within 5 business days of the informal hearing. If the applicant requests the opportunity to provide additional documentation to support their case, the hearing officer may adjourn the hearing in order to reconvene at a later date, before reaching the final decision. If the family misses an appointment or deadline ordered by the hearing officer without proof of good cause, the original eligibility decision of the owner will take effect and another hearing will not be granted.

If the informal hearing decision overturns the denial, processing for admission will resume. The owner/agent 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.

The applicant may request that the Hearing Officer consider a request for Reasonable Accommodations under the Fair Housing Act and Section 504 with respect to past conduct (see below).

If the basis for the denial relates to family violence, the applicant may qualify for an exception under the Violence Against Women Amendments.

## Elderly / Disabled PBRA & LIHTC Tenant Selection Plan

A household whose annual gross income is over 140% of the LIHTC income limit for their household size will only be allowed to transfer to another unit within their same building (as defined by *BIN – Building Identification Number* – on IRS Form 8609).

### **SECURITY DEPOSITS, PET DEPOSITS & UNIT TRANSFERS**

When a resident transfers to a new unit with all other household members as a result of an owner/agent required move due to rehabilitation of the unit, the owner/agent will not charge a new security deposit. The security deposit from the original unit will be transferred to the new unit.

When a resident transfers to a new unit with all other household members for any other reason, the owner/agent will charge a new security deposit and refund the security deposit for the old unit less any outstanding amounts for rent, fees or damages. If the move out expenses exceed the security deposit, the family will receive an itemized bill which must be paid within 30 days of receipt of the bill.

When a resident owns a pet, the original unit will be assessed for damages caused by the pet. The pet deposit will be reduced by charges for those damages and the resident will be required to obtain a pet deposit balance of \$100.00 for the new unit. The resident will be allowed to pay the new pet deposit balance due in \$10.00 monthly payments until the \$100.00 pet deposit balance is reached.

### **UNIT TRANSFERS DURING THE INITIAL OCCUPANCY PERIOD OF A LIHTC PROPERTY**

The initial occupancy period of an LIHTC property begins at the date of acquisition and runs up until the owner/agent receives the Low Income Housing Credit Allocation and Certification (IRS Form 8609). During this time, if the property consists of multiple buildings, the owner/agent will treat all unit transfers from one building to another building as new move-ins for purposes of the LIHTC program. This means that the family must meet all LIHTC eligibility requirements to be able to move into the new unit.

This requirement will expire when the owner/agent selects the option to identify each building as part of a multiple building project on the form 8609. This requirement does not apply to unit transfers within the same building. This requirement does not apply if the property consists of only one building.

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## **CHANGES IN HOUSEHOLD COMPOSITION**

### **ADDING HOUSEHOLD MEMBERS AFTER INITIAL OCCUPANCY**

The owner/agent must approve any new adult household member before he/she moves in to the unit. Eligibility criteria, screening criteria and compliance with occupancy standards will be reviewed before the new household member is approved or denied. The request to add a new household member will not be considered if the resident has provided notice to vacate the unit. This helps prevent applicants from “jumping” ahead on the waiting list.

Any new adult household member will be considered an applicant and must participate in the eligibility determination and screening processes described in the resident selection plan in place at the time of the eligibility determination.

This policy applies to live-in aides as well. Screening criteria will also be applied to live-in aides, **except for the criterion regarding credit performance or the ability to pay rent on time** because live-in aides are not responsible for rental payments. However, live in aides must meet other screening criteria established by the owner/agent. Income and/or allowances received by live-in aides will not be considered.

## Pathways At North Loop Tenant Selection Plan

### **APPENDIX B – VAWA POLICY**

The Violence Against Women Act (VAWA) provides protections to women or men who are the victims of domestic violence, dating violence, sexual assault and/or stalking. The owner/agent understands that, regardless of whether state or local laws protect victims of domestic violence, dating violence, sexual assault and/or stalking, people who have been victims of violence have certain rights under the Violence Against Women Act Reauthorization of 2013.

This policy is intended to support or assist victims of domestic violence, dating violence, sexual assault and/or stalking and protect ~~victim~~persons seeking to exercise VAWA protections, as well as ~~members of their family~~affiliated individuals (as defined by HUD), from being denied housing or from losing their HUD assisted housing as a consequence of their status as a victim of domestic violence, sexual assault, dating violence and/or stalking.

~~VAWA protections are not provided to guests, unauthorized residents or service providers (including live-in aides) hired by the resident. Only residents who are assisted by a covered housing program can invoke the VAWA protections that apply solely to residents. The term "resident" refers to an assisted family and the members of the household on their lease, but does not include guests or unreported members of a household.~~

~~In addition, a live-in aide or caregiver is not a resident, unless otherwise provided by program regulations, and cannot invoke VAWA protections. However, the owner/agent will consider requests for VAWA protections by live-in aides on a case-by-case basis.~~

VAWA ensures that ~~victim~~persons seeking to exercise VAWA protections are not denied housing and housing assistance is not terminated **solely** because the person is a victim of an act covered under the VAWA (domestic violence, dating violence, stalking and/or sexual assault).

However, being a victim of an act covered under the VAWA is not reason to change the eligibility or applicant screening requirements set forth in the tenant selection plan unless such requirements interfere with protections provided under the VAWA.

Being a ~~victim of an act covered under the VAWA~~person seeking to exercise VAWA protections as the result of an offense covered under the VAWA is not reason to waive requirements set forth in the HUD Model Lease or in any lease attachment or HUD approved lease addendum unless such requirements interfere with protections provided under the VAWA.

The owner/agent will not assume that any act is a result of abuse covered under the Violence Against Women Act. In order to receive the protections outlined in the VAWA, the applicant/resident must specify that he/she wishes to exercise these protections. If any applicant or resident wishes to exercise the protections provided in the VAWA, he/she should contact the owner/agent immediately. The owner/agent is committed to ensuring that the Privacy Act is enforced in this and all other situations.

### **CONFIDENTIALITY**

The identity of the ~~victim~~person seeking to exercise VAWA protections and all information provided to owner/agent relating to the incident(s) of abuse covered under the VAWA will be retained in confidence. Information will not be entered into any shared database nor provided to a related entity, except to the extent that the disclosure is



## Pathways At North Loop Tenant Selection Plan

- Requested or consented to by the victim person seeking to exercise VAWA protections in writing;
- Required for use in an eviction proceeding or termination of assistance; or
- Otherwise required by applicable law.

~~The certification form provides notice to the resident of the confidentiality of the form and the limits thereof.~~

The owner/agent will retain all documentation relating to an individual's domestic violence, dating violence, sexual assault and/or stalking in a separate file that is kept in a separate secure location from other applicant or resident files. If the documentation is stored electronically, the owner/agent will keep this information in an electronic file that is separate from the applicant or resident file with secured access only to authorized individuals.

### REQUESTS & CERTIFICATION

When the owner/agent responds to a request for protections provided under the VAWA the owner/agent will request that an individual complete, sign, and submit a certification form, ~~within fourteen (14) calendar days of the request.~~ This certification may be submitted in an equally effective manner, as a reasonable accommodation, if there is the presence of a disability.

~~If necessary, the victim may request additional time to submit the certification. The owner/agent will not deny a VAWA claim solely due to confusion over when the certification form is due.~~

~~The victim is not required to name his/her abuser if doing so would result in imminent threat or if the victim does not know the name of his/her abuser.~~

The owner/agent understands that the delivery of the certification form to the applicant/resident via mail may place the victim person seeking to exercise VAWA protections at risk, (e.g., the abuser may monitor the mail). The owner/agent will work with the applicant/resident in making acceptable delivery arrangements, such as inviting them into the office to pick up the certification form or making other discreet arrangements.

If the applicant/resident has sought assistance in addressing domestic violence, dating violence, sexual assault and/or stalking from a federal, state, tribal, territorial jurisdiction, local police or court, the applicant/resident may submit written proof of this outreach in lieu of the certification form. The owner/agent may accept the following:

- A federal, state, tribal, territorial, or local police record or court record or
- Documentation signed and attested to by a professional (employee, agent or volunteer of a victim service provider, an attorney, medical personnel, etc.) ~~from whom the~~ victim person seeking to exercise VAWA protections has sought assistance in addressing domestic violence, dating violence and/or stalking or the effects of the abuse. The signatory attests under penalty of perjury (28 U.S.C. §1746) to his/her belief that the incident in question represents bona fide abuse, and the victim person seeking to exercise VAWA protections as a result of domestic violence, dating violence and/or stalking has signed or attested to the documentation.

If the applicant is currently living in a shelter established to protect victims of violence covered under the VAWA, the owner/agent will accept verification of such living arrangement in lieu of ~~additional verification~~ the certification form or other forms as noted above.



## Pathways At North Loop Tenant Selection Plan

The person seeking to exercise VAWA protections must provide such documentation within fourteen (14) days of the request. The owner/agent will consider extending the deadline if requested. The owner / agent will also extend the deadline if specific circumstances exist that prevent the person seeking to exercise VAWA protections from submitting the form within fourteen (14) days. The owner /agent will consider these requests even if received after the 14 day deadline has passed. The owner/agent will not deny a VAWA claim solely due to confusion over when the certification form is due.

The victim is not required to name his/her abuser if doing so would result in imminent threat or if the victim does not know the name of his/her abuser.

To ensure that a person is not wrongly accused of committing an act covered under the VAWA, the owner/agent will carefully evaluate abuse claims as to avoid denial, termination of assistance, termination of tenancy or eviction based on false or unsubstantiated accusations.

The applicant/resident is required to provide all necessary documentation to the owner/agent no more than ten (10) business days after submitting the certification to the owner/agent. If the victim is unable to provide required documentation within the required timeframe, the owner/agent will deny the request.

The owner/agent will review and respond to requests to exercise protections provided under the VAWA within ten (10) business days of receiving all required documentation. The owner/agent may provide the response in any manner acceptable to the ~~victim~~the person seeking to exercise VAWA protections and the owner/agent.

Responses include:

- Approval of the Request
- Denial of the Request
- Request for additional information

If the request is denied, the person seeking to exercise VAWA protections may appeal the decision through the grievance procedure. The appeal meeting will be conducted by someone who was not involved in the original decision to deny.

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### **LEASE BIFURCATION**

If the owner/agent determines that physical abuse caused by a resident is clear and present, the law provides the owner/agent with the authority to bifurcate a lease (i.e., remove, evict, or terminate housing assistance to any abuser, while allowing the ~~victim~~person seeking to exercise VAWA protections, who lawfully occupies the home, to maintain tenancy.)

The owner/agent may attempt to evict the abuser, but residents should know that state/local tenant/landlord laws prevail and the owner/agent must comply with such laws. The owner/agent cannot guarantee that a court will award or enforce an eviction.

Owner/agents must keep in mind that the eviction of or the termination action against the individual must be in accordance with the procedures prescribed by federal, state, and local law. The owner/agent is committed to attempting to assist the ~~victim~~person seeking to exercise VAWA protections, however, evictions are generally carried out through the court system and the owner/agent cannot override or circumvent a legal decision.

In the event that one household member is removed from the unit because of engaging in acts of domestic violence, dating violence, sexual assault and/or stalking against another household member, an appropriate



## Pathways At North Loop Tenant Selection Plan

certification will be processed reflecting the change in household composition. Special consideration will be given if the remaining household members are not qualified to remain in the unit as a "remaining household member".

If a lease is bifurcated or if a resident is evicted from the property because of an offense covered under the VAWA, the person will be barred from the property.

Victims are encouraged to seek police/legal protection from their abuser. Inviting a person evicted because of an offense covered under the VAWA or encouraging such person to remain on the property is a lease violation. The resident agrees to notify the owner/agent and/or local authorities if such person enters the property.

### **CRIMINAL ACTS**

Victims are encouraged to seek police/legal protection from their abuser. In some cases, the owner/agent may file a restraining order against the abuser to prevent the abuser from entering the property. If there is a restraining order against the abuser and the resident willingly allows or invites the abuser onto the premises, the owner/agent may seek termination of assistance and/or tenancy.

In accordance with the regulation at 24 CFR 5.861, the owner/agent may terminate tenancy and evict the tenant through judicial action for criminal activity by a covered person if the Landlord determines that the covered person has engaged in the criminal activity, regardless of whether the covered person has been arrested, or convicted for such activity and without satisfying a criminal standard of proof of the activity.

The owner/agent will take into account individual circumstances when making a determination to terminate tenancy; such circumstances might include, among other things, the seriousness of the offending action, the extent of participation by the leaseholder in the offending action, and whether the leaseholder, if not the wrongdoer, took all feasible steps to prevent the offending action from occurring and has removed the offending person from the lease or otherwise banned the offending person from the premises in the future.

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### **LEASE ADDENDUM EMERGENCY TRANSFER**

Any HUD approved lease addendum will be implemented and provided in accordance with HUD guidance. The owner/agent will consider an Emergency Transfer request when a person seeking to exercise VAWA protection feels that he/she is:

- In imminent danger
- Was sexually assaulted on the property within 90 days of the request

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The owner will accept the Emergency Transfer request directly from the person seeking to exercise VAWA protections or from an advocate working on their behalf.

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### **LEASE ADDENDUM**

Any HUD approved lease addendum will be implemented and provided in accordance with HUD guidance.



# Exhibit 5



# Texas RioGrande Legal Aid, Inc.

4920 North IH-35  
Austin, Texas 78751  
Telephone (512) 374-2700  
FAX (512) 447-3940 TDD (512) 441-9487  
TOLL FREE 1-800-369-9270

Fred Fuchs - 512-374-2720  
Email: [ffuchs@trla.org](mailto:ffuchs@trla.org)

July 3, 2017

Housing Authority of City of Austin  
Attn: Vice President of Housing and  
Community Development  
1124 South IH-35  
Austin, Texas 78704

Re: Comments on Proposed Changes to Tenant Selection  
Plans

Dear Ms. Sanchez:

These comments are submitted in response to the request for comments on proposed changes to HACA's Tenant Selection Plans for all Project Based Rental Assistance properties. We have only a few comments. (The referenced page numbers are from the Tenant Selection Plan for Elderly PBRA & LIHTC.) I apologize for not getting them to you by 5:00 p.m. on Friday, June 30.

## 1. Screening for Credit History (Page 32 of Elderly/Disabled PBRA & LIHTC Tenant Selection Plan):

Although no changes are proposed here, HACA should add a sentence to this section. It currently provides that credit history will be reviewed to determine if there is any debt owed to a prior landlord or HUD. No person should be denied subsidized housing for a debt to a prior landlord that resulted from rent overburden.

Thus, for example, if an individual owes a debt to a prior private market landlord because of an eviction following loss of a job, the applicant should not be denied on the basis that a debt is owed to a prior landlord. In addition, applicants who owe a debt to a private market landlord should not be required to pay the debt. HACA should not act as a collection agency for private market landlords.

This concern can be addressed by adding the following sentence to this section: "No applicant will be denied on the basis of a debt owed to a prior landlord when the debt resulted from rent overburden or the applicant suffered a loss of income resulting in the unpaid debt to the landlord. An applicant will not be required to pay a debt to landlord in order to be approved for tenancy."

2. Appendix B: VAWA Policy (Pages 53-56 of Elderly/Disabled PBRA & LIHTC Tenant Selection Plan):

- Failure to Submit VAWA Certification within 14 days of Request - Page 55.

In accordance with the VAWA regulations, the proposed policies give any person seeking to exercise VAWA protections fourteen days to provide documentation. See p. 55. The proposed language also allows the owner to consider extending the deadline "if specific circumstances prevent the person seeking to exercise VAWA protections from submitting the form within fourteen (14) days. The owner/agent will not deny a VAWA claim solely due to confusion over when the certification form is due."

This language should be revised because it unduly restricts consideration by the owner of a VAWA certification form that is not submitted within 14 days. We have frequently seen clients who are victims of domestic violence and who receive a notice of proposed lease termination completely overlook the 14 day deadline to submit the VAWA certification form.

Individuals who are VAWA victims should not be penalized because of failure to meet the 14 day deadline. The better approach is to require the owner to consider the VAWA certification whenever it is submitted, but to provide that owners may proceed without reviewing any VAWA claim until the certification is submitted. Thus, for example, if a tenant receives a thirty-day notice of lease termination with notice of the right to submit a VAWA certification within 14 days, the owner should be free to proceed with eviction if the tenant does not submit the certification during the thirty-day termination period. But, if the tenant later submits the VAWA certification, the owner should be required to consider it on its merits and not deny it because the tenant failed to meet the 14-day timeframe.

Thus, the language should be rewritten as follows: "The person seeking to exercise VAWA protections must provide such documentation within fourteen (14) days of the request. If the person does not do so, the owner may proceed with its action of denial or termination. If, however, the individual subsequently submits a VAWA certification, the owner must consider the request

on its merits and not deny it merely because it was not submitted within 14 days of the request."

- Right to Appeal Denial of VAWA Request through Grievance Procedure - (Page 55):

In addition, the proposed language states that if a request is denied, the person seeking to exercise VAWA protections may appeal. See p. 55. This should be re-written to read as follows: "If the request is denied, the person seeking to exercise VAWA protections may appeal the decision through the grievance procedure." Because the grievance procedure applies to owner actions under the RAD Program, the policy should specifically reference the grievance procedure.

- Lease Bifurcation - Permanent Bar from the Property -- Page 56:

The proposed policy provides that if a lease is bifurcated or if a resident is evicted from the property because of an offense covered under VAWA, the person will be "permanently barred from the property." It further provides that inviting a person back on the property who has been evicted because of an offense covered by VAWA is a lease violation.

The permanent bar should be removed from the final policy. This should be handled on a case-by-case basis. Some individuals will have other friends or family on the property. The permanent bar would unduly restrict the right of these tenants to have visitors of their choice. Also, a permanent bar fails to recognize that people change and that rehabilitation is successful. Finally, it fails to recognize that children may also be involved, and parental involvement is critical to their well-being. In sum, a permanent bar may cause more harm than good.

Importantly, a decision barring an individual from a property is subject to the grievance procedure. Thus, if you include the right to bar the offending person in the policy, you must also clarify in the policy that the decision is subject to the tenant grievance procedure, and the tenant may access the grievance procedure to dispute the ban.

In addition, the language providing for a lease violation for inviting a person back on the property who has been evicted should also be removed from the final policy. Such a provision further victimizes an individual who has been victimized by the offender. It will inevitably lead to issues of whether an individual was "invited" or invited themselves. It would be much better to eliminate this language and to provide that if it

appears a resident is inviting a former abuser back on the property, the resident will be counseled by a HACA social worker.

We appreciate your opportunity to submit comments.

Sincerely,

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Fred Fuchs

Sent by Email to [Executive@hacanet.org](mailto:Executive@hacanet.org)



# HOUSING AUTHORITY OF THE CITY OF AUSTIN

*Bringing Opportunity Home*

July 6, 2017

Mr. Fred Fuchs  
Texas RioGrande Legal Aid, Inc  
4920 N IH 35  
Austin, TX 78751

Re: Comments on the Proposed Changes to HACA's Tenant Selection Plans

Dear Mr. Fuchs:

The Housing Authority of the City of Austin (HACA) received your comments to the proposed changes to the Tenant Selection Plans dated July 3, 2017. HACA appreciates that you took the time to comment on the proposed changes and has taken your comments into consideration. Please find our response to each of your comments below.

## 1. Screening for Credit History

- **Legal Aid Comment:** *Although no changes are proposed here, HACA should add a sentence to this section. It currently provides that credit history will be reviewed to determine if there is any debt owed to a prior landlord or HUD. No person should be denied subsidized housing for a debt to a prior landlord that resulted from rent overburden.*

*Thus, for example, if an individual owes a debt to a prior private market landlord because of an eviction following loss of a job, the applicant should not be denied on the basis that a debt is owed to a prior landlord. In addition, applicants who owe a debt to a private market landlord should not be required to pay the debt. HACA should not act as a collection agency for private market landlords.*

*This concern can be addressed by adding the following sentence to this section: "No applicant will be denied on the basis of a debt owed to a prior landlord when the debt resulted from rent overburden or the applicant suffered a loss of income resulting in the unpaid debt to the landlord. An applicant will not be required to pay a debt to landlord in order to be approved for tenancy."*

- **HACA Response:** As noted, there were no proposed changes to this section. HACA has an obligation to address debts owed to federally assisted housing. With regard to debts owed to private landlords, the Tenant Selection Plan indicates that HACA will only deny if "the family has a pattern of debts owed to housing and residential programs within the past two (2) years." So, a family that owes a debt to a single private landlord would not be denied housing. Likewise a family that owes a debt to a private landlord from an eviction occurring more than 2 years ago would not be denied housing. HACA will further review this issue and the comments from Legal Aid at the time of the next review of the Tenant Selection Plan.

## 2. VAWA – Failure to Submit VAWA Certification within 14 days of Request.

- **Legal Aid Comment:** *In accordance with the VAWA regulations, the proposed policies give any person seeking to exercise VAWA protections fourteen days to provide documentation. See p. 55. The proposed language also allows the owner to consider extending the deadline “if specific circumstances prevent the person seeking to exercise VAWA protections from submitting the form within fourteen (14) days. The owner/agent will not deny a VAWA claim solely due to confusion over when the certification form is due.”*

*This language should be revised because it unduly restricts consideration by the owner of a VAWA certification form that is not submitted within 14 days. We have frequently seen clients who are victims of domestic violence and who receive a notice of proposed lease termination completely overlook the 14 day deadline to submit the VAWA certification form.*

*Individuals who are VAWA victims should not be penalized because of failure to meet the 14 day deadline. The better approach is to require the owner to consider the VAWA certification whenever it is submitted, but to provide that owners may proceed without reviewing any VAWA claim until the certification is submitted. Thus, for example, if a tenant receives a thirty-day notice of lease termination with notice of the right to submit a VAWA certification within 14 days, the owner should be free to proceed with eviction if the tenant does not submit the certification during the thirty-day termination period. But, if the tenant later submits the VAWA certification, the owner should be required to consider it on its merits and not deny it because the tenant failed to meet the 14-day timeframe.*

*Thus, the language should be rewritten as follows: “The person seeking to exercise VAWA protections must provide such documentation within fourteen (14) days of the request. If the person does not do so, the owner may proceed with its action of denial or termination. If, however, the individual subsequently submits a VAWA certification, the owner must consider the request on its merits and not deny it merely because it was not submitted within 14 days of the request.”*

- **HACA Response:** The selection of 14 days for response to a request for certification of being a victim comes from HUD. Most recently in Housing Notice 2017-05 (June 30, 2017) it says, “The O/A may require submission of documentation within 14 business days after the date that the individual received the written request for documentation. (See 24 CFR 5.2007(a)(2).) However, the O/A may extend this period at its discretion. During the 14 - business day period and any granted extensions of that time, no adverse actions, such as eviction or termination, can be taken against the individual requesting VAWA protection. For example, O/As must not schedule an eviction to take place during this time frame.”

HACA understands that there may be times that a victim will not be able to provide the certification within 14 days due to circumstances outside their control. HACA has amended its proposed changes to state the following:

*“The person seeking to exercise VAWA protections must provide such documentation within fourteen (14) days of the request. The owner/agent will consider extending the deadline if requested. The owner / agent will also extend the deadline if specific*

circumstances exist that prevent the person seeking to exercise VAWA protections from submitting the form within fourteen (14) days. The owner /agent will consider these requests even if received after the 14 day deadline has passed. The owner/agent will not deny a VAWA claim solely due to confusion over when the certification form is due.”

3. VAWA – Right to appeal denial of VAWA request through grievance procedure.

- **Legal Aid Comment:** *In addition, the proposed language states that if a request is denied, the person seeking to exercise VAWA protections may appeal. See p. 55. This should be re-written to read as follows: “If the request is denied, the person seeking to exercise VAWA protections may appeal the decision through the grievance procedure.” Because the grievance procedure applies to owner actions under the RAD Program, the policy should specifically reference the grievance procedure.*
- **HACA Response:** HACA agrees, as this was the original intent of the proposed language. HACA has amended the Tenant Selection Plan to match the proposed language from Legal Aid.

4. VAWA – Lease Bifurcation: Permanent bar from property

- **Legal Aid Comment:** *The proposed policy provides that if a lease is bifurcated or if a resident is evicted from the property because of an offense covered under VAWA, the person will be “permanently barred from the property.” It further provides that inviting a person back on the property who has been evicted because of an offense covered by VAWA is a lease violation.*

*The permanent bar should be removed from the final policy. This should be handled on a case-by-case basis. Some individuals will have other friends or family on the property. The permanent bar would unduly restrict the right of these tenants to have visitors of their choice. Also, a permanent bar fails to recognize that people change and that rehabilitation is successful. Finally, it fails to recognize that children may also be involved, and parental involvement is critical to their well-being. In sum, a permanent bar may cause more harm than good.*

*Importantly, a decision barring an individual from a property is subject to the grievance procedure. Thus, if you include the right to bar the offending person in the policy, you must also clarify in the policy that the decision is subject to the tenant grievance procedure, and the tenant may access the grievance procedure to dispute the ban.*

*In addition, the language providing for a lease violation for inviting a person back on the property who has been evicted should also be removed from the final policy. Such a provision further victimizes an individual who has been victimized by the offender. It will inevitably lead to issues of whether an individual was “invited” or invited themselves. It would be much better to eliminate this language and to provide that if it appears a resident is inviting a former abuser back on the property, the resident will be counseled by a HACA social worker.*

- **HACA Response:** HACA has amended the policy to remove the word “permanently.” HACA recognizes that rehabilitation is possible and people can change. If a tenant is evicted for being the abuser, he/she can apply at a future date (according to the policy that is in place at the time) and provide evidence of rehabilitation.

With regard to the bar creating problems for co-parenting or the rights of residents to have visitors, the bar from the property does not prevent these things. Legally, if invited (by another resident or the co-parent), the individual can still enter the property and go directly to the resident's home. The bar prevents the person from being an occupant or from using the common spaces on property. HACA feels that this is still important for the safety of all residents.

With regard to the right to have a grievance hearing for being barred, HACA has two responses. First, only residents have the right to the grievance hearing process. An unauthorized occupant who is the abuser does not have the right to a grievance hearing, even in cases where HACA must go through an eviction process to remove him/her from the property. Second, in cases where the abuser is a resident, he / she will have access to a grievance hearing through the regular termination and eviction process.

Finally, with regard to giving a lease violation to a resident who invites an abuser back onto property, HACA and all residents jointly have responsibility to look out for the safety of the property. This particular provision is intended to provide safety for all residents, including the victim and her/his family.

HACA does not feel that this further victimizes the victim. If the abuser returns against the will of the victim, the lease violation gives the family the opportunity to claim their VAWA rights and allows HACA to work with them to remove the abuser. If the family wishes to add the abuser back into the household due to a change in circumstance, the family can follow the add-on process, which affords the family due process through a grievance or informal review. Therefore after consideration, HACA has decided not to make this change.

HACA appreciates the comments submitted by Texas RioGrande Legal Aid and looks forward to future dialogue on policy issues.

Regards,

Pilar Sanchez  
Vice President of Housing and Community Development



**HOUSING AUTHORITY OF THE CITY OF AUSTIN  
BOARD OF COMMISSIONERS  
REGULAR BOARD MEETING**

**ITEM NO. 6**

**Presentation, Update and Discussion on HACA's Rental Assistance Demonstration (RAD) Modernization and Redevelopment program (Chalmers Courts presentation)**

**HOUSING AUTHORITY OF THE CITY OF AUSTIN  
BOARD OF COMMISSIONERS  
REGULAR BOARD MEETING**

**EXECUTIVE SESSION**

**The Board may go into Executive Session (close its meeting to the public)  
Pursuant to:**

- a. § 551.071, Texas Gov't Code, consultations with Attorney regarding legal advice, pending or contemplated litigation; or a settlement offer;**
- b. §551.072, Texas Gov't Code, discussion about the purchase, exchange, lease or value of real property;**
- c. §551.074, Texas Gov't Code, discuss the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee; including but not limited to the evaluation of the President/CEO**
- d. §551.087, Texas Gov't Code, discuss certain economic development negotiations.**

**Return to Open Session for discussion, consideration and possible action of matters discussed in Executive Session**

**HOUSING AUTHORITY OF THE CITY OF AUSTIN  
BOARD OF COMMISSIONERS  
REGULAR BOARD MEETING**

**REPORTS**

**July 13, 2017  
Regular Meeting**

**HOUSING AUTHORITY OF THE CITY OF AUSTIN  
BOARD OF COMMISSIONERS  
REGULAR BOARD MEETING**

**ADJOURNMENT**

**July 13, 2017  
Regular Meeting**